

Part 2 - Articles

Article 1 – The Constitution

- 1.1 The Constitution of the Combined Authority comprises of Parts 2 – 7.
- 1.2 The Combined Authority will exercise all its functions (powers and duties) in accordance with the law and this Constitution. In the event that the Constitution conflicts with the law, the law shall prevail.
- 1.3 The purpose of the Constitution is to:
 - enable the Combined Authority to provide clear leadership to the community in partnership with councils, citizens, businesses and other organisations,
 - support the active involvement of citizens in the process of local decision-making,
 - enable decisions to be taken efficiently and effectively,
 - create an effective means of holding decision-makers to public account,
 - ensure that no one will review or scrutinise a decision in which they have been directly involved,
 - ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision, and
 - provide a means of delivering the Combined Authority's vision of a more prosperous West Yorkshire.
- 1.4 Where the Constitution permits the Combined Authority to choose between different courses of action, the Combined Authority will always choose that option which it considers closest to the purposes stated above.

Interpretation

- 1.5 The Mayor¹ shall make any final decision regarding the application of the Constitution, in consultation with the Head of Legal and Governance Services.

¹ Where any issue relates to the business of a meeting of the Combined Authority including any committee or sub-committee, the Chair of the meeting will make any final decision in consultation with the Head of Legal and Governance Services or their nominee.

Reviewing and approving the Constitution

- 1.6 The Head of Legal and Governance Services will annually review the Constitution to ensure that it is fit for purpose².
- 1.7 Any document in the Constitution will be approved as follows:
- by the **Combined Authority** (where arrangements are the Combined Authority's responsibility),
 - by the **Mayor** (where arrangements the Mayor's responsibility),
 - by both **the Combined Authority and the Mayor** (where arrangements are the responsibility of both),
 - by the **Combined Authority, Mayor and/or the LEP** (where there are joint arrangements).
- 1.8 The Director of Corporate Services has delegated authority under the Officer Delegation Scheme in Part 3 of the Constitution (responsibility for functions) to amend the Combined Authority's Contracts Standing Orders and Financial Regulations on behalf of the Combined Authority.
- 1.9 The Head of Legal and Governance Services has delegated authority under the Officer Delegation Scheme in Part 3 of the Constitution (responsibility for functions) to make minor amendments to any other document in the Constitution on behalf of the Combined Authority.
- 1.10 Any amendment to the Constitution must be recorded and published.³

Access to the Constitution

- 1.11 The Head of Legal and Governance Services will make the Constitution available for inspection by the public:
- at the Offices of the Combined Authority at any reasonable hour, and
 - on the Combined Authority's website.

² The Combined Authority will consider any recommendation from that review at the Combined Authority's Annual Meeting.

³ Any amendment approved at a meeting of the Combined Authority will be recorded in the minutes of the meeting. Any amendment approved by the Mayor outside of a meeting of the Combined Authority, or by an officer under delegated authority, must be recorded on a written record and published.

Part 2 - Articles

Article 2 – The Combined Authority

General

- 2.1 The West Yorkshire Combined Authority (the Combined Authority) is a body corporate⁴.
- 2.2 The **Constituent Councils** of the Combined Authority are:
- City of Bradford Metropolitan District Council,
 - Borough Council of Calderdale,
 - the Council of the Borough of Kirklees,
 - Leeds City Council, and
 - the Council of the City of Wakefield.
- 2.3 The Combined Authority was established for the **Combined Area**, which is the area consisting of the areas of the Constituent Councils.
- 2.4 The **Non-Constituent Council** of the Combined Authority is the City of York Council.
- 2.5 The West Yorkshire Mayor (the Mayor) is elected by the local government electors for the Combined Area.

Membership

- 2.6 The Combined Authority comprises ten members in addition to the Mayor, who is a member of the Combined Authority by virtue of that office⁵.
- 2.7 Article 3 (Combined Authority Members) sets out more detail about the members of the Combined Authority (the Combined Authority Members).

