

Part 4

Section 4.1 - Procedure Standing Orders

Contents	Standing Order No
Application to Committees and Sub-committees	-
Definitions	1
Interpretation	2
Suspending and Amending Standing Orders	3
Annual Meeting	4
Ordinary Meetings	5
Extraordinary Meetings	6
Place of Meetings	7
Notice of Meetings	8
Summons to Attend a Meeting	9
Public Access to Agenda and Reports	10
Public Access to Meetings	11
Substitute Members	12
Chair	13
Quorum	14
Items of Business	15
Order of Business	16
Order of Debate	17
Voting – The Combined Authority	18
Voting - Committees	19
Show of Hands	20
Voting on Appointments	21
Point of Order	22
Record of Attendance	23
Attendance at Meetings	24
Reporting Proceedings	25
General Disturbance	26
Members	27
Minutes	28
Members' Conduct	29

Standing Orders Applying to Committees and Sub-committees

These Procedure Standing Orders apply to meetings of committees and sub-committees of the Combined Authority except that:

- Standing Orders 3, 4, 5.1 and 5.2, 6, 8.2, 14.2, 18 and 24.1 shall not apply to any committee or sub-committee of the Combined Authority, and
- Standing Orders 5.3, 14.3 and 19 shall not apply to any overview and scrutiny committee or overview and scrutiny sub-committee.

In relation to a meeting of any committee and sub-committee, except where the context requires otherwise:

- references to the Combined Authority are to the committee or sub-committee,
- references to the Chair are to the Chair of the committee or sub-committee, and
- references to the Deputy Chair are to the Deputy Chair of the committee or sub-committee.

1. Definitions

- 1.1. In these Procedure Standing Orders:
- 1.2. “Committee” or “sub-committee” means any committee or sub-committee appointed by the Combined Authority including any overview and scrutiny committee or sub-committee, and the committee appointed to discharge audit committee functions, except where the context otherwise requires.
- 1.3. “The offices of the Combined Authority” mean Wellington House, 40-50 Wellington Street, Leeds LS1 2DE.

2. Interpretation

- 2.1. The Chair of a meeting will make any final decision in consultation with the Head of Legal and Governance Services or their nominee about:
 - how Procedure Standing Orders should be interpreted, or
 - any question of procedure not provided for by the Procedure Standing Orders.

3. Suspending and Amending Standing Orders

3.1. The Combined Authority may by resolution suspend Standing Order 18 (order of debate) for the duration of a meeting if at least 4 Constituent Council Combined Authority Members are present.

3.2. Any motion to:

- add to, vary or revoke any Standing Orders, or
- grant, vary or revoke the voting rights of the Non-Constituent Council or the LEP Member

will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Combined Authority¹.

4. Annual Meeting

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

4.2. The Annual Meeting will:

- a) note the **Mayor and other Combined Authority Members²**, and **appoint** the LEP Member and Substitute Member³,
- b) note the **Mayor's appointment of the Deputy Mayor and the Mayor's arrangements for Mayoral General Functions**,
- c) receive any **declarations of interest** from members,
- d) approve the **minutes** of the last meeting,

¹ Except where the motion is in respect of any report proposing a change to Standing Orders or to such voting rights.

² These are the Constituent Council Combined Authority Members (and Substitute Members), the Non-Constituent Council Combined Authority Member and Substitute Member, the Political Balance Members and the LEP Member and Substitute Member. The voting Combined Authority Members may resolve to grant voting rights to the Non-Constituent Council Combined Authority Member and the LEP Member.

³ Except where the context otherwise requires, any reference to a member in these Standing Orders shall be taken to include reference to a Substitute Member acting in that member's place.

- e) receive any **announcements** from the Chair and/or Head of Paid Service,
- f) receive details of the **Mayor's appointment of the Deputy Mayor and arrangements** in respect of **Mayoral General Functions**,
- g) approve **committee arrangements and appointments to committees**⁴,
- h) agree and note Combined Authority **Officer arrangements**
- i) receive details of the **Mayor's arrangements** for **PCC Functions**,
- j) approve any **constitutional documents** not considered under any other item,
- k) appoint to **outside bodies**,
- l) approve the Combined Authority's Members' **Allowances Scheme**,
- m) consider the **Annual Scrutiny Report**,⁵
- n) decide the dates and time of the ordinary **meetings** and committee meetings of the Combined Authority for the municipal year⁶, and
- o) consider **any other business** set out in the notice convening the meeting.

5. Ordinary Meetings

- 5.1. The Combined Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to the Annual Meeting. Each ordinary meeting shall be held at such date and time as the Combined Authority decides.
- 5.2. At an ordinary meeting, the Combined Authority will:
 - a) approve the **minutes** of the last meeting,

⁴ This may include appointing the Chair and any Deputy Chair of each committee and confirming any voting rights for any Co-optees. In the absence of any appointment by the Combined Authority, a committee shall appoint its own Chair and may appoint any Deputy Chair. Committee members shall be appointed after deciding the number of members to be appointed to each committee and their term of office, allocating seats to any political groups in accordance with political balance rules (where applicable and subject to any arrangements approved in accordance with Section 17 of the Local Government and Housing Act 1989) and considering any nominations received from any Constituent Council, the Non-Constituent Council and the LEP

⁵ This summarises the work undertaken by any overview and scrutiny committee in the previous year.

⁶ At the request of the Chair, the Head of Legal and Governance Services may subsequently amend the date or time of any ordinary meeting or convene an additional ordinary meeting.

- b) receive any **declarations of interest** from members,
- c) receive any **announcements** from the Chair or the Head of Paid Service,
- d) deal with any business from the last ordinary meeting of the Combined Authority,
- e) consider reports and recommendations from any **overview and scrutiny committee** of the Combined Authority,
- f) receive **reports from any other committee** of the Combined Authority and receive questions and answers on any of those reports,
- g) receive reports and receive questions and answers on any **subsidiary companies** of the Combined Authority,
- h) receive any **minutes** of the **LEP** for information,
- i) seek any **Statutory Consent** required in relation to the exercise of a Concurrent Function,⁷
- j) consider any petition referred to it in accordance with the Combined Authority's Petition Scheme⁸,
- k) consider **motions**⁹, and
- l) consider **any other business** specified in the summons to the meeting, and for debate.

5.3. A committee may hold any number of ordinary meetings in a municipal year.¹⁰

6. Extraordinary Meetings

6.1. The following may call an extraordinary meeting of the Combined Authority:

- a) the Mayor in their capacity as Chair of the Combined Authority, at any time¹¹;

⁷ As required by the 2021 Order - see further Access to Information Rules in Part 4 of the Constitution.

⁸ To be of effect from the Combined Authority's Annual Meeting on 24 June 2021.

⁹ Proposals for decision by the Combined Authority may be put forward by the Mayor or any Combined Authority Member.

¹⁰ The Combined Authority approves the date and time of each committee meeting at the Combined Authority's Annual Meeting. At the request of the relevant Chair, the Head of Legal and Governance Services may subsequently amend the date or time of any meeting or convene an additional meeting.

¹¹ The Monitoring Officer, Head of Paid Service or the Section 73 Chief Finance Officer may require the Mayor to call an extraordinary meeting.

- b) any three Combined Authority Members who have signed a requisition¹² which has been presented to the Mayor in their capacity as Chair of the Combined Authority:
- i. if the Mayor refuses to call a meeting, or
 - ii. after seven days if the Mayor has failed to call a meeting within seven days after being presented with the requisition.

7. Place of Meetings

- 7.1. The Combined Authority shall hold its meetings at any place within or outside of the Combined Authority's Area, as the Combined Authority directs¹³.

8. Notice of Meetings

- 8.1. The Head of Legal and Governance Services shall give public notice of the time and place of a meeting by posting it at the Offices of the Combined Authority:

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

- 8.2. Where the meeting is called by three Combined Authority Members under Standing Order 6.1, the notice must:

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

9. Summons to Attend a Meeting

- 9.1. At least five clear days before a meeting of the Combined Authority, the Head of Paid Service will sign a summons to attend the meeting, which sets out the business to be carried out at the meeting.¹⁴

¹² See further Procedure Standing Order 8.2.

¹³ Or, in the case of urgency, any place which the Head of Paid Service, in consultation with the Mayor in their capacity as Chair, directs.

¹⁴ The Mayor in their capacity as Chair shall set the business to be considered at any ordinary meeting of the Combined Authority in consultation with the Head of Paid Service, although the Monitoring Officer, Head of Paid Service or Section 73 Chief Finance Officer may require an item to be considered at any meeting.

9.2. The Head of Legal and Governance Services will send the summons by post to every Combined Authority Member or leave it at their usual place of residence¹⁵.

10. Public Access to Agenda and Reports

10.1. Subject to 10.3 below, at least five clear days before a meeting of the Combined Authority¹⁶, the Head of Legal and Governance Services will make available for inspection by the public at the offices of the Combined Authority:

- a copy of the agenda, and
- (subject to 10.4 below) reports for the meeting.

10.2. Where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to 10.4 below), shall be open to inspection from the time the item is added to the agenda.

10.3. Nothing in 10.1 or 10.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Combined Authority.

10.4. If a report relates only to an item during which, in the Head of Legal and Governance Services' opinion, the meeting is likely not to be open to the public¹⁷, the Head of Legal and Governance Services may decide not to make the report (or part of it) open for inspection.

10.5. Where a report or any part of a report is not open to public inspection the Head of Legal and Governance Services will:

- mark every copy of the report (or the part) "Not for publication"; and
- state on every copy of the report (or the part) the description of the exempt information by virtue of which the Combined Authority is likely to exclude the public¹⁸.

¹⁵ A Combined Authority Member may give notice in writing to the Monitoring Officer that the summons should be sent to the member at some other address. The Monitoring Officer may send the summons to the member by e-mail if a member has provided an e-mail address for that purpose.

¹⁶ Or where the meeting is convened at shorter notice, from the time the meeting is convened.

¹⁷ In accordance with Part VA Local Government Act 1972. See further Standing Order 11.

¹⁸ In accordance with the 1972 Act - see Access to Information Rules in Part 4 of the Constitution.

11. Public Access to Meetings

- 11.1. Any meeting of the Combined Authority shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings):
- to prevent the likely disclosure of confidential information,¹⁹ or
 - by resolution, to prevent the likely disclosure of exempt information,²⁰ or
 - under Standing Order 24 relating to general disturbances.
- 11.2. A motion to exclude the press and public may be moved without notice at any meeting in relation to an item of business whenever it is likely that if members of the press or public were present for that item there would be disclosure of exempt information.²¹

12. Substitute Members²²

- 12.1. A Substitute Member may only act for the Combined Authority Member for whom they are the designated substitute.
- 12.2. With the exception of the Substitute Member for the Deputy Mayor where the Deputy Mayor is acting in the place of the Mayor²³, a Substitute Member may only act in the absence of the Combined Authority Member.
- 12.3. A Substitute Member may not exercise any special powers or duties exercisable by the member for whom they are substituting.²⁴

13. Chair

- 13.1. The Mayor in their capacity as Chair shall preside at each meeting of the Combined Authority.
- 13.2. If the Mayor is absent from a meeting of the Combined Authority, the Deputy Mayor, if present, shall preside.

¹⁹ In accordance with the 1972 Act- see Access to Information Rules in Part 4 of the Constitution.

²⁰ In accordance with the 1972 Act - see Access to Information Rules in Part 4 of the Constitution.

²¹ In accordance with the 1972 Act - see Access to Information Rules in Part 4 of the Constitution.

²² A Substitute Member of the Combined Authority may substitute at any meeting of the Combined Authority in the absence of the substantive member, or at a meeting of any committee or sub-committee of which the substantive member is a member but absent.

²³ See further Standing Order 13.

²⁴ Special powers or duties include any chairing responsibilities. A Substitute Member may exercise any voting rights exercisable by the Combined Authority Member for whom they substitute.

13.3. Where the Deputy Mayor is acting in place of the Mayor they cannot also act in their capacity as a Combined Authority Member who is not the Mayor. The Substitute Member for the Deputy Mayor may act in the place of the Deputy Mayor.

14. Quorum

14.1. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately to a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

14.2. No business shall be transacted at a meeting of the Combined Authority unless the Mayor or the Deputy Mayor acting in place of the Mayor and at least three Constituent Council Combined Authority Members²⁵ are present.

14.3. The quorum for each committee is as follows:

Committee	Quorum
Governance and Audit Committee	4 ²⁶
Finance, Resources and Corporate Committee	3 voting members
Thematic Committees	
Business Economy and Innovation Committee	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees
Climate, Energy and the Environment Committee	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees
Culture, the Arts and Creative Industries	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees
Employment and Skills Committee	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees
Place Regeneration and Housing Committee	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees

²⁵ Or Substitute Members acting in the absence of such a member.

²⁶ The quorum for this committee must be no fewer than two-thirds of the total membership (SI 2017/68).

Transport Committee	4 voting members to include one Local Authority Co-optee from 3 different Constituent Councils
Advisory Committees	
Business Investment Panel	3 voting members to include 2 Combined Authority Members or Local Authority Co-optees.
Leeds City Region Partnership Committee	6

15. Items of Business

15.1. No item of business may be considered at any meeting except:

- the business set out in the summons,
- business required by law to be transacted at the annual meeting, or
- business brought before the meeting as a matter of urgency in accordance with 15.2 below.

15.2. Nor may an item be considered at any meeting unless:

- a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear days before the meeting²⁷, or
- by reason of **special circumstances** which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

16. Order of Business

16.1. If the Chair and Deputy Chair are absent from any committee meeting of the Combined Authority, the meeting shall select a person to preside.

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

- at the discretion of the Chair, or

²⁷ Or, where the meeting is convened at shorter notice, from the time the meeting is convened.

- on a request agreed to by the meeting.

17. Order of Debate

- 17.1. The Chair will introduce each item and may invite an officer to explain the item.
- 17.2. Each member shall then be given an opportunity to speak on the item and any recommendations contained in the report. This will be in the order decided by the Chair. Unless the Chair decides otherwise, each member shall speak only once on each item.
- 17.3. Any member while exercising the right to speak on the item may:
- move an **amendment** to the recommendations, or
 - move that an item be **withdrawn**.

Any such motion if seconded shall be voted upon.

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

18. Voting

- 18.1. Except as provided below, each Combined Authority Member (or Substitute Member acting in their place) has one vote²⁸.

The following are non-voting Combined Authority Members:

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

unless the voting Combined Authority Members resolve that this provision is not to apply²⁹.

- 18.2. No Combined Authority Member is to have a casting vote.
- 18.3. If a vote is tied on any matter, it shall be deemed not to have been carried.

²⁸ Paragraph 6 of Schedule 1 of the 2014 Order.

²⁹ Section 85 of the Local Transport Act 2008, applied by Section 104 of the Local Democracy, Economic Development and Construction Act 2009.

- 18.4. Subject to 18.5, 18.6 and 18.7 below, any question will be decided by a majority of the Combined Authority Members present and voting on that question at a meeting.
- 18.5. Any question relating to functions of the Combined Authority conferred by the 2021 Order 2021 and not solely exercisable by the Mayor pursuant to Article 27 of the 2021 Order cannot be carried without the Mayor's vote in favour of the question³⁰.
- 18.6. Any decision to
- approve the Combined Authority's budget, or
 - issue the levy pursuant to Article 29(5) of the 2021 Order
- require those voting in favour to include at least three Constituent Council Combined Authority Members (or Substitute Members) to vote in favour.³¹
- 18.7. Any decision relating to the Mayor's draft budget must be agreed in accordance with the Budget and Policy Procedure Rules in Part 4 of the Constitution.

19. Committees

- 19.1. Except as provided below, each Combined Authority Member (or Substitute Member acting in their place) on a committee has one vote³².
- 19.2. The following are non-voting members of any committee to which they are appointed:
- the Non-Constituent Council Combined Authority Member, and
 - the LEP Member
- unless the voting Combined Authority Members resolve that this provision is not to apply³³.
- 19.3. Any Co-optee on a committee will be non-voting unless granted voting rights by resolution of the Combined Authority.

³⁰ Paragraph 3 of Schedule 7 of the 2021 Order.

³¹ Paragraph 11 of Schedule 7 of the 2021 Order.

³² Paragraph 6 of Schedule 1 of the 2014 Order.

³³ Section 85 of the Local Transport Act 2008, applied by Section 104 of the Local Democracy, Economic Development and Construction Act 2009.

19.4 Except as otherwise provided for by law, any question will be decided by a majority of members of a committee present and voting on that question at a meeting.

19.5. No member is to have a casting vote.

20. Method of Voting

20.1. Unless a ballot or recorded vote is demanded under Standing Order 20.2 or 20.4, the Chair will take the vote by **show of hands**, or if there is no dissent, by the affirmation of the meeting.

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

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

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

21. Voting on Appointments

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

22. Point of Order

22.1. A member may raise a point of order any time, by specifying how a specific Standing Order or law has been breached.

22.2. The Chair will hear the point immediately. The Chair's decision on the point will be final.

23. Record of Attendance

23.1. The Head of Legal and Governance Services will ensure that the name of any member present during the whole or part of a meeting is recorded.

24. Attendance at Meetings

24.1. The Chair of any committee or sub-committee of the Combined Authority may be invited to attend and speak at any meeting of the Combined Authority to:

- present any reports or recommendations of the committee or sub-committee, or
- answer questions about any matter in the minutes of that committee or sub-committee, or
- contribute to discussion about any matter which is relevant to the functions discharged by the committee of which they are Chair.

24.2. The Chair may invite any person to attend and speak at any meeting.³⁴

25. Reporting Proceedings³⁵

25.1. Without prejudice to the Chair's powers in Standing Order 26, and subject to 25.2 and 25.3, while any meeting of the Combined Authority is open to the public, any person attending may report on the meeting, and publish or disseminate the recording at the time of the meeting or after the meeting³⁶.

