

Hull and East Yorkshire Combined Authority Constitution



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Part 1 - Introduction

1. Background

- 1.1 The Hull and East Yorkshire Combined Authority (the Combined Authority) was established by Order in 2025 (the **Order**) to bring together two local councils and businesses to champion the region's interests nationally and internationally, securing investment from Government and other sources to drive the economy forward, by carrying out **economic regeneration and development functions** as well as acting as the **local transport authority** for Hull and East Yorkshire. The Combined Authority was established for the **Combined Authority's Area**, which is the area consisting of the areas of the Constituent Councils.
- 1.2 The **Constituent Councils** of the Combined Authority are:
- Kingston upon Hull City Council
 - East Riding of Yorkshire Council.
- 1.3 The **Non-Constituent Bodies** of the Combined Authority are those bodies designated by the Combined Authority as such in accordance with Schedule 1 of the Hull and East Yorkshire Combined Authority Order 2025 (the **Order**).
- 1.4 In November 2023, Kingston upon Hull City and East Riding of Yorkshire Councils agreed a "minded to" devolution deal with Government. The deal included a £400m investment fund over 30 years and other funding, to be subject to local influence and decision making (enabling spend on local priorities), together with a range of new devolved functions. The devolution deal was subject to the Combined Authority adopting the model of a directly elected mayor (the Mayor) over the Combined Authority's Area (Hull and East Yorkshire), that is becoming a **mayoral combined authority**.
- 1.5 The Combined Authority has now been established by the **Order** as a mayoral combined authority, with the first election of a Hull and East Yorkshire Mayor taking place on 1 May 2025. The Mayor is directly elected by the local Government electors in Hull and East Yorkshire.
- 1.6 The functions exercised by the Combined Authority as a mayoral combined authority include:
- **Transport functions**, including responsibility for an area-wide Local Transport Plan; and to set up and coordinate a Key Route Network (KRN) on behalf of the Mayor.
 - **Adult education and skills functions**, new powers to shape local skills provision to better meet the needs of the local economy and local people.
 - **Housing supply, regeneration and place-making functions**, along with provision of housing and land, land acquisition and disposal and the development and regeneration of land functions.
 - **Economic development and regeneration functions.**

1.7 Functions of the Combined Authority are:

- **Non-Mayoral Functions** (functions which are not the responsibility of the Mayor) which are exercisable by the Combined Authority, or
- **Mayoral Functions** (functions which are the responsibility of the Mayor).

2. The Constitution

2.1 This Constitution sets out the governance arrangements for the Hull and East Yorkshire Combined Authority, including for Non-Mayoral and Mayoral Functions. It sets out how decisions are made and the procedures that are followed to ensure that the Combined Authority operates efficiently, effectively and is transparent and accountable.

2.2 The Constitution has six parts:

Part 1: Introduction to the Combined Authority and the Combined Authority's Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

Part 2: Articles of the Constitution which set out the underpinning legal framework of the Combined Authority and signpost readers to relevant aspects throughout the Constitution.

Part 3: Responsibility for Functions setting out who is responsible for exercising each function of the Combined Authority.

Part 4: Procedure Rules which govern how the Combined Authority, and its decision-makers operate, including:

- formal meetings of the Combined Authority and its committees,
- how to access information, and
- procedures relating to finance and contracts.

Part 5: Ethical Standards including codes of conduct for Members and officers of the Combined Authority, and protocols relating to conduct, conflicts of interest and relationships between officers and members.

Part 6: Members' Allowances scheme.

3. Definitions

- 3.1 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

Reference	Meaning
Associate Member	A member of the Combined Authority appointed under section 104B of the 2009 Act
2009 Act	Local Democracy, Economic Development and Construction Act 2009
2025 Order	Hull and East Yorkshire Combined Authority Order 2025 (SI 2025/113)
Combined Authority	Hull and East Yorkshire Combined Authority
Combined Authority's Area	Area of the Combined Authority consisting of the areas of the Constituent Councils - see below
Combined Authority Member	A member of the Combined Authority.
Concurrent Function	Any function of the Combined Authority (including a function exercisable by the Mayor) conferred by the 2025 Order which is exercisable concurrently with the Constituent Councils. That is, both the Combined Authority and Constituent Councils may exercise the function
Constituent Councils	Kingston upon Hull City Council and East Riding of Yorkshire Council
Constituent Council Combined Authority Member	Combined Authority Member appointed by a Constituent Council under paragraph 1 of Schedule 1 of the 2025 Order
Constitution	Parts 1 - 6 of this document
Co-optee	Person who is not a Combined Authority Member but is a member of a committee of the Combined Authority
Deputy Mayor	The person appointed by the Mayor as the Mayor's deputy, under Section 107C of 2009 Act

Reference	Meaning
Function	A power or duty; any reference to a Function is to be taken as including a reference to doing anything which is calculated to facilitate or is conducive or incidental to the discharge of the function, except where the context requires otherwise.
Head of Paid Service	The officer designated by the Combined Authority as the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989
Key Decision	A Key Decision within the meaning of Article 11 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/68
Lead Member	The Constituent Council Member designated as such by the relevant Constituent Council
Local Auditor	Local Auditor appointed under Section 7 of the Local Audit and Accountability Act 2014 or provision made under that Act
Local Authority Co-optee	Co-optee who has been nominated by a Constituent Council
Mayor	Person elected as the Hull and East Yorkshire Mayor under Article 4 of Part 2 of the 2025 Order
Mayoral Function	Function of the Combined Authority exercisable only by the Mayor - Section 107G(7) of the 2009 Act
Mayoral General Function	Mayoral Function other than any Function - Section 107D(2) of the 2009 Act
Monitoring Officer	Officer designated by the Combined Authority under Section 5 of the Local Government and Housing Act 1989
Non-Constituent Body	A body which is asked to nominate a member to the Combined Authority under paragraph 2 (2) of Schedule 1 of the 2025 Order
Non-Constituent Body Combined Authority Member	Combined Authority Member appointed by a Non-Constituent Body under paragraph 2(2) of Schedule 1 of the 2025 Order

Reference	Meaning
Non-Mayoral Function	Function of the Combined Authority which is not a Mayoral Function
the Offices of the Combined Authority	The Guildhall, Alfred Gelder Street, Kingston upon Hull, HU1 2AA
the Order	The Hull and East Yorkshire Combined Authority Order 2025
Section 73 Chief Finance Officer	Officer responsible for the administration of the Combined Authority's financial affairs under Section 73 of the Local Government Act 1985
Statutory Officer	Head of Paid Service, Section 73 Chief Finance Officer, and Monitoring Officer
Substitute Combined Authority Member	Person appointed under Schedule 1 of the 2025 Order to act in the absence of a Combined Authority Member

Part 2 - Articles

Article 1 - The Constitution

- 1.1 The Constitution of the Combined Authority comprises of Parts 1 - 6.
- 1.2 The Combined Authority will exercise all its functions (powers and duties) in accordance with the law and this Constitution. If the Constitution conflicts with the law, the law shall prevail.
- 1.3 The purpose of the Constitution is to:
- enable the Combined Authority to provide leadership to the community in partnership with councils, citizens, businesses and other organisations
 - support the involvement of citizens in the process of local decision-making,
 - enable decisions to be taken efficiently and effectively,
 - provide ways to hold decision-makers to public account,
 - ensure that no one reviews or scrutinises a decision in which they have been directly involved
 - clarify who takes decisions and ensure that decision-makers explain the reasons for decisions, and
 - help deliver the Combined Authority's vision of a more prosperous Hull and East Yorkshire.
- 1.4 Where the Constitution permits the Combined Authority to choose between different courses of action, the Combined Authority will choose the option which it considers closest to the purpose set out above.

Interpretation

- 1.5 The Monitoring Officer shall make any final decision regarding the application of the Constitution. In making any such decision, the Monitoring Officer shall consult with the Head of Paid Service and/or the s73 Chief Finance Officer as appropriate.

Reviewing and Approving the Constitution

- 1.6 The Monitoring Officer will annually review the Constitution to ensure that it is fit for purpose.

- 1.7 Any document in the Constitution will be approved as follows:
- by the **Combined Authority** (where arrangements are the Combined Authority's responsibility)
 - by the **Mayor** (where arrangements are the Mayor's responsibility)
 - by both the **Combined Authority and the Mayor** (where arrangements are the responsibility of both)
- 1.8 The S73 Chief Finance Officer has delegated authority under the Officer Delegation Scheme in Part 3 of the Constitution to amend the Combined Authority's Financial Regulations on behalf of the Combined Authority.
- 1.9 The Monitoring Officer is authorised to make the following changes to the Constitution:
- (a) minor variations
 - (b) legal or technical amendments that do not materially affect the Constitution
 - (c) required to be made to remove any inconsistency, ambiguity, or typographical error
 - (d) required to be made so as to put into effect any decision of the Mayor or Committee, sub-Committee or officer exercising delegated powers; or
 - (e) required to reflect any changes to job or role titles.
- Any such amendments must be reported retrospectively to the Combined Authority for noting.
- 1.10 The Monitoring Officer also has delegated authority under the Officer Delegation Scheme in Part 3 of the Constitution to amend the Combined Authority's Contracts Standing Orders on behalf of the Combined Authority.
- 1.11 Any amendment to the Constitution must be recorded and published.

Access to the Constitution

- 1.12 The Monitoring Officer will make the Constitution available for inspection by the public:
- at the Offices of the Combined Authority at any reasonable hour, and
 - on the Combined Authority's website.

Article 2 - The Combined Authority

General

- 2.1 The Combined Authority is a body corporate.
- 2.2 The **Constituent Councils** of the Combined Authority are:
- Kingston upon Hull City Council
 - East Riding of Yorkshire Council
- 2.3 The Combined Authority was established for the **Combined Authority's Area**, which is the area consisting of the areas of the Constituent Councils.
- 2.4 The **Non-Constituent** Bodies of the Combined Authority are the bodies designated as such by the Combined Authority in accordance with Paragraph 2 of Schedule 1 of the Order.
- 2.5 The Hull and East Yorkshire Mayor (the **Mayor**) is elected by the local government electors for the Combined Authority's Area.

Membership

- 2.6 The Combined Authority comprises no more than eight members in addition to the Mayor, who is a member of the Combined Authority by virtue of that office. See further Article 3 (Membership of the Combined Authority).

Chair

- 2.7 The Mayor is the Chair of the Combined Authority.

Deputy Mayors

- 2.8 The Mayor must appoint one of the Combined Authority Members to be the Mayor's deputy (the **Deputy Mayor**). Article 4 (the Mayor) sets out the appointment process and terms of office for the Deputy Mayor.
- 2.9 The Deputy Mayor must act in place of the Mayor if for any reason:
- the Mayor is unable to act, or
 - the office of Mayor is vacant.

Functions

- 2.10 The functions of the Combined Authority are:
- conferred or imposed upon the Combined Authority by the Order or other enactment, or
 - delegated to the Combined Authority by the Order or other enactment.

- 2.11 The functions of the Combined Authority comprise:
- **Mayoral Functions** (exercisable only by the Mayor), and
 - **Non-Mayoral Functions** (exercisable by the Combined Authority).
- 2.12 Mayoral and Non-Mayoral functions are set out in more detail in Part 3 of the Constitution.

Delegations

- 2.13 Mayoral Functions are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor - see further Article 4 (the Mayor).
- 2.14 Non-Mayoral Functions are exercised by the Combined Authority at a meeting of the Combined Authority or under arrangements agreed by the Combined Authority, as follows:
- by a **committee or sub-committee** of the Combined Authority,
 - by an **officer** with delegated authority,
 - by **another local authority**, or
 - under **joint arrangements** with one or more other local authorities.
- 2.15 Part 3 of the Constitution sets out the arrangements agreed by the Combined Authority.

Functions Reserved to the Combined Authority

- 2.16 The Combined Authority's functions with respect to levying shall be discharged only by the Combined Authority.
- 2.17 Non-Mayoral Functions which are reserved to the Combined Authority, (that is, are not delegated), are set out in Section 2 Part 3 of the Constitution.

Standing Orders of the Combined Authority

- 2.18 The Combined Authority may make standing orders to regulate its proceedings and business and may vary or revoke any such orders.
- 2.19 The standing orders of the Combined Authority are set out in Part 4 of the Constitution, and include:
- **Combined Authority Procedure Standing Orders** which set out the procedure for meetings of the Combined Authority
 - **Mayoral Procedure Rules** which set out how the Mayor makes decisions
 - **Budget and Policy Procedure Rules** which set out the steps required in relation to approving the budget and policies and strategies. Policies and strategies provide a framework for decision-making
 - **Financial Regulations** which set out how the Combined Authority manages its finance, and
 - **Contracts Standing Orders** which set out how the Combined Authority enters into contracts.

Article 3 - Membership of the Combined Authority

Membership

- 3.1 The Combined Authority comprises no more than eight members in addition to the Mayor. The Combined Authority Members are:
- the **Mayor** (by virtue of that office)
 - Four elected members, two appointed by each Constituent Council from its elected members (a **Constituent Council Combined Authority Member**)
 - Up to four additional members in total appointed by the Combined Authority being members appointed by a body designated as a Non-Constituent Body of the Combined Authority (the **Non-Constituent Body Combined Authority Members**) and/or any **Associate Members**.

Lead Members

- 3.2 Each Constituent Council must designate one of the two members appointed by that Constituent Council under paragraph 3.1 as the lead member for that Constituent Council (the **Lead Member**).

Substitute Members

- 3.3 Each Constituent Council must appoint one named elected Member for each of their Constituent Council Combined Authority Members either of whom may act as a Combined Authority Member in the absence of either of their members appointed under paragraph 3.1 above (the **Substitute Constituent Council Member**).
- Each Non-Constituent Body Combined Authority Member must nominate one other person to act as the Non-Constituent Body Combined Authority Member in their absence (the **Non-Constituent Body Combined Authority Member Substitute Member**).
 - Each Associate Member must nominate one other person to act as the Associate Member in their absence (the **Associate Substitute Member**).

Terms of Office - Combined Authority Members other than the Mayor

- 3.4 A **Constituent Council Combined Authority Member** or **Substitute Constituent Council Member** ceases to be a Combined Authority Member or Substitute Member if:
- they **cease to be an elected member** of the Constituent Council that appointed them,
 - they **resign** by written notice, or
 - the **Constituent Council terminates the appointment**.

- 3.5 Where a **Constituent Council Combined Authority Member** or **Substitute Constituent Council Member** ceases to be an elected member or resigns, the Constituent Council shall notify the Combined Authority in writing as soon as practicable and appoint a replacement. A Constituent Council must give written notice to the Combined Authority of any termination and new appointment.
- 3.6 **The Non-Constituent Body Combined Authority Member** or **Substitute Non-Constituent Body Combined Authority Member** ceases to be a **Combined Authority Member** or **Substitute Member** if:
- they **cease to act** in any way for, or represent, the Non-Constituent Body,
 - they **resign** by written notice,
 - the **Non-Constituent Body terminates the appointment**,
 - the Combined Authority terminates the appointment, or
 - the Non-Constituent Body is no longer a Non-Constituent Body of the Combined Authority
- 3.7 Where the Non-Constituent Body Combined Authority Member or Substitute Member ceases to act in any way for, or represent, the relevant Non-Constituent Body or resigns, the Non-Constituent Body must give written notice to the Combined Authority as soon as practicable and appoint a replacement.
- 3.8 The Non-Constituent Body must give written notice to the Combined Authority of any termination and new appointment.
- 3.9 Any **Associate Member** or **Substitute Associate Member** ceases to be a **Combined Authority Member** or **Substitute Member** if:
- they resign by written notice, or
 - the Combined Authority **terminates the appointment**.

Voting

- 3.10 Except as provided in 3.11 below, each Combined Authority Member (or Substitute Member acting in their place) has one vote.
- 3.11 The following are non-voting Combined Authority Members:
- the Non-Constituent Body Combined Authority Members, unless the voting members of the Combined Authority unanimously resolve that this provision is not to apply on a specific item to be voted upon, subject to any restriction in the 2009 Act.
 - Associate Members.
- 3.12 No Combined Authority Member has a casting vote.
- 3.13 Any question will be decided in accordance with the **voting arrangements** set out in the Combined Authority Procedure Standing Orders - see further Part 4 of the Constitution.

General

- 3.14 The Monitoring Officer will report any change to the membership of the Combined Authority to the next meeting of the Combined Authority.
- 3.15 The proceedings of the Combined Authority shall not be invalidated by any vacancy among the Combined Authority Members or by any defect in the appointment or qualifications of any Member.

Conduct

- 3.16 Each Combined Authority Member and Substitute Member must comply with any applicable Code or Protocol set out in Part 5 of the Constitution including the Members' Code of Conduct.

Remuneration

- 3.17 Subject to 3.18 - 3.21 below, no remuneration is to be payable by the combined Authority to any Combined Authority Member, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority.
- 3.18 The Combined Authority may establish an Independent Remuneration Panel which may make recommendations to the Combined Authority regarding the allowances payable to:
- the Mayor
 - the Deputy Mayor (provided that the Deputy Mayor is not a leader or elected mayor of a Constituent Council)
 - Local Authority Co-Optees appointed to any Overview and Scrutiny Committee of the Combined Authority
 - Local Authority Co-Optees appointed to any Audit and Governance Committee of the Combined Authority
- 3.19 The Combined Authority may only pay an allowance under paragraph 3.18 if:
- the Combined Authority has considered a report published by the Independent Remuneration Panel which contains recommendations for such an allowance, and
 - the allowance paid by the Combined Authority does not exceed the amount specified in any recommendation made by the Independent Remuneration Panel.
- 3.20 The Combined Authority must consider a report from the Independent Remuneration Panel before approving a scheme under 3.19 above.
- 3.21 The Combined Authority's Members' Allowances Scheme is set out in Part 6 of the Constitution.

Article 4 - The Mayor

Election of the Mayor

- 4.1 The Mayor is elected by the local government electors for the Combined Authority's Area.
- 4.2. The first election of the Mayor will take place on 1 May 2025. The subsequent election of the Mayor thereafter will take place in every fourth year after that on the same day as the ordinary day of election.
- 4.3 The term of office for a Mayor returned at an election for the return of a mayor for the Combined Authority Area in 2025, begins on 6 May 2025 and ends, subject to paragraph 4 (8) of the Order, with the third day after the day of the poll at the next election for the return of the Mayor for the Combined Authority Area.
- 4.4 The term of office for a Mayor returned at an election for the return of a mayor for the Combined Authority Area in each subsequent fourth year begins, subject to paragraph 4 (7) of the Order, with the fourth day after the day of the poll at the election of the Mayor; and ends, subject to paragraph 4 (8) of the Order, with the third day after the day of the poll at the next election for the return of the Mayor for the Combined Authority Area.

General

- 4.5 The Mayor is the Chair of the Combined Authority.

Deputy Mayor - Appointment and Term of Office

- 4.6 The Mayor must appoint one of the Combined Authority Members to be the Mayor's deputy (the Deputy Mayor).
- 4.7 The Mayor must notify the Monitoring Officer of any such appointment in writing. The Monitoring Officer shall report the appointment to the next meeting of the Combined Authority.
- 4.8 A person appointed as Deputy Mayor holds the office until the end of the Mayor's term of office, unless:
- the Mayor removes the person from office,
 - the person resigns as Deputy Mayor, or
 - the person ceases to be a Combined Authority Member.
- 4.9 The Mayor may remove a person from the office of Deputy Mayor at any time, subject to 4.12 below.
- 4.10 If a vacancy occurs in the office of Deputy Mayor, the Mayor must appoint another Combined Authority Member to be Deputy Mayor.
- 4.11 The Mayor must give written notice to the Monitoring Officer of any removal.

Incapacity or Vacancy in the Office of the Mayor

4.12 The Deputy Mayor must act in place of the Mayor if for any reason:

- the Mayor is unable to act, or
- the office of Mayor is vacant.

4.13 If for any reason:

- the Mayor is unable to act, or the office of Mayor is vacant, and
- the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant,

the other Combined Authority Members must act together in place of the Mayor, taking decisions by a simple majority.

Mayoral Functions

4.14 The **Mayoral Functions** of the Combined Authority are functions of the Combined Authority exercisable only by the Mayor.

4.15 Mayoral Functions comprise the **Mayoral Functions**, see further Part 3 of the Constitution (responsibility for functions).

Mayoral Functions - Mayor's Arrangements

4.16 **Mayoral Functions** of the Combined Authority are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor.

4.17 With the exception of any function reserved by law to the Mayor, the Mayor may arrange for any of the following to exercise any Mayoral Function:

- the Deputy Mayor,
- another Combined Authority Member, or
- an officer of the Combined Authority.

4.18 The Mayor may enter arrangements jointly with the Combined Authority, the Constituent Councils and other councils for the discharge of the Mayoral Functions.

4.19 The Mayor is **not** authorised by law to delegate a Mayoral Function to a committee of the Combined Authority.

4.20 Part 3 of the Constitution sets out the arrangements made by the Mayor in relation to Mayoral Functions.

4.21 The Mayor may make or amend the Mayor's arrangements for Mayoral Functions at any time. The Mayor must notify the Monitoring Officer of any arrangements or amendment in writing. The Monitoring Officer shall report any amendment to the next meeting of the Combined Authority.

Mayoral Decision-Making

- 4.22 The Mayor must comply with the Mayoral Procedure Rules in Part 4 and make decisions in accordance with the principles of decision-making set out in Article 13 (Decision-making).
- 4.23 Combined Authority Members and officers may assist the Mayor in the exercise of specified Mayoral General Functions.

Working Groups

- 4.24 The Mayor may appoint a working group to inform the development of strategic and policy matters which relate to any Mayoral Function. The Mayor cannot delegate authority to any working group to act on behalf of the Mayor nor on behalf of the Combined Authority.
- 4.25 The Mayor must provide details of the membership and terms of reference of any working group set up by the Mayor to the Monitoring Officer.

Conduct

- 4.26 The Mayor must comply with any applicable Code or Protocol set out in Part 5 of the Constitution, including the Members' Code of Conduct.

Remuneration

- 4.27 Any allowance payable to the Mayor shall not exceed a sum determined by the Independent Remuneration Panel - see further Article 3 (Membership of the Combined Authority). The Mayor's allowance is set out in the Members' Allowances Scheme in Part 6 of this Constitution.

Budget and Finance

- 4.28 The Mayor must comply with Part 4 of this Constitution including Budget and Policy Procedure Rules, Contracts Standing Orders and Financial Regulations; see further also Article 14 (Finance, Contracts and Legal matters).

Mayor's Political Adviser

- 4.29 The Mayor may appoint one person as the Mayor's Political Adviser.
- 4.30 The Mayor's Political Adviser shall be an employee of the Combined Authority and be regarded as holding a politically restricted post.

Article 5 - Citizens and the Combined Authority

Voting

- 5.1 Local government electors for the Combined Authority's Area have the right to vote directly for the Mayor on the ordinary polling day every fourth year from 2025.

Information

- 5.2 The Access to Information Rules in Part 4 of the Constitution set out the public's rights
- to information held by the Combined Authority, including in relation to meetings of the Combined Authority and its committees and sub-committees, (subject to exceptions including in relation to confidential or information information), rights:
 - o to attend meetings
 - o to inspect agendas of and reports to meetings and background documents
 - o to access documents after a meeting including minutes, and
 - o to report on and record a meeting.
 - to inspect the Forward Plan to find out about:
 - o any Key Decision to be made by the Combined Authority, the Mayor, or an officer of the Combined Authority, and
 - o any request to be made a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability.
 - to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor
 - to inspect written records of decisions made by officers
 - to access information generally held by the Combined Authority, and
 - to inspect a list of Combined Authority Members.
- 5.3 Citizens also have the right to inspect and make copies of the Combined Authority's accounting records and related records, and local government electors for the Combined Authority's Area may question or make objections to the Local Auditor - see further Article 8 (Audit and Ethical Arrangements).

Consultation

- 5.4 The Combined Authority must consult with citizens in accordance with any statutory requirement to do so.

Complaints

- 5.5 Citizens have the right to complain to the Combined Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Combined Authority's complaints scheme).
- 5.6 Citizens may submit any complaint about the conduct of a Combined Authority Member to the Combined Authority's Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution. This includes complaints about the conduct of the Mayor.

Citizen's Responsibilities

- 5.7 Citizens must not be violent, abusive or threatening to Combined Authority Members, Co-optees or officers, and must not wilfully harm the property of the Combined Authority, any Combined Authority Member, Co-optee or officer.

Article 6 - Ordinary (Non-Statutory) Committees

Decision-Making Committees

- 6.1 The Combined Authority is required to appoint an audit committee and one or more overview and scrutiny committees. These are **statutory committees** - see further Articles 7 (Overview and Scrutiny) and 8 (Audit and Ethical Standards).
- 6.2 The Combined Authority may also appoint an **ordinary** (that is, non-statutory) **committee** to carry out **Non-Mayoral Functions**. This does not prevent the Combined Authority from exercising any such function.
- 6.3 The Combined Authority shall fix the **number of members** of an ordinary committee and their **term of office**.
- 6.4 Other than for a committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making committee may include **Co-optees** (that is, persons who are not a Combined Authority Member) - see further 7.15 below in relation to the voting rights of any co-optee.
- 6.5 The Mayor is **not** authorised by law to delegate a **Mayoral Function** to a committee. Nor can the Combined Authority arrange for a committee or subcommittee to exercise a Mayoral Function.

Decision-Making Sub-Committees

- 6.6 A committee may appoint one or more sub-committees, and, unless the Combined Authority otherwise directs, the committee may arrange for a sub-committee or officer to exercise any of its functions. This does not prevent the committee from exercising any such function.
- 6.7 Any committee which appoints a sub-committee shall fix the **number of members** of the sub-committee and their **term of office**. Other than for a sub-committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making sub-committee may include **Co-optees**.
- 6.8 Unless the Combined Authority or the committee directs otherwise, a sub-committee may arrange for an officer to exercise any of its functions. This will not prevent the sub-committee from exercising any such function.

Advisory Committees and Sub-Committees

- 6.9 The Combined Authority may appoint a committee to advise the Combined Authority on any matter relating to the exercise of functions of the Combined Authority. Membership of an advisory committee may consist of **Co-optees** appointed for a term fixed by the Combined Authority.
- 6.10 An advisory committee may appoint one or more sub-committees to advise the committee.

General

- 6.11 The functions which a committee may exercise are set out in the committee's **terms of reference** - see further Part 3 of the Constitution.
- 6.12 The Combined Authority may make **standing orders** for any committee or sub-committee with respect to quorum, proceedings, and place of meeting - see further the Combined Authority Procedure Rules and the Access to Information Rules in Part 4 of the Constitution. Subject to any standing orders made by the Combined Authority, the committee or sub-committee may determine the quorum, proceedings, and place of meeting.
- 6.13 **Private Sector Representatives** on committees and sub-committees will be appointed as Co-optees in accordance with any Recruitment and Appointment Procedure for Private Sector Representatives approved by the Combined Authority from time to time.
- 6.14 **Allowances** for Co-optees are set out in the Combined Authority's Members' Allowances Scheme in Part 6 of the Constitution.

Voting Rights

- 6.15 A Co-optee who is a member of an ordinary **decision-making committee or sub-committee** appointed by the Combined Authority shall be a non-voting member of that committee or sub-committee unless that person:
- is a member of one of the Constituent Councils, or
 - is a member appointed from a Non-Constituent Body given voting right by resolution of the Combined Authority, and
 - in relation to a sub-committee, is a member of the committee which appointed the sub-committee.
- 6.16 No person who is a member of an **advisory committee or sub-committee** is required to be treated as a non-voting member of that committee or subcommittee.

Article 7 - Overview and Scrutiny

Overview and Scrutiny

- 7.1 The Combined Authority must appoint one or more overview and scrutiny committees. An overview and scrutiny committee may appoint one or more sub-committees to carry out any of its functions.
- 7.2 The Combined Authority's arrangements must ensure that the overview and scrutiny committee has power (or its overview and scrutiny committees have power between them) to:
- review or scrutinise any decision made or other action taken by the Combined Authority in connection with exercising any Non-Mayoral Function
 - make reports or recommendations to the Combined Authority with respect to exercising any Non-Mayoral Function
 - review or scrutinise decisions made or other action taken by the Mayor in connection with exercising any Mayoral General Function
 - make reports or recommendations to the Mayor with respect to exercising any Mayoral General Function, and
 - make reports or recommendation to the Combined Authority or the Mayor on matters that affect the Combined Authority's Area or its inhabitants.

Call-in of Decisions

- 7.3 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is:
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
 - recommend that the decision be reconsidered.

Accountability Mechanisms

- 7.4 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer of the Combined Authority to attend before it to answer questions.
- 7.5 An overview and scrutiny committee or sub-committee may require the Combined Authority or the Mayor to respond to any report or recommendation - see further Scrutiny Standing Orders in Part 4 of the Constitution.

Proceedings

- 7.6 An overview and scrutiny committee and any sub-committee will follow the Scrutiny Standing Orders in Part 4 of the Constitution.

Membership

- 7.7 The Combined Authority shall appoint six elected members of each Constituent Council to each overview and scrutiny committee.
- 7.8 The majority of members of any overview and scrutiny committee or subcommittee must be elected members of the Constituent Councils.
- 7.9 The number of members of each of the Constituent Councils appointed to any overview and scrutiny committee must be such 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.
- 7.10 The following persons may not be a member of an overview and scrutiny committee or sub-committee of the Combined Authority:
- the Mayor,
 - a Combined Authority Member, and
 - any member of the Executive of either of the Constituent Councils.
- 7.11 Within 28 days of any appointment to any overview and scrutiny committee, the Monitoring Officer will publish a notice about the appointment on the Combined Authority's website.

Voting

- 7.12 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council, has one vote.
- 7.13 Any member of an overview and scrutiny committee not from a Constituent Council is non-voting unless the Combined Authority has resolved unanimously to give such a member voting rights.
- 7.14 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.

Chair

- 7.15 The Combined Authority will appoint the Chair of any overview and scrutiny committee.
- 7.16 The Chair must be:
- an independent person, or
 - an appropriate person who is a member of one of the Constituent Councils (that is, a person who is not a member of a registered political party of which the Mayor is a member).

Quorum

- 7.17 For business to be transacted at a meeting, two thirds of the total number of members of the committee or sub-committee must be present.

Scrutiny Officer

- 7.18 The Combined Authority must designate one of its officers as a Scrutiny Officer, to:

- promote the role of any Combined Authority overview and scrutiny,
- provide support and guidance to any overview and scrutiny committee and its members, and
- provide support and guidance to Combined Authority Members in relation to the functions of any overview and scrutiny committee.

- 7.19 The Combined Authority cannot designate as Scrutiny Officer any officer of a Constituent Council.

Article 8 - Audit and Ethical Arrangements

Audit Committee Arrangements

- 8.1 The Combined Authority must appoint an audit committee.
- 8.2 The functions of an audit committee include:
- reviewing and scrutinising the Combined Authority's financial affairs
 - reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements
 - reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions
 - reviewing and approving the Combined Authority's statutory annual financial statements, and
 - making reports and recommendations to the Combined Authority in relation to any reviews it conducts.
- 8.3 The functions of the Combined Authority's audit committee are set out in the committee's **terms of reference** in Part 3 of the Constitution.
- 8.4 The Combined Authority must ensure that the members of the audit 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.
- 8.5 The audit committee may not include any officer of the Combined Authority or of a Constituent Council.
- 8.6 The Combined Authority must appoint at least one independent person to the audit committee.
- 8.7 The quorum for an audit committee must be no fewer than seven members of the committee.