⁴ Article 3 of the West Yorkshire Combined Authority Order 2014

⁵ Section 107A of the Local Democracy, Economic Development and Construction Act 2009

Chair

- 2.8 The Mayor is the Chair of the Combined Authority.⁶

Deputy Mayors

- 2.9 The Mayor must appoint one of the Combined Authority Members to be the Mayor's deputy (the **Deputy Mayor**).⁷ Article 4 (the Mayor) sets out the appointment process and terms of office for the Deputy Mayor.
- 2.10 The Deputy Mayor must act in place of the Mayor if for any reason -
- the Mayor is unable to act, or
 - the office of Mayor is vacant.
- 2.11 The Mayor may also appoint a **Deputy Mayor for Policing and Crime** – see further Articles 4 (the Mayor) and 5 (PCC Functions).

Functions

- 2.12 The functions of the Combined Authority are those
- conferred or imposed upon it by Order⁸ or by any other enactment, or
 - delegated to it by Order or any other enactment⁹.
- 2.13 The functions of the Combined Authority comprise
- **Mayoral Functions** (exercisable only by the Mayor), and
 - **Non-Mayoral Functions** (exercisable by the Combined Authority).
- 2.14 Mayoral and Non-Mayoral functions are set out in more detail in Part 3 of the Constitution (responsibility for functions).

Delegations

- 2.15 Mayoral Functions are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor – see further Articles 4 (the Mayor) and 5 (PCC Functions).
- 2.16 Non-Mayoral Functions are exercised by the Combined Authority at a meeting of the Combined Authority or in accordance with arrangements agreed by the Combined Authority¹⁰, as follows:

⁶ This is by virtue of that office - Section 107A of the 2009 Act

⁷ Section 107C of the 2009 Act.

⁸ Including the 2014 Order and the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021.

⁹ Article 3 of the 2014 Order.

¹⁰ Section 101 of the Local Government Act 1972

- by a **committee or sub-committee** of the Combined Authority,
- by an **officer** with delegated authority,
- by **another local authority**, or
- under **joint arrangements** with one or more other local authorities¹¹.

2.17 Part 3 of the Constitution (responsibility for functions) sets out the arrangements agreed by the Combined Authority.

Functions reserved to the Combined Authority

- 2.18 The Combined Authority's functions with respect to levying shall be discharged only by the Combined Authority¹².
- 2.19 Functions which are reserved to the Combined Authority, (that is, are not delegated), are set out in Part 3 of the Constitution (responsibility for functions), Section 2 Table C.

Standing Orders of the Combined Authority

- 2.20 The Combined Authority may make standing orders to regulate its proceedings and business and may vary or revoke any such orders¹³.
- 2.21 The standing orders of the Combined Authority are set out in Part 4 of the Constitution (standing orders), and include:
- **Combined Authority Procedure Standing Orders** which set out the procedure for meetings of the Combined Authority.
 - **Budget and Policy Rules** which set out the steps required in relation to approving the budget and policies and strategies. Policies and strategies provide a framework for decision-making.
 - **Financial Regulations** which set out how the Combined Authority manages its finance, and
 - **Contracts Standing Orders** which set out how the Combined Authority enters into contracts.

¹¹ in accordance with Section 101(5) of the 1972 Act

¹² Section 101(6) of the 1972 Act

¹³ Schedule 1 of the 2014 Order, paragraph 6.

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Part 2 - Articles

Article 3 – Membership of the Combined Authority ¹⁴

Membership

- 3.1 The Combined Authority comprises ten members¹⁵ in addition to the Mayor:
- the **Mayor** (by virtue of that office),
 - 5 elected members, each one appointed by a Constituent Council from its elected members¹⁶ (a **Constituent Council Combined Authority Member**),
 - an elected member from three of the Constituent Councils, appointed jointly by the Constituent Councils so that the elected members appointed by Constituent Councils taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils (the **Political Balance Members**),
 - 1 elected member appointed by the Non-Constituent Council (the **Non-Constituent Council Combined Authority Member**), and
 - 1 person nominated by the LEP and appointed by the Combined Authority (the **LEP Member**)¹⁷.
- 3.2 In the absence of agreement, no Political Balance Members will be appointed¹⁸.