25.2. The Chair may decide not to permit oral reporting or oral commentary of the meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

25.3. Where the public are excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:

- which can be used without that person's presence, and
- which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.

25.4. Any meeting of the Combined Authority may be recorded and made available for public viewing on the internet³⁷. The Chair may restrict the recording of any meeting where an external participant in the meeting objects to being recorded

³⁴ This may include any Chief Executive or other senior officer of any partner council.

³⁵ Reporting in this context means:

- filming, photographing and making an audio recording of proceedings,
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later, or
- reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

³⁶ See the Access to Information Rules and the Code of Practice for recording meetings in Part 4 of the Constitution.

³⁷ A copy of the Combined Authority's privacy notice relating to meetings is available on the website [here](#).

and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

26. General disturbance

26.1. If a general disturbance makes orderly business impossible, the Chair may:

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

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

27. Members

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

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

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

28. Minutes

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

28.2. The minutes of a meeting must be signed at the same or next suitable meeting³⁸ by the person presiding at that meeting, and the person signing the minutes shall also initial each leaf of the minutes.

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

³⁸ The next suitable meeting is the next following meeting.

29. Members' Conduct

29.1. A Combined Authority Member or voting Co-optee shall comply with the Members' Code of Conduct in Part 5 of the Constitution, including those provisions relating to registering and disclosing disclosable pecuniary and other interests.

29.2. Where a such member has a disclosable pecuniary interest in a matter to be considered at a meeting, the member may attend the meeting to:

- make representations,
- answer questions, or
- give evidence relating to the matter.

provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

29.3. As soon as the member has finished³⁹, they must leave the room. The member may not remain in the room during the discussion or vote on the matter.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

³⁹ Or the meeting decides that the member has finished.

Part 4

Section 4.2 – Access to Information Rules

Rights to attend meetings, inspect documents and record proceedings.

Part 1: Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Combined Authority include meetings of any ordinary or statutory committee or sub-committee appointed by the Combined Authority.

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

1. *Public Access to a Combined Authority Meeting*

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

A Confidential Information

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

1.3. Confidential information means:

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

B Exempt Information

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

1.5. Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

Description
Paragraph 1: Information relating to any individual .
Paragraph 2: Information which is likely to reveal the identity of an individual .

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

- 1.6. Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
- 1.7. Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.
- 1.8. A resolution to exclude the public from a meeting must:
- identify the proceedings, or the part of the proceedings, to which it applies,
 - state the description of the exempt information giving rise to the exclusion of the public, and
 - confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the **public interest** in maintaining the exemption outweighs the public interest in disclosing the information.

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

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

C General Disturbance

1.9. Procedure Standing Order 26 in Part 4 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

2. Public Access to Agenda and Reports of a Combined Authority Meeting

2.1. The Head of Legal and Governance Services shall make the following open to public inspection, at the offices of the Combined Authority³, in accordance with the Combined Authority's Procedure Standing Orders in Part 4 of the Constitution:

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

3. Public Access to Copies at a Combined Authority Meeting

3.1. The Head of Legal and Governance Services will make available for the use of members of the public present at a meeting a reasonable number of copies of:

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

4. Public Access to Documents After a Combined Authority Meeting

4.1. The Head of Legal and Governance Services will make available for inspection copies of the following for six years after a meeting:

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

5. Public Access to Background Papers to a Combined Authority Meeting Report

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

- disclose any facts or matters on which the report or an important part of the report is based, and

³ These are available on request during usual office hours.

- have been relied on to a material extent in preparing the report.

This requirement does not extend to:

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

5.2. The Head of Legal and Governance Services will:

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

5.3. The Head of Legal and Governance Services will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

6. Reporting and Recording a Combined Authority Meeting⁵

6.1. The Combined Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.

6.2. A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

6.3. Publication and dissemination may take place at the time of the meeting or occur after the meeting.

6.4. Any person reporting on a meeting is expected to comply with the attached Code of Practice.

6.5. Meetings of the Combined Authority may be recorded and made available for public viewing on the intranet⁶. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to

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

⁵ See further Procedure Standing Order 23. Reporting in this context means:

- filming, photographing and making an audio recording of proceedings,
- using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later, or
- reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

⁶ A copy of the Combined Authority's privacy notice relating to meetings can be found on the website [here](#).

continue. The Chair will ask those reporting to respect the wishes of the external participant.

7. Forward Plan: Non-Mayoral and Mayoral General Functions

A Definition of a Key Decision

- 7.1. A Key Decision means a decision of a decision maker⁷, which in the view of an overview and scrutiny committee of the Combined Authority is likely:
- (i) to result in the Combined Authority or the Mayor 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
 - (ii) to 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 area of the Combined Authority.
- 7.2. For the purposes of (i) above, this includes any decision likely to result in the Combined Authority incurring expenditure or making savings (including the receipt or loss of income) of **£1 million or more in any financial year**⁸.
- 7.3. For the purposes of (ii) above, the definition of a Key Decision includes (but is not limited to) any decision:
- a) to approve or vary:
 - the West Yorkshire Investment Strategy,
 - the Local Transport Plan
 - the Adult Education Budget Strategy,
 - the Combined Authority's budget, or
 - the Mayor's budget in relation to Mayoral General Functions.
 - b) to jointly⁹ approve, vary, revoke or postpone an **advanced quality partnership scheme**,

⁷ In respect of Non-Mayoral Functions, a decision-maker is the Combined Authority or any decision-making committee or officer taking a decision under authority delegated from the Combined Authority. In respect of Mayoral General Functions, a decision maker is the Mayor, or (under arrangements made by the Mayor), the Deputy Mayor, another Combined Authority Member or an officer.

⁸ Where expenditure, saving or income of £1 million or more is likely to result from any decision in respect of a project or programme under the Combined Authority's Assurance Framework, the following should be treated as a Key Decision:

- any decision taken at decision point **2** of the Framework,
- any decision taken at decision point **4** of the process, but only where more than 12 months has elapsed since decision point 2 **or** the scheme has substantively changed since that point,
- any decision taken at any other decision point which is likely to result in an increase or decrease in agreed scheme costs of £1 million or more.

⁹ that is, with at least one other local transport authority.

- c) to jointly¹⁰ make, vary or revoke an **enhanced partnership plan**,
- d) to jointly¹¹ make, postpone or revoke an **enhanced partnership scheme**,
- e) to jointly¹² approve, vary or revoke an **advanced ticketing scheme**,
- f) to jointly¹³ make, vary or terminate a **voluntary partnership agreement**
- g) to set the **Transport Levy**,
- h) to consent to regulations relating to:
 - a **Sub-National Transport Body**,
 - a **levy** in relation to **functions other than transport**, or
 - **borrowing**, or
- i) to exercise a function relating to a **road user charging scheme**.

7.4. For the purposes of **(i)** and **(ii)** above, the following shall **not** be treated as a Key Decision:

- any decision which is a direct consequence of implementing a previous Key Decision,
- any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision,
- a Treasury Management decision in relation to the making, payment or borrowing of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined Authority is a party.

B Notice Provisions

7.5. Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

- that a **Key Decision is to be made** in relation to the discharge of functions which are the Combined Authority's responsibility,
- the **matter** in respect of which the decision is to be made,
- the **decision maker's name and title** if any,
- the **date** on which, or the period within which, the decision is to be made,
- a **list of documents** submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- the **address** from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,

¹⁰ that is, with at least one other local transport authority;

¹¹ that is, with at least one other local transport authority;

¹² that is, with at least one other local transport authority;

¹³ that is, with at least one other local transport authority;

- **that other documents** relevant to those matters **may be submitted** to the decision maker, and
- the **procedure** for requesting details of those documents (if any) as they become available.

7.6. The Head of Legal and Governance Services will publish any such notice on the Forward Plan on the Combined Authority's website at least **28 clear days** before the Key Decision is made and make it available for public inspection at the Offices of the Combined Authority (subject to C and D below).

7.7. Where in relation to any matter:

- the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or
- documents relating to the decision need not (because of confidential information¹⁴) be disclosed to the public,

the notice must contain particulars of the matter but may not contain any confidential information or exempt information.

C *General Exception*

7.8. Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- where the Head of Legal and Governance Services has **informed the Chair of any relevant overview and scrutiny committee**¹⁵ by notice in writing of the matter about which the decision is to be made,
- where the Head of Legal and Governance Services has **published the notice** on the Combined Authority's website and **made the notice available for public inspection** at the Combined Authority's offices, and
- after **5 clear days** have elapsed following the day on which the Head of Legal and Governance Services made the copy of the notice available.

7.9. As soon as reasonably practicable after the Head of Legal and Governance Services has served a notice on the Chair, published the notice and made it available to the public, the Head of Legal and Governance Services must make available to the public and publish a **notice setting out the reasons why it was impracticable** to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

¹⁴ See Scrutiny Standing Order 13.

¹⁵ Or if there is no such person, each member of the relevant overview and scrutiny committee.

D Cases of Special Urgency

- 7.10. Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker¹⁶ has obtained **agreement from the Chair of any relevant overview and scrutiny committee**¹⁷ that the making of the Key Decision is urgent and cannot reasonably be deferred.
- 7.11. As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must¹⁸ make available to the public at the Combined Authority's offices a **notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred**; and publish that notice on the Combined Authority's website.

E Requests for Statutory Consents – Non-Mayoral and Mayoral General Functions

- 7.12. The 2021 Order provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery – see further Section 2.1 Table B (Non-Mayoral Functions) and Section 3.1.1 Table D in Part 3 of the Constitution.
- 7.13. The 2021 Order also provides that any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Constituent Council Combined Authority Member appointed by that Constituent Council (or Substitute Member).
- 7.14. The decision-maker will seek any Statutory Consent in a timely way. To facilitate this, and to promote transparency, the Combined Authority will publish a notice of the request for Statutory Consent (Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the Combined Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.¹⁹

8. Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions

- 8.1. A decision-making Officer may be required to produce a **written record** of their decision if the decision has been delegated:

¹⁶ Where the decision maker will be a committee or the Combined Authority itself, this will fall to the Managing Director or other relevant Director.

¹⁷ If there is a vacancy, or if the Chair is unable to act, agreement may be given by the Deputy Chair.

¹⁸ In consultation with the Head of Legal and Governance Services.

¹⁹ See further the Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents in Part 3 of the Constitution.

- under a specific **express authorisation**, or
 - under the **Officer Delegation Scheme** where the effect of the decision is to:
 - a) grant a **permission** or **licence**,
 - b) affect the **rights of an individual**, or
 - c) award a **contract** or **incur expenditure** which, in either case, **materially affects the Combined Authority's financial position**.
- 8.2. For the purposes of **c)** above, any award of a contract or expenditure of **£500,000 or over** will be deemed to materially affect the Combined Authority's financial position.
- 8.3. An Officer must also record and publish any **Key Decision** they make, whether or not it is outside the criteria set out above.
- 8.4. An Officer may also record and publish any other decision if they consider this to be in the public interest.
- 8.5. As soon as reasonably practicable after an officer has made a written record, the Head of Legal and Governance Services shall make any written record and any background papers available for inspection by the public:²⁰
- at all reasonable hours, at the offices of the Combined Authority,
 - on the Combined Authority's website, and
 - by such other means that the Combined Authority considers appropriate.
- 8.6. On request²¹ the Head of Legal and Governance Services will provide²²:
- a copy of the written record, and
 - a copy of any background papers.
- 8.7. The Combined Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.
- 8.8. The Combined Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

²⁰ The Combined Authority is not authorised to disclose confidential information (nor required to disclose exempt information) contained in these documents or any part of a document;

²¹ and on receipt of payment of postage, copying or other necessary charges.

²² Subject to footnote 21 above.

9. *Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)*

- 9.1. Any decision taken at a meeting of the Combined Authority will be recorded in the minutes of the meeting.
- 9.2. Where a decision has been taken outside of a Combined Authority meeting:
- any **Key Decision** taken by the Mayor or a Combined Authority Member acting on the Mayor's behalf will be recorded and published on the Combined Authority's website, together with a copy of the written report considered in respect of the decision, and
 - any decision taken by an Officer will be recorded as a **written record** of their decision in accordance with the Access to Information Rule 8 above.

Part 2: Press Access to a Combined Authority Meeting

- 10.1. The Head of Legal and Governance Services shall supply on request²³ for any newspaper:
- a copy of the **agenda** and those **reports** open to the public,
 - any **further statements** necessary to indicate the nature of the items on the agenda, and
 - if the Head of Legal and Governance Services thinks fit, copies of **any other documents supplied to** Combined Authority Members in connection with the item.
- 10.2. Procedure Standing Order 25 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

Part 3: Freedom of Information (FOI) and the Local Government Transparency Code

- 11.1. The Freedom of Information Act 2000 and Environmental Information Regulations 2004 apply to the Combined Authority, which therefore publishes information under a Publication Scheme²⁴. The Scheme specifies:
- the **classes of information** which the Combined Authority publishes or intends to publish,
 - **how** information in each class is, or is intended to be, published, and
 - whether the material is, or is intended to be, available to the public **free of charge** or on **payment**.

²³ and on payment of postage or other necessary charges;

²⁴ This can be found under the Freedom of Information section of the Combined Authority website.

- 11.2. The public also has a general right of access to information held by the Combined Authority, but this is subject to exemptions²⁵.
- 11.3. A request for information must be submitted to and dealt with by the Head of Legal and Governance Services.
- 11.4. A request for information under the FOIA must:
- be in writing²⁶
 - state the name of the applicant²⁷
 - state an address for correspondence, and
 - describe the information requested.
- 11.5. A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.
- 11.6. The Combined Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
- spending and expenditure including grants,
 - procurement information including contracts,
 - organisation chart detailing senior management personnel, and
 - land and assets²⁸.

Part 4: Members' Access

1. General

- 12.1. Any member of the Combined Authority is entitled to inspect any document which:
- is in the possession of or under the control of the Combined Authority, and
 - contains material relating to any business to be transacted at a meeting of the Combined Authority.
- 12.2. unless it appears to the Head of Legal and Governance Services that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act

²⁵ The Monitoring Officer or in their absence the Head of Paid Service is authorised by the Secretary of State to assume the role of "qualified person" for the purposes of Section 36 of the Freedom of Information Act 2000 (letter dated 4 May 2016).

²⁶ A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.

²⁷ Under the Environmental Information Regulations, a requester does not have to provide their real name.

²⁸ This can be found under the Freedom of Information section of the Combined Authority's website.

1972 as listed under section 1B above), **other than** the following (which will be open for inspection by members):

- a) Information relating to the financial or business affairs of any particular person including the Combined Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined Authority in the course of negotiations for a contract), or
- b) Information which reveals that the Combined Authority proposes:
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
 - to make an order or direction under any enactment²⁹.

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

12.4. The accounts of the Combined Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts³⁰.

2. *Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee*

13.1. Subject to the exceptions outlined below, a member of an overview and scrutiny committee or sub-committee is entitled to a copy of any document which is in the possession or under the control of the Combined Authority and contains material relating to any business that has been transacted at a meeting of the Combined Authority or at a decision-making committee of the Combined Authority³¹. The member must make any request for such a document in writing to the Head of Legal and Governance Services, who shall consider any such request on behalf of the Combined Authority.

13.2. The document must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Head of Legal and Governance Services receives the request.

13.3. No member of an overview and scrutiny committee or sub-committee is entitled to a copy of any such document or part of a document as contains exempt³² or confidential information³³, unless that information is relevant to:

- an action or decision that the member is reviewing or scrutinising, or
- any review contained in any programme of work of the committee or sub-committee.

²⁹ Section 100F(1) – (2B) of the Local Government Act 1972.

³⁰ Section 228(3) of the Local Government Act 1972.

³¹ Article 10 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

³² As defined in section 100I of the Local Government Act 1972.

³³ As defined in section 100A (3) of the Local Government Act 1972.

13.4. Where the Head of Legal and Governance Services determines that a member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

Part 5: List of Members

14.1. The Head of Legal and Governance Services will publish a list stating:

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

14.2. A member of the public may inspect the list.

Part 6: PCC Functions

15.1. The Mayor must publish the information which the Mayor considers to be necessary to enable the persons who live in the Police Area to assess³⁴:

- the performance of the Mayor in exercising the PCC Functions, and
- the performance of the Chief Constable in exercising the Chief Constable's functions³⁵.

15.2. The Mayor must also publish:

- the Police and Crime Plan, and
- an annual report³⁶.

15.3. The Mayor must publish the following specified information:

Information	Timing of publication
<ul style="list-style-type: none"> • The Mayor's name, 	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
<ul style="list-style-type: none"> • The Mayor's correspondence address, 	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.

³⁴ Section 11 of the Police Reform and Social Responsibility Act 2011, and in accordance with the Elected Local Policing Bodies (Specified Information) Order 2011/3050

³⁵ Section 11 of the Police Reform and Social Responsibility Act 2011

³⁶ Section 12 of the 2011 Act

<ul style="list-style-type: none"> • The Mayor's salary, 	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
<ul style="list-style-type: none"> • Any allowances paid to the Mayor in respect of expenses, 	Quarterly, as soon as practicable after the end of the quarter to which it relates.
<ul style="list-style-type: none"> • a register of the Mayor's interests, including paid employment or officer or other pecuniary interests, 	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.
<ul style="list-style-type: none"> • the number of complaints or conduct matters brought to the Mayor's attention by the Police and Crime Panel. 	As soon as practicable after the end of the financial year to which it relates.
<ul style="list-style-type: none"> • the number of members of staff, 	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
<ul style="list-style-type: none"> • the proportion of the staff who — <ul style="list-style-type: none"> ○ are women, ○ are, to the knowledge of the Combined Authority, members of an ethnic minority, ○ have, to the knowledge of the Combined Authority, a disability, 	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
<ul style="list-style-type: none"> • an organisational chart showing the structure of the staff, 	As soon as practicable after an election, to be reviewed every six months thereafter and any variation published.
<ul style="list-style-type: none"> • the job title, responsibilities, and salary of each senior employee and the name of the senior employee, 	As soon as practicable after an election, to be reviewed each year thereafter and any variation published.
<ul style="list-style-type: none"> • a register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused. 	As soon as practicable after an election, and any variation is to be published as soon as practicable after it becomes known to the Mayor.
<ul style="list-style-type: none"> • the total budget, 	Before the beginning of the financial year to which it relates.
<ul style="list-style-type: none"> • the PCC component, 	Before the beginning of the financial year to which it relates.
<ul style="list-style-type: none"> • information about the source of revenue, other than the PCC component, 	Before the beginning of the financial year to which it relates.
<ul style="list-style-type: none"> • information as to proposed expenditure, 	Before the beginning of the financial year to which it relates.
<ul style="list-style-type: none"> • a copy of the annual investment strategy, 	Before the beginning of the financial year to which it relates.
<ul style="list-style-type: none"> • information as to each crime and disorder reduction grant made by the Mayor, including the conditions (if any) 	Each month, as soon as practicable after the end of the month to which it relates.