Internal Audit

- 8.8 The Combined Authority has a duty to undertake an effective internal audit to evaluate the effectiveness of its risk management, control, and governance processes, taking into account public sector internal auditing standards or guidance.

External Audit

- 8.9 The Combined Authority must appoint an external Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.

- 8.10 The Local Auditor may issue an advisory notice to the Combined Authority if they consider that the Combined Authority or an officer has undertaken or is about to undertake unlawful action that has financial implications.

Audit of Accounts

- 8.11 The Combined Authority must prepare a **statement of accounts** in respect of each financial year - see further Article 14 (Finance, Contracts and Legal matters). The Combined Authority's accounts for a financial year must be audited by a Local Auditor.
- 8.12 A Local Auditor carrying out an audit of accounts may apply to the Court for a declaration that the item of account is unlawful.
- 8.13 At each audit of accounts, any person interested may inspect and make copies of the Combined Authority's accounting records and related records, subject to exceptions in relation to commercial confidentiality and personal information.
- 8.14 Any local government elector or their representative has an opportunity to question the Local Auditor, may make an objection to the Local Auditor or appeal to the Court against any decision by the Local Auditor not to consider the objection or apply to Court for a declaration that an item is of account is unlawful.

Ethical Arrangements - Member Standards and Conduct

- 8.15 The Combined Authority must promote and maintain high standards of conduct by Combined Authority Members and Co-optees.
- 8.16 The Combined Authority must adopt a Code which sets out the conduct expected of Combined Authority Members and Co-optees. The Combined Authority may also adopt other Codes of Practice or Protocols to promote and maintain high standards of conduct - see further Part 5.
- 8.17 The Code must when viewed as a whole, be consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code must include provision in respect of registering and disclosing interests - see further the Members' Code of Conduct in Part 5.
- 8.18 The Combined Authority has agreed arrangements for investigating and determining any allegation of a failure to comply with the Code - see further the terms of reference of the Governance and Audit Committee in Part 3 of the Constitution and the Procedure for Considering Complaints alleging a Failure to Comply with the Members' Code of Conduct in Part 5 of the Constitution.
- 8.19 The Combined Authority must appoint at least one independent person. The views of the independent person:
- must be sought and taken into account by the Combined Authority before it makes its decision on an allegation it has decided to investigate, and

- may be sought by the Combined Authority in other circumstances, or by a Combined Authority Member or Co-optee whose behaviour is the subject of an allegation.

Ethical Arrangements - Officer Standards and Conduct

- 8.20 An officer must comply with the applicable Officer Code of Conduct, and any applicable protocol or policy relating to ethical standards - see further Article 9 (Audit and Ethical Standards) and Part 5 of the Constitution.
- 8.21 The Monitoring Officer shall keep a record of interests disclosed to them by an officer in accordance with any Officer Code of Conduct in Part 5 of the Constitution and make the record available for inspection by a Combined Authority Member.

Ethical Arrangements - Role of the Monitoring Officer

- 8.22 The Monitoring Officer maintains a register of interests of Combined Authority Members and voting Co-optees of the Combined Authority and secures that the register is:
- available for inspection in the Combined Authority Area at reasonable hours, and
 - published on the Combined Authority's website.
- 8.23 The Monitoring Officer also has a role in relation to allegations submitted of a failure to comply with the Members' Code of Conduct - see above.

Article 9 - The Hull and East Yorkshire Business Board

To follow

Article 10 - The Hull and East Yorkshire Skills Board

To follow

Article 11 - Joint Arrangements and Partnership Working

Joint Arrangements - Non-Mayoral Functions and Mayoral General Functions

- 11.1 Arrangements made by the Combined Authority for exercising Non-Mayoral Functions may include joint arrangements with one or more other local authorities - see further Article 2 (the Combined Authority).
- 11.2 The Mayor may enter arrangements jointly with the Combined Authority, the Constituent Councils and other councils for the discharge of the Mayoral General Functions.
- 11.3 Part 3 of the Constitution sets out any joint arrangements agreed by the Combined Authority or the Mayor.

Transport for the North

- 11.4 The Combined Authority is a Constituent Authority of Transport for the North, a sub-national transport body.
- 11.5 As a Constituent Authority, the Combined Authority appoints a Combined Authority Member as a voting member of Transport for the North. This must be the Mayor or a Constituent Council Combined Authority Member with responsibility for transport.
- 11.6 The Combined Authority must also appoint a substitute for the voting member.
- 11.7 The Combined Authority may terminate either appointment at any time, by written notice to Transport for the North.
- 11.8 In addition to Transport for the North's general functions as a sub-national transport body and other functions relating to transport and franchising, Transport for the North exercises functions concurrently with the Combined Authority in respect of making capital grants towards capital expenditure on public transport facilities and in respect of ticketing schemes.

Article 12 - Officers

Statutory Officers

- 12.1 The Combined Authority is required to appoint or designate the following statutory officers:
- Head of Paid Service
 - Monitoring Officer, and
 - Section 73 Chief Finance Officer
- 12.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

Statutory Officer	Post-holder	Deputy
Head of Paid Service	Interim Chief Executive	S73 Officer
Section 73 Chief Finance Officer	S151 Officer, East Riding of Yorkshire Council	Deputy S151 Officer, East Riding of Yorkshire Council
Monitoring Officer	Assistant Director Legal, Capital Delivery and Governance, Kingston upon Hull City Council	Combined Authority Legal Adviser, Legal, Capital Delivery and Governance, Kingston upon Hull City Council

Head of Paid Service - Statutory Functions

- 12.3 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined Authority setting out their proposals in relation to:
- the manner in which the discharge by the Combined Authority of its different functions is co-ordinated, the number and grades of staff required by the Combined Authority for discharging its functions,
 - the organisation of the Combined Authority's staff, and
 - the appointment and proper management of the Combined Authority's staff.

The Combined Authority must consider any such report at a meeting within three months of the report first being sent to the Combined Authority Members.

- 12.4 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Combined Authority by the holder for the time being of that post and may give directions to the Combined Authority to include a post in the list of politically restricted posts.

Monitoring Officer - Statutory Functions

- 12.5 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined Authority Members. The Combined Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.
- 12.6 The Monitoring Officer has a statutory role in relation to promoting and maintaining ethical standards - see further Article 8 (Audit and Ethical Arrangements).

Section 73 Chief Finance Officer - Statutory Functions

- 12.7 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined Authority, in accordance with Section 73 of the Local Government Act 1985.
- 12.8 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Combined Authority:
- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
 - has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
 - is about to enter an item of account unlawfully.
- 12.9 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined Authority incurred in a financial year is likely to exceed the resources available to the Combined Authority.
- 12.10 The Section 73 Chief Finance Officer must send a copy of any such report to the External Auditor and to each Combined Authority Member. The Combined Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The External Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.
- 12.11 There are restrictions on the actions which may be taken during the period beginning when the report is sent and ending after the Combined Authority has considered the report.

Data Protection Officer

- 12.12 The Combined Authority is required to designate an officer as its Data Protection Officer who is responsible for:
- informing and advising the Combined Authority and its employees about their obligations to comply with the General Data Protection Regulations (GDPR) and other data protection laws,
 - monitoring compliance with the GDPR and other data protection laws, including:
 - o managing internal data protection activities,
 - o advising on data protection impact assessments,
 - o training staff, and
 - o conducting internal audits in relation to data.
 - being the first point of contact for supervisory authorities and for individuals whose data is processed.

Scrutiny Officer

- 12.13 The Combined Authority is required to designate an officer as its Scrutiny Officer - see further Article 7 (Overview and Scrutiny).

Proper Officers

- 12.14 The Combined Authority appoints Proper Officers to discharge specific functions.
- 12.15 The Proper Officers for the Combined Authority are set out in the Officer Delegation Scheme in Section 4 of Part 3 (Responsibility for Functions) of the Constitution.

Duty to Provide Sufficient Resources

- 12.16 The Combined Authority provides the Head of Paid Service, Monitoring Officer, Section 73 Chief Finance Officer and Data Protection Officer with such officers, accommodation and other resources as are in the opinion of the officer sufficient to allow their duties to be performed.

Political Restrictions

- 12.17 The following are regarded as holding politically restricted posts under the Combined Authority:
- specified senior officers, and
 - the Mayor's Political Adviser.
- 12.18 The Combined Authority also maintains a list of other posts which are politically restricted.
- 12.19 Requirements for restricting political activities apply to these postholders.

Delegation to Officers

- 12.20 Non-Mayoral Functions may be exercised by an officer with delegated authority - see further Article 2 (the Combined Authority) and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.21 Mayoral Functions may be exercised by an officer in accordance with arrangements made by the Mayor - see further Articles 4 (the Mayor) and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.22 Officers must comply with Article 13 (Decision-making) when exercising authority delegated to them.

Conduct

- 12.23 An officer must comply with any applicable Officer Code of Conduct and protocol or policy relating to ethical standards - see further Article 8 (Audit and Ethical Standards) and Part 5 of the Constitution.

Employment

- 12.24 A Combined Authority Member is disqualified from being appointed as an officer.

Appointment: Canvassing of and Recommendations by Members

- 12.25 Any candidate who canvasses any Combined Authority Member (directly or indirectly) for any appointment under the control of the Combined Authority will be disqualified from appointment.
- 12.26 A Combined Authority Member shall not solicit any person for any appointment under the control of the Combined Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for the candidate to submit to the Combined Authority with an application for employment.

Appointment: Relatives of Members or Officers

- 12.27 A candidate for any appointment under the control of the Combined Authority who is related to any officer or Combined Authority Member shall, when making application, disclose that relationship to the Head of Paid Service. A candidate who fails to disclose such relationship will be:
- disqualified from appointment, or
 - if appointed, liable to dismissal without notice.
- 12.28 A Combined Authority Member or officer shall disclose to the Head of Paid Service any relationship known to exist between the Combined Authority Member or officer and any person who is a candidate for appointment with the Combined Authority. The Head of Paid Service shall report any such disclosure to the Combined Authority.
- 12.29 No candidate so related to a Combined Authority Member or officer will be appointed without the approval of the relevant officer with delegated authority identified for those purposes in the Officer Delegation Scheme.

Article 13 - Decision Making

Principles of Decision Making

- 13.1 All decisions of the Combined Authority, including those made by or on behalf of the Mayor, or by a committee or an officer, should be made in accordance with the following principles:
- proportionality (that is the action must be proportionate to the desired outcome),
 - due consultation and the taking of professional advice from officers,
 - having regard to relevant and material considerations and disregarding irrelevant considerations,
 - guarding against any form of predetermination in any decision-making process,
 - consideration of any alternative options,
 - respect for human rights,
 - a presumption in favour of openness and transparency,
 - clarity of aims and desired outcomes,
 - the giving of reasons for the decision and the proper recording of those reasons.
- 13.2 All decision-makers are expected to make decisions in accordance with this Article and subject to:
- statute or other legal requirements, including the principles of public law, statutory guidance and statutory codes of practice,
 - the Human Rights Act 1998 and the Equality Act 2010, including the Public Sector Equality Duty,
 - this Constitution, including the standing orders in Part 4 of the Constitution,
 - the revenue and capital budgets of the Combined Authority, subject to any variation permitted by the Combined Authority's Financial Regulations in Part 4 of the Constitution, and
 - any policy or direction of the Combined Authority, or any committee sub-committee or joint committee acting in exercise of functions delegated to it by the Combined Authority.

Key Decisions

- 13.3 A Key Decision means a decision of a decision-maker in the exercise of Non-Mayoral or Mayoral Functions that is likely to:
- result in the Combined Authority 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 (for the purposes of this definition One million pounds (£1, 000, 000.00) is regarded as comprising significant expenditure subject to the resolution of the Combined Authority's Overview and Scrutiny Committee) or

- 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 Combined Authority's Area.
- 13.4 The Access to Information Rules in Part 4 of this Constitution set out the procedure for publishing the intention to make a Key Decision (that is publication on the Forward Plan), and the provisions for making urgent decisions.
- 13.5 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
 - Combined Authority Procedure Standing Orders, or
 - Mayoral Procedure Rules
- in Part 4 of this Constitution.
- 13.6 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee - see further Article 7 (Overview and Scrutiny) and the Overview and Scrutiny Standing Orders in Part 4 of this Constitution.

Decision-makers Acting as Tribunals

- 13.7 The Combined Authority, a Combined Authority Member or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Recording Decisions

- 13.8 Any decision taken at a meeting of the Combined Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules.

Article 14 - Finance, Contracts and Legal Matters

Grants

- 14.1 A minister of the Crown may pay a grant or grants to the Combined Authority towards expenditure incurred or to be incurred by the Combined Authority.

Levying

- 14.2 The Combined Authority as a levying body may issue a levy to Constituent Councils in respect of each financial year to enable the Combined Authority to meet the Combined Authority's liabilities which are reasonably attributable to the exercise of its transport functions for which provision is not otherwise made. The costs of functions related to transport must be met by a levy issued by the Combined Authority. The levy cannot be for any expenses attributable to Mayoral Functions.
- 14.3 The Combined Authority shall issue a levy before 15 February preceding the start of the financial year in respect of which it is issued.
- 14.4 The amount for which a levy is issued will be borne in equal proportions (50:50) by the Constituent Councils to be paid in full in the financial year for which the levy is issued.

Borrowing

- 14.5 The Combined Authority may borrow for any purpose relevant to its **transport** or any other functions. Borrowing powers are subject to and in accordance with setting an affordable borrowing limit and any limits imposed by the Secretary of State.

Precept

- 14.6 Costs of the Mayor incurred in or in connection with the exercise of **Mayoral Functions** are met from precepts issued by the Combined Authority to each Constituent Council (in its capacity as a billing authority).
- 14.7 The Combined Authority is a major precepting authority under the Local Government and Finance Act 1992 (the 1992 Act).
- 14.8 For each financial year, the Combined Authority shall issue a precept. The precept may be issued only in relation to expenditure incurred by the Mayor in, or in connection with, the exercise of Mayoral Functions.
- 14.9 The function of issuing precepts in respect of Mayoral Functions is exercisable only by the Mayor acting on behalf of the Combined Authority.
- 14.10 The precept issued to a billing authority must state:
- the amount calculated in relation to the year and each category of dwellings in the billing authority's area (see further below), and
 - the amount calculated as the amount payable by the billing authority for the year.

- 14.11 When calculating the amount in relation to the year and each category of dwellings in each billing authority's area, the Combined Authority must calculate the following:
- the council tax requirement,
 - the basic amount of council tax,²⁴
 - any calculations in respect of special items, and
 - tax for different valuation bands.
- 14.12 Where calculations are made in respect of the council tax requirement, the Section 73 Chief Finance Officer must report to the Combined Authority on
- the robustness of the estimates made for the calculations, and
 - the adequacy of the proposed financial reserves.
- 14.13 The Combined Authority must review its calculations in respect of the council tax requirement from time to time during the financial year and take such action as it considers necessary if it appears there has been a deterioration in its financial position.
- 14.14 The Budget and Policy Rules in Part 4 of the Constitution set out further details about the approval of the Budget including the review of the general component by the Combined Authority.
- 14.15 The Combined Authority must issue a precept before the 1 March in the financial year preceding that for which it is issued.
- 14.16 Before the Combined Authority issues the precept, the Combined Authority must consult representatives of non-domestic rate payers, about its proposals for expenditure.
- 14.17 The Combined Authority as major precepting authority must determine whether its basic amount of council tax for a financial year is excessive, in accordance with a set of principles determined by the Secretary of State for the year. Where this is excessive, the Combined Authority must notify each billing authority accordingly, which is required to hold a referendum³⁴ and fund all applicable costs of conducting the referendum or, where another major precepting authority is required to hold a referendum, an appropriate share of these costs as determined by the Constituent Authorities.

Business Rates Supplements Functions

- 14.18 The Combined Authority has functions in relation to business rates supplements. These functions are exercisable only by the Mayor and cannot be delegated to the Mayor's Political Adviser.

Requirement to Meet Costs

- 14.19 The Constituent Councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met. This requirement is subject to the following:

- the Constituent Councils must meet the costs of the expenditure reasonably incurred by the Mayor in or in connection with the Mayoral Functions, to the extent that the Mayor has decided to not to meet these costs from other resources, subject to the agreement of the Combined Authority in advance, and
- the costs of functions related to transport being met by a levy issued by the Combined Authority to the Constituent Councils - see above.

Approval of Budgets

14.20 The Combined Authority's budget shall be considered and approved in accordance with the Budget and Policy Rules in Part 4 of the Constitution.

Financial Administration

- 14.21 The Combined Authority must make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs - see further Article 12 (Officers).
- 14.22 Financial administration must be carried out in accordance with the **Financial Regulations** in Part 4 of the Constitution.
- 14.23 The Combined Authority must keep adequate **accounting records**, follow any regulations about accounting practices and have regard to any guidance about accounting practices to be followed, in particular in relation to keeping a revenue account.
- 14.24 The Combined Authority must prepare a **statement of accounts** in respect of each financial year.

14.25 **Funds** must be maintained for certain transactions, to facilitate audit and the control of expenditure, as follows:

- The Combined Authority must keep a **Combined Authority general fund**, in relation to receipts arising and liabilities incurred.
- The Mayor must maintain the **Mayor's general fund** in relation to receipts arising and liabilities incurred in the exercise of Mayoral Functions and keep account of payments made in and out of the Mayor's general fund.

Investments

14.26 The Combined Authority has the power to invest for any purpose relevant to its functions, or for the prudent management of its financial affairs - see further the Financial Regulations in Part 4 of the Constitution.

Contracts

14.27 Contracts must be entered into in accordance with the Contract Standing Orders in Part 4 of the Constitution.

14.28 Any contracts entered into by the Mayor in the exercise of Mayoral Functions are entered into by the Mayor on behalf of the Combined Authority, and any property rights and liabilities in relation to those contracts vest in the Combined Authority.

Legal matters

14.29 Requirements in relation to signing and sealing contracts are set out in Contracts Standing Orders in Part 4 of the Constitution.

1. Financial Management

- 1.1 The management of the Combined Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in Part 4 of the Constitution.

2. Legal Proceedings

- 2.1 The Monitoring Officer is authorised to institute, settle, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Combined Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Combined Authority's interests.

3. Authentication of Documents

- 3.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Combined Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Monitoring Officer, unless any enactment otherwise authorises or requires.
- 3.2 Any contract with a value exceeding £50,000 entered into by the Combined Authority shall be made in writing. Such contracts must be signed by a duly authorised officer of the Combined Authority or made under the Common Seal of the Combined Authority attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the County Authority and attested by an authorised officer.

4. Common Seal of the Combined Authority

- 4.1 The Common Seal of the Combined County Authority will be retained by the Monitoring Officer. A decision of the Mayor, Combined Authority, or committee or sub-committee of the Combined Authority, 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 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.

Part 3

3.1 - Introduction

1. Part 3 sets out the responsibility for the functions of the Combined Authority.

Non-Mayoral Functions

2. Non-Mayoral Functions are functions of the Combined Authority which are not exercisable by the Mayor. Section 3.2 sets out an overview of the Non-Mayoral Functions, including those conferred by the Order.
3. Non-Mayoral Functions are exercised by the Combined Authority at a meeting of the Combined Authority or in accordance with arrangements agreed by the Combined Authority, as follows:
 - by a **committee or sub-committee** of the Combined Authority,
 - by an **officer** with delegated authority,
 - by **another local authority**, or
 - under **joint arrangements** with one or more other local authorities.
4. Arrangements for Non-Mayoral Functions agreed by the Combined Authority are set out as follows:
 - the Non-Mayoral functions which have been **reserved to the Combined Authority**, that is, are not delegated and must be taken at a meeting of the Combined Authority, and
 - the **Terms of Reference** of committees appointed by the Combined Authority.

(See also the Officer Delegation Scheme which sets out how the Combined Authority has delegated Non-Mayoral Functions to officers).
5. Where a Non-Mayoral Function has been delegated under arrangements, this does not prevent the Combined Authority exercising the function.

Mayoral Functions

6. Mayoral Functions are functions of the Combined Authority exercisable only by the Mayor. Section 3.1 sets out an overview of Mayoral Functions.
7. **Mayoral Functions** of the Combined Authority are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor. Table D sets out the **Mayoral Functions** conferred by the Order.

8. The Mayor may arrange for any of the following to exercise any Mayoral Function, except those reserved by law to the Mayor:
 - the Deputy Mayor,
 - another Combined Authority member, or
 - an officer of the Combined Authority.
9. The Mayor may enter into arrangements jointly with the Combined Authority, the Constituent Councils and other councils for the discharge of the Mayoral Functions.
10. Arrangements for Mayoral Functions made by the Mayor are set out in Section 3 as follows:
 - Section 3.1.2 is the Mayor's **Mayoral Functions Scheme of Delegations to Combined Authority Members**.

(See also below, the **Officer Delegation Scheme** which sets out any delegations of Mayoral Functions by the Mayor to officers). *To follow when Mayor appointed.*
11. Where a Mayoral Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.
12. The Mayor may amend their arrangements at any time - see further Article 4 (the Mayor).

Officer Delegation Scheme

13. Section 4 is the **Officer Delegation Scheme** (Non-Mayoral and Mayoral Functions).

Concurrent Functions Protocol

- 14, Section 5 is a Protocol for the exercise of Concurrent Functions and associated Statutory Consents. TO FOLLOW.

3.2 - Non-Mayoral Functions

Overview

The Combined Authority exercises the non-Mayoral functions. These are:

- **Transport functions** of the Combined Authority, including in its role as
 - o local transport authority
 - o travel concession authority

subject to the exception of any function which is exercisable only by the Mayor (see further Mayoral Functions).

- **Functions conferred by the Order** - see further Table A below. The exercise of specified functions conferred by the Order requires the **Statutory Consent** of a Constituent Council Member (or their substitute) to be provided at a meeting of the Combined Authority.
- **Functions related to governance and finance matters** - see further Part 2 of the Constitution.
- A **general ancillary power of competence** to the extent it is consistent with and supports the Combined Authority's other powers.

Table A - Non-Mayoral Functions Conferred by the Order (in addition to Transport Functions)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	2025 Order Reference
Section 1 of the Localism Act 2011	The functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence.	Y*	N	Article 10 and Schedule 3
Section 142(2) of the Local Government Act 1972	Power to arrange for publication of information etc. relating to the functions of the authority.	This provision shall have effect as if the Combined Authority were a local authority.	N	Article 11
Section 222 of the Local Government Act 1972	Power to prosecute and defend legal proceedings.	This provision shall have effect as if the Combined Authority were a local authority.	N	Article 11
Section 88(1)(a) and (b) of the Local Government Act 1985	Research and collection of information, whether or not a scheme is made under that section.	N	N	Article 12

* Any requirement in any enactment for a Constituent Council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

Table B - Non-Mayoral Functions Conferred by the Order

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Housing, Regeneration and Planning Functions				
Section 5 of the Housing and Regeneration Act 2008	Power to provide housing or other land.	N	N	Article 10(1)(a)
Section 6 of the Housing and Regeneration Act 2008	Power to regeneration development or effective use of land.	N	N	Article 10(1)(b)
Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 7 of the Housing and Regeneration Act 2008	Power to provide Infrastructure.	N	N	Article 10(1)(c)
Section 8 of the Housing and Regeneration Act 2008	Power to deal with land.	N	N	Article 10(1)(d)
Section 10 of the Housing and Regeneration Act 2008	Restrictions on land disposal.	N	N	Article 10(1)(f)
Section 11 of the Housing and Regeneration Act 2008	Power to acquire land.	N	N	Article 10(1)(g)

Section 12 of the Housing and Regeneration Act 2008 (as above)	Power - Statutory undertakers.	N	N	Article 10(1)(h)
Para 19 & 20 of Sch 3 Housing and Regeneration Act 2008	Power - Burial grounds and consecrated land.	N	N	Article 10(1)(i)
Para 1 - 4, 6, 10 & 20 Sch 4 Housing and Regeneration Act 2008	Power - Removal of powers HCA.	N	N	Article 10(1)(j)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 226 of the Town and Country Planning Act 1990	Power to compulsorily acquire land development/planning.	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or substitute Member.	Article 11(1)(a)
Section 227 of the Town and Country Planning Act 1990	Power to acquire land by agreement.	Y	N	Article 11(1)(b)
Section 229 of the Town and Country Planning Act 1990	Power to appropriate land.	Y	N	Article 11(1)(c)
Section 230(1)a of the Town and Country Planning Act 1990	Power to acquire land for exchange.	Y	N	Article 11(1)(d)
Section 232 of the Town and Country Planning Act 1990	Power to appropriate land held for planning purposes.	Y	N	Article 11(1)(e)
Section 233 of the Town and Country Planning Act 1990	Power to dispose of land held for planning purposes.	Y	N	Article 11(1)(f)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 235 of the Town and Country Planning Act 1990	Power to develop land held for planning purposes.	Y	N	Article 11(1)(g)
Section 236 of the Town and Country Planning Act 1990	Power to extinguish rights over land.	Y	N	Article 11(1)(h)
Section 238 of the Town and Country Planning Act 1990	Power to use and develop consecrated land.	Y	N	Article 11(1)(i)
Section 239 of the Town and Country Planning Act 1990	Power to use and develop burial grounds.	Y	N	Article 11(1)(j)
Section 241 of the Town and Country Planning Act 1990	Power to use and develop open spaces.	Y	N	Article 11(1)(k)
Section 17 of the Housing Act 1985 with the exception of Section 17(3) (compulsory purchase) which is a Mayoral Function	Power to acquire land for housing development.	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or substitute Member.	Article 11(1)(l)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 18 of the Housing Act 1985	Duty to secure buildings where land acquired under S17.	Y	N/A	Article 11(1)(m)
Transport				
Section 6 of the Highways Act 1980	Power to be an authority to whom functions may be delegated by the Secretary of State or Highways England or agreements entered into re construction, improvement or maintenance of trunk roads.	Applies to local authorities as local highway authorities.	Consent of each Constituent Council Combined Authority Member.	Article 19(1)
Section 8 of the Highways Act 1980	Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Applies to local authorities as local highway authorities.	N	Article 19(2)
Sections 1 and 2(4) of the Road Traffic Regulation Act 1984	Power to make a traffic order re routes for heavy commercial vehicles.	Yi	Consent of each Constituent Council Combined Authority Member.	Article 20(1)(a) Article 20(1)(b)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Section 9 of the Road Traffic Regulation Act 1984	Power to make an experimental traffic order.	Y	Consent of each Constituent Council Combined Authority Member.	Article 20(1)(c)
Section 23 of the Road Traffic Regulation Act 1984	Power to place pedestrian crossings.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 65 of the Road Traffic Regulation Act 1984	Power to place traffic signs.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(b)
Section 83 of the New Roads and Street Works Act 1991	Duty - works likely to affect apparatus in street – duty to notify.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 84 of the New Roads and Street Works Act 1991	Measures where apparatus affected by major works.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)
Section 85 of the New Roads and Street Works Act 1991	Sharing of costs of necessary measures.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(1)(a)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Street Works (Sharing of Costs of Works) (England) Regulations 2000	Sharing the costs of diversionary works between CA and undertakers.	Y	Consent of each Constituent Council Combined Authority Member.	Article 21(3)
Section 33 of the Traffic Management Act 2004	Preparation of permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(a)
Section 33A of the Traffic Management Act 2004	Implementing permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(b)
Section 36 of the Traffic Management Act 2004	Varying/revoking permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(1)(c)
Part 3 of 2004 Act		Y	N	Article 23(4)
Traffic Management Permit Scheme (England) Regs 2007	Permit schemes.	Y	Consent of each Constituent Council Combined Authority Member.	Article 23(5)

Legislation	Function	Concurrent with Constituent Councils	Consent requirement	Order Reference
Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regs 2005	Enforce bus lane contravention.	Y	Consent of each Constituent Council Combined Authority Member.	Article 24(3)
Additional Functions				
Section 69 of the Local Democracy, Economic Development and Construction Act 2009	Duty to prepare economic condition assessment.	Y*	N	Article 25(1)
Sections 17A and 115 of the Crime and Disorder Act 1998	Information sharing (crime and disorder).	Y ⁴	N	Article 26(1) Article 26(2)

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.⁴ The Combined Authority is a relevant authority for the purposes of Section 115 (disclosure of information).

Table C - Non-Mayoral Functions Reserved to the Combined Authority

Functions	Relevant Legislation
To amend the Local Transport Plan and related strategies prepared by the Mayor	Sections 108,109 and112 of the Transport Act 2000, and Article 27(8) of the 2021 Order
<p>To approve, amend or revoke any major policy or investment priorities, strategy or plan for the Combined Authority from time to time, including:</p> <ul style="list-style-type: none"> any Adult Education Budget Strategy the Corporate Plan any European funding strategies Strategic Economic Framework any relating to the Single Investment Fund in respect of any fund outside of the Single Investment Fund which relates to Non-Mayoral functions the Hull and East Yorkshire Investment Strategy, and <p>with the exception of any policy, investment priorities, strategy or plan which the Combined Authority has authorised a committee or officer to approve, amend, withdraw or revoke.⁴</p>	
To appoint any Non-Constituent Body Member and/or Associate Member and their substitute member to the Combined Authority	The Order
To grant any voting rights to any Non-Constituent Body member	Section 85(5) of the Local Transport Act 1985 and Schedule 1 of the Order
To make arrangements for the discharge of functions by a committee or officer and to appoint committees	Sections 101 and Section 102 of the Local Government Act 1972
To appoint one or more overview and scrutiny committees	The Order and Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, as amended by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024
To appoint an Independent member to an Audit Committee	The Order and Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, as amended by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024

Functions	Relevant Legislation
To approve, amend, withdraw or revoke any plan or strategy for the control of the Combined Authority's borrowing, investments or capital expenditure	Part 1 of the Local Government Act 2003
To determine and keep under review how much money the Combined Authority can afford to borrow	Section 3 of the Local Government Act 2003
To approve the Combined Authority's budget and the Mayor's budget	Combined Authorities (Finance) Order 2017
To set a levy	Local Government Finance Act 1988, Transport Levying Bodies Regulations 1992 and Section 101(6), Local Government Act 1972, and Schedule 1 Article 3 of the 2021 Order
To approve, amend, withdraw or revoke Standing orders	Schedule 1 of the 2024 Order
To consent to orders relating to the governance and functions of the Combined Authority	Sections 103 - 113D of the Local Democracy, Economic Development and Construction Act 2009
To consent to regulations relating to a sub-national transport body	Part 5A of the Local Transport Act 2008
To consent to regulations to levy in relation to expenses reasonably attributable to the exercise of functions other than transport functions	Section 74(11) of the Local Finance Act 1988
To consent to regulations to borrow	Section 23 of the Local Government Act 2003(6)
To appoint a Local Auditor to audit its accounts, and accept an invitation, decide or request to become an opted-in authority in relation to local audit arrangements	Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015/192
To promote or oppose any Bill in Parliament	Section 239 Local of the Government Act 1972 and S10 of the Transport Act 1968
To make, amend, revoke or replace a Members' Allowances Scheme	The Order
To authorise a person to exercise a function pursuant to an Order, or to revoke any such authorisation	Section 70 of the Deregulation and Contracting Out Act 1974

Functions	Relevant Legislation
To appoint Proper Officers	Section 270(3) of the Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a Head of Paid Service , and to consider any report of the Head of Paid Service under Section 4 Local Government and Housing Act 1989	Section 4 of the Local Government and Housing Act 1989
To designate a Monitoring Officer , and to consider any report of the Monitoring Officer under Section 5(2) of the Local Government and Housing Act 1989	Section 5 of the Local Government and Housing Act 1989
To appoint a Chief Finance Officer , and to consider any report of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988	Section 73 of the Local Government Act 1985 and Section 114 Local Government Finance Act 1988
To appoint and dismiss any of the Statutory Officers following a recommendation from the Employment Panel	Section 112 of the Local Government Act 1972
To appoint members of the Combined Authority to outside bodies	
To adopt, revise or replace a Members' Code of Conduct	Section 28 of the Localism Act 2011
To appoint at least one independent person	Section 28(7) of the Localism Act 2011
To make arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct	Section 28(6) of the Localism Act 2011
To adopt, revise or replace the Hull and East Yorkshire Combined Authority Assurance Framework	
The publication of an annual report on the exercise and performance of transport functions	Section 16 of the Transport Act 1968
To jointly approve, vary, revoke or postpone an advanced quality partnership scheme	Part II Transport Act 2000
To jointly make, vary or revoke an enhanced partnership plan and jointly make, postpone or revoke an enhanced partnership scheme	Part II Transport Act 2000

Functions	Relevant Legislation
To jointly approve, vary or revoke an advanced ticketing scheme	Part II Transport Act 2000
To jointly make, vary or terminate a voluntary partnership agreement	Part II Transport Act 2000
To agree a Key Route Network with Constituent Councils, in respect of exercising Concurrent Transport-Related Functions	The Order - provisions relating to Statutory Consents

To discharge any other function which, by virtue of any enactment, may be discharged only by the Combined Authority, including the approval any other plan or strategy which must **by law** be adopted or approved by resolution of the Combined Authority.