Substitute Members

- 3.3 A Substitute Member is appointed to act in the absence of the following:
- each Constituent Council Combined Authority Member¹⁹,
 - each Political Balance Member²⁰,
 - the Non-Constituent Council Combined Authority Member²¹, and
 - the LEP Member²².

¹⁴ Schedule 1 of the West Yorkshire Combined Authority Order 2014

¹⁵ Subject to 3.2 below

¹⁶ An elected mayor of a Constituent Council or Non-Constituent Council is to be treated as a member of that Council for this purpose.

¹⁷ The LEP Member must be a member of the LEP.

¹⁸ Schedule 1, paragraph 3 of the 2014 Order

¹⁹ appointed by each Constituent Council from its elected members

²⁰ jointly appointed by the Constituent Council from its elected members

²¹ appointed by the Non-Constituent Council

²² nominated by the LEP and appointed by the Combined Authority.

Terms of Office – Combined Authority Members other than the Mayor

- 3.4 A **Constituent Council Combined Authority Member** or Substitute Member ceases to be a Combined Authority Member or Substitute Member if
- they **cease to be an elected member** of the Constituent Council that appointed them,
 - they **resign** by written notice,²³ or
 - the **Constituent Council terminates the appointment**²⁴.
- 3.5 Where a Constituent Council Combined Authority Member or Substitute Member ceases to be an elected member or resigns, the Constituent Council shall notify the Combined Authority in writing as soon as practicable, and appoint a replacement. A Constituent Council must give written notice to the Combined Authority of any termination and new appointment.²⁵
- 3.6 A **Political Balance Member** or Substitute Member ceases to be a Combined Authority Member or Substitute Member if
- they **cease to be an elected member** of a Constituent Council,
 - they **resign** by written notice,²⁶ or
 - the **Constituent Councils jointly terminate the appointment**²⁷.
- 3.7 Where any Political Balance Member or Substitute Member ceases to be an elected member or resigns, the Constituent Councils shall notify the Combined Authority in writing as soon as practicable and jointly appoint a replacement.
- 3.8 The Constituent Councils must give written notice to the Combined Authority of any termination and new appointment²⁸.
- 3.9 The **Non-Constituent Council Combined Authority Member** or Substitute Member ceases to be a Combined Authority Member or Substitute Member if

²³ The resignation shall take effect on receipt of the written notice by the Proper Officer of the Constituent Council or the Head of Legal and Governance Services – Schedule 1, paragraph 1 of the 2014 Order.

²⁴ A Constituent Council may terminate the appointment of a Constituent Council Combined Authority Member or Substitute Member at any time.

²⁵ the new appointment and termination will take effect at the end of one week from the date on which the notice is given, or any longer period specified in the notice not exceeding one month – Schedule 1, paragraph 16 of the 2014 Order.

²⁶ The resignation shall take effect on receipt of the written notice by the Proper Officer of their Constituent Council or the Head of Legal and Governance Services – Schedule 1, paragraph 1 of the 2014 Order.

²⁷ The Constituent Councils may jointly terminate the appointment of a Political Balance Member or Substitute Member at any time.

²⁸ Any new appointment and termination will take effect at the end of one week from the date on which the notice is given or any longer period specified in the notice not exceeding one month – Schedule 1, paragraph 16 of the 2014 Order.

- they **cease to be an elected member** of the Non-Constituent Council,
- they **resign** by written notice,²⁹ or
- the **Non-Constituent Council terminates the appointment**.³⁰

3.10 Where the non-Constituent Council Combined Authority Member or Substitute Member ceases to be an elected member or resigns, the Non-Constituent Council must give written notice to the Combined Authority as soon as practicable and appoint a replacement.