<p>attached to the grant, the recipient of the grant, the purpose of the grant and the reasons why the Mayor considered that the grant would secure, or contribute to securing, crime and disorder reduction in the Combined Authority's Area,</p>	
<ul style="list-style-type: none"> • information as to each item of expenditure of — <ul style="list-style-type: none"> ○ the Mayor, or ○ the Chief Constable, <p>exceeding £500 including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor or the Chief Constable (as the case may be) considered that good value for money would be obtained,</p>	<p>Each month, as soon as practicable after the end of the month to which it relates.</p>
<ul style="list-style-type: none"> • information as to each item of expenditure of the Mayor in relation to travel by, accommodation for, or the subsistence of, a relevant office holder, including the recipient of the funds, the purpose of the expenditure and the reasons why the Mayor considered that good value for money would be obtained, 	<p>Quarterly, as soon as practicable after the end of the quarter to which it relates.</p>
<ul style="list-style-type: none"> • the identity of any premises or land owned by the Combined Authority in relation to the Mayor's PCC Functions, or occupied for the purpose of, the Mayor, 	<p>As soon as practicable after an election, to be reviewed each year thereafter and any variation published.</p>
<ul style="list-style-type: none"> • a copy of each contract with a value exceeding £5,000 to which— <ul style="list-style-type: none"> ○ the Mayor, or ○ the Chief Constable, is or is to be a party, 	<p>As soon as practicable after it becomes available to the Mayor.</p>
<ul style="list-style-type: none"> • a copy of each invitation to tender issued by— <ul style="list-style-type: none"> ○ the Mayor, or ○ the Chief Constable, in relation to a contract which the Mayor or Chief Constable expects will have a value exceeding £5,000, 	<p>As soon as practicable after it becomes available to the Mayor.</p>
<ul style="list-style-type: none"> • a list of every contract with a value not exceeding £5,000 <ul style="list-style-type: none"> ○ which the Mayor has entered into, or is to enter into, on behalf of the Combined Authority in relation to the Mayor's PCC Functions; or ○ to which the Chief Constable is, or is to be, a party, 	<p>Quarterly, as soon as practicable after the end of the quarter to which it relates.</p>

<p>including the value of the contract, the identity of every other party to the contract and the purpose of the contract,</p>	
<ul style="list-style-type: none"> • the date, time, and place of each public meeting to be held by the Mayor, 	<p>As soon as practicable after it becomes available to the Mayor.</p>
<ul style="list-style-type: none"> • a copy of the agenda for each public meeting held by the Mayor, and any report or other document that is the subject matter of an item on the agenda, 	
<ul style="list-style-type: none"> • a copy of the minutes of meeting held by the Mayor, 	
<ul style="list-style-type: none"> • a record of each decision of significant public interest arising from the exercise of the Mayor's PCC Functions, whether made by the body at or as a result of a meeting or otherwise, 	
<ul style="list-style-type: none"> • a statement of the policy of the Mayor in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters, 	<p>As soon as practicable after an election, to be reviewed each year thereafter and any variation published.</p>
<ul style="list-style-type: none"> • a statement of the policy of the Mayor in relation to the making of decisions of significant public interest arising from the exercise of the Mayor's PCC Functions, 	
<ul style="list-style-type: none"> • a statement of the policy of the Mayor in relation to records management, including procedures for the security and sharing of information and the retention and destruction of documents, 	
<ul style="list-style-type: none"> • a statement of the policy of the Mayor in relation to the handling of qualifying disclosures, 	
<ul style="list-style-type: none"> • In relation to the prevention of crime and disorder, a copy of any report required by the Mayor from the responsible authorities for a local government area under Section 7(1) of the Crime and Disorder Act 1998. 	
<ul style="list-style-type: none"> • In relation to the independent custody visitor arrangements made under Section 51 of the Police Reform Act 2002, information as to the operation of the arrangements. 	<p>As soon as practicable after an election, to be reviewed each year thereafter and any variation published.</p>

Document version control

Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

Part 4

Section 4.3 – Code of Practice for recording meetings

1. Recording by the public

The right to record meetings are set out in Procedure Standing Order 23, and the Access to Information Rules in Part 4 of the Constitution. This Code of Practice supplements those provisions.

The right to record extends only to formal meetings of the Combined Authority, and its committees or sub-committees which are open to the public.

Recording in this context includes filming, photographing and making an audio recording.

No recordings should be made or published in breach of this Code of Practice.

The agenda for each meeting will state that that the meeting may be recorded. We will also display signs in the meeting room stating that the meeting may be recorded.

Please inform the Chair of the meeting **before** the meeting starts if you do not want to be recorded. The Chair will inform any person recording the meeting that you do not wish to be recorded.

If you record a meeting, you must comply with the following:

Before the meeting

Before the meeting starts, please inform the Chair (or clerk) of the committee that you want to record the meeting.

To minimise disruption, and ensure a safe environment, you must also ask the Chair's **permission** before the meeting if you wish to:

- use **large equipment** (that is, **larger** than a smart phone, tablet or compact camera)
- **move** around the room or film from different angles or
- use **lighting** for filming/**flash** photography.

Making your recording

You should record **overtly** (that is, in a way which is clearly visible to others at the meeting).

You must record from the **public seating area** and from **one fixed position**, (unless you have the Chair's permission to do otherwise).

Do not block other people's view of proceedings with your recording device.

Please put your recording device on **silent mode**.

You should **focus** recording on:

- councillors and officers attending the meeting, and
- any other people invited to address the meeting, who have not objected to being filmed.

Do not record any member of the public who has asked not to be recorded.

Do not record any child or young person present under the age of 18 unless their parents/guardians have given you written consent.

Stopping recording

You must stop recording if the Chair instructs you to¹.

Publishing recordings

You must comply with all relevant laws when recording reporting and publishing, including those relating to libel and defamation.

The Combined Authority will not be liable for recordings or reports made or published by you or any other person.

When you publish a recording, please publish an **explanatory statement** identifying:

- **when and where** the recording was made,
- the **context** of the discussion,
- the **main speakers** and their **role or title**.

Do not edit the recording in a way that could:

- lead anyone to misinterpret the proceedings or comments recorded,
- misrepresent anyone in the recording, or
- show a lack of respect for anyone in the recording.

Recordings may start and end at any point of a meeting, but you should publish the material between those points without editing it, or alternatively make it clear when breaks in recordings occur.

2. Combined Authority recording of meetings

Details of recording and webcasting activities carried out by the Combined Authority will be made available on meeting agendas and notices displayed at each meeting.

¹ The circumstances in which the Chair may do this are set out in Procedure Standing Order 23.

Data collected as part of recording activities carried out by the Combined Authority will be processed in accordance with the Combined Authority's privacy notice².

The Combined Authority's Access to Information Annex to the Procedure Standing Orders applies to the recording and webcasting of meetings.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

² A copy of the Combined Authority's privacy notice relating to meetings can be found on the website [here](#)

Part 4

Section 4.4 - Mayoral Procedure Rules

A: Introduction

Scope

- 2.1. These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.

Decision-Making Principles

- 2.2. The decision-maker should make decisions in accordance with the principles set out in Article 13 (Decision-making) in Part 2 of this Constitution.

Advice from Statutory Officers

- 2.3. In relation to a Key Decision or any decision relating to PCC Functions of significant public interest, the decision-maker may make a decision only after considering a written report setting out advice from the Section 73 Chief Finance Officer and the Monitoring Officer.

Conflict of Interest Provisions

- 2.4. The decision-maker must comply with any applicable Code or Protocol set out in Part 5 of the Constitution, including the relevant Code of Conduct.

B: Mayoral General Functions

Key Decisions

- 2.5. The decision-maker must give **notice of any Key Decision** on the Forward Plan, in accordance with the Access to Information Rules in Part 4 of the Constitution, subject to the general exception and cases of special urgency provisions.
- 2.6. Where the decision-maker is the Mayor or any other Combined Authority Member the Key Decision must be taken **at a meeting of the Combined Authority**, unless the decision-maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot be deferred.

Statutory Consent Requests for Mayoral General Functions

- 2.7. A Statutory Consent is required in relation to the exercise of Mayoral General Functions as follows:
- where the function is a **Concurrent Function** conferred by the 2021 Order¹ which requires the Statutory Consent of a Constituent Council Combined Authority Member (or Substitute Member), or

¹ See further Section 3.1 Part 3 of the Constitution.

- any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Constituent Council Combined Authority Member appointed by that Constituent Council (or Substitute Member).
- 2.8. Where a Statutory Consent is required, the Statutory Consent Request should be sought at a meeting of the Combined Authority.
- 2.9. The Mayor must seek any Statutory Consent Request in a timely way. To facilitate this and to promote transparency, the Mayor should publish a notice of the Statutory Consent Request (a Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the meeting of the Combined Authority at which the Statutory Consent Request will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 2.10. Any Statutory Consent given will be **recorded in the minutes** of the meeting.

Other Decisions

- 2.11. The decision-maker may take any decision which is not a Key Decision nor a Statutory Consent Request outside of a meeting of the Combined Authority, subject to the requirements below in relation to recording and publishing decisions².

Recording and Publishing Decisions

- 2.12. A decision-maker must record and publish any decision in respect of a Mayoral General Function in accordance with the Access to Information Rules in Part 4 of the Constitution.

C: PCC Functions

- 2.13. A decision-maker must record and publish any decision of significant public interest, in accordance with the Access to Information Rules in Part 4 of the Constitution.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

² At the discretion of the Mayor, the Mayor or other Combined Authority Member may also take any other decision in relation to a Mayoral General Function at a Combined Authority meeting, in accordance with the Procedure Standing Orders.

Part 4

Section 4.5 - Budget and Policy Rules

General

1. These rules reflect specific statutory requirements¹ relating to the approval of budgets and policies by the Combined Authority and the Mayor, or other decision-makers on their behalf.
2. Decision-makers should consider whether any **consultation** is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
3. Decision-makers should also engage with a Combined Authority **Overview and Scrutiny Committee** (and any other committee of the Combined Authority) as appropriate in the development and scrutiny of proposals.
4. When approving budgets or policies, decision-makers must comply with the provisions relating to **Key Decisions** in the Access to Information Rules in Part 4 of the Constitution.

Mayor's General Budget²

5. The Mayor must prepare a draft budget for the Mayoral General Functions by 1 February. The draft budget must -
 - set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
 - include the relevant amounts and calculations.
6. If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations³ for the financial year. The decision must be made by a 2/3 majority of the Combined Authority Members⁴ present and voting.⁵

¹ Or government requirements under the National Assurance Framework Guidance.

² Combined Authorities (Finance) Order 2017 Order as modified by the 2021 Order.

³ In accordance with Article 9 of the 2017 Order.

⁴ In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

⁵ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

7. The Combined Authority must review any draft budget presented by the Mayor, and may make a report on the draft budget to the Mayor. The Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting.
8. The Mayor's draft budget shall be deemed to be approved by the Mayor, unless the Combined Authority makes a such report by 8 February.
9. Any report made by the Combined Authority -
 - must set out whether or not the Combined Authority would approve the draft budget in its current form, and
 - may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
10. Where the Combined Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may -
 - decide whether or not to make any revisions to the draft budget, and
 - notify the Combined Authority of the reasons for that decision and, where revisions are made the revised budget.
11. Where any specified period has expired, the Combined Authority must decide (taking into account the reasons given by the Mayor) whether to -
 - approve the Mayor's draft budget, or the revised draft budget; the Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting,⁶ or
 - veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor; the decision must be made by a 5/8 majority of the Combined Authority Members⁷ present and voting.⁸

⁶ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

⁷ In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

⁸ The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

12. The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined Authority's report.

Approval of policies – Non-Mayoral Functions

13. The Combined Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined Authority by the 2021 Order, approval of that policy requires the support of the Mayor.
14. Approving the West Yorkshire Investment Strategy is a Non-Mayoral Function. However, no spending commitments beyond an initial five year allocation may be made until the Mayor has agreed the WYIS.

Approval of policies – Mayoral General Functions

15. Preparing and reviewing a **Local Transport Plan** is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 18 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.⁹
16. In preparing and keeping the Local Transport Plan under review, the Mayor must consult¹⁰ -
 - each local traffic authority for the Combined Authority's Area,
 - the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
 - each Constituent Council.
17. In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate¹¹ -
 - operators of any network or station, or of any railways services in the Combined Authority's Area,
 - operators or providers of other transport services in the Combined Authority's Area, or representative organisations,

⁹ Issued under Section 112 Local Transport Act 2000.

¹⁰ In accordance with Section 109(2B) of the Transport Act 2000.

¹¹ In accordance with Section 109 (2C) of the Transport Act 2000.

- organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined Authority's Area, and
 - other persons whom they consider appropriate.
18. By majority vote, the Combined Authority may amend any Local Transport Plan made by the Mayor.¹² The Combined Authority must have regard to any relevant statutory guidance when discharging this function.¹³
19. As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must¹⁴ -
- publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
 - cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
 - supply a copy to any person on request.
20. The Mayor will approve **any other policy** in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor's arrangements.

Police and Crime Plan

21. Before issuing a Police and Crime Plan, the Mayor must obtain the views of the people in the Police Area (the Combined Authority's Area) and the views of victims of crime in that area, on the Police and Crime Plan¹⁵.
22. Before issuing or varying the Police and Crime Plan, the Mayor must¹⁶ -
- (a) prepare a draft of the Police and Crime Plan or variation,
 - (b) consult the Chief Constable in preparing the draft Police and Crime Plan or variation,
 - (c) send the draft Police and Crime Plan or variation to the Police and Crime Panel¹⁷,

¹² Article 27 of the 2021 Order.

¹³ Issued under Section 112 Local Transport Act 2000.

¹⁴ In accordance with Section 109(3) and (4) of the 2000 Act.

¹⁵ Section 96(1A) of the Police Act 1996.

¹⁶ Section 5 of the Police Reform and Social Responsibility 2011 Act.

¹⁷ The Mayor must ensure that Police and Crime Panel has a reasonable amount of time to exercise its functions under Section 28(3) of the Police Reform and Social Responsibility Act 2011.

- (d) have regard to any report or recommendations made by the Police and Crime Panel in relation to the draft plan or variation¹⁸ ,
 - (e) give the Police and Crime Panel a response to any such report or recommendations, and
 - (f) publish any such response¹⁹.
23. The Mayor must consult the Chief Constable before issuing or varying a Police and Crime Plan if, and to the extent that, the Police and Crime Plan or variation is different from the draft prepared.
24. The Mayor must -
- send a copy of the issued Police and Crime Plan, or the variation²⁰, to
 - the Chief Constable, and
 - each of the other persons and bodies that are, responsible authorities for the purposes of Section 5 of the Crime and Disorder Act 1998, and
 - publish a copy of the issued plan, or the variation²¹.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

¹⁸ See further Section 28(3) of the 2011 Act.

¹⁹ It is for the Mayor to determine the manner in which a response is to be published – Section 5 of the 2011 Act.

²⁰ The duty to send or publish a copy of the variation may be satisfied by sending or publishing a copy of the Police and Crime Plan as varied.

²¹ It is for the Mayor to determine how the plan or variation is to be published – Section 5(12)(a) of the 2011 Act.

Part 4 – Procedure Rules

Section 4.6 – Scrutiny Standing Orders

Membership

- 1.1. Members of an overview and scrutiny committee are appointed in accordance with Article 8 (Overview and Scrutiny) in Part 2 of the Constitution.
- 1.2. Members of any overview and scrutiny committee comprise a pool from which they may be drawn from time to time to act as a Substitute for any member of a different overview and scrutiny committee.
- 1.3. A Substitute may only act in the absence of a member where the member will be absent for the whole of the meeting.
- 1.4. A Substitute may not exercise any special powers or duties exercisable by the member for whom they are substituting¹.

2. Voting

- 2.1. Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council has one vote.
- 2.2. Any member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from the Non-constituent Council is non-voting unless the Combined Authority has resolved to give such a member voting rights.
- 2.3. All questions coming or arising before an overview and scrutiny committee or an overview and scrutiny sub-committee shall be decided by a simple majority of the members present and voting on the question.
- 2.4. No member of an overview and scrutiny committee or sub-committee has a casting vote.
- 2.5. If a vote is tied on any matter, it is deemed not to be carried.

3. Chair

- 3.1. The Combined Authority will appoint the Chair of any overview and scrutiny committee, see further Article 8 (Overview and Scrutiny) in Part 2 of the Constitution².
- 3.2. The Chair of any overview and scrutiny sub-committee will be appointed by the appointing overview and scrutiny committee.

¹ Special powers or duties include any chairing responsibilities. A substitute may exercise any voting rights exercisable by the member for whom they substitute.