Terms of Reference

Employment Panel

Membership

An Employment Panel will be convened as required to undertake a function in accordance with the Combined Authority's Human Resources policies and processes, including discipline, grievance and capability policies.

Membership of the Employment Panel will be comprised of three Members of the Combined Authority.

Decisions

Where the Employment Panel is convened in respect of matters other than those relating to the Head of Paid Service, the Head of Paid Service (or their nominated representative) shall be invited to attend in an advisory capacity.

Remit

In accordance with the Combined Authority's Human Resources policies and processes, including discipline, grievance and capability policies the Employment Panel is authorised:

1. In relation to **appointments**:
 - 1.1 To make recommendations to the Combined Authority in respect of appointments to the following posts (the Statutory Officers):
 - Head of Paid Service,
 - Section 73 Chief Finance Officer, and
 - Monitoring Officer.
 - 1.2 To make appointments to Executive Director and Director posts.
2. In relation to any **disciplinary action**:
 - 2.1 To appoint an external investigator in the event of the need for an investigation in relation to a Statutory Officer, or in the event of a conflict of interest in an Executive Director or Director.
 - 2.2 Upon the completion of an investigation, to take the decision whether to suspend a Statutory Officer, upon advice from the Monitoring Officer², or in the event of a conflict of interest the Combined Authority Legal Adviser.
 - 2.3 Upon the completion of an investigation, upon advice from the Monitoring Officer acting in their capacity as Hearing Manager, to take any action short of dismissal in relation to a Statutory Officer, or in the event of a conflict of interest the Combined Authority Legal Adviser.
 - 2.4 To deliver the outcome of a grievance brought by a Statutory Officer.

3. In relation to **dismissals**:
 - 3.1 To consider any disciplinary or capability proceedings brought against any of the Statutory Officers, where so delegated by the Combined Authority.
 - 3.2 To make recommendations to the Combined Authority in respect of dismissal of a Statutory Officer.
 - 3.3 To consider any disciplinary or capability proceedings against Directors or Executive Directors where there is a conflict of interest.
4. In relation to **appeals**:
 - 4.1 To consider any appeal against dismissal, or action short of dismissal, brought by an Executive Director, or a Director.
 - 4.2 To consider any appeal against action short of dismissal brought by a Statutory Officer.
 - 4.3 To consider any appeal against the outcome of a grievance brought by a Statutory Officer.

Governance and Audit Committee

The Governance and Audit Committee is authorised:

1. To review and scrutinise the Combined Authority's financial affairs.
2. To review and assess the Combined Authority's risk management, internal control and corporate governance arrangements.
3. To make reports and recommendations to the Combined Authority in relation to reviews conducted under paragraphs 1 and 2 above.
4. To consider the findings of a review of the effectiveness of the system of internal control and approve the annual governance statement.
5. To consider and approve the statement of accounts.
6. To consider and approve the annual audit plan.
7. To consider external audit arrangements and reports and consider any audit letter from the local auditor following an audit.
8. To receive and consider an annual report from the External Auditor.
9. To promote and maintain high standards of conduct by members and co-opted members of the Combined Authority.
10. To advise the Combined Authority in relation to:
 - adopting, revising or replacing its Members' Code of Conduct;
 - appointing at least one independent person; and
 - arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct.
11. To consider and determine any allegation of failing to comply with the Members' Code of Conduct.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is **authorised**, in accordance with the constitution, to:

1. Review or scrutinise any decision made, or other action taken, in connection with the discharge of any Non-Mayoral Function or Mayoral General Function of the Combined Authority.
2. With respect to 1 above, the committee may:
 - call-in any Key Decision by the Mayor, a decision-making committee or a Key Decision by an officer,
 - direct that the decision is not implemented while it is under review,
 - recommend that the decision be reconsidered by the decision-maker.
3. Make reports or recommendations to the Combined Authority, the Mayor, or any other decision-maker or decision-making committee, with respect to any Non-Mayoral Function or Mayoral Function of the Combined Authority.
4. Make reports or recommendations on any matter that affects the Combined Authority Area or inhabitants.
5. Receive responses to any report or recommendation it has made.
6. Consider any matter referred to it by the Mayor, Combined Authority, a Member of the Combined Authority or any other committee, or a member of a constituent council.

3.3 - Mayoral Functions

Overview

1. Mayoral Functions are the functions of the Combined Authority exercisable only by the Mayor. They comprise:
 - **Mayoral Functions** exercisable only by the Mayor. These are conferred by the Order: see further **Table D**, or other legislation.
 - **Functions relating to governance and finance matters** - see further Articles 4 and 14, Part 2 of the Constitution.
2. A Statutory Consent is required in relation to the exercise of specified Mayoral General Functions as follows:
 - the exercise of specified **Functions** conferred by the Order requires the Statutory Consent of a Constituent Council Combined Authority Member (or Substitute Member) to be provided at a meeting of the Combined Authority, as indicated in Table D, and
 - any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Lead Member appointed to the Combined Authority by that Constituent Council (or Substitute Member).
3. See further the Mayoral Procedure Rules in Part 4 of the Constitution.

Table D - Mayoral Functions Conferred by the Order

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Housing, Regeneration and Planning Functions				
Section 9(2) of the Housing and Regeneration Act 2008	Power to acquire land	N	Consent of each Constituent Council Combined Authority Lead Member whose local government area contains any part of the land, or Substitute Member.	Schedule 3 paragraphs 5(8) and 15
Section 17(3) of the Housing Act 1985 - compulsory purchase	Power to acquire land for housing development	Y	Consent of each Constituent Council Combined Authority Member whose area contains any part of the land, or Substitute Member.	Schedule 3 paragraphs 5(8) and 15
Mayoral Development Corporation				
Section 197 of the Localism Act 2011	Mayoral Development Area - designation	N	Consent of each Constituent Council Combined Authority Lead Member whose local government area contains any part of the area to be designated as a Mayoral development area, or Substitute Member.	Schedule 3 paragraph 5(12)
Section 199 of the Localism Act 2011	Mayoral Development Area - exclusion of land	N	Consent of each Constituent Council Combined Authority Lead Member whose local government area contains any part of the area to be excluded from a Mayoral development area; or Substitute Member.	Schedule 3 paragraph 5(12)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Section 202(2) to (4) of the Localism Act 2011	Planning functions in relation to Mayoral Development Area	N	Consent of each Constituent Council Combined Authority Lead Member whose local government area contains any part of the area to be designated as a Mayoral Development Area, or Substitute Member	Schedule 3 paragraph 5(14)
Section 204 of the Localism Act 2011	Removal or restrict planning powers	N	N	Article 21(2)(f)
Section 214 of the Localism Act 2011	Discretionary relief from ND rates	N	N	Article 21(2)(f)
Section 215 of the Localism Act 2011	Review	N	N	Article 21(2)(f)
Section 216 of the Localism Act 2011	Transfers of property rights and liabilities	N	N	Article 21(2)(f)
Section 217 of the Localism Act 2011	Dissolution - final steps	N	N	Article 21(2)(if)
Section 219 of the Localism Act 2011	Guidance by the Mayor	N	N	Article 21(2)(f)
Section 220 of the Localism Act 2011	Directions by the Mayor	N	N	Article 21(2)(f)
Section 221 of the Localism Act 2011	Consents	N	N	Article 21(2)(f)
Para 1 Sch 21 of the Localism Act 2011	Membership	N	N	Article 21(2)(f)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Para 2 Sch 21 of the Localism Act 2011	Terms of member's appointments	N	N	Article 21(2)(f)
Para 3 Sch 21 of the Localism Act 2011	Staff	N	N	Article 21(2)(f)
Para 4 Sch 21 of the Localism Act 2011	Remuneration of members and staff	N	N	Article 21(2)(f)
Para 6 Sch 21 of the Localism Act 2011	Committees	N	N	Article 21(2)(f)
Para 8 Sch 21 of the Localism Act 2011	Proceedings and meetings	N	N	Article 21(2)(f)
Transport				
Section 31 of the Local Government Act 2003	Power to pay grants for exercising highways functions	N	N	Article 21(2)(c)
Section 154(1) of the Transport Act 2000	Power to pay grants to bus operators	N	N	Article 18(1)
Mayoral Functions				
Section 108 of the Transport Act 2000	Duty to prepare Local transport plans	N	N	Article 27(2)(b)
Section 109 of the Transport Act 2000	Duty and Power - Further provision about plans (keep under review/replace/consultation/publication requirements)	N	N	Article 27(2)(b)

Legislation	Function	Concurrent with Constituent Councils	Consent Requirement	Order Reference
Section 112 of the Transport Act 2000	Duty - Plans and strategies - supplementary: Regard to guidance and transport needs of disabled persons	N	N	Article 27(2)(b)
Funding				
Business Rate Supplement Act 2009	Power - Business Rate Supplement	N	N	Article 31(1)
Section 113A of the LDEDC Act 2009 ¹	Power - Ancillary general power	N	N	Article 27(10)

¹ For the purposes of the exercise of the functions mentioned in Table D above only, the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act.

3.4 - Hull and East Yorkshire Combined Authority Officer Delegation Scheme: Non-Mayoral and Mayoral General Functions

Introduction

General Roles and Responsibilities of Officers

1. The Combined Authority and the Mayor approve strategies and policies which determine the framework in which operational decisions are made - see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.
2. Officers implement decisions made by the Combined Authority (or any decision-making committee of the Combined Authority) and the Mayor. Officers also take measures to carry out these policies and decide day-to-day operational matters within the framework of these decisions. Senior Officers have a set of general accountabilities, expressed through their objectives to deliver against the policies set out by the Combined Authority relating to their functional areas. This delegation therefore covers specific delegations or requirements for compliance where officers are fulfilling these accountabilities.
3. Officers must comply with Article 13 (Decision-making) in Part 2 of the Constitution when exercising authority delegated to them.
4. Decision-making by officers is subject to other control measures. These include:
 - Standing Orders including the Contracts Standing Orders and Financial Regulations in Part 4 of the Constitution,
 - Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts of Interest Policy and Protocols in Part 5 of the Constitution,
 - policies of the Combined Authority
 - organisational values,
 - an anti-fraud, bribery and corruption policy, and
 - internal audit and risk management arrangements.
5. When exercising their delegated authority, an officer must:
 - ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Combined Authority and the Mayor, and
 - follow approved practices and procedures of the Combined Authority including the Assurance Framework, relevant Government guidance and industry/professional best practice.

Delegations to Officers

6. This Officer Delegation Scheme sets out:
 - Non-Mayoral Functions delegated to officers by the Combined Authority, and
 - Mayoral Functions delegated to officers by the Mayor.
7. The Combined Authority or the Mayor may also delegate decisions outside of this Scheme to a Combined Authority officer in relation to any specific matter, subject to statutory restrictions.
8. The Combined Authority's Standing Orders in Part 4 of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers.
9. Where the Combined Authority has appointed a committee to discharge functions, that committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an officer – see further Article 7 (Ordinary Committees) in Part 2 of the Constitution.
10. The Combined Authority (or a committee) or the Mayor may continue to exercise any function which it has delegated to an officer.

Sub-Delegations

11. Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally, (although they will remain accountable for any decision taken on their behalf). Such an officer may arrange, by way of a designation in writing, for another officer, with suitable qualifications, experience and seniority to exercise the delegated authority on their behalf.

Referral of Matters to the Combined Authority or Relevant Committee - Non-Mayoral Functions

12. An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined Authority or a relevant committee.

Referral of Matters to the Mayor - Mayoral General Functions

13. An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Mayor.

Key Decisions

14. The Access to Information Rules in Part 4 of the Constitution apply where an officer exercises their delegated authority to take a Key Decision.

Call-in of Officers' Decisions

15. Any Key Decision taken by an officer under delegated authority is open to call-in, in accordance with the Scrutiny Standing Orders in Part 4 of the Constitution.

Recording Officer Decisions

16. An officer is required to complete a written record of their decision in accordance with the Access to Information Rules in Part 4 of the Constitution.

Concurrent Functions and Statutory Consents

17. An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Combined Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation processes - see further Section 5 of Part 3 of the Constitution.
18. No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent required by the 2025 Order, where that Statutory Consent has yet to be given - see further the Access to Information Rules in Part 4 of the Constitution.
19. An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.

Officer Delegation Scheme: Delegations

Directors and the Chief Executive and includes any interim appointments into those roles.

Any reference to a Director within this Officer Delegation Scheme is to be construed as a reference to any officer (including any interim postholder) to whom Functions are delegated by the Combined Authority under the General Delegations section of this Scheme, except where the context requires otherwise.

Any reference to a Function delegated under this Officer Delegation Scheme should be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the specified Function.

Any reference to Director should also be taken to include Executive Directors and the Chief Executive and includes any interim appointments into those roles.

20. Subject to the Proper Officer Functions referenced at paragraph 2.8 below, and the delegations set out in this Officer Delegation Scheme to the:

- Head of Paid Service
- Section 73 Chief Finance Officer
- Monitoring Officer

there are no general delegations to Directors in this Officer Delegation Scheme, as these flow directly from the Chief Executive's Scheme of Sub-Delegation.

21. The Head of Paid Service, the Section 73 Officer and the Monitoring Officer are authorised to incur expenditure and enter into contracts within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in Part 4 of the Constitution within the following approval limits:
- 21.1 Above £1m The Chief Executive or the Section 73 Officer in consultation with the Mayor provided it is within budget and the policy framework of the Combined Authority.
- 21.2 Between £0.5m and £1m Chief Executive or Section 73 Officer provided it is within budget and the policy framework of the Combined Authority
- 21.3 Up to £0.5m Executive Directors (and Statutory Officers) in consultation with the Section 73 Officer provided it is within budget and the policy framework of the Authority
- 21.4 Expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the Hull and East Yorkshire Combined Authority Assurance Framework and the Constitution.

Proper Officer Functions

22. Each Director is appointed the Proper Officer for any function within their remit. The Monitoring Officer is also a Proper Officer under the Local Government & Housing Act 1989.
23. Each Proper Officer has authority to implement and ensure compliance with requirements relating to:
- health and safety
 - data protection, freedom of information and transparency,
 - surveillance activities,
 - human rights,
 - risk management,
 - equity and diversity, and
 - Safeguarding.

Chief Executive

24. The Chief Executive is designated the Head of Paid Service of the Combined Authority - see further Article 12 (Officers) in Part 2 of the Constitution.
25. With the exception of any matter which the Mayor or the Combined Authority has directed should be referred to the Combined Authority for determination, the Chief Executive is authorised to exercise any Non-Mayoral Function which is not:
- expressly reserved to the Combined Authority,
 - a function of any other officer in their capacity as a statutory officer,
26. The Chief Executive is further authorised to take decisions which would have been taken by a committee and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.
27. The Chief Executive is also authorised with the exception of any matter:

- expressly reserved to the Combined Authority or
 - expressly within the terms of reference of a Combined Authority committee to carry out any function in relation to:
 - human resources. Including granting voluntary redundancy requests and releasing preserved pension benefits on ill health grounds (in consultation with the Section 73 Chief Finance Officer) and payments up to £250 to officers for loss or damage to property arising out of their employment with the Combined Authority but excepting those statutory functions which fall to the Head of Paid Service, and those functions delegated to any Director under the General Delegations above
 - knowledge and information management,
 - strategic risk management, insurance, and business continuity, and
 - health and safety policy and strategy development, monitoring and reporting.
28. To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
- the value of the settlement not exceeding £150,000, and

S73 Chief Finance Officer

29. The Section 73 Officer is the Chief Finance Officer of the Combined Authority and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined Authority's financial affairs¹³ - see further Article 12 (Officers).
30. The Section 73 Chief Finance Officer is authorised to exercise the following Non-Mayoral functions:
- making arrangements for the proper administration of the Authority's financial affairs; this includes authority to approve Financial Regulations and Contracts Standing Orders;
 - procurement and purchasing, and
 - establishing internal audit arrangements.
31. With the exception of any matter expressly reserved to the Combined Authority, or which the Head of Paid Service has directed the Section 73 Chief Finance Officer to refer to the Combined Authority or any Committee for determination.

Monitoring Officer

32. The Monitoring Officer for the Combined Authority exercises any statutory function of the Monitoring Officer - see further Article 12 (Officers) in Part 2 of the Constitution.

33. With the exception of any matter:
- expressly reserved to the Combined Authority or
 - which the Head of Paid Service has directed the Monitoring Officer to refer to the Combined Authority or any Committee for determination to carry out the following functions:

Legal Proceedings and Settlements

34. To take any legal action to implement a decision of the Combined Authority.
35. To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Combined Authority or to protect the interests of the Combined Authority, and to take all necessary steps in relation to such proceedings or disputes.
36. To enforce byelaws.
37. To make payments or provide other benefits in cases of maladministration.
38. To negotiate and to settle claims for or against the Combined Authority whether or not legal proceedings have begun subject to:
- the value of the settlement not exceeding £100,000, and
 - professional advice being obtained, where appropriate, that the settlement represents good
 - value for money, and
 - consultation with the Mayor and Section 73 Chief Finance Office about any settlement value over £20,000.
39. To certify documents on behalf of the Combined Authority.
40. To authenticate the seal of the Combined Authority and keep custody of it.
41. To sign certificates for contracts in accordance with Local Government (Contracts) Act 1997.
42. To sign any contract on behalf of the Combined Authority provided that the Contract Standing Orders and Financial Procedure Rules of the Combined Authority have been complied with.

Authorising Officers

43. To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined Authority (however described) and to issue any necessary certificates of authority.

Governance

44. To discharge secretarial and other functions in relation to meetings of the Combined Authority and its committees.
45. To make any changes to any governance document of the Combined Authority which are required:
 - as a result of legislative change or decisions of the Combined Authority or the Mayor,
 - to enable them to be kept up to date, or
 - for the purposes of clarification only.
46. To make any changes to the Hull and East Yorkshire Combined Authority Assurance Framework which are required:
 - as a result of legislative change or decisions of the Combined Authority or the Mayor,
 - to enable it to be kept up to date, or
 - for the purposes of clarification only.
47. In relation to Local Authority Co-optees (and only in accordance with any nomination by the relevant Constituent Council and the Non-Constituent Bodies) to make any change to the membership of any committee of the Combined Authority, provided that the appointment has no impact on the political balance for the committee.
48. Where in-year vacancies for independent members arise, the Monitoring Officer is authorised to progress recruitment, including the convening of an interview panel as necessary, to make recommendations to a subsequent meeting of the Combined Authority.

Members' Allowances

49. To administer the Members' Allowances Scheme in Part 6 of the Constitution.

Interests in Land

50. To obtain particulars of persons interested in land.

Senior Information Risk Officer

51. To act as Senior Information Risk Officer.

3.5 - Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

To follow.

Part 4

4.1 - Procedure Standing Orders

Contents	Standing Order No
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Standing Orders Applying to Committees and Sub-Committees

These Procedure Standing Orders apply to meetings of committees and sub-committees of the Combined Authority except that:

- Standing Orders 3, 4, 5.1 and 5.2, 6, 8.2, 14.2, 18 and 24.1 shall not apply to any committee or sub-committee of the Combined Authority, and
- Standing Orders, 14.3 and 19 shall not apply to any overview and scrutiny committee or overview and scrutiny sub-committee. (See below)

In relation to a meeting of any committee and sub-committee, except where the context requires otherwise:

- references to the Combined Authority are to the committee or sub-committee,
- references to the Chair are to the Chair of the committee or sub-committee, and
- references to the Deputy Chair are to the Deputy Chair of the committee or sub-committee.

1. Definitions

- 1.2 “Committee” or “sub-committee” means any committee or sub-committee appointed by the Combined Authority including any overview and scrutiny committee or sub-committee, and the committee appointed to discharge audit committee functions, except where the context otherwise requires.
- 1.3 “The offices of the Combined Authority” means The Guildhall, Alfred Gelder Street, Kingston-Upon-Hull, HU1 2AA.

2. Interpretation

- 2.1 The Chair of a meeting will make any final decision in consultation with the Monitoring Officer or their nominee about:
- how Procedure Standing Orders should be interpreted, or
 - any question of procedure not provided for by the Procedure Standing Orders.

3. Suspending and Amending Standing Orders

- 3.1 The Combined Authority may by resolution suspend Standing Order 18 (order of debate) for the duration of a meeting if at least 3 Constituent Council Combined Authority Members are present.

3.2 Any motion to:

- add to, vary or revoke any Standing Orders, or
- grant, vary or revoke the voting rights of the Non-Constituent Body Members

will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Combined Authority¹.

4. Annual Meeting

4.1 The Combined Authority will hold an Annual Meeting every year, between 1 March and 30 June. It shall be held at a time fixed by the Combined Authority, or if the Combined Authority does not fix a time, at twelve noon.

4.2 The Annual Meeting will:

- note the **Mayor and other Combined Authority Members**, and **appoint** the Co-Optees and Substitute Members,
- receive any **declarations of interest** from members,
- approve the **minutes** of the last meeting,
- receive any **announcements and/or update** from the Chair and/or Head of Paid Service,
- receive details of the **Mayor's appointment of the Deputy Mayor and arrangements** in respect of **Mayoral Functions**,
- approve **committee arrangements and appointments to committees**,
- agree and note Combined Authority **Officer arrangements**,
- approve any **constitutional documents** not considered under any other item,
- appoint to **outside bodies**,
- approve the Combined Authority's Members' **Allowances Scheme**,
- decide the dates and time of the ordinary **meetings** and committee meetings of the Combined Authority for the municipal year, and
- consider **any other business** set out in the notice convening the meeting.

5. Ordinary Meetings

5.1 The Combined Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to the Annual Meeting. Each ordinary meeting shall be held at such date and time as the Combined Authority decides.

5.2 At an ordinary meeting, the Combined Authority will:

- approve the **minutes** of the last meeting,
- receive any **declarations of interest** from members,
- receive any **announcements** from the Chair or the Head of Paid Service,
- deal with any business from the last ordinary meeting of the Combined Authority,
- consider reports and recommendations from any **overview and scrutiny committee** of the Combined Authority,
- receive **reports from any other committee** of the Combined Authority and receive questions and answers on any of those reports,
- receive reports and receive questions and answers on any **Statutory Consent** required in relation to the exercise of a Concurrent Function,
- consider any petition referred to it in accordance with the Combined Authority's Petition Scheme⁷,
- consider **motions**, and
- consider **any other business** specified in the summons to the meeting, and for debate.

5.3 A committee may hold any number of ordinary meetings in a municipal year.

6. Extraordinary Meetings

6.1 The following may call an extraordinary meeting of the Combined Authority:

- the Mayor in their capacity as Chair of the Combined Authority, at any time;
- any three Combined Authority Members who have signed a requisition which has been presented to the Mayor in their capacity as Chair of the Combined Authority:
 - if the Mayor refuses to call a meeting, or
 - after seven days if the Mayor has failed to call a meeting within seven days after being presented with the requisition.

7. Place of Meetings

7.1 The Combined Authority shall hold its meetings at any place within or outside of the Combined Authority's Area, as the Combined Authority directs.

8. Notice of Meetings

- 8.1 The Monitoring Officer shall give public notice of the time and place of a meeting by posting it at the Offices of the Combined Authority:
- at least five clear days before the meeting or,
 - if the meeting is convened at shorter notice, at the time it is convened.
- 8.2 Where the meeting is called by three Combined Authority Members under Standing Order 6.1, the notice must:
- be signed by those members, and
 - specify the business to be carried out at the meeting.

9. Summons to Attend a Meeting

- 9.1 At least five clear days before a meeting of the Combined Authority, the Head of Paid Service will sign a summons to attend the meeting, which sets out the business to be carried out at the meeting.
- 9.2 The Monitoring Officer will send the summons by post to every Combined Authority Member or leave it at their usual place of residence.

10. Public Access to Agenda and Reports

- 10.1 Subject to 10.3 below, at least five clear days before a meeting of the Combined Authority, the Monitoring Officer will make available for inspection by the public at the offices of the Combined Authority:
- a copy of the agenda, and
 - (subject to 10.4 below) reports for the meeting.
- 10.2 Where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to 10.4 below), shall be open to inspection from the time the item is added to the agenda.
- 10.3 Nothing in 10.1 or 10.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Combined Authority.
- 10.4 If a report relates only to an item during which, in the Monitoring Officer's opinion, the meeting is likely not to be open to the public¹⁶, the Monitoring Officer may decide not to make the report (or part of it) open for inspection.
- 10.5 Where a report or any part of a report is not open to public inspection the Monitoring Officer will:
- mark every copy of the report (or the part) "Not for publication"; and
 - state on every copy of the report (or the part) the description of the exempt information by virtue of which the Combined Authority is likely to exclude the public.

11. Public Access to Meetings

- 11.1 Any meeting of the Combined Authority shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings):
- to prevent the likely disclosure of confidential information, or
 - by resolution, to prevent the likely disclosure of exempt information, or
 - under Standing Order 24 relating to general disturbances.
- 11.2 A motion to exclude the press and public may be moved without notice at any meeting in relation to an item of business whenever it is likely that if members of the press or public were present for that item there would be disclosure of exempt information.

12. Public Questions

- 12.1 At Ordinary meetings of the Combined Authority, questions may be asked by members of the public of the Mayor, Combined Authority Members and/ or Committee Chairs.
- 12.2 The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.
- 12.3 No person may submit more than one question at any one meeting and no more than two questions may be asked on behalf of any one organisation.
- 12.4 Questions must be submitted in writing at least seven clear working days before the meeting and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put. Questions so received will be referred to the Monitoring Officer for consideration and inclusion at a meeting.
- 12.5 The Monitoring Officer may reject a question if it:
- is not about a matter for which the Combined Authority has a responsibility, or which specifically affects the Combined Authority.
 - is defamatory, vexatious, frivolous, or offensive.
 - is substantially the same as a question which has been put at a meeting of the Combined Authority in the past six months.
 - requires the disclosure of confidential or exempt information.
 - refers to legal proceedings taken or anticipated by or against the Combined Authority.
 - relates to a day-to-day Combined Authority function or the provision of a Combined Authority service and has not been asked first of the relevant service area
 - is not related to policy or budget issues

- is a statement rather than a question.
 - names or identifies individual service users, members of staff or members/staff of partner agencies.
 - makes or relates to allegations against, or comprise comments about, the conduct of individual Members or officers.
 - relates to an individual or the questioner's own particular circumstances.
 - would more appropriately be responded to under the Freedom of Information Act 2000 or the Data Protection Act 1998.
 - is from, or on behalf of, a political party, or bears the name, insignia, or other device of a political party.
- 12.6 All approved questions will be listed in the summons for the meeting of the Combined Authority in the order that they were received (except the Mayor may decide to group similar questions together).
- 12.7 Those persons who submitted questions and who are present at that meeting of the Combined Authority will be invited to read aloud the questions put. Questioners may by written notice nominate a substitute to ask a question in their place. One supplementary question is allowed.
- 12.8 If a member of the public or their nominated substitute who has submitted notice of a question is unable to be present at the meeting, the question falls. However, the Combined Authority will nevertheless provide a written response to the questions put

13. Substitute Members

- 13.1 A Substitute Member may only act for the Combined Authority Member for whom they are the designated substitute.
- 12.3 With the exception of the Substitute Member for the Deputy Mayor where the Deputy Mayor is acting in the place of the Mayor, a Substitute Member may only act in the absence of the Combined Authority Member.
- 13.3 A Substitute Member may not exercise any special powers or duties exercisable by the member for whom they are substituting.

14. Chair

- 14.1 The Mayor in their capacity as Chair shall preside at each meeting of the Combined Authority.
- 14.2 If the Mayor is absent from a meeting of the Combined Authority, the Deputy Mayor, if present, and acting in their role as Deputy Chair, shall preside.
- 14.3 Where the Deputy Mayor is acting in place of the Mayor they cannot also act in their capacity as a Combined Authority Member who is not the Mayor. The Substitute Member for the Deputy Mayor may act in the place of the Deputy Mayor.

- 14.4 In relation to any committee or sub-committee of the Combined Authority only, in the absence of the Chair or Deputy Chair, the meeting may elect a Chair to preside at that meeting from amongst the voting members of the Committee.

15. Quorum

- 15.1 During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately to a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting. No business shall be transacted at a meeting of the Combined Authority unless the Mayor or the Deputy Mayor acting in place of the Mayor and at least three Constituent Council Combined Authority Members are present.

16. Items of Business

- 16.1 No item of business may be considered at any meeting except:
- the business set out in the summons,
 - business required by law to be transacted at the annual meeting, or
 - business brought before the meeting as a matter of urgency in accordance with 16.2 below.
- 16.2 Nor may an item be considered at any meeting unless:
- a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear days before the meeting, or
 - by reason of **special circumstances** which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

17. Order of Business

- 17.1 If the Chair and Deputy Chair are absent from any committee meeting of the Combined Authority, the meeting shall select a person to preside.
- 17.2 All other items of business will be dealt with in the order specified in the notice of the meeting, except that such order may be varied:
- at the discretion of the Chair, or
 - on a request agreed to by the meeting.

18. Order of Debate

- 18.1 The Chair will introduce each item and may invite an officer to explain the item.

18.2 Each member shall then be given an opportunity to speak on the item and any recommendations contained in the report. This will be in the order decided by the Chair. Unless the Chair decides otherwise, each member shall speak only once on each item.

18.3 Any member while exercising the right to speak on the item may:

- move an **amendment** to the recommendations, or
- move that an item be **withdrawn**.

Any such motion if seconded shall be voted upon.

18.4 Subject to the outcome of any such motion, once each member who wishes to speak has done so, the Chair shall move the item, which if seconded, shall be voted upon.

19. Motions on Notice

19.1 Except for Procedural Motions which can be moved without notice, written notice of every motion, signed by at least one Combined Authority Member, must be delivered to the Monitoring Officer, not later than midday, at least seven clear working days before the date of the meeting.

19.2 Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

19.3 No more than one motion may be proposed by any individual Member for each meeting.

19.4 Each motion must:

- clearly and succinctly identify the matter to be debated.
- be capable of being passed as a formal resolution; and
- be about matters for which the Combined Authority has a responsibility, or which specifically affect the Combined Authority area.

