

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.

Incability 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:
 - to attend meetings
 - to inspect agendas of and reports to meetings and background documents
 - to access documents after a meeting including minutes, and
 - to report on and record a meeting.
- to inspect the Forward Plan to find out about:
 - any Key Decision to be made by the Combined Authority, the Mayor, or an officer of the Combined Authority, and
 - 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:
 - managing internal data protection activities,
 - advising on data protection impact assessments,
 - training staff, and
 - 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.