² The Combined Authority may appoint the Deputy Chair of an overview and scrutiny committee, but if no such appointment is made, the committee may appoint a Deputy Chair.

4. Conflicts of Interest

- 4.1. No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.
- 4.2. Such a member may only attend the overview and scrutiny committee or sub-committee to:
 - make representations,
 - answer questions, or
 - give evidence about the decision.

5. Quorum

- 5.1. At least two-thirds of the total number of members of any overview and scrutiny committee or sub-committee must be present at a meeting before business may be transacted.

6. Working Groups

- 6.1. An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, including by making recommendations.

7. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee

- 7.1. Each overview and scrutiny committee or sub-committee will set its own work programme.
- 7.2. The Combined Authority, any of its committees or the Mayor may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- 7.3. The following matters may be referred to an overview and scrutiny committee:
 - a) A member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,
 - b) A member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
 - c) A Combined Authority Member may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and

d) any member of a Constituent Council or the Non-Constituent Council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.

7.4. Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 7.3 (c) or (d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

7.5. An overview and scrutiny committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 7.3 (c) or (d) above.

7.6. The LEP may seek input from an overview and scrutiny committee on any issue relating to policy and strategy development or otherwise. Any such request must be put forward to the Scrutiny Officer in the first instance, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of an overview and scrutiny committee or sub-committee.

8. Scrutiny of the LEP

8.1. The LEP and the Combined Authority (as the accountable body for the LEP) have agreed that the Combined Authority's scrutiny arrangements extend to the LEP, in accordance with these Standing Orders.

8.2. The LEP has agreed to share information with any overview and scrutiny committee or sub-committee, so that the committee or sub-committee can provide robust scrutiny and advice.

8.3. The contribution of the LEP to any meeting of an overview and scrutiny committee or sub-committee will be recorded with the outcome in the minutes of the meeting.

9. Meetings

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

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

- the Chair of the committee, or
- any five members of the committee from at least two different Constituent Councils.

10. Attendees

- 10.1. An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer³ of the Combined Authority to attend before it to answer questions⁴ or to provide information about any matter within its terms of reference.
- 10.2. Where a committee or sub-committee requires the Mayor or any other Combined Authority Member or officer to attend, the Scrutiny Officer shall inform that person in writing giving at least 5 clear working days' notice of the meeting. The notice will state:
- the date of the meeting they are required to attend,
 - the nature of the item, and
 - whether they must produce any papers for the committee.
- 10.3. The Mayor, any other Combined Authority Member, or officer must comply with any notice they are given.
- 10.4. Where, in exceptional circumstances, the person is unable to attend on the required date, the overview and scrutiny committee shall consult with the person to arrange an alternative date.
- 10.5. An overview and scrutiny committee or sub-committee may invite other people⁵ to attend any meeting to:
- address it,
 - provide information,
 - discuss issues of local concern, and/or
 - answer questions.
- 10.6. Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 10.7. Attendees assisting the committee must be treated with respect and courtesy.

11. Reports and Recommendations

- 11.1. An overview and scrutiny committee or sub-committee may make reports or

³ The expectation is that this would be the Combined Authority's Managing Director or other senior officer who has exercised delegated authority in respect of an issue, or their nominee.

⁴ A person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

⁵ Including any Co-optee; members and officers from Constituent Councils, the Non-Constituent Council or other councils within the Leeds City Region; any member of the LEP Board; members of the public; any other stakeholders, advisors or assessors. The committee may pay any advisers, assessors and witnesses a reasonable fee and expenses.

recommendations to the Combined Authority⁶ or the Mayor.

- 11.2. If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.
- 11.3. An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.
- 11.4. Where in the opinion of an overview and scrutiny committee, any report or recommendation relates significantly to any LEP activity or to LEP governance, the report or recommendation shall also be submitted to the LEP Board for consideration in a timely manner. Any response of the LEP Board shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation⁷.
- 11.5. Where in the opinion of an overview and scrutiny committee, any report or recommendation is of particular significance to any Constituent Council or the Non-Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

12. Notice

- 12.1. An overview and scrutiny committee or sub-committee may by notice require the Combined Authority or the Mayor within 2 months of receiving any report or recommendations or (if later) the notice, to:
 - consider the report or recommendations,
 - respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined Authority or the Mayor proposes to take,
 - publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 13 below.
- 12.2. The Combined Authority or the Mayor must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee, within 2 months beginning with the date on which the Combined Authority or Mayor received the notice, and subject to Standing Order 13 below.

⁶ All references to the Combined Authority in Standing Order 11 should be taken as including a reference to any relevant committee with authority to consider and respond to reports and recommendations on behalf of the Combined Authority. The Scrutiny Officer shall in consultation with the Chair of an overview and scrutiny committee determine whether a report or recommendation shall be considered by such a committee or by the Combined Authority.

⁷ Where a notice has been served on the Combined Authority in accordance with Standing Order 12, any response of the LEP Board shall also be reported to the Combined Authority.

13. Publishing a Document: Confidential and Exempt Information

- 13.1. Standing Order 13.2 applies to the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a response of the Combined Authority or the Mayor to any such report or recommendations.
- 13.2. In publishing the document the overview and scrutiny committee, sub-committee, the Combined Authority or the Mayor must exclude any confidential information⁸ and may exclude any relevant exempt information⁹, see further the Access to Information Rules in Part 4 of the Constitution.
- 13.3. When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Combined Authority or the Mayor may exclude any confidential information or relevant exempt information.
- 13.4. Where information is excluded, the overview and scrutiny committee, sub-committee, the Combined Authority or Mayor:
- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
 - must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

14. Call-In of Decisions

- 14.1. The following decisions may be called-in for scrutiny:
- any decision of the Combined Authority¹⁰ or of any decision-making committee of the Combined Authority¹¹, and
 - any Key Decision taken by the Mayor, other Combined Authority Member or an officer.
- with the exception of any decision which the decision-maker has resolved is urgent¹².
- 14.2. **Five members of the overview and scrutiny committee to include at least one member from two different Constituent Councils** may call-in a decision eligible for call-in by notifying the Scrutiny Officer by 4pm on the **fifth**

⁸ This has the meaning given by section 100A (3) of the Local Government Act 1972.

⁹ This means exempt information of a description specified in a resolution of the overview and scrutiny committee or sub-committee or the Combined Authority which applied to the proceedings, or part of the proceedings at any meeting at which the report was or recommendations were considered.

¹⁰ Including in relation to the Combined Authority's role as the accountable body for the LEP.

¹¹ With the exception of the Governance and Audit Committee.

¹² A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Combined Authority's, any Constituent Council's or the public's interests. Nor will any decision relating to approving or amending governance arrangements be open to call-in.

working day following publication under Standing Order 14.2 or 14.3.

14.3. The Head of Legal and Governance Services shall publish details¹³ of **the Combined Authority** and any **committee decisions** eligible for call-in within **2 clear working days** of a meeting.

14.4. Any **Key Decision taken by the Mayor or an officer** will be published as a written record within **2 clear working days** of the decision being made, see further Article 13 (Decision Making) in Part 2, and the Access to Information Rules in Part 4 of the Constitution.

15. Implementing and Scrutinising Decisions which are Eligible for Call-In

15.1. An urgent decision may be implemented immediately¹⁴.

15.2. Any other decision of the Combined Authority or a committee, or Key Decision taken by the Mayor, any other Combined Authority Member or an officer may be implemented after **midday** of the **sixth clear working day** after the publication of the decision, unless it is called-in.

15.3. On receipt of a call-in request, the Scrutiny Officer shall:

- notify the decision-maker¹⁵ of the call-in,
- consult with the Chair of overview and scrutiny committee about whether to issue a direction under Standing Order 15.4 below, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

15.4. Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant overview and scrutiny committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.

15.5. An overview and scrutiny committee must scrutinise the decision within 14 days of the Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.

15.6. Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker¹⁶. Any

¹³ To members of the relevant overview and scrutiny committee.

¹⁴ The Scrutiny Officer must report such decisions to the next available meeting of the relevant overview and scrutiny committee, together with the reasons for urgency.

¹⁵ That is, (for Non-Mayoral Functions) each Combined Authority Member, or the members of the relevant committee or the relevant officer, or (for Mayoral General Functions) the Mayor or other Combined Authority Member or officer.

¹⁶ The Scrutiny Officer shall in consultation with the Chair of the overview and scrutiny committee

decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 15.7 below.

- 15.7. The Scrutiny Officer will notify the decision-maker¹⁷ of the outcome of the scrutiny by the overview and scrutiny committee, within **2 clear working days** of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.
- 15.8. The decision-maker must reconsider any decision not later than 10 days after the date on which the recommendations of an overview and scrutiny committee are received.
- 15.9. The Chair of the overview and scrutiny committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations¹⁸
- 15.10. The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 13.
- 15.11. A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

16. Guidance of the Secretary of State

- 16.1. An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State¹⁹.

17. Statutory Scrutiny Officer

- 17.1. Any references in these Standing Orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority, see further Article 12 (Officers) at Part 2 of this Constitution.
- 17.2. The Combined Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.

- 17.3. The statutory functions of the Scrutiny Officer are:

determine whether a report or recommendation relating to a decision of an officer or a committee in respect of Non-Mayoral Functions is considered by the Committee (where the decision falls within its terms of reference) or the Combined Authority. A report or recommendation relating to a decision of the Combined Authority shall be considered by the Combined Authority. In relation to Mayoral General Functions, the Mayor should be asked to consider any report or recommendation.

¹⁷ Notification of the outcome shall be provided to each Combined Authority Member, or of any relevant committee, or to the relevant officer.

¹⁸ The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting. The Mayor should invite the Chair or their nominee to present the report or recommendations to them.

¹⁹ Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9).

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

17.4. The Scrutiny Officer shall also facilitate appropriate scrutiny of LEP decision-making and achievements.

18. Additional Rights of Access to Documents

18.1. Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Rules in Part 4 of the Constitution.

19. Public Notice of Proposed Key Decisions

19.1. Provisions relating to the public notice of proposed Key Decisions are set out in the Access to Information Rules in Part 4 of the Constitution.

20. Interpretation

20.1. The Chair of an overview and scrutiny committee meeting or sub-committee meeting shall make any final decision at that meeting about:

- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
- any question of procedure not provided for by the Scrutiny Standing Orders.

20.2. The Head of Legal and Governance Services shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

Contracts Standing Orders



Part 4

Section 4.7 - Contracts Standing Orders

Section I – Definitions & Principles	4
1. Introduction	4
2. Compliance with Standing Orders and EU Legislation.....	5
Section II – Good and Services (Excluding Local Bus Services, Education Transport Bus and Taxi Services)	8
3. Tendering - Financial Categories	8
4. Category A Procedures.....	8
5. Category B Procedures.....	8
6. Category C Procedures	9
7. Category D Procedures	9
8. Category E Procedures.....	9
9. Issuing Orders & Contracts	9
10. Waiving Contracts Standing Orders.....	10
11. Tender Criteria and Weighting	11
12. Nominated Sub-Contractors and Suppliers.....	11
13. Duties of Agents.....	11
14. Exceptions	12
15. Tendering Procedure	12
16. Acceptance of Tenders and Quotations	12
17. Approval of Works Orders under Neutral Vendor Arrangements	13
18. Equality of Tenders and Quotations.....	13
19. Records and Notifications	14
20. Compliance.....	14
Section III - Local Bus Services, Education Transport Bus and Taxi Services	15
21. Contracts for Local Bus Services, Education Transport Bus and Taxi Services	15
22. Approval of Local Bus Services, Education Transport Bus and Taxi Services Tenders by the Authority	16
23. Tender Procedures for Local Bus Services, Education Transport Bus and Taxi Services	17
24. Receipt of Tenders for Local Bus Services, Education Transport Bus and Taxi Services	17
25. Tender Criteria and Weighting	17
26. Acceptance of Tenders	17

27.	Equality of Tenders for Local Bus Services, Education Transport Bus and Taxi Services	18
28.	Records and Notifications	18
Section IV – Issuing Contracts.....		19
29.	Preparation and Signature of Contracts - Non Local and Education Services	19
30.	Preparation and Signature of Contracts – Local and Education Services	19
31.	Contents of Contracts	20
32.	Use of E-Mail in Contracts and Awards	21
33.	Variations to Contracts.....	21
34.	Cancellation of Contracts in Cases of Corruption	23
35.	Assignment and Underletting of Contracts.....	23
Section V – Land		25
36.	Acquisition and Disposal of Interests in Land.....	25
Section VI – Legal.....		26
37.	Legal Proceedings	26
38.	Sealing of Documents	26

Section I – Definitions & Principles

1. Introduction

- 1.1. In the Contracts Standing Orders these definitions shall apply:
 - 1.1.1. “Budget Holder” and “Budget Controller” have the meanings set out in the Financial Regulations of West Yorkshire Combined Authority.
 - 1.1.2. “Combined Authority” means West Yorkshire Combined Authority.
 - 1.1.3. “Section 73 Chief Finance Officer” means the Director, Corporate and Commercial Services.
 - 1.1.4. “Director” means Managing Director, Director or the Executive Head of Economic Services of the Combined Authority.
- 1.2. This part of Contracts Standing Orders exists for the following main reasons:
 - 1.2.1. To protect the Combined Authority, its Directors and other Officers involved in the award of contracts;
 - 1.2.2. To demonstrate that the Combined Authority is obtaining value for money in the award of contracts;
 - 1.2.3. To provide the means of securing competition in the award of contracts;
 - 1.2.4. To prevent corruption, or allegations of corruption, in the award of contracts; and
 - 1.2.5. To ensure compliance with legislation and regulations.
- 1.3. A contract is an agreement made between two or more parties that creates legally binding obligations between them. Contracts are covered by contract law. The contract sets out those obligations and the actions that can be taken if they are not met.
- 1.4. These Contracts Standing Orders cover the organisation’s rules and procedures around the creation and approval of such contracts. It excludes:
 - 1.4.1. Grant Agreements
 - 1.4.2. Secondment Agreements
 - 1.4.3. Funding Agreements

2. Compliance with Standing Orders and EU Legislation

- 2.1. Every contract made by or on behalf of the Combined Authority and all procedures relating thereto shall comply with these Contracts Standing Orders and the Financial Regulations. The only permissible exceptions are:
 - 2.1.1. Contracts procured through West Yorkshire Police
 - 2.1.2. Contracts procured on behalf of the Mayor's Policing and Crime Functions over £50,000. For 2.1.1 and 2.1.2 Appendix One shall apply (Contract Standing Orders for Mayor's PCC Functions).
 - 2.1.3. Situations in accordance with Standing Order 14 (Exceptions).
- 2.2. Any subsidiary company of the Combined Authority shall be required to adopt the provisions of these Contracts Standing Orders insofar as they are not inconsistent with, or in conflict with, any provisions of the Companies Act and regulations made thereunder or the Articles of Association of that Company.
- 2.3. No contract for goods, services or an interest in property shall be granted to any:
 - 2.3.1. current employee
 - 2.3.2. close relative of any current employee
 - 2.3.3. ex-employee of the Combined Authority within 2 years of leaving without the written approval of the Managing Director.
- 2.4. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager in accordance with the Officers' Code of Conduct. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives.
- 2.5. Officers who engage or supervise contracts must declare any interest or relationship in accordance with the procedures set out under the Officers' Code of Conduct and the Declaration of Interest process.
- 2.6. All officers must be prepared to justify to the Combined Authority their actions and those of their staff in relation to the invitation of tenders and the placing of work and should take all necessary precautions to safeguard the Combined Authority, its staff and themselves against allegations that any person has been unduly favoured without proper cause.

- 2.7. It shall be a guiding principle, when any employee is making a determination under this part of Standing Orders, that in making such determination they have regard to the need to demonstrate that the Combined Authority will obtain value for money and that reasonable steps are taken to ensure that no supplier or potential supplier is treated unfairly in the selection process and that a written record of each determination and the reasons for making it is kept on a file maintained by an officer for that purpose or on the purchase ordering system.

European Union Legislation

- 2.8. These Contracts Standing Orders shall be subject to any procedures that may apply pursuant to the Public Contracts Regulations 2015 and by reason of the United Kingdom's membership of the European Union ("EU") and if any conflict with Contracts Standing Orders arises, the former shall prevail.
- 2.9. A contract, or series of contracts, the aggregate amount or value of which exceed the financial thresholds set in EU Directives, shall be let only in accordance with the requirements of those Directives. The Head of Commercial shall notify all Budget Holders and Budget Controllers of any changes in the financial thresholds.
- NB Financial thresholds set by EU Directives are reviewed every two years and as from 1 Jan 2018 they are:*
- Public Works - £4,551,413
 - Services - £181,302
 - Supplies - £181,302
- 2.10. Contracts, tenders or quotes must never be artificially divided to bring them below the relevant threshold. Such actions will be seen as a breach of Contracts Standing Orders.
- 2.11. As part of the business planning process Budget Holders will with the Head of Commercial identify potential new contracts to be let in the following financial year to enable consideration to be given to the insertion of a Prior Information Notice in the Official Journal of the EU ("OJEU").

Frameworks

- 2.12. Frameworks should be considered before undertaking any OJEU tender process. Only where a suitable framework offering value for money cannot be identified should a full tender process be undertaken. Where a framework is used in accordance with the conditions, this negates the need to undertake further quotations.
- 2.13. Where a framework is utilised tenders must be sought and evaluated, if necessary via mini-competitions, in accordance with regulations and the

Procurement Manual. Where a framework offers a direct award option this can be used in accordance with the framework terms where value for money can be demonstrated.

British Standards

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

Data protection

- 2.15. Where a contract involves data processing by the contractor on behalf of the Combined Authority, then sufficient due diligence shall be undertaken to ensure that the Combined Authority only uses contractors who provide guarantees to implement appropriate technical and organisational measures in such a manner so as to meet the requirements of the General Data Protection Regulation and protect the rights of individuals.

