

## 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
<b>Housing, Regeneration and Planning Functions</b>				
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)
<b>Transport</b>				
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)
<b>Additional Functions</b>				
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 <sup>4</sup>	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.<sup>4</sup> 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"> <li>any <b>Adult Education Budget Strategy</b></li> <li>the <b>Corporate Plan</b></li> <li>any <b>European funding strategies</b></li> <li><b>Strategic Economic Framework</b></li> <li>any relating to the <b>Single Investment Fund</b></li> <li>in respect of <b>any fund outside of the Single Investment Fund</b> which relates to Non-Mayoral functions</li> <li>the <b>Hull and East Yorkshire Investment Strategy</b>, and</li> </ul> <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.<sup>4</sup></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 <b>voting rights</b> 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 <b>committee or officer</b> and to appoint committees	Sections 101 and Section 102 of the Local Government Act 1972
To appoint one or more <b>overview and scrutiny committees</b>	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 <b>borrowing, investments or capital expenditure</b>	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 <b>Combined Authority's budget and the Mayor's budget</b>	Combined Authorities (Finance) Order 2017
To set a <b>levy</b>	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 <b>Standing orders</b>	Schedule 1 of the 2024 Order
To <b>consent to orders</b> relating to the <b>governance and functions of the Combined Authority</b>	Sections 103 - 113D of the Local Democracy, Economic Development and Construction Act 2009
To <b>consent to regulations</b> relating to a <b>sub-national transport body</b>	Part 5A of the Local Transport Act 2008
To <b>consent to regulations to levy</b> 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 <b>consent to regulations to borrow</b>	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 <b>Bill</b> in Parliament	Section 239 Local of the Government Act 1972 and S10 of the Transport Act 1968
To make, amend, revoke or replace a <b>Members' Allowances Scheme</b>	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 <b>Proper Officers</b>	Section 270(3) of the Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a <b>Head of Paid Service</b> , 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 <b>Monitoring Officer</b> , 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 <b>Chief Finance Officer</b> , 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
<b>To appoint members of the Combined Authority to outside bodies</b>	
To adopt, revise or replace a Members' <b>Code of Conduct</b>	Section 28 of the Localism Act 2011
To appoint at least one <b>independent person</b>	Section 28(7) of the Localism Act 2011
To <b>make arrangements</b> for investigating and making decisions about <b>allegations of failing to comply with the Members' Code of Conduct</b>	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 <b>annual report</b> on the exercise and performance of <b>transport functions</b>	Section 16 of the Transport Act 1968
To jointly approve, vary, revoke or postpone an <b>advanced quality partnership scheme</b>	Part II Transport Act 2000
To jointly make, vary or revoke an <b>enhanced partnership plan</b> and jointly make, postpone or revoke an <b>enhanced partnership scheme</b>	Part II Transport Act 2000



Functions	Relevant Legislation
To jointly approve, vary or revoke an <b>advanced ticketing scheme</b>	Part II Transport Act 2000
To jointly make, vary or terminate a <b>voluntary partnership agreement</b>	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 Officer<sup>2</sup>, 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
<b>Housing, Regeneration and Planning Functions</b>				
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
<b>Mayoral Development Corporation</b>				
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)
<b>Transport</b>				
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)
<b>Mayoral Functions</b>				
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)
<b>Funding</b>				
Business Rate Supplement Act 2009	Power - Business Rate Supplement	N	N	Article 31(1)
Section 113A of the LDEDC Act 2009 <sup>1</sup>	Power - Ancillary general power	N	N	Article 27(10)

<sup>1</sup> 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 affairs<sup>13</sup> - 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.