19.5 The Monitoring Officer may reject a motion which, in their opinion:

- is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful, or otherwise improper.
- refers to legal proceedings taken or anticipated by or against the Combined Authority.
- requires the disclosure of confidential or exempt information.
- names or identifies specific service users, members of staff or members of staff of third-party organisations without the mover demonstrating they have provided consent.

- relates to the Member's own personal circumstances.
 - expresses support or objection to proposals where the Combined Authority is in the process of consulting with the public or responding to a formal consultation process.
- 19.6 A proposer may alter a motion on which they have given notice when they come to move it, in which case the amendment becomes part of the substantive motion without debate. Only alterations that could be made as an amendment may be made.
- 19.7 Where a motion on notice is before the Combined Authority having been formally moved and seconded, the mover may subsequently withdraw it only with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the Motion after the proposer has asked permission to withdraw it unless permission is refused.
- 19.8 If a motion set out in the summons is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Combined Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 19.9 No motion or amendment may be proposed to rescind any resolution of the Combined Authority passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless:
- It is proposed by a committee of the Combined Authority,
 - It is required to comply with a statutory duty; or
 - Notice of such motion has been given and signed by at least one third of the total number of committee members who include members from more than one political group.

20. Amendments

- 20.1 An amendment to a motion must:
- Be relevant to the motion.
 - Add and/or delete a word or words.
 - Not introduce a new topic.
 - Not negate the motion.
 - Be worded so that, if it is agreed by the Combined Authority, it can be passed as a valid resolution.
- 20.2 The Mayor, following consultation with the Monitoring Officer, may reject an amendment on the grounds set out in Rule 18.5 or 19.1. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Combined Authority.

- 20.3 Number of Amendments. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- 20.4 Status of Amendments. If an amendment is lost, another amendment 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 upon which any further amendment may be moved.
- 20.5 After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.

21. Motions and Amendments that may be moved without Notice

- 21.1 The following motions and amendments may be moved without notice for consideration when a Chair is in place for the meeting:
- Relating to the accuracy of the minutes of the Combined Authority, a committee or sub-committee.
 - For a change in the order of business.
 - Extending the time limit for speeches.
 - That the meeting proceeds to the next business.
 - That the question be now put.
 - That the debate be now adjourned.
 - That the meeting does now adjourn.
 - To suspend Procedure Rules.
 - Giving consent where consent of the Combined Authority is required by the Procedure Rules.
 - Reference of a matter to a committee or sub-committee.
 - Appointment of or appointment to committees or sub-committees occasioned by an item mentioned in the summons to the meeting.
 - That a Member should not be heard further or should leave the meeting.
 - Adoption of recommendations of committees and subcommittees and any consequent resolutions.
 - That leave is given to withdraw a motion.
 - That leave is given to alter a motion by the mover of that motion.

- Receipt of reports of officers and any consequent resolutions.
- Amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons.
- Authorising the sealing of documents.
- To exclude the press and public.

21.2 Motions designed to close a debate, eg (e)-(h) above, may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded, or already spoken in the debate. No person may intervene in discussion on a motion by moving more than one closure motion.

21.3 When one of the following motions has been seconded, the Mayor shall proceed as follows:

- On a motion to proceed to next business - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply and then put to the vote the motion to proceed to next business.
- On a motion that the question, be now put - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote.
- On a motion to adjourn the debate or the meeting - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.
- On a motion to exclude the public - they shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer. If members of the public may be lawfully excluded, the Mayor will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the Mayor may, at their discretion, either immediately require the public to leave the room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- On a motion that a named Member, be not further heard or leave the meeting - they shall put the motion to the vote without discussion. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter or shall be required to leave the room.

22. Voting

22.1 Except as provided below, each Combined Authority Member (or Substitute Member acting in their place) has one vote.

The following are non-voting Combined Authority Members:

- the Non-Constituent Body Combined Authority Members

unless the voting Combined Authority Members unanimously resolve that this provision is not to apply to a specific issue.

22.2 No Combined Authority Member is to have a casting vote.

22.3 If a vote is tied on any matter, it shall be deemed not to have been carried.

22.4 Subject to 21.5, 21.6 and 21.7 below, any question will be decided by a majority of the Combined Authority Members present and voting on that question at a meeting.

22.5 Any question relating to functions of the Combined Authority conferred by the Order and not solely exercisable by the Mayor pursuant to Article 27 of the Order cannot be carried without the Mayor's vote in favour of the question.

22.6 Any decision to

- approve the Combined Authority's budget, or
- issue the levy pursuant to Article 29(5) of the 2024 Order

require those voting in favour to include at least both the Lead Members of each Constituent Council (or their Substitute Member) to vote in favour.

22.7. Any decision relating to the Mayor's draft budget must be agreed in accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution.

23. Committees

23.1 Except as provided below, each Combined Authority Member (or Substitute Member acting in their place) on a committee has one vote.

23.2 The following are non-voting members of any committee to which they are appointed:

- the Non-Constituent Body Combined Authority Members

unless the voting Combined Authority Members unanimously resolve that this provision is not to apply.

23.3 Associate members are non-voting members of any committee to which they are appointed.

23.4 Any Co-optee on a committee will be non-voting unless granted voting rights by resolution of the Combined Authority.

23.5 Except as otherwise provided for by law, any question will be decided by a majority of members of a committee present and voting on that question at a meeting.

23.6 No member is to have a casting vote.

24. Method of Voting

- 24.1 Unless a ballot or recorded vote is demanded under Standing Order 23.3 or 23.4, the Chair will take the vote by **show of hands**, or if there is no dissent, by the affirmation of the meeting.
- 24.2 Where a vote is taken by show of hands any member may request, immediately after the vote is taken, that their vote is recorded in the minutes to show whether they voted for or against the recommendation or abstained from voting.
- 24.3 Where the majority of members present at the meeting demand it, the vote will take place by ballot. The Chair will announce the numerical result of the ballot immediately once the result is known.
- 24.4 If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

25. Voting on Appointments

- 25.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

26. Point of Order

- 26.1 A member may raise a point of order any time, by specifying how a specific Standing Order or law has been breached.
- 26.2 The Chair will hear the point immediately. The Chair's decision on the point will be final.

27. Record of Attendance

- 27.1 The Monitoring Officer will ensure that the name of any member present during the whole or part of a meeting is recorded.

28. Attendance at Meetings

- 28.1 The Chair of any committee or sub-committee of the Combined Authority may be invited to attend and speak at any meeting of the Combined Authority to:
- present any reports or recommendations of the committee or sub-committee, or
 - answer questions about any matter in the minutes of that committee or sub-committee, or
 - contribute to discussion about any matter which is relevant to the functions discharged by the committee of which they are Chair.

28.2 The Chair may invite any person to attend and speak at any meeting.

29. Reporting Proceedings

29.1 Without prejudice to the Chair's powers in Standing Order 26, and subject to 25.2 and 25.3, while any meeting of the Combined Authority is open to the public, any person attending may report on the meeting, and publish or disseminate the recording at the time of the meeting or after the meeting.

29.2 The Chair may decide not to permit oral reporting or oral commentary of the meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

29.3 Where the public is excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:

- which can be used without that person's presence, and
- which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.

29.4 Any meeting of the Combined Authority may be recorded and made available for public viewing on the internet. The Chair may restrict the recording of any meeting where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

30. General Disturbance

30.1 If a general disturbance makes orderly business impossible, the Chair may:

- adjourn the meeting for as long as the Chair thinks necessary, or
- call for any part of the meeting room open to the public to be cleared, if the disturbance is in that part.

30.2 If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If they continue to interrupt, the Chair may order them to be removed from the meeting room.

31. Members

31.1 If the Chair considers at any meeting that a Member is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion. If the member continues to behave in the same way, the Chair may:

- adjourn the meeting for a specified period, or

- move that the Member leaves the meeting (such a motion will be voted on without seconding or discussion).

32. Minutes

- 32.1 Minutes of a meeting shall be recorded on loose leaves consecutively numbered.
- 32.2 The minutes of a meeting must be signed at the same or next suitable meeting³⁸ by the person presiding at that meeting, and the person signing the minutes shall also initial each leaf of the minutes.
- 32.3 No discussion shall take place upon the minutes except about their accuracy.

33. Members' Conduct

- 33.1 A Combined Authority Member or voting Co-optee shall comply with the Members' Code of Conduct in Part 5 of the Constitution, including those provisions relating to registering and disclosing disclosable pecuniary and other interests.
- 33.2 Where a such Member has a disclosable pecuniary interest in a matter to be considered at a meeting, the Member may attend the meeting to:
- make representations,
 - answer questions, or
 - give evidence relating to the matter.

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

- 33.3 As soon as the Member has finished, they must leave the room. The Member may not remain in the room during the discussion or vote on the matter.

4.2 - Access to Information Rule

Rights to attend meetings, inspect documents and record proceedings.

Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Combined Authority include meetings of any ordinary or statutory committee or sub-committee appointed by the Combined Authority.

These provisions do not affect any other rights to information arising under any standing orders of the Combined Authority, or by law.

1. Public Access to a Combined Authority Meeting

- 1.1 Any meeting of the Combined Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

A Confidential Information

- 1.2 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

- 1.3 Confidential information means:

- information given to the Combined Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

B Exempt Information

- 1.4 The Combined Authority may resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.
- 1.5 Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

Description
Paragraph 1: Information relating to any individual .
Paragraph 2: Information which is likely to reveal the identity of an individual .
Paragraph 3: Information relating to the financial or business affairs of any particular person (including the Combined Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
Paragraph 4: Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Combined Authority or a Minister of the Crown and employees of, or officer-holders under the Combined Authority.
Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings .
Paragraph 6: Information which reveals that the Combined Authority proposes: <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or • to make an order or direction under any enactment.
Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime .

1.6 (NOT USED)

1.7 Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

1.8 A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies,
- state the description of the exempt information giving rise to the exclusion of the public, and
- confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

C General Disturbance

1.9 Procedure Standing Order 26 in Part 4 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

2. Public Access to Agenda and Reports of a Combined Authority Meeting

2.1 The Monitoring Officer shall make the following open to public inspection, at the offices of the Combined Authority³, in accordance with the Combined Authority's Procedure Standing Orders in Part 4 of the Constitution:

- copies of the **agenda** for a meeting of the Combined Authority, and
- copies of any **report** for the meeting open to the public.

3. Public Access to Copies at a Combined Authority Meeting

3.1 The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of:

- the **agenda**, and
- those **reports** open to the public.

4. Public Access to Documents After a Combined Authority Meeting

4.1 The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:

- the **minutes** of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
- a **written summary** of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
- the **agenda** for the meeting, and
- **reports** relating to items when the meeting was open to the public.

5. Public Access to Background Papers to a Combined Authority Meeting Report

5.1 The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:

- disclose any facts or matters on which the report or an important part of the report is based, and
- have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or
- papers which disclose exempt or confidential information.

5.2 The Monitoring Officer will make available any **background documents** listed on the Combined Authority's website at the same time as the report is available for public inspection and make a **copy** of each available to the public at the offices of the Combined Authority, on payment of a reasonable fee.

- 5.3 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.
- 5.4 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

6. Reporting and Recording a Combined Authority Meeting

- 6.1 The Combined Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.
- 6.2 A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- 6.3 Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 6.4 Any person reporting on a meeting is expected to comply with the attached Code of Practice.
- 6.5 Meetings of the Combined Authority may be recorded and made available for public viewing on the internet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

7. Forward Plan: Non-Mayoral and Mayoral General Functions

A Definition of a Key Decision

- 7.1 A Key Decision means a decision of a decision maker, which in the view of an overview and scrutiny committee of the Combined Authority is likely:
- (i) 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
 - (ii) 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.
- 7.2 For the purposes of (i) above, this includes any decision likely to result in the Combined Authority incurring expenditure or making savings (including the receipt or loss of income) of **£1 million or more in any financial year**.

(a) to approve or vary:

- the Hull and East Yorkshire Investment Strategy,
- the Adult Education Budget Strategy,
- the Combined Authority's budget, or

(b) to jointly approve, vary, revoke or postpone an **advanced quality partnership scheme**,

(c) to jointly make, vary or revoke an **enhanced partnership plan**,

(d) to jointly make, postpone or revoke an **enhanced partnership scheme**,

(e) to jointly approve, vary or revoke an **advanced ticketing scheme**,

(f) to jointly make, vary or terminate a **voluntary partnership agreement**

(g) to set the **Transport Levy**,

(h) to consent to regulations relating to:

- a Sub-National Transport Body,
- a levy in relation to functions other than transport, or
- borrowing, or

(i) to exercise a function relating to a **road user charging scheme**.

(j) In respect of Non-Mayoral Functions, a decision-maker is the Combined Authority or any decision-making committee or officer taking a decision under authority delegated from the Combined Authority. In respect of Mayoral General Functions, a decision maker is the Mayor, or (under arrangements made by the Mayor), the Deputy Mayor, another Combined Authority Member or an officer.

(k) All programmes and schemes require approval from the Combined Authority at least once in their lifetime. At the point where the project goes to the Combined Authority for approval, the decision should be treated as a Key Decision, where projected scheme expenditure/savings as a whole are anticipated to be £1 million or more (or the scheme is otherwise significant) – whether or not the amount which the Combined Authority is actually committing at decision point 2 is less than the £1 million threshold. The following will also constitute a Key Decision:

- At a future key decision point if an increase in costs takes it above the £1m threshold, when previously it was below that threshold.
- At a future key decision point if the project has substantively changed. That is, a substantive change in scope or the change would result in an increase or decrease in scheme costs by £1m or over.
- Further to the above, at Decision Point 4 where more than 12 months have elapsed since the previous Key Decision.
- the Mayor's budget in relation to Mayoral General Functions.

7.4 For the purposes of (i) and (ii) above, the following shall **not** be treated as a Key Decision:

- any decision which is a direct consequence of implementing a previous Key Decision,
- any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny,
- committee following a call-in of that decision,
- a Treasury Management decision in relation to the making, payment or taking out of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined Authority is a party.
- any decision relating to the acceptance of funding

B Notice Provisions

7.5 Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

- that a **Key Decision is to be made** in relation to the discharge of functions which are the Combined Authority's responsibility,
- the **matter** in respect of which the decision is to be made,
- the **decision maker's name and title** if any,
- the **date** on which, or the period within which, the decision is to be made,
- a **list of documents** submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- the **address** from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
- **that other documents** relevant to those matters **may be submitted** to the decision maker, and
- the **procedure** for requesting details of those documents (if any) as they become available.

7.6 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).

7.7 Where in relation to any matter:

- 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
- documents relating to the decision need not (because of confidential information¹⁵) be disclosed to the public,

the notice must contain particulars of the matter but may not contain any confidential information or exempt information.

C General Exception

7.8 Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- where the Monitoring Office has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
- where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined Authority's offices, and

7.9 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).

7.10 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

D Cases of Special Urgency

7.11 Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained **agreement from the Chair of any relevant overview and scrutiny committee** that the making of the Key Decision is urgent and cannot reasonably be deferred.

- where the Monitoring Officer has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
- where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined Authority's Offices

- 7.12 The Order provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery - see further Section 2.1 Table B (Non-Mayoral Functions) and Section 3.1.1 Table D in Part 3 of the Constitution.
- 7.13 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer has complied with 7.8, they must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made. To facilitate this, and to promote transparency, the Combined Authority will publish a notice of the request for Statutory Consent (Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

8. **Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions**

- 8.1 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).
- under a specific **express authorisation**, or
 - under the **Officer Delegation Scheme** where the effect of the decision is to:
 - (a) grant a **permission** or **licence**,
 - (b) affect the **rights of an individual**, or
 - (c) award a **contract** or **incur expenditure** which, in either case, **materially affects the Combined Authority's financial position**.
- 8.2 For the purposes of (c) above, any award of a contract or expenditure of **£1 million or over** will be deemed to materially affect the Combined Authority's financial position.
- 8.3 An Officer must also record and publish any **Key Decision** they make, whether or not it is outside the criteria set out above
- where the Monitoring Officer has **informed the Chair of any relevant overview and scrutiny committee by notice** in writing of the matter about which the decision is to be made,
 - where the Monitoring Officer has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined record and publish,
 - after **five clear days** have elapsed following the day on which the Monitoring Officer made the copy of the notice available.

- 8.4 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer has complied with 7.8, they must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.
- 8.5 As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4, the Monitoring Officer shall make any written record and any background papers available for inspection by the public:
- at all reasonable hours, at the offices of the Combined Authority,
 - by such other means that the Combined Authority considers appropriate.
- 8.6 On request the Monitoring Officer will provide:
- a copy of the written record, and
 - a copy of any background papers.
- 8.7 The Combined Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.

9. Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)

- 9.1 Where a decision has been taken outside of a Combined Authority meeting:
- any **Key Decision** taken by the Mayor or a Combined Authority Member acting on the Mayor's behalf will be recorded and published on the Combined Authority's website, together with a copy of the written report considered in respect of the decision, and
 - any decision taken by an Officer will be recorded as a **written record** of their decision in accordance with the Access to Information Rule 8 above

Press Access to a Combined Authority Meeting

- 1.1 The Monitoring Officer shall supply on request for any newspaper:
- a copy of the **agenda** and those **reports** open to the public,
 - any **further statements** necessary to indicate the nature of the items on the agenda, and
 - if the Monitoring Officer thinks fit, copies of **any other documents supplied to** Combined Authority Members in connection with the item.
- 1.2 Procedure Standing Order 25 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

- 1.3. The Freedom of Information Act 2000 ('FOIA') and Environmental Information Regulations 2004 ('EIR') apply to the Combined Authority, which therefore publishes information under a Publication Scheme²⁵. The Scheme specifies:
- the **classes of information** which the Combined Authority publishes or intends to publish,
 - **how** information in each class is, or is intended to be, published, and whether the material is, or is intended to be, available to the public **free of charge** or on **payment**.
- 1.4. The public also has a general right of access to information held by the Combined Authority, but this is subject to exemptions²⁶.
- 1.5. A request for information must be submitted to and dealt with by the Monitoring Officer
- 1.6. A request for information under the FOIA must:
- be in writing
 - state the name of the applicant
 - state an address for correspondence, and
 - describe the information requested.
- 1.7. A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.
- 1.8. The Combined Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
- spending and expenditure including grants,
 - procurement information including contracts,
 - organisation chart detailing senior management personnel, and
 - land and assets.
- 1.9. As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4 b, the Monitoring Officer shall make any written record and any background papers available for inspection by the public:
- 1. General**
- 1.1. Any Member of the Combined Authority is entitled to inspect any document which:
- is in the possession of or under the control of the Combined Authority, and
- 1.3. Unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), **other than** the following (which will be open for inspection by members):

(a) Information relating to the financial or business affairs of any particular person including the Combined Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined Authority in the course of negotiations for a contract), or

(b) Information which reveals that the Combined Authority proposes:

- to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
- to make an order or direction under any enactment.

1.4. These rights are in addition to any other rights the Member may have (such as those arising from a member's need to know at common law).

1.5 The accounts of the Combined Authority shall be open to the inspection of any Member and any such Member may make a copy of or extract from the accounts.

2. Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee

2.1 Any document must be provided as soon as reasonably practicable and, in any case, no later than 10 clear days after the Monitoring Officer receives the request.

- if the Monitoring Officer thinks fit, copies of **any other documents supplied to** Combined Authority Members in connection with the item., unless that information is relevant to:
- an action or decision that the member is reviewing or scrutinising, or
- any review contained in any programme of work of the committee or sub-committee.

2.2 Where the Monitoring Officer determines that a Member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

List of Members

1.1 The Monitoring Officer will publish a list stating the name and address of all current Members of the Combined Authority and the Constituent Council they represent.

1.2 A member of the public may inspect the list.

1.3 The Mayor must publish the following specified information:

Information	Timing of publication
The Mayor's name	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
The Mayor's correspondence address	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
The Mayor's salary	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
Any allowances paid to the Mayor in respect of expenses	Quarterly, as soon as practicable after the end of the quarter to which it relates.
A register of the Mayor's interests , including paid employment or officer or other pecuniary interests	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.
The number of complaints or conduct matters brought to the Mayor's attention by the Police and Crime Panel	As soon as practicable after the end of the financial year to which it relates.
The number of members of staff	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
The proportion of the staff who: <ul style="list-style-type: none"> • are women, • are, to the knowledge of the Combined Authority, members of an ethnic minority, • have, to the knowledge of the Combined Authority, a disability 	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
An organisational chart showing the structure of the staff	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
The job title, responsibilities, and salary of each senior employee and the name of the senior employee	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.

Information	Timing of publication
The total budget	Before the beginning of the financial year to which it relates.
Information as to proposed expenditure	Before the beginning of the financial year to which it relates.
A copy of the annual investment strategy	Before the beginning of the financial year to which it relates.
Information as to each item of expenditure of the Mayor exceeding £500 including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor considered that good value for money would be obtained	Each month, as soon as practicable after the end of the month to which it relates.
Information as to each item of expenditure of the Mayor in relation to travel by, accommodation for, or the subsistence of, a relevant office holder, including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor considered that good value for money would be obtained	Quarterly, as soon as practicable after the end of the quarter to which it relates.
The identity of any premises or land owned by the Combined Authority occupied for the purpose of, the Mayor	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A87 copy of each contract with a value exceeding £5,000 to which the Mayor is or is to be a party	As soon as practicable after it becomes available to the Mayor.
A copy of each invitation to tender issued by the Mayor in relation to a contract which the Mayor expects will have a value exceeding £5,000	As soon as practicable after it becomes available to the Mayor.
The date, time, and place of each public meeting to be held by the Mayor	As soon as practicable after it becomes available to the Mayor.
A copy of the agenda for each public meeting held by the Mayor, and any report or other document that is the subject matter of an item on the agenda	
A copy of the minutes of meeting held by the Mayor	

Information	Timing of publication
A statement of the policy of the Mayor in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
A statement of the policy of the Mayor in relation to records management , including procedures for the security and sharing of information and the retention and destruction of documents	
A statement of the policy of the Mayor in relation to the handling of qualifying disclosures	

4.3 - Code of Practice for Recording Meetings

1. Recording by the Public

The right to record meetings are set out in Procedure Standing Order 23, and the Access to Information Rules in Part 4 of the Constitution. This Code of Practice supplements those provisions.

The right to record extends only to formal meetings of the Combined Authority, and its committees or sub-committees which are open to the public.

Recording in this context includes filming, photographing and making an audio recording.

No recordings should be made or published in breach of this Code of Practice.

The agenda for each meeting will state that that the meeting may be recorded. We will also display signs in the meeting room stating that the meeting may be recorded.

Please inform the Chair of the meeting **before** the meeting starts if you do not want to be recorded. The Chair will inform any person recording the meeting that you do not wish to be recorded.

If you record a meeting, you must comply with the following: **Before the meeting**

Before the meeting starts, please inform the Chair (or clerk) of the committee that you want to record the meeting.

To minimise disruption, and ensure a safe environment, you must also ask the Chair's **permission** before the meeting if you wish to:

- use **large equipment** (that is, **larger** than a smart phone, tablet or compact camera)
- **move** around the room or film from different angles or
- use **lighting** for filming/**flash** photography.

Making your recording

You should record **overtly** (that is, in a way which is clearly visible to others at the meeting).

You must record from the **public seating area** and from **one fixed position**, (unless you have the Chair's permission to do otherwise).

Do not block other people's view of proceedings with your recording device.

Please put your recording device on **silent mode**.

You should **focus** recording on:

- members and officers attending the meeting, and
- any other people invited to address the meeting, who have not objected to being filmed.

Do not record any member of the public who has asked not to be recorded.

Do not record any child or young person present under the age of 18 unless their parents/guardians have given you written consent.

Stopping recording

You must stop recording if the Chair instructs you to.

Publishing recordings

You must comply with all relevant laws when recording reporting and publishing, including those relating to libel and defamation.

The Combined Authority will not be liable for recordings or reports made or published by you or any other person.

When you publish a recording, please publish an **explanatory statement** identifying:

- **when and where** the recording was made,
- the **context** of the discussion,
- the **main speakers** and their **role or title**.

Do not edit the recording in a way that could:

- lead anyone to misinterpret the proceedings or comments recorded,
- misrepresent anyone in the recording, or
- show a lack of respect for anyone in the recording.

Recordings may start and end at any point of a meeting, but you should publish the material between those points without editing it, or alternatively, make it clear when breaks in recordings occur.

2. Combined Authority Recording of Meetings

Details of recording and webcasting activities carried out by the Combined Authority will be made available on meeting agendas and notices displayed at each meeting. Data collected as part of recording activities carried out by the Combined Authority will be processed in accordance with the Combined Authority's privacy notice.

4.4 - Mayoral Rules

1. Introduction

1.1 Scope

These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.

1.2 Decision-Making Principles

The decision-maker must make decisions in accordance with the principles set out in Article 13 (Decision-making) in Part 2 of the Constitution.

1.3 Advice from Statutory Officers

In relation to a Key Decision or any decision of significant public interest, the decision-maker may make a decision only after considering a **written report** setting out advice from the Section 73 Chief Finance Officer and the Monitoring Officer.

1.4 Conflict of Interest Provisions

The decision-maker must comply with any applicable Code or Protocol set out in Part 5 of the Constitution, including the relevant Code of Conduct.

2. Mayoral General Functions

2.1 Key Decisions

The decision-maker must give **notice of any Key Decision** on the Forward Plan, in accordance with the Access to Information Rules in Part 4 of the Constitution, subject to the general exception and cases of special urgency provisions.

Where the decision-maker is the Mayor the Key Decision must be taken **at a meeting of the Combined Authority**, unless the decision-maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot be deferred.

2.2 Statutory Consent Requests for Mayoral General Functions

A Statutory Consent is required in relation to the exercise of Mayoral General Functions as follows:

- where the function is a **Function** conferred by the Order which requires the Statutory Consent of a Constituent Council Combined Authority Lead Member (or Substitute Member), or
- any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Constituent Council Combined Authority Lead Member appointed by that Constituent Council (or Substitute Member).

Where a Statutory Consent is required, the Statutory Consent Request should be sought at a meeting of the Combined Authority.

The Mayor must seek any Statutory Consent Request in a timely way. To facilitate this and to promote transparency, the Mayor should publish a notice of the Statutory Consent Request (a Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the meeting of the Combined Authority at which the Statutory Consent Request will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

Any Statutory Consent given will be **recorded in the minutes** of the next available meeting following its issue by the relevant Constituent Council.

2.3 Other Decisions

The decision-maker may take any decision which is not a Key Decision nor a Statutory Consent Request outside of a meeting of the Combined Authority, subject to the requirements below in relation to recording and publishing decisions.

2.4 Recording and Publishing Decisions

A decision-maker must record and publish any decision in respect of a Mayoral General Function in accordance with the Access to Information Rules in Part 4 of the Constitution.

4.5 - Budget and Policy Rules

1. General

These rules reflect specific statutory requirements relating to the approval of budgets and policies by the Combined Authority and the Mayor, or other decision-makers on their behalf.

Decision-makers should consider whether any **consultation** is required in respect of their proposals, in addition to the statutory requirements specified in these rules.

Decision-makers should also engage with a Combined Authority **Overview and Scrutiny Committee** (and any other committee of the Combined Authority) as appropriate in the development and scrutiny of proposals.

When approving budgets or policies, decision-makers must comply with the provisions relating to **Key Decisions** in the Access to Information Rules in Part 4 of the Constitution.

2. Mayor's Budget

The Mayor must prepare a draft budget for the Mayoral Functions by 1 February. The draft budget must:

- set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and

- include the relevant amounts and calculations.

If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations for the financial year. The decision must be made by a minimum 2/3 majority of the Combined Authority Members present and voting. The Combined Authority must review any draft budget presented by the Mayor and may make a report on the draft budget to the Mayor. The Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting.

The Mayor's draft budget shall be deemed to be approved by the Mayor, unless the Combined Authority makes such report by 8 February.

Any report made by the Combined Authority:

- must set out whether or not the Combined Authority would approve the draft budget in its current form, and
- may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.

Where the Combined Authority has made a report, it must specify a period of at least five working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may:

- decide whether or not to make any revisions to the draft budget, and
- notify the Combined Authority of the reasons for that decision and, where revisions are made, the revised budget.

Where any specified period has expired, the Combined Authority must decide (taking into account the reasons given by the Mayor) whether to:

- approve the Mayor's draft budget, or the revised draft budget; the Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting, or
- veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor; this decision must be made by a 3/4 majority of the Combined Authority Members present and voting.

The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined Authority's report.

3. Approval of Policies - Non-Mayoral Functions

The Combined Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined Authority by the Order, approval of that policy requires the support of the Mayor.

Approving the Hull and East Yorkshire Investment Strategy is a Non-Mayoral Function. However, no spending commitments beyond an initial five-year allocation may be made until the Mayor has agreed the HEYIS.

4. Approval of Policies - Mayoral Functions

Preparing and reviewing a **Local Transport Plan** is a Mayoral Function, (that is, exercisable only by the Mayor), subject to paragraph 18 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.

In preparing and keeping the Local Transport Plan under review, the Mayor must consult:

- each local traffic authority for the Combined Authority's Area,
- the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
- each Constituent Council.

In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate:

- operators of any network or station, or of any railway services in the Combined Authority's Area,
- operators or providers of other transport services in the Combined Authority's Area, or representative organisations,
- organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined Authority's Area, and
- other persons whom they consider appropriate.

By majority vote (including at least three members in favour), the Combined Authority may amend any Local Transport Plan made by the Mayor. The Combined Authority must have regard to any relevant statutory guidance when discharging this function.

As soon as practicable when a new Local Transport Plan has been prepared or an existing Plan reviewed or altered, the Mayor must:

- publish the Local Transport Plan and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
- cause a copy of the Local Transport Plan to be made available for inspection and give public notice of this,
- supply a copy to any person on request.

The Mayor will approve **any other policy** in relation to Mayoral Functions, unless authority to do this has been delegated under the Mayor's arrangements.

4.6 - Scrutiny Standing Orders

1. Membership

Members of the overview and scrutiny committee are appointed in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

In appointing members to the overview and scrutiny committee, the Combined Authority will have regard to any nominations made by the Constituent Councils and ensure that the members of the committee nominated by the Constituent Councils reflect, as far as is reasonably practicable, the balance of political parties across Hull and East Yorkshire.

The Combined Authority may appoint a **substitute member** (to be known as a "deputy" or "deputy member") for each member of overview and scrutiny committee, from the same party and Council as the member, to act in the absence of that member at a meeting of the committee.

A deputy member may only act in the absence of a member for whom they are the designated substitute or a member from the same political party and Council, and where the member will be absent for the whole of the meeting.

A deputy member may not exercise any special powers or duties exercisable by the member for whom they are substituting but may be appointed to a working group or be assigned scrutiny duties by the scrutiny committee in their own right

Neither the Mayor nor any other Combined Authority Member (or Substitute Member), a member of any decision-making committee or any Executive Member of a Constituent Council may be a member of the overview and scrutiny committee.

2. Voting

Each member of the overview and scrutiny committee appointed from a Constituent Council has one vote.

All matters coming before a committee meeting shall be decided by a simple majority of the members present and voting on the question, in accordance with the Procedure Standing Orders.

No member of the committee has a casting vote.

If a vote is tied on any matter, it is deemed not to be carried.

3. Chair and Vice Chair(s)

The Combined Authority will appoint the Chair of the overview and scrutiny committee, in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

Where the Combined Authority does not appoint the Chair of the overview and scrutiny committee, the committee may appoint its own Chair.

The committee may appoint up to two Vice Chairs, in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

The Chair(s) and Vice Chair(s) of any sub-committee will be appointed by the appointing overview and scrutiny committee.