Section II – Good and Services (Excluding Local Bus Services, Education Transport Bus and Taxi Services)

3. Tendering - Financial Categories

3.1. This section applies to ALL contracts except:

3.1.1. Local Bus Services, Education Transport Bus and Taxi Services;
and

3.1.2. Contracts for the acquisition or disposal of interests in land.

3.2. For the purpose of determining the requisite tendering procedure, the following financial categories shall apply to all contracts for the execution of works, the supply of goods or the supply of services (whether by or to the Authority) unless a Procurement Framework or Central Purchasing Body is being utilised:

Category A Up to and including £5,000

Category B Over £5,000 to and including £30,000

Category C Over £30,000 to and including £100,000

Category D Over £100,000 up to and including £1,000,000

Category E Over £1,000,000

3.3. Categorisation is to be determined on the basis of a proper and reasonable estimated value of the contract and contracts must not be artificially divided to bring them into a lower value category. Disaggregation is a breach of EU Regulations.

4. Category A Procedures

4.1. No quotations or tenders are required for this category of contract, but the relevant Budget Holder must be satisfied that they are obtaining value for money and keep a written record of this.

5. Category B Procedures

5.1. An authorised representative of the Budget Holder, or the Budget Holder themselves, must invite at least three written quotations for all contracts

within this category. Quotations must be submitted via the electronic tender management system unless price lists are held in the purchase ordering system.

6. Category C Procedures

- 6.1. On behalf of the Budget Holder, the Head of Commercial must invite at least three tenders for all contracts within this category using the electronic tender management system.

7. Category D Procedures

- 7.1. On behalf of the Budget Holder, the Head of Commercial must advertise via Contracts Finder ([the official government portal](#)) and OJEU if applicable, tenders for all contracts within this category using the electronic tender management system. Engagement with the market, supervised by the Head of Commercial, must be undertaken before the tender is issued.
- 7.2. Publication of Category D tenders by the Head of Commercial shall be carried out strictly in accordance with applicable OJEU requirements or terms of the Framework and will ensure any Contract Award Notices are submitted in accordance with the relevant EU Directive.

8. Category E Procedures

- 8.1. All tenders must be issued via the electronic tender management system by the Head of Commercial on behalf of the Budget Holder. Engagement with the market, supervised by the Head of Commercial, must be undertaken before the tender is issued. A detailed procurement strategy document for each procurement must be produced and signed off by Budget Holders and the Head of Commercial. Opportunities will automatically be advertised via Contracts Finder and OJEU in this category.
- 8.2. Publication of Category E tenders by the Head of Commercial shall be carried out strictly in accordance with OJEU requirements or terms of the Framework and will ensure any Contract Award Notices are submitted in accordance with the relevant EU Directive.
- 8.3. Sufficient time must be allocated to ensure correct processes are followed for Category E procurements.

9. Issuing Orders & Contracts

- 9.1. Any orders can only be placed and confirmed by an official Purchase Order on the purchase ordering system. Funds must never be committed verbally, or in writing, without a Purchase Order being issued.

- 9.2. In conjunction with the Head of Commercial and Head of Legal and Governance Services a contract should be created for Category D and Category E in all circumstances. Contracts for other Categories should only be considered if terms and conditions above the standard purchase order terms are required.

10. Waiving Contracts Standing Orders

- 10.1. Contracts Standing Orders should only be waived in exceptional circumstances and only when the condition of EU Regulation apply. These are:

- 10.1.1. Competition is absent for technical reasons.
- 10.1.2. The protection of exclusive rights applies, including intellectual property rights
- 10.1.3. Extreme urgency brought about by unforeseen events. Insufficient time and lack of planning are not deemed to be valid reasons.

10.1.4. The contract has been classified as secret by the Managing Director or by the Director, Corporate and Commercial Services making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain.

- 10.2. The Head of Commercial must be consulted on all waiver requests.
- 10.3. A waiver may only be approved where value for money can be demonstrated.
- 10.4. Any waiver must be approved as follows before a Purchase Order is raised, subject to the Head of Commercial requiring any decision to be escalated to a higher level:
- Category B: Managing Director, Director or Executive Head of Economic Services
 - Category C: Managing Director, Director or Executive Head of Economic Services
 - Category D: Managing Director, Director or Executive Head of Economic Services
 - Category E: Managing Director

11. Tender Criteria and Weighting

- 11.1. In all cases where tenders are invited, the relevant selection and evaluation criteria and weightings shall be agreed between the Budget Holder and the Head of Commercial, and in all cases be clear in the Invitation to Tender.
- 11.2. Social value criteria with a weighting of at least 10% must be included in all Category D and Category E tenders. For each Category E contract, the criteria for selection of the successful tenderers shall be only those permitted by the relevant EU Directive, but subject to that, shall be such criteria as may have been specified in the tender documents (e.g. price, quality, technical merit, social value, aesthetic and functional characteristics, technical assistance, after-sales service delivery date, delivery period and completion date).
- 11.3. Tender evaluation criteria shall be set so that the criteria may be scored on a numerical basis with the intention that the highest score taking all criteria into account will be awarded the tender. Contracts should be awarded on the basis of a Most Economically Advantageous Tender (MEAT) basis, taking account of price, quality and social value scoring criteria.

12. Nominated Sub-Contractors and Suppliers

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

13. Duties of Agents

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

14. Exceptions

- 14.1. This section of Contracts Standing Orders (section II) shall not apply to:
 - 14.1.1. The execution of works or the purchase of goods or materials necessary for urgent maintenance repairs to land, buildings, vehicles or plant to prevent danger to authorised users or the general public or to prevent rapid and progressive deterioration, or to maintain essential or statutory services.
 - 14.1.2. Where spend is dictated by the terms of a preceding contract or agreement.
- 14.2. Expenditure incurred shall be recorded and reported in accordance with the requirements for contracts of the relevant category within the Procurement Manual with Purchase Orders being raised as required.

15. Tendering Procedure

- 15.1. All tendering must be carried out via a secure electronic tender management system operated and managed by the Head of Commercial.
- 15.2. All invitations to tender must contain precise details as to:
 - 15.2.1. the information required from the tenderers,
 - 15.2.2. the evaluation criteria and weightings,
 - 15.2.3. a closing date and time,
 - 15.2.4. a statement that a tender that does not contain all the information required **may** not be considered valid,
 - 15.2.5. a statement that a tender which is submitted late **will** not be considered, and
 - 15.2.6. a statement that there is no obligation to accept the lowest price or any tender.
- 15.3. Any tender which is submitted late or submitted outside the electronic tender management system will only be accepted in exceptional circumstances with the approval in writing of the Head of Commercial and the Head of Legal and Governance Services.

16. Acceptance of Tenders and Quotations

- 16.1. The Head of Commercial must be consulted on any request to approve a contract award Category C or above.

16.2. Any acceptance must be approved as follows, subject to the Head of Commercial requiring any decision to be escalated to a higher level:

- Category A: Budget Holder or Budget Controller
- Category B: Budget Holder or Budget Controller
- Category C: Budget Controller
- Category D: Managing Director, Director or Executive Head of Economic Services
- Category E: Managing Director

16.3. Tenders shall be awarded to the party that achieves the highest score.

16.4. Where the amount of a tender or a quotation exceeds the expected Category the approvals for the higher Category shall apply.

16.5. The acceptance or rejection of a tender by or on behalf of the Combined Authority shall be notified in writing to the organisation submitting the tender by the Head of Commercial, PROVIDED there shall be no necessity to write to an unsuccessful bidder where the invitation to tender has indicated that the elapse of a specified period of time shall mean that the bid has been unsuccessful.

17. Approval of Works Orders under Neutral Vendor Arrangements

17.1. The Head of Commercial to be consulted on all requests to approve a contract award.

17.2. Approvals of works orders under neutral vendor arrangements must be made by the following subject to the Head of Commercial requiring any decision to be escalated to a higher level:

- Category A: Budget Holder or Budget Controller
- Category B: Budget Holder or Budget Controller
- Category C: Budget Holder or Budget Controller
- Category D: Budget Controller
- Category E: Managing Director, Director or EHES

18. Equality of Tenders and Quotations

18.1. In any Category A or B contract where there are two or more equal quotations all bidders shall be sent written or electronic invitations in identical terms to submit a revised quotation which will be considered in accordance with these Contracts Standing Orders and Financial

Regulations. Should a further tie occur the award of the contract will be determined by the drawing of lots.

- 18.2. In any case where two or more tenders for Category C, D or E contracts achieve an equal score on a full and fair evaluation of the criteria then if the Head of Commercial in conjunction with the Budget Holder considers it appropriate the contract may be awarded to the tender with the lowest price. The relative weight of quality over price in the tender shall form part of the considerations. If the prices are equal or if it would not be appropriate to award the tender based on lowest price then those bidders shall be sent a written or electronic invitation in identical terms to submit a revised quotation or tender which will be considered in accordance with these Contracts Standing Orders.

19. Records and Notifications

- 19.1. The requirements for keeping records of the details of all tenders, bids and awards under all categories of contract and the notification of any such information to officers shall be in accordance with the policy approved by the Combined Authority, the Section 73 Chief Finance Officer, Head of Commercial and the Head of Legal and Governance Services from time to time.
- 19.2. This policy shall form part of the Procurement Manual and shall be implemented by the Head of Commercial in conjunction with the Section 73 Chief Finance Officer and Budget Holders as appropriate.

20. Compliance

- 20.1. Compliance to these Contracts Standing Orders is a mandatory requirement. Any non-compliance identified will be reported to the Managing Director and to the Head of Internal Audit. Non-compliance may be treated as a disciplinary matter.

Section III - Local Bus Services, Education Transport Bus and Taxi Services

21. Contracts for Local Bus Services, Education Transport Bus and Taxi Services

- 21.1. It shall be the responsibility of the Head of Mobility Services to identify all local public and education transport requirements in accordance with the policies formulated by the Combined Authority pursuant to its statutory powers and duties.
- 21.2. All procurement of services in accordance with the Combined Authority's said policies shall be in accordance with the procedures set out in the Combined Authority's local and education transport services policy from time to time in force. Copies of these policies of the Combined Authority shall be maintained by the Director, Transport Services and Head of Mobility Services.
- 21.3. All procurement of subsidised services and invitations to tender shall be pursuant to sections 88-91 of the Transport Act 1985 and all associated Regulations. Minimum subsidy local bus contracts are deemed Concession Contracts and therefore subject to Concession Contracts Regulations 2016.
- 21.4. Invitations to tender shall be issued by the Head of Mobility Services and sent to any persons which have indicated in writing or electronically that they wish to receive such invitations to tender.
- 21.5. Invitations to tender shall contain the following documents, information and requirements in every case:
 - 21.5.1. the identity of the party requesting the invitation,
 - 21.5.2. the Combined Authority's Instructions to tenderers including a closing date and time,
 - 21.5.3. the Service Specification setting out the full details of the services being tendered for,
 - 21.5.4. the Combined Authority's General Conditions of Contract for the relevant service, together with any schedules of special requirements,
 - 21.5.5. the Combined Authority's Form of Tender and Form of Agreement,

- 21.5.6. clear and unambiguous scoring criteria and weightings,
 - 21.5.7. a statement that the Combined Authority is not obliged to accept the cheapest or any tender,
 - 21.5.8. a statement that, provided it is accompanied by a fully compliant bid, a tenderer **may** propose an alternative approach to meeting the transport requirement set out in the tender,
 - 21.5.9. a statement that a tender submitted late **will** not be considered,
 - 21.5.10. a statement to the effect that when deciding whether or not to accept a tender the Combined Authority has a statutory duty to consider the effect on competition in the local market, and a combination of economy efficiency and effectiveness.
- 21.6. Where the de-minimis provisions of the Transport Act 1985 and Regulations made under it apply, contracts for local services may only be awarded in accordance with those regulations and any criteria approved from time to time by the Combined Authority.
- 21.7. Notwithstanding the above, emergency contracts may be awarded without tender subject to the provisions of s91 Transport Act 1985.

22. Approval of Local Bus Services, Education Transport Bus and Taxi Services Tenders by the Authority

- 22.1. The Head of Mobility Services shall approve all issue of tenders, award or variations of contract however approval of the Director, Transport Services shall be required where the annual value of the contract exceeds Category C threshold:
- 22.1.1. before tendering for any new bus services or for any services previously provided on a commercial basis,
 - 22.1.2. before re-tendering any batches of contracts where the annual value of the contract exceeds Category C threshold,
 - 22.1.3. before awarding any contract for any new services or for any services previously provided on a commercial basis,
 - 22.1.4. before awarding any contract where the annual value of the contract exceeds Category C threshold,
 - 22.1.5. before awarding any contract issued without tendering using the statutory de-minimis provisions,

- 22.1.6. where the value of any contract, extension or variation exceeds the Category C threshold.

23. Tender Procedures for Local Bus Services, Education Transport Bus and Taxi Services

- 23.1. Tendering must be via the electronic tender management system or via e-mail at the discretion of the Head of Mobility Services.

24. Receipt of Tenders for Local Bus Services, Education Transport Bus and Taxi Services

- 24.1. Where the electronic tender management system was used receipt of tenders shall be in conjunction with the Head of Commercial.
- 24.2. Where tenders were invited via e-mail Standing Order 25 shall still apply to the acceptance of tenders for local and education transport services.

25. Tender Criteria and Weighting

- 25.1. In all cases where tenders are invited, the relevant evaluation criteria and weightings shall be clearly set out in the tender materials. A tender shall not be evaluated on criteria that are not set out in the tender materials.
- 25.2. Tender evaluation criteria shall be set so that, as far as possible, the criteria may be scored on a numerical basis with the intention that the party with the highest score taking all criteria into account will be awarded the tender.
- 25.3. A contract above the Category B threshold should not be evaluated solely on the basis of price unless otherwise approved by Head of Mobility Services and the Purchasing Officer, and the Head of Mobility Services must set the evaluation criteria in conjunction with the Purchasing Officer.
- 25.4. The Head of Mobility Services shall determine the criteria under which tenders are evaluated in consultation with the relevant District Council

26. Acceptance of Tenders

- 26.1. Where the value of a contract exceeds £500,000 or the combined value of contracts for which tenders are awarded on a batch basis exceeds £500,000, approval to award contracts must be made by the Managing Director.

- 26.2. Contracts or batches of contracts shall be awarded or varied in accordance with paragraph 21 provided that the Head of Mobility Services supplies to the Managing Director a schedule of all such contract awards or variations each calendar month.
- 26.3. Where a third party is funding the contract, the Head of Mobility Services must obtain and maintain a record of approval by the third party to the award of the contract
- 26.4. Where the annual contract price does not exceed the Category B threshold the Head of Mobility Services may delegate the authority to award or vary contracts under paragraph 21 to an appropriate Budget Holder.
- 26.5. Acceptances of all tenders shall be in writing incorporating by reference the Combined Authority's Form of Agreement, General Contract, Terms and Conditions, services specification, and any schedules, provided within the tender materials, and signed by the Head of Mobility Services.

27. Equality of Tenders for Local Bus Services, Education Transport Bus and Taxi Services

- 27.1. Standing Order 17 shall apply where two or more tenders achieve an equal score or equal price quotation.

28. Records and Notifications

- 28.1. The Head of Mobility Services shall be responsible for:
 - 28.1.1. maintaining a full record of all tenders bids quotations and awards in respect of any contract for local and education transport services which shall be in accordance with the Combined Authority's approved tendered services policy from time to time,
 - 28.1.2. ensuring that a summary of all tender awards, re-tenders, extensions and contract variations be reported to the Director, Transport and Property Services periodically,
 - 28.1.3. ensuring that the extent of commitment to de-minimis contracts is monitored regularly and in any event so as to ensure that no such contract may be awarded in excess of the levels permitted under Regulations.

Section IV – Issuing Contracts

29. Preparation and Signature of Contracts - Non Local and Education Services

- 29.1. A Contract can be entered into via the generation of a Purchase Order on standard terms and conditions or via a “formal contract in writing” via the legal section.
- 29.2. Contracts covered by Section II should be prepared as follows:
 - 29.2.1. Category A: No formal contract required,
 - 29.2.2. Category B: No formal contract required. A formal contract in writing can be considered if terms and conditions above the standard purchase order terms are required,
 - 29.2.3. Category C: No formal contract required. A formal contract in writing can be considered if terms and conditions above the standard purchase order terms are required,
 - 29.2.4. Category D: A formal contract in writing should be prepared in all cases unless otherwise agreed in writing by the Head of Legal and Governance Services,
 - 29.2.5. Category E: A formal contract in writing should be prepared in all cases unless otherwise agreed in writing by the Head of Legal and Governance Services.
- 29.3. Formal contracts in writing must be signed by the Head of Legal and Governance Services or their nominee, being a Solicitor, unless that person determines that the contract shall be executed under the Common Seal of the Combined Authority.
- 29.4. All formal contracts in writing should contain the relevant transparency clauses to allow for the Combined Authority to meet its transparency obligations. If redactions are required to the contract these should be made by the supplier and agreed by the Combined Authority.

30. Preparation and Signature of Contracts – Local and Education Services

- 30.1. Contracts for local services and education transport must be in writing incorporating by reference the Combined Authority’s Agreement, General Contract, Terms and Conditions, services specification, and any

schedules, provided within the tender materials as appropriate and signed by Head of Mobility Services.

- 30.2. Where the total value of a contract over its full term exceeds £500,000 or the combined value of contracts for which tenders are awarded on a batch basis exceeds £500,000, approval to award contracts must be made by the Managing Director.
- 30.3. Where for a period in excess of eight years, they must be executed under the Common Seal of the Combined Authority unless the Head of Legal and Governance Services determines otherwise.

