

West Yorkshire Combined Authority

1st ANNUAL MEETING OF THE WEST YORKSHIRE COMBINED AUTHORITY TO BE HELD ON 1 APRIL 2014 (11.00am) AT WELLINGTON HOUSE, WELLINGTON STREET, LEEDS

A G E N D A

1. MEMBERSHIP OF THE WEST YORKSHIRE COMBINED AUTHORITY (pages 5 to 8)

To consider the attached report in relation to:

- Appointment of the LEP and substitute member
- Granting of voting rights to the member from City of York Council and the LEP member
- Noting the appointment of substitute members to the Authority

2. APPOINTMENT OF THE CHAIR AND VICE CHAIR OF THE WEST YORKSHIRE COMBINED AUTHORITY (pages 9 to 10)

To consider the attached report.

3. APOLOGIES FOR ABSENCE

4. EXCLUSION OF THE PRESS AND PUBLIC

To identify items where resolutions may be moved to exclude the press and public.

5. APPROVAL OF STANDING ORDERS AND MISCELLANEOUS PROVISIONS (pages 11 to 69)

To consider the attached report in relation to:

- Procedural Standing Orders
- Scrutiny Standing Orders
- Contracts Standing Orders

- Financial Regulations
- Adoption of the Seal, confirmation of principal office and confirmation of external auditors.

**6. APPROVAL OF STANDARDS ARRANGEMENTS
(pages 70 to 88)**

To consider the attached report of the West Yorkshire Combined Authority in relation to:

- Members' Code of Conduct
- Arrangements for dealing with allegations
- Independent Persons and Dispensations

7. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Members are reminded of their responsibility to declare any disclosable pecuniary interests in any matter under consideration at this meeting.

Should you have a disclosable pecuniary interest in an item on the agenda you should not participate in any discussion on the matter, vote on the matter or remain in the meeting during discussion and voting on the matter subject to paragraph 24 (dispensations) of the Members' Code of Conduct.

If a member is unsure of the correct course of action to take, they should seek advice from the Monitoring Officer within their respective council **prior** to the meeting.

Members should complete the appropriate form, attached herewith, and hand it to the Monitoring Officer before leaving the meeting. A blank form can be obtained from the Monitoring Officer at the meeting.

8. INTRODUCTION TO THE WEST YORKSHIRE COMBINED AUTHORITY

**9. WEST YORKSHIRE AND YORK TRANSPORT FUND
(pages 89 to 92)**

To consider the attached report, setting out the strategic objectives of the Fund and how these will contribute to the ambitions within the Strategic Economic Plan.

**10. ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS
(pages 93 to 104)**

To consider the attached report in relation to:

- Establishment of committees

- Appointments to Committees
- Appointment Of Chairs of Committees
- Granting voting rights to Committee Members

11. OFFICER ARRANGEMENTS
(pages 105 to 128)

To consider the attached report in relation to:

- Appointment of Officers
- Noting the transfer to the Authority of officers of the former WYITA
- Agreement to the secondment of the Head of Paid Service
- Agreement to the secondment of the Head of Economic Strategy
- Designation of Statutory Posts
- Officers' Code of Conduct
- To note that previous HR policies of the WYPTE and WYITA apply to the officers of the Authority

12. OFFICER DELEGATION SCHEME
(pages 129 to 144)

To consider the attached report in relation to Delegations by the Authority to Officers.

13. MEMBERS' ALLOWANCES
(pages 145 to 184)

To consider the attached report in relation to:

- The report of the Independent Remuneration Panel
- Approval of a Members' Allowance Scheme.

14. BUDGETS AND TREASURY MANAGEMENT
(pages 185 to 192)

To consider the attached report in relation to:

- the Revenue Budget
- the Capital Budget
- the Treasury Management Policy

for the Authority for the year 2014-2015.

**15. POLICIES OF THE WEST YORKSHIRE COMBINED AUTHORITY
(pages 193 to 196)**

To consider the attached report in relation to:

- The Local Transport Plan
- General policies of the former WYITA
- The Local Transport Body

**16. CALENDAR OF MEETINGS FOR 2014 – 2015
(pages 197 to 201)**

To consider the attached report in relation to a calendar of dates for future meetings of the Authority.

ITEM 1

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: MEMBERSHIP OF THE WEST YORKSHIRE COMBINED AUTHORITY

1. Purpose

- 1.1 To appoint the Leeds City Region Local Enterprise Partnership (“the LEP”) Member and substitute member to the Authority, and consider voting rights to be granted to that member, and to the member of the Authority appointed by the City of York Council.
- 1.2 To note the appointments of substitute members by Constituent Councils and the City of York Council.

2. Background Information

- 2.1. The Authority has been created pursuant to the Local Democracy Economic Development and Construction Act 2009 and by the West Yorkshire Combined Authority Order made by the Secretary of State for Communities and Local Government and in force on 1 April 2014 (“the Order”).
- 2.2 The Order provides that the Authority shall comprise 10 members. Of these, 8 have been appointed by the Constituent Councils, and one by the City of York Council, in accordance with the Order.
- 2.3 The Order requires the Authority to appoint a member nominated by the LEP, and a substitute member to act in the absence of that LEP member.
- 2.4 The Order provides for the LEP member and the member appointed to the Authority by the City of York Council to be non-voting. However, the voting members of the Authority may resolve that this provision does not apply.
- 2.5 The Order also provides for the Constituent Councils and the City of York Council to appoint a substitute member for each member appointed to the Authority.

3. Issues

- 3.1. At their meeting of 17 March, the LEP nominated Roger Marsh to be appointed to the Authority, and Bob Cryan to be appointed as the substitute member for the LEP.
- 3.2. It is recommended that given the intention for a broad and collaborative approach between the members of the Authority, that the Authority grants voting rights to the LEP member and the member appointed to the Authority by the City of York; such rights to be exercisable at any meeting of the Authority (including any committee or sub-committee to which they may be appointed) on any decision subject to the following exceptions:
- budget and levy setting, and
 - the adoption of the West Yorkshire Local Transport Plan.
- 3.3. The substitute members for the LEP member and the member appointed by the City of York Council may exercise these voting rights if acting in the absence of their respective member.
- 3.4. Pursuant to Article 4 and Schedule 1 of the Order, the substitute members appointed by the Constituent Councils and the City of York Council to the Authority are set out in an appendix to this report.

4. Legal Implications

- 4.1. The Order sets out the membership arrangements for the Authority, as outlined above.
- 4.2. S85 Transport Act 2008 provides that members who are not appointed by Constituent Councils shall be non-voting, but that voting members may resolve that this provision is not to apply.

5. Financial Implications

- 5.1. None by virtue of this report.

6. Staff and resource Implications

- 6.1. None by virtue of this report.

7. Recommendations

- 7.1. That the Combined Authority resolve:
- a) To appoint until the next Annual Meeting of the Authority :
- Roger Marsh as the LEP Member of the Authority, and
 - Bob Cryan to act as substitute member, in the absence of the LEP member.

- b) That the provision in the Order requiring the LEP member and the member appointed to the Authority by the City of York Council to be non-voting does not apply, and that the Authority grants voting rights to the LEP member and the member appointed to the Authority by the City of York; such rights to be exercisable at any meeting of the Authority (including any committee or sub-committee to which they may be appointed) on any decision subject to the following exceptions:
- budget and levy setting, and
 - the adoption of the West Yorkshire Local Transport Plan.
- c) To note the substitute members appointed by the Constituent Councils and the City of York Council, as set out in the appendix to this report.

Appendix

West Yorkshire Combined Authority Membership and Substituted Membership

	Appointment	Substitute
Bradford	Cllr David Green	Cllr Imran Hussain (for Cllr Green) Cllr Glenn Miller (for Cllr Light)
Calderdale	Cllr Tim Swift Cllr Janet Battye	Cllr Barry Collins (for Cllr Swift)
Kirklees	Cllr David Sheard Cllr Robert Light	Cllr Peter McBride (for Cllr Sheard)
Leeds	Cllr Keith Wakefield Cllr Andrew Carter	Cllr Judith Blake (for Cllr Wakefield) Cllr Stewart Golton (for Cllr Battye)
Wakefield	Cllr Peter Box	Cllr Denise Jeffery (for Cllr Box) Cllr Geoff Walsh (for Cllr Carter)
York	Cllr James Alexander	To follow
LEP	Roger Marsh	Bob Cryan

ITEM 2

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: APPOINTMENT OF THE CHAIR AND VICE CHAIR OF THE WEST YORKSHIRE
COMBINED AUTHORITY

1. Purpose

To record the appointment of the Chair and Vice Chair of the Authority.

2. Background Information

2.1. The Authority has been created pursuant to the Local Democracy Economic Development and Construction Act 2008 and by the West Yorkshire Combined Authority Order made by the Secretary of State for Communities and Local Government and in force on 1 April 2014 (“the Order”).

2.2 Pursuant to Article 4 and Paragraph 2 of Schedule 1 of the Order, the Authority must in each year appoint one of its members as the Chair and one as the Vice chair as its first item of business at the first meeting of the Authority following the appointment of the members of the Authority, and thereafter at the annual meetings of the Authority.

3. Issues

3.1. None

4. Legal Implications

4.1. Any matter to be decided by the Authority is to be decided by a majority of the members present and voting. The Order provides that no member (or substitute member) of the Authority is to have a casting vote. The Chair will not, therefore, have a casting vote.

5. Financial Implications

5.1. None by virtue of this report.

6. Staff and resource Implications

6.1. None by virtue of this Report.

7. Recommendations

7.1. To appoint the Chair and Vice Chair of the Authority

ITEM 5

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: APPROVAL OF STANDING ORDERS AND MISCELLANEOUS PROVISIONS

1. Purpose

1.1 To approve the Standing Orders and formalities for the Authority.

2. Background Information

2.1 The Authority has been created pursuant to the Local Democracy Economic Development and Construction Act 2009 and by the West Yorkshire Combined Authority Order made by the Secretary of State for Communities and Local Government and in force on 1 April 2014 (“the Order”).

2.2 During the months preceding the creation of the Authority, the Constituent Councils convened a Shadow Board of the Combined Authority to consider proposals for appropriate governance arrangements for the Authority.

2.3 Pursuant to Article 4 and Paragraph 6 of Schedule 1 to the Order, the Authority may adopt Standing Orders.

3. Issues

Procedure Standing Orders

3.1 Draft Procedure Standing Orders for the Authority are annexed to this report (**Appendix 1**) and are recommended for adoption by the Authority.

3.2 The draft Procedure Standing Orders deal with the conduct of the meetings and business of the Authority; recording the decisions of the Authority; application to the conduct of committees of the Authority and matters such as quorum, order of business and conduct during meetings.

Scrutiny Standing Orders

- 3.3 Pursuant to Article 4 and paragraph 4 of Schedule 1 to the Order the Authority must appoint an Overview and Scrutiny Committee. Draft Scrutiny Committee Standing Orders are annexed to this report (**Appendix 2**) and are recommended for adoption by the Authority in anticipation of the appointment of such a committee which is an item of the agenda.
- 3.4 These Standing Orders govern the conduct of meetings of the Overview and Scrutiny Committee, the ambit of its terms of reference and the procedure for calling in decisions of the Authority and its committees for scrutiny.

Contracts Standing Orders

- 3.5 Contracts Standing Orders govern how the Authority procures goods and services and the proper procedures to be followed by officers of the Authority. Draft Contracts Standing Orders are annexed to this report (**Appendix 3**) and are recommended for adoption by the Authority.

Financial Regulations

- 3.6 The Financial Regulations govern how responsibility for management of budgets and expenditure is delegated within the officer structure of the Authority. Draft Financial Regulations are annexed to this report (**Appendix 4**) and are recommended for adoption by the Authority.

Adoption of Formalities

- 3.7 The Authority must adopt certain formalities by virtue of its status as a Combined Authority.
- 3.8 An impression of the proposed corporate seal of the Authority is annexed to this report (**Appendix 5**). The Seal will be impressed on certain legal documents by way of formal execution by the Authority. The Seal is recommended for adoption by the Authority.
- 3.9 The Authority is recommended to adopt the premises of Wellington House, 40-50 Wellington Street, Leeds LS1 2DE as its principal office.
- 3.10 The Auditors appointed by the Audit Commission for both the WYPTE and the WYITA are Deloitte. Deloitte will continue in this role for the successor Authority.

4. Legal Implications

- 4.1. The Standing Orders taken together will govern:-
- how Members conduct the meetings of the Authority and its committees; and

- how officers conduct the business of the Authority; and
- financial controls and procedures to be followed.

within the provisions of applicable legislation.

4.2 The Authority may review and vary its Standing Orders at any time.

5. Financial Implications

5.1. In view of the transfer to the Authority of the entire undertakings of both the former WYPTE and WYITA pursuant to the Order, it is proposed that the Contracts Standing Orders and Financial Regulations retain the financial thresholds previously adopted.

6. Staff and resource Implications

6.1. None by virtue of this report.

7. Recommendations

7.1. That the following Standing Orders be adopted:-

7.1.1 Procedure Standing Orders as set out in Appendix 1;

7.1.2 Scrutiny Standing Orders as set out in Appendix 2;

7.1.3 Contracts Standing Orders as set out in Appendix 3; and

7.1.4 Financial Regulations as set out in Appendix 4.

7.2 That the corporate seal referred to in paragraph 3.8 be adopted by the Authority.

7.3 That the principal office as stated in paragraph 3.9 be adopted as the principal office of the Authority.

7.4 That the role of Deloitte as the External Auditors of the Authority be noted.

West Yorkshire Combined Authority Procedure Standing Orders

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Standing Orders applying to committees and sub-committees

Except for Standing Orders 3-5, 6.1 and 6.2, 7,9.2,15.2, and 22 these Standing Orders apply to meetings of committees and sub-committees of the Authority.

In relation to a meeting of any committee and sub-committee

- except where the context requires, references to the Authority are to the committee or sub-committee
- references to the Chair are to the Chair of the committee or sub-committee, and
- references to the Vice Chair are to the Deputy Chair of the committee

1 Definitions

In these Procedure Standing Orders:

“The Authority” means the West Yorkshire Combined Authority.

“The Constituent Councils” means the City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council and City of Wakefield Metropolitan District Council.

“The Area of the Authority” means the area consisting of the areas of the Constituent Councils.

“The LEP” means the Leeds City Region Local Enterprise Partnership.

“The non-constituent Council” means the City of York Council.

“The Offices of the Authority” mean Wellington House, 40-50 Wellington Street, Leeds LS1 2DE

“The 2014 Order” means the West Yorkshire Combined Authority Order 2014.

“Standing Orders” means together these Procedure Standing Orders, the Contracts Standing Orders, the Financial Regulations of the Authority and any other procedures, protocols, rules, policies and governance from time to time adopted by the Authority and designated as Standing Orders of the Authority.

2 Interpretation

2.1 The Chair shall make any final decision about:

- how Standing Orders should be interpreted; or
- any question of procedure not provided for by the Standing Orders.

3 Membership of the Authority

3.1 The Authority comprises the members as provided by the 2014 Order¹.

3.2 Members of the Combined Authority shall be appointed in accordance with the 2014 Order.

4 Suspending and Amending Standing Orders

4.1 The Authority may by resolution suspend Standing Order 18 (order of debate) for the duration of a meeting if at least 4 members of the Authority appointed by the Constituent Councils are present.

4.2 Any motion to:

- add to, vary or revoke any Standing Orders; or

¹ Schedule 1 of the 2014 Order.

- grant, vary or revoke the voting rights of the member appointed by the non-constituent Council or the LEP member

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

5 Annual meeting

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

5.2 The annual meeting will:

- a) **appoint Members²** of the Authority³;
- b) **elect the Chair and Vice Chair** of the Authority from among the members of the Authority;
- c) approve the **minutes** of the last meeting;
- d) receive any **declarations of interest** from members;
- e) receive any **announcements** from the Chair and/or Head of Paid Service;
- f) consider any recommendations made by the Governance and Audit Committee⁴
- g) appoint such **committees** as the Authority considers appropriate;
- h) appoint **committee members⁵**, after:
 - i. deciding the number of members to be appointed to each committee, and their term of office;
 - ii. allocating seats to political groups in accordance with political balance rules⁶; and

² Except where the context otherwise requires, any reference to a member in these Standing Orders shall be taken to include reference to a substitute member acting in that member's place.

³ Who are not otherwise appointed. The Authority will appoint the LEP Member and substitute LEP Member, and may resolve to grant voting rights to the LEP Member and the non-constituent Council Member. The Authority shall also note the substitute Members appointed by each Constituent Council and the non-constituent Council.

⁴ In relation to amending any governance documents.

⁵ This shall include appointing the Chair of each committee, and may include confirming the voting rights of any co-optees. Deputy Chairs may be appointed by each committee.

⁶ Subject to any arrangements approved in accordance with S17 Local Government and Housing Act 1989.

- iii. receiving nominations from Constituent Councils, the Non-constituent Council and the LEP.
- i) appoint to **outside bodies**;
- j) agree the scheme of **delegation to officers**;
- k) decide the date and time for the **ordinary meetings** of the Authority for the municipal year; and
- l) consider **any other business** set out in the notice convening the meeting.

6 Ordinary meetings

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

6.2 At an ordinary meeting, the Authority will:

- a) approve the **minutes** of the last meeting;
- b) receive any **declarations of interest** from members;
- c) receive any **announcements** from the Chair or the Head of Paid Service;
- d) deal with any business from the last ordinary meeting of the Authority;
- e) consider reports and recommendations from any **overview and scrutiny committee** of the Authority;
- f) receive **reports from any other committee** of the Authority and receive questions and answers on any of those reports;
- g) receive reports and receive questions and answers on the **subsidiary companies** of the Authority;
- h) consider **motions**; and
- i) consider **any other business** specified in the summons to the meeting, and for debate.

6.3 A committee may decide to hold any number of ordinary meetings in a municipal year. Each shall be held at such date and time as the committee decides⁷.

7 Extraordinary meetings

7.1 The following may call an extraordinary meeting of the Authority:

⁷ The Secretary and Solicitor in consultation with the Chair of a committee, may also convene a special meeting of a committee.

- a) the Chair of the Authority at any time⁸;
- b) any three members of the Authority who have signed a requisition which has been presented to the Chair of the Authority:
 - i. if the Chair refuses to call a meeting; or
 - ii. after seven days, if the Chair has failed to call a meeting within seven days after being presented with the requisition.

8 Place of meetings

- 8.1 The Authority shall hold its meetings at any place within or outside of the Area of the Authority, as the Authority directs⁹.

9 Notice of meetings

- 9.1 The Secretary and Solicitor shall give public notice of the time and place of a meeting by posting it at the Offices of the Authority

- at least five clear days before the meeting or,
- if the meeting is convened at shorter notice, at the time it is convened.

- 9.2 Where the meeting is called by three members of the Authority under Standing Order 7.1 the notice must

- be signed by those members and
- specify the business to be carried out at the meeting.

10 Summons to attend a meeting

- 10.1 At least five clear days before a meeting of the Authority, the Head of Paid Service will sign a summons to attend the meeting, which sets out the business to be carried out at the meeting.¹⁰

⁸ The Monitoring Officer, Head of Paid Service or the Chief Finance Officer may require the Chair to call an extraordinary meeting.

⁹ Or, in the case of urgency, any place which the Head of Paid Service, in consultation with the Chair, directs.

¹⁰ The Chair shall set the business to be considered at any ordinary meeting of the Authority in

- 10.2 The Secretary and Solicitor will send the summons by post to every member of the Authority or leave it at their usual place of residence¹¹.

11 Public access to agenda and reports

- 11.1 Subject to 11.3 below, at least five clear days before a meeting of the Authority¹², the Secretary and Solicitor will make available for inspection by the public at the Offices of the Authority

- a copy of the agenda and
- (subject to 11.4 below) reports for the meeting.

- 11.2 Where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to 11.4 below), shall be open to inspection from the time the item is added to the agenda.

- 11.3 Nothing in 11.1 or 11.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Authority.

- 11.4 If a report relates only to an item during which, in the Secretary and Solicitor's opinion, the meeting is likely not to be open to the public¹³, the Secretary and Solicitor may decide not to make the report (or part of it) open for inspection.

- 11.5 Where a report or any part of a report is not open to public inspection the Secretary and Solicitor:

consultation with the Head of Paid Service, although the Monitoring Officer, Head of Paid Service or Chief Finance Officer may require an item to be considered at any meeting. The Chair, in consultation with the Head of Paid Service may permit any deputation referred by a Constituent Council, the Non-constituent Council or directly to the Authority, to be an item of business on an agenda. The Chair may also permit a spokesperson for any deputation to address the meeting.

¹¹ A member of the Authority may give notice in writing to the Monitoring Officer that the summons should be sent to the member at some other address. The Monitoring Officer may send the summons to the member by e-mail if a member has provided an e-mail address for that purpose.

¹² or where the meeting is convened at shorter notice, from the time the meeting is convened.

¹³ In accordance with Part VA Local Government Act 1972. See further Standing Order 12.

- will mark every copy of the report (or the part) “Not for publication”; and
- state on every copy of the report (or the part) the description of the exempt information by virtue of which the Authority are likely to exclude the public¹⁴.

12 Public access to meetings

- 12.1 Any meeting of the Authority shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings)
- to prevent the likely disclosure of confidential information¹⁵ or
 - by resolution, to prevent the likely disclosure of exempt information¹⁶; or
 - under Standing Order 24 relating to general disturbances.
- 12.2 A motion to exclude the press and public may be moved without notice at any meeting in relation to an item of business whenever it is likely that if members of the press or public were present for that item there would be disclosure of exempt information.¹⁷

13 Substitute members

- 13.1 A substitute member may only act in the absence of a member:-
- for whom they are the designated substitute;
 - where the member will be absent for the whole of the meeting; and
 - where the member has notified the Secretary and Solicitor that they require the substitute to act in their absence.
- 13.2 A substitute member¹⁸ may not exercise any special powers or duties exercisable by the member for whom they are substituting¹⁹

¹⁴ In accordance with the Local Government Act 1972 - See further Annex attached.

¹⁵ In accordance with the Local Government Act 1972 - See further Annex attached.

¹⁶ In accordance with the Local Government Act 1972 - See further Annex attached.

¹⁷ In accordance with the Local Government Act 1972 - See further Annex attached.

¹⁸ These are appointed in accordance with the 2014 Order 2014, schedule 1 para 1(5), and (9).

14 Chair (and Vice-Chair)

- 14.1 A person ceases to be Chair or Vice-Chair if they cease to be a member of the Authority.
- 14.2 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Authority²⁰.
- 14.3 At each meeting of the Authority, the Chair shall preside.
- 14.4 If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside.
- 14.5 If both the Chair and Vice-Chair are absent from a meeting, the members present shall choose another member to preside.
- 14.6 The person presiding at the meeting may exercise any power or duty of the Chair.

15 Quorum

- 15.1 During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately to a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 15.2 No business shall be transacted at a meeting of the Authority unless three members²¹ appointed by the Constituent Councils are present.
- 15.3 The quorum for each committee is as follows:-
- the **Transport Committee**: four, to include one co-opted member from at least three of the Constituent Councils.
 - the **Governance and Audit Committee**: three.
 - the **West Yorkshire and York Investment Committee**: three.

¹⁹ Except in respect of any voting rights granted to that member.

²⁰ Or if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting (Schedule 1, para 2(3) of the 2014 Order).

²¹ Or substitute members acting in the absence of such a member.

16 Items of Business

16.1 No item of business may be considered at any meeting except:-

- the business set out in the summons
- business required by law to be transacted at the annual meeting or
- business brought before the meeting as a matter of urgency in accordance with 16.2 below.

16.2 Nor may an item be considered at any meeting unless:

- a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear days before the meeting²²; or
- by reason of **special circumstances**, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

17 Order of business

17.1 If the Chair and Vice Chair are absent from any meeting of the Authority, the meeting shall select a person to preside.

17.2 All other items of business will be dealt with in the order specified in the notice of the meeting, except that such order may be varied:-

- at the discretion of the Chair, or
- on a request agreed to by the meeting.

18 Order of Debate

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

²² Or, where the meeting is convened at shorter notice, from the time the meeting is convened.

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

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

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

Any such motion if seconded shall be voted upon.

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

19 Voting

19.1 Except as provided below, each member of the Authority is to have one vote.

19.2 The following will be non-voting members:

- the member appointed by the non-constituent Council, and
- the LEP member

unless granted voting rights by resolution of the members appointed by the Constituent Councils.

19.3 Any question will be decided by a majority of members of the Authority, present and voting on that question at a meeting.

19.4 No member is to have a casting vote.

Committees

19.5 The non-constituent Council member and the LEP member appointed to the Authority shall be non-voting members of any committee or sub-committee of the Authority, but may be given voting rights by resolution of the Authority.

Show of hands

19.6 Unless a ballot or recorded vote is demanded under Standing Order 19.7 or 19.8, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

19.7 The vote will take place by ballot if the majority of members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Right to require individual vote to be recorded

- 19.8 Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the recommendation, or abstained from voting.

Recorded vote

- 19.9 If any member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Voting on appointments

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

20 Point of order

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

21 Record of attendance

- 21.1 The Secretary and Solicitor will ensure that the names of all members present during the whole or part of a meeting are recorded.

22 Attendance by committee or sub-committee Chairs

- 22.1 The Chair of any Authority committee or sub-committee may be invited to attend and speak at any meeting of the Authority to:
- present any reports or recommendations of the committee or sub-committee; or
 - answer questions about any matter in the minutes of that committee or sub-committee.

23 Recording or reporting proceedings

23.1 The Chair may choose to allow:-

- the proceedings to be photographed, or
- the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or
- the making of any oral report on any proceedings as they take place.

24 General disturbance

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

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

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

Members

24.3 If the Chair considers at any meeting that a member is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion.

24.4 If the member continues to behave in the same way, the Chair may:

- adjourn the meeting for a specified period; or
- move that the member leaves the meeting (such a motion will be voted on without seconding or discussion).

25 Minutes

25.1 Minutes of a meeting shall be recorded on loose leaves consecutively numbered.

25.2 The minutes of a meeting must be signed at the same or next suitable meeting²³ by the person presiding at that meeting, and the

²³ The next suitable meeting is the next following meeting.

person signing the minutes shall also initial each leaf of the minutes.

- 25.3 No discussion shall take place upon the minutes except about their accuracy.

26 Conduct

Members' interests

- 26.1 A member of the Authority shall comply with the Members' Code of Conduct, including those relating to registering and disclosing disclosable pecuniary and other interests.
- 26.2 Where a member has a disclosable pecuniary interest in a matter to be considered at a meeting, the member may attend the meeting to:
- make representations,
 - answer questions or
 - give evidence relating to the matter,
 - provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 26.3 As soon as the member has finished²⁴, the member must leave the room. The member may not remain in the room during the discussion or vote on the matter.

Officer's interests

- 26.4 An officer must comply with the Authority's Officers' Code of Conduct.
- 26.5 The Authority shall not appoint as an officer any person who is:-
- the operator of any public passenger transport services;
 - a director of any company or an employee of any company or other person who is such an operator;
 - a director or employee of any company which is a member of a group of inter-connected bodies corporate any one or more of which is such an operator.

²⁴ Or the meeting decides that the member has finished.

and any officer who subsequently becomes such an operator, director partner or employee shall immediately vacate their office or employment with the Authority.²⁵

- 26.6 The Secretary and Solicitor shall keep a record of any notice of a pecuniary interest in a contract given by an officer under Section 117 of the Local Government Act 1972. The Secretary and Solicitor shall make the record open for inspection by any member of the Authority at the offices of the Authority.

Canvassing of and recommendations by members

- 26.7 Any candidate who canvasses any member of the Authority directly or indirectly for any appointment under the control of the Authority, will be disqualified from appointment.
- 26.8 A member of the Authority shall not solicit any person for any appointment under the control of the 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 Authority with an application for employment.

Relatives of members or officers

- 26.9 A candidate for any appointment under the control of the Authority who is related to any member or officer of the Authority shall, when making application, disclose that relationship to the Head of Paid Service²⁶. A candidate who fails to disclose such relationship will be:
- disqualified from appointment or
 - if appointed, liable to dismissal without notice.
- 26.10 A member or officer of the Authority shall disclose to the Head of Paid Service any relationship known to exist between the member or officer and any person who is a candidate for appointment with the Authority. The Head of Paid Service shall report any such disclosure to the Authority.

²⁵ In accordance with S9A(8) Transport Act 1968.

²⁶ or in the absence of the Head of Paid Service, the Director of Resources.

West Yorkshire Combined Authority

Annex: Rights to attend meetings and inspect documents

Part 1: Rights of the public

Part 1 summarises the rights of the public under the Local Government Act 1972 Part VA

- to attend meetings of the Authority
- to inspect and copy documents, and
- to be provided with documents.

References to meetings of the Authority include meetings of any committee or sub-committee appointed by the Authority, including any Overview and Scrutiny Committee appointed under the 2014 Order.

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

1. Public access to meetings

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

A Confidential information

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

Confidential information means:-

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

B Exempt information

The Authority **may** resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

Exempt information means information falling within one of the following descriptions:-

Description
1. Information relating to any individual .
2. Information which is likely to reveal the identity of an individual .
3. Information relating to the financial or business affairs¹ of any particular person (including the Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter² arising between the Authority or a Minister of the Crown and employees of, or officer-holders under the Authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings .
6. Information which reveals that the Authority proposes:- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime .

Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

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

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

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

¹ “Financial or business affairs” includes contemplated, as well as past or current, activities.

² Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter.

C General Disturbance

Procedural Rule 24 provides for the public to be excluded from a meeting where general disturbance arises.

2. Public access to agenda and reports

The Secretary and Solicitor shall make the following open to public inspection, at the offices of the Authority³, in accordance with the Authority's Procedure Standing Orders:-

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

3. Public access to copies at the meeting

The Secretary and Solicitor will make available for the use of members of the public present at a meeting a reasonable number of copies of:-

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

4. Public access to documents after a meeting

The Secretary and Solicitor will make available for inspection copies of the following for six years after a meeting:-

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

5. Public access to background papers

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

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

This requirement does not extend to:-

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

³ These are available on request during usual office hours

The Secretary and Solicitor will:-

- **publish a copy** of each of the background documents listed on the Authority's website at the same time as the report is available for public inspection, and
- **make a copy of each available** to the public at the offices of the Authority, on payment of a reasonable fee⁴.

