

Part 2 - Articles

Article 5 - Police and Crime Commissioner (PCC) Functions

The Police Area

- 5.1 The Police Area of West Yorkshire comprises the metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield.¹ It is coterminous with the Combined Authority's Area.
- 5.2 There is no Police and Crime Commissioner (PCC) for the Police Area².

The Mayor's exercise of PCC Functions

- 5.3 The Mayor exercises PCC Functions in relation to the Police Area³ and is treated as a PCC for the purposes of all PCC enactments (subject to some modifications and exclusions).⁴
- 5.4 A person elected to the office of Mayor may not exercise PCC Functions, unless that person has made the specified declaration to the appropriate officer⁵.
- 5.5 The PCC Functions exercised by the Mayor are⁶:
- functions conferred by Section 1 of the Police Reform and Social Responsibility Act 2011,
 - functions relating to community safety and crime prevention⁷, and
 - other functions conferred by the 2011 Act and other enactments⁸.
- 5.6 The Mayor must⁹

¹ Section 1 of the Police Act 1996 and paragraph 1 of Schedule 1 of the 1996 Act

² The term of office for the PCC for West Yorkshire continued until the 10 May 2021 - Article 34 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

³ Article 34(1) of the 2021 Order. These functions are any functions conferred on PCCs by or under Part 1 of the Police Reform and Social Responsibility Act 2011 or any other Act (Section 107F of the Local Democracy and Construction Act 2009). PCC Functions are functions of the Combined Authority exercisable by the Mayor acting individually or by a person acting under arrangements made by the Mayor – Section 107F of the 2009 Act

⁴ Article 35 of the 2021 Order

⁵ Section 70 of the 2011 Act as modified by the 2021 Order – see further Article 12 (Officers)

⁶ Section 1 of the 2011 Act

⁷ conferred by Chapter 3 of the 2011 Act

⁸ These include in relation to the police complaints system - Police Reform Act 2002 and the Police Act 1996 Act

⁹ Section 1(6) of the 2011 Act

- secure the maintenance of the West Yorkshire Police Force (the Force) for the Police Area¹⁰, and
 - secure that the Force is efficient and effective.
- 5.7 The Mayor may do anything which is calculated to facilitate, or is conducive or incidental to the exercise of PCC Functions¹¹; in respect of contracts, property and borrowing see further below (Finance, Contracts, Legal and Audit arrangements).
- 5.8 When exercising PCC Functions, the Mayor must have regard to:
- the Police and Crime Plan¹² - see further below (Police and Crime Plan)
 - the Policing Protocol issued under Section 79 of the 2011 Act,¹³
 - the views of people in the Police Area about policing,¹⁴
 - any report or recommendations made by the Police and Crime Panel on the annual report for the previous year¹⁵ - see further below (annual report),
 - any financial code of practice issued by the Secretary of State,¹⁶
 - any guidance issued by the College of Policing in relation to individuals employed by the Combined Authority wholly or partly in relation to the Mayor's PCC Functions, or who provide services in pursuance of contractual arrangements who can be expected to have frequent contact with members of the public.¹⁷

¹⁰ Section 2 of the Police Act 1996

¹¹ Paragraph 14 of Schedule 1 to the 2011 Act

¹² Section 8 of the 2011 Act. The Chief Constable must also have regard to the Plan when exercising their functions.

¹³ Policing Protocol Order 2011/2744 and Section 79 of the 2011 Act; the Chief Constable and the Police and Crime Panel must also have regard to the Protocol, as must officers of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC Functions, the constables and staff of the Force – paragraph 5 of the Protocol.

¹⁴ Section 17(1) of the 2011 Act

¹⁵ Section 17(2) and (3) of the 2011 Act

¹⁶ Section 17(4) of the 2011 Act

¹⁷ Section 53E of the 1996 Act

The Chief Constable

- 5.9 The Force has a Chief Constable¹⁸, appointed by the Mayor.¹⁹
- 5.10 The Mayor must notify the Police and Crime Panel of the proposed appointment of a Chief Constable, which will review the appointment²⁰ - see further below (Police and Crime Panel).
- 5.11 The Chief Constable is a corporation sole.²¹ The functions of the Chief Constable are set out in the 2011 Act and other enactments²².
- 5.12 The Chief Constable may do anything which is calculated to facilitate or is conducive or incidental to, the exercise of the Chief Constable's functions²³; in respect of contracts, property and borrowing see further below (Finance, Contracts, Legal and Audit arrangements).
- 5.13 The Force must have one or more Deputy Chief Constables, and the Chief Constable must consult the Mayor before increasing the number of Deputy Chief Constables or appointing a person to be Deputy Chief Constable.²⁴
- 5.14 The Force must have one or more Assistant Chief Constables, and the Chief Constable must consult the Mayor before appointing a person to be an Assistant Chief Constable.²⁵
- 5.15 The Chief Constable must appoint a chief finance officer and may appoint such other civilian staff as the Chief Constable considers appropriate²⁶.
- 5.16 The Force and the civilian staff of the Force are under the direction and control of the Chief Constable²⁷. The Chief Constable must exercise this power of direction and control in such a way as is reasonable to assist the Mayor to exercise PCC Functions. The Chief Constable is operationally independent, and the Mayor must not fetter the operational independence of the Force and the Chief Constable²⁸. The Chief Constable retains

¹⁸ Section 2 of the 2011 Act

¹⁹ Section 2 and Section 38 of the 2011 Act, and in accordance with Part 1 of Schedule 8 of the 2011 Act.

²⁰ In accordance with Schedule 8 of the 2011 Act

²¹ Paragraph 2 of Schedule 2 of the 2011 Act. This means the office of the Chief Constable constitutes a separate legal personality to the person holding it, and to the Combined Authority.

²² Section 2 of the 2011 Act

²³ Paragraph 7 of Schedule 2 of the 2011 Act

²⁴ Section 39 of the 2011 Act, subject to regulations

²⁵ Section 40 of the 2011 Act, subject to regulations. The Chief Constable must also consult the Mayor when designating an appropriate Deputy Chief Constable and Assistant Chief Constable to exercise the Chief Constable's functions when the Chief Constable is unable to – Section 41 of the 2011 Act

²⁶ Schedule 2 of the 2011 Act

²⁷ Subject to any provision included in a collaboration agreement – Section 2(6) of the 2011 Act

²⁸ Policing Protocol paragraph 18

responsibility for operational matters and is the operational voice of policing in the Police Area²⁹, and remains politically independent of the Mayor.³⁰

- 5.17 The Chief Constable is accountable to the law for the exercise of police powers, and to the Mayor for the exercise of
- the functions of the Chief Constable, and
 - the functions under the direction and control of the Chief Constable³¹.
- 5.18 The Chief Constable must give the Mayor information on policing matters which the Mayor requires.³²
- 5.19 The Mayor may suspend the Chief Constable from duty or call upon the Chief Constable to resign or retire³³, subject to scrutiny by the Police and Crime Panel – see further below (Police and Crime Panel). The Chief Constable must retire or resign if called upon to do so by the Mayor.³⁴

Deputy Mayor for Policing and Crime

- 5.20 The Mayor may appoint a Deputy Mayor for Policing and Crime for the Police Area³⁵.
- 5.21 The Mayor cannot appoint as the Deputy Mayor for Policing and Crime
- the Deputy Mayor, nor
 - any other person listed in Section 18(6) of the Police Reform and Social Responsibility Act 2011.³⁶
- 5.22 The Mayor must notify the Police and Crime Panel of any proposed appointment of a Deputy Mayor for Policing and Crime³⁷ – see further below (Police and Crime Panel). The Mayor may accept or reject the recommendation of the Police and Crime Panel as to whether or not the candidate should be appointed.³⁸

²⁹ Policing Protocol paragraphs 23 and 26

³⁰ Policing Protocol paragraph 23

³¹ In particular, the Mayor must hold the Chief Constable to account for those duties set out in Section 1(8) of the 2011 Act

³² Section 36 of the 2011 Act

³³ Section 2 and Schedule 8 of the 2011 Act

³⁴ Section 38(4) of the 2011 Act, subject to Schedule 8, and relevant regulations

³⁵ Section 18 of the 2011 Act, modified by the 2021 Order and subject to paragraph 8(2) of Schedule 1 to the 2011

³⁶ Section 18(3) of the 2011 Act modified by the 2021 Order

³⁷ In accordance with Schedule 1 of the 2011 Act, as modified by the 2021 Order

³⁸ Paragraph 12 of Schedule 1 of the 2011 Act

- 5.23 The term of office of the Deputy Mayor for Policing and Crime must end no later than the third day after the day of the poll at an election for the return of the Mayor.³⁹
- 5.24 The Deputy Mayor for Policing and Crime is a member of staff of the Combined Authority unless they are a Combined Authority Member⁴⁰.
- 5.25 The Mayor may arrange for the Deputy Mayor for Policing and Crime to exercise any PCC Function, subject to exceptions – see further below (Mayor’s arrangements for PCC Functions).
- 5.26 The Deputy Mayor for Policing and Crime may arrange for any other person (other than a person listed in Section 18(6) of the 2011 Act) to exercise any PCC Function which
- is exercisable by the Deputy Mayor for Policing and Crime, and
 - is not
 - determining police and crime objectives,
 - attending a meeting of a Police and Crime Panel when required by the Panel to do so,
 - preparing an annual report to the Police and Crime Panel.
- 5.27 The Deputy Mayor for Policing and Crime’s arrangements for PCC Functions are set out in Part 3 of the Constitution.