31. Contents of Contracts

31.1. Every contract in writing shall specify:

- 31.1.1. the work, materials, matter or things to be done or furnished,
- 31.1.2. the price to be paid, with a statement of discounts or other deductions,
- 31.1.3. the time or times within which the contract is to be performed,
- 31.1.4. such of the matters referred to in Standing Orders 30.3 to 30.4 as are required by those Standing Orders to be included.

31.2. Unless the Head of Legal and Governance Services and the Section 73 Chief Finance Officer having regard to all the circumstances, consider it to be unnecessary:

- 31.2.1. contracts for the execution of work shall provide for liquidated damages to be paid by the contractor in case of delays, and
- 31.2.2. the Combined Authority shall require, and take sufficient security for, the due performance of any contract in excess of the upper limit for contracts within Category C in amount or value, except for local transport services contracts.

31.3. In every written contract for the supply of goods or materials a clause shall be inserted to secure that, should the contractor fail to deliver the goods or materials, or any portion thereof, within the time or times specified in the contract, the Combined Authority, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or the extent of such default and to purchase other goods or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined, the goods or materials remaining to be delivered. The

clause shall further secure that the amount by which the cost of so purchasing other goods or materials exceeds the amount which have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase, if they had been delivered in accordance with the contract, shall be recoverable from the contractor. This Contracts Standing Order shall be drawn to the attention of all persons tendering or submitting a quotation for a contract with the Combined Authority.

- 31.4. Unless the Head of Legal and Governance Services determines otherwise, every contract for works entered into in writing by the Combined Authority shall include the right of the Combined Authority to have access to the site of works and documents of the contractor. This right shall entitle the Combined Authority to nominate such officer as they shall deem appropriate to undertake any inspection at the site or of any documents including the right to nominate persons not in the employment of the Combined Authority.
- 31.5. Every written contract that involves the processing of personal data by a contractor on behalf of the Combined Authority shall set out the subject matter and duration of the processing, the nature and purpose of the processing, the type or personal data and categories of data subjects and the obligations and rights of the Combined Authority. In particular the contract shall contain clauses that meet the requirements of Article 28(3) of the General Data Protection Regulation.

32. Use of E-Mail in Contracts and Awards

- 32.1. Where these Contracts Standing Orders require that a contract shall be in writing, this will not normally be satisfied by the use of e-mails.
- 32.2. Except where express provision is otherwise made in these Contracts Standing Orders, e-mail should only be used exceptionally in a contractual situation (including those circumstances where a contract is to be varied or extended) and then only with the prior approval of the Head of Legal and Governance Services or Section 73 Chief Finance Officer.

33. Variations to Contracts

- 33.1. During the term of a contract it may be necessary to vary the terms. This could include amending the requirements, costs and/or dates. Variations to existing contracts may be made provided they are made in compliance with the Public Contracts Regulations 2015 Article 72.

33.2. Contracts can be varied as follows:

Variation Type	Value Limits	Approval Required
Variation is provided for in the original contract.	None	Budget Holder or Budget Controller
Novation to a new provider who takes on the obligations of the original contractor.	None	Budget Holder or Budget Controller
Increase in the original contract value up to and including 10% where there is no change to the overall nature of the contract.	None	Budget Holder or Budget Controller
Increase in the original contract value over 10% and up to and including 50% where there is no change to the overall nature of the contract, and which is <ul style="list-style-type: none"> • due to circumstances which as a diligent contracting authority the Combined Authority could not have foreseen, or • for technical reasons where significant inconvenience or cost would otherwise be incurred. 	Where the resulting contract value is up to and including £100,000. Over £100,000 and up to and including £1M Over £1M	Budget Holder or Budget Controller Budget Controller Managing Director, Director or Executive Head of Economic Services in writing.

33.3. Contract variations should be treated as cumulative with values baselined from the original value.

33.4. Any variation should not be construed as limiting the authority of any person authorised under a civil engineering or building contract to issue a variation order to the contractor concerned.

- 33.5. The Head of Commercial and Head of Legal and Governance Services should be consulted on all contract variations with a greater than 10% increase in contract value, with the exception of 33.6. The Head of Commercial or the Head of Legal and Governance Services can escalate the decision to approve a contract variation to a higher level if deemed necessary. A copy of the contract variation form for Category D and E contracts, shall be supplied to the Head of Legal and Governance Services who shall annex it to the contract to which it relates. A copy of all variations should also be logged within the Purchase Ordering System against the relevant purchase order.
- 33.6. Contract variations for Special Educational Needs transportation contracts must be confirmed in writing by the Head of Mobility Services with a copy being stored locally by the Special Educational Needs team.

34. Cancellation of Contracts in Cases of Corruption

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

35. Assignment and Underletting of Contracts

- 35.1. In every contract the contractor shall be prohibited from assigning or underletting or sub-contracting the contract, or any part of it, except with the consent of the Budget Holder and upon such conditions as they think fit.
- 35.2. In the case of tender for services which provides for the possibility of subcontracting some or all of the services, appraisal of the tender must include appropriate appraisal of both the main and any sub contractor's proposals to ensure that the sub-contractor is capable of delivering the services and complying with the contract and all relevant legislation. The principal contractor shall be expressly responsible for all work

done by the sub-contractor and for it being carried out under the same conditions as the main contract, so far as reasonably possible.

Section V – Land

36. Acquisition and Disposal of Interests in Land

- 36.1 Where the Combined Authority is acquiring or disposing of an interest in land, the procedures to be followed in each case shall be the responsibility of the Head of Legal and Governance Services in accordance with any current policy of the Combined Authority.
- 36.2 Before acquiring or disposing of an interest in land, the Head of Legal and Governance Services must obtain approval for the acquisition or disposal from:
- the Transport Committee, in respect of any acquisition or disposal within the Committee's terms of reference, or
 - any relevant officer to whom authority has been delegated for such an acquisition or disposal, or
 - the Combined Authority.

Section VI – Legal

37. Legal Proceedings

- 37.1 Where any document is a necessary step in legal proceedings it shall be signed by the Head of Legal and Governance Services or by any other Solicitor employed by the Combined Authority, unless otherwise required or authorised by law, or where the Combined Authority give authority, to some other person for the purpose of such proceedings.
- 37.2 Where there is a likelihood of the Combined Authority being involved in any legal proceedings or where the Police investigate any matter involving the Combined Authority or any of its personnel, the Head of Legal and Governance Services shall immediately be informed by the officer concerned or their line manager.

38. Sealing of Documents

- 38.1 A resolution of the Combined Authority, a committee of the Combined Authority or a decision of an officer (where the committee or officer has the power) authorising the taking of any action shall be sufficient authority for sealing of any document necessary to give effect to such resolution. In other cases the Common Seal of the Combined Authority shall be affixed to any document only when:
- 38.1.1 sealing has been authorised by a resolution of the Combined Authority or of a Committee or officer to which the Combined Authority has delegated its powers in this behalf, or
 - 38.1.2 the Head of Legal and Governance Services has delegated authority to enter into the contract or agreement.
- 38.2 The application of the Combined Authority's Seal shall be authenticated by the signature of the Head of Legal and Governance Services or the Managing Director.
- 38.3 The sealing of a document shall be entered in a register kept for that purpose in the custody of the Head of Legal and Governance Services. The Common Seal of the Combined Authority shall be kept in a safe place in the custody of the Head of Legal and Governance Services or some other person authorised by the Head of Legal and Governance Services.
- 38.4 The Head of Legal and Governance Services shall be authorised to sign all other documents and in their absence any other Solicitor

employed by the Combined Authority shall be authorised to sign any such documents other than cheques and other negotiable instruments.

Appendix One – Contract Standing Order for the Mayor’s Policing and Crime Functions

1. Introduction and Compliance

- 1.1. All orders and contracts for works, goods or services made by West Yorkshire Combined Authority (the Combined Authority) on behalf of the Mayor’s PCC Functions or as the contracting authority for the Chief Constable of West Yorkshire Police shall be made in accordance with these Contract Standing Orders (Standing Orders).
- 1.2. All contracts shall comply with statutory requirements including, but not limited to UK Legislation, Directives of the European Community and relevant Government Guidance.
- 1.3. The Combined Authority require all procurement activity to be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability.
- 1.4. All procurement undertaken on behalf of the Combined Authority will operate under robust principles and procedures to ensure best value. Detailed procedures will be published in the Yorkshire and The Humber (YatH) Regional Procurement Policy and Procedures. This is available on the Procurement Team site on the WYP intranet.
- 1.5. No exceptions shall be made to these Standing Orders other than for the reasons stated in this section.
- 1.6. All employees must comply with these Standing Orders. Failure to do so may result in disciplinary action.

2. Competitive Procurement

- 2.1. The use of central contracts that have been set up by the YatH Regional Procurement Team, BlueLight Commercial or individual YatH Forces for certain works, goods and services is mandatory.
- 2.2. For works, goods or services not available from an existing contract, the acceptance of quotations and bids will be based on the principle of best overall

value for money, i.e. the most economically advantageous offer. Criteria for the award of contracts shall be recorded in advance of the invitation and strictly observed by officer's evaluating the bids. The criteria may include cost and qualitative elements and shall take into account whole life costs. The evaluation process must be objective, systematic, thorough and fair.

- 2.3. Evaluation models shall generally be weighted such that the overall percentage score allocated to cost is not less than 50%. In exceptional circumstances the Regional Procurement Director or their Deputy may agree a different cost/quality ratio.
- 2.4. The table below describes the procedure and authority levels dependent on the estimated value of the procurement.
- 2.5. Estimated value is deemed to be the aggregate cost, in any Force or the Region that is reasonably anticipated over the lifetime of the provision. If the lifetime is unknown, then the aggregate cost should be based on 48 months.
- 2.6. Requirements must not be disaggregated in Force or in the Region in order to avoid competitive procurement under any circumstances.
- 2.7. The authorisation levels shall apply to variations to contract. For any variation that equates to more than 10% of the original contract value any additional costs resulting from the variation must be aggregated with the original contract value for the purposes of authorisation. Any variation that equates to less than 10% of the original contract value can be approved locally by Officers with relevant authority in accordance with financial instructions.
- 2.8. The Officer with delegated authority to authorise orders or contracts committing the expenditure does so on behalf of the Combined Authority.
- 2.9. Mandatory involvement of the Regional Procurement Team is only required for contracts valued over £50,000.

Procurement Competition Procedures and Authority Levels

Estimated Value £	Quotation / Tender Requirements	Levels of Delegated Authority and Contract Signature Thresholds
< £10,000	The local procurement procedure may use any reasonable means to select the supplier, preferably three quotations should be obtained (this may include form catalogues or price lists. The procurement procedure and outcome must be recorded and retained locally.	Purchase orders and contracts to be approved locally by Officers with relevant authority in accordance with financial instructions.
£10,000 – £50,000	At least three formal written quotations or references to three supplier catalogues shall be obtained.	Purchase orders, requisitions and contracts to be approved locally by Officers with relevant authority in accordance with financial instructions. Contracts on behalf of the Force valued £25k - £50k require discussion with Commercial Services prior to any contract being signed. The Force's Commercial Services maintain a database for all contracts £10k - £50k. For contracts specifically for the Mayor's police and crime functions, the Combined Authority's commercial department shall assist rather than the Force's team.
> £50,000	All procurement to be managed by the Yath Regional Procurement team or BlueLight Commercial as applicable At least three Tenders shall be obtained, where the aggregated value of the contract is in excess of EU thresholds, tender procedures will be in accordance with EU Procurement Directives.	On conclusion of the procurement process an "Authority to proceed to contract" will be issued to the Lead Force by the Regional Procurement Team / BlueLight Commercial and will be signed locally by Officers with relevant authority in accordance with Financial Instructions and returned to the Regional Procurement team / BlueLight Commercial.

Policing and Crime and Collaborative Contracts	<p>Contracts will be signed as follows;</p> <p>£50,000 - £75,000: Senior Category Manager/Category Manager/Contract Manager</p> <p>£75,000 - £500,000: Strategic Category Manager/Strategic Contract Manager</p> <p>££500,000 - £1,000,000: Head of Regional Procurement/Head of Contract Management & Performance</p> <p>£1,000,000 - £5,000,000: ACO, relevant Yath Force</p> <p>> £5,000,000: Relevant PCC or Mayor/Deputy Mayor of Policing and Crime</p>
---	---

Financial and Contractual Delegation

Financial and contractual delegation: Key Responsibilities	
ACO	<ul style="list-style-type: none"> • Determine authorised signatories within the Force. Those authorised signatories will be described and documented in the Financial Regulations for West Yorkshire Police and mayoral policing functions in accordance with the Mayor's PCC Scheme of Consent.
Authorised Signatories	<p>To ensure:</p> <ul style="list-style-type: none"> • Purchase is compliant with Financial Regulations; and • Sufficient resources are available within the relevant budget or capital programme.

3. Exceptions to Normal Procedures/Single Tender Action

- 3.1. All exceptions to normal procedures must be approved prior to the procurement of goods, service or works. Purchases made for reasons outlined below, but without prior approval of the Chief Constable, will be treated as breaches of Contract Standing Orders, and reported to the Mayor.
- 3.2. STA should only be used in very exceptional circumstances. The Chief Constable and the Mayor or their delegated authorities will consider requests for exceptions to normal procedures under the following circumstances:
 - 3.2.1. Where it can be evidenced that only one supplier is able to carry out the work or service or to supply goods for technical reasons or because of exclusive rights,
 - 3.2.2. Extensions to existing contracts where there is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience,
 - 3.2.3. The contract has been classified as secret by a Chief Officer making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain,
 - 3.2.4. The contract is required so urgently that competition is impracticable. For example, a genuine unforeseeable operational need arises. However failure to take action within appropriate timescales does not constitute grounds for an urgency exception.
- 3.3. Any STA up to £50,000 shall be authorised by the Divisional/Departmental Head and shall be reported to the Regional Procurement Director. The approval must be in writing on the Exceptions to Normal Procedures £10K - £50K form (available through Regional Procurement or the intranet site) and copied to the Regional Procurement Director. It should be filed appropriately with evidence for the exception and retained in accordance with the WYP retention policy.
- 3.4. Any STA over £50,000 shall be requested via the Regional Procurement Director and the appropriate Chief Officer with supporting documentation. Exception requests should be made on an Exception to Normal Procedure request for over £50K (available through Regional Procurement or on the intranet site). The formal procedure shall be described in the Regional Procurement Policy or Procedures.
- 3.5. The Regional Procurement Director or the Head of Procurement & Category Management will consider the request and forward it to the Chief Officer, with comments. The Chief Officer's decision will be final.

- 3.6. The Regional Procurement Director will report all exceptions to normal procedures to the ACO at the end of each month.
- 3.7. Where a contract exceeds £50,000 in value, the Chief Officer shall present a subsequent report to the Joint Independent Audit and Ethics Committee in the quarterly report.

4. Contracts Register

- 4.1. A record of all contracts let with a value in excess of £50,000 shall be maintained by the Regional Head of Procurement. A contracts database for contracts on behalf of the Force between £10k - £50k to be maintained by the Force's Commercial Services.

5. Contract Monitoring

- 5.1. Where the contract terms provide for credits to be offset against payments due or otherwise enable payments to be reduced on account of failure by the contractor to deliver the contract to the specified standards, any decision to waive entitlement to the credit or reduced payment shall only be authorised by the Chief Officer in consultation with the Regional Head of Procurement, where the amount involved is less than £100,000.
- 5.2. The ACO to seek approval from the Mayor where the amount involved is above £100k.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	24 June 2021
To be of effect from:	24 June 2021

Part 4

Section 4.8 – Financial Regulations

These Regulations apply to all officers conducting Combined Authority matters including general mayoral matters but excluding those specific matters relating to mayoral Police and Crime Commissioner Functions where separate regulations will apply.

1. General

- 1.1 These Regulations lay down for the guidance of Members and officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years.
- 1.2 The Director, Corporate and Commercial Services is designated under Section 73 Local Government Act 1985 as the officer who is responsible for the proper administration of the financial affairs of the Combined Authority (the Section 73 Chief Finance Officer) and shall report to the Combined Authority any significant failure to comply with these Regulations which comes to their attention.
- 1.3 The Head of Paid Service and the Section 73 Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 1.4 For the purposes of complying with these Regulations, the Section 73 Chief Finance Officer shall be provided with any information they may require and shall have access to any documents and records, as necessary.
- 1.5 Whenever any matter arises which may involve financial irregularity the Section 73 Chief Finance Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Section 73 Chief Finance Officer and after consultation with the Head of Paid Service, be referred by them to the Combined Authority. Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

2. Staffing

- 2.1 The Head of Paid Service will be responsible for providing overall management to staff employed by the Combined Authority.
- 2.2 The Head of Paid Service and the Section 73 Chief Finance Officer will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.

- 2.3 The Section 73 Chief Finance Officer will:
 - 2.3.1 Ensure that budget provision exists for all existing and new employees;
 - 2.3.2 Ensures that appropriate mechanisms are in place to support the payment of salaries and any other related payments to staff;
 - 2.3.3 Set out and issue a staff expenses scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the Combined Authority.

- 2.4 The Section 73 Chief Finance Officer is responsible for:
 - 2.4.1 arranging and controlling the secure payment of wages and any other emoluments to officers in their capacity as employees, in accordance with procedures prescribed by the Section 73 Chief Finance Officer, on the due date
 - 2.4.2 recording and making arrangements for the accurate and timely payment of tax, national insurance, pension deductions and any other deductions;
 - 2.4.3 making arrangements for the payment of travel and subsistence claims;
 - 2.4.4 ensuring the appropriate systems, records and documentation are maintained on behalf of the administering pension body.

- 2.5 Directors must ensure that appointments are made in accordance with the approved establishment and scales of pay and the adequate budget provision is available. An annual staffing budget must be produced (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.