3.11 The Non-Constituent Council must give written notice to the Combined Authority of any termination and new appointment.³¹

3.12 The **LEP Member** or Substitute Member ceases to be a Combined Authority Member or Substitute Member if

- they cease to be a member of the LEP,
- they resign by written notice,³² or
- the LEP terminates the appointment³³.

3.14 Where the LEP Member or Substitute Member ceases to be a member of the LEP, or resigns, the LEP must as soon as practicable give written notice of that fact to the Combined Authority and nominate a replacement. The Combined Authority will appoint any member nominated at the next ordinary meeting of the Combined Authority.

The LEP must give written notice of any termination and new nomination to the Combined Authority³⁴.

Voting

3.15 Except as provided in 3.16 below, each Combined Authority Member (or Substitute Member acting in their place) has one vote³⁵.

3.16 The following are non-voting Combined Authority Members:

²⁹ The resignation shall take effect on receipt of the written notice by the Proper Officer of the Non-Constituent Council or the Head of Legal and Governance Services – Schedule 1, paragraph 1 of the 2014 Order.

³⁰ The Non-Constituent Council may terminate the appointment of a Non-Constituent Council Combined Authority Member or Substitute Member at any time.

³¹ Any new appointment and termination will take effect at the end of one week from the date on which the notice is given, or any longer period specified in the notice not exceeding one month – Schedule 1, paragraph 16 of the 2014 Order.

³² The resignation shall take effect on receipt of the written notice by the LEP Chair or LEP Vice-Chair (as the case may be) - Schedule 1, paragraph 1(11) of the 2014 Order.

³³ The LEP may terminate the appointment at any time and nominate a replacement.

³⁴ The Combined Authority shall appoint the nominated member, and the new appointment and termination will take effect at the end of one week from the date on which the notice is given, or any longer period specified in the notice not exceeding one month – Schedule 1, paragraph 19 of the 2014 Order.

³⁵ Schedule 1, paragraph 6 of the 2014 Order

- the Non-Constituent Council Combined Authority Member, and
- the LEP Member

unless the voting members of the Combined Authority resolve that this provision is not to apply³⁶.

3.17 No Combined Authority Member has a casting vote³⁷.

3.18 Any question will be decided in accordance with the **voting arrangements** set out in the Combined Authority Procedure Standing Orders – see further Part 4 of the Constitution.

General

3.19 The Head of Legal and Governance Services will report any change to the membership of the Combined Authority to the next meeting of the Combined Authority.

3.20 The proceedings of the Combined Authority shall not be invalidated by any vacancy among the Combined Authority Members or by any defect in the appointment or qualifications of any Member.³⁸

Conduct

3.21 Each Combined Authority Member and Substitute Member must comply with the Members' Code of Conduct and the Conflicts of Interest Policy and Protocols set out in Part 5 of this Constitution.

Remuneration

3.22 Subject to 3.23 – 3.25 below, no remuneration is to be payable by the Combined Authority³⁹ to any Combined Authority Member, other than allowances for travel and subsistence paid in accordance with a scheme approved by the Combined Authority⁴⁰.

3.23 The Combined Authority may establish an independent remuneration panel⁴¹ who may make recommendations to the Combined Authority regarding the allowances payable to:

- the Mayor, and

³⁶ Section 85 of the Local Transport Act 2008, applied by Section 104 of the Local Democracy, Economic Development and Construction Act 2009.

³⁷ Schedule 1, paragraph 3(6) of the 2014 Order

³⁸ Schedule 1, paragraph 3(14) of the 2014 Order

³⁹ The Mayor may provide an allowance to any Deputy Mayor for Policing and Crime – see further Article 5.

⁴⁰ Schedule 1, paragraph 7 of the 2014 Order

⁴¹ in accordance with Schedule 1, paragraph 8 of the 2014 Order

- the Deputy Mayor (provided that the Deputy Mayor is not a leader or elected mayor of a Constituent Council or the Non-Constituent Council, or the LEP Chair).
- 3.24 The Combined Authority may only pay an allowance to the Mayor or the Deputy Mayor if
- the Combined Authority has considered a report published by the independent remuneration panel which contains recommendations for such an allowance, and
 - the allowance paid by the Combined Authority does not exceed the amount specified in any recommendation made by the independent remuneration panel⁴².
- 3.25 The Combined Authority must consider a report from the independent remuneration panel before approving a scheme under 3.22 above.
- 3.26 The Combined Authority's Members' Allowances Scheme is set out in Part 6 of the Constitution (members' allowances).

⁴² Schedule 1, paragraph 9 of the 2014 Order

Part 2 - Articles

Article 4 – The Mayor

Election of the Mayor ⁴³

- 4.1 The Mayor is elected by the local government electors for the Combined Area.
- 4.2 The first election of the Mayor took place on 6 May 2021. Subsequent elections of the Mayor will take place
- in the ordinary day of election in 2024,
 - in every fourth year after that on the same day as the ordinary day of election.
- 4.3 The Mayor's term of office:
- begins with the fourth day after the day of the poll at an election of the Mayor; and
 - ends with the third day after the day of the poll at the next election for the return of the Mayor.

General

- 4.4 The Mayor is the Chair of the Combined Authority.⁴⁴
- 4.5 The Mayor is a member of the LEP, for which the Combined Authority is the accountable body - see further Article 10 (the LEP).

Deputy Mayor - appointment and term of office⁴⁵

- 4.6 The Mayor must appoint one of the Combined Authority Members to be the Mayor's deputy (the Deputy Mayor).
- 4.7 The Mayor must notify the Head of Legal and Governance Services of any such appointment in writing⁴⁶. The Head of Legal and Governance Services shall report the appointment to the next meeting of the Combined Authority.
- 4.8 A person appointed as Deputy Mayor holds the office until the end of the Mayor's term of office, unless:

⁴³ Article 3 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

⁴⁴ This is by virtue of that office - Section 107A of the Local Democracy, Economic Development and Construction Act 2009

⁴⁵ Section 107C of the 2009 Act

⁴⁶ Any appointment shall take effect on receipt by the Head of Legal and Governance Services of a written notice from the Mayor, or such later date as the notice may specify. The Mayor should copy the notice to the person to be appointed as Deputy Mayor.

- the Mayor removes the person from office,
- the person resigns as Deputy Mayor⁴⁷, or
- the person ceases to be a Combined Authority Member.

4.9 The Mayor may remove a person from the office of Deputy Mayor at any time, subject to 4.11 below.

4.10 If a vacancy occurs in the office of Deputy Mayor, the Mayor must appoint another Combined Authority Member to be Deputy Mayor.

4.11 The Mayor must give written notice to the Head of Legal and Governance Services of any removal and new appointment.⁴⁸

Incapacity or vacancy in the office of the Mayor

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

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

4.13 If for any reason –

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

the other Combined Authority Members must act together in place of the Mayor, taking decisions by a simple majority⁴⁹.

Deputy Mayor for Policing and Crime

4.14 The Mayor may also appoint a Deputy Mayor for Policing and Crime. The Mayor cannot appoint the Deputy Mayor as Deputy Mayor for Policing and Crime⁵⁰ – see further Article 5 (PCC Functions).

Mayoral Functions

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

4.16 Mayoral Functions comprise:

- **Mayoral General Functions**, and
- **PCC Functions**.

⁴⁷ The resignation shall take effect on receipt by the Head of Legal and Governance Services of a written notice, or such later date as the notice may specify.

⁴⁸ Any removal shall take effect on receipt by the Head of Legal and Governance Services of a written notice from the Mayor, or such later date as the notice may specify. The notice should specify the date of removal and the new appointment. The Mayor should copy the notice to the Deputy Mayor and the new appointee.

⁴⁹ Section 107C of the 2009 Act; see further Article 5 in relation to PCC Functions.

⁵⁰ Schedule 5C, paragraph 3(3) of the 2009 Act

See further Article 5 (PCC Functions) and Part 3 of the Constitution (responsibility for functions).

Mayoral General Functions – Mayor’s arrangements

- 4.17 **Mayoral General Functions** of the Combined Authority are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor.
- 4.18 With the exception of any function reserved by law to the Mayor, the Mayor may arrange for any of the following to exercise any Mayoral General Function:
- the Deputy Mayor,
 - another Combined Authority Member, or
 - an officer of the Combined Authority.
- 4.19 The Mayor may enter into arrangements jointly⁵¹ with the Combined Authority, the Constituent Councils and other councils⁵² for the discharge of the Mayoral General Functions.
- 4.20 The Mayor is **not** authorised by law⁵³ to delegate a Mayoral General Function to
- the Deputy Mayor for Policing and Crime, nor
 - a committee of the Combined Authority.
- 4.21 Part 3 of the Constitution (responsibility for functions) sets out the arrangements made by the Mayor in relation to Mayoral General Functions.
- 4.22 The Mayor may amend the Mayor’s arrangements for Mayoral General Functions at any time. The Mayor must notify the Head of Legal and Governance Services of any such amendment in writing⁵⁴. The Head of Legal and Governance Services shall report any amendment to the next meeting of the Combined Authority.

PCC Functions – Mayor’s arrangements

- 4.23 Any PCC Function exercisable by the Mayor of the Combined Authority is to be taken as a function of the Combined Authority exercisable
- by the Mayor acting individually, or

⁵¹ Article 28 of the 2021 Order

⁵² Other councils means the council for a county or district – Article 28(2) of the 2021 Order.

⁵³ The 2021 Order does not provide for this.

⁵⁴ Any amendment shall take effect on receipt by the Head of Legal and Governance Services of the written notice from the Mayor, or such later date as the notice may specify. The notice must set out the extent of the amendment to the arrangements. The Mayor should copy the notice to any person from whom any delegation is to be given or withdrawn.

- by a person acting under arrangements with the Mayor.⁵⁵

4.24 Part 3 of the Constitution (responsibility for functions) sets out the arrangements made by the Mayor in relation to PCC Functions; see also Article 5 (PCC Functions).

Mayoral Decision-making

4.25 The Mayor must comply with Part 4 (standing orders), the Mayoral Decision-making Procedure Rules, and make decisions in accordance with the principles of decision-making set out in Article 13 (Decision-making).

4.26 Combined Authority Members and officers may assist the Mayor in the exercise of specified Mayoral General Functions⁵⁶.

Working Groups

4.27 The Mayor may appoint a working group to inform the development of strategic and policy matters which relate to any Mayoral General Function. The Mayor cannot delegate authority to any working group to act on behalf of the Mayor nor on behalf of the Combined Authority⁵⁷.

4.28 The Mayor must provide details of the membership and terms of reference of any working group set up by the Mayor to the Head of Legal and Governance Services.

Conduct

4.29 The Mayor must comply with any applicable Code or Protocol set out in Part 5 of the Constitution (Codes and Protocols), including the Members' Code of Conduct.

Remuneration

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

Budget and Finance

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

Mayor's Political Adviser⁵⁸

4.32 The Mayor may appoint one person as the Mayor's Political Adviser.

⁵⁵ made in accordance with provision made under Schedule 5C of the Local Democracy, Economic Development and Construction Act 2009 - see further Article 5 (PCC Functions).

⁵⁶ in accordance with Article 27 of the 2021 Order

⁵⁷ and shall have regard to any guidance issued by the Head of Legal and Governance Services about working groups.

⁵⁸ Article 4 of the 2021 Order

- 4.33 The Mayor's Political Adviser shall be an employee of the Combined Authority, and be regarded as holding a politically restricted post ⁵⁹ - see further Part 4 of the Constitution (standing orders), the Officer Employment Procedure Rules.

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⁵⁹ For the purposes of Part 1 of the Local Government and Housing Act 1989