The Mayor’s arrangements for PCC Functions

- 5.28 The Mayor may arrange for the **Deputy Mayor for Policing and Crime** to exercise any PCC Functions, except⁴¹
- a function which the Mayor has under or by virtue of Part 2 of the Police Reform Act 2002, or
 - issuing the Police and Crime Plan,
 - appointing or suspending the Chief Constable, or calling on the Chief Constable to retire or resign, or
 - calculating the PCC component council tax requirement.

³⁹ Paragraph 8 of Schedule 1 of the 2011 Act, modified by the 2021 Order. Any appointment will end when following an election held to fill a vacancy in the officer of the appointing Mayor, the person elected makes and delivers a declaration under Section 70 of the 2011 Act – paragraph 8(3A) of Schedule 1 of the 2011 Act, modified by the 2021 Order

⁴⁰ Section 18(10) of the 2011 Act modified by the 2021 Order. Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy Mayor for Policing and Crime – Paragraph 8 of Schedule 1 of the 2011 Act, modified by the 2021 Order

⁴¹ Section 18 of the 2011 Act

- 5.29 The Mayor may arrange for **any other person** (other than a person listed in Section 18(6) of the 2011 Act) to exercise any PCC Function which is **not**
- issuing the Police and Crime Plan,
 - determining police and crime objectives,
 - attending a meeting of a Police and Crime Panel when required by the Panel to do so,
 - preparing an annual report to the Police and Crime Panel.
 - appointing or suspending the Chief Constable, or calling on the Chief Constable to retire or resign, or
 - calculating the PCC component council tax requirement.
- 5.30 The Mayor may delegate the exercise of performance of powers and duties conferred or imposed on the Mayor by or under Part 2 of the Police Reform Act 2002 to any person⁴².
- 5.31 The Mayor's arrangements for PCC Functions are set out in Part 3 of the Constitution (Responsibility for Functions).

The Police and Crime Panel - general

- 5.32 The local authorities which the Police Area covers, (that is, the Constituent Councils), must establish and maintain a **Police and Crime Panel** for the Police Area, and make the panel arrangements for the Police and Crime Panel⁴³.
- 5.33 The Police and Crime Panel is a **joint committee**⁴⁴ appointed by the Constituent Councils; it is not a committee of the Combined Authority. The Police and Crime Panel makes its rules of procedure⁴⁵.
- 5.34 The Mayor, a Constituent Council Combined Authority Member or a Substitute Constituent Council Combined Authority Member may not be a member of the Police and Crime Panel⁴⁶.
- 5.35 The Police and Crime Panel may require the Mayor, Deputy Mayor for Policing and Crime, members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC Functions, and any Combined Authority Member who exercises a PCC Function under arrangements made

⁴² In accordance with Regulation 50 of the Police (Complaints and Misconduct) Regulations 2020/2

⁴³ Paragraph 3 of Schedule 6 of the 2011 Act

⁴⁴ Paragraph 4 of Schedule 6 of the 2011 Act

⁴⁵ Paragraph 28 of Schedule 6 of the 2011 Act

⁴⁶ Paragraph 21 of Schedule 6 of the 2011 Act, modified by the 2021 Order. Nor may a member of staff of the Combined Authority be a co-opted member of the Police and Crime Panel (paragraph 21(1)(a))

by the Mayor to attend a meeting. This Chief Constable may also be requested to attend with the Mayor or Deputy Mayor for Policing and Crime.⁴⁷

- 5.36 The Panel may also require the Mayor to respond in writing to any report or recommendation of the Police and Crime Panel to the Mayor.⁴⁸
- 5.37 The Mayor must provide the Police and Crime Panel with any information which the Police and Crime Panel may reasonably require to carry out its functions, (subject to exceptions), and may provide any other information to it which the Mayor thinks appropriate⁴⁹.
- 5.38 For further details about the panel arrangements, membership and proceedings of the Police and Crime Panel see (*link to Police and Crime Panel web-site information*).

Police and Crime Panel - functions

- 5.39 The Police and Crime Panel has **oversight functions** in relation to the Mayor's exercise of PCC Functions.⁵⁰ The Police and Crime Panel does not scrutinise the Chief Constable.⁵¹
- 5.40 The functions of the Police and Crime Panel must be exercised with a view to supporting the effective exercise of PCC Functions.⁵²
- 5.41 The **Police and Crime Panel's functions** include reviewing⁵³
- the draft **Police and Crime Plan** or draft variation sent by the Mayor,
 - the Mayor's **annual report** on PCC Functions – see further below (annual report),
 - any proposed **appointment of the Deputy Mayor of Policing and Crime**,
 - the proposed amount of the **PCC component** of the Mayor's precept, which the Police and Crime Panel may veto⁵⁴ - see further below (finance),
 - the proposed **appointment of a Chief Constable**⁵⁵, which the Police and Crime Panel may veto, subject to holding a confirmation hearing, and

⁴⁷ Section 29 of the 2011 Act, modified by the 2021 Order

⁴⁸ Section 29(3) of the 2011 Act

⁴⁹ Section 13 of the 2011 Act

⁵⁰ Schedule 5C para 4

⁵¹ Paragraph 24 of the Policing Protocol; the accountability of the Chief Constable is to the Mayor, not to the Police and Crime Panel.

⁵² Section 28 of the 2011 Act

⁵³ Section 28 of the 2011 Act

⁵⁴ In accordance with Schedule 5 of the 2011 Act, modified by the 2021 Order

⁵⁵ In accordance with Schedule 8 of the 2011 Act, modified by the 2021 Order

- any **suspension or removal of the Chief Constable**, subject to holding a scrutiny hearing⁵⁶.
- 5.42 In as far as the Police and Crime Panel is not otherwise required to do so, the Police and Crime Panel must
- **review and scrutinise decisions made or other action taken** by the Mayor, the Deputy Mayor for Policing and Crime and any other person who exercises any function of the Mayor under arrangements made by the Mayor, and
 - **make reports and recommendations to the Mayor** in connection with the exercise of PCC Functions.
- 5.43 The Police and Crime Panel may **suspend the Mayor**, so far as acting in the exercise of PCC Functions, in specified circumstances⁵⁷. The Police and Crime Panel must appoint a person to exercise the PCC Functions (“Acting Commissioner”) if the Mayor is suspended from the exercise of PCC Functions⁵⁸.
- 5.44 The Police and Crime Panel has functions in relation to the **misconduct of the Mayor and Deputy Mayor for Policing and Crime**⁵⁹ – see further Article (conduct). Subject to exceptions the Police and Crime Panel may delegate these functions to the Monitoring Officer.⁶⁰

The Police and Crime Plan

- 5.45 The Mayor may, at any time issue, or vary, a police and crime plan⁶¹. In issuing or varying a police and crime plan, the Mayor must have regard to the strategic policing requirement.
- 5.46 The Police and Crime Plan sets out the following:
- the Mayor’s police and crime objectives⁶²,
 - the policing of the Police Area which the Chief Constable is to provide,

⁵⁶ In accordance with Schedule 8 of the 2011 Act, modified by the 2021 Order

⁵⁷ See further Section 30(1) of the 2011 Act

⁵⁸ Section 62 of the 2011 Act, modified by the 2021 Order. The Acting Commissioner must be a member of staff of the Combined Authority deployed wholly or partly in relation to PCC Functions, or the Deputy Mayor for Policing and Crime; the Deputy Mayor may not be appointed – Section 62(2)

⁵⁹ Under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62, made in accordance with Schedule 7 of the 2011 Act and Section 31 of the 2011 Act

⁶⁰ Regulation 7 of the 2012/62 Regulations

⁶¹ Section 5 of the 2011 Act. The Mayor must issue a Police and Crime Plan within the financial year in which each election for the return of the Mayor is held, as soon as practicable after the Mayor takes office.

⁶² These are the Mayor’s objectives for the policing of the Police Area, crime and disorder reduction and the Force’s discharge of its national or international functions – Section 7(2) of the 2011 Act.

- the financial and other resources which the Mayor is to provide to the Chief Constable for the Chief Constable's functions,
- the means by which the Chief Constable will report to the Mayor on the Chief Constable's provision of policing,
- the means by which the Chief Constable's performance in providing policing will be measured,
- the services to be provided to secure crime and disorder reduction or for victim support, and any grants which the Mayor is to make in connection with such services⁶³.

5.47 When issuing or varying the Police and Crime Plan, the Mayor must follow statutory procedures, including consultation with the Chief Constable and sending the draft or variation to the Police and Crime Panel⁶⁴ – see further the Budget and Policy Procedure Rules.