- 2.6 Payroll documents must be retained and stored for the defined period in accordance with guidance issued by the Section 73 Chief Finance Officer.

- 2.7 Directorate managers shall notify the Finance Team of all matters affecting payment to employees - including appointments, resignations, dismissals, suspensions, secondments and pay awards, absences from duty for sickness and other reasons affecting pay, information necessary to maintain records of service for pension purposes, income tax and national insurance.

3. Accounting Arrangements

- 3.1 The Section 73 Chief Finance Officer shall prepare a manual of financial and accounting procedures to be operated by officers working on Combined Authority matters.

- 3.2 All accounting and financial arrangements shall be determined by the Section 73 Chief Finance Officer who shall be consulted before any form or document of a financial or costing nature is introduced.

- 3.3 The Section 73 Chief Finance Officer shall be responsible for the certification of all claims for grant to Government Departments, or other funders. Directors must ensure expenditure is compliant with relevant grant conditions.

- 3.4 The Section 73 Chief Finance Officer is responsible for ensuring, not later than the date specified in government regulations, the preparation and submission to the Combined Authority of the annual statement of accounts for the year ending on the preceding 31 March; such statements of accounts being in a form prescribed by the Section 73 Chief Finance Officer in compliance with the Accounts and Audit Regulations currently applicable.
- 3.5 The Annual Accounts must be approved by the Combined Authority within the statutory deadlines.
- 3.6 At the end of the financial year, Directors must supply the Section 73 Chief Finance Officer with information in such form and by such date as is determined to enable the prompt close of the Combined Authority's Annual Accounts.
- 3.7 If the External Auditor's Report requires any material amendment to be made to the Annual Accounts, this must be then reported to the Combined Authority as soon as practicable after the receipt of the audit report.

4. Banking arrangements

- 4.1 All arrangements with the Combined Authority's bankers, including the ordering and safe custody of cheques and online banking arrangements, shall be made by the Section 73 Chief Finance Officer who shall be authorised to operate such banking accounts, as they consider necessary.
- 4.2 All cheques drawn on behalf of the Combined Authority shall be signed by, or bear the facsimile of the Section 73 Chief Finance Officer, or the signature of any other duly authorised officer.
- 4.3 The Section 73 Chief Finance Officer will maintain a schedule of signatories for each bank account in line with the agreed mandate with the bankers.

5. Budgetary Control

- 5.1 The detailed form of the indicative programme of capital expenditure and revenue estimates shall be determined by the Section 73 Chief Finance Officer after consultation with appropriate Directors, in accordance with any general directions of the Combined Authority and the Mayor for the Mayoral General Functions.
- 5.2 The Section 73 Chief Finance Officer shall monitor the Combined Authority's expenditure and controls in relation to its budget and report any significant variations to the appropriate Committee and together with any recommendation of that committee to a subsequent meeting of the Combined Authority.
- 5.3 It is the responsibility of Directors to ensure business plans reflect agreed budget estimates. Directors are responsible for the continuous exercise of budgetary control and service performance throughout the year. The Section 73

Chief Finance Officer is responsible for, in consultation with the Directors, nominating and maintaining the Budget Controller and Budget Holders for each of the cost centres. These assigned roles are responsible for reporting on variations to the Section 73 Chief Finance Officer and complying with all accounting and budget management guidance issued by the Section 73 Chief Finance Officer or Head of Finance.

- 5.4 The Budget Controllers / Holders must be an officer of the Combined Authority.
- 5.5 Though budget responsibility remain with the Budget Controllers, they may propose assignees to have the authority to approve purchase requisitions or invoices up to predetermined levels. This must be agreed in writing with the Section 73 Chief Finance Officer.
- 5.6 The assigned Budget Controllers are responsible for the monitoring and control of the budgets assigned to them by Directors. An assigned Budget Holder is responsible for the day to day management of their budget and must immediately bring to the Budget Controller's attention any expected overspend or underspend against approved budgets. The Budget Holder must also ensure that all monies are spent in the best interests of the Combined Authority and ensure maximum efficiency.
- 5.7 No expenditure shall be authorised or incurred which is not provided for in the approved budget. If a Director / Budget Controller wishes to spend money which is not included in their approved revenue budgets and where it is not possible to vire money from an existing budget, in line with the approved budget management delegations, then they must notify the Head of Finance who will advise on how to proceed.
- 5.8 Where the Combined Authority operates in partnership or similar arrangements, Directors must set out the roles and responsibilities of all parties including a sound framework of internal controls. All proposed financial arrangements must be subject to prior approval of the Section 73 Chief Finance Officer and subject to compliance checks as deemed necessary.

6. Capital and Revenue Budget Planning - Medium Term Financial Plans

6.1 Combined Authority Budget

- 6.1.1 The Section 73 Chief Finance Officer shall prepare a medium term financial strategy comprising a forecast of revenue expenditure and income for discussion with District Councils in relation to future levies and funding and report such discussions to the Combined Authority. Such a strategy must reflect the priorities and plans of the Combined Authority **and the Mayor**; it is the responsibility of Directors to advise the Section 73 Chief Finance Officer of changes to their resource requirements over the period under review.
- 6.1.2 The Section 73 Chief Finance Officer shall ensure that a revenue budget is prepared on an annual basis for consideration and approval at a

meeting of the Combined Authority before 10th February prior to the start of the financial year, allowing for call in if required. At that meeting determination shall be made of the level of the levy, **Mayoral precepts** and other contributions for the following year. The transport levy must be agreed by the 15th February each year.

6.1.3 The Section 73 Chief Finance Officer, in consultation with appropriate Directors, shall prepare an annual estimate of capital expenditure for submission and approval to the Combined Authority, together with proposals for financing that programme. Full approvals for capital projects and funding / financing proposals will be considered through the Assurance Framework approval processes.

6.1.4 The Section 73 Chief Finance Officer, in consultation with appropriate Directors, shall prepare annual estimates of revenue expenditure and income, indicating the levy (in relation to the Combined Authority transport functions) and additional amounts payable by the Constituent Councils (in relation to the Combined Authority non transport functions) necessary to finance the net expenditure for the next financial year.

6.2 Mayoral General Budget

6.2.1 The Section 73 Chief Finance Officer, in consultation with appropriate Directors and the Mayor shall prepare annual estimates of revenue expenditure and income and a capital programme associated with the Mayoral General Functions, indicating the general component of the Mayor's Precept to be levied and any associated borrowing requirement

6.2.2 The Mayor will submit the draft Mayor's General Budget, the general component of the Mayor's Precept and associated borrowing requirement to the Combined Authority for consideration and approval.

6.2.3 The Combined Authority may veto the draft Mayor's General Budget, the general component of the Mayor's Precept and propose changes to the Mayor who may then submit a revised draft budget for consideration and approval.

6.2.4 The Combined Authority will approve the Mayor's General Budget, the general component of the Mayor's Precept incorporating any Combined Authority recommendations as to the relevant amounts and any associated borrowing requirements.

7. Control of Expenditure

7.1 Capital Schemes

7.1.1 Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Combined Authority and its partners, such as

land, buildings and vehicles. They may create financial commitments for the future in the form of financing costs and revenue running costs.

- 7.1.2 Before a capital scheme for which provision is made may proceed, it must proceed through the Combined Authority Assurance Framework processes and approval routes. **This is applicable too for proposals submitted by the Mayor.**
- 7.1.3 The proposal will report on the ongoing revenue implications of the scheme as part of the approval requested.
- 7.1.4 After a capital scheme has been approved, relevant Directors shall inform the Section 73 Chief Finance Officer as soon as practicable of any likely overspending and submit the relevant change request using the Combined Authority Assurance Framework approval processes.

7.2 Combined Authority Revenue Budget

- 7.2.1 The Combined Authority will determine the amounts to be allocated to Combined Authority functions. The Head of Paid Service, in conjunction with Directors, will monitor expenditure against this approval, and report on a regular basis agreed with the Section 73 Chief Finance Officer to the Combined Authority showing forecast variations from the budget allocated. It will be a matter for the Combined Authority to determine from this information whether expenditure priorities should be changed within the funding envelopes available.
- 7.2.2 The Section 73 Chief Finance Officer is responsible for advising on the format of the revenue budget and for ensuring that the mechanism for financial control and management of the budget is in place and for providing appropriate financial information to Directors to enable them to effectively monitor their budgets.
- 7.2.3 For revenue expenditure any likely overspending shall be reported by Directors as soon as practicable to the Section 73 Chief Finance Officer. Where it is not possible to finance an overspending by a transfer between expenditure budget heads (see virements and delegations below), the matter shall be referred to the Combined Authority for consideration.
- 7.2.4 The Section 73 Chief Finance Officer will determine guidelines for carrying forward of surplus and deficits on budget headings.

8. Virements

- 8.1 The Section 73 Chief Finance Officer shall be authorised to approve virements between expenditure heads up to £200,000. Anything in excess of these limits shall be reported for approval to the Combined Authority **or Mayor** as appropriate. Virements are deemed to be:

- 8.1.1 Revenue - A transfer of budget for a different purpose to that set out in the approved budget;
- 8.1.2 Capital - a movement of budget between approved capital schemes.
- 8.2 In accordance with the scheme of virement and associated thresholds, the Section 73 Chief Finance Officer is responsible for virement proposals submitted by Directors for revenue. The capital expenditure approved virement / changes will be processed through the Combined Authority Assurance Framework processes.
- 8.3 In conjunction with Directors, the Section 73 Chief Finance Officer is to report to and seek the prior approval of the Combined Authority **or the Mayor** for any revenue expenditure where it is for the release of earmarked sums from reserves or will have an adverse impact on a priority within the approved budget.
- 8.4 The Section 73 Chief Finance Officer is to report and seek the approval of the Head of Paid Service (in consultation with the Chair of the Combined Authority) to the exercise of the virement powers of the Combined Authority where a matter is urgent.

9. Maintenance of balances / reserves / provisions

- 9.1 The Section 73 Chief Finance Officer will ensure that there are clear protocols for the establishment and use of balances/reserves/provisions and, in consultation with Directors, will establish reserves and/or provisions and provide guidance on how to incur expenditure from balances/reserves/provisions.
- 9.2 The Section 73 Chief Finance Officer is to seek Combined Authority **or Mayoral, as appropriate,** approval for the use of balances, reserves or provisions in addition to those already approved in setting the original budget.
- 9.3 Directors must ensure that the use of reserves or provisions when approved is planned into the budget and used only for the purposes for which they were intended.

10. Borrowing and investments

- 10.1 The Section 73 Chief Finance Officer shall be the Combined Authority's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision, of the Section 73 Chief Finance Officer in the name of the Combined Authority.
- 10.2 The Section 73 Chief Finance Officer shall maintain records of all monies borrowed and shall be responsible for the day to day administration of borrowed monies, whether through a service level agreement / contract arrangement or an in-house team.

- 10.3 The Section 73 Chief Finance Officer shall ensure that the Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Combined Authority in relation to the Combined Authority's borrowings.

11. Contracts

- 11.1 All contracts and their management on behalf of the Combined Authority shall be subject to the Combined Authority's Contracts Standing Orders. The Section 73 Chief Finance Officer shall be informed as soon as possible by Directors of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Combined Authority and shall carry out such checks as considered necessary during the currency of a contract.
- 11.2 Payment to contractors on account shall be authorised only on certified documents signed by a duly authorised Officer, showing the total amount of the contract, value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 11.3 Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised Officer. Any such variation or addition which necessitates an increase in the amount of an accepted tender are managed in line with the Combined Authority's Contracts Standing Orders. No order shall be placed, nor any payment certified, in respect of any such variation or addition until this has been approved.
- 11.4 Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the Head of the Paid Service for consideration of the Combined Authority' legal liability and to the Section 73 Chief Finance Officer for financial consideration before settlement is negotiated.

12. Estates and Property

- 12.1 The Director, Transport and Property Services shall maintain a record of all estates and properties owned by the Combined Authority in a form approved by the Section 73 Chief Finance Officer.
- 12.2 The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Section 73 Chief Finance Officer.
- 12.3 Directors shall ensure that records and assets are properly maintained and securely held. They shall also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

13. Assets for Disposal

- 13.1 The Head of Commercial is responsible for arranging the disposal of any assets deemed to be obsolete, non-repairable or unnecessary.
- 13.2 The Head of Commercial is authorised to dispose of surplus or obsolete stores or equipment. Where they believe the sales value to be higher than £1,000 for each transaction then they are also responsible for ensuring that these sales are made by competitive tender or public auction.
- 13.3 All disposals to officers, related parties or members require the prior approval of the relevant Director/Managing Director.
- 13.4 Any acquisition or disposal of land must be carried out in accordance with the Combined Authority's Contracts Standing Orders

14. Income

- 14.1 The collection of all money due to the Combined Authority shall be under the supervision of the Section 73 Chief Finance Officer who shall issue detailed procedural guidance to be followed by relevant officers.
- 14.2 All money received by an officer on behalf of the Combined Authority shall, without delay, be paid intact to the Section 73 Chief Finance Officer, or if directed, to the Combined Authority bank account.
- 14.3 Directors will provide the Section 73 Chief Finance Officer details in connection with work completed, goods, supplies or services rendered and of all other amounts due as may be required to record correctly all sums receivable by the Combined Authority and to ensure prompt rendering of accounts for the collection of income.
- 14.4 Directors will notify the Section 73 Chief Finance Officer promptly of all money due to the Combined Authority and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Combined Authority.
- 14.5 All receipt forms, books, tickets and other such items shall be ordered and supplied to departments by the Section 73 Chief Finance Officer who shall satisfy themselves as to the arrangements for their control.
- 14.6 The Section 73 Chief Finance Officer is responsible for managing the Combined Authority's debt recovery procedures and processes, including authority for writing off bad debts. The Head of Finance is authorised to write off bad debts up to £1,000.
- 14.7 Every transfer of official money from one officer to another shall be evidenced in the records of the departments concerned by the signature of the receiving officer.

External Funding and Grants

- 14.8 The Section 73 Chief Finance Officer is responsible for:
- 14.8.1 ensuring there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims;
 - 14.8.2 authorising the acceptance of any grant offer on behalf of the Combined Authority and identifying the appropriate Budget Holder and Budget Controller for expenditure of the funding subject to all the terms and conditions imposed by the grant awarding body. The Head of Finance is authorised to accept any grant offer on behalf of the Combined Authority of up to £1 million, provided that the acceptance is on terms and conditions in accordance with the bid;
 - 14.8.3 ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines, and;
 - 14.8.4 ensuring the income due from grant claims is received and that records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements.

15. Insurance

- 15.1 The Section 73 Chief Finance Officer shall, subject to any general direction of the Combined Authority, arrange such insurances in the name of the Combined Authority as they consider necessary, and shall inform Directors annually of the insurances in force in respect of their department.
- 15.2 Directors shall give prompt notification to the Section 73 Chief Finance Officer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 Directors shall inform the Section 73 Chief Finance Officer promptly in writing of any event which may involve the Combined Authority in a claim on the Combined Authority's insurers.
- 15.4 Indemnities on behalf of the Combined Authority can only be given by the Head of Paid Service.

16. Risk Management

- 16.1 Risk management is the planned and systematic approach to the identification, evaluation and control of risk. It evaluates the measures already in place to manage identified risks and recommends the action required to control these risks effectively
- 16.2 The Combined Authority shall approve the risk management strategy and shall review the effectiveness of risk management. The Section 73 Chief Finance Officer shall prepare and promote the risk management strategy and develop appropriate risk management controls.

- 16.3 Directors shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review. Directors should notify the Section 73 Chief Finance Officer, in writing of any loss, liability or damage or any event likely to lead to a claim.
- 16.4 Directors shall take responsibility for risk management within their areas of responsibility, having regard from relevant advice from specialists (e.g. fire safety, health and safety, insurance) and shall undertake regular reviews of risk within their own Departments.

17. CIPFA Treasury Management Code of Practice

- 17.1 In line with CIPFA recommendations, the Combined Authority has adopted the following:
- To create and maintain, as the cornerstones for effective treasury management:
 - A Treasury Management Policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
 - Suitable Treasury Management Practices (TMPs), setting out the manner in which the Combined Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
 - The Combined Authority will receive reports on its Treasury Management Policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
 - The Combined Authority delegates responsibility for the implementation and regular monitoring of its Treasury Management Policies and Practices to the Governance and Audit Committee, and for the execution and administration of treasury management decisions to the Section 73 Chief Finance Officer of the Combined Authority, who will act in accordance with the Combined Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
 - The Combined Authority has nominated its Governance and Audit Committee to ensure effective scrutiny of the Treasury Management Strategy and Policies.

18. Internal Audit

- 18.1 The Combined Authority is required by legislation to provide an internal audit function. The internal audit function is an independent and objective appraisal function established by the Combined Authority. It examines, evaluates and reports on the adequacy of internal controls, compliance with Contracts Standing Orders and Financial Regulations, security of assets and adequacy of the financial systems. It also evaluates the effectiveness of internal controls in operation and assesses their adequacy in relation to the prevention or detection of fraud.

18.2 The Section 73 Chief Finance Officer shall, so far as they consider necessary:

- Arrange for the internal audit of all accounts and financial transactions of the Combined Authority and its officers.
- Supervise security arrangements and the custody and safeguarding of Combined Authority moneys and property, including any funds entrusted to the Combined Authority or its officers.
- Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.

18.3 The Section 73 Chief Finance Officer will make arrangements so that internal auditors have the authority:

- to have access to Combined Authority premises at reasonable times.
- to have access to documents, records and equipment in the possession of the Combined Authority.
- to require any officer of the Combined Authority to account for cash, stores or any other Combined Authority asset under their control.
- where possible, to have access to records belonging to third parties, such as contractors, when required.
- to receive information concerning any matter under investigation.
- to have access to the Head of Paid Service and the Governance and Audit Committee.