A Vice Chair may exercise any of the powers and duties of the Chair of the overview and scrutiny committee in their absence, as directed by the Chair.

In the absence (or vacancy) of both the appointed Chair and Vice Chair(s) at a committee meeting, the overview and scrutiny committee may select any member present to chair that meeting.

4. Conflicts of Interest

No member of the committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

Such a member may only attend the overview and scrutiny committee or sub-committee to:

- make representations,
- answer questions, or
- give evidence about the decision.

This does not prevent any such member being counted in the quorum of the meeting.

5. Quorum

At least two-thirds of the total number of members of the overview and scrutiny committee must be present at a meeting for business to be transacted.

The committee may delay the start of a meeting for up to 15 minutes beyond the scheduled time to allow for quorum to be met. If the meeting is still not quorate after that time, the meeting must be cancelled, rescheduled or held as an informal discussion session.

Business includes:

- Approving minutes.
- Approving reports and recommendations
- Appointment of working groups, sub-committees, chairs and vice chairs.

6. Working Groups

The overview and scrutiny committee may appoint a temporary or permanent working group to contribute to and inform the scrutiny process, including by making recommendations.

7. Work Programme and referral of matters to the Overview and Scrutiny Committee

- 7.1 The committee will set its own work programme in accordance with its Terms of Reference.
- 7.2 The Combined Authority, any of its committees or the Mayor may ask the committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Chair or Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
- 7.3 The following matters may be referred to the overview and scrutiny committee:
- (a) a member of the committee may refer to it any matter which is relevant to the functions of the committee,
 - (b) a Combined Authority Member or member of any Combined Authority committee may refer to the overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and
 - (c) any member of a Constituent Council may refer to the committee any matter which is relevant to the functions of the committee and is not an excluded matter.
- 7.4 Where a matter is referred to the committee by any member under Standing Order 7.3 (b) or (c) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.
- 7.5 The committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 7.3 (b) or (c) above.

8. Meetings

- 8.1 The overview and scrutiny committee will schedule regular committee meetings and meet as often as required to effectively discharge its functions.
- 8.2 An extraordinary meeting of the committee may be called by:
- the Chair of the committee, or
 - one third of the total number of members of the committee including at least one member from each Constituent Council.

9. Attendees

- 9.1 The overview and scrutiny committee may require the Mayor, any other Combined Authority Member or an officer of the Combined Authority to attend before it to

answer questions or to provide information and submit reports about any matter within its terms of reference.

- 9.2 Where a committee requires the Mayor or any other Combined Authority Member or officer to attend, the Scrutiny Officer shall inform that person or their office in writing giving at least five clear working days' notice of the meeting. The notice will state:
- the date of the meeting they are required to attend,
 - the nature of the item, and
 - whether they must produce any papers or information for the committee,
 - which officers may also attend.
- 9.3 The Mayor, any other Combined Authority Member, or officer must comply with any reasonable notice they are given. ⁵
- 9.4 Where, in exceptional circumstances, the person is unable to attend on the required date, the Scrutiny Officer shall consult with the person to arrange an alternative date.
- 9.5 The committee may invite any other person to attend any meeting to:
- address it,
 - provide information and submit reports,
 - discuss issues of local concern, and/or
 - ask and answer questions.
- 9.6 Each member of the committee will be given the opportunity to ask attendees questions, contribute and speak.
- 9.7 Attendees assisting the committee must be treated with respect and courtesy.

10. Reports and Recommendations

- 10.1 The overview and scrutiny committee may make reports or recommendations to any decision-maker including the Combined Authority, the Mayor, any decision-making committee or decision-making officer.
- 10.2 If the committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report by the dissenting members present, if they number at least one-third of the total number of voting members appointed from the Constituent Councils.
- 10.3 The committee may publish any report, statement or recommendations, subject to Standing Order 12, according to its own processes.
- 10.4 Where in the opinion of the committee, any report or recommendation is of particular significance to any Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the scrutiny committee which made the report or recommendation.

11. Notice

- 11.1 The overview and scrutiny committee may, by notice, require the decision-maker in question within two months of receiving any report or recommendations or (if later) the notice, to:
- consider the report or recommendations,
 - respond to the committee indicating what (if any) action they propose to take,
 - publish the response, if the committee has published the report or recommendations, subject to Standing Order 12 below.
- 11.2 A decision-maker must respond to a report, or recommendations made by the committee, within two months beginning with the date on which they received the notice, and subject to Standing Order 12 below.

12. Publishing a Document: Confidential and Exempt Information

- 12.1 Standing Order 12.2 applies to the publication of any document comprising a report or recommendations of the overview and scrutiny committee, or a response of a decision-maker to any such report or recommendations.
- 12.2 In publishing the document, the committee or decision-maker must exclude any confidential information and may exclude any relevant exempt information, see further the Access to Information Rules in Part 4 of the Constitution.
- 12.3 When providing a copy of a document, the committee or decision-maker may exclude any confidential information or relevant exempt information.
- 12.4 Where information is excluded, the committee or decision-maker:
- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

13. Call-In of Decisions

- 13.2 The following decisions may be called-in for scrutiny:
- any decision of the Combined Authority or of any decision-making committee of the Combined Authority, and
 - any Key Decision taken by the Mayor, other Combined Authority Member (on behalf of the Mayor) or an officer.

With the exception of:

- any decision which the decision-maker has resolved is urgent
- any decision relating to approving or amending governance arrangements.

- 13.2 **One-third of the total voting members of the overview and scrutiny committee** to include **at least one member from each of the two Constituent Councils** may call-in a decision eligible for call-in by submitting a completed and signed “**call-in pro forma**” to the Scrutiny Officer by midday 12.00 pm on the **fifth clear working day** following publication under Standing Order 13.3 or 13.4.
- 13.3 The Monitoring Officer shall publish details of any decision taken at a meeting of **the Combined Authority or committee** eligible for call-in within **two clear working days** of a meeting.
- 13.4 Any other **Key Decision taken by the Mayor, a Combined Authority Member** (on behalf of the Mayor) **or taken by an officer** will be published as a written record within **two clear working days** of the decision being made, see further Article 13 (Decision Making) in Part 2, and the Access to Information Rules in Part 4 of the Constitution.

14. Implementing and Scrutinising Decisions which are Eligible for Call-In

- 14.1 An urgent decision may be implemented immediately.
- 14.2 Any other decision of the Combined Authority or a committee, or Key Decision taken by the Mayor, any other Combined Authority Member (on behalf of the Mayor) or an officer may be implemented only after **midday 12.00 pm** of the **sixth clear working day** after the publication of the decision, unless it is called-in.
- 14.3 On receipt of a call-in request, the Scrutiny Officer shall notify the Chair of the overview and scrutiny committee and the decision-maker of the call-in.
- 14.4 Where a decision is called-in, the Chair of the overview and scrutiny committee may direct that the decision is not to be implemented while it is under review or scrutiny by the committee, for a period not exceeding 10 working days from the date on which the direction is issued. The Monitoring Officer may extend this period in exceptional circumstances in the interests of fairness in coordination with the committee and decision-maker.
- 14.5 The committee must scrutinise the decision within 10 working days of the Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if different. The Monitoring Officer may extend this period in exceptional circumstances in the interests of fairness in coordination with the committee and decision-maker.
- 14.6 Members who have submitted a call-in notice must attend, or nominate a representative to attend, the meeting scrutinising the decision which has been called-in.
- 14.7 Where the committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 14.8 below.

- 14.8 The Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the committee within **two clear working days** of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.
- 14.9 The decision-maker must reconsider any decision not later than 10 working days after the date on which the recommendations of the committee are received.
- 14.10 The Chair of the committee or any other members nominated to do so and, where applicable, a representative of the dissenting members who have appended a “minority report” must attend any meeting which is reconsidering the decision, to present the report or recommendations
- 14.11 The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 12.
- 14.12 A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

15. Guidance of the Secretary of State

- 15.1 The Combined Authority and the committee must have regard to any guidance issued by the Secretary of State.

16. Statutory Scrutiny Officer

- 16.1 Any references in these Standing Orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority, see further Article 12 (Officers) at Part 2 of this Constitution.
- 16.2 The statutory functions of the Scrutiny Officer are:
- to promote the role of the overview and scrutiny committee,
 - to provide support and guidance to the committee and its members, and
 - to provide support and guidance to members and officers of the Combined Authority in relation to the functions of the committee.

17. Additional Rights of Access to Documents

- 17.1 Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Rules in Part 4 of the Constitution.
- 17.2 The Chair or in their absence, a Vice Chair of the committee, shall have a standing invitation to attend meetings of the Combined Authority as a non-voting observer.

18. Public Notice of Proposed Key Decisions

- 18.1 Provisions relating to the public notice of proposed Key Decisions are set out in the Access to Information Rules in Part 4 of the Constitution.

19. Interpretation

- 19.1 The Chair, or acting chair, of the overview and scrutiny committee meeting shall make any final decision at that meeting about:
- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
 - any question of procedure not explicitly provided for by the Scrutiny Standing Orders.
- 19.2 The Monitoring Officer shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee meeting or any question of procedure not explicitly provided for by the Scrutiny Standing Orders.

4.7 - Contract Standing Orders

Definitions and Principles

1. Introduction

- 1.1 In the Contracts Standing Orders these definitions shall apply:
 - 1.1.1 “Budget Holder” and “Budget Controller” have the meanings set out in the Financial Regulations of Hull and East Yorkshire Combined Authority.
 - 1.1.2 “Combined Authority” means Hull and East Yorkshire Combined Authority.
 - 1.1.3 “Chief Finance Officer” means the S. 73 Officer for the time being of the Combined Authority
 - 1.1.4 “Director” means any Director of the Combined Authority and includes the Chief Executive and Monitoring Officer.
- 1.2 The principles of Contracts Standing Orders are:
 - 1.2.1 To guide and protect the Combined Authority, its Directors and other officers involved in the procurement and award of contracts;
 - 1.2.2 To demonstrate that the Combined Authority is obtaining value for money in the award of contracts and best value under S. 3 Local Government Act 1999;
 - 1.2.3 To provide the means of securing competition in the advertising of tenders and award of contracts;
 - 1.2.4 To ensure equality and transparency and prevent allegations of corruption in the award of contracts; and
 - 1.2.5 To ensure compliance with legislation and regulations and the adoption of best practice.
- 1.3 These Contracts Standing Orders govern the Combined Authority’s rules and procedures for the advertisement, evaluation and award of contracts. These Standing Orders exclude grants and funding agreements.

2. Compliance with Standing Orders and Legislation

- 2.1 Every contract made by or on behalf of the Combined Authority and all procedures relating to them shall comply with these Contracts Standing Orders and the Financial Regulations. The only permissible exceptions are:
 - 2.1.1 Contracts procured through either constituent Council which have been novated or otherwise transferred to the Combined Authority.
 - 2.1.2 Exceptions in accordance with Standing Order 14.

- 2.2 Any subsidiary company of the Combined Authority shall be required to adopt the provisions of these Contracts Standing Orders insofar as they are not inconsistent with, or in conflict with, any provisions of the Companies Act and regulations made under that Act or the Articles of Association of that Company.
- 2.3 No contract for goods, services or works shall be granted to any:
- 2.3.1 current employee
 - 2.3.2 close relative of any current employee
 - 2.3.3 ex-employee of the Combined Authority within two years of leaving without the written approval of the Monitoring Officer.
- 2.4 All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the Monitoring Officer in accordance with the Officers' Code of Conduct. Contracts must be awarded on merit, by fair competition against other tenders with pre-set evaluation criteria and no special favour shall be shown to any businesses or bidding organisations.
- 2.5 Officers who engage or supervise contracts must declare any interest or relationship in accordance with the procedures set out under the Officers' Code of Conduct and the Declaration of Interest process.
- 2.6 All officers must take all necessary precautions to safeguard the Combined Authority, its staff and themselves against allegations that any person, business or organisation has been unduly favoured.
- 2.7 It shall be a guiding principle, when any officer is making a determination under this part of Standing Orders, that in making such determination they have regard to the need to demonstrate that the Combined Authority will obtain value for money and that reasonable steps are taken to ensure that no supplier or potential supplier is treated unfairly in the selection process and that a written record of each determination and the reasons for making it is kept on a file maintained by an officer for that purpose or on any purchase ordering system in use for that purpose by the Combined Authority.

UK Legislation

- 2.8 These Contracts Standing Orders shall be subject to any procedures that may apply pursuant to the Procurement Act 2023 and by reason of the United Kingdom's membership of the World Trade Organisation and if any conflict with Contracts Standing Orders arises, the Procurement Act 2023 shall prevail.
- 2.9 A contract, or series of contracts, the aggregate amount or value of which (including VAT) exceeds the financial thresholds set by the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023 ("the Regulations"), shall be let only in accordance with the requirements of the Procurement Act 2023. The Monitoring Officer shall notify all Budget Holders and Budget Controllers of any changes in the financial thresholds.
- 2.10 Contracts, tenders or quotes must never be artificially divided to bring them below the relevant threshold.

- 2.11 As part of the business planning process Budget Holders will with the Chief Executive and Monitoring Officer identify potential new contracts to be let in the following financial year to enable consideration to be given to the need to publish a Pipeline Notice or Planned Procurement Notice on the Central Digital Platform.

Frameworks

- 2.12 National and Regional Framework Contracts (Frameworks) should be considered before undertaking any tender process. Only where a suitable Framework offering value for money cannot be identified should a full tender process be undertaken. Where a Framework offers direct award further competition advice must be taken from the Monitoring Officer prior to the procurement option being selected.

British Standards

- 2.13 Where an appropriate British, EU or International Standard specification or code of practice issued by any such Standards Institution is current at the date of the tender then, unless there is in the opinion of the Budget Controller concerned good and sufficient reason to the contrary, every written contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that standard **provided that** in all cases due consideration will be given to a tender which demonstrates equivalent functionality or performance even though it does not conform to the standard stipulated.

Data protection

- 2.14 Where a contract involves data processing by the contractor on behalf of the Combined Authority, then sufficient due diligence shall be undertaken to ensure that the Combined Authority only uses contractors who provide guarantees to implement appropriate technical and organisational measures in such a manner so as to meet the requirements of the General Data Protection Regulation and protect the rights of individuals.

Works Goods and Services

3. Tendering - Financial Categories

- 3.1 This section applies to **all** contracts except contracts for the acquisition or disposal of interests in land.
- 3.2 For the purpose of determining the tendering procedure, the following financial categories shall apply to all contracts for the execution of works, the supply of goods or the supply of services (whether by or to the Combined Authority) unless a Framework or Central Purchasing Body is being utilised:

Category A	Up to and including £30,000 including VAT
Category B	Over £30,000 up to and including £139,000 including VAT
Category C	Over £139,000 up to and including £1,000,000 including VAT
Category D	Over £1,000,000 including VAT

- 3.3 Categorisation is to be determined on the basis of a proper and reasonable estimated value of the contract and contracts including VAT and must not be

artificially divided or otherwise disaggregated to bring them into a lower value category.

4. Category A Procedures

- 4.1 No minimum number of quotations or tenders is required for this category, although best practice is to obtain more than one quote or as a minimum in order to benchmark the cost. The relevant Budget Holder must be satisfied that they are obtaining value for money and keep a written record of this.

5. Category B Procedures

- 5.1. The Budget Holder must invite at least three written quotations for contracts within this category. Quotations must be submitted via the electronic tender management system unless price lists are held in the purchase ordering system. All procurements above £12,000 must be advertised in the Contracts Finder service.

6. Category C Procedures

- 6.1. The Budget Holder must invite at least three tenders for contracts within this category using the electronic tender management system. Contracts for goods and services within Category C that exceed the Procurement Act thresholds must follow the statutory procedure. All procurements above £139, 000 must be advertised in the Contracts Finder and Find A Tender services.

7. Category D Procedures

- 7.1. The officer responsible must advertise via Contracts Finder and Find a Tender, tenders for all contracts within this category using the electronic tender management system. Engagement with the market, supervised by the Budget Holder, must be undertaken before the tender is issued.
- 7.2 Publication of Category D tenders shall be carried out strictly in accordance with applicable statutory requirements or terms of the Framework being utilised and any Contract Award Notices shall be submitted in accordance with the relevant legislation.

8. Category D Supplementary

- 8.1 A detailed procurement strategy document for each procurement in this Category must be produced and signed off by Budget Holders and the Monitoring Officer. Opportunities will automatically be advertised via Contracts Finder and FTS in this category.
- 8.2 Sufficient time must be allocated to ensure correct processes are followed for Category D procurements

9. Issuing Orders and Contracts

- 9.1. Any orders can only be placed and confirmed by an official Purchase Order on the purchase ordering system. Funds must never be committed verbally, or in writing, without a Purchase Order being issued.
- 9.2. A contract should be created for Category C and Category D in all circumstances. Contracts for other Categories should also be considered if terms and conditions above the standard purchase order terms are required. Advice should be sought from the Monitoring Officer.

10. Waiving Contracts Standing Orders

- 10.1. Contracts Standing Orders should only be waived in exceptional circumstances and only when the conditions set out in the Procurement Act apply. These are:
- 10.1.1 Competition is absent for technical reasons.
 - 10.1.2 The protection of exclusive rights applies, including intellectual property rights
 - 10.1.3 Extreme urgency brought about by unforeseen events: insufficient time and lack of planning are not deemed to be valid reasons.
 - 10.1.4 The contract has been classified as secret by the Chief Executive or by the S73 Officer making the use of a particular contractor essential or by limiting competition to a select list of contractors; use of this criterion will be exceptional.
- 10.2. The Monitoring Officer must be consulted on all waiver requests.
- 10.3. A waiver may only be approved where the criteria in 10.1 can be met and value for money can be demonstrated.
- 10.4. Any waiver must be approved as follows before a Purchase Order is raised:
- Category B: Director
 - Category C: Chief Executive or Director
 - Category D: Chief Executive or Director

11. Tender Criteria and Weighting

- 11.1. In all cases where tenders are invited, the relevant selection and evaluation criteria and weightings shall be agreed between the Budget Holder and the monitoring Officer, and in all cases be clear in the Invitation to Tender.
- 11.2. Social value criteria with a weighting of at least 10% must be included in all Category C and Category D tenders. For each Category C and D contract, the criteria for selection of the successful tenderers shall be only those permitted by the relevant UK legislation, but subject to that, shall be such criteria as may have been specified in the tender documents (eg price, quality, technical merit, social value, aesthetic and functional characteristics, technical assistance, after-sales service delivery date, delivery period and completion date).

- 11.3 Tender evaluation criteria shall be set so that the criteria may be scored on a numerical basis with the intention that the highest score taking all criteria into account will be awarded the tender. Contracts should be awarded on the basis of the most advantageous tender (MAT), taking account of price, quality and social value scoring criteria. Price should not be omitted from the evaluation without the prior approval of the Monitoring Officer and S. 73 Officer.

12. Nominated Sub-Contractors and Suppliers

- 12.1 This Standing Order shall have effect where a sub-contractor or supplier is to be nominated to a main contractor.
- 12.2 The requirements of Contracts Standing Orders Section II shall apply to the procurement of sub-contractors and suppliers who are to be nominated to a main contractor by the Combined Authority.
- 12.3 The terms of any invitation to a sub-contractor or supplier to submit a tender or quotation shall require an undertaking by them that if they are selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against the sub-contractor's or supplier's obligations under the main contract in relation to the work or goods included in the sub-contract unless provision is made to the contrary under the conditions of contract.

13. Duties of Agents

- 13.1 It shall be a condition of the engagement by the Combined Authority of any person (not being an officer of the Combined Authority) to supervise a contract that, in relation to such contract, they shall comply with the requirements of these Standing Orders and Financial Regulations as if they were an officer of the Combined Authority, and also with all other requirements of the officer concerned.

14. Exceptions

- 14.1 This Section II of Contracts Standing Orders shall not apply to:
- 14.1.1 The execution of works or the purchase of goods or materials necessary for urgent maintenance repairs to land, buildings, vehicles or plant to prevent danger to authorised users or the general public or to prevent rapid and progressive deterioration, or to maintain essential or statutory services.
- 14.1.2 Where spend is dictated by the terms of a preceding contract or agreement.
- 14.2 Expenditure incurred shall be recorded and reported in accordance with the requirements for contracts of the relevant Category with Purchase Orders being raised as required.

15. Tendering Procedure

- 15.1 All tendering must be carried out via a secure electronic tender management system operated and managed by the Head of Commercial.

- 15.2 All invitations to tender must contain precise details as to:
- 15.2.1 the information required from the tenderers;
 - 15.2.2 the evaluation criteria and weightings;
 - 15.2.3 a closing date and time;
 - 15.2.4 a statement that a tender that does not contain all the information required **may** not be considered valid;
 - 15.2.5 a statement that a tender which is submitted late **will** not be considered; and
 - 15.2.6 a statement that there is no obligation to accept the lowest price or any tender.
- 15.3 Any tender which is submitted late or submitted outside the electronic tender management system will only be accepted in exceptional circumstances with the approval in writing of the Monitoring Officer.

16. Acceptance of Tenders and Quotations

- 16.1 The Monitoring Officer or a named officer authorised by them must be consulted on any request to approve a contract award in Category C or D.
- 16.2 Any acceptance must be approved as follows, unless the officer named considers that any decision should be escalated to a higher level:
- Category A: Budget Holder or Budget Controller
 - Category B: Budget Controller
 - Category C: Chief Executive or Director
 - Category D: Chief Executive or Director
- 16.3 Contracts shall be awarded to the party that achieves the highest scoring tender.
- 16.4 Where the amount of a tender or a quotation exceeds the expected Category the approvals for the higher Category shall apply. Consideration must be given to the need to readvertise and advice should be sought from the Monitoring Officer.
- 16.5 The acceptance or rejection of a tender by or on behalf of the Combined Authority shall be notified in writing to the organisation submitting the tender by the Budget Holder.

17. NOT USED

18. Equality of Quotations

- 18.1 In any Category A or B contract where there are two or more equal quotations all bidders shall be sent written or electronic invitations in identical terms to submit a revised quotation which will be considered in accordance with these Contracts Standing Orders and Financial Regulations. Should a further tie occur the award of the contract will be determined by the drawing of lots.

19. Records and Notifications

- 19.1 The requirements for keeping records of the details of all quotations, tenders, bids and awards under all categories of contract and the notification of any such information to officers shall be in accordance with the policy approved by the Combined Authority, the Chief Finance Officer and the Monitoring Officer from time to time.
- 19.2 This policy shall be implemented by the Budget Controllers and Budget Holders as appropriate.

20. Compliance

- 20.1 Compliance with these Contracts Standing Orders is a mandatory requirement. Any noncompliance identified will be reported to the Chief Executive and to the Monitoring Officer. Non-compliance may be treated as a disciplinary matter.

Local Bus Services, Education Transport Bus and Tax Services**21. Contracts for Local Bus Services, Education Transport Bus and Taxi Services**

- 21.1 It shall be the responsibility of the officer designated by the Combined Authority as responsible for passenger transport services to identify all local public, social services and education transport requirements in accordance with the policies formulated by the Combined Authority pursuant to its statutory powers and duties.
- 21.2 All procurement of services in accordance with the Combined Authority's said policies shall be in accordance with the procedures set out in the Combined Authority's local and education transport services policy from time to time in force. Copies of these policies of the Combined Authority shall be maintained for public inspection.
- 21.3 All procurement of subsidised services and invitations to tender shall be pursuant to sections 88-91 of the Transport Act 1985 and all associated Regulations.
- 21.4 Invitations to quote or tender shall be issued by the officer referred to in 21.1 and sent to any persons that have indicated in writing or electronically that they wish to receive such invitations to quote or tender.
- 21.5 Invitations to quote or tender shall contain the following documents, information and requirements in every case:
- 21.5.1 the identity of the party requesting the invitation;
 - 21.5.2 the Combined Authority's Instructions to bidders including a closing date and time;
 - 21.5.3 the Service Specification setting out the full details of the services being quoted or tendered for;
 - 21.5.4 the Combined Authority's General Conditions of Contract for the relevant service, together with any schedules of special requirements;

- 21.5.5 the Combined Authority's Form of Quotation or Tender and Form of Agreement;
- 21.5.6 clear and unambiguous scoring criteria and weightings;
- 21.5.7 a statement that the Combined Authority is not obliged to accept the cheapest or any quotation or tender;
- 21.5.8 a statement that, provided it is accompanied by a fully compliant bid, a bidder **may** propose an alternative approach to meeting the transport requirement set out in the tender;
- 21.5.9 a statement that a late submission will not be considered;
- 21.6 Where the de-minimis provisions of the Transport Act 1985 and Regulations made under it apply, contracts for local services may only be awarded in accordance with those Regulations and any criteria approved from time to time by the Combined Authority.
- 21.7 Notwithstanding the above, emergency contracts may be awarded without tender subject to the provisions of section 91 of the Transport Act 1985.
- 22. Acceptance of Local Bus Services, Education Transport Bus and Taxi Services Tenders by the Combined Authority**
- 22.1 Acceptance of quotes and tenders for passenger transport services shall be in accordance with Contracts Standing Order 16 above.
- 23. Tender Procedures for Local Bus Services, Education Transport Bus and Taxi Services**
- 23.1 Tendering must be via the electronic tender management system.
- 24. Tender Criteria and Weighting**
- 24.1 In all cases where tenders are invited, the relevant evaluation criteria and weightings shall be clearly set out in the tender materials. A tender shall not be evaluated on criteria that are not set out in the tender materials.
- 24.2 Tender evaluation criteria shall be set so that, as far as possible, the criteria may be scored on a numerical basis with the intention that the party with the highest score taking all criteria into account will be awarded the tender.
- 24.3 A contract above the Category B threshold should not be evaluated solely on the basis of price unless otherwise approved by the Budget Controller and the evaluation criteria must be set in conjunction with the Monitoring Officer.
- 24.4 The Budget Controller shall determine the criteria under which tenders are evaluated in consultation with the relevant Constituent Council.

25. Equality of Tenders for Local Bus Services, Education Transport Bus and Taxi Services

- 25.1 Standing Order 17 shall apply where two or more tenders achieve an equal score or equal price quotation.

26. Records and Notifications

- 26.1 The Budget Controller shall be responsible for:

- 26.1.1 maintaining a full record of all tenders bids quotations and awards in respect of any contract for local and education transport services which shall be in accordance with the Combined Authority's approved tendered services policy from time to time;
- 26.1.2 ensuring that a summary of all accepted quotations, tender awards, re-tenders, extensions and contract variations be reported to the Director with responsibility for passenger transport services periodically.
- 26.1.3 ensuring that the extent of commitment to de-minimis contracts is monitored regularly and in any event so as to ensure that no such contract may be awarded in excess of the levels permitted under Regulations.

Issuing Contracts

27. Preparation and Signature of Contracts - Non-Local and Education Services

- 27.1 A Contract can be entered into via the generation of a Purchase Order on standard terms and conditions or via a contract in writing issued by the Monitoring Officer.
- 27.2 Contracts covered by Section II should be prepared as follows:
- 27.2.1 Category A: No formal contract required.
- 27.2.2 Category B: A formal contract is not mandatory but a formal contract in writing should be utilised if terms and conditions above the standard purchase order terms are required.
- 27.2.3 NOT USED
- 27.2.4 Category C and D: A formal contract in writing must be prepared in all cases which must be agreed by the Monitoring Officer or their nominee.
- 27.3 Formal contracts in writing must be signed by the Monitoring Officer or their nominee, unless that the Monitoring Officer determines that the contract shall be executed under the Common Seal of the Combined Authority.
- 27.4 All formal contracts in writing should contain the relevant transparency clauses to allow for the Combined Authority to meet its transparency obligations.

28. Preparation and Signature of Contracts - Local and Education Services

- 28.1 Contracts for local services and education transport must be in writing incorporating by reference the Combined Authority's Agreement, Terms and Conditions, services specification and any schedules, provided within the tender materials as appropriate and signed by the Monitoring Officer.

29. Contents of Contracts

- 29.1 Every contract in writing shall specify:
- 29.1.1 the work, goods, materials, services or other matter to be supplied or undertaken;
 - 29.1.2 the price to be paid, with a statement of discounts or other deductions;
 - 29.1.3 the time or times within which the contract is to be performed;
 - 29.1.4 such of the matters referred to in Standing Order 30.1 as are relevant to the contract.
- 29.2 Unless the Monitoring Officer and the Chief Finance Officer, having regard to all the circumstances, consider it to be unnecessary:
- 29.2.1 contracts for the execution of work shall provide for liquidated damages or delay damages to be paid by the contractor in case of delays; and
 - 29.2.2 the Combined Authority shall require, and take sufficient security for, the due performance of any contract in excess of the upper limit for contracts within Category B in amount or value, except for local transport services contracts.
- 29.3 In every written contract for the supply of goods or materials a clause shall be inserted to secure that, should the contractor fail to deliver the goods or materials, or any portion thereof, within the time or times specified in the contract, the Combined Authority, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or the extent of such default and to purchase other goods or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined, the goods or materials remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods or materials exceeds the amount which have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase, if they had been delivered in accordance with the contract, shall be recoverable from the contractor. This Contracts Standing Order shall be drawn to the attention of all persons tendering or submitting a quotation for a contract with the Combined Authority.
- 29.4 Unless the Monitoring Officer or their nominee determines otherwise, every contract for works entered into in writing by the Combined Authority shall include the right of the Combined Authority to have access to the site of works and documents of the contractor. This right shall entitle the Combined Authority to nominate such officer as it shall deem appropriate to undertake any inspection at the site or of any documents

including the right to nominate persons not in the employment of the Combined Authority.

- 29.5 Every written contract that involves the processing of personal data by a contractor on behalf of the Combined Authority shall set out the subject matter and duration of the processing, the nature and purpose of the processing, the type or personal data and categories of data subjects and the obligations and rights of the Combined Authority. In particular the contract shall contains clauses that meet the requirements of Article 28(3) of the General Data Protection Regulation.

30. Use of Email in Contracts and Awards

- 30.1 Where these Contracts Standing Orders require that a contract shall be in writing, this will not normally be satisfied by the use of emails.
- 30.2 Except where express provision is otherwise made in these Contracts Standing Orders, email should only be used exceptionally in a contractual situation (including those circumstances where a contract is to be varied or extended) and then only with the prior approval of the Monitoring Officer or Chief Finance Officer.

31. Variations to Contracts

- 31.1 During the term of a contract it may be necessary to vary the terms. This could include amending the requirements, costs and/or dates. Variations to existing contracts may be made provided they are made in compliance with the Procurement Act 2023.
- 31.2 Contracts can be varied as follows:

Variation Type	Value Limits	Approval Required
Variation is provided for in the original contract.	None	Budget Holder or Budget Controller
Novation to a new provider who takes on the obligations of the original contractor.	None	Budget Holder or Budget Controller
Increase in the original contract value up to and including 10% where there is no change to the overall nature of the contract.	None	Budget Holder or Budget Controller

Variation Type	Value Limits	Approval Required
<p>Increase in the original contract value over 10% and up to and including 50% where there is no change to the overall nature of the contract, and which is</p> <ul style="list-style-type: none"> • due to circumstances which as a diligent contracting authority the Combined Authority could not have foreseen, or • for technical reasons where significant inconvenience or cost would otherwise be incurred. 	<p>Where the resulting contract value is up to and including £139,000</p> <p>Over £139,000 and up to and including £1m</p> <p>Over £1m NB: Values are inclusive of VAT</p>	<p>Budget Holder or Budget Controller</p> <p>Budget Controller</p> <p>Chief Executive or Director in writing⁵</p>

32. Cancellation of Contracts in Cases of Corruption

- 32.1 There shall be inserted in every written contract a clause empowering the Combined Authority to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any contract with the Combined Authority, or showing or forbearing to show any favour or disfavour to any person in relation to the contract or any other contract with the Combined Authority, or if the like acts shall have been done by any person employed by them or acting on their behalf (whether with or without the knowledge of the contractor) or if, in relation to any contract with the Combined Authority, the contractor or any person employed by them or acting on their behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972.

33. Assignment and Underletting of Contracts

- 33.1 In every contract the contractor shall be prohibited from assigning or underletting or subcontracting the contract, or any part of it, except with the consent of the Budget Holder and upon such conditions as they think fit.
- 33.2 In the case of tender for services which provides for the possibility of subcontracting some or all of the services, appraisal of the tender must include appropriate appraisal of both the main and any sub contractor's proposals to ensure that the sub-contractor is capable of delivering the services and complying with the contract and all relevant legislation. The principal contractor shall be expressly responsible for all work done

by the sub-contractor and for it being carried out under the same conditions as the main contract, so far as reasonably possible.

34. Electronic Signatures

- 34.1 Signatures may be affixed to a contract either using physical, handwritten means or by way of an electronic signature using the Combined Authority's chosen electronic signature system only, and in accordance with any legal requirements.
- 34.2 Where electronic signatures are to be affixed to a contract, written confirmation agreeing to the use of electronic signatures must first be exchanged.

Land

35. Acquisition and Disposal of Interests in Land

- 35.1 Where the Combined Authority is acquiring or disposing of an interest in land, the procedures to be followed in each case shall be the responsibility of the Monitoring Officer and Director responsible for property and assets, in accordance with any current policy of the Combined Authority.

Legal

36. Legal Proceedings

- 36.1 Where any document is a necessary step in legal proceedings it shall be signed by the Monitoring Officer or by any officer authorized by them, unless otherwise required or authorised by law, or where the Combined Authority gives authority, to some other person for the purpose of such proceedings.
- 36.2 Where there is a likelihood of the Combined Authority being involved in any legal proceedings or where the Police investigate any matter involving the Combined Authority or any of its personnel, the Monitoring Officer and Chief Executive shall immediately be informed by the Budget Holder.

37. Sealing of Documents

- 37.1 A resolution of the Combined Authority, the Mayor in respect of Mayoral General Functions, a committee of the Combined Authority, or a decision of an officer (where the committee or officer has the power) authorising the taking of any action shall be sufficient authority for sealing of any document necessary to give effect to such resolution. In other cases the Combined Authority's Seal shall be affixed to any document only when:
 - 37.1.1 sealing has been authorised by a resolution of the Combined Authority or of a Committee or officer to which the Combined Authority has delegated its powers in this behalf, or
 - 37.1.2 the Monitoring Officer has delegated authority to enter into the contract or agreement.

- 37.2 The Combined Authority's Seal may be affixed physically or inserted by electronic means using the Combined Authority's chosen electronic system only, provided that the use of electronic seal meets any relevant legal requirements⁷.
- 37.3 The application of the Combined Authority's Seal shall be authenticated by the signature of the Monitoring Officer or other officer or Director authorised by them.
- 37.4 Any signature authenticating the Combined Authority's Seal may be a physical handwritten signature, or an electronic signature using the Combined Authority's chosen electronic signature system only, provided the use of electronic signatures meets any relevant legal requirements.
- 37.5 The sealing of a document in accordance with paragraphs 39.1 to 39.4, whether by physical or electronic means, shall be entered in a register kept and maintained for that purpose by the Monitoring Officer.
- 37.6 The Combined Authority's Seal shall be kept in a safe place in the custody of the Monitoring Officer or some other person authorised by them.

4.8 - Financial Regulations

These Regulations apply to all officers conducting Combined Authority matters including general Mayoral matters.

1. General

- 1.1 These Regulations lay down for the guidance of Members and officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years.
- 1.2 Members and officers will be reminded annually of their responsibility to comply with these Financial Regulations (and associated Contracts Standing Orders). Reminders will be sent by the Finance Team in the month following the Annual General Meeting of the Combined Authority.
- 1.3 The Director of Finance is designated under Section 73 Local Government Act 1985 as the officer who is responsible for the proper administration of the financial affairs of the Combined Authority (the Section 73 Chief Finance Officer) and shall report to the Combined Authority any significant failure to comply with these Regulations which comes to their attention.
- 1.4 The Chief Executive and the Section 73 Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 1.5 For the purposes of complying with these Regulations, the Section 73 Chief Finance Officer shall be provided with any information they may require and shall have access to any documents and records, as necessary.
- 1.6 Whenever any matter arises which may involve financial irregularity the Section 73 Chief Finance Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Section 73 Chief Finance Officer and after consultation with the Chief Executive, be referred by them to the Combined Authority. Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Staffing

- 2.1 The Chief executive as statutory Head of Paid Service will be responsible for providing overall management to staff employed by the Combined Authority.
- 2.2 The Chief Executive will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.

- 2.3 The Section 73 Chief Finance Officer is responsible for:
- 2.3.1 arranging and controlling the secure payment of wages and any other emoluments to officers in their capacity as employees, in accordance with procedures prescribed by the Section 73 Chief Finance Officer, on the due date
 - 2.3.2 recording and making arrangements for the accurate and timely payment of tax, national insurance, pension deductions and any other deductions;
 - 2.3.3 making arrangements for the payment of travel and subsistence claims;
 - 2.3.4 ensuring that appropriate systems, records and documentation are maintained on behalf of the administering pension body.
- 2.4 Directors must ensure that appointments are made in accordance with the approved establishment and scales of pay and the adequate budget provision is available. An annual staffing budget must be produced (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.
- 2.5 Payroll documents must be retained and stored for the defined period in accordance with guidance issued by the Section 73 Chief Finance Officer.
- 2.6 Directorate managers shall notify the HR Team of all matters affecting payment to employees - including appointments, resignations, dismissals, suspensions, secondments and pay awards, absences from duty for sickness and other reasons affecting pay, information necessary to maintain records of service for pension purposes, income tax and national insurance.

3. Accounting Arrangements

- 3.1 The Section 73 Chief Finance Officer shall prepare a manual of financial and accounting procedures to be operated by officers working on Combined Authority matters.
- 3.2 All accounting and financial arrangements shall be determined by the Section 73 Chief Finance Officer who shall be consulted before any form or document of a financial or costing nature is introduced.
- 3.3 The Section 73 Chief Finance Officer shall be responsible for the certification of all claims for grant to Government Departments, or other funders. All officers must ensure that any expenditure of grant funding is compliant with the relevant grant conditions.
- 3.4 The Section 73 Chief Finance Officer is responsible for ensuring, not later than the date specified in government regulations, the preparation and submission to the Combined Authority of the annual statement of accounts for the year ending on the preceding 31 March, in a form prescribed by the Section 73 Chief Finance Officer in compliance with the Accounts and Audit Regulations currently applicable.
- 3.5 The Annual Accounts should be approved by the Combined Authority within the statutory deadlines.

- 3.6 At the end of the financial year, Directors must supply the Section 73 Chief Finance Officer with information in such form and by such date as is determined to enable the prompt close of the Combined Authority's Annual Accounts.
- 3.7 If the External Auditor's Report requires any material amendment to be made to the Annual Accounts, this must be then reported to the Combined Authority as soon as practicable after the receipt of the audit report.

4. Banking Arrangements

- 4.1 All arrangements with the Combined Authority's bankers, including the ordering and safe custody of cheques and online banking arrangements, shall be made by the Section 73 Chief Finance Officer who shall be authorised to operate such banking accounts, as they consider necessary.
- 4.2 All cheques drawn on behalf of the Combined Authority shall be signed by, or bear the facsimile of the Section 73 Chief Finance Officer, or the signature of any other duly authorised officer.
- 4.3 The Section 73 Chief Finance Officer will maintain a schedule of signatories for each bank account in line with the agreed mandate with the bankers.

5. Budgetary Control

- 5.1 The detailed form of the programme of capital expenditure and revenue estimates shall be determined by the Section 73 Chief Finance Officer after consultation with appropriate Directors, in accordance with any general directions of the Combined Authority and the Mayor for the Mayoral General Functions.
- 5.2 The Section 73 Chief Finance Officer shall monitor the Combined Authority's expenditure and controls in relation to its budget and report any significant variations to the appropriate Committee and together with any recommendation of that committee to a subsequent meeting of the Combined Authority.
- 5.3 It is the responsibility of Directors to ensure business plans reflect agreed budget estimates. Directors are responsible for the continuous exercise of budgetary control and service performance throughout the year. Directors are responsible for, in consultation with the Section 73 Chief Finance Officer, nominating and maintaining authorised budget holders for each of the cost centres. These assigned roles are responsible for reporting on variations to the Directors and the Section 73 Chief Finance Officer and complying with all accounting and budget management guidance issued by the Section 73 Chief Finance Officer.
- 5.4 The Budget Holders should be officers of the Combined Authority.
- 5.5 Though budget responsibility remains with the budget holders, they may propose assignees to have the authority to approve purchase requisitions or invoices up to predetermined levels. This must be agreed in writing with the Section 73 Chief Finance Officer.

- 5.6 The assigned budget holders are responsible for the monitoring and control of the budgets assigned to them by Directors and must immediately bring to the Directors attention any expected overspend or underspend against approved budgets. The budget holder must also ensure that all monies are spent in the best interests of the Combined Authority and ensure maximum efficiency.
- 5.7 No expenditure shall be authorised or incurred which is not provided for in the approved budget. If a Director / budget holder wishes to spend money which is not included in their approved revenue budgets and where it is not possible to vire money from an existing budget, in line with the approved budget management delegations, then they must notify the Section 73 Chief Finance Officer who will advise on how to proceed.
- 5.8 Where the Combined Authority operates in partnership or similar arrangements, Directors must set out the roles and responsibilities of all parties including a sound framework of internal controls. All proposed financial arrangements must be subject to prior approval of the Section 73 Chief Finance Officer and subject to compliance checks as deemed necessary.

6. Capital and Revenue Budget Planning - Medium Term Financial Plans

6.1 Combined Authority Budget

- 6.1.1 The Section 73 Chief Finance Officer shall prepare a medium-term financial plan comprising a forecast of revenue expenditure and income for discussion with the Constituent Councils in relation to future levies and funding and report such discussions to the Combined Authority. Such a strategy must reflect the priorities and plans of the Combined Authority and the Mayor; it is the responsibility of Directors to advise the Section 73 Chief Finance Officer of changes to their resource requirements over the period under review.
- 6.1.2 The Section 73 Chief Finance Officer shall ensure that a revenue budget is prepared on an annual basis for consideration and approval at a meeting of the Combined Authority by 1st February prior to the start of the financial year, allowing for call in if required. At that meeting determination shall be made of the level of the levy, Mayoral precepts and other contributions for the following year.
- 6.1.3 The Section 73 Chief Finance Officer, in consultation with appropriate Directors, shall prepare an annual estimate of capital expenditure for submission and approval to the Combined Authority, together with proposals for financing that programme. Full approvals for capital projects and funding / financing proposals will be considered through the Combined Authority's governance processes.
- 6.1.4 The Section 73 Chief Finance Officer, in consultation with appropriate Directors, shall prepare annual estimates of revenue expenditure and income, indicating the levy and additional amounts payable by the Constituent Authorities necessary to finance the net expenditure for the next financial year.

7. Control of Expenditure

7.1 Capital Schemes

- 7.1.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Combined Authority and its partners, such as land, buildings and vehicles. They may create financial commitments for the future in the form of financing costs and revenue running costs.
- 7.1.2 Before a capital scheme for which provision is made may proceed, it must proceed through the Hull and East Yorkshire Combined Authority Assurance Framework processes and approval routes. This is applicable too for proposals submitted by the Mayor.
- 7.1.3 The proposal will report on the ongoing revenue implications of the scheme as part of the approval requested.
- 7.1.4 After a capital scheme has been approved, relevant Directors shall inform the Section 73 Chief Finance Officer as soon as practicable of any likely overspending and submit the relevant change request using the Hull and East Yorkshire Combined Authority Assurance Framework approval processes.

7.2 Combined Authority Revenue Budget

- 7.2.1 The Combined Authority will determine the amounts to be allocated to Combined Authority functions. The Head of Paid Service, in conjunction with Directors, will monitor expenditure against this approval, and report on a regular basis agreed with the Section 73 Chief Finance Officer to the Combined Authority showing forecast variations from the budget allocated. It will be a matter for the Combined Authority to determine from this information whether expenditure priorities should be changed within the funding envelopes available.
- 7.2.2 The Section 73 Chief Finance Officer is responsible for advising on the format of the revenue budget and for ensuring that the mechanism for financial control and management of the budget is in place and for providing appropriate financial information to Directors to enable them to effectively monitor their budgets.
- 7.2.3 For revenue expenditure any likely overspending shall be reported by Directors as soon as practicable to the Section 73 Chief Finance Officer. Where it is not possible to address overspending by a transfer between expenditure budget heads (see virements and delegations below), the matter shall be referred to the Combined Authority for consideration.
- 7.2.4 The Section 73 Chief Finance Officer will determine guidelines for carrying forward of surplus and deficits on budget headings.

8. Virements

- 8.1 The Section 73 Chief Finance Officer shall be authorised to approve virements between expenditure heads up to £1,000,000. Anything in excess of these limits shall be reported for approval to the Combined Authority or Mayor as appropriate. Virements are deemed to be:
- 8.1.1 Revenue - A transfer of budget for a different purpose to that set out in the approved budget;
- 8.1.2 Capital - a movement of budget between approved capital schemes.
- 8.2 In accordance with the scheme of virement and associated thresholds, the Section 73 Chief Finance Officer is responsible for virement proposals submitted by Directors for revenue. The capital expenditure approved virement / changes will be processed through the Hull and East Yorkshire Combined Authority Assurance Framework processes.
- 8.3 In conjunction with Directors, the Section 73 Chief Finance Officer is to report to and seek the prior approval of the Combined Authority or the Mayor for any revenue expenditure where it is for the release of earmarked sums from reserves for a purpose or scheme that is different to the purpose or scheme for which they have been earmarked.
- 8.4 The Section 73 Chief Finance Officer is to report and seek the approval of the Chief Executive (in consultation with the Mayor) to the exercise of the virement powers of the Combined Authority where a matter is urgent.

9. Maintenance of Balances / Reserves / Provisions

- 9.1 The Section 73 Chief Finance Officer will ensure that there are clear protocols for the establishment and use of balances/reserves/provisions and, in consultation with Directors, will establish reserves and/or provisions and provide guidance on how to incur expenditure from balances/reserves/provisions.
- 9.2 The Section 73 Chief Finance Officer is to seek Combined Authority or Mayoral, as appropriate, approval for the use of balances, reserves or provisions in addition to those already approved in setting the original budget.
- 9.3 Directors must ensure that the use of reserves or provisions when approved is planned into the budget and used only for the purposes for which they were intended.

10. Borrowing and Investments

- 10.1 The Section 73 Chief Finance Officer shall be the Combined Authority's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision of, the Section 73 Chief Finance Officer in the name of the Combined Authority.

- 10.2 The Section 73 Chief Finance Officer shall maintain records of all monies borrowed and shall be responsible for the day-to-day administration of borrowed monies, whether through a service level agreement / contract arrangement or an in-house team.
- 10.3 The Section 73 Chief Finance Officer shall ensure that the Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Combined Authority in relation to the Combined Authority's borrowings.

11. Contracts

- 11.1 All contracts and their management on behalf of the Combined Authority shall be subject to the Combined Authority's Contracts Standing Orders. The Section 73 Chief Finance Officer shall be informed as soon as possible by Directors of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Combined Authority and shall carry out such checks as considered necessary during the currency of a contract.
- 11.2 Payment to contractors on account shall be authorised only on certified documents signed by a duly authorised officer, showing the total amount of the contract, value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 11.3 Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised officer. Any such variation or addition which necessitates an increase in the amount of an accepted tender are managed in line with the Combined Authority's Contracts Standing Orders. No order shall be placed, nor any payment certified, in respect of any such variation or addition until this has been approved.

12. Estates and Property

- 12.1 The Chief Executive shall maintain a record of all estates and properties owned by the Combined Authority in a form approved by the Section 73 Chief Finance Officer.
- 12.2 The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Section 73 Chief Finance Officer.
- 12.3 Directors shall ensure that records and assets are properly maintained and securely held. They shall also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

13. Assets for Disposal

- 13.1 The Chief Executive is responsible for arranging the disposal of any assets deemed to be obsolete, non-repairable or unnecessary.
- 13.2 The Chief Executive is authorised to dispose of surplus or obsolete stores or equipment up to and including a value of £50,000, in consultation with the Section 73 Chief Finance Officer. Where the estimated sales value exceeds £5,000 for each transaction, then sales must be made by competitive tender, quotations or public

auction. Disposals with a value above £50,000 must be approved by the Combined Authority.

- 13.3 All disposals to officers, related parties or members require the prior approval of the relevant Director/Chief Executive.
- 13.4 Any acquisition or disposal of land must be carried out in accordance with the Combined Authority's policies relating to land and property.

14. Income

- 14.1 The collection of all money due to the Combined Authority shall be under the supervision of the Section 73 Chief Finance Officer who shall issue detailed procedural guidance to be followed by relevant officers.
- 14.2 All money received by an officer on behalf of the Combined Authority shall, without delay, be paid intact to the Section 73 Chief Finance Officer, or if directed, to the Combined Authority bank account.
- 14.3 Directors will provide the Section 73 Chief Finance Officer details in connection with work completed, goods, supplies or services rendered and of all other amounts due as may be required to record correctly all sums receivable by the Combined Authority and to ensure prompt rendering of accounts for the collection of income.
- 14.4 Directors will notify the Section 73 Chief Finance Officer promptly of all money due to the Combined Authority and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Combined Authority.
- 14.5 All receipt forms, books, tickets and other such items shall be ordered and supplied to departments by the Section 73 Chief Finance Officer who shall satisfy themselves as to the arrangements for their control.
- 14.6 The Section 73 Chief Finance Officer is responsible for managing the Combined Authority's debt recovery procedures and processes, including authority for writing off bad debts. The Section 73 Chief Finance Officer is authorised to write-off bad debts up to and including a value of £50,000. All debts proposed for write-off in excess of this value must be referred to the Combined Authority for approval.
- 14.7 Every transfer of official money from one officer to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.

External Funding and Grants

- 14.8 The Section 73 Chief Finance Officer is responsible for:
 - 14.8.1 ensuring there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims;

- 14.8.2 authorising the acceptance of any grant offer on behalf of the Combined Authority and identifying the appropriate budget holder for expenditure of the funding in compliance with the terms and conditions imposed by the grant awarding body;
- 14.8.3 ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines, and;
- 14.8.4 ensuring the income due from grant claims is received and that records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements.

15. Insurance

- 15.1 The Section 73 Chief Finance Officer shall, subject to any general direction of the Combined Authority, arrange such insurances in the name of the Combined Authority as they consider necessary (including officials' indemnity and public and employer's liability), and shall inform Directors annually of the insurance policies in force.
- 15.2 Directors shall give prompt notification to the Section 73 Chief Finance Officer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 Directors shall inform the Section 73 Chief Finance Officer promptly in writing of any loss, liability or damage or any event which would likely lead to a claim against the Combined Authority.

16. Risk Management

- 16.1 Risk management is the planned and systematic approach to the identification, evaluation and control of risk. It evaluates the measures already in place to manage identified risks and recommends the action required to control these risks effectively.
- 16.2 The Combined Authority shall approve the risk management strategy and shall review the effectiveness of risk management. The Monitoring Officer in consultation with the S. 73 Officer shall prepare and promote the risk management strategy and develop appropriate risk management controls.
- 16.3 Directors shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review.
- 16.4 Directors shall take responsibility for risk management within their areas of responsibility, having regard from relevant advice from specialists (eg fire safety, health and safety, insurance) and shall undertake regular reviews of risk within their own service areas.

17. CIPFA Treasury Management Code of Practice

17.1 In line with CIPFA recommendations, the Combined Authority will adopt the following:

- To create and maintain, as the cornerstones for effective treasury management.
- A Treasury Management Policy statement, stating the policies,
- objectives and approach to risk management of its treasury management activities.
- Suitable Treasury Management Practices (TMPs), setting out the manner in which the Combined Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The Combined Authority will receive reports on its Treasury Management Policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a midyear review and an annual report after its close, in the form prescribed in its TMPs.
- The Combined Authority delegates responsibility for the implementation and regular monitoring of its Treasury Management Policies and Practices to the Governance and Audit Committee, and for the execution and administration of treasury management decisions to the Section 73 Chief Finance Officer of the Combined Authority, who will act in accordance with the Combined Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- The Combined Authority has nominated its Governance and Audit Committee to ensure effective scrutiny of the Treasury Management Strategy and Policies.

18. Internal Audit

18.1 The Combined Authority is required by legislation to provide an internal audit function. The internal audit function is an independent and objective appraisal function established by the Combined Authority. It examines, evaluates and reports on the adequacy of internal controls, compliance with Contracts Standing Orders and Financial Regulations, security of assets and adequacy of the financial systems. It also evaluates the effectiveness of internal controls in operation and assesses their adequacy in relation to the prevention or detection of fraud.

18.2 The Section 73 Chief Finance Officer shall, so far as they consider necessary:

- Arrange for the internal audit of all accounts and financial transactions of the Combined Authority and its officers.
- Supervise security arrangements and the custody and safeguarding of Combined Authority moneys and property, including any funds entrusted to the Combined Authority or its officers.

18.3 The Section 73 Chief Finance Officer shall or their authorized representative shall have authority to:

- have access to Combined Authority premises or land at reasonable times.
- to have access to documents, records and equipment in the possession of the Combined Authority.
- to require any officer of the Combined Authority to account for cash, stores or any other Combined Authority asset under their control.
- where possible, to have access to records belonging to third parties, such as contractors, when required.
- to receive information concerning any matter under investigation.
- to report uncensored to the Chief Executive, the Audit Committee, and the Combined Authority as considered necessary.

18.4 The Audit Committee shall approve a strategic internal audit plan, which takes account of the characteristics and relative risks of the activities involved.

19. External Audit

19.1 External audit shall be carried out by an auditor appointed in accordance with the legislative requirements who will report annually, or more often if deemed necessary, to the Governance and Audit Committee.

19.2 All reports written by external audit must be considered by the Governance and Audit Committee.

20. Orders for Goods, Works or Services

20.1 The procedures are set out in the Contracts Standing Orders.

21. Payment of Accounts

21.1 Directors shall be responsible for the certification and submission of invoices and other claims to the Section 73 Chief Finance Officer who shall make safe and efficient arrangements for the payment of such accounts, ensuring the accurate payment of supplier invoices to agreed terms and, where applicable, to matched/cleared purchase orders.

21.2 The Section 73 Chief Finance Officer will ensure compliance with directives issued by HM Revenue and Customs and the Construction Industry Tax Deduction Scheme.

22. Petty Cash and Purchase Cards

22.1 The Section 73 Chief Finance Officer shall make such arrangements as they consider necessary for defraying petty cash and other expenses by means of an imprest system.

- 22.2 Purchase card accounts shall be operated strictly within procedures determined by the Section 73 Chief Finance Officer.

23. Taxation

- 23.1 The Section 73 Chief Finance Officer is responsible for:

- 23.1.1 ensuring that taxation advice is available to Directors to ensure compliance with relevant legislation;
- 23.1.2 maintaining the Combined Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate;
- 23.1.3 completing all HM Revenue and Customs returns regarding Pay As You Earn (PAYE) and compliance with the HMRC IR35 regulations (off payroll taxation);
- 23.1.4 completing a monthly return of VAT inputs and outputs to HM Revenue and Customs
- 23.1.5 providing details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme;
- 23.1.6 maintaining an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994

- 23.2 The Directors are responsible for:

- 23.2.1 ensuring that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded;
- 23.2.2 ensuring, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements;
- 23.2.3 ensuring that the Combined Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994;
- 23.2.4 ensuring that all persons employed by the Combined Authority are added to the payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;
- 23.2.5 following any guidance on taxation that may be issued by the Section 73 Chief Finance Officer.

24. Internal Control

- 24.1 Internal control refers to the systems of control devised by management to help ensure the Combined Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Combined Authority's assets and interests are safeguarded.

The Section 73 Chief Finance Officer is responsible for advising on effective systems of financial control that will provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

- 24.2 The Chief Executive is responsible for advising on effective systems of internal control. These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
- 24.3 The responsibility for maintaining and reviewing the system of internal control rests with the Combined Authority.

25. Stocks and Stores

- 25.1 Each Director shall be responsible for the care and custody of stocks and stores within their area of responsibility.
- 25.2 The Section 73 Chief Finance Officer shall arrange for periodic checks of stocks by persons other than store-keepers where such stocks are of a significant value.
- 25.3 Directors will dispose of surplus materials, stores or equipment by competitive tender, public auction, online auction or in a manner approved by the Section 73 Chief Finance Officer and in accordance with Contracts Standing Orders.
- 25.4 Adjustments which may be necessary for surpluses or deficiencies of stock shall be subject to the approval of the Section 73 Chief Finance Officer, or delegated officer.
- 25.5 The Section 73 Chief Finance Officer shall be authorised to write-off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items in excess of £50,000 must be approved by the Combined Authority for information.

26. Security

- 26.1 Directors are responsible, with budget holders, for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash, keys, documentation and information under their control. The responsibilities are to:
- 26.1.1 make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility;
- 26.1.2 ensure that the property procedures are adhered to by all officers;
- 26.1.3 inform the Chief Executive of any instances where they believe the security to be inadequate;
- 26.1.4 ensure that designated officers are personally responsible for the safekeeping of keys;
- 26.1.5 ensure that designated officers review the security of the premises under their control on a regular basis.

- 26.2 The Section 73 Chief Finance Officer is responsible for ensuring an asset register is maintained for all fixed assets with a value in excess of £10,000. All items of furniture, fittings, plant and equipment shall be included on an inventory.
- 26.3 The Section 73 Chief Finance Officer may write-off/write down asset and stock valued at less than or equal to £50,000. Assets and stock valued at more than £50,000 shall be written-off/written down by the Combined Authority following a recommendation of the Section 73 Chief Finance Officer.
- 26.4 Any instance of loss or theft of Combined Authority property must be notified to the Chief Executive.
- 26.5 If the loss or theft involved data that could be deemed sensitive or confidential then this must be managed in line with the Combined Authority's Data and Systems Security Incident Management Policy and Procedure.
- 26.6 Each Director shall be responsible for maintaining proper security and privacy of information and data held, as required by the Data Protection Act.
- 26.7 All staff shall comply with the standards and principles set out in the Combined Authority ICT security policies.

27. Preventing Fraud and Corruption

- 27.1 The Combined Authority will not tolerate fraud and corruption in the administration of its responsibilities. The expectation of propriety and accountability is that members of the Combined Authority and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Director of Human Resources will ensure an effective anti-fraud and anti-corruption policy is maintained.
- 27.2 All members of the Combined Authority and officers shall follow the appropriate codes of conduct adopted by the Combined Authority in relation to declarations of interests, gifts and hospitality as well as following agreed staffing policies.
- 27.3 The Monitoring Officer is responsible for issuing guidance to officers regarding what to do when offered goods and/or services by actual or potential suppliers to the Combined Authority.
- 27.4 The Monitoring Officer maintains a register of interests in which officers must record details of notifiable financial or other interests and any hospitality or gifts offered to them and their responses to the offer. This register is formally reviewed by the Monitoring Officer on a regular basis.
- 27.5 Detailed procedures in relation to the supply of all works, goods and services are set out in Contracts Standing Orders.

28. Financial Systems and Procedures

- 28.1 The Section 73 Chief Finance Officer is responsible for:
- 28.1.1 the operation of the Combined Authority's accounting system, the form of accounts and the supporting financial records;

- 28.1.2 issuing guidance and advice and procedures to officers;
- 28.1.3 approving any changes to existing financial systems;
- 28.1.4 approving the introduction of any new financial systems;
- 28.1.5 ensuring the operation of appropriate controls covering input to the financial system, the processing of the information and any output;
- 28.1.6 ensuring that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls;
- 28.1.7 ensuring that the business recovery plan makes adequate preparations for ensuring that financial systems can be recovered in the event of an interruption;
- 28.1.8 ensuring that finance systems are documented and staff are trained in how to operate them;
- 28.1.9 issuing appropriate instructions on the systems for collecting and recording income and ordering and payment of goods and service

4.9 - Recruitment and Appointment Procedure for Private Sector Representatives

To follow.

Part 5

5.1 - Members' Code of Conduct

This Code applies to Combined Authority Members and voting Co-opted Members (together referred to as Members), in all aspects of public life.

The Combined Authority expects Members to follow this Code when:

- conducting the work of the Combined Authority,
- representing the Combined Authority on any external organisation, and
- otherwise acting in their official capacity.

The Code does not apply to purely private and personal life.

1. General Principles of Conduct

- 1.1 Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, Members and Combined Authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles - see further Annex 1.
- 1.2 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty,
 - I act lawfully,
 - I treat all persons fairly and with respect, and
 - I lead by example and act in a way that secures public confidence in my role as a Member.
- 1.3 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community,
 - I do not improperly seek to confer an advantage or disadvantage on any person,
 - I avoid conflicts of interest,
 - I exercise reasonable care and diligence, and
 - I ensure that public resources are used prudently in accordance with the Combined Authority's requirements and in the public interest.

2. Application of the Code of Conduct

- 2.1 This Code of Conduct applies to you as soon as you are appointed as a Member. It continues to apply to you until you cease to be a Member.
- 2.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:
- you misuse your position as a Member,
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

- 2.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings,
 - at online or telephone meetings,
 - in written communication,
 - in verbal communication,
 - in non-verbal communication,
 - in electronic and social media communication, posts, statements and comments.
- 2.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting in your official capacity.
- 2.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

3. Standards of Conduct

- 3.1 This section sets out your obligations, which are the minimum standards of conduct required of you. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 3.2 Guidance is included (in the footnotes) to help explain the reasons for the obligations and how they should be followed.

Respect

- 3.3 As a Member:
- I treat other Members and members of the public with respect.
 - I treat Combined Authority officers and representatives of partner organisations with respect and respect the role they play.

Bullying, Harassment and Discrimination

- 3.4 As a Member:
- I do not bully any person.
 - I do not harass any person.
 - I promote equalities and do not discriminate unlawfully against any person.

Impartiality of Officers

- 3.5 As a Member:
- I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined Authority.

Confidentiality and Access to Information

3.6 As a Member:

- I do not disclose information:
 - (a) given to me in confidence by anyone,
 - (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - (i) I have received the consent of a person authorised to give it,
 - (ii) I am required by law to do so,
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or
 - (iv) the disclosure is:
 - reasonable and in the public interest, and
 - made in good faith and in compliance with the reasonable requirements of the Combined Authority, and
 - I have consulted the Monitoring Officer prior to its release.
- I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.
- I do not prevent anyone from getting information that they are entitled to by law.

Disrepute

3.7 As a Member:

- I do not bring my role or the Combined Authority into disrepute. *Use of Position*

3.8 As a Member:

- I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Use of Combined Authority Resources and Facilities

3.9 As a Member:

- I do not misuse Combined Authority resources.
- I will, when using the resources of the Combined Authority, or authorising their use by others:
 - (a) act in accordance with the Combined Authority's requirements, and

- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined Authority or of the office to which I have been elected or appointed.

Complying with the Code of Conduct

3.10 As a Member:

- I undertake Code of Conduct training provided by the Combined Authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Interests

3.11 As a Member:

- I register and disclose my interests in accordance with Annex 2.
- I comply with any Conflicts of Interest Policy or Protocol agreed by the Combined Authority
- I disclose significant interests in accordance with this Code.

4. Gifts and Hospitality

4.1 As a Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Combined Authority or from persons who may apply to the Combined Authority for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.
- I follow the Combined Authority's Gifts and Hospitality Policy.

Annex 1 - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 - Interests

1. Registering Interests

1.1 The Monitoring Officer maintains a register of interests of Members, in accordance with statutory requirements. The register is:

- available for inspection at the Combined Authority's offices, and
- published on the Combined Authority's website.

1.2 You must notify the Monitoring Officer of pecuniary and other interests as set out below. The Monitoring Officer will enter them into the register of interests.

2. Disclosable Pecuniary Interests

2.1 A pecuniary interest is any interest of a description set out in the second column of Table 1 below.

2.2 A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:

- it is an interest of yours, or
- it is an interest of any other relevant person, these being:
 - your spouse or civil partner,
 - a person with whom you live as husband and wife, or
 - a person with whom you live as if you were civil partners,

and you are aware that the other person has the interest.

2.3 You must notify the Monitoring Officer of:

- any disclosable pecuniary interests you have within 28 days of your appointment to the Combined Authority and
- any changes to your disclosable pecuniary interests within 28 days of:
 - the change occurring, or
 - you becoming aware of the change.

3. Other Registerable Interests

3.1 You should also register details of your other registerable interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

3.2 Where you have another registerable interest in any business of the Combined Authority and you have made a decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

4. Non-Registerable Significant Personal Interest

- 4.1 If you believe that you have an interest which you believe that the public, your fellow members or employees should know about, you may have a **non-registerable significant personal interest**.

5. Applications for Any Loan or Grant

- 5.1 You should comply with the Combined Authority's Conflicts of Interest Protocol, including any requirement to notify the Monitoring Officer about, and avoid personal involvement with, any application for any loan or grant in which you may have a conflict of interest.

6. Sensitive Interests

- 6.1 If you have an interest (whether or not a disclosable pecuniary interest or other registerable interest) which is entered in the register and which is such that you and the Monitoring Officer consider that disclosing the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, details of the interest must not be included in:

- any published version of the register, nor
- any copy of the register that is made available for public inspection²¹.

7. Disclosing Interests

- 7.1 If you are present at a meeting of the Combined Authority, or are acting alone on behalf of the Combined Authority, and you are aware that you have an interest:
- If your interest is a **Disclosable Pecuniary Interest**, if you do not have a relevant dispensation you may not:
 - participate, or participate further, in any discussion of or vote on the matter at the meeting, or
 - remain in the room during the discussion or vote on the matter at a meeting, or
 - determine the matter if taking a decision alone.
 - If your interest relates to an **Other Registerable Interest** (as set out in Table 2), you:
 - do not have to disclose the nature of any 'sensitive interest',
 - must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure if the interest is not the subject of a pending notification,
 - at a meeting:
 - must disclose the interest,

- may speak on the matter only if members of the public are also allowed to speak at the meeting,
 - must not vote on the matter,
 - should decide whether to remain in the room or withdraw during consideration of the matter.
- If you have a Non-registerable Significant Personal Interest (that is an interest which is neither a disclosable pecuniary interest or any other registerable interest) but something that you think should be known when the matter is considered you may:
 - disclose the interest, and
 - consider whether to continue participating in or determining the matter,
 - wish to leave the room during consideration of the matter.

8. Dispositions

- 8.1 The Combined Authority may lift the restrictions under Paragraph 11 of this Annex by granting a dispensation in accordance with **Annex 4**.

Table 1: Disclosable Pecuniary Interests

Subject	Description of Disclosable Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Combined Authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union.</p>
Contracts	<p>Any contract which is made between you or a relevant person (or a body in which you or a relevant person has a beneficial interest) and the Combined Authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the Combined Authority
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Combined Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority, and</p> <p>(b) the tenant is a body in which you or the relevant person have a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Combined Authority, and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Table 2: Other Registerable Interests

You have an **Other Registerable Interest** where it relates to or is likely to affect:

1. Any body of which you are in general control or management and to which you are nominated or appointed by the Combined Authority.
2. Any body:
 - exercising functions of a public nature, or
 - directed to charitable purposes, or
 - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Annex 3 - Summary of Criminal Offences and Sanctions

1. Offences

1.1 A person commits an offence if, without reasonable excuse, the person:

(a) fails to:

- register any disclosable pecuniary interest, or
- disclose a disclosable pecuniary interest not entered on the register, or

(b) participates in any discussion or vote, where they have a disclosable pecuniary interest.

1.2 A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register, the person provides information that is false or misleading and the person:

(a) knows that the information is false or misleading, or

(b) is reckless as to whether the information is true and not misleading.

2. Sanctions

2.1 A person who is guilty of such offence may be fined up to £5000.

2.2 A court may also disqualify the person for up to five years for being or becoming (by election or otherwise) a Member or co-opted Member of the Combined Authority or any other relevant authority.

Annex 4 - Dispensations

1. Requests

- 1.1 The Combined Authority will consider any requests for a dispensation.
- 1.2 Any request for a dispensation must be made in writing to the Monitoring Officer.
- 1.3 A request will not be granted unless it is made **not less than 10 clear days** before the date of the meeting to which the request relates, except where the Monitoring Officer considers that there are exceptional circumstances.

2. Period

- 2.1 A dispensation must specify the period for which a dispensation has effect, which must not exceed four years.

3. Criteria

- 3.1 The Combined Authority may grant you a dispensation only if, having regard to all relevant circumstances, it considers that:
 - without the dispensation, the number of Members prohibited from participating in any particular business would be so great a proportion of the Combined Authority⁴¹ as to **impede the transaction of the business**,
 - without the dispensation, the **representation of different political groups** on the Combined Authority would be so upset as to alter the likely outcome of any vote on the matter,
 - the dispensation is in the **interests of persons living in the Combined Authority's area**, or
 - it is **otherwise appropriate** to grant a dispensation.
- 3.2 In determining whether to grant dispensation requests, the Combined Authority may consider:
 - whether the nature of the Member's interest is such that to allow the Member to participate would not damage public confidence in the conduct of the Combined Authority's business,
 - whether the interest is common to the Member and a significant proportion of the general public,
 - whether the participation of the Member in the business that the interest relates to is justified by a Member's particular role or expertise, and
 - whether the interest is trivial or remote.

Annex 5 - Gifts and Hospitality Policy

In order to protect your position and the reputation of the Combined Authority, you should **exercise caution** in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

The presumption should always be **not to accept** significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

For the purpose of determining whether any gift or hospitality has a value of over £50, if the exact value is unknown, you should always err on the side of caution. When deciding whether to register any gift below the £50 threshold, you should take into account the **cumulative total** of any gifts received from any single source over the previous 12 months.

You should:

- register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt,
- register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept,
- never actively seek or solicit any gift or hospitality,
- discourage third parties from offering any gift or hospitality to you,
- treat expenses offered to you by any third party as a gift,
- only accept a gift or hospitality from any third party in accordance with these principles, and where acceptance is of some benefit to the Combined Authority,
- where the hospitality is extended to the office holder rather than the individual, eg the Mayor or a Chair of a committee the register entry should make it clear that such gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to a charity or as a raffle prize for example.

You should not accept a gift or offer of hospitality which is any of the following:

- an **inducement or reward** for anything that you do as a Member - this is likely to constitute a criminal offence, from any donor seeking (or which may seek) a decision from (or business with) the Combined Authority,
- in any circumstances which may give rise to a **perceived or actual conflict of interest** or undue influence,

- for any third party including any relative or friend of yours, except where the Monitoring Officer has confirmed in advance that that acceptance is unlikely to be perceived as giving rise to a conflict of interest,
- lavish or over-generous, nor
- where offers from the same donor are **over-frequent**.
- a gift of cash (or items of specific monetary value such as vouchers).

5.2 - Code of Conduct for Officer

1. Purpose

The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined Authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

This document sets out the standards expected of all the Combined Authority's officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

2. Objectives of the Code

This code of conduct should:

- provide officers of the Combined Authority with an effective ethical framework within which to work; and
- give the public confidence that the Combined Authority's officers are working on their behalf in an appropriate manner; and
- provide guidance to officers on the possible consequences of breaches of this code.

3. Responsibilities

Officers of the Combined Authority - The Combined Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

Line Manager - The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

Human Resources (HR) -The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

Legal Services - the role of the Monitoring Officer is:

- to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications;
- to advise officers in relation to the application of this Policy, if requested; and
- to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

4. Political Neutrality

The Combined Authority expects officers to follow every policy/procedure of the Combined Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

5. Personal Relationships with Members of the Combined Authority (Members), the Public and Other Officers

Mutual respect between officers and members is essential to good working relationships at the Combined Authority and each should handle work matters on a professional basis. Officers of the Combined Authority should deal with the public, Members, and other officers sympathetically, efficiently and without bias.

The Combined Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, eg a member of the same family.

6. Equality and Diversity

All officers and other persons who are acting on behalf of the Combined Authority, including contractors and consultants must comply with the Combined Authority's Equality & Diversity Policy.

7. The Combined Authority Property

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles or other facilities of the Combined Authority for personal use unless authorised to do so.

8. Conflict with Duties

Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Officers should abide by the rules of the Combined Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined Authority or which would benefit from a relationship with the Combined Authority.

Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

9. Whistleblowing

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing

Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined Authority or colleagues.

10. Treatment of Information

The Combined Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:

- a Member,
- a relevant Combined Authority officer,
- other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

11. Investigations by Monitoring Officer

The role of the Monitoring Officer is a requirement for the Combined Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

12. Comprising the Impartiality of the Combined Authority's Officers

Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

13. Improper Use of Position

Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

14. Considering Advice Provided

If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

15. Personal and Prejudicial Interests

The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.

Registration of any such interest protects the Combined Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined Authority has this policy provides assurance to the public that the Combined Authority is acting in the public interest. The Combined Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.

An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Monitoring Officer.

In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

16. Registers of Interests - Legislative Implications

The Combined Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However it is possible that the Combined Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000.

Officers must advise when their circumstances change to update or remove records from the register.

The register will be reviewed annually by the Monitoring Officer to ensure it is up to date and in compliance with the Information Commissioner's requirements.

17. Gifts and Hospitality

Officers must comply with the Combined Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the legal and governance pages on the Intranet [available here](#).

18. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

19. Formal Action

Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within any Disciplinary, Conduct and Capability Policy and Procedure of the Combined Authority from time to time.

20. Changes to Policy

The Combined Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties.

Any policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined Authority and ensure compliance with relevant legislation.

A written request can be made to review any policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

Schedule 1 - Notification of Interests

Notification by an Officer of the Hull and East Yorkshire Combined Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:

Department:

Reports to:

I [intend to]* have the following financial interests: (delete as appropriate)* Please complete the following boxes or put "none" or "n/a" as appropriate.

- (a) Business or other Employment outside the Combined Authority working hours:

--

- (b) (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):

--

- (c) Name(s) of any company or business having a place of business or land in Hull and East Yorkshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:

--

- (d) Names of any company or business which carries on business with the Combined Authority or which may carry on such business or may or is tendering for contracts from the Combined Authority in which I own or have an interest in any shares at all:

--

- (e) Description of any contract for goods, services or works made between the Combined Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:

--

- (f) Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined Authority or another authority or sites where the Combined Authority or that other authority is or may be involved in development relevant to the Combined Authority:

--

- (g) Address or other description of any land or buildings where the landlord is the Combined Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:

--

- (h) Address or other description of any land the Combined Authority's area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

--

I [intend to] have the following other interests:

- (i) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined Authority as its representative:

--

- (j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

--

- (k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

--

- (l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

--

Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

I request that the details of my financial or other interest be exempt from registration for the following reasons:

--

Date:

Signed:

5.3 - Conflicts of Interest Policy

1. Introduction

- 1.1 The Combined Authority is committed to ensuring that the Members and officers act in line with the **Nolan Principles** of public life, which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 This Conflicts of Interest Policy applies to:
- the Mayor and any other Combined Authority Member,
 - any voting Co-optee on a committee of the Combined Authority,
 - any non-voting Member,
 - any Associate member or Non-Constituent Body Member including members of any advisory board or working group,
 - any officer of the Combined Authority, and
 - any officer of a local authority, Constituent Council or otherwise, who advises the Combined Authority or any of its committees or Boards.
- 1.3 It applies to both local authority and private sector representatives, and their substitutes.
- 1.4 The policy provides an overview of how conflicts of interest are managed, by reference to the procedures which the Combined Authority has in place to maintain high ethical standards and protect its reputation against any allegation of conflicting interests. These include requirements to register and declare interests.
- 1.5 The policy must be followed throughout all decision-making processes the Combined Authority is committed to ensuring that this policy applies to decisions taken at formal meetings or by individuals on behalf of the Combined Authority under delegated authority. It is communicated to everyone involved in decision-making by the Combined Authority, to ensure their commitment to it.
- 1.6 To ensure transparency, decisions are recorded and published in accordance with agreed procedures.

2. Definition

A conflict of interest is a set of circumstances which creates a risk that an individual's ability to apply judgement or act in a role is, or could be, impaired or unduly influenced by a secondary interest of that individual, or of another person.

- 2.1 For example, a conflict of interest would arise where a member of any advisory board has an interest, for instance, as a shareholder in a company that is a potential beneficiary of grant funding, conflicting with the interests of the Combined Authority
- 2.2 Conflicts of interest may inhibit open discussions and may result in irrelevant considerations being taken into account or decisions being taken that are not in the best interests of the Combined Authority.

- 2.3 This policy covers **commercial, personal, actual or potential conflicts of interests**; for the purposes of this policy, the perception of competing interests, impaired judgement or undue influence can also amount to a conflict of interest.

3. General

All Members and officers must **take personal responsibility** for declaring their interests and avoiding perceptions of bias.

Where any conflict of interest arises outside of those which they are specifically required to register or declare, they should **err on the side of caution** and declare these interests in line with the Nolan Principles.

4. Combined Authority Members and Voting and Local Authority Co-optees on any Combined Authority Committee and/or Working Group

- 4.1 These members are required to comply with the **Combined Authority's Members' Code of Conduct** in Part 5 of the Constitution. The Code sets out the procedures for registering and declaring pecuniary and other interests, and managing conflicts which arise at any formal meeting of the Combined Authority, or a committee appointed by the Combined Authority.
- 4.2 The Code of Conduct sets out requirements for declaring pecuniary and other interests at formal meetings, where members are decision-makers. The **Conflicts of Interest Protocol: applications for loans or grants** manages any conflict of interest which may arise when a decision is taken by an officer, in respect of a loan or grant from the Combined Authority.
- 4.3 The Combined Authority's **Procedure for Considering Complaints** alleging a failure to comply with the Members' Code of Conduct in Part 5 of the Constitution sets out the process to be followed if a member is alleged to have failed to comply with the Code.
- 4.4 **Registers of interests** are published on the Combined Authority's website.
- 4.5. Article 12 (Officers) in Part 2 of the Constitution also specifies additional requirements and restrictions in relation to:
- **canvassing for appointments** to the Combined Authority, and
 - **disclosing any relationship** between the member and an officer, or a candidate for employment.

5. Members of any Advisory Boards who are not subject to the Members' Code of Conduct and non-voting Private Sector Members on the Combined Authority's Committees and/or Working Groups

- 5.1. Any member of any Advisory Board and/or Working Group who is **not subject to the Members' Code of Conduct and non-voting private sector members on the Combined Authority's committees and working groups** are still required to act in line with the **Nolan Principles of public life** which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership and **are expected** to

meet the standards of the Members' Code of Conduct as a matter of good governance.

- 5.2. All members of Advisory Boards and Working Groups should treat meetings as if they are a formal committee meeting **for the purposes of disclosing interests and not participating where a member has an interest in any matter**. This approach helps members avoid breaching the principles of conduct set out in the Code relating to selflessness and honesty and integrity.
- 5.3. Similarly, **all non-voting private sector members** should **ensure that any relevant interests are declared and appropriate action is taken** having regard to the Nolan principles and the Members' Code of Conduct when attending committee meetings or other meetings in such a capacity.
- 5.4. Any declaration or non-participation by any member should be recorded in the minutes for the meeting of the Board or committee as appropriate.

6. Officers

- 6.1 Officers of the Combined Authority must comply with the Combined Authority's Officer Code of Conduct and Gifts and Hospitality Policy in Part 5 of the Constitution when they are working for the Combined Authority.
- 6.2 Article 12 (Officers) in Part 2 of the Constitution requires officers of the Combined Authority to disclose any relationship with a member. It also reflects statutory provisions relating to:
 - prohibiting officers from being operators, directors, partners or employees of public passenger transport services, and
 - recording **pecuniary interests in contracts**.
- 6.3 The **Combined Authority's Contracts Standing Orders** in Part 4 of the Constitution addresses potential conflicts of interests arising in respect of **contracts** with the Combined Authority for goods, services or works.

7. Loans or Grants to Businesses

- 7.1 The **Conflicts of Interest Protocol: loans or grants to businesses** in Part 5 of the Constitution, sets out an additional process which the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair, and transparent way outside of formal meetings, by an officer. It provides a safeguard (for the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.
- 7.2 The process requires additional scrutiny of any application where a potential conflict of interest arises.

8. Adult Skills

- 8.1 In accordance with statutory guidance related to devolved Adult Skills Fund, the Combined Authority has approved a Conflicts of Interest Protocol: Adult Education Fund in Part 5 of the Constitution.

5.4 - Conflicts of Interest Protocol: Loans or Grants to Businesses

1. Purpose

- 1.1. The Combined Authority has adopted an overarching Conflicts of Interest Policy which is set out in Part 5 of the Constitution, and which provides an overview of how conflicts of interest are managed by reference to other procedures and requirements including the Members' Code of Conduct and this Conflicts of Interest Protocol: Loans or grants to businesses.
- 1.2. The Members' Code of Conduct in Part 5 of the Constitution addresses how members are required to register and declare pecuniary and other interests at formal meetings where members take decisions.
- 1.3. This **Conflicts of Interest Protocol: loans or grants to businesses** sets out the process which the Combined Authority follows to demonstrate that applications from businesses for loans or grants are dealt with in an impartial, fair, and transparent way, including where they are considered by officers. It provides an additional safeguard (for the Combined Authority and for applicants) to minimise the risk of reputational damage from any perception of undue influence.
- 1.4. The process requires additional scrutiny of any application where a potential conflict of interest arises.

2. Scope

- 2.1 This protocol should be followed where an application for a loan or grant is made by any business (including a company, social enterprise or a sole trader) to the Combined Authority.
- 2.2 The protocol applies to:
 - the Mayor and any other Combined Authority Member,
 - any voting Co-optee on a committee of the Combined Authority,
 - any member of any Advisory Board and/or Working Group,
 - any non-voting Member including Associate Members and/or Non-Constituent Members.
- 2.3. It applies to both local authority and private sector representatives, and their substitutes.

3. General

- 3.1. This protocol supplements the Conflicts of Interest Policy. It does not replace or alter any requirement of the Members' Code of Conduct, nor any other procedure which addresses conflicts of interest.

Where any conflict of interest arises outside of those specifically required to be registered or declared under the Members' Code of Conduct, a procedure referred to in the Conflict of Interest Policy or this protocol, a Member should declare their interests **erring on the side of caution**, in line with the Nolan Principles.

4. Setting Policies and Strategies Relating to Loans and Grants

- 4.1 Members must follow the Members' Code of Conduct which sets out requirements for registering and declaring interests at meetings. The Code restricts Members' involvement in decision making at formal meetings of the Combined Authority and committees where a conflict of interest arises.
- 4.2 However, to secure the input of suitable expertise and a range of representative views into the decision-making process, appropriate involvement in matters in which Members may have an interest is facilitated by exceptions and dispensations granted under the Code.

Members are not generally precluded from participating in or voting on developing or setting any overarching policy or strategy, including setting criteria against which any application for a loan or grant will be assessed. However, **this is subject to exceptions** such as where a direct financial interest arises.

At any meeting where an item relates to a change of criteria for any loan or grant programme in respect of which a Member (or a business in which they have registered an interest) has applied for a loan or grant during the previous 24 months (successfully or otherwise), the Member should declare the application. Any such declaration should be noted in the minutes of the meeting, but the member may nevertheless participate and vote in the decision, unless otherwise precluded by the Code or the application is still to be determined. A Member may, however, choose not to participate or vote in the item if they are aware that any proposed change in criteria may affect an application which they (or the business in which they have registered an interest) intend to make for the loan or grant.

Members should check with the Monitoring Officer if they are unsure whether they may participate or vote in relation to any particular item.

5. Members to Notify Businesses of their Involvement with the Combined Authority

- 5.1 Any Member who (to comply with a Code of Conduct) has registered an interest in a business, **including any interest of their spouse or civil partner**, must:
- **notify that business of their involvement** with the Combined Authority,
 - **ask the business to declare their involvement** as a conflict of interest when applying for any relevant loan or grant, and
 - **make arrangements for the business to notify them** on any occasion when the business applies for a relevant loan or grant.

6. Applying for a Loan or Grant - Applicant Business

6.1 The application form for a loan or grant to businesses will ask the applicant to declare whether:

- the applicant, any Director, Trustee or employee of the business, or
- their spouse or civil partner is:
 - (a) a member of any Advisory Board or Working Group of the Combined Authority,
 - (b) a Combined Authority Member, or
 - (c) a voting Co-optee on any committee appointed by the Combined Authority, or
 - (d) a non-voting member including Associate Member and/or Non-Constituent Body Member

A business should be advised of any such potential conflict of interest by the relevant Member, under paragraph 5 above. Nevertheless, each business should take such additional steps as are reasonably practicable to ensure that any declaration is full and accurate.

7. Members' Actions Where a Conflict of Interest Arises

7.1 A Member must also:

- (a) **notify the Monitoring Officer** on each occasion where:
- they apply for a loan or grant, or
 - a business which is registered as an interest on their register of interest applies for a loan or grant,
 - any other interest arises which may be perceived as giving rise to a conflict of interest (for example, where an application is made by a close friend, or family member, or they are related to an officer of the Combined Authority).

The notification to the Monitoring Officer should identify:

- the **name of the applicant**,
- the **type of funding** applied for (including the funding stream if known), and
- the **nature of the potential conflict of interest**.

The date of the application should also be stated (if known).

- (b) so far as reasonably practicable avoid any personal involvement with any application for any loan or grant, or
- (c) where it is not reasonably practicable to avoid personal involvement with an application:

- **declare on any application form their involvement** if they are not a signatory,
- **do not discuss the application verbally** with any officer of the Combined Authority, and
- **communicate only in writing** about the application after it has been submitted.

8. Advising on Loan and Grant Applications

- 8.1 To avoid improper use of “inside information” about the assessment process for applications, where a member’s role includes or has included **advising on individual grant and loan applications from businesses**, no application from them, their spouse or civil partner, or from a business which they have (or should have) registered as an interest under the relevant Code of Conduct shall be considered until **six months** has elapsed since they carried out that role.

9. Considering Loan and Grant Applications

- 9.1 Every application is considered on its own merits, and no applications are granted unless the eligibility criteria for the loan or grant are met.

No Member may participate or vote on any decision-making relating to any application in respect of which they have a conflict of interest.

Members must not seek in any way to improperly influence the outcome of any application which has (or may be) made in which they have an interest.

- 9.2 Where an interest has been declared by an applicant on the application form, and/or a member (or where an interest is otherwise brought to the attention of a relevant Director), the application will not be progressed unless:

(a) the Monitoring Officer has confirmed that:

- the member has registered the business as an interest on their register in accordance with the requirements of the relevant Code of Conduct, and
 - a full declaration of interest by the member has been received in relation to the application in accordance paragraph 7 of this protocol.
- and

(b) the relevant Director has confirmed that:

- the applicant has made a declaration of interest on the application form in accordance with paragraph 6,
- the member did not discuss the application verbally with any officer of the Combined Authority after its submission, nor otherwise seek to improperly influence the application.

- 9.3 Subject to (a) and (b) above, where an interest arises, the application should be referred for determination by:
- the Combined Authority's Chief Executive, or
 - a meeting of the Combined Authority or a relevant committee.
- 9.4 An application may only be granted further to a recommendation from a **relevant Director** who has assessed the application and confirmed that it has been considered on its own merits and meets relevant eligibility criteria.
- 9.5 The decision-maker should take into account any other relevant information which relates to the conflict of interest.
- 9.6 The **record of any decision** about an application where a conflict of interest has arisen must record the conflict of interest declared by the member, and that this protocol has been followed.

10. Reporting

- 10.1 The Monitoring Officer will **annually report** to the Combined Authority's Governance and Audit Committee on the number and outcome of applications considered in accordance with this protocol during the financial year and on any breaches of the protocol.

5.5 – Member, Mayor and Officer Protocol

1. Purpose

- 1.1 The purpose of this protocol is to guide members and officers of the Combined Authority in their relations with one another.

2. Principles

- 2.1 Members and officers must at all times observe this protocol.
- 2.2 The protocol has been approved by the Combined Authority who will monitor its operation.
- 2.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
- 2.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 2.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Combined Authority as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Combined Authority's work under the direction of the Combined Authority.
- 2.6 The Combined Authority has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, namely:
- Selflessness - serving only the public interest.
 - Honesty and integrity - not allowing these to be questioned; not behaving improperly.
 - Objectivity - taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness - giving reasons for decisions.
 - Personal judgement - reaching one's own conclusions and acting accordingly.
 - Respect for others - promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
 - Duty to uphold the law - not acting unlawfully.
 - Stewardship - ensuring the prudent use of a Combined Authority's resources.
 - Leadership - acting in a way which has public confidence.

- 2.7 These principles underpin this protocol. They will also be reflected in a new statutory code of conduct for employees due to be introduced in the near future.
- 2.8 Until such time as a new national code appears, officers are bound by the Combined Authority's own code of conduct for staff and, in some cases, by the codes of their professional associations.
- 2.9 Breaches of this protocol by a member may result in a complaint to the Monitoring Officer if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

3. The Role of Members

- 3.1 Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of the Monitoring Officer.

Role	Potential Conflict
Executive Member	Officer implementation of portfolio responsibilities
Scrutiny Member	Review of own decisions
Representative Members on Outside Bodies	Outside bodies' policies/actions not in line with Combined Authority interests
Political Party Members	Party political beliefs not in line with Combined Authority policy

- 3.2 Collectively, members are the ultimate policymakers determining the core values of the Combined Authority and approving the authority's policy framework, strategic plans and budget.
- 3.3 Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

4. Relationships with Officers

- 4.1 Members are not authorised to instruct officers other than:
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Combined Authority for members' use;
 - where staff have been specifically allocated to give support to a member or group of members; and
 - in the case of political assistants.
- 4.2 Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Combined Authority.

- 4.3 Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 4.4 Members must respect the impartiality of officers and do nothing to compromise it, eg by insisting that an officer change his/her professional advice.
- 4.5 Members have a duty under their code of conduct:
- to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect.
- 4.6 Under the code, a member must not when acting as a member or in any other capacity:
- bring the Combined Authority or his/her position as a member into disrepute, or
 - use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

5. The Role of Officers

- 5.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 5.2 Under the direction and control of the Combined Authority (including, as appropriate, the Mayor, committees and sub-committees), officers manage and provide the Combined Authority's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 5.3 Officers have a duty to implement decisions of the Combined Authority, the Mayor, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Combined Authority's constitution, and duly minuted.
- 5.4 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 5.5 Officers must assist and advise all parts of the Combined Authority and the Mayor. They must always act to the best of their abilities in the best interests of the authority as expressed in the Combined Authority's formal decisions.
- 5.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 5.7 Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

6. The Relationship between Members and Officers: General

- 6.1 The conduct of members and officers should be such as to instill mutual confidence and trust.
- 6.2 The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 6.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 6.4 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.5 It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 6.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
- 6.7 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.
- 6.8 Members will endeavour to give timely responses to enquiries from officers.
- 6.9 An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.
- 6.10 Members and officers should respect each other's free (ie non-Combined Authority) time.

7. The Combined Authority as Employer

- 7.1 Officers are employed by the Combined Authority as a whole.

7.2 Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment, and
- hearing and determining appeals.

7.3 Members shall not act outside these roles.

7.4 If participating in the appointment of officers, members should:

- remember that the sole criterion is merit
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and
- not favour a candidate by giving him/her information not available to the other candidates.

7.5 A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

8. Mayor, Combined Authority Members and Officers

8.1 Officers will respect the position of Mayor and provide appropriate support.

8.2 Combined Authority Members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the decisions of the Mayor and the Combined Authority.

8.3 In addition to the Mayor and individual members of the Combined Authority, senior officers (including the Monitoring Officer and the designated Finance Officer) have the right to submit papers to the Mayor and the Combined Authority as a whole or to individual Combined Authority Members for consideration.

8.4 Senior officers and the Mayor and Combined Authority Members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Mayor and the Combined Authority Members will seek appropriate professional advice including, without exception, the Monitoring Officer and designated S73 Chief Finance Officer, and will not direct officers in the framing of recommendations.

8.5 Before any formal decisions with a financial implication are taken by the Mayor and/or the Combined Authority, the s73 Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

8.6 An individual Combined Authority Member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that the Mayor and other Combined Authority Members and officers who need to know of

the matter are so informed. There is a particular requirement to involve the Mayor and other Combined Authority Members on cross-cutting issues.

- 8.7 The Mayor and all Combined Authority Members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
- 8.8 Officers taking decisions under their delegated powers must consider the advisability of informing the Mayor and relevant Combined Authority Member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious or has wider policy implications.

9. Overview and Scrutiny Members and Officers

- 9.1 Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
- 9.2 An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
- 9.3 When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.
- 9.4 It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Mayor or another part of the Combined Authority on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere - from the Combined Authority's dedicated Scrutiny Officer or externally.
- 9.5 Subject to 9.4 above, officers should be prepared to justify advice given to the Combined Authority, the Mayor, or other committees and sub-committees even when the advice was not accepted.
- 9.6 Officers must also be prepared to justify decisions they have taken under delegated powers.
- 9.7 In giving evidence, officers must not be asked to give political views.
- 9.8 Officers should respect members in the way they respond to members' questions.
- 9.9 Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
- 9.10 Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between

reviewing the policies and performance of the Mayor and/or the Combined Authority and its services and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

- 9.11 In exercising the right to call-in a decision of the Mayor and/or the Combined Authority, overview and scrutiny members must seek the advice of the Monitoring Officer if they consider the decision is contrary to the Combined Authority's approved plans, policies or frameworks, or is unlawful.

10. Members of other Committees or Sub-Committees and Officers

- 10.1 The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of committees and subcommittees.
- 10.2 Senior officers (including the Monitoring Officer and the designated S73 Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.
- 10.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.
- 10.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

11. Party Groups and Officers

- 11.1 Senior officers may properly be asked to contribute to deliberations of matters concerning Combined Authority business by party groups.
- 11.2 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Combined Authority business. Officers must not be involved in advising on matters of party business and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 11.3 Party group meetings are not empowered to make decisions on behalf of the Combined Authority, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Combined Authority business and must not be interpreted as doing so.
- 11.4 Where officers provide factual information and advice to a party group in relation to a matter of Combined Authority business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Combined Authority.

- 11.5 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 11.6 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 11.7 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 11.8 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 11.9 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 11.10 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 11.11 An officer who is not a senior officer shall not be invited to attend a party/ group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
- 11.12 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 11.13 No member will refer in public or at meetings of the Combined Authority to advice or information given by officers to a party group meeting.
- 11.14 At party group meetings where some of those present are not members of the Combined Authority, care must be taken not to divulge confidential information relating to Combined Authority business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Combined Authority information as members.

12. Members' Access to Documents and Information

- 12.1 This part of the protocol should be read in conjunction with the Access to Information Rules in the Combined Authority's constitution.
- 12.2 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Combined Authority's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.

- 12.3 The Mayor and every member of the Combined Authority, an overview and scrutiny committee/ commission, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or subcommittee or the Combined Authority.
- 12.4 A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
- where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.
- 12.5 Information given to a member must only be used for the purpose for which it was requested.
- 12.6 It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 12.7 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 12.8 When requested to do so, officers will keep confidential from other members advice requested by a member.
- 12.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

13. Media Relations

- 13.1 All formal relations with the media must be conducted in accordance with the Combined Authority's agreed procedures and the law on local authority publicity.
- 13.2 Press releases or statements made by officers must promote or give information on Combined Authority policy or services. They will be factual and consistent with Combined Authority policy. They cannot be used to promote a party group.
- 13.3 Officers will keep relevant members informed of media interest in the Combined Authority's activities, especially regarding strategic or contentious matters.
- 13.4 Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
- 13.5 Likewise, officers will inform the Combined Authority's press office of issues likely to be of media interest, since that unit is often the media's first point of contact.
- 13.6 If a member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (eg as ward member, in a personal capacity, as an Executive member, on behalf of the Combined Authority, or on behalf of a party group);

- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Combined Authority's press office
- consider the likely consequences for the Combined Authority of his/her statement (eg commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

14. Correspondence

- 14.1 If an officer wishes to share correspondence between an individual member and an officer with another member, regardless of the reason, they must first seek and receive the permission of the first member. If an officer considers that he/she has a legal obligation to share correspondence between a member and an officer with a member (other than a member who the member correspondent has copied into the correspondence) then the officer must inform the member whose correspondence is proposed to be shared that he/she intends to share it and refer the member to the relevant legal provision. In the event that agreement to share the correspondence is not provided, the decision upon sharing the correspondence will be referred to the Monitoring Officer for determination. The presumption is that correspondence between a member and an officer will not be shared with another member unless the originator gives express permission for it to be so shared. This applies to both paper-based and electronic correspondence.
- 14.2 Official letters written on behalf of the Combined Authority should normally be in the name of the relevant officer. It may be appropriate in some circumstances (eg representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of an overview and scrutiny committee.
- 14.3 The Mayor may initiate correspondence in his/her own name.
- 14.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Combined Authority should never be sent in the name of a member.
- 14.5 When writing in an individual capacity as a ward member, a member must make clear that fact.

15. Access to Premises

- 15.1 Officers have the right to enter Combined Authority land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

15.2 Members have a right of access to Combined Authority land and premises to fulfil their duties.

15.3 When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

16. Use of Combined Authority Resources

16.1 The Combined Authority provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Combined Authority. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

16.2 Members should ensure they understand and comply with the Combined Authority's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Combined Authority's expense;
- in relation to any locally-agreed arrangements, eg payment for private photocopying; and
- regarding ICT security.

16.3. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Combined Authority;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Combined Authority; and
- support to a member in his/her capacity as a member of another local authority.

17. Interpretation, Complaints and Allegations of Breaches

- 17.1 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
- 17.2 A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the officer privately.
- 17.3 If direct discussion with the officer is inappropriate (eg because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
- 17.4 A serious breach of this protocol by an officer may lead to an investigation under the Combined Authority's disciplinary procedure.
- 17.5 An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct.

5.6 - Anti-Fraud, Bribery and Corruption Policy

1. Introduction

This policy aims to ensure that Hull and East Yorkshire Combined Authority (the Combined Authority) has an effective anti-fraud culture and an effective framework to manage the risk of fraud, bribery and corruption.

Fraud, bribery and corruption are serious criminal acts that can damage the finances of organisations and undermine confidence in public services. Such acts are the antithesis of the Combined Authority's values. Criminal penalties for breaching the law in this area can be severe and there are some specific points where the Combined Authority itself could potentially face prosecution if there is an insufficient framework in place. The policy is therefore important in protecting the organisation from financial and reputational harm, as well as providing greater clarity on the actions to take if Members, officers, customers, partners or other stakeholders suspect or believe that fraud, bribery or corruption are happening.

2. Definition and Scope

This policy applies to all Members (whether voting or non-voting, Associate Members, Non-Constituent Body Members, officers, contractors and agents of the Combined Authority, except where agents have their own policy and procedures in place that already provide at least an equivalent and sufficient framework.

This Policy and the associated procedures outline the Combined Authority's approach to countering fraud, bribery and corruption risks.

- Fraud is a term that describes acts or omissions that are undertaken dishonestly and with the intention of making a gain for the perpetrator or another person, and/or to cause loss for someone else.
- Bribery and corruption involve the offering or accepting of a reward (bribe) for someone to perform their duties improperly.

These terms are generally associated with financial and property matters, but they have wider application. For example, false statements on application forms for school places could constitute fraud, whilst corruption might include enabling a friend to jump the queue for a planning application, even if there was no monetary bribe and no attempt to skew the final decision.

The policy is also intended to cover other acts of a similar character to fraud, including, but not limited to, theft, abuse of disabled parking concessions, and tax evasion.

This policy should be read in conjunction with the following policies and associated guidelines:

- Code of Conduct for Officers
- Member Code of Conduct
- Confidential Reporting (Whistleblowing) Policy
- Human Resources policies, notably in relation to recruitment and selection, and the Disciplinary Policy

- Procurement Rules and Financial Procedures.
- Anti-Money Laundering Policy

3. Policy Statement

The Combined Authority will not tolerate, and is committed to combatting, fraud, bribery, corruption and other dishonest wrongdoing in all of its activities.

The Combined Authority expects its members and officers to follow their respective Codes of Conduct and demonstrate the Principles of Public Life, (in particular the highest standards of honesty and integrity), at all times. It also expects third parties, such as customers, suppliers and partner agencies to act with honesty and integrity in their dealings with the Combined Authority.

The Combined Authority is therefore determined to identify fraud, bribery and corruption by any party, including: officers who abuse their positions of trust; contractors who abuse their relationship with the organisation; or customers who attempt to obtain assets or services to which they are not entitled.

The Combined Authority will continuously review its systems and procedures, to ensure fraud risks are managed through robust and proportionate controls to prevent, deter and detect fraud, bribery and corruption.

The Combined Authority will encourage officers, councillors and other stakeholders to raise any concerns about fraud, bribery and corruption. For officers, this can usually be done via line managers, but if that is not appropriate due to sensitivity or closeness to the malpractice, there are other ways for officers to raise concerns including use of the Confidential Reporting policy.

Fraud, bribery and corruption are serious offences. The Combined Authority will:

- Investigate alleged instances, including referral to the police or other relevant authorities (such as the Department for Work and Pensions or Her Majesty's Revenue and Customs) where appropriate.
- Instigate disciplinary action where officers are involved.
- Seek prosecution where criminal offences can be proven.
- Seek reimbursement, compensation and costs as appropriate where public funds or assets have been defrauded or misappropriated.
- Review policies, systems and procedures where cases occur, with the aim of continuous improvement and preventing repetition.

The Combined Authority fully supports the work of the police and other agencies in the fight against fraud, bribery and corruption within the public sector and the wider economy.

The policy will be implemented through the strategy and procedures set out in this document.

4. Legal and Regulatory Framework

The principal legislation relating to fraud, bribery and corruption is:

- Fraud Act 2006
- Theft Act 1968
- UK Bribery Act 2010
- Specific legislation relating to particular activities, including:
 - The Procurement Act 2023 and subsequent amendments including Procurement Policy Notes
 - S117 Road Traffic Regulation Act 1984 (RTRA) (re abuse of disabled parking concessions)
- Proceeds of Crime Act (POCA) 2002
- Anti-Money Laundering and Terrorist Financing legislation comprising:
 - Terrorism Acts 2000 and 2006
 - Criminal Finances Act 2017
 - Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
 - Money Laundering and Terrorist Financing (Amendment) Regulations 2019 and 2022

Where the Combined Authority undertakes criminal investigations, these are undertaken within the parameters of legislation governing their conduct, including:

- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedures Investigation Act 1996 (CPIA)
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Data Protection Act 2018

Copies of this legislation can be found at www.legislation.gov.uk and the main offences are summarised at Appendix A.

5. Managing the Risk of Fraud, Bribery and Corruption

The Combined Authority's approach is based on principles set out in CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption in Local Government:

- Acknowledging responsibility for countering fraud and corruption (see above);
- Identifying fraud and corruption risks;
- Developing an appropriate counter-fraud and corruption strategy;
- Providing resources to implement the strategy; and
- Taking action in response to fraud and corruption

6. Roles and Responsibilities

Members have a responsibility for setting the tone of the organisation, to be aware of the risks of fraud, bribery and corruption, and to act with honesty and integrity. They have a responsibility to report, via the Monitoring Officer, any concerns they may have.

The Chief Executive as Head of Paid Service is responsible for setting the internal tone of the organisation so that an anti-fraud culture is maintained. The Head of Paid Service is also ultimately responsible for the management of the organisation, including compliance with the financial control systems that are determined by the S73 Officer.

The S73 Chief Finance Officer is responsible for determining systems of financial control including those in relation to fraud, bribery and corruption.

Senior Managers have responsibility for maintaining an effective system of internal control so as to manage the risk of fraud, bribery and corruption in their service areas.

Managers have a key role in supporting their Senior Managers by maintaining controls in their areas of responsibility. They are also responsible for ensuring their staff understand their role in upholding Combined Authority values and the Principles of Public Life (which are set out in the Code of Conduct for Officers) - in particular their duty to behave with honesty and integrity. Managers need to be aware of the procedures to follow under this policy in the event that their staff or third parties report concerns about fraud, bribery or corruption.

All officers and agents of the Combined Authority have responsibility for being aware of the risks of fraud, bribery and corruption, and acting with honesty and integrity in their work. They also have a responsibility to report to management any concerns they may have.

The Audit and Governance Committee has responsibility for monitoring and reviewing the effectiveness of internal controls and governance arrangements, including the ongoing development of the arrangements set out in this document.

The Head of Internal Audit has responsibility to:

- Review the Combined Authority's arrangements for managing the risk of fraud, bribery and corruption, and evaluate their effectiveness in preventing and detecting such activity.
- Prepare and maintain this policy.
- Promote an anti-fraud culture by raising awareness of fraud issues and through the provision of training.
- Assist services with identifying fraud risks and appropriate mitigating actions.
- Undertake proactive audit work to review the arrangements in place in specific services.
- Support Directors with investigations into alleged frauds perpetrated against the Combined Authority.

The External Auditor has a responsibility to report on any concerns arising from his work to as regards the adequacy of the Combined Authority's arrangements in place for the prevention and detection of fraud, bribery and corruption.

7. Risk Identification

The Combined Authority identifies risks by reference to:

- National data, reports and surveys which flag emerging themes at similar organisations.
- Networking with other organisations in the sector and beyond, including other councils, Tenancy Fraud Forum, National Anti-Fraud Network (NAFN), Police and the Authority's bankers.
- Discussion between service areas and the Head of Internal Audit.
- Analysis, such as targeted audit work to evaluate risks in specific areas.

8. Anti-Fraud and Corruption Strategy

The Authority's Anti-Fraud and Corruption Strategy is based on a comprehensive series of inter-related procedures designed to deter, frustrate and prevent fraud and corruption from occurring; and where it does occur, to facilitate effective detection, investigation, action and follow up.

Corporate Framework

The corporate framework comprises:

- This policy and complementary policies as noted in Section 2.
- Full support from all members, the Chief Executive and Directors.
- The Combined Authority's Constitution and Codes of Conduct for Members and officers.
- A Confidential Reporting (Whistleblowing) Policy.
- A Corporate Feedback scheme to record and respond to complaints, comments, compliments and concerns.
- An effective risk management and internal control framework.
- Effective internal and external audit arrangements.
- An effective Head of Internal Fraud.
- Effective workforce strategies.
- A process for investigating complaints against Members.
- An effective scrutiny process.
- Clear rules on travel and expenses.
- Clear procurement rules.
- Guidance on gifts and hospitality and a process for recording them.

Prevention

Within the corporate framework there are a number of key processes that contribute to the prevention of fraud and corruption, that is to say they make the offences more difficult to undertake:

- Internal controls, especially the separation of duties and procedural checks in systems that are inherently susceptible to fraud.
- Controls over officer recruitment and conduct, in particular due diligence prior to confirming appointments, induction processes, and an established processes to disclose potential conflicts of interest.
- Code of Conduct and policies that communicate the Principles of Public Life and make it absolutely clear that fraud and bribery are not only criminal acts but also gross misconduct.
- Contracts Standing Orders and pre-contract due diligence of new suppliers.
- Robust controls over IT access and physical access controls to offices that contain sensitive records.
- Learning from others through networking and best practice.

Detection and Investigation

There are also a number of key processes that facilitate the ongoing monitoring of fraud risks, detection where frauds may occur and effective investigation where fraud or corruption is suspected:

- Budget monitoring and control.
- Management checks to verify that controls are functioning effectively.
- Internal audit assurance work to appraise that the overall system of internal controls for particular service areas and functions.
- Data matching checks, including internal and external data sets. This includes mandatory National Fraud Initiative (NFI) data matching exercises, which aim to identify anomalies that are indicative of fraud.
- Sharing of information, (with appropriate data protection protocols), to give early warning of new types of fraudulent activities so that appropriate detection methodologies can be put in place.
- Well established procedures to record and process reports of fraud in systems that are inherently at risk (such as CTRS)
- Procedures for officers and Members to report suspicious activity.
- Publicity, such as posters in public buildings which advise members of the public how to report suspicious activity.
- A Head of Internal Audit to:
 - Undertake compliance work that clears up low value irregularities in systems such as CTRS, thereby preventing these evolving into material frauds;

- Investigate frauds in relation to systems such as CTRS that are inherently at risk of fraud;
- Assist Heads of Service with investigations into internal frauds, which are usually undertaken under the auspices of the Authority's Disciplinary Policy;
- Provide advice to support the ongoing development of the framework.
- Appropriate referral to (and, where appropriate, joint investigations with) other agencies, such as the DWP, HMRC and Police.

Sanctions, Prosecution and Follow Up

Where investigations conclude that fraud has occurred, appropriate sanctions are imposed, including:

- Disciplinary hearings (usually leading to dismissal) if officers have committed fraud.
- Prosecution or alternative sanctions (such as Administrative Penalties) as set out in the relevant legislation for the type of fraud concerned. Decisions as to the appropriateness of sanctions are taken in consultation with Legal Services and with reference to the weight of evidence and Public Interest considerations.
- Legal recovery of losses where feasible.

If the investigation identifies control weaknesses, internal audit work is usually commissioned to appraise the extent of those weaknesses and assist management in addressing them.

Deterrence

Measures are in place to deter potential fraudsters from committing or attempting fraudulent or corrupt acts. These include:

- Acting robustly when fraud or corruption is suspected.
- Taking action to effect maximum financial recoveries for the Authority.
- Having an effective internal control framework.
- Publicising prosecutions and more generally that the Authority does not tolerate fraud or corruption and will seek to prosecute.

9. Training

The Head of Internal Audit will provide relevant training, including eLearning materials and tailored training for services that are considered at risk of exposure to fraud, bribery and corruption. This will be specified in consultation with Senior Officers and will include refresher training where required.

10. Review

This policy will be reviewed by the Audit & Fraud team in consultation with internal stakeholders at least once every two years, to keep pace with changes in legislation and practice.

11. Procedure/Fraud Response Plan

This procedure explains the actions to be taken where fraud, bribery or corruption is suspected.

Notification - Officers and Third Parties/Members of the Public

Officers should report any issue that suggests fraud, bribery, corruption, or other financial irregularity or impropriety. Reports should normally be submitted via your line manager, who should inform a senior manager, ie your Head of Service or Director.

The Combined Authority also encourages members of the public and contractors etc, who suspect fraud, theft or corruption to contact it. They will generally use publicised contact details that ensure the matter is reported to the Head of Internal Audit for further consideration.

Notification - Members

Members should refer any relevant issues to the Monitoring Officer in their absence, the Head of Internal Audit.

If Members become aware of conduct by another Member that conflicts with the Member Code of Conduct, they must consider whether to make a written report to that effect: this is done by addressing the complaint to the Monitoring Officer.

Alternative Notification Procedure (Whistleblowing)

If you feel it is not appropriate to inform your line manager, or to make the senior managers in your section aware of your concerns, you may instead file a report using the Confidential Reporting (Whistleblowing) Procedure. This is overseen by the Monitoring Officer, who will commission an appropriate investigation.

Response

Reports of 'routine' frauds will be assessed against criteria to determine how they should be taken forward. This may involve compliance work, a full investigation, or referral to another agency, (for example, CTRS frauds often involve welfare benefit claims as well and the legal powers to investigate benefit fraud now rest with the DWP). The Head of Internal Audit will make that assessment.

Reports through the Confidential Reporting Procedure will be dealt with in accordance with that procedure. Normally this will involve an investigation led by the Head of Internal Audit or Human Resources depending on the circumstances. The Monitoring Officer will determine the form of investigation in each case.

In all other cases, Directors have a duty to respond to any allegation of fraud or corruption by immediately informing the Head of Internal Audit to determine the next steps. Credible allegations will require investigation and the relevant Director will assign a senior manager to serve as Lead Investigation Officer. The Head of Internal Audit will support the investigation officer:

- Investigations into gross misconduct which involve alleged fraud, theft, bribery, corruption or other financial irregularities will normally be undertaken jointly by the designated service area manager, Human Resources and the Head of Internal Audit.
- Investigations into other (non-financial) gross misconduct will normally be undertaken by a service area manager and Human Resources.
- Investigations into other forms of misconduct will be dealt with by the service area concerned with appropriate involvement of the Human Resources team.

If, during the course of a 'non-financial' investigation, matters come to light in relation to financial control, risk management or governance, then the service area manager should immediately inform the Head of Internal Audit.

All investigations, regardless of the route, nature and type, will be conducted to standards that encompass:

- A professional and systematic approach
- Compliance with relevant policies, procedures and legislation (PACE, CPIA, RIPA and DPA)
- Maintaining the confidentiality of confidential or sensitive information that emerges during the investigation.

The Lead Investigation Officer will ensure that the following people are kept informed at appropriate stages as the investigation progresses:

- S73 Chief Finance Officer (or in their absence the Monitoring Officer)
- Relevant Director
- Head of Paid Service (if officer fraud or corruption is suspected).
- The Head of Internal Audit if weak financial controls or procedures have played a part in allowing the fraud or corruption to be committed.

Lead Investigation Officers will ensure that any actions determined by the S73 Chief finance Officer and/or the Monitoring Officer will be carried out, including possible referral to the police, regulatory bodies, the Authority's insurers or other agencies depending on the circumstances.

Referral to the police or other agency does not inhibit action under the disciplinary policy. However, any ongoing internal investigation will need to be co-ordinated with the relevant external agency to preserve the integrity of the external agency's investigation.

If an internal and/or criminal investigation concludes that fraud or other financial crime has occurred and led to financial losses, the Director will also consult the Monitoring Officer to determine appropriate action to seek recovery of those losses.

Guidance and Support

If you require further guidance with the interpretation of these procedures, please contact:

- Head of Internal Audit
- Monitoring Officer
- S73 Chief Finance Officer

Appendix A - Summary of Fraud and Similar Offences Set Out in UK Legislation

Fraud Act 2006

The Fraud Act defines a general offence of fraud and three ways it can be committed. In each case there must be: dishonesty; and an intent to make a gain or cause loss; and:

- Fraud by false representation - where someone makes a statement which they know to be untrue or misleading.
- Fraud by failing to disclose information - where someone fails to disclose information they are under a legal duty to disclose.
- Fraud by abuse of position - where someone is expected to safeguard the financial interests of another person and abuses that position.

The Fraud Act defines further offences of:

- Possession of articles for use in frauds – such as other people's credit card details or software for producing blank utility bills.
- Making or supplying of articles for use in frauds – such as supplying information or manufacturing devices to be used in frauds by other people.
- Fraudulent trading - such as inflating bills or charging for work not done.

Theft Act 1968

- Theft - eg of money or assets
- False accounting - falsification or concealment of financial records or use of such records for dishonest purposes.

Bribery Act 2010

- Offer or promise of a bribe
- Request or acceptance of a bribe
- Bribing a foreign public official to secure business or advantage in the conduct of business
- Failure by an organisation to prevent bribery committed on its behalf. It is hard to envisage circumstances where bribery would be committed on the Authority's behalf and the robust framework as described in this policy should provide a defence if this offence was ever alleged.
- Obstruction of authorised officers.

Prevention of Social Housing Fraud Act 2013

This defines specific offences in relation to the sub-letting of social housing stock. It also provides investigators with similar powers to those under the CTRS Regulations but in respect of investigations into tenancy fraud.

The Public Contracts Regulations 2015 and Related Matters

These set out parameters for the way in which public bodies should procure goods and services. A breach of the Regulations would not, in itself, be a criminal offence. However, potential contractors who are disadvantaged may seek remedies through the courts. This could have serious financial, operational and reputational consequences. Also, if a breach was intentional and/or dishonestly motivated, the circumstances could give rise to offences under other legislation, such as the Fraud Act or the Bribery Act. This is particularly the case regarding Regulation 24, which requires effective measures to prevent conflicts of interest distorting competition.

Road Traffic Regulation Act 1984

S117 of the Act defines offences concerning the wrongful use of disabled persons badges.

Criminal Finances Act 2017

This gives law enforcement agencies and partners further capabilities and powers to recover the proceeds of crime, tackle money laundering, tax evasion and corruption, and combat the financing of terrorism.

Part 3 of the Act defines corporate offences of failure to prevent the facilitation of tax evasion. Given the nature of the Authority's transactions, it is hard to envisage circumstances where the Authority or its agents would facilitate tax evasion and the robust framework as described in this policy should provide a defence if this offence was ever alleged.

Anti-Money Laundering Legislation

Various legislation that deals with offences in relation to money laundering and the financing of terrorism. Money laundering involves the processing, dealing with, concealing or converting the proceeds of crime or terrorism and/or funds to be used for terrorism. The impact of this legislation in the Authority's context is described in the Authority's Anti-Money Laundering Policy, together with guidance on the actions to take if officers become aware or suspicious that money laundering is taking place.

5.7 - Whistleblower Policy and Procedure

1. Scope

This policy applies to all employees and officers of the Combined Authority. Other individuals acting as 'workers' within the Combined Authority, such as casual workers and agency workers, are also able to use this policy. It is acknowledged that members of the public may also contact the Combined Authority with their concerns and they will be investigated using this procedure.

This policy and procedure is not intended to form part of the contract of the employment of any individual officer.

2. Aims

The official term for whistleblowing is 'making a disclosure in the public interest'; however it is much more commonly called 'blowing the whistle' or 'whistleblowing'. It means that if you believe there is wrongdoing in your workplace or within the public services provided by the Combined Authority (eg corruption or wrongdoing such as improper, illegal or negligent behaviour) you can report this by following the correct processes, and your employment rights are protected.

The policy aims to:

- Encourage individuals to feel confident in raising concerns and to question, and act, upon concerns.
- Provide various avenues for individuals to raise those concerns and receive a response to them together with feedback on any action taken.
- Reassure officers and others making a whistleblowing report that they will be protected from possible reprisals or victimisation, including dismissal, if they have a reasonable suspicion that wrongdoing is occurring, has occurred or is likely to occur; and make a disclosure about it using this procedure, believing it to be in the public's interest.
- Enable the Combined Authority to identify poor or inadequate practice and take corrective action.

3. Roles and Responsibilities

Within this policy the following roles and responsibilities are adopted:

The Monitoring Officer

Is responsible for:

- The overall whistle blowing process.
- Determining any misuse of the process.
- Liaising with the Independent Person upon the outcome of investigations into whistle blowing complaints.

- Ensuring that the Chief Executive is made aware of whistleblowing complaints where following investigation action is required.
- Reporting annually to Audit and Governance Committee upon the process.

The Customer Feedback Team Leader (Hull City Council)

Is responsible for:

- Managing receipt and progression of a whistleblower referral.
- Notifying the Independent Person of receipt of a whistleblowing allegation.
- Consulting the responsible Director upon the allegation, unless the allegation is about that individual.
- Consulting the Independent Person upon whether the complaint should be progressed to investigation.
- Determining whether a referral falls within the definition of a whistleblowing allegation and whether an investigation is required.
- Allocating the investigation to the appropriate service area to appoint an investigator.
- Where an investigation is undertaken, liaising with the investigating officer(s) to ensure that it is undertaken in a timely manner.
- Reporting to the Monitoring Officer upon the reasons for whistleblowing matters not being progressed to investigation and the Independent Persons advice in relation thereto.
- Liaising with the Monitoring Officer upon whistleblowing matters which are referred for investigation.

Internal Audit and Human Resources

Internal Audit ordinarily conduct investigations and report on findings to the Monitoring Officer. However, where a complaint primarily relates to a staffing management issue, Human Resources can be called upon to organise the appointment of an investigator.

The Chief Executive

Takes responsibility for ensuring that, if a systemic failure or serious operational issue is identified as a result of investigation findings, the recommended service change occurs.

The Independent Person

- Reviews and comments to the Customer Feedback Team Leader upon the approach proposed to be followed in relation to individual whistleblowing referrals.
- Comments to the Monitoring Officer upon the proposed outcome of whistleblowing referrals.

The Audit Committee

Under the Combined Authority's Constitution, the Audit and Governance Committee are responsible for review of the Whistleblower policy and procedure.

Officers

It is the duty of officers to:

- Report any incidents of malpractice, suspected theft, fraud or anything that may bring the Combined Authority into disrepute in accordance with this procedure to the Monitoring Officer.
- Only make a disclosure if they reasonably believe that a disclosure to be in the public interest, having regard to the criteria set out in paragraph 5.2 below.
- Keep their disclosure confidential.

4. Procedure

Introduction

Hull and East Yorkshire Combined Authority takes whistleblowing seriously. The Combined Authority is committed to maintaining an honest, fair and open culture with the highest standards of honesty and accountability. In line with that commitment, we expect officers, members, and others with whom we deal, who have concerns about any aspect of the Combined Authority's work to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage. Any matter raised will be dealt with promptly and thoroughly investigated by an appropriate person in the Combined Authority. The whistleblowing procedure is described later in this document. The whistleblowing procedure process flow can be found at Appendix 1.

Raising a Concern

Whistleblowing reports can be made in a verbal, written form and can be anonymous. Anyone wishing to raise a concern can do so through the Combined Authority's Monitoring Officer.

A Whistleblower's Report form on which details in connection with the concern can be recorded (Appendix 2) is available on the intranet and via the electronic form on the Combined Authority's website.

To progress an investigation the following information is needed:

- Details of the activity being reported and why it is of concern.
- Details about where the activity is taking place.
- Details about who is involved.
- Details about when the activity took place.
- Details of any evidence, eg receipts or other documents you might hold which evidence your concerns.

Once this information is captured, the form should be submitted to the Monitoring Officer.

Initiating Action

Following receipt of a referral:

- Where the identity of the whistleblower is known, acknowledge receipt in writing to the whistleblower within 3 working days.
- Make initial enquiries to determine the need for investigation.
- Confer with the independent person to inform a decision upon whether an investigation is required.
- Where investigation is required, refer the matter for investigation to the appropriate service area, Internal Audit or the Human Resources service.

The Investigation

The appointed investigator will:

- Agree the timeframe for the investigation with the Customer Feedback Team Leader, depending on the complexity of the case.
- Undertake the investigation within that timescale.
- Involve others as required in the investigation, eg other service areas in the Combined Authority, or other agencies such as the Police.
- Where the whistleblower is known, consider whether contact with the whistleblower is required to clarify the information (see paragraph 4.6).
- Where allegations are made against an individual, ensure that the processes adopted provide the opportunity for that individual to respond to the allegations made against that individual.
- Produce an investigation report.
- Where appropriate, identify lessons learnt for discussion with the Monitoring Officer and the Chief Executive.

Feedback

Feedback to members/officers will be undertaken through the Monitoring Officer and Governance and Audit Committee.

Involvement of the Whistleblower

The information provided on the Whistleblowing Report form, if sufficient, will allow a full investigation to take place. The amount of contact needed between those investigating the concerns and the whistleblower will depend on the nature of the issues raised and whether or not there is sufficient information with which to undertake the investigation. The whistleblower's identity will, so far as it is possible, be kept confidential.

Should further information be required in connection with the concern raised, you have the right, if you are a Combined Authority officer, to be accompanied at meetings/interviews by a trade union representative or work colleague.

Taking the Matter Further

This procedure is intended to satisfy the concerns of whistleblowers, and the Combined Authority hopes that the whistleblower will be satisfied with any action taken. If you are not, or you feel it is right to take the matter outside the Combined Authority, further independent advice is available from Public Concern at Work, Citizens Advice Bureau, Community Legal Advice Centre (CLAC), Trade Unions and The Local Government and Social Care Ombudsman.

Review of Findings

The Chief Executive will liaise with senior officers as appropriate to discuss and agree any required service actions together with timescales. Senior Officers will ensure that their teams learn from feedback, implementing action plans to correct and improve service practice.

5. Protection for Whistleblowing

Who is Protected?

When an officer or worker makes a “qualifying disclosure” to their employer, the only condition of the Act for the qualifying disclosure to be protected is that the disclosure is made in the public interest.

Where the “qualifying disclosure” is made to someone other than the employer, further conditions apply, namely that the whistleblower believes that the information disclosed, and any allegation contained in it, are substantially true and the whistleblower does not make the disclosure for purpose of personal gain.

What is a “Qualifying Disclosure”?

A “qualifying disclosure” is defined as being the disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail, to comply with any legal obligation to which he is subject.
- That a miscarriage of justice has occurred, is occurring or is likely to occur.
- That the health or safety of any individual has been, is being or is likely to be, endangered.
- That the environment has been, is being or is likely to be damaged, or;

- That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately, concealed.

When is a Whistleblower not Protected?

The protection available to a whistleblower is available where in the reasonable belief of the worker making the disclosure, the disclosure is made in the public interest. From existing case law it is considered that a disclosure will be held not to fall within this where:

- The allegation is known by the whistleblower to be false (unless the allegation was so serious that the whistleblower properly felt obliged to make the disclosure in the public interest in case they are wrong), or;
- The allegation arises from a predominant ulterior motive which, in all the circumstances of the case, makes the belief of the whistleblower that the disclosure is in the public interest unreasonable.

What is in the Public Interest?

The public interest can take many forms for example there is a public interest in transparency and accountability, to promote public understanding and to safeguard democratic processes. There is a public interest in good decision-making by public bodies, in upholding standards of integrity, in ensuring justice and fair treatment for all, in securing the best use of public resources and in ensuring fair commercial competition in a mixed economy. This is not a complete list; the public interest can take many forms.

What are the Protections?

The person will be protected from any reprisals or victimisation or from being dismissed as a result of having made a protected disclosure. The Combined Authority will take responsibility for any detrimental acts of a worker such as harassment or bullying towards another who has blown the whistle.

6. Relationship with the Complaints Procedure

The Whistleblowing Policy does not provide an avenue for further complaint for complainants who have exhausted the Combined Authority's complaints procedure. Officers will seek to identify complaints that fall within the scope of the Whistleblowing Policy and refer those through for management under that policy where appropriate. It is not envisaged that a complaint that has been progressed through the Combined Authority's complaints procedure and in relation to which the complainant remains dissatisfied will fall within the contemplation of this policy.

Part 6

6.1 - Member's Allowances Scheme

To follow.