5.48 The Mayor must keep the Police and Crime Plan under review⁶⁵.

Conduct of the Mayor and Deputy Mayor of Policing and Crime

5.49 The Mayor and any Deputy Mayor of Policing and Crime who is a Combined Authority Member must comply with the Members' Code of Conduct. Serious complaints and conduct matters relating to them must be passed to the Director General of the Independent Office for Police Conduct.

5.50 See further Article 9 – Audit and Ethical Arrangements.

Mayor's accountability to the Secretary of State

5.51 The Secretary of State may require Her Majesty's Inspectors of Constabulary to inspect the Force, and the Mayor may at any time request an inspection of the Force.⁶⁶ The inspectors must arrange for any report prepared further to any inspection to be published.⁶⁷

5.52 The Mayor must comply with any directions from the Secretary of State to take specified measures:

- in relation to the Force, where the Secretary of State is satisfied that the whole or any part of the Force is failing to discharge any of its functions in an effective manner⁶⁸, or

⁶³ under Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014

⁶⁴ Section 5(6) of the 2011 Act

⁶⁵ In accordance with Section 5(9) of the 2011 Act.

⁶⁶ Section 54 of the 1996 Act, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act

⁶⁷ In accordance with S55 of the 1996 Act

⁶⁸ In accordance with Section 40 of the Policing Act 1996, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act.

- where the Secretary of State is satisfied that the Mayor is failing to discharge PCC Functions in an effective manner.⁶⁹

5.53 The Secretary of State has power to direct the Mayor in relation to setting a minimum budget – see further Article 14 (Finance, Contracts and Legal).

5.54 The Mayor may enter into agreements with the Secretary of State with respect to the level of performance to be achieved by the Force in respect of any of its **national or international functions**. If the Secretary of State is of the opinion that the Force is not performing any or all of these functions to the specified standard or no satisfactory agreement is in force, the Secretary of State may direct the Mayor to take specified measures. The Mayor must comply with any directions given by the Secretary of State⁷⁰.

Annual Report⁷¹

5.55 The Mayor must produce and publish an annual report on

- the exercise of the PCC Functions in each financial year, and
- the progress made in the financial year in meeting the police and crime objectives in the Mayor's Police and Crime Plan.

5.56 The annual report must be reviewed by the Police and Crime Panel⁷², who must ask the Mayor questions about the report at a public meeting and make a report or recommendation on it to the Mayor.

Information for the public

5.57 The Mayor must publish specified information for the public – see further Access to Information Rules.

5.58 The Mayor may also provide information about the exercise of PCC Functions, and the Chief Constable's functions⁷³, or publish or require the Chief Constable to publish information on policing matters provided to the Mayor by the Chief Constable.⁷⁴

Finance, Contracts, Legal and Audit arrangements

5.59 The Mayor is the recipient of all funding related to policing and crime reduction, including the government grant, the PCC component and other sources of income, and all funding for the Force comes through the Mayor.

⁶⁹ In accordance with Section 40A of the 1996 Act, applied to the Mayor by paragraph 11 of Schedule 5C of the 2009 Act

⁷⁰ Section 96A of the 1996 Act

⁷¹ Section 12 of the 2011 Act

⁷² In accordance with Section 12 and 28(4) of the 2011 Act

⁷³ Section 11 of the 2011 Act

⁷⁴ In accordance with Section 36 of the 2011 Act

How this money is allocated is a matter for the Mayor in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable provides professional advice and recommendations⁷⁵. See further Article 14 (Finance, Contracts and Legal) and the Budget and Policy Rules in Part 4.

5.60 The Mayor must keep a Police Fund⁷⁶ – see further Article 14 (Finance, Contracts and Legal).

5.61 The Mayor's power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of PCC Functions⁷⁷ includes⁷⁸

- entering into contracts and other agreements (whether legally binding or not),
- acquiring and disposing of property (including land), and
- borrowing money.

5.62 The Chief Constable power to do anything which is calculated to facilitate or is conducive or incidental to, the exercise of the Chief Constable's functions⁷⁹ includes:

- entering into contracts and other agreements (whether legally binding or not) but only with the **consent** of the Mayor⁸⁰, and
- acquiring and disposing of property, apart from land, but only with the **consent** of the Mayor.

See further Article 9 (Audit and Ethical Arrangements), Article 14 (Finance, Contracts and Legal) and the Budget and Policy Procedure Rules in Part 4.

⁷⁵ *Policing Protocol paragraph 16.*

⁷⁶ Section 21 of the 2011 Act

⁷⁷ Paragraph 14 of Schedule 1 of the 2011 Act

⁷⁸ Subject to any other provisions of the 2011 Act or other enactment – Paragraph 14 of Schedule 1 of the 2011 Act.

⁷⁹ Paragraph 7 of Schedule 2 of the 2011 Act

⁸⁰ The Chief Constable does not require the consent of the Mayor in relation to contracts or agreements relating to civilian staff – Paragraph 7(4) of Schedule 2 of the 2011 Act.

Part 2 - Articles

Article 6 – Citizens and the Combined Authority

Voting

6.1 Local government electors for the Combined Authority's Area have the right to vote directly for the Mayor¹ on the ordinary polling day every fourth year from 2024.

Information

6.2 The Access to Information Procedure Rules in Part 4 of the Constitution set out the public's rights to information held by the Combined Authority, including

- in relation to meetings of the Combined Authority and its committees and sub-committees (subject to exceptions including in relation to confidential or information information) rights:
 - to attend meetings,
 - to inspect agendas of and reports to meetings and background documents,
 - to access documents after a meeting including minutes, and
 - to report on and record a meeting.
- to inspect the Forward Plan² to find out about:
 - any Key Decision to be made by the Combined Authority, and
 - any request to be made a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability,
- to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor,
- to inspect written records of decisions made by officers,
- to access to information generally held by the Combined Authority³,
- to inspect a list of Combined Authority Members, and
- to inspect information about the exercise of PCC Functions.

¹ Section 3 of the 2021 Order

² The Forward Plan contains details of forthcoming Key Decisions

³ The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) apply to the Combined Authority

- 6.3 Citizens also have the right to inspect and make copies of the Combined Authority's accounting records and related records, and local government electors for the Combined Authority's Area may question or make objections to the Local Auditor – see further Article 9 (Audit and Ethical Arrangements).

Consultation

- 6.4 The Combined Authority must consult with citizens in accordance with any statutory requirement to do so.
- 6.5 In relation to PCC Functions, the Mayor, after consultation with the Chief Constable, must make arrangements for obtaining the views of the community on policing⁴, including in relation to a Police and Crime Plan – see further the Budget and Policy Procedure Rules in Part 4.

Petitions

- 6.6 Citizens may submit a petition to the Combined Authority or the Mayor. Any petition received by the Combined Authority will be dealt with in accordance with the Petitions Scheme in Part 4.

Complaints

- 6.7 Citizens have the right to complain to the Combined Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Combined Authority's complaints scheme).
- 6.8 Citizens may submit any complaint about the conduct of a Combined Authority Member to the Combined Authority's Monitoring Officer in writing, in accordance with the Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution.
- 6.9 In relation to PCC Functions, Citizens may submit a complaint about the conduct of the Mayor or Deputy Mayor for Policing and Crime to the Police and Crime Panel⁵.

Citizen's Responsibilities

- 6.10 Citizens must not be violent, abusive or threatening to Combined Authority Members, Co-optees or officers, and must not wilfully harm the property of the Combined Authority, any Combined Authority Member, Co-optee or officer.

⁴ In accordance with Section 96 of the Police Act 1996

⁵ That is, the West Yorkshire Police and Crime Panel - Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62

Part 2 - Articles

Article 7 – Ordinary (Non-Statutory) Committees

Decision-making committees

- 7.1 The Combined Authority is required to appoint an audit committee and one or more overview and scrutiny committee. These are statutory committees – see further Articles 8 and 9.
- 7.2 The Combined Authority may also appoint an **ordinary** (that is, non-statutory) **committee**¹ to carry out **Non-Mayoral Functions**.² This does not prevent the Combined Authority from exercising any such function³.
- 7.3 The Combined Authority shall fix the **number of members** of an ordinary committee and their **term of office**⁴.
- 7.4 Other than for a committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making committee may include **Co-optees** (that is, persons who are not a Combined Authority Member)⁵ – see further 7.15 below in relation to the voting rights of any co-optee.
- 7.5 The Mayor is **not** authorised by law to delegate a **Mayoral Function** to a committee. Nor can the Combined Authority arrange for a committee or sub-committee to exercise a Mayoral Function.⁶

Decision-making sub-committees

- 7.6 A committee may appoint one or more sub-committees,⁷ and, unless the Combined Authority otherwise directs, the committee may arrange for a sub-committee or officer to exercise any of its functions.⁸ This does not prevent the committee from exercising any such function.⁹

¹ In accordance with Section 102(1) of the Local Government Act 1972

² Sections 101(1) of the 1972 Act. Not all Non-Mayoral Functions may be carried out by a committee; for example, the Combined Authority's functions with respect to levying or issuing a precept for a rate shall only be exercised by the Combined Authority – Section 101(6) of the 1972 Act

³ Any reference to a function in this is to be taken as including a reference to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of the function – Section 101(12) of the 1972 Act

⁴ Section 102(2). A member of a committee who is a Combined Authority Member shall cease to be a member of the committee on ceasing to be a Combined Authority Member – Section 102(5) of the 1972 Act

⁵ Section 102(3) of the 1972 Act. Section 104 of the 1972 Act sets out disqualification criteria in respect of membership of a committee or sub-committee.