18.4 Directors must inform the Section 73 Chief Finance Officer, as soon as possible, of any matter which involves irregularities or any suspected irregularity concerning cash, stores, other property or any irregularity in the exercise of the functions of the Combined Authority. The Section 73 Chief Finance Officer may investigate and report on any matter which they believe involves or may involve irregularities concerning cash, stores or other property of the Combined Authority or any suspected irregularity in the exercise of the functions of the Combined Authority.

18.5 The Governance and Audit Committee shall approve a strategic internal audit plan, which takes account of the characteristics and relative risks of the activities involved.

19. External Audit

19.1 External audit shall be carried out by an auditor appointed in accordance with the legislative requirements who will report annually, or more often if deemed necessary, to the Governance and Audit Committee.

19.2 All reports written by external audit must be considered by the Governance and Audit Committee.

20. Orders for goods, works or services

20.1 The Combined Authority's Contract Procurement Rules are set out in the Contracts Standing Orders.

21. Payment of Accounts

21.1 Directors shall be responsible for the certification and submission of invoices and other claims to the Section 73 Chief Finance Officer who shall make safe and efficient arrangements for the payment of such accounts, ensuring the accurate payment of supplier invoices to agreed terms and, where applicable, to matched / cleared purchase orders.

21.2 The Section 73 Chief Finance Officer will ensure compliance with directives issued by the H.M. Revenue and Customs and the Construction Industry Tax Deduction Scheme

22. Petty Cash and Purchase Cards

22.1 The Section 73 Chief Finance Officer shall make such arrangements as they consider necessary for defraying petty cash and other expenses by means of an imprest system.

22.2 Purchase card accounts shall be operated strictly within the procedures determined by the Section 73 Chief Finance Officer.

23. Taxation

23.1 The Section 73 Chief Finance Officer is responsible for:

23.1.1 ensuring that taxation advice is available to Directors to ensure compliance with relevant legislation;

23.1.2 maintaining the Combined Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate;

23.1.3 completing all HM Revenue and Customs returns regarding Pay As You Earn (PAYE) and compliance with the HMRC IR35 regulations (off payroll taxation);

23.1.4 completing a monthly return of VAT inputs and outputs to HM Revenue and Customs

23.1.5 providing details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme;

23.1.6 maintaining an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994

23.2 The Directors are responsible for:

23.2.1 ensuring that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded;

23.2.2 ensuring, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements;

23.2.3 ensuring that the Combined Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994;

23.2.4 ensuring that all persons employed by the Combined Authority are added to the payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;

23.2.5 following any guidance on taxation that may be issued by the Section 73 Chief Finance Officer.

24 Internal Control

24.1 Internal control refers to the systems of control devised by management to help ensure the Combined Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Combined Authority's assets and interests are safeguarded.

24.2 The Section 73 Chief Finance Officer is responsible for advising on effective systems of internal control that will provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations. The responsibility for maintaining and reviewing the system of internal control rests with the Combined Authority.

24.3 The Section 73 Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

25 Stocks and stores

25.1 Each Director shall be responsible for the care and custody of stocks and stores within their area of responsibility.

25.2 The Section 73 Chief Finance Officer shall arrange for periodic checks of stocks by persons other than store-keepers where such stocks are of a significant value.

25.3 Directors will dispose of surplus materials, stores or equipment by competitive tender, public auction, e-bay type auction or in a manner approved by the

Section 73 Chief Finance Officer and in accordance with Contracts Standing Orders.

- 25.4 Adjustments which may be necessary for surpluses or deficiencies of stock shall be subject to the approval of the Section 73 Chief Finance Officer, or delegated officer.
- 25.5 The Section 73 Chief Finance Officer shall be authorised to write off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items in excess of £5,000 must be reported to the Combined Authority for information.

26 Security

- 26.1 Directors are responsible, with Budget Controllers and Holders, for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash, keys, documentation and information under their control. The responsibilities are to:
 - 26.1.1 make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility;
 - 26.1.2 ensure that the property procedures are adhered to by all officers;
 - 26.1.3 inform the Section 73 Chief Finance Officer of any instances where they believe the security to be inadequate;
 - 26.1.4 ensure that designated officers are personally responsible for the safekeeping of keys;
 - 26.1.5 ensure that designated Managers review the security of the premises under their control on a regular basis.
- 26.2 The Section 73 Chief Finance Officer is responsible for ensuring an asset register is maintained for all fixed assets with a value in excess of £4,000. All items of furniture, fittings, plant and equipment shall be included on an inventory.
- 26.3 The Section 73 Chief Finance Officer may write-off/write down asset and stock valued at less than £1,000. Assets and stock valued at more than £1,000 shall be written-off/written down by the Combined Authority following a recommendation of the Section 73 Chief Finance Officer.
- 26.4 Any instance of loss or theft of Combined Authority property must be notified to the Section 73 Chief Finance Officer.
- 26.5 If the loss or theft involved data that could be deemed sensitive or confidential then this must be managed in line with the Combined Authority's Data and Systems Security Incident Management Policy and Procedure.
- 26.6 Each Director shall be responsible for maintaining proper security and privacy of information and data held, as required by the Data Protection Act.

26.7 All staff shall comply with the standards and principles set out in the Combined Authority ICT Security policies.

27 Preventing Fraud and Corruption

- 27.1 The Combined Authority will not tolerate fraud and corruption in the administration of its responsibilities. The expectation of propriety and accountability is that members of the Combined Authority and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Section 73 Chief Finance Officer will ensure an effective anti-fraud and anti-corruption policy is maintained.
- 27.2 All members of the Combined Authority and officers shall follow the appropriate codes of conduct adopted by the Combined Authority in relation to declarations of interests, gifts and hospitality as well as following agreed staffing policies.
- 27.3 The Head of Legal and Governance Services is responsible for issuing guidance to officers regarding what to do when offered goods and/or services by actual or potential suppliers to the Combined Authority.
- 27.4 The Head of Legal and Governance Services maintains a register of interests in which officers must record details of notifiable financial or other interests and any hospitality or gifts offered to them and their responses to the offer. This register is formally reviewed by the Head of Legal and Governance Services on a regular basis.
- 27.5 Detailed procedures in relation to the supply of all works, goods and services are set out in Contracts Standing Orders.

28 Financial Systems and Procedures

- 28.1 The Section 73 Chief Finance Officer is responsible for:
- 28.1.1 the operation of the Combined Authority's accounting system, the form of accounts and the supporting financial records;
 - 28.1.2 issuing guidance and advice and procedures to officers;
 - 28.1.3 approving any changes to existing financial systems;
 - 28.1.4 approving the introduction of any new financial systems;
 - 28.1.5 ensuring the operation of appropriate controls covering input to the financial system, the processing of the information and any output;
 - 28.1.6 ensuring that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls;
 - 28.1.7 ensuring that the business recovery plan makes adequate preparations for ensuring that financial systems can be recovered in the event of an interruption;
 - 28.1.8 ensuring that finance systems are documented and staff are trained in how to operate them;

28.1.9 issuing appropriate instructions on the systems for collecting and recording income, and ordering and payment of goods and services.

Document version control	
Municipal Year:	<i>2021-22</i>
Version:	<i>1 - 21/22</i>
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

Part 4

Section 4.9 – Recruitment and Appointment Procedure for Private Sector Representatives

1. Introduction

- 1.1 The LEP's Constitution provides for the LEP to appoint private sector representatives to the LEP. The Combined Authority also co-opts private sector representatives to its committees¹. The Combined Authority may also appoint such representatives to any working group.
- 1.2 This procedure sets out the process to be followed in relation to the recruitment of any private sector representative² to:
- the LEP (including the LEP Chair) or
 - any **committee** or working group of the West Yorkshire Combined Authority.
- 1.3 The purpose of this procedure is to ensure that the recruitment for private sector representatives is carried out in a way which secures:
- selection on the basis of merit based on aptitude and ability,
 - consistency, fairness and openness in line with the Nolan principles,
 - appropriate succession planning, and
 - effective recruitment of people who can bring new ideas and approaches.
- 1.4 The terms of office for any private sector representative on the LEP including the Chair, will be in accordance with the LEP Constitution. The terms of office for any private sector representative on a **committee** or working group will be approved by the Combined Authority on appointment.

2. Diversity

- 2.1 It is recognised that the composition of representatives on the LEP and the Combined Authority is important as a breadth of interests must be taken into consideration to ensure that growth strategies are relevant, representative and widely supported across the Leeds City Region. The aim of each recruitment exercise is to promote and achieve private sector representation that reflects the diversity, industry and geography of the region.
- 2.2 The LEP's Equality and Diversity Policy (including Diversity Statement) sets out how the LEP is committed to promoting diversity and equality of opportunity including in relation to the representatives on the LEP. All

¹ Including those known as panels.

² This is subject to exceptional circumstances where the LEP or the LEP Chair (subject to the confirmation of the Monitoring Officer) confirms that there are compelling reasons for not doing so.

recruitment exercises will be carried out in accordance with the LEP's Equality and Diversity Policy.

3. Eligibility

3.1 A private sector representative should:

- live or work within the Leeds City Region, and
- be (or have been) employed by an organisation **not** included as central government, local government or a public corporate as defined for the UK National Accounts.³

3.2 No person may act as a private sector representative if:

- they are the subject of a bankruptcy restrictions order, an interim bankruptcy restrictions order, a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986, or
- during the five years prior to the date of appointment, they have been convicted of any offence and been sentenced to imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, or
- they have an incapacity imposed under Part III of the Representation of the People Act 1983 having been convicted of a corrupt or illegal practice, or
- they are an officer or servant of the Combined Authority or a Combined Authority subsidiary (within the meaning of the Transport Act 1962),
- they are currently employed in the public sector (that is, by an organisation included as central government, local government or a public corporate as defined for the UK National Accounts).

4. Recruitment Exercises - private sector representatives other than the LEP Chair

4.1 A full media backed recruitment campaign may take place as appropriate in respect of private sector representation on the LEP and on any **committee** (or working group) of the Combined Authority, as part of the LEP's succession planning arrangements.

³ Higher Education or Further Education Institutions are not classified as public sector organisations for this purpose. Public Sector Classifications can be viewed on the Office for National Statistics website [here](#)

- 4.2 A role profile for private sector representatives may be approved by the LEP Chief Executive⁴ in consultation with the LEP Chair before the start of each recruitment campaign.
- 4.3 This opportunity will be advertised openly on a variety of platforms, to ensure that people across the business community have an opportunity to apply. This may include local and regional press as well as via the Combined Authority/LEP digital channels and both existing and potential new networks, including consideration of appropriate channels for specific equality and diversity objectives. Senior business leaders, stakeholders and Chief Executives across the Leeds City Region may also be encouraged to share this opportunity with their extensive networks to ensure every effort is made to capture networks, contacts and organisations as broad reaching as possible to actively encourage individuals from under-represented groups to apply.
- 4.4 The Combined Authority's officers will compose an appropriate advertisement and agree a suitable deadline for applications.
- 4.5 Applications may be received online via the "Board Recruitment" email inbox which will be monitored and maintained by the Private Sector Relationship Manager.
- 4.6 Following the advertised deadline, applications will be reviewed to ensure that candidates are eligible for the position and assess suitability against the role profile.
- 4.7 The LEP Chair and LEP's Chief Executive will agree a short-list of candidates, who may then be invited to meet with an interview panel. The interview panel for private sector representatives may consist of:
- the LEP Chair,
 - a private sector representative, and
 - a local authority representative.
- 4.8 Appropriate Combined Authority officers may attend the interview, to advise only.
- 4.9 Before the interview, each shortlisted candidate may be asked to provide contact details for two referees.

⁴ The LEP Chief Executive is also the Combined Authority's Managing Director

- 4.10 Each candidate will be assessed by the interview panel on merit, based on aptitude and ability assessed against the role profile for the position, taking into account their application, interview and references.
- 4.11 In respect of private sector representatives on the LEP, the LEP Chief Executive will report the recommendations of any interview panel to the LEP, which will make any appointment. Successful candidates to the LEP may be notified by the LEP Chair.
- 4.12 With the LEP Chair's consent, any other appropriate member of the LEP may interview potential candidates. The appropriate committee lead officer may attend in support.
- 4.13 In respect of private sector representatives on any committee, the LEP's Chief Executive will report the recommendations of any interview panel to the LEP for consideration and recommendation to the Combined Authority, which will make any appointment.

5. Private Sector Reserve

- 5.1 Where the number of suitable candidates exceeds the number of vacancies, any suitable candidate who is not appointed to a vacancy may be given the opportunity to join a Private Sector Reserve which may remain in place until the next recruitment campaign⁵, as part of the LEP's succession planning arrangements.
- 5.2 Should a vacancy arise for a private sector representative at any time between each full campaign⁶, then the Private Sector Relationship Manager may invite an EOI from the individuals in the Private Sector Reserve to fill this vacancy.
- 5.3 The Private Sector Relationship Manager may also invite an EOI from all existing private sector representatives in relation to any vacancy, in case they wish to be considered for that vacancy.
- 5.4 Where any EOI is received:
- In respect of vacancies for private sector representatives on the LEP, the LEP Chair will consider any EOIs and may meet with any candidates to assess their suitability for the particular position.

⁵ Their original application and any other details held for them will be held until the next recruitment campaign.

⁶ Including any vacancy which arises due to any changes in committee or working group arrangements

- In respect of vacancies for private sector representatives on a committee, the LEP Chair or any other appropriate member of the LEP with the consent of the LEP Chair will consider any Eols and may meet with any candidates to assess their suitability for the particular position.
- 5.5 If no Eols are submitted, new applicants may be sought via a recruitment campaign with the vacancy being advertised on the LEP and Combined Authority web-sites, and any another appropriate website and social media. The vacancy may be advertised for a minimum of 14 days, and the process set out in paragraphs 4.4 – 4.9 above followed.
- 5.6 In respect of private sector representatives on the LEP, the LEP's Chief Executive will report recommendations to the LEP, which will make any appointment.
- 5.7 In respect of private sector representatives on any committee, the LEP's Chief Executive will report any recommendations to the LEP for consideration and recommendation to the Combined Authority, which will make any appointment.
- 6. LEP & Committee Composition & Conditions**
- 6.1 Each private sector representative is appointed with the expectation that they remain in the same or similar role and industry for the duration of their term of office. They must advise the Private Sector Relationship Manager of any changes in their employment, within seven days.
- 6.2 The LEP Chair and other member of the LEP Board at the LEP Chair's invitation may periodically meet with private sector representatives, and any proposed changes in employment/sector focus should be discussed at that time.
- 6.3 Subject to approval by the Combined Authority and the LEP Board, a private sector representative may be appointed to more than one committee, or appointed to a different committee, should their sector focus change or their knowledge or experience be better utilised elsewhere.
- 6.4 A private sector representative must also advise the Private Sector Relationship Manager as soon as reasonably practicable if they are no longer eligible to act as a private sector representative, for example, if they become employed in the public sector. See section 3, Eligibility.

7. Recruitment and appointment of the LEP Chair

- 7.1 The LEP's Constitution provides for the Chair to be a private sector representative.
- 7.2 Where a vacancy arises (or is due to arise) in the position of LEP Chair, the role profile for the position may be reviewed and approved by the LEP's Chief Executive before the start of each recruitment campaign, further to engagement with the business community through the LEP's Business Communications Group.
- 7.3 Officers will compose an appropriate advertisement and agree a suitable deadline for applications, further to engagement with the business community, through the LEP's Business Communications Group.
- 7.4 This opportunity will be advertised openly on a variety of platforms, to ensure that people across the business community have an opportunity to apply. This may include local and regional press as well as via the Combined Authority/LEP digital channels and both existing and potential new networks, including consideration of appropriate channels for specific equality and diversity objectives. Senior business leaders, stakeholders and Chief Executives across the Leeds City Region may be encouraged to also share this opportunity with their extensive networks to ensure every effort is made to capture networks, contacts and organisations as broad reaching as possible to actively encourage individuals from under-represented groups to apply.
- 7.5 In addition to the media backed recruitment campaign, extensive, wide reaching and transparent engagement with the business community via press, social media and the Business Communications Group may take place.
- 7.6 The vacancy may also be published on the Government's Centre for Public Appointments website.
- 7.7 Applications may be received online via the "Board Recruitment" email inbox which will be monitored and maintained by the Private Sector Relationship Manager.
- 7.8 Following the advertised deadline, applications will be reviewed to ensure that candidates are eligible for the position and assess suitability against the role profile.
- 7.9 The LEP's Chief Executive will agree a short-list of candidates, who will then be invited to meet with an interview panel. The interview panel will as a minimum include:

- a private sector representative who is not a member of the LEP, and
- the Mayor or other local authority representative.

7.10 Appropriate Combined Authority officers will attend the interview, to advise only.

7.11 Before the interview, each shortlisted candidate may be asked to provide contact details for two referees.

7.12 Each candidate will be assessed by the interview panel on merit, based on aptitude and ability assessed against the role profile for the position, taking into account their application, interview and references.

7.13 The interview panel will make recommendations to the LEP with regard to the appointment of a LEP Chair.

7.14 The LEP Chair's term will be in accordance with the LEP Constitution.

7.15 The terms of their appointment will be set out in an appointment letter from the Combined Authority to the LEP Chair.

8. Appointment of the LEP Deputy Chair

8.1 The LEP Constitution provides for the LEP Board to appoint a private sector LEP Deputy Chair.

8.2 The Private Sector Relationship Manager may invite an EoI from all Private Sector representatives on the LEP Board in relation to any vacancy arising.

8.3 The Deputy Chair may be appointed by the LEP Board from among the private sector representatives on the LEP Board.

9. Committee Chairs

9.1 The LEP's Chief Executive may seek recommendations from the LEP relating to the appointment of any private sector representative as a committee Chair or Deputy Chair at any time. Any recommendations will be considered by the Combined Authority, which will make any such appointment.

10. