

3.2 - Non-Mayoral Functions

Overview

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

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

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

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

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

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

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

Table B - Non-Mayoral Functions Conferred by the Order

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Terms of Reference

Employment Panel

Membership

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

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

Decisions

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

Remit

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

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

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

Governance and Audit Committee

The Governance and Audit Committee is authorised:

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

Overview and Scrutiny Committee

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

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