⁶ Section 101(1D) of the 1972 Act

⁷ Section 102(1)(c) of the 1972 Act

⁸ Section 101(2) of the 1972 Act

⁹ Section 101(4) of the 1972 Act

- 7.7 Any committee which appoints a sub-committee shall fix the **number of members** of the sub-committee and their **term of office**.¹⁰ Other than for a sub-committee for regulating and controlling the finance of the Combined Authority, membership of a decision-making sub-committee may include **Co-optees**.¹¹
- 7.8 Unless the Combined Authority or the committee directs otherwise, a sub-committee may arrange for an officer to exercise any of its functions. This will not prevent the sub-committee from exercising any such function.¹²

Advisory committees and sub-committees

- 7.9 The Combined Authority may appoint a committee to advise the Combined Authority on any matter relating to the exercise of functions of the Combined Authority.¹³ Membership of an advisory committee may consist of **Co-optees** appointed for a term fixed by the Combined Authority.¹⁴
- 7.10 An advisory committee may appoint one or more sub-committees to advise the committee¹⁵.

General

- 7.11 The functions which a committee may exercise are set out in the committee's **terms of reference** – see further Part 3.
- 7.12 The Combined Authority may make **standing orders** for any committee or sub-committee with respect to quorum, proceedings and place of meeting¹⁶ – see further the Combined Authority Procedure Rules and the Access to Information Rules in Part 4. Subject to any standing orders made by the Combined Authority, the committee or sub-committee may determine the quorum, proceedings and place of meeting.
- 7.13 **Private Sector Representatives** on committees and sub-committees are appointed in accordance with the Recruitment and Appointment Procedure for Private Sector Representatives in Part 5.
- 7.14 **Allowances** for Co-optees are set out in the Combined Authority's Members' Allowances Scheme in Part 6.

¹⁰ Section 102(2) of the 1972 Act.

¹¹ Section 102(3) of the 1972 Act. Section 104 of the 1972 Act sets out when people will be disqualified from being a member of a committee or sub-committee.

¹² Section 101(4) of the 1972 Act

¹³ Section 102(4) of the 1972 Act

¹⁴ Section 102(4) of the 1972 Act

¹⁵ Section 102(4) of the 1972 Act

¹⁶ Section 106 of the 1972 Act

Voting rights

- 7.15 A Co-optee who is a member of an ordinary **decision-making committee or sub-committee** appointed by the Combined Authority shall be a non-voting member of that committee or sub-committee unless that person:
- is a member of one of the Constituent Councils, or
 - is a member appointed from the Non-Constituent Council or the LEP given voting right by resolution of the Combined Authority¹⁷, and
 - in relation to a sub-committee, is a member of the committee which appointed the sub-committee.
- 7.16 No person who is a member of an **advisory committee or sub-committee** is required to be treated as a non-voting member of that committee or sub-committee.¹⁸

¹⁷ Schedule 1 of the West Yorkshire Combined Authority Order 2014

¹⁸ Section 13(4)(e) and S13(4)(h) of the Local Government and Housing Act 1989

Part 2 - Articles

Article 8 – Overview and Scrutiny

- 8.1 The Combined Authority must appoint one or more overview and scrutiny committees¹. An overview and scrutiny committee may appoint one or more sub-committees to carry out any of its functions².
- 8.2 The Combined Authority's arrangements must ensure that the overview and scrutiny committee has power (or its overview and scrutiny committees have power between them) to
- review or scrutinise any decision made or other action taken by the Combined Authority in connection with exercising any Non-Mayoral Function,
 - make reports or recommendations to the Combined Authority with respect to exercising any Non-Mayoral Function,
 - review or scrutinise decisions made or other action taken by the Mayor in connection with exercising any Mayoral General Function,
 - make reports or recommendations to the Mayor with respect to exercising any Mayoral General Function, and
 - make reports or recommendation to the Combined Authority or the Mayor on matters that affect the Combined Authority's Area or its inhabitants.

Call-in of decisions

- 8.3 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power³ to call-in a decision; that is,
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
 - recommend that the decision be reconsidered.

Accountability mechanisms

- 8.4 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer of the Combined Authority to attend before it to answer questions⁴.

¹ Paragraph 1 of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009

² Paragraph 2 of Schedule 5A of the 2009 Act.

³ Paragraph 1(4) of Schedule 5A of the 2009 Act

⁴ Paragraph 2 of Schedule 5A of the 2009 Act

- 8.5 An overview and scrutiny committee or sub-committee may require the Combined Authority or the Mayor to respond to any report or recommendation – see further Scrutiny Standing Orders in Part 4.⁵

Proceedings

- 8.6 An overview and scrutiny committee and any sub-committee will follow the Scrutiny Standing Orders in Part 4.

Membership

- 8.7 The Combined Authority shall appoint at least one elected member of each Constituent Council and the Non-Constituent Council to each overview and scrutiny committee⁶.
- 8.8 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils⁷.
- 8.9 The number of members of each of the Constituent Councils appointed to any overview and scrutiny committee must be such that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.⁸
- 8.10 Neither the Mayor nor any other Combined Authority Member may be a member of an overview and scrutiny committee or sub-committee⁹.
- 8.11 Within 28 days of any appointment to any overview and scrutiny committee, the Head of Legal and Governance Services will publish a notice about the appointment¹⁰ on the Combined Authority's web-site.

Voting

- 8.12 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council, has one vote.¹¹
- 8.13 Any member of an overview and scrutiny committee not from a Constituent Council is non-voting unless the Combined Authority has resolved to give such a member voting rights.¹²

⁵ Article 7 of the 2017 Order

⁶ Paragraph 4(2) of Schedule 1 of the West Yorkshire Combined Authority Order 2014 as amended

⁷ Article 3 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

⁸ Article 4 of the 2017 Order

⁹ Paragraph 2(3) of Schedule 5A of the 2009 Act

¹⁰ Article 4 of the 2017 Order

¹¹ Article 3(3) of the 2017 Order

¹² Article 4(3) of the 2014 Order as amended

8.14 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.¹³

Chair

8.15 The Combined Authority will appoint the Chair¹⁴ of any overview and scrutiny committee.

8.16 The Chair must be:

- an independent person¹⁵, or
- an appropriate person who is a member of one of the Constituent Councils (that is, a person who is not a member of a registered political party of which the Mayor is a member)¹⁶.

Quorum

8.17 For business to be transacted at a meeting, two thirds of the total number of members of the committee or sub-committee must be present.

Scrutiny Officer

8.18 The Council must designate one of its officers as a Scrutiny Officer, to

- promote the role of any Combined Authority overview and scrutiny,
- provide support and guidance to any overview and scrutiny committee and its members, and
- provide support and guidance to Combined Authority Members in relation to the functions of any overview and scrutiny committee.

8.19 The Combined Authority cannot designate as Scrutiny Officer any officer of a Constituent Council¹⁷.

¹³ Article 3 of the 2017 Order

¹⁴ Paragraph 3 of Schedule 5A of the 2009 Act

¹⁵ As defined by Article 5 of the 2017 Order

¹⁶ Paragraph 3 of Schedule 5A of the 2009 Act. Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is a member of the registered party which has the most representatives among the members of the Constituent Councils on the Combined Authority, or, where two or more parties have the same number of representatives, a member of any of those parties - Article 5 of the 2017 Order.

¹⁷ Article 9(3) of the 2017 Order

Part 2 - Articles

Article 9 – Audit and Ethical Arrangements

Audit Committee arrangements

- 9.1 The Combined Authority must appoint an audit committee.¹
- 9.2 The functions of an audit committee include²:
- reviewing and scrutinising the Combined Authority's financial affairs,
 - reviewing and assessing the Combined Authority's risk management, internal control and corporate governance arrangements,
 - reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Combined Authority's functions,
 - making reports and recommendations to the Combined Authority in relation to any reviews it conducts.
- 9.3 The functions of the Combined Authority's audit committee are set out in the committee's **terms of reference** – see further Part 3.
- 9.4 The Combined Authority must ensure that the members of the audit committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.³
- 9.5 The audit committee may not include any officer of the Combined Authority or of a Constituent Council.⁴
- 9.6 The Combined Authority must appoint to the audit committee at least one independent person.⁵
- 9.7 The quorum for an audit committee must be no fewer than two-thirds of the total number of members of the committee.⁶

¹ Paragraph 4(1) of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and Article 14 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

² Paragraph 4 of Schedule 5A of the 2009 Act

³ Article 14(1) of the 2017 Order

⁴ Article 14(2) of the 2017 Order

⁵ In accordance with Article 14 of the 2017 Order.

⁶ Article 14 of the 2017 Order

9.8 A joint body may be appointed to consider the internal and external audit reports of both the Mayor in respect of PCC Functions and the Chief Constable, and to advise according to good governance principles including the adoption of appropriate risk management arrangements in accordance with proper practices⁷.

Internal audit

9.9 The Combined Authority has a duty to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.⁸

External audit

9.10 The Combined Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.⁹

9.11 The Local Auditor may issue an advisory notice to the Combined Authority if they consider that the Combined Authority or an officer has undertaken or is about to undertake unlawful action that has financial implications.¹⁰

Audit of accounts

9.12 The Combined Authority must prepare a **statement of accounts** in respect of each financial year – see further Article 14 (Finance, Contracts and Legal matters). The Combined Authority's accounts for a financial year must be audited by a Local Auditor.¹¹

9.13 A Local Auditor carrying out an audit of accounts may apply to the Court for a declaration that the item of account is unlawful.¹²

9.14 The accounts of the Chief Constable must be audited by the Local Auditor appointed by the Combined Authority to audit the accounts for the financial year.¹³

9.15 At each audit of accounts, any person interested may inspect and make copies of the Combined Authority's accounting records and related records,

⁷ Home Office guidance - Financial Management Code of Practice. Audit Committees, Practical Guidance for Local Authorities and Police, CIPFA 2018.

⁸ Regulation 6 of the Accounts and Audit Regulations 2015 and Schedule 2 of the Local Audit and Accountability Act 2014; the Combined Authority is a 'relevant authority' for these purposes.

⁹ Section 7 of the 2014 Act

¹⁰ Section 29 of the 2014 Act

¹¹ In accordance with Section 4(1) of the 2014 Act. Accounts in this context means the Combined Authority's accounting records and statement of accounts – see further Article 14 (Finance, Contracts and Legal).

¹² Section 28 of the 2014 Act

¹³ Section 2 of the 2014 Act

subject to exceptions in relation to commercial confidentiality and personal information¹⁴.

- 9.16 A local government elector or their representative must be given the opportunity to question the Local Auditor¹⁵ and may make an objection to the Local Auditor¹⁶ and appeal to the Court against any decision by the Local Auditor not to consider the objection or apply to Court for a declaration that an item is of account is unlawful.¹⁷

Ethical arrangements - Member Standards and Conduct

- 9.17 The Combined Authority must promote and maintain high standards of conduct by Combined Authority Members and Co-optees.¹⁸
- 9.18 The Combined Authority must adopt a Code to deal with the conduct expected of Combined Authority Members and Co-optees when they are acting in that capacity.¹⁹ The Combined Authority may also adopt such other Codes of Practice or Protocols as it considers appropriate to promote and maintain high standards of conduct – see further Part 5.
- 9.19 The Code must when viewed as a whole, be consistent with the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code must include provision in respect of registering and disclosing interests - see further the Members' Code of Conduct in Part 5.
- 9.20 The Combined Authority must put in place arrangements under which allegations of a failure to comply with the Code can be investigated, and under which decisions on allegations can be made – see further the terms of reference of the Governance and Audit Committee in Part 3 and the Procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5.
- 9.21 The Combined Authority's must appoint at least one independent person.²⁰ The views of the independent person
- must be sought and taken into account by the Combined Authority before it makes its decision on an allegation it has decided to investigate, and

¹⁴ Section 25 and 26 of the 2014 Act

¹⁵ Section 26 of the 2014 Act

¹⁶ In accordance with Section 27 of the 2014 Act

¹⁷ Section 28(3) of the 2014 Act.

¹⁸ Section 27 of the Localism Act 2011

¹⁹ Section 27 of the 2011 Act

²⁰ In accordance with Section 28 of the 2011 Act

- may be sought by the Combined Authority in other circumstances, or by a Combined Authority Member or Co-optee whose behaviour is the subject of an allegation.
- 9.22 In relation to PCC Functions, any serious complaint and conduct matter in relation to the Mayor and to a Deputy Mayor of Policing and Crime who is a Combined Authority Member must be passed to the Director General of the Independent Office for Police Conduct.²¹ Any other complaint will be referred by the Police and Crime Panel to the Monitoring Officer to deal with in accordance with the Combined Authority's Members' Code of Conduct – see above.
- 9.23 If the complaint concerns the conduct of a Deputy Mayor for Policing and Crime who is not a Combined Authority Member when the complaint is recorded, the Police and Crime Panel shall make arrangements for the complaint to be subject to informal resolution.²²

Ethical Arrangements – Officer Standards and Conduct

- 9.24 An officer must comply with the applicable Officer Code of Conduct, and any applicable protocol or policy relating to ethical standards - see further Article 9 (Audit and Ethical Standards) and Part 5.
- 9.25 The Monitoring Officer shall keep a record of interests disclosed to them by an officer in accordance with any Officer Code of Conduct in Part 5 of this Constitution, and make the record available for inspection by a Combined Authority Member²³.

Ethical Arrangements – role of the Monitoring Officer

- 9.26 The Monitoring Officer must maintain a register of interests of Combined Authority Members and voting Co-optees of the Combined Authority²⁴ and secure that the register is:
- available for inspection in the Combined Authority Area at reasonable hours, and
 - published on the Combined Authority's website.
- 9.27 The Monitoring Officer also has a role in relation to allegations submitted of a failure to comply with the Members' Code of Conduct – see above.

²¹ Section 31 of the Police Reform and Social Responsibility Act 2011 and in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62

²² In accordance with Regulation 28 of the 2012 Regulations

²³ Including a pecuniary interest in a contract under Section 117 of the Local Government Act 1972

²⁴ Section 29 of the Localism Act 2011

Part 2 - Articles

Article 10 – The LEP

Role of the LEP

10.1 The LEP is an autonomous business-led public private local partnership which brings together the private and public sectors from across the City Region to:

- provide strategic leadership,
- unlock the region's vast potential by enabling business to grow and develop,
- stimulate growth that will create jobs and prosperity for everyone who lives, works and does business in the region,
- develop strategy and policy aimed at meeting both the current and future needs for the region's economy, and
- deliver schemes that support businesses and accelerate growth.

The Combined Authority as accountable body for the LEP

10.2 The Combined Authority is the accountable body for the LEP, responsible for:

- carrying out finance functions on behalf of the LEP,
- oversight of the LEP's financial and governance, transparency and accountability arrangements, and
- providing additional support as agreed by the LEP.

The LEP Member

10.3 The LEP nominates a representative to the Combined Authority to be appointed as a Combined Authority Member by the Combined Authority (the LEP Member). A Substitute Member is also appointed to act in the absence of the LEP Member. The terms of office and voting rights of the LEP Member are set out in Article 3 (Membership of the Combined Authority).

LEP Governance

10.4 Responsibility for LEP decision-making rests with its LEP Board, the decision-making forum for the LEP.

10.5 The LEP has a private sector Chair.

10.6 The Mayor is a member of the LEP.

10.7 Advisory committees of the Combined Authority also advise the LEP.

10.8 The LEP Constitution and other related governance documents are approved by the LEP Board (*insert link*).

The Assurance Framework

- 10.9 The Combined Authority and the LEP have agreed a joint Assurance Framework, which sets out the arrangements that the Combined Authority and the LEP have in place to ensure that public money is managed effectively. It explains how the Combined Authority and the LEP identify, appraise and evaluate schemes to achieve value for money.
- 10.10 The focus of the Assurance Framework is to ensure that necessary practices and standards are implemented to provide the Government, Combined Authority, the LEP and local partners with assurance that decisions over funding (and the means by which these decisions are implemented) are proper, transparent and deliver value for money.
- 10.11 The Assurance Framework also sets out the respective roles and responsibilities of the Combined Authority and the LEP, including how the formal accountability relationship between the Combined Authority and the LEP works.

Part 2 - Articles

Article 11 – Joint arrangements and Partnership working

Joint arrangements – Non-Mayoral Functions and Mayoral General Functions

- 11.1 Arrangements made by the Combined Authority for exercising Non-Mayoral Functions may include joint arrangements with one or more other local authorities – see further Article 2 (the Combined Authority).
- 11.2 The Mayor may enter into arrangements jointly⁵² with the Combined Authority, the Constituent Councils and other councils⁵³ for the discharge of the Mayoral General Functions.
- 11.3 Part 3 of the Constitution sets out any joint arrangements agreed by the Combined Authority or the Mayor.

Transport for the North

- 11.4 The Combined Authority is a Constituent Authority of Transport for the North, a sub-national transport body.¹
- 11.5 As a Constituent Authority, the Combined Authority appoints a Combined Authority Member to be a voting member of Transport for the North. This must be the Mayor or a Constituent Council Combined Authority Member with responsibility for transport.²
- 11.6 The Combined Authority must also appoint a substitute for the voting member.
- 11.7 The Combined Authority may terminate either appointment at any time, by written notice to Transport for the North.
- 11.8 In addition to its general functions as a sub-national transport body and other functions relating to highways and franchising, the Combined Authority has consented to Transport for the North exercising functions concurrently with the Combined Authority in respect of making capital grants towards capital expenditure on public transport facilities, and in respect of ticketing schemes.