The Secretary and Solicitor will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Part 2: Press access and facilities

The Secretary and Solicitor shall supply on request⁵ for any newspaper:-

- a copy of the **agenda** and those **reports** open to the public;
- any **further statements** necessary to indicate the nature of the items on the agenda; and
- if the Secretary and Solicitor thinks fit, copies of **any other documents supplied to members** of the Authority in connection with the item.

The Secretary and Solicitor shall so far as practicable provide reasonable facilities for taking a report, to any newspaper representative attending a meeting.⁶

Part 3: Freedom of Information (FOI)

The Freedom of Information Act 2000 applies to the Authority, which therefore publishes information under a Publication Scheme. The Scheme specifies:-

- the **classes of information** which the Authority publishes or intends to publish;
- **how** information in each class is, or is intended to be, published, and
- whether the material is, or is intended to be, available to the public **free of charge** or on **payment**.

The public also has a **general right of access** to information held by the Authority, but this is subject to exemptions.

A FOI request must be submitted to and dealt with by the Secretary and Solicitor.

A FOI request must:-

- be in writing⁷
- state the name of the applicant

⁴ A copy is taken to be open where arrangements are made to produce it to members of the public as soon as is reasonably practicable after the request to inspect the copy.

⁵ And on payment of postage or other necessary charges.

⁶ And, unless the meeting is held in premises not belonging to the Authority or not on the telephone, for telephoning the report at their own expense.

⁷ A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.

- state an address for correspondence, and
- describe the information requested.

Part 4: Members' access

Any member of the Authority is entitled to inspect any document which:-

- is in the possession of or under the control of the Authority, and
- contains material relating to any business to be transacted at a meeting of the WYCA.

unless it appears to the Secretary and Solicitor that it discloses exempt information falling within one of the following descriptions:-

- a) Information relating to the financial or business affairs of any particular person including the Authority, (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract), or
- b) Information which reveals that the Authority proposes.
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - to make an order or direction under any enactment.

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

Part 5: List of Members

The Secretary and Solicitor will publish a list stating:-

- the name and address of all current members of the Authority and the constituent or non-constituent council they represent, and
- the name and address of all current members of the other Committees and any sub-committees.

A member of the public may inspect the list.

West Yorkshire Combined Authority

Scrutiny Standing Orders

1.0 Appointment of committees

- 1.1 The Authority shall appoint one or more overview and scrutiny committees.

2.0 Membership

- 2.1 The Authority shall appoint members of each of the Constituent Councils and the non-constituent Council to any overview and scrutiny committee.
- 2.2 No member of the Authority may be a member of an overview and scrutiny committee.

3.0 Voting

- 3.1 Each member of an overview and scrutiny committee appointed from a Constituent Council has one vote.
- 3.2 Any member of an overview and scrutiny committee appointed from the non-constituent Council is non-voting, unless the Authority has resolved to give such a member voting rights.
- 3.3 All questions coming or arising before an overview and scrutiny committee shall be decided by a majority of the members of the committee present and voting on the question.
- 3.4 No member of an overview and scrutiny committee has a casting vote.

4.0 Chair

- 4.1 The Authority will appoint the Chair of any overview and scrutiny committee.

5.0 Conflicts of Interest

- 5.1 No member of an overview and scrutiny committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.
- 5.2 Such a member may only attend the overview and scrutiny committee to:

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

6.0 Quorum

6.1 The quorum for an overview and scrutiny committee meeting will be 5 (which must include members from 3 Constituent Councils).

7.0 Working Groups

7.1 An overview and scrutiny committee may appoint a working group to contribute to and inform the scrutiny process.

8.0 Work programme

8.1 Each overview and scrutiny committee will set its own workprogramme.

9.0 Requests for Overview and Scrutiny

9.1 The Authority or any of its committees may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals.

9.2 Any member of an overview and scrutiny committee may by notice in writing to the Secretary and Solicitor require an item to be included on the agenda for the next ordinary meeting of that overview and scrutiny committee.

10.0 Meetings

10.1 There shall be at least 6 ordinary meetings of any overview and scrutiny committee in each year.

10.2 An extraordinary meeting of an overview and scrutiny committee may be called by:

- the Chair of the committee; or
- any 5 members of the committee from at least 2 Constituent Councils

11.0 Attendees

11.1 Members and officers

11.1.1 An overview and scrutiny committee may require:

- any member of the Authority;
- the Chair of any Authority committee or sub-committee; and/or
- any senior officer

to attend before it to answer questions or provide information about any matter within its terms of reference.

11.1.2 Where a committee requires a member or officer to attend, the Secretary and Solicitor shall inform the member or officer in writing giving at least 5 clear working days' notice of the meeting. The notice will state:

- the date of the meeting they are required to attend;
- the nature of the item; and
- whether they must produce any papers for the committee.

11.1.3 A member or officer must comply with any notice they are given.

11.1.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the overview and scrutiny committee shall consult with the member or officer to arrange an alternative date.

11.2 Others

11.2.1 An overview and scrutiny committee may invite other people¹ to:

- address it;
- provide information;
- discuss issues of local concern; and/or
- answer questions.

11.3 General principles

11.3.1 Each member of an overview and scrutiny committee must be given the opportunity to ask attendees questions, contribute and speak.

11.3.2 Attendees assisting the committee must be treated with respect and courtesy.

12.0 Reports and recommendations

12.1 Preparing reports and recommendations

¹ Including members of the public, stakeholders, members and officers from Constituent Councils, other advisors or assessors. The committee may pay any advisers, assessors and witnesses a reasonable fee and expenses.

- 12.1.1 An overview and scrutiny committee may make reports or recommendations to the Authority².
- 12.1.2 If an overview and scrutiny committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.

12.2 Publishing reports or recommendations

- 12.2.1 The overview and scrutiny committee may publish any report or recommendations.
- 12.2.2 In publishing a report or recommendations, the overview and scrutiny committee:
- must exclude any confidential information; and
 - may exclude any relevant exempt information.
- 12.2.3 Where information is excluded, the overview and scrutiny committee:
- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

12.3 Notice

- 12.3.1 An overview and scrutiny committee may by notice require the Authority within 2 months of receiving any report or recommendations or (if later) the notice, to:
- consider the report or recommendations;
 - respond to the overview and scrutiny committee indicating what (if any) action the Authority proposes to take;
 - publish the response, if the overview or scrutiny committee has published the report or recommendations.
- 12.3.2 The Authority shall comply with any notice given under standing order 12.3.1.

12.4 Publishing a response

² All references to the Authority in this standing order should be taken as including a committee of the Authority with authority to consider and respond to reports and recommendations on behalf of the Authority. The Secretary and Solicitor shall in consultation with the Chair of the overview and scrutiny committee determine whether a report or recommendation shall be considered by a relevant committee or the Authority.

12.4.1 In publishing the response, the Authority:

- must exclude any confidential information; and
- may exclude any relevant exempt information.

12.4.2 Where information is excluded, the Authority:

- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

13.0 Call-in of Authority and Transport Committee decisions

13.1 Publishing decisions

13.1.1 The Secretary and Solicitor shall publish details of the decisions of the Authority and the Transport Committee within 2 clear working days of a meeting.

13.2 Scope

13.2.1 With the exception of any decision which the Authority or the Transport Committee has resolved is urgent³, any decision of the Authority or the Transport Committee may be called-in for scrutiny.

13.3 Implementing decisions

13.3.1 An urgent decision may be implemented immediately⁴.

13.3.2 Any other decision of the Authority or the Transport Committee may be implemented after 5pm of the third clear working day after the publication of the draft minutes, unless it is called-in.

13.4 Process

13.4.1 Five members of the overview and scrutiny committee to include at least one member from two different Constituent Councils

³ A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Authority's, Constituent Councils' or the public's interests.

⁴ The Secretary and Solicitor must report such decisions to the next available meeting of the relevant overview and scrutiny committee, together with the reasons for urgency.

may call-in a decision of the Authority or the Transport Committee for scrutiny by notifying the Secretary and Solicitor.

13.4.2 On receipt of a call-in request, the Secretary and Solicitor shall:

- notify the members of the Authority or Transport Committee of the call-in, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

13.5 Scrutinising the decision

13.5.1 The overview and scrutiny committee must scrutinise the decision within 7 clear days of the Secretary and Solicitor receiving the request for call-in.

13.5.2 Where an overview and scrutiny committee has scrutinised a decision, it may:

- endorse the decision; or
- recommend that the decision is re-considered by the Authority or the Transport Committee⁵.

13.5.3 A decision which has been endorsed by an overview and scrutiny committee may be implemented immediately.

13.5.4 A decision which has been recommended for re-consideration may not be implemented, except in accordance with standing order 13.6 below.

13.6 Re-considering the decision

13.6.1 The Chair of the overview and scrutiny committee or their nominee may attend the meeting which is re-considering the decision, to present the report or recommendations.⁶

13.6.2 The Authority or Transport Committee may confirm, amend or rescind the decision.

13.6.3 A decision which has been confirmed or amended may be implemented immediately.

⁵ The Secretary and Solicitor shall in consultation with the Chair of the overview and scrutiny committee determine whether a report or recommendation relating to a decision of the Transport Committee is considered by the Transport Committee or the Authority. A report or recommendation relating to a decision of the Authority shall be considered by the Authority.

⁶ The Chair must notify the Secretary and Solicitor that they intend to attend the meeting 3 clear working days before the meeting.

West Yorkshire Combined Authority

Contracts Standing Orders 2014

Approved by the WYCA at its meeting of 1 April 2014

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PART 1 – Contracts

1. INTRODUCTION

- 1.1. This part of Standing Orders exists for the following main reasons:
 - 1.1.1. To protect the Authority, its Directors and other Officers involved in the award of contracts;
 - 1.1.2. To demonstrate that the Authority is obtaining value for money in the award of contracts;
 - 1.1.3. To provide the means of securing competition in the award of contracts;
 - 1.1.4. To prevent corruption, or allegations of corruption, in the award of contracts; and
 - 1.1.5. To ensure compliance with legislation and regulations.
- 1.2. In this part of Standing Orders these definitions shall apply:
 - 1.2.1. “the Director” or “a Director” means the Director to whom the relevant functions have been delegated within the Scheme of Officers’ Delegations of the WYCA.
 - 1.2.2. “budget holder” and “budget controller” have the meanings set out in the Financial Regulations of the WYCA.
 - 1.2.3. “Authority” means the WYCA.

2. COMPLIANCE WITH STANDING ORDERS AND EU LEGISLATION

- 2.1. Every contract made by or on behalf of the Authority and all procedures relating thereto shall comply with these Standing Orders and Financial Regulations and no exception from any of the provisions of these Standing Orders and the Financial Regulations shall be made otherwise than in accordance with the paragraph 4.2 of the Procedure Standing Orders (Suspending and Amending Standing Orders).
- 2.2. Any subsidiary company of the Authority shall be required to adopt the provisions of Part 1 of these Standing Orders insofar as they are not inconsistent with, or in conflict with, any provisions of the Companies Act and regulations made thereunder or the Articles of Association of that Company.
- 2.3. No contract for goods services or an interest in property shall be granted to any employee of the Authority or any close relative of theirs without the written approval of two directors.

- 2.4. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager in accordance with the Officers' Code of Conduct. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
- 2.5. Officers who engage or supervise contracts must declare any interest or relationship in accordance with the procedures set out under the Officers' Code of Conduct.
- 2.6. All Officers must be prepared to justify to the Authority their actions and those of their staff in relation to the invitation of tenders and the placing of work and should take all necessary precautions to safeguard the Authority, its staff and themselves against allegations that any person has been unduly favoured without proper cause.
- 2.7. It shall be a guiding principle, when any Director or Officer is making a determination under this part of Standing Orders, that in making such determination they have regard to the need to demonstrate that the Authority will obtain value for money and that reasonable steps are taken to ensure that no supplier or potential supplier is treated unfairly in the selection process and that a written record of each determination and the reasons for making it is kept on a file maintained by the Director or Officer for that purpose or on Proactis.

EUROPEAN UNION LEGISLATION

- 2.8. These Standing Orders shall be subject to any procedures that may apply pursuant to the Public Contracts Regulations 2006 and by reason of the United Kingdom's membership of the European Union ("EU") and if any conflict with Standing Orders arises, the former shall prevail.
- 2.9. A contract, or series of contracts, the aggregate amount or value of which exceed the financial thresholds set in EU Directives, shall be let only in accordance with the requirements of those Directives. The Purchasing Officer shall notify all Directors and Assistant Directors of any changes in the financial thresholds.

NB Financial thresholds set by EU Directives are reviewed every two years and as from 1 January 2014 they are:

- **Public Works - £4,322,012**
- **Services - £172,514**
- **Supplies - £172,514**

- 2.10. Contracts must not be artificially divided to bring them below the relevant threshold.

- 2.11. Within 14 days of the commencement of each financial year, Budget Holders shall notify the Purchasing Officer of contracts to be let in the course of the financial year of which they are aware and which it is anticipated will fall within paragraph 2.9 above to enable consideration to be given to the insertion of a Prior Information Notice in the Official Journal of the EU (“OJEU”).
- 2.12. Where a framework is in place tenders must be sought and evaluated, if necessary via mini-competitions, in accordance with regulations and the Purchasing Manual

3. SEALING OF DOCUMENTS

- 3.1. A resolution of the Authority, a committee of the Authority or a decision of an Officer (where the committee or officer has the power) authorising the taking of any action shall be sufficient authority for sealing of any document necessary to give effect to such resolution. In other cases the Common Seal of the Authority shall be affixed to any document only when:
 - 3.1.1. sealing has been authorised by a resolution of the Authority or of a Committee or officer to which the Authority has delegated its powers in this behalf, or
 - 3.1.2. the Secretary and Solicitor has delegated authority to enter into the contract or agreement.
- 3.2. The application of the Authority’s Seal shall be authenticated by the signature of the Secretary and Solicitor, the Head of Paid Service or any officer of the Authority within the post of an executive director of the Authority.
- 3.3. The sealing of a document shall be entered in a register kept for that purpose in the custody of the Secretary and Solicitor. The Common Seal of the Authority shall be kept in a safe place in the custody of the Secretary and Solicitor or some other person authorised by the Secretary and Solicitor.
- 3.4. The Secretary and Solicitor shall be authorised to sign all other documents and in their absence any other Solicitor employed by the Authority shall be authorised to sign any such documents other than cheques and other negotiable instruments.

4. TENDERING- FINANCIAL CATEGORIES

- 4.1. Paragraphs 4 to 17 shall apply to all contracts except:-
 - 4.1.1. to the extent stated otherwise in paragraphs 18 to 26 in relation to contracts for Local Services and Education Transport Services; and

4.1.2. contracts for the acquisition or disposal of interests in land.

- 4.2. For the purpose of determining the requisite tendering procedure, the following financial categories shall apply to all contracts for the execution of works, the supply of goods or the supply of services (whether by or to the Authority):

Category A Up to £5,000

Category B Over £5,000 to and including £25,000

Category C Over £25,000 to and including £50,000

Category D Over £50,000 up to and including the OJEU threshold then in force

Category E Over the OJEU threshold then in force

- 4.3. Categorisation is to be determined on the basis of a proper and reasonable estimated value of the contract and contracts must not be artificially divided to bring them into a lower value category.

5. CATEGORY A PROCEDURES

- 5.1. No quotations or tenders are required for this category of contract, but the relevant Budget Holder must be satisfied (and able to demonstrate to the Authority if required) that they are obtaining value for money.
- 5.2. Orders that fall within this category can be placed in writing, orally or by e-mail, but instructions given to a supplier must be confirmed by an official Purchase Order on Proactis.

6. CATEGORY B PROCEDURES

- 6.1. Subject to sub-paragraph 6.2, the Purchasing Officer, in consultation with the relevant Budget Holder, or the Budget Holder themselves must invite at least three written quotations for all contracts within this category. Quotations may be submitted by e-mail or via the electronic tender management system. An order confirmed under this procedure must be placed via an official Purchase Order on Proactis.
- 6.2. The requirement to invite at least three quotations for this category of contract can be waived in writing by a Budget Controller or a Director, subject to them being satisfied that value for money will be obtained.

7. CATEGORY C PROCEDURES

- 7.1. Subject to sub-paragraph 7.2, the Purchasing Officer, in consultation with the relevant Budget Holder, must invite at least three tenders for all contracts within this category using the electronic tender management system then operated by the Purchasing Department.

- 7.2. The requirement to invite at least three tenders for this category of contract can be waived in writing by the relevant Budget Controller or a Director, and the Secretary and Solicitor acting together, subject to them being satisfied that value for money will be obtained.

8. CATEGORY D PROCEDURES

- 8.1. The Purchasing Officer in consultation with the relevant Budget Holder must invite at least five tenders for all contracts within this category using the electronic tender management system then operated by the Purchasing Department.
- 8.2. The requirement to advertise for and then invite at least five tenders for this category of contract can be waived in writing by a Director and the Secretary and Solicitor acting together, subject to them being satisfied that value for money will be obtained.
- 8.3. At least fourteen days before tenders are to be invited for any Category D contract, the Purchasing Officer shall be responsible for ensuring proper publication of at least one notice seeking expressions of interest for that contract. Notices shall be published via such media, electronic or otherwise, as the Purchasing Officer considers likely to circulate amongst persons who undertake such contracts.
- 8.4. Invitations to tender shall be sent to at least five of the persons who expressed an interest in response to the notice(s) or who have previously carried out work for the Authority and have submitted a Pre-Qualification Questionnaire for the contract under consideration. If fewer than five persons have applied and are considered suitable, invitations shall be sent to all such persons. A Director must approve the list of invitees.

9. CATEGORY E CONTRACTS

- 9.1. Whenever the Restricted Procedure is used, the notice placed in the OJEU inviting expressions of interest shall indicate that a minimum of five persons who express an interest will be invited to bid.
- 9.2. All tenders must be via the electronic tender management system then operated by the Purchasing Department.
- 9.3. The requirement to invite at least five tenders can only be waived with the approval of the Director in circumstance where to do so would be in accordance with the Public Contracts Regulations 2006 and subsequent legislation.
- 9.4. Publication of Category E contracts by the Purchasing Officer shall be carried out strictly in accordance with OJEU requirements.
- 9.5. The tender shortlist must be approved by a Director.

- 9.6. The Purchasing Officer shall ensure that Contract Award Notices are submitted in accordance with the relevant EU Directive.

10. TENDER CRITERIA AND WEIGHTING

- 10.1. In all cases where tenders are invited, the relevant selection and evaluation criteria and weightings shall be agreed between the Budget Holder and Purchasing Officer, and in all cases be clearly set out in any Pre-Qualification Questionnaire and the Invitation to Tender.
- 10.2. For each Category E contract, the criteria for selection of the successful tenderers shall be only those permitted by the relevant EU Directive, but subject to that, shall be such criteria as may have been specified in the tender documents (e.g. price, quality, technical merit, aesthetic and functional characteristics, technical assistance, after-sales service delivery date, delivery period and completion date).
- 10.3. Tender evaluation criteria shall be set so that, as far as possible, the criteria may be scored on a numerical basis with the intention that the highest score taking all criteria into account will be awarded the tender.
- 10.4. Appropriate non-price criteria and weightings must be considered for all contracts above Category B. Contracts above Category B should not be evaluated on the basis of price alone except with the approval of the Budget Controller and the Secretary and Solicitor.

11. NOMINATED SUB-CONTRACTORS AND SUPPLIERS

- 11.1. This Standing Order shall have effect where a sub-contractor or supplier is to be nominated to a main contractor.
- 11.2. The requirements of paragraphs 4 to 10 above shall apply to the procurement of sub-contractors and suppliers who are to be nominated to a main contractor by the Authority.
- 11.3. The terms of any invitation to a sub-contractor or supplier to submit a tender or quotation shall require an undertaking by them that if they are selected they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against the sub-contractor's or supplier's obligations under the main contract in relation to the work or goods included in the sub-contract unless provision is made to the contrary under the conditions of contract.

12. DUTIES OF AGENTS

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

13. **EXCEPTIONS**

Paragraphs 4 to 10 above shall not apply to the execution of works or the purchase of goods or materials necessary for urgent maintenance repairs to land, buildings, vehicles or plant to prevent danger to authorised users or the general public or to prevent rapid and progressive deterioration, or to maintain essential or statutory services PROVIDED THAT the expenditure incurred shall be recorded and reported in accordance with the requirements for contracts of the relevant category within the Purchasing Manual.

14. **TENDERING PROCEDURE**

14.1. All tendering must be carried out via a secure electronic tender management system.

14.2. The Purchasing Officer shall be responsible for maintaining and operating an electronic tender management system.

14.3. All invitations to tender must contain precise details as to:-

14.3.1. the information required from the tenderers;

14.3.2. the evaluation criteria and weightings;

14.3.3. a closing date and time;

14.3.4. a statement that a tender that does not contain all the information required **may** not be considered valid;

14.3.5. a statement that a tender which is submitted late **will** not be considered; and

14.3.6. a statement that there is no obligation to accept the lowest price or any tender.

14.4. Any tender which does not contain all the required information may be rejected by the Budget Holder or a Director, as the case may be, in conjunction with the Purchasing Officer

14.5. Any tender which is submitted late or submitted outside the electronic tender management system shall not be accepted for consideration without the approval in writing of the Purchasing Officer and the Secretary and Solicitor.

15. **ACCEPTANCE OF TENDERS AND QUOTATIONS**

15.1. Acceptance of quotations for Category A or B contracts may be made by the Budget Holder, Budget Controller or the Purchasing Officer, as the case may be.

- 15.2. Evaluation of tenders for Category C contracts shall be approved and signed by the Budget Controller or a Director and the Purchasing Officer in writing before a contract is awarded.
- 15.3. Evaluation of tenders for Category D contracts shall be approved and signed by a Director and the Purchasing Officer in writing before a contract is awarded.
- 15.4. Evaluation of tenders for Category E contracts shall be approved by a Director and the Secretary and Solicitor or their nominee (being a solicitor) before a contract is awarded.
- 15.5. Tenders shall be awarded to the party that achieves the highest score.
- 15.6. Where the amount of a tender or a quotation is within an amount of an estimate and does not exceed the upper limit for contracts within Category D the Purchasing Officer may, at the request of the Budget Holder concerned, accept the tender or quotation on behalf of the Authority.
- 15.7. A tender which exceeds the upper limit for contracts within Category D, or which is not within the amount of an estimate, shall not be accepted until a Director has considered a report thereon by an Officer designated by them which shall include details of the financial implications approved by the Chief Finance Officer or their nominee. In all cases the report shall state why the recommended tender represents the most economical application of the Authority's funds. The Director may refer the matter to the Authority for consideration and approval if the Director considers it appropriate in all the circumstances.
- 15.8. Subject to the provisions of paragraphs 18 to 22 below, the acceptance or rejection of a tender by or on behalf of the Authority shall be notified in writing to the person submitting the tender or quotation by the Purchasing Officer, PROVIDED there shall be no necessity to write to an unsuccessful bidder where the invitation to tender has indicated that the elapse of a specified period of time shall mean that the bid has been unsuccessful.

16. EQUALITY OF TENDERS AND QUOTATIONS

- 16.1. In any Category A or B contract where there are two or more equal quotations all bidders shall be sent written or electronic invitations in identical terms to submit a revised quotation which will be considered in accordance with these Standing Orders and Financial Regulations. Should a further tie occur the award of the contract will be determined by the drawing of lots.
- 16.2. In any case where two or more tenders for Category C, D or E contracts achieve an equal score on a full and fair evaluation of the criteria then if the Purchasing Officer in conjunction with the Budget

Holder considers it appropriate the contract may be awarded to the tender with the lowest price. The relative weight of quality over price in the tender shall form part of the considerations. If the prices are equal or if it would not be appropriate to award the tender based on lowest price then those bidders shall be sent a written or electronic invitation in identical terms to submit a revised quotation or tender which will be considered in accordance with these Standing Orders.

17. RECORDS AND NOTIFICATIONS

17.1. The requirements for keeping records of the details of all tenders, bids and awards under all categories of contract and the notification of any such information to Officers and Directors shall be in accordance with the policy approved by the Authority, the Chief Finance Officer and the Secretary and Solicitor from time to time.

17.2. This policy shall form part of the Purchasing Manual and shall be implemented by the Purchasing Officer in conjunction with the Chief Finance Officer and Budget Holders as appropriate.

18. CONTRACTS FOR LOCAL SERVICES AND EDUCATION TRANSPORT SERVICES

18.1. It shall be the responsibility of the Assistant Director Transport Services to identify all local public and education transport requirements in accordance with the policies formulated by the Authority pursuant to its statutory powers and duties.

18.2. All procurement of services in accordance with the Authority's said policies shall be in accordance with the procedures set out in the Authority's local and education transport services policy from time to time in force. Copies of these policies of the Authority shall be maintained by the Director of Passenger Services and Assistant Director Transport Services.

18.3. All procurement of subsidised services and invitations to tender shall be pursuant to sections 88-91 of the Transport Act 1985 and all associated Regulations. Invitations to tender shall be issued by the Assistant Director Transport Services and sent to any persons which have indicated in writing or electronically that they wish to receive such invitations to tender.

18.4. Invitations to tender shall contain the following documents, information and requirements in every case:-

18.4.1. the identity of the party requesting the invitation;

18.4.2. the Authority's Instructions to tenderers including a closing date and time;

18.4.3. the Service Specification setting out the full details of the services being tendered for;

- 18.4.4. the Authority's General Conditions of Contract for the relevant service, together with any schedules of special requirements;
 - 18.4.5. the Authority's Form of Tender and Form of Agreement;
 - 18.4.6. clear and unambiguous scoring criteria and weightings;
 - 18.4.7. a statement that the Authority is not obliged to accept the cheapest or any tender;
 - 18.4.8. a statement that a non-compliant tender **may** not be considered;
 - 18.4.9. a statement that a tender submitted late **will** not be considered;
 - 18.4.10. a statement to the effect that when deciding whether or not to accept a tender the Authority has a statutory duty to consider the effect on competition in the local market, and a combination of economy efficiency and effectiveness.
- 18.5. Where the de-minimis provisions of the Transport Act 1985 and Regulations made under it apply, contracts for local services may only be awarded in accordance with those regulations and any criteria approved from time to time by the Authority.
- 18.6. Notwithstanding the above, emergency contracts may be awarded without tender subject to the provisions of s91 Transport Act 1985.
19. **APPROVAL OF LOCAL AND EDUCATION TRANSPORT SERVICE TENDERS BY THE AUTHORITY**
- 19.1. The approval of the Director of Passenger Services shall only be required:-
- 19.1.1. before tendering for any new services or for any services previously provided on a commercial basis;
 - 19.1.2. before re-tendering on existing service;
 - 19.1.3. before awarding any contract following a tender;
 - 19.1.4. before varying or extending any existing tender;
 - 19.1.5. before awarding any de-minimis contract.
 - 19.1.6. where the value of the contract, extension or variation exceeds the Category C threshold.

20. TENDER PROCEDURES FOR LOCAL AND EDUCATION TRANSPORT SERVICES

20.1. Tendering may be at the discretion of the Assistant Director Transport Services be carried out:-

20.1.1. via the electronic tender management system; or

20.1.2. by written invitation; or

20.1.3. via e-mail

20.2. Provided that paragraph 18.4 shall apply in each case (and that all tendering shall be carried out in conjunction with the Purchasing Officer who shall be the Officer that receives all tenders on behalf of the Authority).

20.3. Notwithstanding paragraph 19.1 in relation to local and education transport services where the value of the contract does not exceed £50,000 invitations to submit quotations for services may be made by the Assistant Director Transport Services in writing, via e-mail or orally.

21. RECEIPT OF TENDERS FOR LOCAL AND EDUCATION TRANSPORT SERVICES

21.1. Where the electronic tender management system was used receipt of tenders shall be in conjunction with the Purchasing Officer.

21.2. Where tenders were invited in writing or via e-mail paragraph 22 shall apply to the receipt of tenders for local and education transport services.

22. OPENING AND REGISTRATION OF TENDERS FOR LOCAL AND EDUCATION TRANSPORT SERVICES

22.1. The Purchasing Officer or their respective nominee shall maintain all tenders securely and unopened until after the closing date and time has elapsed.

22.2. Where an electronic tender management system is not used, the following paragraphs 22.3-22.8 shall apply.

22.3. Tenders must not be opened unless at least two persons are present being the Assistant Director Transport Services and any of the following:

22.3.1. the Secretary and Solicitor or their nominee, being a solicitor;

22.3.2. the Purchasing Officer or their nominee;

22.3.3. an Officer from fares and pricing.

- 22.4. The Assistant Director Transport Services or their nominee shall in respect of each written tender opened record the name of the tenderer, the services tendered for, the price tendered and any variations or options offered by the tenderer in a register kept for that purpose by the Assistant Director Transport Services. When all such details have been entered in the register the tender shall be initialled by the Assistant Director Transport Services and the other person then present and shall be date stamped.
- 22.5. No tender received after the latest date and time indicated in the invitation for receipt thereof shall be accepted. When all bona fide tenders have been opened and dealt with, any late tenders shall then be opened for the purpose of ascertaining the name and address of the tenderer and shall forthwith be returned to them.
- 22.6. No tender shall be considered unless it states the tenderer's name and has been signed.
- 22.7. When all tenders have been dealt with in accordance with subparagraph 22.4 the Assistant Director Transport Services and the other person then present shall all sign the register.
- 22.8. The Assistant Director Transport Services shall then take custody of the tender documents and ensure that they are kept in a secure cabinet pending assessment and evaluation.

23. TENDER CRITERIA AND WEIGHTING

- 23.1. In all cases where tenders are invited, the relevant evaluation criteria and weightings shall be clearly set out in the tender materials. A tender shall not be evaluated on criteria that are not set out in the tender materials.
- 23.2. Tender evaluation criteria shall be set so that, as far as possible, the criteria may be scored on a numerical basis with the intention that the party with the highest score taking all criteria into account will be awarded the tender.
- 23.3. A contract above the Category B threshold should not be evaluated solely on the basis of price unless otherwise approved by Assistant Director Transport Services and the Purchasing Officer, and the Assistant Director Transport Services must set the evaluation criteria in conjunction with the Purchasing Officer.
- 23.4. The Assistant Director Transport Services shall ensure that in scoring tenders the evaluation criteria are properly applied and that scores are clearly recorded.

24. ACCEPTANCE OF TENDERS

- 24.1. The Assistant Director Transport Services may accept any tender on behalf of the Authority subject to any approval of the Authority Board

that may be required for that particular contract under these Standing Orders.