¹ Sub-national Transport Body (Transport for the North) Regulations 2018/103

² Transport Act 2000 and Paragraph 1 of the 2018 Regulations.

PCC Functions

- 11.9 The Mayor may enter into emergency services collaboration agreements³, subject to specified restrictions and further to consultation with the Chief Constable. Such an agreement may not include provision for the delegation of any function where that function may not otherwise be delegated.
- 11.10 The Mayor may also enter into collaboration agreements in relation to functions of members of a police force or support for a policing body.⁴ The Mayor must publish any such agreement or publish the fact that the agreement has been made and such other details as the Mayor considers appropriate.⁵
- 11.11 The Mayor must in exercising PCC Functions, have regard to the relevant priorities of each responsible authority, as defined by Section 5 of the Crime and Disorder Act 1998.
- 11.12 The Mayor in exercising PCC Functions and any responsible authority in exercising its functions conferred by or under Section 6 of the Crime and Disorder Act 1998 must act in co-operation with each other.
- 11.13 The Mayor and the criminal justice bodies in the Police Area must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the Police Area.

³ In accordance with Sections 1- 5 of the Policing and Crime Act 2017

⁴ In accordance with Sections 22A – 23 H of the Police Act 1996

⁵ Section 23E of the 1996 Act

Part 2 – Articles

Article 12 – Officers

Statutory Officers

12.1 The Combined Authority is required to appoint or designate the following statutory officers:

- Head of Paid Service¹,
- Monitoring Officer², and
- Section 73 Chief Finance Officer³,

12.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness⁴.

Statutory Officer	Post-holder	Deputy
Head of Paid Service	Managing Director	Director of Corporate Services
Section 73 Chief Finance Officer	Director of Corporate Services	Head of Finance ⁵
Monitoring Officer	Head of Legal & Governance Services	Governance Services Manager ⁶

Head of Paid Service

12.3 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined Authority setting out their proposals in relation to:

¹ Designated under Section 4 of the Local Government and Housing Act 1989 and may be the Section 73 Chief Finance Officer if a qualified accountant

² Designated under Section 5 of the 1989 Act.

³ Section 73 of the Local Government Act 1985; the Section 73 Chief Finance Officer must be qualified in accordance with Section 113 of the Local Government Finance Act 1988.

⁴ Section 5(7) of the 1989 Act (Monitoring Officer) and Section 114 of the Local Government Finance Act 1988 (Section 73 Chief Finance Officer)

⁵ Nominated by the Section 73 Chief Finance Officer under Section 114(6) of the 1988 Act

⁶ Nominated by the Monitoring Officer under section 5(7) of the 1989 Act

- the manner in which the discharge by the Combined Authority of its different functions is co-ordinated,
- the number and grades of staff required by the Combined Authority for discharging its functions,
- the organisation of the Combined Authority's staff, and
- the appointment and proper management of the Combined Authority's staff.

The Combined Authority must consider any such report at a meeting within three months of the report first being sent to the Combined Authority Members⁷.

- 12.4 The Head of Paid Service shall, as soon as practicable after preparing any report relating to the Mayor's PCC Functions⁸, arrange for a copy of it to be sent to the Combined Authority Members (including the Mayor) and to the Police and Crime Panel.
- 12.5 The Head of Paid Service will receive the declaration of the Mayor in relation to the duty of exercising PCC Functions for West Yorkshire⁹.
- 12.6 The Head of Paid Service must¹⁰ consider any application for exemption from political restriction in respect of any post in the Combined Authority by the holder for the time being of that post, and may¹¹ give directions to the Combined Authority to include a post in the list of politically restricted posts.

Monitoring Officer

- 12.7 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority¹² would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report¹³ to each Combined Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined Authority Members. The Combined Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.¹⁴

⁷ Section 4(5) of the 1989 Act

⁸ Section 4(4) of the 1989 Act, as modified by paragraph 9(3) of Schedule 5 of the 2021 Order

⁹ Section 70 of the 2011 Act, modified by the 2021 Order

¹⁰ Section 3A(1)(a) of the 1989 Act

¹¹ Section 3A(1)(b) of the 1989 Act

¹² Or by any committee or sub-committee, or person holding any office of employment under the Combined Authority or by any joint committee on which the Combined Authority are represented

¹³ Section 5 of the 1989 Act

¹⁴ Section 5(5) and (6) of the 1989 Act

12.8 If it appears to the Monitoring Officer that any proposal, decision or omission by the Mayor in relation to PCC Functions would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report¹⁵ to the Mayor, to every other Combined Authority Member and to the Police and Crime Panel¹⁶, (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Mayor must consider the report no later than three months after the Mayor is sent a copy of the report.

12.9 The Monitoring Officer has a statutory role in respect of promoting and maintaining ethical standards – see further Article 9 (Audit and Ethical Arrangements).

Section 73 Chief Finance Officer

12.10 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined Authority in accordance with Section 73 of the Local Government Act 1985.

12.11 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report¹⁷ if it appears to the Section 73 Chief Finance Officer that the Combined Authority¹⁸

- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
- has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
- is about to enter an item of account unlawfully.

12.12 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined Authority incurred in a financial year is likely to exceed the resources available to the Combined Authority.

12.13 The Section 73 Chief Finance Officer must send a copy of any such report to the local auditor and to each Combined Authority Member¹⁹. The Combined Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined Authority Members, and decide whether to agree or disagree with the views contained in it, and what action it

¹⁵ Section 5 of the 1989 Act

¹⁶ Section 5 of the 1989 Act, as amended by section 9(4) of Schedule 5 of the 2021 Order

¹⁷ Section 6 of the 1989 Act

¹⁸ Or a committee, a person holding any office or employment under the Combined Authority or a joint committee on which the Combined Authority is represented

¹⁹ Section 114 of the 1988 Act

proposes to take.²⁰ The local auditor must be notified of meeting and as soon as practicable, any decision taken at the meeting.²¹

12.14 Where the report relates to the Mayor's PCC Functions, the report must be sent to each member of the Police and Crime Panel, and the Mayor must within 21 days consider the report, and decide whether to agree or disagree with the views contained in it, and what action (if any) they propose to take, setting this out in a report.²² The Mayor must send the report to the Section 73 Chief Finance Officer, the local auditor and each member of the Police and Crime Panel. The Section 73 Chief Finance Officer must notify the local auditor of any decision taken by the Mayor²³.

12.15 There are restrictions on the actions which may be taken during the period beginning when the report is sent and ending after the Combined Authority has considered the report.²⁴

Data Protection Officer

12.16 The Combined Authority is required to designate an officer as its Data Protection Officer²⁵. who is responsible for:

- informing and advising the Combined Authority and its employees about their obligations to comply with the General Data Protection Regulations (GDPR) and other data protection laws,
- monitoring compliance with the GDPR and other data protection laws, including:
 - managing internal data protection activities,
 - advising on data protection impact assessments,
 - training staff, and
 - conducting internal audits in relation to data.
- being the first point of contact for supervisory authorities and for individuals whose data is processed.

Scrutiny Officer

12.17 The Combined Authority is required to designate an officer as its Scrutiny Officer - see further Article 8 (Overview and Scrutiny).

²⁰ Section 115 of the 1988 Act

²¹ Section 116 of the 1988 Act

²² S115(1B) of the 1988 Act

²⁴ Section 155 of the 1988 Act

²⁵ Section 69 of the Data Protection Act 2018

Proper officers

- 12.18 The Combined Authority is required to appoint Proper Officers²⁶ to discharge specific functions.
- 12.19 The Proper Officers for the Combined Authority are set out in the Officer Delegation Scheme in Section 4 of Part 3 (Responsibility for Functions) of the Constitution.

Duty to Provide Sufficient Resources

- 12.20 The Combined Authority will provide the Head of Paid Service, Monitoring Officer, Section 73 Chief Finance Officer²⁷ and Data Protection Officer with such officers, accommodation and other resources as are in the opinion of the officer sufficient to allow their duties to be performed.

Political Restrictions

- 12.21 The following are regarded as holding politically restricted posts under the Combined Authority²⁸:
- specified senior officers, and
 - every member of staff of the Combined Authority deployed predominantly in relation to the Mayor's PCC Functions²⁹,
 - the Mayor's Political Advisor.³⁰
- 12.22 The Combined Authority must also maintain a list of other posts which are politically restricted.
- 12.23 Requirements for restricting political activities apply to these postholders.

Delegation to Officers

- 12.24 Non-Mayoral Functions may be exercised by an officer with delegated authority – see further Article 2 (the Combined Authority) and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.25 Mayoral Functions (Mayoral General Functions and PCC Functions) may be exercised by an officer in accordance with arrangements made by the Mayor - see further Articles 4 and 5 and the Officer Scheme of Delegation in Part 3 of the Constitution.
- 12.26 Officers must comply with Article 13 (Decision-making) when exercising authority delegated to them.

²⁶ Section 270(3) of the 1972 Act

²⁷ Section 114 of the Local Government Finance Act 1988

²⁸ Sections 1 and 2 of the Local Government and Housing Act 1989

²⁹ Excluding the Deputy Mayor for Policing and Crime

³⁰ Article 4 of the 2021 Order

Conduct

12.27 An officer must comply with the applicable Officer Code of Conduct, and any applicable protocol or policy relating to ethical standards - see further Article 9 (Audit and Ethical Standards) and Part 5.

Employment

12.28 The Combined Authority shall not appoint as an officer any person who is:

- the operator of any public passenger transport services,
- director of any company or an employee of any company or other person who is such an operator, or
- 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,

and any officer who subsequently becomes such an operator, director partner or employee shall immediately vacate their office or employment with the Combined Authority.³¹

12.29 A Combined Authority Member is disqualified from being appointed as an officer³².

Appointment: canvassing of and recommendations by Members

12.30 Any candidate who canvasses any Combined Authority Member (directly or indirectly) for any appointment under the control of the Combined Authority will be disqualified from appointment.

12.31 A Combined Authority Member shall not solicit any person for any appointment under the control of the Combined Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for the candidate to submit to the Combined Authority with an application for employment.

Appointment: Relatives of Members or officers

12.32 A candidate for any appointment under the control of the Combined Authority who is related to any officer or Combined Authority Member shall, when making application, disclose that relationship to the Head of Paid Service³. A candidate who fails to disclose such relationship will be:

- disqualified from appointment, or
- if appointed, liable to dismissal without notice.

12.33 A Combined Authority Member or officer shall disclose to the Head of Paid Service any relationship known to exist between the Combined Authority

³¹ In accordance with S9A(8) Transport Act 1968

³² Section 116 of the 1972 Act

Member or officer and any person who is a candidate for appointment with the Combined Authority. The Head of Paid Service shall report any such disclosure to the Combined Authority.

- 12.34 No candidate so related to a Combined Authority Member or officer will be appointed without the approval of the relevant officer with delegated authority identified for those purposes in the Officer Delegation Scheme.

DRAFT

Part 2 - Articles

Article 13 – Decision making

Principles of Decision Making

13.1 All decisions of the Combined Authority, including those made by or on behalf of the Mayor, by a committee or an officer, should be made in accordance with the following principles:

- proportionality (that is the action must be proportionate to the desired outcome),
- due consultation and the taking of professional advice from officers,
- having regard to relevant and material considerations and disregarding irrelevant considerations,
- guarding against any form of predetermination in any decision-making process,
- consideration of any alternative options,
- respect for human rights,
- a presumption in favour of openness and transparency,
- clarity of aims and desired outcomes,
- the giving of reasons for the decision and the proper recording of those reasons.

13.2 All decision-makers are expected to make decisions in accordance with this Article and subject to:

- statute or other legal requirements, including the principles of public law, statutory guidance and statutory codes of practice,
- the Human Rights Act 1998 and the Equality Act 2010, including the Public Sector Equality Duty¹,
- this Constitution, including the standing orders in Part 4,
- the revenue and capital budgets of the Combined Authority, subject to any variation permitted by the Combined Authority's Financial Regulations in Part 4 and

¹ Section 149 of the Equality Act 2010

- any policy or direction of the Combined Authority, or any committee sub-committee or joint committee acting in exercise of functions delegated to it by the Combined Authority.

Key Decisions

13.3 A Key Decision² means a decision of a decision-maker in the exercise of Non-Mayoral or Mayoral General Functions that is likely to:

- result in the Combined Authority incurring significant expenditure, or the making of significant savings, having regard to the Combined Authority's budget for the service or function to which the decision relates, or
- be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the Combined Authority's Area.

13.4 The Access to Information Rules at Part 4 of this Constitution set out the procedure for publishing the intention to make a Key Decision (that is publication on the Forward Plan), and the provisions for making urgent decisions.

13.5 A decision-maker may only make a Key Decision in accordance with the requirements of the:

- Access to Information Rules, and
- Combined Authority Procedure Standing Orders, or
- Mayoral Procedure Rules

in Part 4 of this Constitution.

13.6 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee - see further Article 8 (Overview and Scrutiny) and the Overview and Scrutiny Standing Orders in Part 4 of this Constitution.

Decision-makers acting as Tribunals

13.7 The Combined Authority, a Combined Authority Member or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

² Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Recording Decisions

- 13.8 Any decision taken at a meeting of the Combined Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in Part 4 of this Constitution.

DRAFT

Part 2 - Articles

Article 14 – Finance, Contracts and Legal Matters

Grants

- 14.1 A minister of the Crown may pay a grant or grants to the Combined Authority towards expenditure incurred or to be incurred by the Combined Authority.¹
- 14.2 The Secretary of State makes police grants for the purposes of PCC Functions². These may include grants in respect of capital expenditure and in connection with safeguarding national security.³ The Secretary of State may also provide emergency financial assistance to the Mayor in relation to their exercise of PCC Functions, where an emergency or disaster has occurred.⁴
- 14.3 The Combined Authority (and any Constituent Council) may also make grants to be used in respect of PCC Functions.⁵

Levying

- 14.4 The Combined Authority as a levying body⁶ may issue a levy to Constituent Councils in respect of each financial year to enable the Combined Authority to meet the Combined Authority's liabilities which are reasonably attributable to the exercise of its transport functions⁷ for which provision is not otherwise made. The costs of functions related to transport must be met by a levy issued by the Combined Authority.⁸ The levy cannot be for any expenses attributable to Mayoral Functions⁹.
- 14.5 The Combined Authority shall issue a levy before 15 February preceding the start of the financial year in respect of which it is issued.¹⁰

¹ In accordance with Section 31 of the Local Government Act 2003 or other enactments.

² In accordance with Section 46 of the Police Act 1996

³ In accordance with Section 47 and 48 of the 1996 Act PCC under S101 of the 1996 Act)

⁴ Section 155 of the Local Government and Housing Act 1989

⁵ Section 92 of the 1996 Act, modified by the 2021 Act

⁶ Regulation 3 of the Transport Levying Bodies Regulations 1992/2789

⁷ Section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992

⁸ Article 29(5) of the 2021 Order

⁹ Section 74(13) of the Local Government Finance Act 1988

¹⁰ Regulation 5 of the 1992 Regulations

- 14.6 The amounts for which levies are issued are borne by the Constituent Councils by reference to the population of each Constituent Council, to be paid in full in the financial year for which the levy is issued.¹¹

Borrowing

- 14.7 The Combined Authority may borrow for any purpose relevant to its **transport functions**.¹² The Mayor may borrow for any purpose relevant to **PCC Functions**.¹³ Borrowing powers are subject to and in accordance with setting an affordable borrowing limit and any limits imposed by the Secretary of State.¹⁴
- 14.8 The Chief Constable may with the consent of the Mayor temporarily borrow sums and invest.¹⁵

Precept

- 14.9 Costs of the Mayor incurred in or in connection with the exercise of **Mayoral Functions** (that is Mayoral General Functions and PCC Functions) are met from precepts issued by the Combined Authority¹⁶ to each Constituent Council (in its capacity as a billing authority).
- 14.10 The Combined Authority is a major precepting authority under the Local Government and Finance Act 1992¹⁷.
- 14.11 Subject to transitional provisions¹⁸, for each financial year the Combined Authority shall issue a precept. The precept may be issued only in relation to expenditure incurred by the Mayor in or in connection with the exercise of Mayoral Functions.¹⁹

¹¹ In accordance with the 1992 Regulations

¹² Section 1 of the Local Government Act 2003, as applied by Section 23 of the 2003 Act

¹³ Exercising the functions of PCC as a local authority - Section 23 of the 2003 Act

¹⁴ Sections 3 and 4 of the 2003 Act and the (Capital Finance and Accounting) England Regulations 2003/3146; controls in respect of credit arrangements must be complied with and regard had to the CIPFA Prudential Code for Capital Finance in Local Authorities.

¹⁵ In accordance with paragraph 7A of Schedule 2 of the 2011 Act

¹⁶ Article 3 of the Combined Authorities (Finance) Order 2017/611. This is subject to transitional provisions

¹⁷ Section 39 of the Local Government Finance Act 1992. (The Mayor is not a major precepting authority; Paragraph 15 of Schedule 6 to the 2021 Order).

¹⁸ The costs of the Mayor for the financial year commencing on 1 April 2021 are to be met from precepts issued by the PCC - Article 30 of the 2021 Order

¹⁹ In accordance with Section 40 of the Local Government Finance Act 1992

- 14.12 The function of issuing precepts in respect of Mayoral Functions is exercisable only by the Mayor acting on behalf of the Combined Authority.²⁰
- 14.13 The precept issued to a billing authority must state:
- the amount calculated in relation to the year and each category of dwellings in the billing authority's area (see further below), and
 - the amount calculated as the amount payable by the billing authority for the year.²¹
- 14.14 The amounts must be stated separately in respect of a PCC component and a general component (further see below.)²²
- 14.15 When calculating the amount in relation to the year and each category of dwellings in each billing authority's area, the Combined Authority must calculate the following:
- the council tax requirement,²³
 - the basic amount of council tax,²⁴
 - any calculations in respect of special items,²⁵ and
 - tax for different valuation bands.²⁶
- 14.16 Calculations must be made separately in respect of the Mayor's PCC Functions (the PCC component) and the Mayor's Mayoral General Functions (the general component).²⁷ The function of calculating the component in respect of PCC Functions is itself treated as a PCC Function, (that is, must be carried out by the Mayor).
- 14.17 Where calculations are made in respect of the council tax requirement, the Section 73 Chief Finance Officer must report to the Combined Authority on
- the robustness of the estimates made for the calculations, and
 - the adequacy of the proposed financial reserves.²⁸
- 14.18 The Combined Authority must review its calculations in respect of the council tax requirement from time to time during the financial year and

²⁰ Section 107G of the Local Democracy, Economic Development and Construction Act 2009

²¹ Calculated in accordance with Section 48 of the 1992 Act, as modified by the Combined Authorities (Finance) Order 2017

²² Section 40 of the 1992 Act, modified by Schedule 1 of the Combined Authorities (Finance) Order 2017/611

²³ In accordance with Section 42A of the 1992 Act

²⁴ In accordance with Section 42B of the 1992 Act

²⁵ In accordance with Section 45 of the 1992 Act

²⁶ In accordance with Section 48 of the 1992 Act

²⁷ Section 42A of the 1992 Act, modified by Schedule 1 of the 2017 Order

²⁸ Section 25 of the Local Government Act 2003, in accordance with Sections 26 and 27 of the 2003 Act

take such action as it considers necessary if it appears there has been a deterioration in its financial position.²⁹

- 14.19 The Budget and Policy Procedure Rules in Part 4 of the Constitution set out further details about the approval of the precept in respect of the process for approving the Budget, including the review of the PCC component of the Mayor's precept by the Police and Crime Panel, and the review of the general component by the Combined Authority.
- 14.20 The Combined Authority must issue a precept before the 1 March in the financial year preceding that for which it is issued.³⁰
- 14.21 Before the Combined Authority issues the precept, the Combined Authority must consult representatives of non-domestic rate payers, about its proposals for expenditure.³¹
- 14.22 The Combined Authority must determine whether its relevant basic amount of council tax for a financial year is excessive and notify the appropriate billing authorities that they are required to hold a referendum in accordance with the Local Government Finance Act 1992
- 14.23 The Secretary of State has power to direct the Mayor that the PCC component council tax requirement for any financial year shall not be less than a specified amount³². Any determination by the Mayor of the final amount of the PCC component which is inconsistent with any such direction shall be void.
- 14.24 The Combined Authority as major precepting authority must determine whether its basic amount of council tax for a financial year is excessive, in accordance with a set of principles determined by the Secretary of State for the year, by separate reference to those parts of the precept which relate to the PCC component and the general component.³³ Where either or both parts are excessive, the Combined Authority must notify each billing authority accordingly, which is required to hold a referendum.³⁴

²⁹ Section 28 of the 2003 Act

³⁰ Section 40(5) of the Local Government Finance Act 1992. Section 40(5) sets out the earliest date at which the precept may be issued.

³¹ In accordance with Section 65 of the 1992 Act and relevant regulations, and having regard to any guidance issued by the Secretary of State.

³² In accordance with Section 41 of the Police Act 1996, modified by paragraph 10 of Schedule 5 of the 2021 Order. This is subject to any limitation imposed under Chapter 4ZA or IV of Part 1 of the Local Government Finance Act 1992 – Section 41(2) of the 1996 Act.

³³ In accordance with Section 52ZB and 52ZC of the 1992 Act

³⁴ Section 52ZB and Section 52ZK of the 1992 Act

Business Rates Supplements functions

14.25 The Combined Authority has functions in relation to business rates supplements³⁵. These functions are exercisable only by the Mayor, and cannot be delegated to the Mayor's Political Adviser.³⁶

Requirement to meet costs

14.26 The Constituent Councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.³⁷ This requirement is subject to the following:

- the Constituent Councils must meet the costs of the expenditure reasonably incurred by the Mayor in or in connection with the Mayoral General Functions, to the extent that the Mayor has decided to not to meet these costs from other resources, subject to the agreement of the Combined Authority in advance, and
- the costs of functions related to transport being met by a levy issued by the Combined Authority to the Constituent Councils – see further below.

Approval of Budgets

14.27 The Combined Authority's budget shall be considered and approved in accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution.

Gifts and loans

14.28 The Mayor may in connection with PCC Functions, accept gifts of money and gifts or loans of other property on such terms as appear to the Mayor to be appropriate³⁸.

Financial administration

14.29 The Combined Authority must make arrangements for the proper administration of its financial affairs, and shall secure that one of its officers has responsibility for the administration of those affairs³⁹ – see further Article 12 (Officers).

³⁵ Article 31 of the 2021 Order

³⁶ In accordance with Article 32 of the 2021 Order.

³⁷ In accordance with Article 29 of the 2021 Order

³⁸ Section 93 of the 1996 Act

³⁹ Section 73 of the Local Government Act 1985

- 14.30 Financial administration must be carried out in accordance with the **Financial Regulations** in Part 4.
- 14.31 The Combined Authority must keep adequate **accounting records**⁴⁰, follow any regulations about accounting practices and have regard to any guidance about accounting practices to be followed, in particular in relation to keeping a revenue account.⁴¹
- 14.32 The Combined Authority must prepare a **statement of accounts** in respect of each financial year⁴², including consolidated accounts in respect of the Mayor's accounts in relation to PCC Functions and the Chief Constable's accounts⁴³.
- 14.33 **Funds** must be maintained for certain transactions, to facilitate audit and the control of expenditure, as follows:
- The Combined Authority must keep a **Combined Authority general fund**, in relation to receipts arising and liabilities incurred.⁴⁴
 - The Mayor must maintain the **Mayor's general fund** in relation to receipts arising and liabilities incurred in the exercise of Mayoral General Functions, and keep account of payments made in and out of the Mayor's general fund.⁴⁵
 - The Mayor must keep a **Police Fund**. All of the Mayor's receipts relating to PCC Functions must be paid into the Police Fund, and expenditure may be paid out of the Police Fund only if, and to the extent that it is incurred in or otherwise relates to the exercise of PCC Functions.⁴⁶ The Mayor must keep accounts of payments made in or out of the Police Fund.⁴⁷

Investments

⁴⁰ In accordance with Section 3 of the Local Audit and Accountability Act 2014. See further Section 21 of the 2003 Act and the Capital Finance and Accounting) England Regulations 2003/3146

⁴¹ Section 21 of the Local Government Act 2003

⁴² Section 3 of the 2014 Act

⁴³ Section 3(3) of the 2014 Act and Article 41 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 and Regulation 15 of the 2015 Regulations

⁴⁴ Section 72 Local Government Act 1985

⁴⁵ Article 11 of the Combined Authorities (Finance) Order 2017/611

⁴⁶ In accordance with Section 21 of the 2011 Act

⁴⁷ Section 21(5) of the 2011 Act

- 14.34 The Combined Authority has the power to invest for any purpose relevant to its functions, or for the prudent management of its financial affairs – see further the Financial Regulations in Part 4.⁴⁸

Contracts

- 14.35 Contracts must be entered into in accordance with the **Contract Standing Orders** in Part 4.
- 14.36 In respect of PCC Functions, the Mayor may make contracts with any person in relation to the supply of goods and services⁴⁹, except in respect of a matter which could be the subject of a force collaboration provision in a collaboration agreement under Section 22A of the Police Act 1996⁵⁰.
- 14.37 Any contracts entered into by the Mayor in the exercise of Mayoral Functions (including PCC Functions) are entered into by the Mayor on behalf of the Combined Authority, and any property rights and liabilities in relation to those contracts vest in the Combined Authority.⁵¹
- 14.38 The Mayor may not enter into a contract for the provision of services to the Chief Constable, if the terms of the contract would permit a barred person to be involved in the exercise of relevant public functions⁵².
- 14.39 The Chief Constable's powers to enter into contracts and other agreements (whether legally binding or not) require the **consent** of the Mayor⁶⁰ – see further Article 5 (PCC Functions).

Legal matters

- 14.40 Requirements in relation to signing and sealing contracts are set out in Contracts Standing Orders and Financial Regulations in Part 4.

⁴⁸ Section 12 of the 2003 Act

⁴⁹ Under the Local Authorities (Goods and Services) Act 1970, as modified by Section 15 of the 2011 Act

⁵⁰ Section 15 of the 2011 Act

⁵¹ The Mayor is not a corporation sole.

⁵² Section 88E of the 1996 Act