- 24.2. Where a third party is funding the contract the Assistant Director Transport Services may accept that contract on behalf of the third party without the approval of the Authority Board, irrespective of the price.
- 24.3. Where the contract price does not exceed the Category B threshold the Assistant Director Transport Services may delegate authority to accept tenders or quotations to an Officer at an appropriate level.
- 24.4. Acceptances of all tenders shall be in writing incorporating by reference the Authority's Form of Agreement, General Contract, Terms and Conditions, services specification, and any schedules, provided within the tender materials, and signed by the Assistant Director Transport Services.

25. EQUALITY OF TENDERS FOR LOCAL AND EDUCATION TRANSPORT SERVICES ETC

Paragraph 16 shall apply where two or more tenders achieve an equal score or equal price quotation.

26. RECORDS AND NOTIFICATIONS

26.1. The Assistant Director Transport Services shall be responsible for:

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

27. PREPARATION AND SIGNATURE OF CONTRACTS – CATEGORY A

No particular formalities are required for contracts in this Category, but they must be supported by an official order signed by the Purchasing Officer.

28. PREPARATION AND SIGNATURE OF CONTRACTS – CATEGORY B

Contracts in this Category must be in writing and may be signed by the relevant Budget Holder provided that the Purchasing Officer and the Budget Holder consider in each case whether the contract is of such value or

complexity that it should be referred to the Secretary and Solicitor or their nominee (being a solicitor) to determine the form of contract.

29. PREPARATION AND SIGNATURE OF CONTRACTS – CATEGORY C

Contracts in this Category must be in writing and must be signed by the Secretary and Solicitor or their nominee, being a solicitor, unless that person determines that the contract shall be executed under the Common Seal of the Authority.

30. PREPARATION AND SIGNATURE OF CONTRACTS – CATEGORIES D AND E

Contracts in these Categories must be in writing and executed under the Common Seal of the Authority unless the Secretary and Solicitor determines otherwise.

31. PREPARATION AND SIGNATURE OF CONTRACTS – LOCAL AND EDUCATION SERVICES

Contracts for local services and education transport must be in writing incorporating by reference the Authority's Agreement, General Contract, Terms and Conditions, services specification, and any schedules, provided within the tender materials, and signed by the Assistant Director Transport Services. Where for a period in excess of six years, they must be executed under the Common Seal of the Authority unless the Secretary and Solicitor determines otherwise.

32. CONTENTS OF CONTRACTS

32.1. Every contract in writing shall specify:

- 32.1.1. the work, materials, matter or things to be done or furnished;
- 32.1.2. the price to be paid, with a statement of discounts or other deductions;
- 32.1.3. the time or times within which the contract is to be performed;
- 32.1.4. such of the matters referred to in sub-paragraphs 32.3 to 32.4 as are required by those sub-paragraphs to be included.

32.2. Unless the Secretary and Solicitor and the Chief Finance Officer having regard to all the circumstances, consider it to be unnecessary:

- 32.2.1. contracts for the execution of work shall provide for liquidated damages to be paid by the contractor in case of delays; and
- 32.2.2. the Authority shall require, and take sufficient security for, the due performance of any contract in excess of the upper limit

for contracts within Category C in amount or value, except for local transport services contracts.

32.3. In every written contract for the supply of goods or materials a clause shall be inserted to secure that, should the contractor fail to deliver the goods or materials, or any portion thereof, within the time or times specified in the contract, the Authority, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or the extent of such default and to purchase other goods or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined, the goods or materials remaining to be delivered. The clause shall further secure that the amount by which the cost of so purchasing other goods or materials exceeds the amount which have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase, if they had been delivered in accordance with the contract, shall be recoverable from the contractor. This paragraph shall be drawn to the attention of all persons tendering or submitting a quotation for a contract with the Authority.

32.4. Unless the Secretary and Solicitor determines otherwise, every contract for works entered into in writing by the Authority shall include the right of the Authority to have access to the site of works and documents of the contractor. This right shall entitle the Authority to nominate such Officer as they shall deem appropriate to undertake any inspection at the site or of any documents including the right to nominate persons not in the employment of the Authority.

33. USE OF E-MAIL IN CONTRACTS AND AWARDS

33.1. Where these Standing Orders require that a contract shall be in writing, this will not normally be satisfied by the use of e-mails.

33.2. Except where express provision is otherwise made in these Standing Orders, e-mail should only be used exceptionally in a contractual situation (including those circumstances where a contract is to be varied or extended) and then only with the prior approval of the Secretary and Solicitor or Chief Finance Officer.

33.3. The award of all contracts within Category A and B only may be confirmed by e-mail.

34. ISSUE OF FINAL CERTIFICATE

Unless the terms of the contract do not permit this or otherwise make it impracticable, any person who has the authority to issue a final certificate shall not issue such final certificate until sufficient time has been given to the Internal Auditor of the Authority to complete an examination of the final account of such contract where the Auditor deems this to be necessary.

35. VARIATIONS TO CONTRACTS

35.1. Where during the course of any contract it is necessary to issue a variation order in respect of that contract, such variation order as it is proposed to issue shall be sent to the Director for approval prior to issue where required under the terms of these Standing Orders and Financial Regulations, PROVIDED THAT this requirement shall not be construed as limiting:

35.1.1. the authority of any person authorised under a civil engineering or building contract to issue a variation order to the contractor concerned or;

35.1.2. the authority of Directors and Budget Controllers to issue a variation order up to a maximum increase of £10,000 or 10% of the value of the contract whichever is the lower.

35.2. Where any variation order is issued a copy shall be supplied to the Secretary and Solicitor who shall annex it to the contract to which it relates.

36. BRITISH STANDARDS

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

37. CANCELLATION OF CONTRACTS IN CASES OF CORRUPTION ETC

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

38. ASSIGNMENT AND UNDERLETTING OF CONTRACTS

38.1 In every contract the contractor shall be prohibited from assigning or underletting or sub-contracting the contract, or any part of it, except with the consent of a Director and upon such conditions as they think fit.

38.2 In the case of tender for services which provides for the possibility of subcontracting some or all of the services, appraisal of the tender must include appropriate appraisal of both the main and any sub contractor's proposals to ensure that the sub-contractor is capable of delivering the services and complying with the contract and all relevant legislation. The principal contractor shall be expressly responsible for all work done by the sub-contractor and for it being carried out under the same conditions as the main contract, so far as reasonably possible.

39. RESTRICTIONS ON CONTRACTS WITH CERTAIN PERSONS

No Director or Officer of the Authority, nor any Company, Partnership or Firm in which any Director or Officer is interested, nor any employee, nominee or relative of a Director or Officer, shall undertake the execution of work on behalf of the Authority or shall accept an order for the supply of goods or materials to the Authority unless such work or order for goods or materials has been offered or secured by competitive tender or quotation. The Director or Officer shall provide the Secretary and Solicitor and the Chief Finance Officer with details of any such interest or relationship prior to any tender or quotation being invited.

40. WORK BY AUTHORITY'S DEPARTMENTS

These Standing Orders shall apply to the letting of sub-contract work or the obtaining of goods or materials when such letting or obtaining is done in the course of the execution of any work by the Authority's own departments.

41. ACQUISITION AND DISPOSAL OF INTERESTS IN LAND

41.1. Where the Authority is acquiring or disposing of an interest in land, the procedures to be followed in each case shall be the responsibility of the Secretary and Solicitor in accordance with any current policy of the Authority and the Officer Delegation Scheme.

41.2. Where any disposal of an interest in land falls outside the criteria approved by the Authority for delegation then the Secretary and Solicitor shall ensure that all such disposals shall first obtain the approval of the Authority pursuant to s10(1)(xxiii) Transport Act 1968.

PART 2 – Legal Proceedings

42. LEGAL PROCEEDINGS

42.1. Where any document is a necessary step in legal proceedings it shall be signed by the Secretary and Solicitor, or by any other Solicitor

employed by the Authority, unless otherwise required or authorised by law, or where the Authority give authority, to some other person for the purpose of such proceedings.

42.2. Where there is a likelihood of the Authority being involved in any legal proceedings or where the Police investigate any matter involving the Authority or any of its personnel the Secretary and Solicitor shall immediately be informed by the officer concerned or their line manager.

42.3. The Secretary and Solicitor shall have authority to initiate or defend proceedings on the Authority's behalf and to take all necessary steps in relation to those proceedings.

42.4. The Secretary and Solicitor shall have authority to negotiate on behalf of the Authority to settle claims for or against the Authority and whether or not legal proceedings have been begun subject to:

42.4.1 the value of the settlement not exceeding the Category B threshold at the time; and

42.4.2 professional advice being obtained, where appropriate, that the settlement represents good value for money; and

42.4.3 with the approval of the Assistant Director Finance who may require the matter be put before a Director or the Authority for approval if they consider it appropriate.

West Yorkshire Combined Authority

Financial Regulations 2014

1. INTRODUCTION

- 1.1. Financial regulations provide the framework for managing the Authority's financial affairs and apply at all times to all Members and Officers of the Authority.
- 1.2. The Director of Resources is designated under Section 73 Local Government Act 1985 as the officer who is responsible for the proper administration of the financial affairs of the WYCA (the Chief Finance Officer).
- 1.3. The Chief Finance Officer shall make suitable arrangements to ensure that these financial regulations are made known to all officers of the WYCA.
- 1.4. In this and the succeeding parts of the Financial Regulations (FRs):-
 - “**Authority**” means the West Yorkshire Combined Authority.
 - “**Officer**” means an officer of the Authority unless otherwise specified
 - “**CFO**” means the “Chief Finance Officer” of the Authority

2. FINANCIAL MANAGEMENT

- 2.1. The Chief Finance Officer is responsible for:-
 - 2.1.1. the proper administration of the Authority's financial affairs
 - 2.1.2. determining the accounting procedures and records
 - 2.1.3. the maintenance of all necessary financial records and procedures and ensuring their retention in accordance with statute
 - 2.1.4. selecting accounting policies and ensuring that they are consistently applied
 - 2.1.5. ensuring that, not later than the date specified in government regulations, prepare and submit to the Authority the annual statement of accounts for the year ending on the preceding 31 March; such statements of accounts being in a form prescribed

by the CFO in compliance with the Accounts and Audit Regulations currently applicable.

- 2.2. The Chief Finance Officer will, in consultation with the Directors, nominate and maintain the Budget Holders and Controllers for each of the cost centres. The Chief Finance Officer may also nominate Senior Budget Holders to assist the Budget Controller in carrying out the day to day management of budgetary control; the ultimate budgetary responsibility remains with the Budget Controllers.
- 2.3. Budget Holders and Controllers are responsible for:-
 - 2.3.1. consulting and obtaining the approval of the Chief Finance Officer before making any changes to financial procedures
 - 2.3.2. providing any information required to enable the annual accounts to be completed
 - 2.3.3. complying with all accounting guidance issued by the Chief Finance Officer.

3. FINANCIAL PLANNING

- 3.1. The CFO shall prepare a medium term financial strategy comprising a forecast of revenue expenditure and income for discussion with District Councils in relation to future levies and funding and report such discussions to the Authority. Such a strategy must reflect the priorities and plans of the Authority; it is the responsibility of Budget Controllers to advise the CFO of changes to their resource requirements over the period under review.
- 3.2. The CFO shall ensure that a revenue budget is prepared on an annual basis for consideration at a meeting of the Authority before 15 February prior to the start of the financial year. At that meeting determination shall be made of the level of the levy and other contributions for the following year.
- 3.3. The CFO is responsible for advising on the format of the revenue budget and for ensuring that the mechanism for financial control and management of the budget is in place.
- 3.4. The Authority shall approve the revenue budget. The Chief Finance Officer is responsible for providing appropriate financial information to Budget Controllers and Budget Holders to enable them to effectively monitor their budgets.
- 3.5. A Budget Controller is ultimately responsible for the monitoring and control of the budget for their cost centres. The Budget Holder is responsible for the day to day management of their budget and must immediately bring to the Budget Controller's attention any overspend or underspend against approved budgets. The Budget Holder must

also ensure that all monies are spent in the best interests of the Authority and ensure maximum efficiency.

- 3.6. A Budget Controller may propose assignees to have the authority to approve purchase requisitions or invoices up to predetermined levels. This must be agreed in writing with the Assistant Director Finance. Budgetary responsibility remains with the Budget Holder and Controller.
- 3.7. A Budget Controller, Holder or assignee must be an officer of the Authority.
- 3.8. No expenditure shall be authorised or incurred which is not provided for in the approved budget. If a Budget Controller wishes to spend money which is not included in their approved revenue budgets and where it is not possible to vire money from an existing budget then they must notify the Assistant Director Finance who will advise on how to proceed.
- 3.9. The CFO shall monitor the Authority's expenditure and controls in relation to its budget and report any significant variations to the Governance and Audit Committee and together with any recommendation of that committee to a subsequent meeting of the Authority.

4. CAPITAL EXPENDITURE

- 4.1. Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Authority, such as land, buildings and vehicles. They frequently create financial commitments for the future in the form of financing costs and revenue running costs.
- 4.2. The CFO, in conjunction with the Assistant Director Integrated Transport, shall present to the Authority an indicative capital programme for the current and future year with the annual budget report.
- 4.3. No capital expenditure shall be incurred without first being approved by the Authority, except up to a maximum of £50,000 on feasibility studies or advance design work required for a scheme that appears within the agreed capital programme. All expenditure on schemes shall be the subject of a report to the Authority, its Transport Committee or its Investment Committee as the case may be, setting out the nature and justification for the scheme plus the anticipated capital costs and revenue consequences.
- 4.4. Expenditure on a capital scheme which is in excess of the approval granted by the Authority or a relevant committee of the Authority may only be incurred up to a limit of £100,000 or 10%, whichever is the less (provided such excess exceeds £10,000), without a further report to the Authority or the relevant Committee. All capital expenditure

incurred during the financial year shall be reported to the Authority by the CFO in an annual report to coincide with the annual accounts.

- 4.5. All funding arrangements shall be undertaken by the CFO in accordance with any decisions or delegations made by the Authority or the relevant Committee. The CFO shall include a full statement of the funding arrangements actually applied in the annual final accounts approved by the Governance and Audit Committee and reported to the Authority and/or Committee.

5. RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

- 5.1. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. It evaluates the measures already in place to manage identified risks and recommends the action required to control these risks effectively.
- 5.2. The Director of Resources is responsible for ensuring an appropriate risk management policy is in place and for reviewing the effectiveness of risk management.

Internal Control

- 5.3. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- 5.4. The Chief Finance Officer is responsible for advising on effective systems of internal control that will provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

Audit

- 5.5. The Authority is required by legislation to provide an internal audit function.
- 5.6. The internal audit function is an independent and objective appraisal function established by the Authority. It examines, evaluates and reports on the adequacy of internal controls, compliance with Standing Orders and Financial Regulations, security of assets and adequacy of the financial systems. It also evaluates the effectiveness of internal controls in operation and assesses their adequacy in relation to the prevention or detection of fraud.
- 5.7. The Internal Audit department is headed by the Internal Audit Manager who reports to the Director of Resources.

- 5.8. The Internal Audit department shall have the authority to:-
- 5.8.1. access all premises, assets, records, documents, correspondence and control systems
 - 5.8.2. receive any information and explanations considered necessary from any Director or officer
 - 5.8.3. require any Officer to account for cash or other assets under their control
 - 5.8.4. directly access the Head of Paid Service and the Governance and Audit Committee if necessary
 - 5.8.5. issue immediate recommendations to a Director prior to formal consideration of their report if they deem the matter as requiring urgent action.
- 5.9. The Governance and Audit Committee shall recommend a strategic audit plan for adoption, which takes account of the characteristics and relative risks of the activities involved. The Internal Audit Manager shall ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

External Audit

- 5.10. External audit shall be carried out by an auditor appointed by the Authority who will report annually, or more often if deemed necessary, to the Authority.
- 5.11. All reports written by external audit must be considered by the Governance and Audit Committee.

Preventing Fraud and Corruption

- 5.12. The Authority will not tolerate fraud and corruption in the administration of its responsibilities. The expectation of propriety and accountability is that Members and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The CFO will ensure an effective anti-fraud and anti-corruption policy is maintained.
- 5.13. All Members and Officers shall follow the appropriate codes of conduct as adopted by the Authority in relation to declarations of interests, gifts and hospitality as well as following agreed staffing policies.
- 5.14. The Secretary and Solicitor is responsible for issuing guidance to officers regarding what to do when offered goods and/or services by actual or potential suppliers to the WYCA.
- 5.15. The Secretary and Solicitor maintains a register of interests in which officers must record details of disclosable pecuniary or other interests

and any hospitality or gifts offered to them and their responses to the offer. This register is formally reviewed by the Secretary and Solicitor on a regular basis.

- 5.16. Detailed procedures in relation to the supply of all works, goods and services are set out in Contracts Standing Orders.

Security of Assets

- 5.17. It is important that all assets including land and property, cash, vehicles, plant, furniture and equipment are safeguarded and used efficiently in service delivery.

- 5.18. It is the responsibility of the Chief Finance Officer to maintain an asset register for all fixed assets with a value in excess of £4,000. All items of furniture, fittings, plant and equipment shall be included on an inventory.

- 5.19. It is the responsibility of each Budget Controller to:

5.19.1. make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility

5.19.2. ensure that the property procedures are adhered to by all officers

5.19.3. inform the Chief Finance Officer of any instances where they believe the security to be inadequate

5.19.4. ensure that designated officers are personally responsible for the safekeeping of keys

5.19.5. ensure that designated Managers review the security of the premises under their control on a regular basis.

- 5.20. The functional Budget Controller is responsible for arranging a procedure for the safe custody and control of stocks and stores. These arrangements must be approved by the Chief Finance Officer.

- 5.21. Assets and stock valued at more than £250 shall be written-off/written down by the Authority following a recommendation of the Chief Finance Officer.

- 5.22. Any instance of loss or theft of Authority property must be notified to the Chief Finance Officer. If the loss or theft involved data that could be deemed sensitive or confidential then this must also be notified to the Secretary and Solicitor.

Disposal of Assets

- 5.23. The Purchasing Officer is responsible for arranging the disposal of any assets deemed to be obsolete, non-repairable or unnecessary.

- 5.24. The Purchasing Officer is authorised to dispose of surplus or obsolete stores or equipment. Where they believe the sales value to be higher than £500 for each transaction then they are also responsible for ensuring that these sales are made by competitive tender or public auction.
- 5.25. All disposals to officers, related parties or members require the prior approval of the Directors/HoPS.
- 5.26. The Secretary and Solicitor is responsible for the disposal of interests in land and buildings in accordance with the Authority's Officer Delegation Scheme.

Treasury Management

- 5.27. It is the responsibility of the Chief Finance Officer to minimise the requirement for borrowing and investment and to:
 - 5.27.1. arrange all borrowing and investments in the name of the Authority
 - 5.27.2. prepare a Treasury Management policy for adoption by the Authority at its budget meeting
 - 5.27.3. report to the Authority on any such borrowings and investments (other than the regular overnight investments) on at least a half yearly basis
 - 5.27.4. operate bank accounts as considered necessary and issue instructions on how these are to be used and managed
 - 5.27.5. provide imprest accounts and determine the petty cash limits of each one.

6. FINANCIAL SYSTEMS AND PROCEDURES

- 6.1. The Chief Finance Officer is responsible for:
 - 6.1.1. the operation of the Authority's accounting system, the form of accounts and the supporting financial records
 - 6.1.2. issuing guidance and advice and procedures to officers
 - 6.1.3. approving any changes to existing financial systems
 - 6.1.4. approving the introduction of any new financial systems
 - 6.1.5. ensuring the operation of appropriate controls covering input to the financial system, the processing of the information and any output

- 6.1.6. ensuring that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls
- 6.1.7. ensuring that the business recovery plan makes adequate preparations for ensuring that financial systems can be recovered in the event of an interruption
- 6.1.8. ensuring that finance systems are documented and staff are trained in how to operate them
- 6.1.9. Issuing appropriate instructions on the systems for collecting and recording income, and ordering and payment of goods and services.

Payments to officers

- 6.2. The Chief Finance Officer is responsible for:
 - 6.2.1. arranging and controlling the secure payment of wages and any other emoluments to officers in their capacity as employees, in accordance with procedures prescribed by the Chief Finance Officer, on the due date
 - 6.2.2. recording and making arrangements for the accurate and timely payment of tax, national insurance, pension deductions and any other deductions
 - 6.2.3. making arrangements for the payment of travel and subsistence claims
 - 6.2.4. ensuring the appropriate systems, records and documentation are maintained on behalf of the administering pension body.

Taxation

- 6.2.5. The Chief Finance Officer is responsible for advising officers on all taxation issues that affect the Authority. The Chief Finance Officer is responsible for maintaining tax records, making all tax payments and submitting tax returns by their due date as appropriate.



ITEM 6

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: APPROVAL OF STANDARDS ARRANGEMENTS

1. Purpose

To recommend a Code of Conduct for members of the Authority, arrangements for dealing with allegations of misconduct, consider the appointment of independent persons pursuant to the Localism Act 2011 and dispensations in relation to members' interests.

2. Background Information

- 2.1. The Authority is required by law to adopt a code of conduct.
- 2.2. The Authority is also required to have in place arrangements under which allegations can be investigated and under which decisions on allegations can be made.
- 2.3. Such arrangements must include provision for the appointment of at least one independent person whose views are to be sought and taken into account by the Authority before it makes its decision on an allegation that it has decided to investigate. Members who are the subject of an allegation may also seek the view of the independent person. An Authority is required to advertise for the post of independent person. The West Yorkshire Integrated Transport Authority (WYITA) appointed two such independent persons, to provide flexibility and preclude any potential conflicts of interest.
- 2.4. The Localism Act 2011 provides that in specified circumstances, an Authority may grant a dispensation to lift restrictions on participating at meetings where a member has a disclosable pecuniary interest. The WYITA resolved to grant two general dispensations in principal.

3. Issues

Code of Conduct

- 3.1 A draft Code is attached as **Appendix 1** to this report and is recommended for adoption by the Authority. The Code by law applies to members and co-opted voting members of the Authority.
- 3.2 The Code sets out the conduct that is expected of members in relation to their conduct in office and includes procedures for declaration and registration of disclosable pecuniary interests.
- 3.3 Prior to this meeting all councillors and LEP members whom it was anticipated might be appointed to or by the Authority were sent a template form with which to declare and register disclosable pecuniary interests in order that any councillor or LEP member could, in advance of this meeting, consider whether they had a disclosable pecuniary interest which should be declared at this meeting and subsequently be registered in accordance with the Code of Conduct adopted by the Authority.

Arrangements for allegations

- 3.4 Draft arrangements are attached as **Appendix 2** to this report and are recommended for adoption by the Authority.

Independent Persons

- 3.5 As the Authority came into being on 1 April 2014, it has not been possible to advertise and appoint to this post. Therefore it is recommended that the independent persons appointed by the former WYITA be confirmed in their post for the Authority, pending arrangements being made for the Authority to make new appointments. The continuity provisions within the West Yorkshire Combined Authority Order 2014 ("the Order") provide that anything done by the WYITA has effect as if made or done by the Authority. The independent persons have confirmed to the WYITA their willingness to continue to perform this function for the Authority.

Dispensations

- 3.6 The WYITA adopted a policy to grant a 4 year dispensation (if requested by any member) to enable members to speak and vote in any decision affecting:-
- Any office held within the Authority for which the member receives a taxable income; and
 - Any office held in a Constituent Council for which the member receives a taxable income.

WYITA members then confirmed in writing their wish to be granted that dispensation. Members of the Authority are asked to consider whether they wish to grant a similar dispensation in relation to the Authority's members and co-opted members. All appointed members and nominated co-opted members have been provided with a template letter of request in advance of the Annual Meeting with the intent that all members and co-opted members would ask for the dispensation which could be granted en-masse and thus run concurrently for everyone from 1 April 2014.

4. Legal Implications

4.1. The Authority must secure that its Code is, when viewed as a whole, consistent with the following principles:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

It must also include relevant provision relating to registering and disclosing pecuniary and other interests. Pecuniary interests are defined by regulations.

4.2 The draft Code complies with these requirements. The Department for Communities and Local Government has advised that any substitute member for a voting member is also required to comply with the Code.

4.3 Annex 3 of the Code sets out the circumstances in which a dispensation may be granted.

5. Financial Implications

5.1. The proposed Members' Allowances Scheme, which is the subject of a separate report at Agenda Item 13, includes recommendation for remuneration of the independent person.

6. Staff and Resource Implications

6.1. None by virtue of this report.

7. Recommendations

7.1. That the draft Members' Code of Conduct attached as **Appendix 1** to this report be adopted.

- 7.2 That the arrangements for dealing with allegations attached as **Appendix 2** to this report be adopted.
- 7.3 That the independent persons appointed by the former WYITA be confirmed in their post within the Authority on an interim basis and that arrangements are made for the appointment of independent persons by the Authority as soon as reasonably practicable.
- 7.4 That, in principle, 4 year dispensations be granted (if requested by any member) to enable that member to speak and vote in any decision affecting:-
- Any office held within the Authority for which the member receives a taxable income; and
 - Any office held in a Constituent Council for which the member receives a taxable income.

West Yorkshire Combined Authority

Members' Code of Conduct

This Code applies to **members**¹ and **voting co-opted members**² of the Authority, in all aspects of your public life³.

The Authority expects you to follow this Code when:

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

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

Part One – Principles of Conduct

You must have regard to, and act in accordance with, the following principles:

1. **Selflessness**

You should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person, organisation or group or any other third party.

2. **Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may be questioned. You should not behave improperly and should avoid the appearance of such behaviour.

3. **Objectivity**

You must make decisions (including making appointments and approving the awarding of contracts):

- based on the information before you;
- having regard to any professional advice provided;
- in accordance with your view of the public interest and
- on merit.

¹ And substitute members of the Authority, appointed under Schedule 1 paragraph 1(4) and (7).

² A voting co-opted member of the Authority is a person who is not a member of the Authority, but who is:

- a member of any committee or sub-committee of the Authority, or
- a member of, and represents the authority on, any joint committee or joint sub-committee of the Authority

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

³ Any reference to a member in the Code or its appendices should be taken to include any member of the Authority, substitute member or voting co-opted member of the Authority.

4. **Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office.

You should not undertake any action which would bring the Authority, your position, or the position of members generally, into disrepute.

5. **Openness**

You must be as open as possible about your actions and those of the Authority, and should be prepared to give reasons for those actions.

6. **Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example. You should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the Authority's statutory officers and its other officers.⁴ You should comply with any protocol adopted by the Authority from time to time on Member/Officer Relations.

Part Two – General Obligations

7. You must treat others with respect. You must not:-

- a) do anything which may cause the Authority to breach any duty relating to equality;
- b) bully any person;
- c) intimidate or attempt to intimidate any person who is or is likely to be:
 - a complainant,
 - a witness, or
 - otherwise involved

in any investigation or proceedings in relation to an allegation that a member has failed to comply with this Code; nor

- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Authority.

⁴ As a member, you may express yourself robustly in representing your, or any constituents' views, although where a member engages in a sustained or systematic challenge of an officer which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this Code. However an unintentional remark, made in isolation, is unlikely to amount to a failure to comply with the Code.

8. You must not:-
- a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest **and** made in good faith and in compliance with the reasonable requirements of the Authority.
- nor
- b) prevent another person from gaining access to information to which that person is entitled by law.
9. You must have regard to the Code of Recommended Practice on Local Authority Publicity made under the Local Government Act 1986.
10. You must have regard to any relevant advice provided by any officer of the Authority, including:
- the Chief Finance Officer and
 - the Monitoring Officer.
11. Members must give reasons for all decisions in accordance with any statutory requirements and any additional requirements of the Authority.

Part Three – Registering Interests

12. The Monitoring Officer maintains a register of interests of members. The register is:-
- available for inspection at the Authority's offices; and
 - published on the Authority's web-site.
13. You must notify the Monitoring Officer of pecuniary and other interests as set out in paragraphs 14-17 below. The Monitoring Officer will enter them into the register of interests.

Disclosable Pecuniary Interests

14. A pecuniary interest is any interest of a description set out in the second column of **Annex 1** to this Code⁵.

⁵ Annex 1 sets out the descriptions of pecuniary interests specified in regulations made by the Secretary of State (SI 2012/1464).

15. A pecuniary interest is a **disclosable pecuniary interest** if it is a pecuniary interest and either:-
- a) it is an interest of yours, or
 - b) it is an interest of any other relevant person, these being:-
 - (i) your spouse or civil partner,
 - (ii) a person with whom you live as husband and wife, or
 - (iii) a person with whom you live as if you were civil partners,and you are aware that the other person has the interest.
16. You must notify the Monitoring Officer of:-
- a) any disclosable pecuniary interests you have within 28 days of your appointment to the Authority⁶ and
 - b) any changes to your disclosable pecuniary interests within 28 days of:
 - the change occurring, or
 - you becoming aware of the change.

Other Interests⁷

17. You must notify the Monitoring Officer within 28 days of any offer, acceptance or receipt of a **gift or hospitality**:-
- with an estimated value of over £50⁸ and
 - offered⁹ or given to you in your role as a member.

Sensitive Interests

18. If you have an interest (whether or not a disclosable pecuniary interest) which is entered in the register and which is such that you and the Monitoring Officer consider that disclosing the details of the interest could lead to you, or a person connected with you, to being subject to violence or intimidation, details of the interest must not be included in:-
- any published version of the register, nor
 - any copy of the register that is made available for public inspection.^{10 11}

Part 4 – Disclosing Interests At Meetings

19. If you are present at a meeting¹² of the Authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting:

⁶ If you are re-appointed to the Authority, you are only required to notify the Monitoring Officer of any new disclosable pecuniary interests within 28 days of being re-appointed.

⁷ The Monitoring Officer will remove these interests from the register two calendar years after they were added.

⁸ This financial limit will be maintained in line with the definition of a donation to be declared by election candidates during local elections in England and Wales (as set out in Schedule 2A of the Representation of the People Act 1983).

⁹ These interests must be registered, whether or not accepted.

¹⁰ The register may state that you have an interest, the details of which are withheld under section 32(2) of the Localism Act 2011.

¹¹ See further footnote 10 in relation to disclosing such an interest in a meeting.

¹² Including any committee, sub-committee, joint committee or joint sub-committee of the Authority

- a) Unless you have a relevant dispensation¹³ you may not
- participate, or participate further, in any discussion of the matter at the meeting; or
 - participate in any vote, or further vote, taken on the matter at the meeting.
- b) If the interest is not entered in the Authority's register, you must disclose the interest to the meeting (unless the interest is a sensitive interest¹⁴). If the interest is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

Disclosing Significant Interests

20. If you are present at a meeting¹⁵ of the Authority, and you are aware that you have any significant interest (other than a disclosable pecuniary interest) in a matter to be considered, or being considered, at the meeting, you:
- may disclose the interest to the meeting; and
 - must consider whether to continue participating in the matter.

Complaints Alleging A Failure To Comply With The Code

21. All complaints alleging a failure to comply with this Code will be considered under a procedure agreed by the Authority.

Criminal Offences In Relation To Disclosable Pecuniary Interests

22. Failing to comply with requirements for registration and disclosure of Disclosable Pecuniary Interests may be a **criminal offence** under S34 Localism Act 2011. Annex 2 of this Code summarises offences and sanctions under that section.

Dispensations

23. The Authority¹⁶ may lift the restrictions under Paragraph 19(a) of this Code by granting a dispensation in accordance with Annex 3.

¹³ See paragraph 23 of the Code.

¹⁴ You are not required to disclose a sensitive interest, but must disclose that you have a disclosable pecuniary interest in the matter.

¹⁵ including any committee, sub-committee, joint committee or joint sub-committee of the Authority

¹⁶ or any committee or officer to whom this function may be delegated by the Authority.

Subject	Description of Pecuniary Interests
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period¹⁷ in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union.¹⁸</p>
Contracts	<p>Any contract which is made between you or a relevant person¹⁹ (or a body in which you or a relevant person has a beneficial interest²⁰) and the Authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land ²¹ which is within the area of the Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the your knowledge)—</p> <p>(a) the landlord is the Authority; and</p> <p>(b) the tenant is a body in which you or the relevant person²² have a beneficial interest²³.</p>
Securities	<p>Any beneficial interest in securities²⁴ of a body where—</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

¹⁷ The relevant period means the period of 12 months ending with the day on which you notify the Monitoring Officer under paragraph 16a) and paragraph 19b) of the Code.

¹⁸ Within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

¹⁹ As defined in paragraph 15b) of the Code.

²⁰ "body in which the relevant person has a beneficial interest" means:

- a firm in which you or a relevant person is a partner or
- a body corporate of which you or a relevant person is a director, or in the securities of which you or a relevant person has a beneficial interest. "Director" includes a member of the committee of management of an industrial and provident society; "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

²¹ Land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

²² See footnote 18.

²³ See footnote 19.

²⁴ "Securities" as defined in footnote 19.

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Summary of Criminal Offences and Sanctions²⁵

Offences

1. A person commits an offence if, without reasonable excuse, the person:-
 - (a) fails to:-
 - register any disclosable pecuniary interest²⁶
 - disclose a disclosable pecuniary interest not entered on the register²⁷ or
 - (b) participates in any discussion or vote, where they have a disclosable pecuniary interest.²⁸
2. A person commits an offence if when registering a disclosable pecuniary interest or disclosing an interest not entered on the register²⁹, the person provides information that is false or misleading and the person:-
 - (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.

Sanctions

3. A person who is guilty of such offence may be fined up to £5000.
4. A court may also disqualify the person for up to five years for being or becoming (by election or otherwise) a member or co-opted member of the Authority or any other relevant authority.

²⁵ S34 Localism Act 2011.

²⁶ Under S30(1) or S31(3) or (7) Localism Act 2011.

²⁷ Under S31(2) Localism Act 2011.

²⁸ In contravention of S31(4) Localism Act 2011.

²⁹ Under section 30(1) or 31(2), (3) or (7) Localism Act 2011.

Dispensations

Requests

1. The Authority³⁰ will consider any requests for a dispensation.
2. Any request for a dispensation must be made in writing to the Monitoring Officer.
3. A request will not be granted unless it is made **not less than 10 clear days** before the date of the meeting to which the request relates, except where the Monitoring Officer considers that there are exceptional circumstances.

Period

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

Criteria

5. The Authority may grant you a dispensation only if having regard to all relevant circumstances the Authority considers that:
 - without the dispensation, the number of members prohibited from participating in any particular business would be so great a proportion of the Authority³¹ as to **impede the transaction of the business**;
 - without the dispensation, the **representation of different political groups** on the Authority would be so upset as to alter the likely outcome of any vote on the matter;
 - the dispensation is in the **interests of persons living in the Authority's area** or
 - it is **otherwise appropriate** to grant a dispensation.
6. In determining whether to grant dispensation requests, the Authority may consider:
 - whether the nature of the member's interest is such that to allow the member to participate would not damage public confidence in the conduct of the Authority's business;
 - whether the interest is common to the member and a significant proportion of the general public;
 - whether the participation of the member in the business that the interest relates to is justified by a member's particular role or expertise;
 - whether the interest is trivial or remote.

³⁰ Or any committee or officer to whom this function may be delegated by the Authority.

³¹ Or body transacting the business.

West Yorkshire Combined Authority

Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct

Introduction

1. The Members' Code of Conduct applies to members and voting co-opted members when they are acting in that capacity.

Submitting a Complaint

2. A complainant alleging a failure to comply with the Code should submit their complaint in writing to the **Monitoring Officer** for initial assessment.
3. The complaint must set out:
 - a. **who** was involved;
 - b. the alleged **mis-conduct**;
 - c. **when** and **where** it occurred; and
 - d. how the complainant wants the complaint to be **resolved**.
4. A complainant should complete a **complaint form**, but this is not required if the complainant provides the details required in writing.
5. If a complainant does not complete a form and does not provide the required details in writing, the Monitoring Officer will ask them to re-submit the complaint by completing a form.

Stage 1 - Initial Assessment by the Monitoring Officer

6. The Monitoring Officer will notify a member about any complaint against them¹.
7. The Monitoring Officer will decide whether the complaint should be dealt with under Stage 2 of this procedure.

¹ This is for information only, where the Monitoring Officer decides that the complaint should not be dealt with further under this procedure.

8. Where a complaint may relate to a member in their capacity as a Member of a constituent or non-constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.

Complaints which will not be dealt with under Stage 2

9. A complaint will not be dealt with under Stage 2 of this procedure if it is a complaint which:
 - a. is submitted **anonymously**^{2 3}
 - b. does **not identify the member**
 - c. relates to a member's **personal or private life**
 - d. alleges that a **criminal offence** has been committed
 - e. is about **failing to respond** to a request from a constituent or other individual
 - f. relates to alleged actions by **officers** of the Authority, or a **service related issue**
 - g. relates to a **decision** of the Authority, a committee of the Authority or an officer of the Authority.
 - h. relates to a person who is **no longer a member** of the Authority.
 - i. refers principally to an alleged incident **before the person became a member** of the Authority.
 - j. refers principally to an alleged incident which happened so long **in the past** that there would be little benefit in taking action
 - k. contains **trivial allegations**, or which appear to be simply **malicious, vexatious, politically motivated or tit-for-tat** or
 - l. concerns alleged behaviour which has **already** been **investigated** or subject to some form of action.
10. If a complaint alleges that a criminal offence has been committed,⁴ the Monitoring Officer may direct any such complaint to the West Yorkshire

² Complaints which contain a request for the complainant's identity to be withheld may be dealt with under this procedure, although the complainant's identity will only be withheld if, in the opinion of the Monitoring Officer, there are exceptional circumstances. If the Monitoring Officer does not consider that the complainant's identity should be withheld, the complainant will be given the opportunity to withdraw the complaint.

³ Anonymous complaints which reveal potential fraud or corruption will be referred to Internal Audit for consideration under the Authority's Whistle Blowing Policy.

⁴ Such as fraud, or an offence relating to failing to register or disclose a disclosable pecuniary interest under S34 Localism Act 2011.

Police. Before making this decision, the Monitoring Officer may consult with:-

- the Chair of the Authority
- the Chair of the Governance and Audit Committee
- the Head of Paid Service
- the Chief Finance Officer, or
- an Independent Person⁵.

11. The Monitoring Officer will refer any complaint about an **officer or service related issue** to the Head of Paid Service.
12. The Monitoring Officer will explain in writing to the complainant why the complaint will not be dealt with under Stage 2 of this procedure.
13. There is no appeal against any decision taken by the Monitoring Officer at this stage.

Stage 2 - Informal Resolution

14. If the Monitoring Officer decides that the complaint should be dealt with under Stage 2 of this procedure, the Monitoring Officer will refer the complaint to the member and any relevant Group Leader⁶, with a request that they seek to resolve the complaint. The Monitoring Officer will provide the member with:
 - a reasonable timescale for this (usually **20 working days**), and
 - the contact details for an Independent Person.
15. The Monitoring Officer will also write to the complainant to explain that the member has been asked to seek to resolve the complaint. The Monitoring Officer will provide the complainant with a copy of this procedure.
16. Informal resolution may include:
 - a. an **explanation** by the member of the circumstances surrounding the complaint;
 - b. an **apology** from the member;
 - c. an agreement from the member to attend relevant **training** or to take part in a **mentoring** process;
 - d. an offer of **mediation or conciliation** between the member and the complainant or

⁵ Appointed under S28 Localism Act 2011.

⁶ If the complaint is about a Group Leader, the Monitoring Officer may refer the matter to the relevant Group Whip within the appointing Council.

e. **any other action** capable of resolving the complaint.

17. The member may seek guidance from:

- a Group Leader or Group Whip, and/or
- the Monitoring Officer.

18. The member may also ask an **Independent Person** for their view of the complaint and about an appropriate form of resolution. To avoid a conflict of interests arising, an independent Person should not provide views to both a member and the Governance and Audit Committee on the same complaint.

19. The member may also ask the complainant what form of informal resolution they would find acceptable, particularly if the resolution they have requested in their complaint is not possible.

20. At the end of the 20 working day period, the Monitoring Officer in consultation with the Chair of the Governance and Audit Committee, will decide whether the complaint is resolved.

21. Where the complaint is **resolved**, the Monitoring Officer will confirm to the complainant and the member in writing that there will be **no further action** taken under this procedure.

22. Where the complaint is **not resolved**, the Monitoring Officer will refer the complaint to the **Governance and Audit Committee**. The Monitoring Officer will ask the complainant and the member to submit **written representations** about the complaint and any response to it.

23. There is no appeal against any decision of the Monitoring Officer under this stage.

Stage 3 – Governance and Audit Committee⁷

24. The Monitoring Officer will prepare a report for the Governance and Audit Committee, which will include:

- a. a **copy of the complaint** and any **response** from the member
- b. **minutes** of any relevant meetings
- c. details of **measures taken** to address the complaint
- d. any further **written representations** from the complainant or the member

⁷ Or any sub-committee appointed by the Governance and Audit Committee which has authority to determine complaints under this procedure.

- e. any **view** submitted in writing to the Committee by an Independent Person⁸.
25. Where possible the Governance and Audit Committee will consider the report within **20 working days** of it being finalised by the Monitoring Officer.
26. The Monitoring Officer will invite the Group Leader or Group Whip (if relevant) to attend the meeting of the Governance and Audit Committee.⁹
27. Before reaching a decision on the complaint, the Committee **must** seek, and take account of, the **view of an Independent Person** in relation to the complaint¹⁰. The Monitoring Officer will invite that Independent Person to attend the meeting of the Governance and Audit Committee¹¹. If the Independent Person cannot attend the meeting they must submit their view to the Governance and Audit Committee in writing.
28. The Monitoring Officer will attend the meeting to present their report.
29. The Governance and Audit Committee will consider the report of the Monitoring Officer and may also ask questions of anyone present at the meeting.
30. The Governance and Audit Committee must decide whether the member has failed to comply with the Code.
31. If the Governance and Audit Committee is unable to reach a decision on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks any further information required. However, when doing so, the Committee should consider whether such information will be readily available to the Monitoring Officer. Any request for information must be provided to both the complainant and the member.
32. If the Governance and Audit Committee decides¹² that the member did **not** fail to comply with the Code, the complaints process will conclude.
33. If the Governance and Audit Committee decides¹³ that the member **has failed** to comply with the Code, the Committee must go on to consider:

⁸ See further below.

⁹ The Chair may invite them to speak at the meeting, but any Group Leader or Group Whip who attends in response to such an invitation cannot participate or vote as a member of the committee.

¹⁰ As required by S28 (7)(a) Localism Act 2011.

¹¹ The Chair will ask the Independent Person to give their view at the meeting, but an Independent Person cannot participate or vote as a member of the committee.

¹² On the balance of probabilities, that is, it is more likely than not.

¹³ See footnote above.

- a. Whether to take action against the member; and
- b. What **action** it should recommend to the Authority.

Recommendations to the Authority

34. Where the Governance and Audit Committee decides that the member has failed to comply with the Code, the Governance and Audit Committee may recommend:
- a. a **formal letter to the member** from the Chair of the Governance and Audit Committee which will be copied to the Group Leader and/or the Group Whip;
 - b. **removal** by the Authority of the member **from any committee or sub-committee** (if they are a member of it), either permanently or for a specified period of time;
 - c. a **formal letter** from the Chair of the Governance and Audit Committee **to the Leader of the appointing Council** copied to the relevant Monitoring Officer and Group Whip or;
 - d. **formal censure** by the Authority.
35. Whether or not there has been a failure to comply with the Code, the Governance and Audit Committee may in any event make **general recommendations** to the Authority with a view to promoting and maintaining high standards of conduct within the Authority. Such recommendations may include changes to Authority procedures and practices or training for members in general.
36. Within **5 working days** of the meeting the Chair of the Governance and Audit Committee will write to the complainant and the member explaining the decision of the Committee and setting out any recommendations made to the Authority.
37. The Monitoring Officer will report all recommendations of the Governance and Audit Committee to the next available meeting of the Authority.
38. There is no right of appeal against a decision of the Governance and Audit Committee or the Authority.

Originators:
David Hoggarth,
James Flanagan



ITEM 9

Report to: West Yorkshire Combined Authority

Report of: The Head of Paid Service

Date: 1 April 2014

Subject: WEST YORKSHIRE AND YORK TRANSPORT FUND

1. Purpose

- 1.1 To provide an update on the proposed West Yorkshire Plus Transport Fund (WY+TF) which is a commitment in the City Deal.
- 1.2 To agree the steps that need to be taken to establish a funding model with Government.

2. Background Information

- 2.1. The City Deal agreed with Government in July 2012 included a commitment for a transformational programme of transport investment to drive economic growth. This was to be delivered through the establishment of a new £1bn+ transport fund. The City Deal also included a commitment to develop a method for retaining a proportion of the increase in national tax raised as a result of local transport investments. The creation of a Combined Authority on 1st April 2014 was a specific Government requirement in return for its commitment to the Fund.
- 2.2 The programme of schemes in the fund was developed to meet a clear set of objectives agreed by all partners. The primary objective to be met in West Yorkshire and York was: *an increase in employment and productivity growth by the completion of transport schemes across West Yorkshire and York, irrespective of boundaries*. In West Yorkshire further objectives were put into place to ensure all districts benefitted from improved access to jobs and that the Fund's interventions would be carbon neutral at the package level.
- 2.3 The ambition is to deliver a transformational change to the economic landscape by investing in transport measures that will support and shape future decisions on employment and other land uses such as the location of new houses. Evidence from

elsewhere, including other European countries, demonstrates that by linking key economic centres with fast, reliable public transport links, growth will be stimulated.

2.4 An initial package of schemes has been prioritised based on the amount of GVA generated per £1 of investment. The agreed programme of circa £1.6 billion (at outturn cost) for the first 10 years will:

- Generate significant additional economic investment that would deliver jobs and growth - up to around 20,000 new jobs in West Yorkshire and York and £2.4bn GVA per annum by the mid-2030s;
- Bring specific local benefits to residents, businesses and communities by improvements in the West Yorkshire and York transport networks;
- Unlock key employment and housing growth sites in West Yorkshire and York in the city/town centres and Local Plan growth points; and
- unlock growth of around 10,000 new homes by around 2030.

2.5 The schemes in the prioritised package have been designed:

- To enable existing, and new, businesses to become more productive (through reducing lost time caused by congestion);
- To expand the size of the workforce, particularly in major growth locations such as Aire Valley (Leeds), Canal Road (Bradford), East Wakefield, Cooper Bridge (Kirklees), Halifax Town Centre (Calderdale) and York Central, for example and;
- To expand the numbers and types of employment opportunities that can be reached from existing communities, and new housing sites, to improve the opportunities available to the existing and the future workforce.

2.6 Good progress has been made on developing schemes for early implementation. West Yorkshire and York partners have allocated £2.7m to develop schemes during 2013/14 and the programme is now ready to be delivered. Local funding of up to £8.7m is currently available to support further scheme development but the release of that funding is dependent on resolving the wider funding issues outlined in the following section.

3. Issues

3.1 As described above, the WY+TF has been designed to remove transport constraints on the potential of the West Yorkshire and York economies. It is designed to be a rolling fund, initially largely locally funded, and then sustained through retaining some of the national tax take generated by the locally funded growth.

- 3.2 Delivering the initial ten year phase of the fund required substantial local funding through an increased Combined Authority levy (or equivalent). This, therefore, represented a very significant local political and financial commitment, matching the ambition of the programme. The constraints over the Council Tax transport levy-funded element introduced recently by the Local Audit and Accountability Act (which effectively caps Council Tax increases) have required a substantial restructuring of the funding model in order to deliver the City Deal.
- 3.3 The Spending Round 2013 has affected West Yorkshire's overall fiscal position significantly. In practice the planned local contributions within the 2% cap are unaffordable. Whilst in theory, it is possible to hold referendums on increases above the cap, these are not considered circumstances under which it would be prudent for the Combined Authority to borrow the £1.3bn it needs to deliver the local element of the fund programme. The 2014 Local Audit and Accountability Act now therefore makes our original City Deal commitment undeliverable. It is therefore critical that Government agrees an alternative model.
- 3.4 In light of the implications for the Fund of the Local Audit and Accountability Act, Leaders and the LEP Chair have expressed concerns to the Cities Minister and the Deputy Prime Minister. In response, the Deputy Prime Minister suggested that an alternative way of financing the fund would be found and also encouraged the submission of an ambitious Local Growth Fund (LGF) Deal.
- 3.5 The LGF bid therefore includes full delivery of the Transport Fund and alternative proposals to retain a proportion of the increase in national tax raised as a result of local transport investments (through a Payment by Results mechanism). Details of the latter were submitted by Leaders and the LEP Chair to the Chief Officer to the Treasury in early March and a response is awaited.
- 3.6 Further engagement with Government is now urgently required to agree an appropriate way of financing the ambitious proposals in the Transport Fund to unlock the GVA and jobs potential identified.

4. Legal Implications

- 4.1 There are no immediate legal implications arising from this report.

5. Financial Implications

- 5.1. There are no immediate financial implications arising from this report. The financial implications of the Transport Fund are dependent on the conclusion of negotiations with Government.

6. Staff and resource Implications

- 6.1. There are no immediate legal implications arising from this report.

7. Recommendations

- 7.1 That progress on establishing a West Yorkshire Plus York Transport Fund is noted.
- 7.2 That the critical need for Government to engage on an alternative funding model is noted.
- 7.3 That the Combined Authority agrees to continue urgent discussions with Government in order to identify a workable funding solution for the Fund.
- 7.4 That the Combined Authority receives a report on progress at the next meeting.

ITEM 10

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS

1. Purpose

- 1.1 Appointments of committees of the Authority for the year 2014-2015, and of members to those committees.
- 1.2 Granting of voting rights to members of committees.

2. Background Information

- 2.1 The Authority has been created pursuant to the Local Democracy Economic Development and Construction Act 2009 and by the West Yorkshire Combined Authority Order made by the Secretary of State for Communities and Local Government and in force on 1 April 2014 (“the Order”).
- 2.2 During the months preceding the creation of the Authority, the Constituent Councils convened a Shadow Board of the Combined Authority to discuss proposals for appropriate governance arrangements for the Authority. Subject to the resolutions of the Authority the outcome of the Shadow Board discussions is reflected in the diagram in **Appendix 1**.
- 2.3 The Order requires the Authority to appoint at least one Overview and Scrutiny Committee, to which the Authority must appoint members of each of the Constituent Councils and the City of York Council. The Order requires each member appointed from a Constituent Council to have one vote. Members of the committee appointed from the City Of York Council shall be non-voting unless given voting rights by resolution of the Authority.
- 2.4 The Authority may also appoint ordinary committees, including advisory committees. The Order provides that a member of an ordinary committee or sub-committee of the Authority who is not a member of the Authority, shall be non-voting, unless they

are a member of a Constituent Council, or they are appointed from City of York Council or the LEP and given voting rights by resolution of the Authority.

- 2.5 Proposed governance arrangements for the Authority include the delegation of functions to an Executive Director of Transport – see Agenda Item No 12.

3. Issues

- 3.1. It is proposed that the following committees be established by the Authority:

- A Transport Committee;
- An Overview and Scrutiny Committee;
- A Governance and Audit Committee;
- A West Yorkshire and York Investment Committee;
- A Recruitment Committee to recruit to the post of Executive Director of Transport. It is proposed that the members of the Recruitment Committee appointed by the former WYITA, so far as the same have been appointed to or by the Authority, be appointed to the Recruitment Committee.

- 3.2 Terms of reference for the Transport Committee are attached as **Appendix 2** to this report. The Terms of Reference have been drafted to reflect as far as possible the previous ITA arrangements and in particular the current split between member and officer decisions save for those matters which are reserved to the full Authority. The Transport Committee will discharge transport functions across West Yorkshire (previously undertaken by the ITA Executive Board) and will have the principal role of monitoring and managing the delivery of the Local Transport Plan. Close alignment with the West Yorkshire and York Investment Committee is important and it is proposed that this is achieved by arranging regular joint meetings of the two committees. The Authority does not have legal power to make decisions as the local transport authority for the area of the City of York Council, therefore York will not have membership of the Transport Committee but will attend the meetings with observer status.

- 3.3 There is an expectation that the Transport Committee will appoint five District Engagement Sub-committees.

- 3.4 Terms of reference for the Overview and Scrutiny Committee are attached as **Appendix 3** to this report. These reflect the functions of the Committee as required by the Order.

- 3.5 Terms of reference for the Governance and Audit Committee are attached as **Appendix 4** to this report.

- 3.6 Terms of reference for the West Yorkshire and York Investment Committee are attached as **Appendix 5** to this report.

- 3.7 Terms of reference for the Recruitment Committee for the post of Executive Director of Transport are attached as **Appendix 6** to this report.

- 3.8 The Constituent Councils and the City of York Council have been considering their nominations for membership of committees of the Authority since February but the timetable of meetings at which nominations were considered has meant that it was not possible to have a full list of all nominations available for distribution with these papers. A full list of nominations will be tabled on the day.
- 3.9 Notwithstanding the proposals in **Appendix 1**, and any nominations tabled at the meeting, it is open to the Authority to constitute its committees as it may decide, including the number of members to be appointed, the Chair and any Deputies, and to appoint co-optees to those Committees accordingly.
- 3.10 In terms of voting rights, for the Overview and Scrutiny Committee, it is proposed that the City of York Council members on the Overview and Scrutiny Committee may vote.
- 3.11 It is also proposed that any member from a Constituent Council or the City of York Council appointed by the Authority to any ordinary committee or sub-committee of the Authority, may vote.

4. Legal Implications

- 4.1. Any committee of the Authority which discharges functions of the Authority, must have at least one member of the Authority upon it.
- 4.2 Political balance requirements do not apply to the Authority in relation to the co-option of Constituent or City of York Council members to committees.
- 4.3 Political balance requirements apply to the Authority when appointing members of the Authority to the Authority's ordinary committees. Given the proposal that only 1 or 2 members of the Authority will sit on each committee, it is not possible to satisfy the political balance requirements. However, political balance requirements do not apply in relation to appointments of co-opted members by the Authority in so far as different provision is made by arrangements approved without any member of the Authority voting against them, in accordance with S17 Local Government and Housing Act 1989.

5. Financial Implications

- 5.1. The proposed Members' Allowances Scheme (see Agenda Item No 13) includes recommendations for remuneration of co-opted members sitting on the proposed committees. Varying the number of co-opted members and the posts that they hold on committees may have impacts on the overall members' remuneration budget.

6. Staff and resource Implications

- 6.1. Servicing the secretarial needs to support the proposed committees will be a function of the officers of the Authority carried out largely by the officers of the

former WYITA who performed that function for that authority and its various committees.

7. Recommendations

7.1. That the Authority establishes the following committees to discharge the functions set out in the terms of reference attached to this report:

- Transport Committee (Appendix 2)
- Overview and Scrutiny Committee (Appendix 3)
- Governance and Audit Committee (Appendix 4)
- West Yorkshire and York Investment Committee (Appendix 5)
- Recruitment Committee (Appendix 6)

7.2 That the Authority:

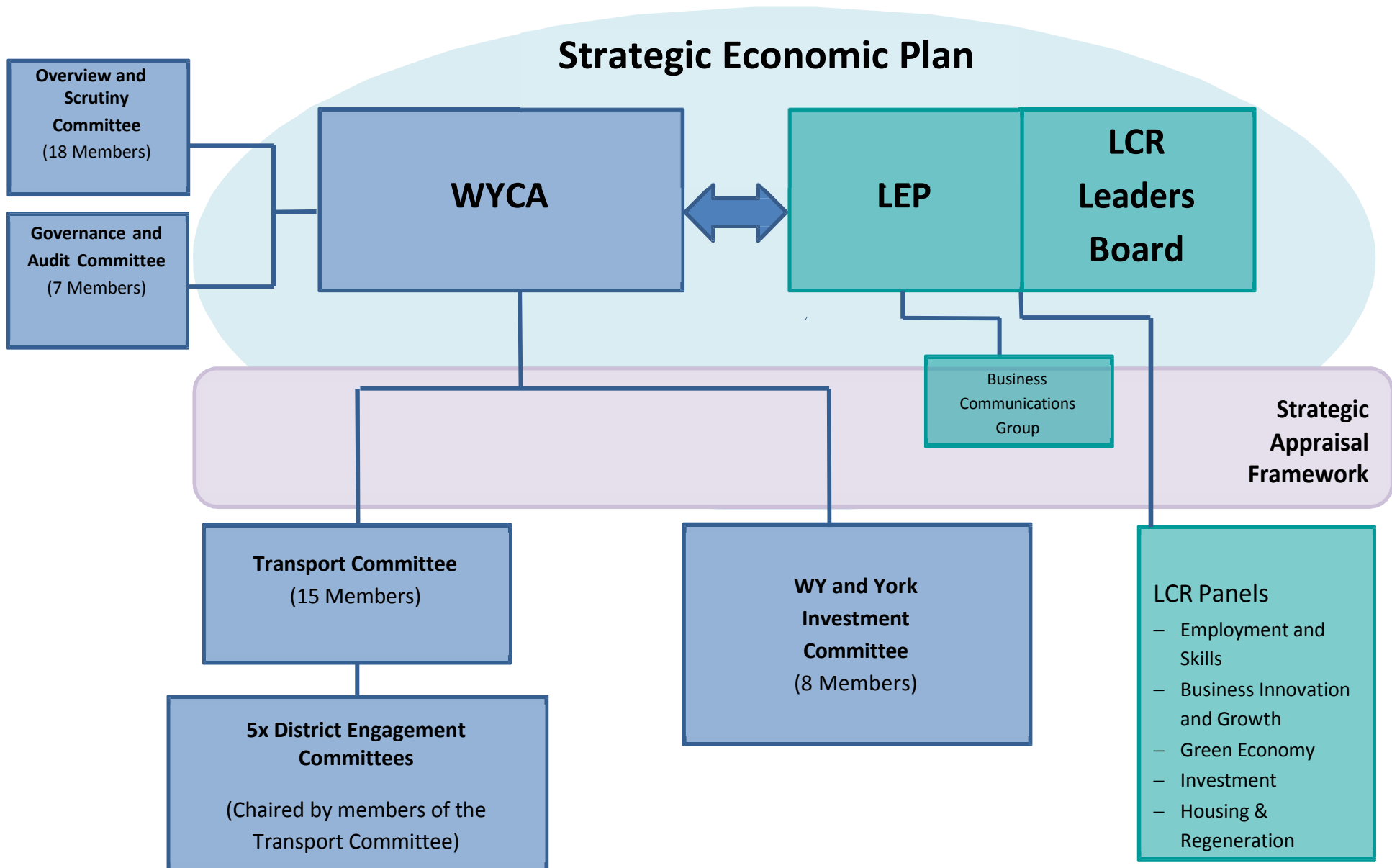
7.2.1 appoints at least one of its members to sit on each committee other than the Overview and Scrutiny Committee; and

7.2.2 resolves in accordance with S17 Local Government and Housing Act 1989, to make appointments to the committees in accordance with the nominations tabled at the meeting.

7.3 That the Authority appoints a Chair of each Committee and any deputy Chairs as it considers appropriate.

7.4 That the Authority resolves that the members appointed from the City of York Council to the Overview and Scrutiny Committee be granted voting rights.

7.5 That the Authority resolves that all members appointed by the Authority to the Transport Committee, Governance and Audit Committee, the West Yorkshire and York Investment Committee and the Recruitment Committee (including members appointed from Constituent Councils and the City of York Council) shall be voting members of that committee, and of any sub-committee to which they may be appointed by that committee.



Transport Committee

In accordance with the policies and strategies set by the Authority, the Transport Committee is authorised:

1. To monitor and manage the delivery of the Local Transport Plan across the combined area.
2. To determine which public passenger transport services the Authority should secure to meet public transport requirements which would not otherwise be met.¹
3. To formulate general policies about promoting:
 - a) the availability and operation of public passenger transport services to meet the public passenger transport requirements the Authority consider appropriate to be met; or
 - b) the convenience of the public in using all such available services.
4. To approve²:
 - a) agreements in connection with rail network, station or light maintenance depots
 - b) arrangements for services with any person providing passenger transport services by air
 - c) agreements with the owner of any locomotive or other rolling stock
 - d) arrangements to transfer any part of an undertaking or property of the Authority
 - e) acquiring land³, developing land⁴ and, disposing of any property or, save to the extent delegated to the Executive Director of Transport, any interest in land⁵, and

¹ In accordance with S9A Transport Act 1968

² In accordance with S10 Transport Act 1968

³ under S10(1)(xx)(b) Transport Act 1968

⁴ under S10(1)(xxii) Transport Act 1968

- f) submitting a request to the Minister to authorise the compulsory purchase of land.
5. To approve⁶:
- a) changes in the general level of charges for transport services or facilities provided by the Authority⁷; and
- b) reductions in or waiving of such charges.⁸
6. To make grants for transport facilities and services⁹
7. To make payments towards capital expenditure on public transport facilities¹⁰.
8. To establish or vary a local travel concession scheme and adopt arrangements for the operation, scope and application of such a scheme.¹¹
9. To make, vary, revoke or postpone a quality partnership scheme.¹²
10. To make, continue, revoke or vary a quality contracts scheme.¹³
11. To make, vary or revoke a ticketing scheme.¹⁴
12. To consult on and determine the availability of local bus information and ascertain if it is being made available.¹⁵

⁵ under S10(1)(xxiii) , with the exception of any disposals delegated to the Executive Director of Transport

⁶ S15(2)a Transport Act 1968

⁷ In accordance with S6 Transport Act 1983

⁸ S15 Transport Act 1968, subject to S104(2) Transport Act 1985

⁹ S106 Transport Act 1985

¹⁰ S56 Transport Act 1968

¹¹ Transport Act 1985

¹² or postpone facilities or standards of service under a scheme

¹³ Part II Transport Act 2000

¹⁴ Part II Transport Act 2000

¹⁵ S139 Transport Act 2000

13. To enter into a voluntary partnership agreement relating to buses.¹⁶
14. To direct the Executive Director of Transport to invite tenders for specified activities or descriptions of activities of the Authority¹⁷.
15. To consider and determine any matter within the delegated authority of the Executive Director of Transport, which is referred to the Committee by the Executive Director.¹⁸
16. To respond to reports and recommendations from an overview and scrutiny committee¹⁹.
17. To advise the Authority in relation to any of its transport or transport-related functions.
18. To liaise with the West Yorkshire and York Investment Committee to promote the strategic alignment of regional transport funding investment²⁰.

¹⁶ S153(2) Transport Act 2000

¹⁷ In accordance with S8 Transport Act 1983

¹⁸ Such as New Generation Transport and Bus Quality Contracts

¹⁹ Of the Authority or any Constituent Council

²⁰ This may be through holding joint meetings with the West Yorkshire and York Investment Committee

Overview and Scrutiny Committee

The Overview and Scrutiny Committee is authorised:

1. To review or scrutinise decisions made, or other action taken in connection with functions of the Authority¹ including:
 - the provision, delivery and performance of transport services and infrastructure²;
 - proposals about the Local Transport Plan, other plans, strategies or policies;
 - economic development and regeneration;
 - consultation across the Combined Area; and
 - corporate performance.
2. To make reports or recommendations to the Authority, with respect to functions of the Authority.
3. To receive and monitor responses to any reports or recommendations made.

¹ In relation to a decision made but not implemented, this includes the power to recommend that the decision be reconsidered by the Authority in accordance with the Scrutiny Standing Orders.

² In assessing performance, the Overview and Scrutiny Committee may consider:

- accessibility levels
- market research, customer feedback, and other satisfaction indicators; and
- outcomes, targets and priorities within relevant plans and strategies.

Governance and Audit Committee

1. To advise the Authority in relation to:
 - financial management¹;
 - internal audit arrangements and reports;
 - the statement of accounts; and
 - external audit arrangements and reports, including the external annual audit letter.
2. To promote and maintain high standards of conduct by members and co-opted members of the Authority.²
3. To advise the Authority in relation to:
 - adopting, revising or replacing its Members' Code of Conduct³;
 - appointing at least one independent person⁴;
 - arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct.
4. To consider and determine any allegation of failing to comply with the Members' Code of Conduct⁵.
5. To consider and determine any matter within the delegated authority of a Director⁶, which is referred to the Committee by that Director.
6. To advise the Authority in relation to any other matter relating to corporate governance.

¹ including the effectiveness of its system of internal control, risk management arrangements, and the annual governance statement

² This function does not extend to adopting, revising or replacing the Members' Code of Conduct

³ The Code applies to members and voting co-opted members of the Authority, and includes provision about registering and disclosing interests.

⁴ In accordance with Section 28(7) Localism Act 2011

⁵ In accordance with arrangements made by the Authority.

⁶ A Director in this context is any officer to whom functions are directly delegated by the Authority under the Authority's Officer Delegation Scheme.

Appendix 5

West Yorkshire and York Investment Committee¹

In relation to any function of the Authority relating to:

- economic development and
- economic and transport led regeneration

the West Yorkshire and York Investment Committee is authorised:-

1. To advise the Authority about:
 - a) any proposed funding submissions by the Authority,
 - b) local financial strategies, and
 - c) project management and delivery arrangements.
2. To advise the Authority on the adoption, application and review of a Single Assessment Framework (SAF) for schemes seeking funding from the Authority or the LEP.²
3. To review the impact of programmes funded by the Authority or the LEP and make recommendations to the Authority as appropriate.
4. To liaise with the Transport Committee to promote the strategic alignment of regional transport funding investment³.
5. To consider and advise the Authority about any other key issue affecting the discharge of these functions.

¹ This is an advisory committee appointed under S102(4) Local Government Act 1972

² including gateway criteria for entry of schemes into the SAF.

³ This may be through holding joint meetings with the Transport Committee

Appendix 6

Recruitment Committee

The Recruitment Committee is authorised to:

1. Conduct a process of recruitment to the post of Executive Director of Transport for the Authority; and
2. To appoint to that post the person the members of the committee consider most appropriate to deliver the functions delegated to that post in the Authority's Officer Delegation Scheme.

ITEM 11

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: OFFICER ARRANGEMENTS

1. Purpose

- 1.1 The appointment of officers of the Authority.
- 1.2 The agreement to the secondment of the Chief Executive of Kirklees Council to the role of Head of Paid Service of the Authority.
- 1.3 The agreement to the secondment of the Head of Regional Policy of Leeds City Council to the post of Leeds City Region LEP Director and Head of Economic Strategy of the Authority.
- 1.4 The designation of statutory posts.
- 1.5 The noting of the transfer of officers of the former WYITA to the Authority by reason of the Transfer of Undertakings Protection of Employment Regulations.
- 1.6 The adoption of a Code of Conduct for Officers of the Authority.
- 1.7 To note that the policies of the former WYPTE are applicable to officers of the Authority.
- 1.8 To note that statutory requirements relating to politically restricted posts apply to the Authority.

2. Background Information

- 2.1. During the months preceding the creation of the Authority, the Constituent Councils convened a Shadow Board of the Combined Authority to consider proposals for the remit of the functions of the Authority and appropriate governance arrangements for the Authority.

- 2.2 TUPE applies to all officers of the former WYITA including the Director of Resources, Director of Development, Director of Passenger Services and Secretary and Solicitor, and thus all officers transfer to the Authority by virtue of the West Yorkshire Combined Authority Order 2014 (“the Order”).
- 2.3 As the functions of the WYPTE and WYITA have been transferred to the Authority all of the employees of those organisations have transferred to the Authority by virtue of the Transfer of Undertakings Protection of Employees legislation. Correspondingly the terms and conditions of their employment, as embodied within the Code of Conduct and other policies of the WYPTE relating to Human Resources, will transfer.
- 2.4 It is a legal requirement that the Authority designates a Head of Paid Service, a S73 Chief Finance Officer and a Monitoring Officer. The proposed Scheme of Delegation is the subject of a separate report on the Agenda and reflects the statutory requirements for those posts.
- 2.5 The rules relating to political restrictions within the Local Government and Housing Act 1989 apply to officers of the Authority.

3. Issues

3.1. Officer Appointments

The following appointments are proposed:-

Post	Recommendation
Head of Paid Service	Secondment of the Chief Executive of Kirklees Council pursuant to an agreement under s113 of the Local Government Act 1972 to be entered into with Kirklees.
Executive Director of Transport	Recruitment to this post is currently underway. The scheme of delegation to the post is recommended for adoption. Pending appointment, that the Acting Director of Transport and Head of Paid Service carry out these functions until an Executive Director of Transport is in post.
Director of Resources	That the Director of Resources of the WYPTE transfer to this post.
Director of Passenger Services	That the Director of Passenger Services of the WYPTE transfer to this post.

Director of Development	That the Director of Development of the WYPTE transfer to this post.
Secretary and Solicitor	That the Secretary and Solicitor of the WYPTE transfer to this post.
Leeds City Region LEP Director and Head of Economic Strategy	That the Head of Regional Policy of Leeds City Council be seconded to this post by Leeds City Council pursuant to an agreement under s113 Local Government Act 1972.
Acting Director of Transport	See Paragraph 3.2.

- 3.2 It is proposed that a Recruitment Committee be authorised to recruit to and appoint an Executive Director of Transport; see further Item 10. A delegation to that post is recommended; see further Item 12. Pending that appointment it is recommended that the Director of Passenger Services be appointed to the post of Acting Director of Transport. During the interim period the Head of Paid Service and Acting Director of Transport will delegate the functions between the Director of Passenger Services, the Director of Development and the Director of Resources in accordance with the manner in which the post of the former Director General of the WYPTE was delegated between those three posts following the retirement of the Director General in January 2014.

3.3 Designation of statutory officers

Statutory officer	Postholder
Head of Paid Service	The Chief Executive of Kirklees Council shall be seconded to this post.
Chief Finance Officer (S73 Local Government Act 1985)	The Director of Resources shall perform this role.
Monitoring Officer	The Secretary and Solicitor shall perform this role.

- 3.4 A Code of Conduct for officers of the Authority has been prepared based on the code adopted by the former WYPTE and WYITA, the employers of the officers that have transferred to the Authority by virtue of the Order. The Code has been modified to reflect the new governance arrangements and a draft is attached to this report (see **Appendix 1**) and is recommended to the Authority for adoption. The Code of Conduct incorporates the gifts and hospitality policy of the former WYPTE.

3.5 Organisation of the Authority's Officer Arrangements

An Organogram showing the intended Directorates, Senior and Statutory Officer Posts and lines of reporting is attached to this report (see **Appendix 2**). See further item 12 in relation to the officer delegation scheme.

4. Legal Implications

- 4.1. The Combined Authority may appoint such officers as they consider necessary to carry out the Authority's functions. Such officers must be appointed on merit. TUPE applies to the establishment of the Authority and the transfer of functions by virtue of the Order.
- 4.2. The Head of Paid Service has an on-going statutory duty to consider applications for exemptions from political restriction.

5. Financial Implications

- 5.1. Except in relation to the Head of Paid Service and Executive Director of Transport, the financial implications arising from the recommendations in this report are that all officers who have transferred are entitled to the same terms and conditions as applied to their employment by WYITA and WYPTE by virtue of TUPE.
- 5.2. It will be necessary to agree appropriate arrangements:-
 - 5.2.1 with Kirklees Council and their Head of Paid Service in relation to the secondment of their Head of Paid Service by the Authority for an initial period of 12 months; and
 - 5.2.2 with Leeds City Council and their Head of Regional Policy in relation to their secondment to the post of Leeds City Region LEP Director and Head of Economic Strategy within the Authority.

The putting in place of appropriate arrangements should be delegated to the Secretary and Solicitor.

6. Staff and resource Implications

- 6.1. These are set out in the previous sections of this report.

7. Recommendations

- 7.1. That the appointments of the officers set out in paragraph 3.1 be made and the transfer of officers set out in paragraph 3.1 be noted.
- 7.2. To approve the proposals in paragraph 3.2 relating to the post of Executive Director of Transport.

- 7.3 That the putting in place of appropriate arrangements between the Authority and Kirklees Council and with the Chief Executive of Kirklees Council for his secondment to the post of Head of Paid Service to the Authority for an initial period of 12 months be delegated to the Secretary and Solicitor.
- 7.4 That the putting in place of appropriate arrangements between the Authority and Leeds City Council and with the Head of Regional Policy for their secondment to the post of Leeds City Region LEP Director and Head of Economic Strategy of the Authority be delegated to the Secretary and Solicitor.
- 7.5 That the following post holders are designated as statutory officers:-

Statutory Officer	Post holder
Head of Paid Service	The Chief Executive of Kirklees Council
Chief Finance Officer	Director of Resources
Monitoring Officer	Secretary and Solicitor

- 7.6 That the draft Officers' Code of Conduct attached at Appendix 1 to this report be adopted by the Authority.
- 7.7 That the application of the Human Resources Policies of the former WYPTE and WYITA to the officers of the Authority by virtue of TUPE be noted.

West Yorkshire Combined Authority

Code of Conduct for Officers 2014
Incorporating the Gifts and Hospitality Policy

Code of Conduct for Officers - April 2014

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West Yorkshire Combined Authority

Code of Conduct for Officers - April 2014

Introduction

This Code is in the form adopted by the former WYPTE and in force at the date upon which the West Yorkshire Combined Authority Order 2014 came into force and created the WYCA. The WYPTE and WYITA then ceasing to exist, and all officers transferring by virtue of TUPE regulations to WYCA, this policy was adopted by the WYCA at its first meeting on 1 April 2014.

1 Purpose of the Code

- 1.1 The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.
- 1.2 This document sets out the standards expected of all the Authority's officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

2 Objectives of the Code

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

3 Responsibilities

Officers of WYCA

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

- 3.2 **Line Manager** - The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.
- 3.3 **Human Resources (HR)** -The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.
- 3.4 **Legal Section** - the role of the Secretary and Solicitor is:-
- 3.4.1 to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications;
- 3.4.2 to advise officers in relation to the application of this Policy, if requested; and
- 3.4.3 to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

4 Political Neutrality

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

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

- 5.1 Mutual respect between officers and members is essential to good working relationships at the Authority and each should handle work matters on a professional basis. Officers of the Authority should deal with the public, members and other officers sympathetically, efficiently and without bias.
- 5.2 The Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, e.g. a member of the same family.

6 Equality & Diversity

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

7 The Authority Property

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

8 Conflict with Duties

- 8.1 Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- 8.2 Officers should abide by the rules of the Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Authority or which would benefit from a relationship with the Authority.
- 8.3 Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

9 Whistleblowing

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Authority or colleagues.

10 Treatment of Information

- 10.1 The Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:-
 - a member;
 - a relevant Authority officer;
 - other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.
- 10.2 This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

11 Investigations by Monitoring Officer

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

12 Compromising the Impartiality of the Authority's Officers

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

13 Improper Use of Position

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

14 Considering Advice Provided

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

15 Personal and Prejudicial Interests

- 15.1 The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.
- 15.2 Registration of any such interest protects the Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Authority has this policy provides assurance to the public that the Authority is acting in the public interest. The Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.
- 15.3 An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Secretary and Solicitor.
- 15.4 In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

16 Registers of Interests – Legislative Implications

- 16.1 The Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in

accordance with the Data Protection Act 1998. However it is possible that the Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000.

- 16.2 Officers must advise when their circumstances change to update or remove records from the register.
- 16.3 The register will be reviewed annually by the Secretary and Solicitor to ensure it is up to date and in compliance with the Information Commissioner's requirements.

17 Gifts and Hospitality

Officers must comply with the Authority's Gifts and Hospitality Policy. Please refer to MINT or Human Resources for further details of this Policy.

18 Failure to Comply

Failure to comply with the Code of Conduct may result in disciplinary action being taken. In certain circumstances, a breach of this Code may amount to gross misconduct and could result in dismissal.

19 Changes to Policy

The Authority reserves the right to amend the details of this Code, and any guidance, as required following changes in legislation or consultation with recognised trade unions and other relevant parties. This Code will be monitored and reviewed to ensure that it meets the needs of the Authority and ensure compliance with relevant legislation. A written request can be made to review this policy at any time, giving appropriate reasons for the review.

Schedule 1 – Notification of Interests

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

Name of Officer:

Department:

Reports to:

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

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

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

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

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

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

- (f)** Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Authority or another authority or sites where the Authority or that other authority is or may be involved in development relevant to the Authority, such as bus stations, proposed NGT sites, new transport interchanges:-

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

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

I [intend to] have the following other interests:-

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

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

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

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

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

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

Date:

Signed

This form is derived from The Local Authorities (Model Code of Conduct) Order 2007 which is no longer in force but the model is adapted for the purpose of the code of conduct of WYCA.

Gifts and Hospitality Policy 2014

Contents

- 1. Overview of the Policy**
- 2. Objectives of the Policy**
- 3. Responsibilities**
- 4. Meals and Refreshments**
- 5. Gifts**
- 6. Other Forms of Gift or Hospitality**
- 7. Maintenance of Records**
- 8. Breaches of this Policy**
- 9. Conclusion**
- 10. Changes to Policy**

West Yorkshire Combined Authority

Gifts and Hospitality Policy 2014

Introduction

This Policy is in the form adopted by the former WYPTE at the date upon which the West Yorkshire Combined Authority Order 2014 came into force and created the WYCA. The WYPTE and WYITA then ceasing to exist, and all officers transferring by virtue of TUPE regulations to WYCA, this policy was adopted by the WYCA at its first meeting on 1 April 2014.

This Policy forms part of the Officers' Code of Conduct of the WYCA.

1. Overview of the Policy

The taxpayers who fund public authorities rightly expect the highest standard of probity from their officers. This applies in particular to the relationships between officers and outside contractors who already or may potentially provide services to the employing authority. At the extreme, acceptance by an officer of financial or other inducements designed to influence the award of a contract could result in a criminal prosecution. But it is not sufficient for public officers merely to comply with the minimum requirements of the law. We have to be able to ensure not only that no actual impropriety has taken place, but that nothing in an individual officer's conduct could give rise to any suspicion of impropriety.

The majority of the Authority's budget is spent by means of the award of contracts to outside bodies for the provision of services, and many officers are involved in the award of such contracts by the Authority.

The normal presumption is that acceptance of offers of gifts and various forms of hospitality should be avoided. However, to apply that as an absolute rule could impede the conduct of normal business relationships and could adversely affect the Authority's interests in circumstances where some flexibility would do no harm to our reputation for integrity.

It is important to note that this policy applies to everyone employed by the Authority wherever an offer of gifts and hospitality is made, and whether in the course of business or during social interaction outside of a work context.

2. Objectives of the Policy

- To provide clear rules and guidance for the officers and officers of the Authority to follow, within and outside working hours, when dealing with

the offer of gifts and hospitality from existing or potential suppliers and contractors.

- To encourage and support appropriate, consistent and professional behaviour within the Authority, as a publicly funded organisation.
- To avoid circumstances where criticism and the suspicion of impropriety might arise, to protect the reputation of the Authority and maintain public trust.
- To establish a framework where the Authority, as part of the local business community, can deal politely with corporate gifts and hospitality.
- To maintain records to support the Authority's policy and for the purpose of internal review, audit and governance.

3. Responsibilities

3.1. Officer

Officers should follow the guidelines set out below. They should also discuss with their manager the circumstances of any offer and whether or not it should be declined.

3.2. Line Manager

When an officer discusses any offer made to them, the line manager must ensure that a proper entry has been made in the Gifts & Hospitality Register. They should of course follow the guidelines below for any offer received themselves, whether or not accepted at the time. If line managers have any further misgivings about the situation, they should report these to the Director or Assistant Director to whom they report.

3.3. Director

Directors must ensure the guidelines are followed for themselves, and that any offer reported to them by a member of staff has been reported correctly in the Gifts & Hospitality Register. If Directors have any further misgivings, these should be discussed with or reported to the Monitoring Officer or Head of Paid Service in the first instance.

3.4. Human Resources (HR)

HR will oversee the implementation and application of the policy

3.5 Legal Section

The Secretary and Solicitor will review the registers of gifts and hospitality on a regular and annual basis and will report any matters of concern to the appropriate Director or the Head of Paid Service. The Legal Section will give advice generally, on request, or in response to new guidance, on matters concerning Gifts and Hospitality and the Code of Conduct.

4. Meals and Refreshments

As a general rule it would be reasonable to accept a modest meal where a meeting with or presentation by an outside body extends beyond the normal

hours of work. If the meal is more lavish or appears to be less directly connected with the requirements of work, questions officers should ask are:

- In similar circumstances would the Authority itself offer hospitality of a similar nature which could be regarded as a legitimate call on public funds?
- Is the primary purpose of the occasion personal, social or work related?
- What is the actual or prospective relationship between the Authority and the outside body offering the hospitality?
- How frequently has such an offer been made by the outside body in question?

If there is any doubt about the offer and the opportunity presents itself beforehand, officers should consult their manager, Director, Secretary and Solicitor or the Head of Paid Service. If no such opportunity arises but the circumstances make a refusal difficult, another way of dealing with a doubtful situation would be that the officer meets their share of the cost at their own expense where this is possible. This may be reclaimed from the Authority subject to manager's approval.

5. Gifts

Generally, trivial gifts which could be regarded as being of an advertising or promotional nature, e.g. a diary/pen/mouse-mat/mug etc which has the company logo, may be accepted. Perishable goods such as cakes and flowers may also be accepted but shared with the team where possible. Anything more elaborate or valuable than this should not be accepted, and should be politely declined e.g. theatre/concert tickets. Where a gift is small, and it is felt that to refuse it would only cause needless offence, then the gift may be accepted STRICTLY on the following grounds:-

- the giver is not currently seeking a decision or business from the Authority – if this is this case, the gift must be refused; or
- the gift must immediately be passed to Corporate Development and logged into the Gifts and Hospitality Register. Corporate Development will keep gifts until there are enough prizes to run a charity raffle.

6. Other Forms of Gift or Hospitality

These offers may take many forms – e.g. invitations to cultural or sporting events, travel facilities or hotel accommodation on preferential terms, discounts for the supply of services. Generally, all such offers should be refused. The only exceptions are likely to be those where attendance can properly be regarded as being of a professional or representational nature. Here too, in cases of doubt, officers should consult their line manager, Director, the Monitoring Officer or Head of Paid Service. It should nearly always be possible to find one such person to discuss this with beforehand.

7. Maintenance of Records

A record of the gifts and hospitality offered and accepted also helps to dispel any suspicion of impropriety. It should be remembered, however, that the existence of a record does not provide a reason for accepting an offer which would otherwise have been refused. Accordingly, Corporate Development will maintain a register in which should be recorded:-

- All meals and refreshments provided at the expense of any outside body which go beyond a modest meal offered in order to extend the conduct of business beyond normal working hours.
- All gifts offered, other than those of a trivial advertising and promotional nature, and whether they were accepted or returned.
- All other forms of entertainment or hospitality offered and whether they were accepted or refused.
- If any gift or hospitality was accepted, the reason why the manager considered it appropriate to accept it.

For the avoidance of doubt and to avoid excessive bureaucracy it will not be necessary to enter in the register offers from the following bodies with which we frequently have contact:-

- Combined Authorities, Integrated Transport Authorities and their Passenger Transport Executives
- Transport for London
- Local Authorities and Councils.

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

8. Breaches of this Policy

The Authority takes its responsibilities to the public extremely seriously, as set out in the Overview above. A breach of this Policy could have very serious ramifications for the Authority and for its officers. Consequently breaches of this Policy may result in disciplinary action being taken. In certain circumstances, a breach could amount to gross misconduct and could lead to termination of employment.

9. Conclusion

The guidance offered by this Policy can never anticipate every circumstance. Members of staff may unavoidably find themselves in a position where they have to exercise judgement and the satisfactory application of any guidance depends upon the integrity of those concerned. It is hoped that this Policy will

assist officers in the exercise of judgement. Please remember that it has been prepared to protect not only the Authority's reputation but that of officers.

10. Changes to Policy

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

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

Head of Paid Service

- Assumed by an existing local authority Chief Executive from April 1st 2014
- To work closely alongside the other Chief Executives within the constituent authorities
- To oversee Secretariat support to the CA
- To oversee and support the Executive Director for Transport and LEP Director/Head of Economic Strategy in conjunction with Chief Executives and LEP Chair
- Directly accountable to the CA Board
- Arrangements to be reviewed post April 2015 when future scope of CA clarified by LRO and LGF outcomes

Executive Director for Transport

- To set up and deliver major infrastructure projects
- To act as the principal adviser to the CA and LEP on transport issues
- To provide leadership to transport arm of CA

Executive Officer

Director of Passenger Services

Director of Development

NGT Projects Director

LEP Director and Head of Economic Strategy (Secondment)

- To act as the principal adviser to the CA and LEP on issues of economic strategy
- Assessment framework
- Programme delivery from SEP
- To manage LCR staff currently supporting LEP and LCR Leaders Board

Director of Resources (Section 73 Officer)

PR

Professional support teams (HR, Monitoring Officer, Legal and Democratic Services, ICT)

ITEM 12

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: OFFICER DELEGATION SCHEME

1. Purpose

The adoption of an Officer Delegation Scheme by the Authority.

2. Background Information

- 2.1. The Authority is a local authority for the purposes of the Local Government Act 1972 and may make arrangements for the discharge of any of its functions by officers by virtue of s101(1)(a).
- 2.2 During the months preceding the creation of the Authority, the Constituent Councils convened a Shadow Board of the Combined Authority to consider proposals for the remit of the functions of the Authority and appropriate governance arrangements for the Authority.

3. Issues

- 3.1. A draft Officer Delegation Scheme was drawn up with the intention that for all practical purposes the functions carried out by the former WYPTE as the executive body of the former WYITA would be carried out by the officers of the Authority under the new governance arrangements required of a Combined Authority.
- 3.2 The draft Officer Delegation Scheme is annexed to this report and is recommended for adoption by the Authority.
- 3.3 In view of the on-going recruitment to the post of the Executive Director of Transport, it is proposed that the Acting Director of Transport discharge the functions delegated under the scheme to that post until it is filled.

4. Legal Implications

- 4.1. The Authority is required to maintain a list of those officers to whom delegations have been made where the arrangement is made for over 6 months (S100G Local Government Act 1972).
- 4.2. The delegations may be reviewed at any time by the Authority.
- 4.3. Committees of the Authority may also delegate functions to officers.

5. Financial Implications

- 5.1. None by virtue of this report.

6. Staff and resource Implications

- 6.1. Following their appointment to post, and assuming the scheme of delegation is adopted, the officers referred to in this report may make sub delegations to ensure that all officers of the Authority are appropriately authorised to carry out the functions of the Authority.

7. Recommendations

- 7.1. That the Officer Delegation Scheme be adopted by the Authority, and that the Acting Director of Transport discharge the functions delegated under the scheme to the Executive Director of Transport, until an Executive Director of Transport is in post.

West Yorkshire Combined Authority

Officer Delegation Scheme

Introduction

General roles and responsibilities of Members and Officers

The Authority has approved policies which determine the framework in which operational decisions are made. The policies are supported by the Local Transport Plan, and strategies covering bus, rail and passenger information.

Key overarching decisions are made by Members (such as approving the budget, the capital programme and agreeing individual capital projects).

Officers implement decisions made by the Authority (or its committees). They also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.

In doing so, officers are subject to other control measures. These include:-

- standing orders and financial regulations (incorporating procurement regulations and contract awards);
- Officers' Code of Conduct, a gifts and hospitality policy and a register of Directors' interests;
- organisational values;
- anti-fraud and anti-corruption policy; and
- internal audit and risk management arrangements.

Delegations by the Authority and Committees

The Authority may lawfully delegate functions to the Authority's committees or officers.

Functions which the Authority cannot lawfully delegate are set out in appendix A to this scheme, together with functions which the Authority has decided not to delegate.

This Officer Delegation Scheme sets out functions delegated to officers by the Authority. The Authority may also make other delegations to officers in relation to any specific matter.

The Financial Regulations, Contracts Standing Orders and other Standing Orders of the Authority also contain delegations to officers; under these, certain decisions may only be made by, or must be approved by, specified officers.

Where the Authority have appointed a committee to discharge its functions, that committee can also delegate its functions to an officer¹.

The Authority (or a committee) may continue to exercise any function delegated to an officer.

Referral of matters to the Authority or relevant committee

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 Authority or a relevant committee.²

Under this Officer Delegation Scheme, the Head of Paid Service may also direct an officer not to exercise their delegated authority in respect of a particular matter and instead refer the matter to the relevant committee or the Authority.

When exercising their delegated authority, an officer must:

- ensure that decision conforms with and furthers policies approved by the Authority; and
- follow approved practices and procedures of the Authority, relevant Government Guidance and industry/professional best practice.

Sub-delegations

Unless required by law, or expressly indicated in the scheme, an officer is not required to discharge their delegated authority personally. An officer may arrange for another officer of suitable experience and seniority to exercise their delegated authority on their behalf. However, the officer with authority delegated to them by the Authority under this scheme will remain responsible for any decision taken.

General Delegations

Any reference to a Director within this Officer Delegation Scheme should be construed as a reference to any officer to whom functions are directly delegated by the Authority under the scheme, except where the context requires otherwise.

Each Director is also authorised to carry into effect without reference to the Authority or to any of its committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:

¹ A committee's power to delegate may, however, be limited by the Authority, or in some circumstances by the law.

² For determination or consultation.

Expenditure

1. To incur expenditure within the revenue budget in accordance with the Financial Regulations and Contracts Standing Orders.
2. To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations.

Human Resources

3. To appoint staff within the approved structure in accordance with the Authority's Recruitment and Selection Procedure.
4. To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.
5. With the exception of:-
 - granting voluntary redundancy requests;
 - releasing preserved pension benefits on ill health grounds; and
 - payments to officers for loss of damage to property arising out of their employment with the Authority.

to deal with employment issues arising in respect of individual officers, in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements.

Proper Officer functions

6. Each Director is appointed the Proper Officer for any function within their remit.

Miscellaneous

7. To carry out functions relating to health and safety.
8. To implement and ensure compliance with requirements relating to:-
 - a) data protection;
 - b) human rights;
 - c) surveillance activities;
 - d) freedom of information; and
 - e) equality and diversity.

Functions reserved to the West Yorkshire Combined Authority

Functions	Relevant legislation
To approve, amend, withdraw and revoke the major economic and transport investment policies and strategies for the Authority from time to time including the Single Local Growth Fund, the West Yorkshire and York Transport Fund, and any European funding strategies.	
To appoint the Local Enterprise Partnership Member and substitute member to the Authority	West Yorkshire Combined Authority Order 2014 (the 2014 Order)
To grant any voting rights to the Local Enterprise Partnership and Non-constituent Council member	S85(5) Local Transport Act 1985 and Schedule 1 paragraph 4(5) of the 2014 Order
To appoint a Chair and Vice Chair for the Authority.	The 2014 Order 2014
To make arrangements for the discharge of functions by a committee or officer and to appoint committees.	S101 and S102 Local Government Act 1972
To appoint one or more overview and scrutiny committees , and give any voting rights to any member of any such committee appointed by the non-constituent Council.	The 2014 Order
To approve, amend, withdraw or revoke any plan or strategy for the control of the Authority's borrowing, investments or capital expenditure .	Part 1 Local Government Act 2003
To approve the Authority's budget .	
To set a levy .	Local Government Finance Act 1988; Transport Levying Bodies Regulations 1992
To approve, amend, withdraw or revoke Standing orders³	The 2014 Order, Schedule 1
To consider the review of the effectiveness of the Authority's system of internal control (including internal audit), and to approve an annual governance statement , and consider the annual audit letter .	

³ Except in so far as this function is specifically delegated under the Officer delegation scheme

To prepare and approve the statement of accounts .	
Functions relating to a review of the Authority ⁴ .	S111-113 Local Democracy, Economic Development and Construction Act 2009
To make, amend revoke or re-enact byelaws .	S83 West Yorkshire Act 1980
To promote or oppose any Bill in Parliament.	S239 Local Government Act 1972 and s10 Transport Act 1968
To make, amend, revoke or replace a Members' Allowances Scheme .	The 2014 Order
To authorise a person to exercise a function pursuant to an Order, or to revoke any such authorisation,	S70 Deregulation and Contracting Out Act 1974
To appoint Proper Officers .	S270(3) Local Government Act 1972 (see further Officer Delegation Scheme)
To designate a Head of Paid Service .	S4 Local Government and Housing Act 1989
To designate a Monitoring Officer .	S5 Local Government and Housing Act 1989
To appoint a Chief Finance Officer .	S73 Local Government Act 1985
To appoint, discipline and dismiss Directors.	S112 Local Government Act 1972
To appoint to outside bodies.	
To adopt, revise or replace a Members' Code of Conduct .	S28 Localism Act 2011
To appoint at least one independent person .	S28(7) Localism Act 2011
To make arrangements for investigating and making decisions about allegations of failing to comply with the Members' Code of Conduct .	S28(6) Localism Act 2011
To prepare, review, alter or replace the Local Transport Plan . ⁵	S108 Local Transport Act 2008

⁴ Except in so far as these functions may be specifically delegated.

⁵ The Plan consists of policies to promote and encourage safe, integrated, efficient and economic transport and proposals for implementing those policies

The publication of an annual report on the exercise and performance of transport functions .	S16 Transport Act 1968
Functions relating to road user charging schemes .	Part III Transport Act
Approval of joint quality partnership arrangements .	S114 Transport Act 2000
To approve joint quality contracts arrangements .	S124 Transport Act 2000
To approve joint ticketing arrangements .	S135 Transport Act 2000
To discharge any other function which, by virtue of any enactment, may be discharged only by the Authority, including the approval any other plan or strategy which must by law be adopted or approved by resolution of the Authority.	

Head of Paid Service

The Head of Paid Service is authorised:-

1. To exercise the statutory functions of the Head of Paid Service.
2. To carry out the following functions:-
 - a) To approve:-
 - the manner in which the discharge by the Authority of their different functions is coordinated;
 - the number and grades of staff required by the Authority for the discharge of their functions;
 - the organisation of the Authority's staff; and
 - the appointment and proper management of the Authority's staff.
 - b) To exercise any other function of the Authority which is not:-
 - reserved to the Authority⁶,
 - within the terms of reference of any committee of the Authority; or
 - otherwise delegated to a Director.

⁶ These functions are set out in Appendix A to the Officer Delegation Scheme.

Executive Director of Transport

With the exception of any matter which the Head of Paid Services has directed the Executive Director of Transport to refer to the Authority or Transport Committee for determination, the Executive Director of Transport is authorised:-

1. To secure that public passenger transport services are provided as the Authority consider appropriate to meet public transport requirements which would not otherwise be met, and
2. To enter into agreements for service subsidies⁷.
3. To take appropriate measures to carry out the Authority's general policies⁸.
4. With the exception of any function within the terms of reference of the Transport Committee, to carry out any function under S10 and S10A Transport Act 1968.^{9 10}
5. With the exception of:-
 - any function reserved to the Authority¹¹, or
 - any function within the terms of reference of the Transport Committee¹², or
 - any function delegated to any other officer of the Authority

to exercise the functions of the Authority in its capacity as:-

- a) Authority responsible for administering a Travel Concession scheme (under Transport Act 1985)
- b) Travel concession authority (under Part II Transport Act 2000)
- c) Local Transport Authority (under Part II Transport Act 2000) and

⁷ In accordance with S9A Transport Act 1968 and subject to S103 Transport Act 1985. Subsidised services must be tendered for in accordance with S89-92 Transport Act 1985.

⁸ Formulated under S9A(5) Transport Act 1968

⁹ Unless delegated to the Executive Director by that committee.

¹⁰ The Executive Director of Transport is authorised to dispose of the following interests of land for the purposes of s10: leasehold interests on normal commercial terms to tenants occupying properties owned by the Authority for uses appropriate to the business of the Authority or of benefit to the travelling public. The authority does not extend to the granting of leases on terms equivalent to a capital disposal or in circumstances where to do so could impede strategic redevelopment by the Authority.

¹¹ Unless delegated to the Executive Director outside of this delegation scheme.

¹² Unless delegated to the Executive Director by that committee.

d) Railway Funding Authority (under the Railways Act 2005).

6. To make grants for transport facilities and services.¹³
7. To discharge functions under S13 Railways Act 2005.
8. To keep railway passenger services under review.¹⁴
9. To invite and accept tenders in accordance with S8 Transport Act 1983.
10. To give effect to any direction given to the Authority by a minister under Part II of the Transport Act 1968.¹⁵
11. To discharge functions relating to co-operating with other authorities to secure best value from expenditure on public passenger transport.¹⁶
12. To take such action as determined by the Authority in the exercise of the power to promote well-being.¹⁷
13. To take such action as determined by the Authority in the exercise of general powers.¹⁸

¹³ In accordance with S106 Transport Act 1985.

¹⁴ S20 Transport Act 1968.

¹⁵ S23 Transport Act 1968.

¹⁶ Under S88 Transport Act 1985.

¹⁷ In accordance with S99-100 Local Transport Act 1985.

¹⁸ Under S102B Local Transport Act 2008.

Director of Resources

The Director of Resources is authorised:-

1. To exercise the statutory functions of the Chief Finance Officer.¹⁹
2. With the exception of any matter which is:-
 - reserved to the Authority or
 - which the Head of Paid Service has directed the Director of Resources to refer to the Authority or the Governance and Audit Committee for determination,
3. To carry out functions in relation to:-
 - a) making arrangements for the proper administration of the Authority's financial affairs²⁰;
 - b) human resources²¹;
 - c) information and communications technology;
 - d) procurement and purchasing;
 - e) corporate planning and policy development;
 - f) corporate performance management;
 - g) corporate service improvement and transformation;
 - h) knowledge and information management;
 - i) risk management and business continuity; and
 - j) office accommodation and facilities management.

¹⁹ Appointed under S73 Local Government Act 1985.

²⁰ This includes authority to approve Financial Regulations and Contracts Standing Orders

²¹ Including granting voluntary redundancy requests, and releasing preserved pension benefits on ill health grounds and payments up to £250 to officers for loss or damage to property arising out of their employment with the Authority.

Head of Economic Strategy

With the exception of:-

- any matter reserved to the Authority;
- any matter within the terms of reference of the Transport Committee;
- any matter within the delegated authority of the Executive Director of Transport; or
- any matter which the Head of Paid Services has directed the Head of Economic Strategy to refer to the Authority for determination,.

the Head of Economic Strategy is authorised to carry out any function of the Authority in relation to economic development and regeneration.

Secretary and Solicitor

1. To exercise the statutory functions of the Monitoring Officer²².
2. With the exception of any matter:-
 - reserved to the Authority or
 - which the Head of Paid Service has directed the Secretary and Solicitor to refer to the Authority or the Governance and Audit Committee for determination, to carry out the following functions:

Legal proceedings and settlements

- a) To take any legal action to implement a decision of the Authority.
- b) To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Authority or to protect the interests of the Authority.
- c) To enforce byelaws.
- d) To make payments or provide other benefits in cases of maladministration.
- e) To settle claims for or against the Authority whether or not legal proceedings have been begun subject to:
 - the value of the settlement not exceeding the Category B threshold²³ at the time; and
 - professional advice being obtained as appropriate, that the settlement represents good value for money, and
 - the agreement of the Director of Resources.
- f) To enter into compromise agreements and undertakings with objectors to New Generation Transport²⁴ :-

²² Designated under S5 Local Government Act 1989.

²³ for contracts within the Contracts Standing Orders.

²⁴ pursuant to the Objection Management Strategy.

- up to £100k; or
- Subject to the agreement of the Director of Resources, up to £500k.

Standards

- g) To establish, maintain and publish the register of Members' interests.
- h) Following consultation with the Chair of the Governance and Audit Committee, to consider and determine written requests for dispensations.²⁵
- i) To administer the appointment and remuneration of Independent Persons.²⁶
- j) To maintain and keep the register of Officers' declarations of interests.

Documentation

- k) To certify documents on behalf of the Authority.
- l) To sign or execute any legal instruments on behalf of the Authority.
- m) To authenticate the seal of the Authority and keep custody of it.
- n) To sign certificates for contracts in accordance with Local Government (Contracts) Act 1997.

Insurance and indemnities

- o) To secure all necessary and sufficient insurances and indemnities (including Officers' and public and employer's liability).

²⁵ S33 Localism Act 2011.

²⁶ S28 Localism Act 2011.

Authorising officers

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

Governance

- q) To discharge secretarial and other functions in relation to meetings of the Authority and its committees.
- r) To make any changes to the standing orders, committees' terms of reference, or officer delegation scheme of the Authority, which are required:
- as a result of legislative change or decisions of the Authority;
 - to enable them to be kept up to date; or
 - for the purposes of clarification only.

Members' allowances

- s) To administer the Members' allowances scheme.

Interests in land

- t) To obtain particulars of persons interested in land²⁷.

²⁷ S16 Local Government (Miscellaneous Provisions) Act 1976.

ITEM 13

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: MEMBERS' ALLOWANCES

1. Purpose

Adoption of a Members' Allowances Scheme by the Authority.

2. Background Information

2.1. The West Yorkshire Combined Authority Order 2014 ("the Order) Schedule 1 Paragraph 7 provides that the members of the Authority may not receive allowances except in relation to travel and subsistence.

2.2 By virtue of the transfer to the Authority of all of the functions of the WYITA and the provisions of Article 7(3) of the Order the Authority is advised that it may pay allowances to members of its committees who have been co-opted from other authorities, not being members of the Authority.

2.3 A West Yorkshire and York Independent Remuneration panel was convened in 2013 to prepare a report and recommendations for an appropriate allowances scheme for the Authority in view of the work to be carried out by the Authority via committees of co-opted members. That Report, and the proposals for a members' allowances scheme it contains, are annexed to this report.

3. Issues

3.1. The Authority is asked to consider the Report of the Independent Remuneration Panel and adopt a Members' Allowances Scheme which follows the recommendations within it.

3.2 Any decisions the Authority may make in relation to the appointment of co-opted members to committees, and the posts ascribed to any such members, may impact on the total remuneration to members, depending upon the scheme ultimately adopted by the Authority.

3.3 It is proposed that the IRP will convene after nine months to conduct a review of functioning of the Authority and its committees and whether the scheme of remuneration is appropriate or requires variation.

4. Legal Implications

4.1. None by virtue of this report.

5. Financial Implications

5.1. The financial implications of the Authority's decisions under Item 10 can be ascertained from the Report.

6. Staff and resource Implications

6.1. None by virtue of this report.

7. Recommendations

7.1. To note the Report of the Independent Remuneration Panel.

7.2 That the draft Members' Allowances Scheme be adopted by the Authority to follow the Report of the Independent Remuneration Panel.

A Review

Of

Members' Allowances

For the

Co-opted Members

Of the

**West Yorkshire Combined
Authority**

The First Report

By the

Independent Remuneration Panel

**Dr Declan L. G. Hall (Chair)
Carolyn Lord
Very Reverend George Nairn-Briggs**

January 2014

Foreword

This report arises out of the first review of Members Allowances for the co-opted Members appointed to the committees of the West Yorkshire Combined Authority (WYCA) from 1 April 2014. The review has been carried out by an independent remuneration panel (the Panel or IRP) appointed, with the agreement of the Shadow WYCA, by Officers responsible for implementing the new WYCA. There is no obligation to appoint an independent remuneration panel to provide advice on but the Shadow Authority has adopted this approach in the spirit of transparency that applies in the constituent councils and as such, follows good practice. It also ensures that there is a consistent approach across the constituent councils in the remuneration of their Members appointed to the WYCA.

The review also replicates the good practice followed by the West Yorkshire Integrated Transport Authority (WYITA), and one of the bodies whose functions will be taken over by the WYCA, in that since 2003 the WYITA has sought independent advice before determining its Members' remuneration. In keeping with the practice of seeking independent advice, the shadow WYCA has established and sought advice from a non-statutory IRP provide external guidance before it determines an appropriate allowances scheme. Consequently, this review is fundamental in nature, seeking to establish the size and worth of the roles under consideration so to ensure the Members carrying out these roles have the support necessary to fulfil them.

A particular difficulty with this review arises from the fact that the Panel has not had the benefit of experience of the WYCA in operation and the workload and responsibilities that will be undertaken by its co-opted Members. This cannot be avoided, for allowances to be paid from the date the WYCA 'goes live' on 1 April 2014; the review has had to take place in advance. Therefore, the recommendations contained in this report are very much a 'snapshot in time', based on the Panel's knowledge as of the end of January 2014. Thus, the recommendations must not be seen as the Panel's definitive statement on the matter and the Panel will need to review the situation once more when experience of the roles and responsibilities has been gained.

Dr Declan Hall

Chair of the WYCA Independent Remuneration Panel
January 2014

Executive Summary

Recommended Basic Allowance and SRAs			
	Basic Allowance	SRA	Total per Member
Transport Committee			
Chair	£4,500	£24,800	£29,300
Deputy Chair	£4,500	£9,920	£14,420
Chairs District Engagement Committees	£4,500	£1,575	£6,075
Members	£4,500		£4,500
Overview & Scrutiny Committee			
Chair	£1,350	£11,016	£12,366
Members	£1,350		£1,350
Governance and Audit Committee			
Chair		£6,643	£6,643

The Panel also recommends that:

A further review for 2015/16

A further review of allowances for co-opted Members on the WYCA is undertaken in 12 months to reassess the recommendations of this review when experience of how the WYCA and its committees operate in practice has been gained

1-SRA only rule

The WYCA adopts the 1-SRA only rule

Travel Allowances – Approved Duties

The WYCA adopt and adapt accordingly the schedule of approved duties currently in place for WYITA, including terms and conditions, for WYCA Members claiming travel allowances

Mileage Rates

Travel allowances mileage rates are based on HMRC mileage rates

Subsistence Allowances

The WYITA subsistence allowances, including terms and conditions, be adopted and adapted for the WYCA subsistence allowances scheme

Dependants' Carers' Allowance (DCA)

The WYCA adopts a Dependants' Carers' Allowance subject to the following terms and conditions:

- Childcare element:
 - maximum rate payable = £7.65 per hour
 - care must be provided by a registered child minder
- Other Dependants element:
 - maximum rate payable = the hourly cost of a Home Help carer payable by Leeds City Council Social Services Department
- For both types of care receipts are required and the approved duties for which the DCA should be based on the statutory list of approved duties that applies to claiming the DCA in the nominating councils

Indexation

The WYCA allowances for co-opted Members are indexed as follows:

- Basic Allowance and SRAs:
 - Indexed to the annual percentage salary increase for local government staff (at spinal column 28), to be applied from the same year that applies to staff
- Travel Allowance – Mileage Rates:
 - Indexed to HMRC approved mileage rates for motor vehicles, motor cycles and bicycles
- Dependants’ Carers’ Allowance – Maximum Rates:
 - Childcare element: maximum rate claimable indexed to the ‘living wage’ hourly rate (outside of London)
 - Elderly or Other Dependant Relatives element: maximum rate claimable indexed to hourly cost charged by Leeds City Council Department of Social Services for Home Care help

Implementation and Backdating of Recommendations

The allowances proposed in this review are implemented on 1st April 2014

Issues Arising – Remuneration of the Statutory Independent Person

The Panel suggests that the WYCA remunerate their Independent Person on the same basis the post is currently remunerated in WYITA, namely:

- | | |
|----------------------------------|---------|
| ▪ Annual retainer: | £800 |
| ▪ Assisting Standards Committee: | £220.19 |
| (Allowance per conduct meeting) | |

THE FIRST REVIEW OF MEMBERS ALLOWANCES

FOR THE

CO-OPTED MEMBERS

APPOINTED TO THE

WEST YORKSHIRE COMBINED AUTHORITY

BY THE

INDEPENDENT REMUNERATION PANEL

Introduction

1. The West Yorkshire Combined Authority (WYCA) will, from 1 April 2014, take on the combined role the West Yorkshire Integrated Transport Authority (WYITA) and West Yorkshire Passenger Transport Executive (WYPTE) and assume all of their respective functions and duties, together with economic investment functions currently undertaken by the five West Yorkshire metropolitan borough councils and Economic Prosperity Board. It will be an authority in its own right and will consist of 10 Members, the Leaders of the five constituent councils, with three additional elected members from the same councils to reflect as far as reasonably practical the balance of political parties prevailing among members of constituent councils. It will also have two other members, each appointed by the non-constituent council (City of York) and the Leeds City Region Local Enterprise Partnership.
2. In turn, the WYCA will establish a Transport Committee which will have delegated to it all of the functions and powers not otherwise reserved to the Combined Authority regarding transport matters. It will comprise of 15 co-opted Members from the five West Yorkshire constituent councils. The Transport Committee will have the ability to set up sub-committees, and the intention is to have five District Engagement Committees (DECs) each chaired by a Member from the Transport Committee who is from the relevant

constituent or nominating district council.

3. The Order setting up the Combined Authority requires it to establish an Overview and Scrutiny Committee to scrutinise the decisions of the WYCA. The West Yorkshire constituent councils and York will each nominate three members for appointment by the WYCA to the Overview and Scrutiny Committee. As with the Transport Committee, there is no statutory requirement for it to be politically balanced, but it is expected that it will broadly reflect the political representation across the nominating district councils.
4. The WYCA will also establish a Governance and Audit Committee. This is not a requirement but is being done as good practice in that it separates out Audit and Scrutiny functions. Standards and Governance functions have also been assigned to this committee, as these remits do not readily sit with the full Authority. Similarly, it will consist of co-opted Members from the constituent district councils. There will be seven co-opted Members on the Governance and Audit Committee, each of the 5 West Yorkshire and York Councils putting forward 1 Member plus 1 WYCA Member, who is expected to be its Chair.

The Regulatory Context

5. There is no requirement, unlike in the constituent councils, to have an independent remuneration panel to review allowances for Members co-opted to the Committees of the WYCA. However, in line with requirements for the constituent councils the Shadow Board of the WYCA, with the support of the constituent West Yorkshire councils, have commissioned this independent review of allowances in the spirit of transparency and openness by ensuring the WYCA co-opted Members remuneration is subject to external scrutiny.
6. The WYCA could have tasked each of the constituent council IRPs to review the allowances for their co-optees appointed to WYCA committees. However, this would be an inefficient and cumbersome process. The WYCA could have determined the co-opted members allowances scheme itself, but has applied a stricter criterion by appointing its own IRP in that it has met the principle of receiving independent advice and, in addition, achieve value for money by negating the need for all five of the constituent council IRPs to go through the process individually.
7. Moreover, by providing a West Yorkshire-wide view it ensures consistency in the scope and levels of remuneration for WYCA co-opted Members. As such, the Panel has applied similar principles to this review that district council reviews utilise. It has also as far as practically possible followed the spirit

of the *Local Authorities (Members' Allowance) (England) Regulations 2003*¹ and 2006 Statutory Guidance on Members Allowances, unless there is a valid Combined Authority reason not to do so.

The Panel

8. The WY Shadow Combined Authority was keen to ensure that this non-statutory Panel had a degree of continuity with the existing statutory IRPs and its Members a degree of standing vis-à-vis the nominating councils. Thus, the Members of this Panel are also Members of Panels in the nominating councils. Additionally, they have knowledge of local government in their own right.
9. Consequently the WYCA appointed the following Panel Members:
 - Dr Declan Hall (Chair):
 - Chair of the Calderdale IRP (and formerly WYITA), previously an academic at the Institute of Local Government, University of Birmingham and currently an independent consultant specialising in Members allowances
 - Carolyn Lord:
 - Member of Leeds IRP (and formerly WYITA), IP for WYITA, solicitor in commercial practice, specialising in town and country planning and related areas of law and governor of Leeds Trinity University
 - Very Reverend George Nairn-Briggs AKL DL:
 - Member of Calderdale IRP, Chair of Wakefield Standards Committee and Formerly a Whitehall Press Officer, Bishop's Advisor on Social Responsibility, Dean of Wakefield and currently Dean Emeritus and since 2006 a Deputy Lord Lieutenant of West Yorkshire
10. The Review was supported and serviced throughout by the following Officers:
 - Sarah Hembrough: Regional Policy Team, Leeds City Council
 - Robert Vincent: WYCA Implementation Director

Terms of Reference

11. The Panel was given the following terms of reference:

To consider key aspects of the Allowances Scheme for co-opted Members appointed to the Committees established by the WYCA and make recommendations

¹ See Statutory Instruments 2003 Nos. 1021, 1022 and 1692 for further details.

to the Combined Authority for consideration and the IRPs of the constituent councils for determination. The Panel is asked to consider the co-opted Members to the following committees:

- WYCA Transport Committee, including those appointed to its District Engagement Committees
- The WYCA Overview and Scrutiny Committee
- The WYCA Governance, Audit and Standards Committee

In particular, the Panel is asked to make recommendations as to:

- Whether there is a case to recommend a Basic Allowance (BA) for all Committee Members and if so the appropriate level payable
- The categories of special responsibility for which a Special Responsibility Allowance (SRA) should be paid and the levels of those allowances
- Whether a Dependants' Carers' Allowance should be payable to Members and the amount of such an allowance
- The scope and levels payable for a Travel and Subsistence Allowances
- Any annual uplift that may be payable

Methodology

12. The Panel met at the Civic Hall Leeds on 20th December 2013 to consider all the relevant information and evidence (see appendix 1). The Panel also met with relevant Members and Officers of the current WYITA and Shadow WYCA (see appendix 2) who have been involved in the setting up of the Combined Authority, who provided briefings to the Panel and present views on how they saw the WYCA and its committees operating. It also enabled the Panel to discuss scenarios, draw out implications of the evidence presented, and explore options to test for robustness
13. For benchmarking purposes vis-à-vis the Transport Committee, the Panel in addition to the allowances payable in the constituent councils took into account the allowances schemes of the other ITAs and the Transport for Greater Manchester Committee (TfGMC). Although the other ITAs are not strictly comparable they are the nearest analogous bodies available. The TfGMC (a joint committee of the Greater Manchester Combined Authority or GMCA) is the most directly comparable body to the WYCA Transport Committee but on its own does not constitute accurate benchmarking (see appendix three for full details of allowances paid in other ITAs and TfGMC)
14. In looking at the Overview and Scrutiny and the Governance and Audit committees the Panel has drawn more strongly on the practice in constituent councils as they have similar committees. Moreover, although the WYCA is not a joint authority the Panel has followed the statutory requirement for joint authorities established under the Local Government Act 1985, i.e., ITAs, to pay regards to the recommendations and allowances schemes for its constituent councils before a joint authority determines its own allowances

scheme. The Panel has not been driven by the allowances payable in the constituent councils; it is another form of guidance to assist the Panel and follows best practice. In particular, the statutory Guidance on Members Allowances that applies to both principal and joint authorities, which states:

While the panel of the nominating authority or authorities will not make a specific recommendation in relation to the secondary authority, having regard to the recommendation it makes about the nominating authority's allowances will provide some guidance for the secondary authority when making its own scheme.²

15. This statutory obligation for joint authorities is normally interpreted as paying regard to current allowances schemes of the constituent councils on the basis that their current schemes reflect the recommendations of their respective IRPs.

Observations – The review as a ‘snapshot in time’

16. In establishing the worth of the posts under consideration, the central dilemma for the Panel was that it conducted the review without having experience of the new roles and responsibilities that will be undertaken by the Members appointed to the WYCA committees. Indeed, to a certain extent the final form of the WYCA constitution and balance of responsibilities between the WYCA and its committees are yet to be finally determined and are still evolving. Regardless of the final allocation of powers between by the WYCA and its committees, experience and further legislative changes will in all likelihood mean the practice will diverge from the theory through the process of adaptation and bedding in.
17. Nonetheless, the Panel has to make recommendations in time for them to enter the process of consideration and determination by the Shadow WYCA by 1 April 2014. The Panel has to be guided by current intentions framed within the context of how the committees differ from equivalent committees in the councils and for the Transport Committee in particular how it will differ from the WYITA.
18. Consequently, the Panel’s recommendations cannot but be a ‘snapshot in time’. They are very much a starting point of what will be an iterative process. Consequently, **the Panel recommends that it revisit its recommendations for 2014/15 in the light of experience of how the WYCA and its committees operate in practice, when it is in a better position to arrive at a more informed view.** If the Panel has made any erroneous evaluations in this present review there will be the chance to correct them in a subsequent review.

² New Council Constitutions: Guidance on Regulation for Local Authority Allowances, Department of Communities and Local Government, May 2006, paragraph 43.

The Panel's Recommendations – the Transport Committee

A changed constitutional context

19. The starting point for the Panel was to consider the degree of continuity in the roles and responsibilities undertaken by Members on WYITA and Members appointed to the Transport Committee (TC). In addressing this question, the Panel has attempted to follow a similar methodology in arriving at the appropriate level of Members' Allowances for co-opted Members on the Transport Committee as was previously undertaken by independent review of allowances for WYITA.

20. The main difference is the WYCA will have constitutional responsibility for all ITA and PTE functions and will delegate operational functions to the Transport Committee. The Transport Committee will report to the WYCA, whereas the WYITA is a joint authority in its own right under Part IV of the Local Government Act 1985. The Panel recognises that the constitutional position of WYCA means the level of responsibility exercised by for the ordinary Members of the Transport Committee will be generally less than is currently the case for Members on the WYITA – to do otherwise would ignore the legal responsibility the WYCA will have for transport functions across West Yorkshire.

21. While recognising that WYCA Transport Committee will have a different constitutional basis from that of the WYITA, the Panel received evidence that there will be a large degree of continuity in the workload and to a lesser extent responsibility of the Members on the Transport Committee. The Panel was informed that while the WYCA will retain responsibility for strategic matters such as setting the levy, budget, strategic policy and capital programme approval and the Transport Committee will retain responsibility for operational issues such as passenger services and amenities and infrastructure, the Local Transport Plan, and promotion of integrated and efficient and economic transport and freight.

Arriving at the Basic Allowance

22. The Panel was content that the workload and responsibilities of Members appointed to the Transport Committee merited the payment of a Basic Allowance. It has replicated the approach used in arriving at the current Basic Allowance for Members of the WYITA and the approach followed by many statutory IRPs in principal councils, in accordance with the 2006 Statutory Guidance (paragraphs 67-69). It is based on 3 variables namely:

- Inputs: as the Basic Allowance is primarily a time-based allowance an assessment of the time required to undertake the roles of the ordinary Member has to be arrived at
- Public Service: the recognition that being a Member involves an element of public service and remuneration is not necessarily on a par with equivalent professional roles. It is often termed the “public service discount.’
- Rate of Remuneration: assessing the worth of Members’ time

The current WYITA Basic Allowance

23. The current Basic Allowance (£6,000) for WYITA Members was arrived in 2010 by assigning the following values to the 3 variables outlined above as follows:

- Inputs: the role of being an ordinary Member of WYITA was assessed as requiring a minimum of 40 days per year to fulfil the role effectively.
- Public Service Discount: in principal councils, this concept is usually operationalised by discounting the assessed time input by 25%-35% as that is broadly the amount of time members on average spend on constituent issues so it is ‘unremunerated’ time, or given *pro bono publico*. Historically the public service discount has not been so explicitly built into the WYITA Basic Allowance, as WYITA Members do not undertake constituency duties to the same degree as they do back at their constituent councils. Instead, it was implicitly conceptualised by recognising that any inputs an ordinary Member puts in over 40 days per year was the public service discount.
- Rate of Remuneration: in 2010 this was £150 per day, based on the Local Government Association (LGA) day session rate (June 2010) of £149.34. This advisory rate was published annually by the LGA to assist statutory IRPs in determining the rate of remuneration in undertaking their reviews. It was historically based on the male non-manual average daily salary.

24. Thus, the current WYITA Basic Allowance is based on the following formula:

- 40 days remunerated input per year X £150 per day = £6,000

A recalibrated Basic Allowance for Transport Committee Members

25. The Panel heard a range of views on the required time requirement from Members appointed to the Transport Committee, ranging from 30 days to the current requirement of 40 days per year. At this stage, the Panel has assessed the time requirement for the co-opted Members on the Transport Committee as still requiring 40 days per year. They will have fewer formal meetings to attend in a more slim lined set of political structures. On the other

hand there will be fewer Members (15 as opposed to current number of 22 on the WYITA) to undertake the work required of them.

26. In particular, they will still be responsible for operational issues; being the “main engine” in the words of one interviewee, driving forward the work of transport in West Yorkshire and undertaking outward facing activities through passenger and community engagement. Consequently, in maintaining the current time assessment the Panel has assumed that all Members on the Transport Committee can reasonably expect to be involved as and when required in the inevitable working groups or their equivalent as part of their normal workload. The Panel will revisit this time assessment during its next review when experience will enable it make a more informed judgement.
27. For the purposes of this review, the Panel has decided that more appropriate rate of remuneration is the mean gross daily salary for all full time employees in West Yorkshire for 2013, which is £112.50.³ The Panel has revised the rate of remuneration for the following reasons:
- The LGA no longer publishes an advisory day session rate partly because the Office of National Statistics no longer publishes the relevant salary figures broken down by gender and non/manual categories and.
 - Partly because IRPs for principal councils were already beginning to jettison the LGA daily rate and switch to locally based rate of remuneration thus linking their recommended Basic Allowance to the average earnings of residents. Many Panels where they have recently recalibrated their Basic Allowance have explicitly based it on a local rate of remuneration⁴
 - A lower rate of remuneration recognises that the Transport Committee will no longer be responsible for strategic functions
 - A West Yorkshire based rate of remuneration makes more explicit the public service context, it may not be the ‘market’ rate but it is a community based rate
 - It is a more defensible day rate and can be more easily understood by the wider community and service users
28. Consequently, the public service discount has been reconceptualised; rather than the amount of time a Transport Committee Member puts in over the expected 40 days per year, for which there was no evidence show would consistently occur, the Panel has built the public service discount into the rate of remuneration.

³ See Annual Survey of Hours and Earnings, “Weekly pay – Gross – for full time employee jobs – UK 2013” Table 7.1, ONS, provisional results 12 December 2013. This shows the mean figure for West Yorkshire to be £562.50, which the Panel divided by 5 working days to arrive at a daily figure of £112.50.

⁴ For instance, see 7th Report by Independent Panel for Calderdale Council, January 2014, which has recalibrated the Basic Allowance on the Calderdale median salary

29. The reconfiguration of the 3 variables utilised to arrive at the Basic Allowance for the WYITA produces a tentative Basic Allowance for co-opted Members on the Transport Committee as follows:

- 40 days X £112.50 per day = £4,500

Benchmarking the Basic Allowance for Transport Committee Members

30. While the Panel was content in terms of the variables utilised in arriving at the WYCA Transport Committee Basic Allowance in that the values assigned were based on a strong logic it undertook a benchmarking exercise to ascertain if this would leave the Members adrift from their peers, which in effect are still the Members of the other ITAs/TfGMC.

31. As Table 1 below shows, a Basic Allowance of £4,500 would place Members of the Transport Committee slightly above the average (£4,315) currently paid across all the 6 metropolitan ITAs/TfGMC. It would still represent the second highest Basic Allowance. If the current Basic Allowance paid in WYITA were replaced with the recalibrated Basic Allowance for WYCA Transport Committee Members, it produces an average of £4,101.

Table 1: Main Allowances Paid in ITAs/TfGMC 2013/14

Comparator Authority	Basic Allowance	Chairs SRA	Chair's Total Remuneration	Vice Chairs SRA
Merseytravel	£5,675	£24,308	£29,983	£9,975
South Yorkshire ITA	£3,600	£13,909	£17,509	£6,954
Transport for GM Committee	£3,825	£24,425	£28,250	£10,300
Tyne & Wear ITA	£3,107	£12,198	£15,305	£4,055
West Midlands ITA	£3,900	£27,200	£31,100	£19,040
<i>West Yorkshire ITA</i>	<i>£6,000</i>	<i>£31,000</i>	<i>£37,000</i>	<i>£12,400</i>
Lowest	£3,107	£12,198	£15,305	£4,055
Highest	£6,000	£31,000	£37,000	£19,040
Mean	£4,351	£22,173	£26,525	£10,454
Median	£3,863	£24,367	£29,117	£10,138

32. Nonetheless, the Panel was content that a Basic Allowance of £4,500 was appropriate for 2014/15 at least. West Yorkshire is one of the larger metropolitan counties and that should be reflected in the remuneration of Transport Committee Members. Benchmarking shows that the recalibrated Basic Allowance for Members on the WYCA Transport Committee will not undervalue their work by ensuring that is still broadly on par with the remuneration received by peers.
33. **The Panel recommends that Members appointed to the WYCA Transport Committee be paid a Basic Allowance of £4,500.**
34. **The Panel reiterates that the recommended BA, as with all allowances recommended in this review, will be reconsidered when the Panel next convenes, and if necessary, adjusted if experience proves that there is case to do in light of how the Transport Committee operates in practice.**

Chair of the WYCA Transport Committee

35. The Panel considered the degree to which the constitutional relationship between the WYCA and Transport Committee changes the level of responsibility held by the Chair of the Transport Committee compared to that held currently by the WYITA Chair. As previously noted, an important difference is that the WYCA Transport Committee will not be an authority in its own right. The transport functions of the WYCA Transport Committee, which it will inherit from WYITA, will be delegated from the WYCA.
36. As with all WYCA Transport Committee Members, on constitutional grounds alone the Chair of the Transport Committee, by definition, will have a diminished role compared to the Chair of the WYITA. In particular, the Chair will no longer have responsibility for strategic functions, such as the capital programme, and will be accountable to the WYCA. Additionally, the WYCA will retain important reserved responsibilities, mainly financial, such as setting budgets, borrowing, as well as the approval of the major strategies and the ratification of the appointment of the Director General/Chief Executive of PTE. These are important reserved functions that legally at least would suggest a diminution of responsibilities of senior members of WYCA Transport Committee when compared to senior members of the WYITA.
37. Yet, the Chair of the Transport Committee will still be required to oversee operational matters and will remain the 'public face' of public transport across the county. The Transport Committee Chair will retain a high visibility and continue to be the main spokesperson for the WYCA on public transport issues. Furthermore, no evidence was received to indicate that the time commitment of the Transport Committee Chair would be less than that required of the Chair of the WYITA, if anything an argument was presented to

suggest that the time commitment of the Transport Committee Chair could be greater. The WYITA was never a precepting authority and its leading Members and Chair in particular have always had to work closely with the Leaders of the constituent councils, mainly through the West Yorkshire Leaders Board, to secure the annual revenue budget and obtain a West Yorkshire-wide consensus on transport policies. The separation of strategic and operational responsibilities could well mean that these liaison and brokerage roles will take on an enhanced significance after 1 April 2013.

38. Yet the Panel acknowledges that SRAs are paid for 'responsibility' in addition to time commitment and the diminution of responsibility for the Chair of Transport Committee has to be assessed accordingly. The current SRA (£31,000) for the Chair of the WYITA was arrived at by drawing an analogy between the Chair and Leaders of the WY nominating councils as the most obvious peers. In particular, it was arrived at by taking the median SRA paid to the Leaders of the WY nominating councils in 2010; the same figure is now £33,854. While on an operational basis, the peers of the WYCA Transport Committee Chair will still be the constituent council Leaders the analogy breaks down on basis that the Chair will be formally accountable to the WYCA and lose a large degree of formal responsibility for strategic functions.
39. The dilemma for the Panel was to judge the degree to which the role of Transport Committee Chair will be abated by these changes. The role is greater than that of a Cabinet Member in the nominating councils, whose average SRA is £17,079 but not on a par with Leaders, with an average SRA of £32,593. The Panel felt that an appropriate guide for the SRA for the WYCA Transport Committee Chair was somewhere in the middle of these two averages (£24,836). However, and importantly, the recommended SRA has been further appraised by assessing the effect of removal of formal strategic responsibilities for transport matters to be at least 20% compared to the WYITAs Chairs' current responsibilities. Thus, a reduction of the current SRA (£31,000) paid to the WYITA Chair by 20% equates to an SRA of £24,800.
40. Benchmarking shows that a recommended SRA of £24,800 is still less than the lowest SRA paid to the Leaders of the WY nominating councils, which is the Kirklees Leader (£25,155), thus maintaining the principle that the link with WY Leaders SRA is no longer appropriate. Benchmarking against the Chairs of the ITAs/TfGMC also shows the average SRA currently payable is £22,173, with the median being £24,367. If the recommended SRA for the WYCA Transport Committee was inserted in place of the current SRA for the Chair of the WYITA the average reduces to £21,090, but the median is unaltered. However, there are distinct differences in the Chairs SRA paid in the larger ITAs/TfGMC and the two smaller ITAs, South Yorkshire and Tyne and Wear, which pay their Chair an SRA of £13,909 and £12,198 respectively. A SRA of £24,800 for the Chair of the Transport Committee is still on a par with the SRA paid to Chairs of Merseytravel and West Midlands

ITAs and is closest to the most analogous post in England, namely the Chair of TfGMC, who is paid an SRA of £24,425.

41. Benchmarking confirms that the tentative SRA of £24,800 for the Chair of the WYCA Transport Committee is appropriate in that it maintains the Chairs remuneration on a par with peers. **Consequently, the recommended SRA for the Chair of the WYCA Transport Committee is £24,800.**

Deputy Chair of the Transport Committee

42. The WYCA will also appoint a Deputy Chair of the Transport Committee. The role will not be dramatically different from the role currently undertaken by the Deputy Chair of the WYITA, namely to stand-in for the Chair when required, generally provide support and advice and attend formal and informal meetings alongside the Chair, and undertake specific tasks as required. There is nothing to suggest at this stage that this type of arrangement will be different in the Transport Committee.
43. The current SRA (£12,400) for the Deputy Chair of the WYITA was arrived at through the 'pro rata' approach; a methodology specifically recommended by the Statutory Guidance on Members' Allowances (paragraph 76). Indeed the Bradford Council Members' Allowance scheme specifically mentions the pro rata approach was utilised in arriving at its SRAs. By definition the Chair's role is 100% - it is the largest role on the WYITA (as it will be on the WYCA Transport Committee), and the other SRAs were arrived at by a pro rating it against the Chair's SRA: in the case of the Deputy Chair, it was 40%.
44. The Panel received no evidence at this stage to alter this differential – it broadly corresponds to the current differential (42%) between Chairs and Deputy Chairs median SRAs across the ITAs/TfGMC. Thus, in arriving at the recommended SRA for the Deputy Chair of the Transport Committee the Panel has multiplied the recommended SRA for the Chair by 40%, which equals £9,920.
45. **The recommended SRA for the Deputy Chair of the WYCA Transport Committee is £9,920.**

Chairs of the District Engagement Committees

46. The Transport Committee will have five District Engagement Committees (DECs) based on the five constituent councils that will broadly take on board the functions of WYITA District Liaison and Passenger Consultative Committees. The DECs will be the main public interface for the WYCA Transport Committee at the local level. They will be the arena where

passenger concerns can be ascertained and to related back to the Transport Committee as well as encourage coordination between the district councils and Transport Committee and effective and efficient implementation of transport related policies, including those set out in the Local Transport Plan. It is also expected that the Chairs of the DEC's will have a dual role in that they will also be the Lead Member (or district spokesperson) for transport matters in their council district.

47. The Panel considered that the Chairs of the DEC's merited an SRA but not at the same level as currently paid to Chairs of the WYITA District Liaison Committees/Passenger Consultative Committees/District Spokespersons, which is currently £6,200. Not enough evidence was received to ascertain the level of responsibility the DEC chairs will undertake beyond that it will be a dual rather than 'triple' role.
48. Consequently, in arriving at an appropriate SRA, the Panel adopted a time-based approach, with chairing a DEC requiring 8 days per year (based on quarterly meetings and preparation) and the Lead Member role requiring an additional 6 days per year. This produces an estimated input of 14 days per year, which the Panel has multiplied by the day rate of £112.50, which equates to £1,575.
49. **The recommended SRA for the Chairs of the District Liaison Committees/Lead Members is £1,575.**

Members of the Overview and Scrutiny Committee

50. The WYCA is required to appoint an Overview and Scrutiny Committee that will scrutinise decisions made or any other action taken in connection with the functions of the WYCA. It will be able to make reports or recommendations to the WYCA in respect to the functions of the WYCA and monitor and receive responses to any reports or recommendations made. It will consist of 18 Members, three appointed from each of the constituent councils and three appointed by the non-constituent council (City of York), who will not be the same as those appointed to the WYCA. As in the nominating councils, the Overview and Scrutiny Committee, while having no decision making powers, will be able to take a view across the whole of the Combined Authority and will be the corporate 'inward facing' committee.
51. Although it is not normal practice to remunerate members of scrutiny committees in principal councils, the Panel considers that the ordinary Members of the WYCA Overview and Scrutiny Committee merit a small Basic Allowance. Unlike in the ITAs it is a statutory role and the main means by which the WYCA will be held to account and its performance monitored. Moreover, much of the work of Overview and Scrutiny, particularly in carrying

out specific reviews will be undertaken by Scrutiny Task and Finish Working Groups in which all Overview and Scrutiny Members will be expected to take full part as required.

52. In arriving at an appropriate Basic Allowance, the Panel has followed the same approach undertaken in arriving at the recommended Basic Allowance for the Members appointed to the WYCA Transport Committee, namely by multiplying a time assessment of 12 days per year by a daily rate of £112.50, which equates to £1,350.
53. **The recommended Basic Allowance for Members appointed to Overview and Scrutiny Committee is £1,350.**

Chair of the WYCA Overview and Scrutiny Committee

54. Similarly, the Chair of the Overview and Scrutiny Committee merits an SRA. The post holder will be charged with delivering the statutory overview and scrutiny functions. In determining an appropriate SRA, the Panel has been guided by the SRA paid to scrutiny chairs in the nominating councils where it is also a statutory function. The average SRA paid to Scrutiny Chairs across the five West Yorkshire constituent councils is £11,016, ranging from £6,138 in Kirklees to £20,040 in Leeds, whereas the median SRA is £8,890.
55. The Panel has opted for the higher (i.e., average) figure as the appropriate guide as, unlike in the nominating councils, there will be only one Overview and Scrutiny Committee to discharge its statutory functions.
56. **The recommended SRA for the Chair of the WYCA Overview and Scrutiny Committee is £11,016.**

Vice Chair of the Overview and Scrutiny Committee

57. The Panel received no convincing evidence to recommend paying an SRA to the Vice Chair of the Overview and Scrutiny Committee. In particular, the Panel was not convinced the Vice Chair would have discrete tasks to undertake significantly beyond that expected from all Overview and Scrutiny Committee Members. Moreover, none of the constituent councils remunerates their Scrutiny Committee Vice Chairs.
58. **The Panel does not recommend that the Vice Chair of the Overview and Scrutiny Committee be paid an SRA.**

Chairs of the Scrutiny Task and Finish Working Groups

59. It is expected that the Scrutiny and Overview Committee will set up Scrutiny Task and Finish Working Groups to carry out specific reviews. The Panel was asked to consider whether the Chairs of these Working Groups merited an SRA. The Panel did not receive sufficient evidence to support this request. Moreover, in recommending a Basic Allowance for all Members on the full committee the Panel has taken into the account that in the normal course of being on the Overview and Scrutiny Committee that they may well have the opportunities over a 4-year appointment to chair a Scrutiny Task and Finish Working Group. Finally, it is a post not normally paid, in the ITAs/TfGMC nor nominating councils.
60. **The Panel does not recommend that the Chairs of the Scrutiny Task and Finish Working Groups are paid an SRA.**

Chair of Governance and Audit Committee

61. The Governance and Audit Committee is not a statutory committee although the functions it will undertake, including standards, are statutory. The WYCA is establishing a Governance and Audit Committee in line with good practice; they are normally established, in varying forms, in the nominating councils – although in the nominating councils the audit and standards functions are typically dealt with by separate committees. The Chair will be appointed by the WYCA and there will be no Vice Chair. The Panel is mindful that as a new committee it may well be active in the inaugural year of the WYCA, for instance adopting the Code of Conduct and overseeing the establishment of audit and financial management systems.
62. The Panel decided the Chair merits an SRA: equivalent committee chairs are normally remunerated in the nominating councils. In arriving at the appropriate SRA, the Panel has been guided by the SRA paid to Chairs of the Audit Committees in the nominating Councils, which is £6,643. As with all recommendations, this decision will be reviewed during the next year in light of experience and against an assessment of whether the role will continue to carry the same level of workload and responsibility going forward.
63. **The recommended SRA for the Chair of the Governance and Audit Committee is £6,643.**

Other Special Responsibility Allowances

64. No other Special Responsibility Allowances are recommended.

Confirming the '1-SRA only' rule

65. The 2003 Members Regulations do not prohibit the number of SRAs a Member can receive. However, all of the West Yorkshire constituent councils have in place a '1-SRA only' rule, in that where a Member holds more than one remunerated post they can only one SRA is payable. The WYITA also has in place a similar rule and it is the common practice across local government. The rationale behind councils adopting this rule is to act as a disincentive for Members acquiring posts for financial reasons and, therefore, leading to a concentration of power in fewer hands. The Panel did not receive any representation to suggest that 1-SRA only rule should not be adopted by the WYCA.
66. **The Panel recommends that the WYCA adopt the 1-SRA only rule.**

Other Allowances

Travel Allowances – Approved Duties

67. There is no longer a statutory obligation for the nominating councils to have in place travel allowances, which are paid for the reimbursement of costs incurred when undertaking an approved duty. Since 2003, travel allowances have been discretionary both in terms of being in place and at the rates at which they are paid. As a result, Kirklees, Leeds, and Wakefield do not pay travel allowance for Members undertaking approved duties within their respective council boundaries.
68. However, as a county-wide authority the WYCA should reimburse Members undertaking approved duties both within and outwith the county – the costs incurred for attending in-authority approved duties will not be negligible, many Members will be required to travel substantial distances. The WYITA travel allowances schedule includes approved duties undertaken within the county and it is normal practice for joint authorities.
69. **The Panel recommends that the WYCA adopt and adapt accordingly the schedule of approved duties currently in place for WYITA, including terms and conditions, for WYCA Members claiming travel allowances.**

Mileage Rates

70. Similarly, councils can adopt a mileage rate as they see fit. The common practice is to adopt HMRC Approved Mileage Allowance Payments (AMAP) rate, which is the case in Bradford, Calderdale (from April 2014), and Kirklees. The other albeit less common practice is to continue to base mileage rates on the Officer casual user rates as agreed each year by the

National Joint Council (NJC) for local government services. The mileage rates paid in Leeds and the WYITA are based on NJC rates while it appears Wakefield has retained historic Officer casual user mileage rates.

71. The Employer's side for the National Joint Council (NJC) for local government services has stated the current NJC mileage rates and the formula upon which they are based "are no longer fit for purpose" and that they should undergo a major review. (See letter from Local Government Employers to Trade Union Side Secretaries, 20 October 2010). In particular, the NJC mileage rates payable are liable to tax and national insurance. Increasingly, the HMRC AMAP rates are being adopted by local authorities in determining Members' (and in some cases Officers) mileage rates; primarily as they are the most tax efficient rates. The HMRC rates also have the added advantage of being more "green" than NJC rates in that they do not reward those Members with a larger car engine size.
72. **The Panel recommends that Members when undertaking approved duties for WYCA should claim mileage at HMRC mileage rates.**
73. **The current HMRC mileage rates payable are laid out below:**

Table 2: HMRC Mileage Rates 2013/14

Vehicle Type	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p
Passenger Supplement Rate	5p per passenger	5p per passenger

Subsistence Allowances

74. Similarly, subsistence allowances are discretionary and the rates payable are much more variable across the constituent councils as there is no standard benchmark. Furthermore, Bradford and Calderdale continue to pay subsistence allowances for in-authority meetings while Kirklees, Leeds, Wakefield do not. There is a case to suggest that in an era when Members are remunerated the ability to claim subsistence allowances for meetings within the county is no longer valid. However, the Panel did not receive sufficient evidence or representation to support this view at this stage. The WYITA has subsistence allowances in place, including undertaking approved duties both within and without the county and this should form the basis of the WYCA subsistence allowances schedule.

- 75. The Panel recommends that the WYITA subsistence allowances, including terms and conditions, be adopted and adapted for the WYCA subsistence allowances scheme.**

Dependants' Carers' Allowance (DCA)

76. While acknowledging that the DCA is rarely claimed by Members in the nominating councils the Panel supports the right of WYCA co-opted Members to claim such an allowance, it helps reduce a barrier to public service for under represented groups. All the constituent councils have provision for the DCA in their allowances scheme. However, the scope of the DCA and the rates payable vary across the nominating councils. Consequently, the Panel has adopted the 'living wage' as the maximum rate for which the DCA pay be claimed for the childcare element. This is currently £7.65 per hour (see livingwage.org.uk). For the 'other dependants' element the Panel has adopted the rates set out in the Leeds Members' Allowances scheme.
- 77. The Panel recommends that the WYCA adopts a Dependants' Carers' Allowance subject to the following terms and conditions:**

- Childcare element:
 - maximum rate payable = £7.65 per hour
 - care must be provided by a registered child minder
- Other Dependants element:
 - maximum rate payable = the hourly cost of a Home Help carer payable by Leeds City Council Social Services Department
- For both types of care receipts are required and the approved duties for which the DCA should be based on the statutory list of approved duties that applies to claiming the DCA in the nominating councils

Co-opted Members and the Local Government Pension Scheme (LGPS)

78. Members of joint authorities, including the WYITA, have never been permitted to join the LGPS although they may be in the scheme in respect to allowances received at their nominating council. Similarly, the Panel was informed that the legislation does not permit Members' allowances payable through the WYCA to be pensionable by joining the LGPS. Only Members of principal councils have been given express legal authority to join the LGPS as long their IRP has made a permissive decision in this respect.

Indexation

79. Indexation of allowances for Members co-opted onto the WYCA committees ensures that cost of living increases are applied annually and there is no

need to reconvene the Panel on a regular basis to recommend such minor increases. Conversely, if allowances are not indexed it can and does lead to councils having to periodically increase allowances above normal cost of living increases that is hard to justify to the public.

80. Indexation is common practice for Members' Allowances across all UK local government. The allowances schemes of the constituent councils bar Kirklees include provision for indexation of the Basic Allowance and SRAs based on the annual percentage increase of staff salaries. The Kirklees scheme is silent on the issue, which suggests that Members' allowances are not indexed. Moreover, even where a council may have indexation provisions in place, they are under no obligation to implement that indexation for the year that it is applicable.
81. Nonetheless, the Panel recommends that the WYCA allowances are indexed as follows:
- Basic Allowance and SRAs:
 - Indexed to the annual percentage salary increase for local government staff (at spinal column 28), to be applied from the same year that applies to staff
 - Travel Allowance – Mileage Rates:
 - Indexed to HMRC approved mileage rates for motor vehicles, motor cycles and bicycles
 - Dependants' Carers' Allowance – Maximum Rates:
 - Childcare element: maximum rate claimable indexed to the 'living wage' hourly rate (outside of London)
 - Elderly or Other Dependant Relatives element: maximum rate claimable indexed to hourly cost charged by Leeds City Council Department of Social Services for Home Care help

Implementation and Backdating of Recommendations

82. **The Panel recommends that the allowances proposed in this review be implemented from the date the WYCA goes live, which is 1st April 2014.**

Issues Arising – Remuneration of the Statutory Independent Person

83. During the course of the review, the Panel was informed that the WYCA, as the successor to the WYITA, is required to appoint an Independent Person to fulfil statutory obligations vis-à-vis Standards under the Localism Act 2011. The role of the Independent Person (IP) will continue to relate to complaints against Members and in conjunction with the Monitoring Officer assessing their merit and where such a complaint has been deemed to have merit then providing advice to Standards Committee in determining the complaint and if

asked to provide advice to the subject to an investigation. Although the remuneration of this post is outside the remit of the allowances scheme in the constituent councils the Panel has been asked to provide guidance to the WYCA on the appropriate remuneration of the IP.

84. While it is not envisaged that the IP will be required to provide advice on complaints against a Member on many occasions they will be required to have sufficient legal knowledge and expertise to ensure that impartial advice can be provided and correct procedures followed. Consequently, to ensure that the WYCA attracts the calibre of applicant required it is proposing a payment for the IP that may assist the Authority when it comes to advertise the post.
85. In arriving at an appropriate remuneration for the IP, the Panel sought out practice in the nominating councils. However, only two of the nominating councils publish the remuneration of their IP in their allowances schemes – as IP remuneration is outwith their schemes of allowances there is no obligation on principal councils to publish this information in their allowances schemes. The two nominating councils that do publish the remuneration of their IP are Leeds and Wakefield who pay their IP £2,500 and £1,050 respectively.
86. As an alternative, the Panel has been guided by the remuneration that is currently payable to the IP appointed by WYITA and **suggests that the WYCA remunerate their IP on the same basis, namely:**
- **Annual retainer:** £800
 - **Assisting Standards Committee:** £220.19
(Allowance per conduct meeting)

**APPENDIX ONE:
Written Information Received and Considered By Panel**

1. IRP terms of reference
2. Members' Allowances Scheme – WYITA (2013/14)
3. The 4th Report for WYITA – allowances for Chair of Standards, by D Hall, June 2012
4. The 3rd Report for WYITA, full review by D Hall, May 2010
5. The WYCA Constitution or standing orders/ Terms of Reference for WYCA committees and Sub Committees, including:
 - Schematic of WYCA Committees and functions including transport committee
 - Proposed Scrutiny Committee arrangements
 - Governance and Audit Committee arrangements
6. Proposed WYCA structure diagram
7. Proposed meeting schedule for WYCA and committees 2014/15
8. Schemes of Allowances (2013/14) for 5 District Councils in West Yorkshire, namely
 - Bradford
 - Calderdale
 - Kirklees
 - Leeds
 - Wakefield
9. Allowances schemes (2013/14) for 5 other ITAs/TfGMC, namely:
 - Merseytravel
 - South Yorkshire
 - Tyne & Wear
 - West Midlands
 - Transport for Greater Manchester Committee
10. Department of Communities and Local Government (DLGC): *New Council Constitutions: Guidance on Regulation for Local Authority Allowances*, 5th May 2006
11. Draft WYCA Order
12. Public FAQ on the West Yorkshire Combined Authority (December 2013)

APPENDIX TWO: Members and Officers who contributed to the Review

Members:

Cllr P. Box:*	WYCA Shadow Board Chair and Leader of Wakefield (Labour)
Cllr R. Downes:	Leader of Liberal Democrat Group on WYITA (Leeds Member)
Cllr J. Lewis:	Chair of WYITA (Leeds Member)
Cllr L. Smaje:*	Leader of the Opposition (Conservative) Group on WYITA (Bradford Member)

Officers:

David Burrell:	Deputy Clerk to the WYITA
Adrian Lythgo:	Lead Chief Executive for WYCA Agenda
Robert Vincent:	Implementation Director for WYCA

* These Members were interviewed via telephone

APPENDIX THREE:

Benchmarking ITAs/TfGMC - BA and Main SRAs Payable 2013/14									
Comparator ITA/TfGMC	Basic Allowance	Chair's SRA	Chairs Total Remuneration	Vice Chair	Member of Exec Board/District Spokesperson/Chair District Liaison Committee	Exec Board Member Only	District Spokesperson/Chair District Liaison Only	Chair Main Operational Committee	Deputy Chair Main &/or Operational Committee
Merseytravel	£5,675	£24,308	£29,983	£9,975				£4,433	
South Yorkshire	£3,600	£13,909	£17,509	£6,954					
Transport for GM Committee	£3,825	£24,425	£28,250	£10,300				£10,300	£1,255
Tyne & Wear	£3,107	£12,198	£15,305	£4,055				£1,350	
West Midlands	£3,900	£27,200	£31,100	£19,040				£8,976	£2,992
West Yorkshire	£6,000	£31,000	£37,000	£12,400	£7,750	£6,200	£6,200		
Lowest	£3,107	£12,198	£15,305	£4,055				£1,350	
Highest	£6,000	£31,000	£37,000	£19,040				£10,300	
Mean	£4,351	£22,173	£26,525	£10,454				£6,265	
Median	£3,863	£24,367	£29,117	£10,138				£6,705	

Benchmarking ITAs/TfGMC – Other SRAs Payable 2013/14

Comparator ITA/TfGMC	Chair Other/Minor/Sub Committee	Vice Chair Other/Minor/Sub Committee	Chair Scrutiny	Chair Audit	Chair Standards	Member Policy & Strategy	Lead Member	Leader Main Opposition Group	Leader 2nd Opposition Group
Merseytravel			£2,660	£2,660				£2,660	
South Yorkshire TfGMC									
Tyne & Wear								£2,025	
West Midlands	£4,219	£1,406		£600		£3,692	£8,976	£10,880	£4,219
West Yorkshire			£3,100	£3,100	£1,600			£10,350	£7,750
Lowest				£600				£2,025	
Highest				£3,100				£10,880	
Mean				£2,120				£6,479	
Median				£2,660				£6,505	

West Yorkshire Combined Authority

Draft Members' Allowances Scheme 2014

The West Yorkshire Combined Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), hereby makes the following scheme:

1. This scheme may be cited as the West Yorkshire Combined Authority Members' Allowances Scheme, and shall have effect from the 1 April 2014. It shall continue in force, as amended from time to time, until revoked in accordance with paragraph 15 hereof.

2. In this scheme

"**member**" means a co-opted member of the West Yorkshire Combined Authority ("the Authority") who is a councillor of a constituent or non-constituent council.

"**year**" means the 12 months ending with 31 March.

"**annual meeting**" means the Authority's annual meeting held each year.

3. The basic and special responsibility allowances shall be paid to members as set out in Schedule 1.

4. **1-SRA only rule**

The WYCA adopts the 1-SRA only rule.

5. **Travel and Subsistence Allowances – Approved Duties**

A member may re-claim any costs they incur in accordance with paragraph 13 below provided they are incurred whilst engaged on Approved Duties set out in Schedule 2 and within the limits specified in Schedule 3.

6. **Dependants' Carers' Allowance (DCA)**

The WYCA adopts a Dependants' Carers' Allowance subject to the following terms and conditions:

- Childcare element
 - maximum rate payable = £7.65 per hour
 - care must be provided by a registered child minder

- Other Dependants element
 - maximum rate payable = the hourly cost of a Home Help carer payable by Leeds City Council Social Services Department

For both types of care, receipts are required and the approved duties for which the DCA is claimed should be based on the statutory list of approved duties that applies to claiming the DCA in the nominating councils.

7. Indexation

The WYCA allowances for co-opted Members are indexed as follows:-

- Basic Allowance and SRAs:
 - Indexed to the annual percentage salary increase for local government staff (at spinal column 28), to be applied from the same year that applies to staff.
- Travel Allowance – Mileage Rates:
 - Indexed to HMRC approved mileage rates for motor vehicles, motor cycles and bicycles.
- Dependants’ Carers’ Allowance – Maximum Rates:
 - Childcare element: maximum rate claimable indexed to the ‘living wage’ hourly rate (outside of London).
 - Elderly or Other Dependant Relatives element: maximum rate claimable indexed to hourly cost charged by Leeds City Council Department of Social Services for Home Care help.

8. Implementation and Backdating of Recommendations

The allowances are implemented on 1st April 2014 every year and paragraph 11 applies.

9. Remuneration of the Statutory Independent Person

Independent Persons appointed pursuant to the Localism Act 2011 are to be paid as follows:-

- Annual retainer: £800
- Assisting Scrutiny Committee: £220.19
(Allowance per conduct meeting)

10. Renunciation of entitlement to allowances

A member may by notice in writing given to the Chief Finance Officer elect to forego all or any part of their entitlement to an allowance under this scheme.

11. Part year Entitlements

- (1)** The provision of this paragraph shall have effect to regulate the entitlements of a member to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that member becomes, or ceases to be, a member, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (2)** If an amendment to this scheme changes the amount to which a member is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-
 - (a)** beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b)** beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.
- (3)** the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.
- (4)** Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- (5)** Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a member does not subsist throughout the whole, or any period mentioned in sub-paragraph (2)(a), the entitlement of any such member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a member subsists bears to the number of days in that period.
- (6)** Where a member has during part of, but not throughout, a year such special responsibilities as entitle them to a special responsibility allowance, that member's entitlement shall be to payment of such part of that allowance as

bears to the whole the same proportion as the number of days during which he or she had such special responsibilities bears to the number of days in that year.

- (7) Where this scheme is amended as mentioned in sub-paragraph (2), and a member has during part, but does not have throughout the whole, or any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as to entitle him or her to a special responsibility allowance, that member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

12. (1) A claim for travelling and subsistence allowances under this scheme shall be made in writing within three months of the date of the duty in respect of which the entitlement to the allowance arises.
- (2) A claim for all allowances under this scheme or any allowance under any other provisions shall include, or be accompanied by, a statement signed by the claimant that he or she has:-
- (a) Incurred the actual expenditure shown on the claim and has not made and will not make any other claim either to this or any other organisation in respect of the matter to which their claim relates, subject;
 - (b) In the case of travelling expenses to the amount being in line with the Authority's policy to reimburse the lower of standard class bus or rail fares or the appropriate car allowance rates and;
 - (c) In the case of subsistence expenses that the amount does not exceed the maximum allowance authorised by the Authority in Schedule 3 of the scheme.
- (3) Subject to any external timing constraints, payments shall be made:-
- (a) in respect of basic and special responsibility allowances, subject to sub paragraph (2), in installments of one-twelfth of the amount specified in this scheme on the last Thursday of each month;
 - (b) in respect of travelling and subsistence allowances, on the last Thursday in each month for all fully completed claims received by the end of the previous week;

(c) in respect of any emergency reimbursement of a large expense claim suitable arrangements will be made where specially requested by the Member concerned.

(4) Where a payment of one-twelfth of the amount specified in this scheme in respect of basic allowance or a special responsibility allowance would result in the member receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

13. Amendment or Revocation of the Scheme

(1) It is intended that all rates of allowances paid under this scheme shall be increased from the 1 April each year by indexation in accordance with paragraph 7.

(2) Subject to the Regulations the Authority before the 1 April each year shall determine a scheme to be implemented from that 1 April. At the same meeting or any other meeting they may amend the current scheme which may only be revoked from the beginning of a year.

14. Suspension or Withdrawal of Allowances

In accordance with Parts 2 and 3 of the Regulations the Overview and Scrutiny Committee shall receive a report in relation to any member who is suspended from acting as a member or a member of the Authority and shall have the power to suspend, withdraw or require reimbursement of any allowances, in whole or in part, relating to any such period of suspension.

15. Duplication of Allowances

No member may receive allowances from more than one authority in respect of the same duties.

SCHEDULE 1

	WY ITA BA	WY ITA SRA	Total Per Member	WYCA BA	WYCA SRA	Total Per Member	Estimated Annual Total
ITA Member	£6,000						
Transport Committee (15 Members)							
Chair (1 Member)	£6,000	£31,000	£37,000	£4,500	£24,800	£29,300	£29,300
Vice Chair (1 Member)	£6,000	£12,400	£18,400	£4,500	£9,920	£14,420	£14,420
ITA Shadow Chair (1 Member)	£6,000	£10,350	£16,350				
ITA Leader of 2nd Opposition Group (1 Member)	£6,000	£7,750	£13,750				
ITA Executive Member Only	£6,000	£6,200	£12,200				
ITA District Liaison Chair Only	£6,000	£6,200	£12,200				
ITA Executive Member & District Liaison Chair	£6,000	£7,750	£13,750				
DEC Chair (5 Members)				£4,500	£1,575	£6,075	£30,375
Members (8 Members- Only 7 will receive an allowance*)				£4,500		£4,500	£31,500
Overview & Scrutiny (18 Members)							
Chair (1 Member)	6000	£3,100	£9,100	£1,350	£11,016	£12,366	£12,366
Members (17 Members)	£0		£0	£1,350		£1,350	£22,950
Governance & Audit Committee (7 Members)							
Chair (1 Member*)	0	£3,100	£3,100		£6,643*	£6,643*	£0*
Members (6 Members)	£0		£0	£0		£0	£0
Statutory Independent Persons (2 People)	£800 (Annual Retainer)	Allowance per conduct meeting: £220.19		£800 (Annual Retainer)	Allowance per conduct meeting: £220.19		£1,600
Total		2012/13 ITA Allowance Total	£251,491.49*				£142,511

* Figure from ITA Annual report (2012/13)

IRP Allowances represent a potential 42% reduction or £108,980.49 cost reduction.

SCHEDULE 2

APPROVED DUTIES

The following are specified as an approved duty for purpose of the payment of travelling and subsistence allowances:-

- (i)** A meeting of the Authority, any committee or sub-committee of the Authority or of any other body to which the Authority makes appointments or nominations or of any Committee or Sub-Committee of such body.
- (ii)** Any other meeting the holding of which is authorised by the Authority provided that it is a meeting to which members of at least two political groups have been invited.
- (iii)** Meetings of a non-commercial and non-political nature with Ministers, Members of Parliament, European Members of Parliament, representatives of Government Departments and representatives of major companies who have an involvement in public transport matters by the Chair, Deputy-Chair and Leaders of political groups, or their nominees, individually, in pairs or as a group, as representatives of the Authority, for the purpose of discussing matters which relate to the functions of the Authority or of a constituent or non-constituent Council represented on the Authority, or any other council in which the Authority has an interest in the particular function involved.
- (iv)** Conferences, seminars and study courses only when the Monitoring Officer is satisfied that they represent value for money and are being held for the purpose of discussing matters which relate to the functions of the Authority or any functions of the local authorities in which the Authority has an interest.
- (v)** At representative functions, official functions, responding to invitations to meet and/or address voluntary and other organisations, site visits and meetings with officers subject to the prior agreement of the Monitoring Officer.

SCHEDULE 3

TRAVELLING AND SUBSISTENCE EXPENSES

Travelling Expenses

Normally members are expected to travel by bus or standard class rail. Claims for car allowances will therefore only be paid where there is no suitable alternative public transport available or there are special circumstances.

Standard class travel should be booked in advance for all rail travel on behalf of all members, unless in the view of the Monitoring Officer there are special circumstances that require first class travel, for example to enable confidential conferences to be held on the train or to avoid disadvantaging members when travelling with other organisations.

Metrocards

In view of legal and auditors advice, only members of the Authority and co-opted members of the Transport Committee would properly be entitled to a free Metrocard. All other members would be permitted to apply but would be required to contribute a proper proportion to the cost to the Authority of the card, in relation to the element of personal usage that could be made of it.

Where a member holds a Metrocard, they should use this where reasonably practicable rather than other forms of transport.

When a member ceases to be a member of the Authority or ceases to be a member of the Transport Committee they must give back their Metrocard, or make a proper contribution to the cost of it if they wish to keep it.

Car Mileage Rates - the HMRC mileage rates from time to time in force

Approved mileage rates		
From 2011-12	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

Passenger Rates

Where a member carries a passenger they can claim the HMRC approved passenger mileage rate of 5p per passenger mile, in addition to the applicable mileage rates for motor cars.

Motor Cycle Mileage Rates

24p per mile (indexed to HM Revenue and Customs approved rates)

Bicycle Mileage Rate

20p per mile

General Travel Expenses

To reduce costs to the Authority, members should not travel independently where it would be possible to travel with another member or officer.

Members may claim specific reimbursement for expenditure incurred on tolls, ferries or parking fees as these are deemed to be additional to the basic car allowance rates.

In rare circumstances it is not possible to utilise public transport and a taxi has to be used. In such circumstances members must obtain receipts before reimbursement will be available.

Subsistence Allowances

In each instance only the actual cost incurred may be claimed with the following being the maximum rates claimable:

Day Subsistence Rates

Breakfast allowance	£7.93
Lunch allowance	£10.80
Tea allowance	£4.35
Evening meal allowance	£13.50

Note: The current total daily maximum subsistence claimable (£36.58) should not be disaggregated and applied to specific meals but a 24 hour maximum claimable to be spent upon subsistence as required.

Overnight Subsistence

All overnight accommodation should be booked through the Authority's office who will seek out the most reasonably priced accommodation available to be paid for directly by the Authority thus avoiding any claims for reimbursement.

Overseas Travel

Members are entitled to claim reasonable expenses in relation to their journey and stay, reimbursable upon production of receipts.

It is expected that the necessary travel and accommodation arrangements would be booked through the Authority's office.

Meals Provided Free Of Charge

Members are required to deduct an appropriate amount from the subsistence allowances in respect of any meals provided free of charge by an authority or body during the period to which the allowance relates. The allowance cannot therefore be claimed where a free meal has been provided.

Meals Taken On Trains

Where main meals are taken on trains during the period for which there is an entitlement to a subsistence allowance the reasonable cost of meals (including VAT) shall be reimbursable in full. This will then replace the specific meal allowances set out above.

Note: In the case of travel abroad there are sometimes difficulties in obtaining receipts. However, for the reasons given above reimbursement will only be available where receipts are provided.

ITEM 14

Report to: West Yorkshire Combined Authority

Report of: Director Resources

Date: 1 April 2014

Subject: BUDGETS AND TREASURY MANAGEMENT

1. Purpose

- 1.1 To endorse the revenue and capital budgets for the year 2014-2015 set by the former WYITA.
- 1.2 To endorse the treasury management policy adopted by the former WYITA in February 2014.

2. Background Information

- 2.1. The revenue and capital budgets of the former WYITA as the former local transport authority were approved by that authority in February 2014. The Authority is the successor authority to the WYITA and will continue the business of the local transport authority.
- 2.2 These budgets are supported by the Levy set by the WYITA in February 2014. The West Yorkshire Combined Authority Order 2014 provides that this Levy is deemed to be a levy set by the Authority.
- 2.3 WYITA undertook its treasury management in conjunction with Leeds City Council and officers from both organisations kept the treasury management policy under regular review. The policy was reconfirmed by the former WYITA at its budget meeting of 7 February 2014.

3. Issues

- 3.1. The revenue and capital budgets for the former local transport authority having been approved in February 2014 for the financial year 2014-2015, the Authority is recommended to endorse these budgets as being appropriate for the Authority and in view of the Levy.

- 3.2 It is recommended that the treasury management policy adopted by the former WYITA be endorsed by the Authority.
 - 3.3 **Annex A** sets out the revenue budgets and levy for 2013/14 and 2014/15. **Annex B1** sets out the capital funding of the Authority and **Annex B2** sets out the indicative capital allocations to individual projects. **Annex C** sets out the treasury management statement.
- 4. Legal Implications**
- 4.1. None by virtue of this report.
- 5. Financial Implications**
- 5.1. These are set out within the annexed documents.
- 6. Staff and resource Implications**
- 6.1. None by virtue of this Report.
- 7. Recommendations**
- 7.1. That the revenue and capital budgets be endorsed by the Authority for the financial year 2014-2015.
 - 7.2 That the treasury management policy of the former WYITA be endorsed by the Authority.

All £000's	Actual	Original budget	Latest Estimate	Forecast
	2012/13	2013/14	2014/15	
Executive/Combined Authority				
Concessionary travel	51,619	52,400	52,289	53,242
Subsidised Services	21,036	19,820	19,083	19,490
Passenger Services	8,230	8,628	8,149	8,172
Prepaid Tickets	30,519	29,000	30,900	31,000
Rail- Franchise Costs	57,613	57,611	64,209	64,209
Rail - additional services		182	182	182
Pensions	1,363	1,443	1,550	1,431
Financing charges	512	540	531	7,356
Combined Authority	0	0	261	67
Strategic Priorities - RN/QC's			0	250
Development & Corporate	6,159	5,875	5,829	6,045
	177,051	175,499	182,983	191,444
Prepaid Tickets	-30,519	-29,000	-30,900	-31,000
Special Rail Grant				-64,209
Grant from Authority	-146,532	-146,499	-152,083	-96,198
Use(addition) of PTE reserves	0	0	0	37
Authority				
Special Rail Grant	-57,613	-57,611	-64,209	0
Interest Received	-301	-341	-337	0
Rents etc	-1,254	-1,265	-1,262	0
Less				
Interest Paid	3,352	3,430	3,372	0
Minimum Rev Provision	3,991	3,831	3,831	0
Other costs	1,356	1,364	1,368	0
	-50,469	-50,592	-57,237	0
Grant to PTE	146,532	146,499	152,083	0
Transport Levy	-94,898	-96,198	-96,198	0
Payments to Districts				
Addition to/(use) of reserves	-1,165	291	1,352	0
NET EXPENDITURE				
Executive	177,051	175,499	182,983	0
Authority	-50,469	-50,592	-57,237	191,444
Total	126,582	124,907	125,746	191,444
Remaining reserves at year end	4,577	4,025	5,929	5,892
Lewy Increase	0.0%	2.0%	2.0%	1.55%
Total Lewy raised	-97,598	-99,550	-99,550	-101,093
TF Contribution	2,700	3,352	3,352	4,895
Revenue Levy	-94,898	-96,198	-96,198	-96,198

Summary of West Yorkshire Implementation Plan 2013-17

Funding Source	IP1	IP2			
	2011-14	2014/15	2015/16	2016/17	IP2 TOTAL
	£000	£000	£000	£000	£000
LTP IT Block Funding	64,384	27,165	14,918	14,918	57,001
LTP IT Block Funding (Carried Forward from IP1)	-10,494	9,912	582		10,494
Non LTP Funding	17,018	35,624	4,715	2,636	42,975
DFT Major Scheme Funding	640	21,003	1,027	0	22,030
Total LTP3 IT Implementation Plan	71,548	93,704	21,242	17,554	132,500
IT overprogramming	0	9,098	6,811	2,142	18,051

Total WY Implementation plan value (including overprogramming and Major scheme Funding)	71,548	102,802	28,053	19,696	150,551
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Allocation of Highways Maintenance Funding

Partner Authority	IP2			
	2013/14 (Indicative)	2014/15 (Indicative)	2015/16 (estimated)	2016/17 (estimated)
	£000	£000	£000	£000
Bradford	5,727	5,228	7,175	7,175
Calderdale	3,544	3,367	4,621	4,621
Kirklees	5,633	5,333	7,319	7,319
Leeds	7,394	6,858	9,412	9,412
Wakefield	3,213	2,980	4,090	4,090
Metro	0	0	0	0
Total	25,511	23,766	32,617	32,617

Treasury Management Activity – Investments Criteria

- 1 In general it is intended there should be no long term investments by the Authority with any surplus cash being invested short term. As stated there is likely to be a future requirement to make net repayments each year. The level of future investments will therefore fluctuate on a short-term basis due to cash flow requirements but will be maintained as low as possible.
- 2 It is proposed that the existing policy of utilising the expertise of the Treasury Management Team in Leeds City Council be reaffirmed.
- 3 It is also recommended that the following rules for short term investments/borrowing should continue to be applied:-
 - a. The Chief Financial Officer shall determine the amounts and periods.
 - b. The procedural document as approved for their Treasury Management Division by Leeds City Council shall be adopted in relation to the Authority's short-term investments encompassing the Council's list of approved financial organisations and the maximum lending limits per organisation, as specified in that document from time to time.
 - c. No investment will be for a period exceeding 3 months other than for sums placed with the Authority's or Executive's bank which may be for a term up to one year
 - d. In principle there shall be no cross borrowing or investments with Leeds City Council (although this may be varied if late cash movements on the bank account occur creating a surplus/deficit cash position after the markets have closed for the day).

PRUDENTIAL FUNDING ARRANGEMENTS

- 4 The principal purpose of the prudential system is to allow authorities as much financial freedom as possible whilst requiring them to act prudently. There will be no government borrowing approvals issued but restrictions are imposed through the CIPFA Prudential Code which requires every authority to set prudential indicators and limits and thus be satisfied that it can afford the results of its borrowing. These limits, which must not be exceeded, have to be formally agreed by the authority before the start of each financial year. The government has retained the power to, if it so wishes, limit the level of borrowing incurred by authorities.
- 5 The Code requires full capital and revenue plans to be prepared for at least 3 years forward in order to assess the financial effects of the planned capital investment. In this Authority the three year financial strategy is considered by Members on a regular basis and to ensure a level of affordability it is currently the policy that borrowing to meet capital expenditure will be limited to existing levels plus any additional SCE(R) or SCA issued by the government through the LTP settlement either for Integrated Transport or for specific major schemes. Restricting borrowing in this way ensures that all debt charges are covered by the additional RSG received by the District

Councils and hence within the levy, providing the levy has been increased to reflect the additional RSG.

- 6** The draft three year capital programme is considered earlier in this report and is set out in Appendices C1 to C2. It should be noted that in accordance with the above, whilst there has been some deliberate over-programming to ensure expenditure achieves the LTP settlement, overall capital expenditure will be met firstly by grants and other resources leaving the balance to be met by borrowing or through charges to revenue. The programme assumes there is to be no unsupported borrowing outside the LTP.
- 7** Since the levels of grant provided to the Authority under the LTP are below those required to fully implement the draft capital programme it is proposed to examine alternative methods of financing during the year to assist with the possible shortfall. As an example leasing might be used for the acquisition of vehicles. The financial viability and value for money of such methods will require investigation and savings found within the budget to accommodate the costs involved. Members will be asked to approve any such methods before they are implemented.
- 8** Other matters which Members should be aware of relating to this Authority's operation of the Prudential regulations are that:

 - a. It is not proposed that the Authority enter into any credit arrangements as defined by the regulations, other than possibly leasing as described above. Should any such arrangements be required they will be reported to Members in advance and will be expected to be funded within the approved strategy.
 - b. The PTE is being treated as part of the ITA for the purposes of the capital financing arrangements. (Section 18 of the Act)
- 9** When Leeds City Council last reviewed the borrowing limits in the light of market rates they determined that they would allow the limit to be set at a level sufficient for the current year plus the equivalent of 2 years anticipated borrowing requirement which is derived from the capital allocations. This was intended to provide flexibility for fund management allowing borrowing to take place when rates are low rather than being tied into strictly annual borrowing.
- 10** The Annex initially creates limits set at the required level of borrowing for 2013/14 and 2014/15. To provide more flexibility to Leeds in managing the funding operation it was previously agreed that approval be given to borrow to cover loan requirements for the current plus the following 2 years. In view of the change to the LTP allocation from borrowing to grants this is now irrelevant and will only be applied if any new major schemes are approved. Such approval will therefore be sought at that time.
- 11** The attached Annex shows the calculation of the following prudential indicators:

 - a. The ratio of debt charges to overall expenditure. This is not significant to this Authority as it is effectively controlled through the level of the Levy (as referred to above).
 - b. Setting the borrowing requirement for the year (similar to total loans outstanding) but called 'the operational boundary'.
 - c. Setting the maximum borrowing permitted in the year defined as 'the authorised limit' This is about £10m higher than the operational boundary to

create flexibility to allow temporary additional borrowing (for example if it becomes prudent to borrow in advance of normal requirements because long term interest rates are low).

- d. Setting the maturity loan structure which is defined as “amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate” as well as the draft capital programme. These are set out in the Annex.

12 The Prudential Code requires Members to have an approved Treasury Management Policy (this is set out above) and to agree limits for variable and fixed rate loans. It is recommended that the maximum limit for variable rate loans continues to be set at 40% and the limit for fixed rate loans continues at 130%.

RECOMMENDATIONS

- i. That the adoption of the CIPFA Code of Practice for Treasury Management in Public Services be reaffirmed.
- ii. That the Treasury Management Policy as set out above in the Annex be approved.
- iii. That the overall capital programme and prudential limits for the next 3 years set out in the Annex be adopted as follows:
 - i. Operational boundary as shown
 - ii. Authorised Limit (Operational boundary plus £10m)
 - iii. Maturity Loan structure as shown
 - iv. A variable rate loan limit of 40%
 - v. A fixed rate loan limit of 130%
- iv. That the short term investment criteria be approved.

		Capital Financing Annex			
West Yorkshire Integrated Transport Authority					
Summary Capital Programme					
		2013/14	2014/15	2015/16	2016/17
Expenditure per programme		£000	£000	£000	£000
Local Transport Plan		22,984	46,175	22,311	17,060
Highways Maintenance Plan		25,511	23,766	32,617	32,617
Major scheme Expenditure		640	21,003	1,027	-
Non LTP Funding (Excluding Majors)		17,562	35,624	4,715	2,636
		66,697	126,568	60,670	52,313
Less forecast slippage		-585	-9,098	-6,811	-2,142
		66,112	117,470	53,859	50,171
Financing					
LTP Grant		18,248	27,165	14,918	14,918
LTP Grant (C/Fwd IP1)		4,151	9,912	582	-
Highways Maintenance Plan		25,511	23,766	32,617	32,617
Major scheme Expenditure		640	21,003	1,027	-
Non LTP Funding (Excluding Majors)		17,562	35,624	4,715	2,636
		66,112	117,470	53,859	50,171
Calculation of Prudential Indicators:					
		2013/14	2014/15	2015/16	2016/17
AFFORDABILITY		£000	£000	£000	£000
Ratio of financing costs to net revenue stream					
Debt Charges		7,397	7,356	7,070	6,191
Lewy		96,198	96,198	96,198	96,198
(Assumes continuing levy freeze)					
Resultant ratio:		7.7%	7.6%	7.3%	6.4%
Notes: All additional debt charges should be covered by RSG received by the Constituent Authorities. However, it is not appropriate to compare to Band D of Council tax as this changes per District.					
PRUDENCE					
Net external borrowing does not exceed the total of capital financing requirement in previous year plus the estimate of any additional financing requirement for the current and later years.					
Estimate of Capital Financing Requirement					
Loans outstanding at 1 April		95,776	91,945	88,267	84,736
Additional borrowing requirement in year		0	0	0	0
Less debt repayments in year		-3,831	-3,678	-3,531	-3,389
Loans outstanding at 31 March		91,945	88,267	84,736	81,347
Calculated Operational Boundary		95,776	91,945	88,267	84,736
	Safety factor	10,000	10,000	10,000	10,000
Forecast Authorised Limit		105,776	101,945	98,267	94,736
Maturity of Loan Structure					
	Minimum	Maximum		Interest Rate Structure:	
Loans up to 1 year	0%	30%			
Loans between 12 and 24 months	0%	20%		Variable rate loans - maximum 40%	
Loans between 24 and 60 months	0%	50%		Fixed rate loans - maximum 130%	
Loans between 5 and 10 years	0%	75%			
Loans over 10 years	25%	100%			

ITEM 15

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: POLICIES OF THE WEST YORKSHIRE COMBINED AUTHORITY

1. Purpose

- 1.1 Adoption of the current Local Transport Plan by the Authority.
- 1.2 Adoption by the Authority of general policies under section 9A(5) of the Transport Act 1968.
- 1.3 To endorse the role of the Authority as the Local Transport Body (LTB).

2. Background Information

- 2.1. The Authority has a statutory duty to prepare and administer the Local Transport Plan (LTP) within its area. The LTP approved and administered by the former WYITA is currently being delivered across West Yorkshire within the constituent councils' respective areas and it is recommended that the Authority adopts the LTP.
- 2.2 The Authority has assumed the functions of the former WYITA by virtue of the West Yorkshire Combined Authority Order 2014. It is recommended that the Authority adopt the general policies of the former WYITA that were in force to enable the business of the Authority as the local transport authority to continue. These general policies are attached as an appendix to this report.
- 2.3 Prior to the Government's requirement for each Local Enterprise Partnership (LEP) in the UK to submit a Strategic Economic Plan (SEP), the Department for Transport required each Local Transport Authority to submit a proposal for a Local Transport Body (LTB) within its area to be responsible for strategic transport investment and devolved transport funding.
- 2.4 The former WYITA submitted an LTB proposal, which was approved by the DfT. The proposal stated that, on its creation, the West Yorkshire Combined Authority would become the LTB for West Yorkshire in place of the WYITA.

2.5 The LTB proposals included a draft Assurance Framework which is currently under review with the DfT. The Authority will assume responsibility for administration of the Assurance Framework in relation to investment in major transport schemes once DfT approve the final terms of the draft Framework.

3. Issues

3.1. The current LTP covers a fifteen year strategy from 2011 to 2026, to be delivered within five Implementation Periods each of 3 years' duration. As the Local Transport Authority for West Yorkshire, the Authority will be responsible for overseeing the delivery of the LTP.

3.2 The Authority is recommended to endorse its role as the LTB and to assume the responsibilities under the Assurance Framework.

4. Legal Implications

4.1. The Authority has a duty to review and, if required, the power to amend or replace the LTP.

4.2 The Authority may review its general policies under the Transport Act 1968 at any time.

5. Financial Implications

5.1. The Government's proposals in relation to devolved funding have changed since the City Deal and now envisage that the Local Enterprise Partnership will be the direct recipient of central Government funding, and not the Local Transport Authority.

6. Staff and resource Implications

6.1. None by virtue of this report.

7. Recommendations

7.1. That the Authority adopts the Local Transport Plan.

7.2 That the Authority adopts as its own general policies the general policies of the former WYITA appended to this report.

7.3 That the Authority assumes the role of the Local Transport Body for West Yorkshire.

POLICIES OF THE FORMER WYITA

Statutory Duties

1. Develop, provide, promote, encourage and secure safe, integrated, efficient and accessible transport facilities and services to meet the current and future transport needs of people who live, work or do business in West Yorkshire.
2. Lead the development and implementation of the West Yorkshire Local Transport Plan, working in partnership with the five West Yorkshire District Councils, to ensure that it supports their wider economic, social, public health and environmental policies.
3. Seek sustained improvement in environmental performance.
4. Meet, or exceed, all relevant statutory requirements.

Use of Resources

5. Work to maximise the availability of funding and other resources for meeting the current and future transport needs of people who live, work or do business in West Yorkshire.
6. Seek to maximise value for money in the provision of transport infrastructure and services, including periodic reviews of value-for-money criteria.
7. Seek to maximise, within available resources, the availability, acceptability and accessibility of public transport.

Key Relationships

8. Provide accessible information about all available transport options to assist customers in making informed and sustainable travel choices.
9. Identify and consider, through consultation and other means, the current and future transport needs of people who live, work or do business in West Yorkshire, in the planning and provision of transport infrastructure and services.
10. Value staff and invest in their training and development, aiming to make Metro (now West Yorkshire Combined Authority) an 'employer of choice'.
11. Value and maximise benefits from relationships with partners, suppliers and contractors.

Influence

- 12.** Promote, in partnership with others, awareness and recognition of the importance of transport infrastructure and services to wider social policy objectives.

ITEM 16

Report to: West Yorkshire Combined Authority

Report of: Secretary and Solicitor

Date: 1 April 2014

Subject: CALENDAR OF MEETINGS FOR 2014-2015

1. Purpose

To note the calendar of meetings proposed for the Authority for 2014-2015.

2. Background Information

- 2.1. The proposed calendar of meetings is annexed to this report.
- 2.2. The calendar provides dates for meetings of the Authority, the Transport Committee, the Overview and Scrutiny Committee, the Governance and Audit Committee and the West Yorkshire and York Investment Committee.
- 2.3. Whilst it will be a matter for the Transport Committee to convene its District Engagement Sub Committees, the calendar proposes dates for these sub-committee meetings.
- 2.4. Liaison meetings between the West Yorkshire and York Investment Committee and the Transport Committee as envisaged by their respective terms of reference will be arranged by agreement between the Chairs of those committees following the first meetings of both.

3. Issues

- 3.1. None by virtue of this report.

4. Legal Implications

- 4.1. None by virtue of this report.

5. Financial Implications

5.1. None by virtue of this report.

6. Staff and resource Implications

6.1. None by virtue of this report.

7. Recommendations

7.1. That the calendar of meetings of the Authority be approved.

WEST YORKSHIRE COMBINED AUTHORITY
CALENDAR OF MEETINGS 2014/15

2014

APRIL	1	COMBINED AUTHORITY (Leeds)	11.00 am
	15	Governance & Audit Committee	10.00 am
	25	TRANSPORT COMMITTEE	11.00 am
MAY	15	West Yorkshire & York Investment Committee	10.00 am
	29	COMBINED AUTHORITY (Bradford)	11.00 am
JUNE	3	Provisional - COMBINED AUTHORITY – New Members Presentation/Seminar (Leeds)	tbc
	13	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	24	Overview & Scrutiny Committee	10.00 am
	26	COMBINED AUTHORITY (Leeds)	11.00 am
JULY	7	Leeds District Engagement Committee	tbc
	8	Calderdale District Engagement Committee	tbc
	9	Kirklees District Engagement Committee	tbc
	11	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	14	Bradford District Engagement Committee	tbc
	16	West Yorkshire & York Investment Committee	10.00 am
	17	Wakefield District Engagement Committee	tbc
	24	COMBINED AUTHORITY (Calderdale)	11.00 am
	29	Governance & Audit Committee	10.00 am
SEPTEMBER	11	COMBINED AUTHORITY (Leeds)	11.00 am
	23	Overview & Scrutiny Committee	10.00 am

	26	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
OCTOBER	1	West Yorkshire & York Investment Committee	10.00 am
	6	Leeds District Engagement Committee	tbc
	8	Kirklees District Engagement Committee	tbc
	13	Bradford District Engagement Committee	tbc
	14	Calderdale District Engagement Committee	tbc
	16	Wakefield District Engagement Committee	tbc
	21	Governance & Audit Committee	10.00 am
	31	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
NOVEMBER	6	COMBINED AUTHORITY (Kirklees)	11.00 am
	25	Overview & Scrutiny Committee	10.00 am
DECEMBER	3	West Yorkshire & York Investment Committee	10.00 am
	5	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	11	COMBINED AUTHORITY (Leeds)	11.00 am

2015

JANUARY	12	Leeds District Engagement Committee	tbc
	14	Kirklees District Engagement Committee	tbc
	16	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	19	Bradford District Engagement Committee	tbc
	20	Calderdale District Engagement Committee	tbc
	21	West Yorkshire & York Investment Committee	10.00 am
	22	Wakefield District Engagement Committee	tbc
	29	COMBINED AUTHORITY (Wakefield)	11.00 am

FEBRUARY	3	Governance & Audit Committee	10.00 am
	10	Overview & Scrutiny Committee	10.00 am
	27	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
MARCH	4	West Yorkshire & York Investment Committee	10.00 am
	12	COMBINED AUTHORITY (Leeds)	11.00 am
	27	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
APRIL	1	West Yorkshire & York Investment Committee	10.00 am
	13	Leeds District Engagement Committee	tbc
	15	Kirklees District Engagement Committee	tbc
	20	Bradford District Engagement Committee	tbc
	21	Calderdale District Engagement Committee	tbc
	22	Governance & Audit Committee	10.00 am
	23	Wakefield District Engagement Committee	tbc
	24	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	28	Overview & Scrutiny Committee	10.00 am
JUNE	12	TRANSPORT COMMITTEE followed by joint Transport and West Yorkshire & York Investment Sub Committee	11.00 am
	25	COMBINED AUTHORITY AGM (York)	11.00 am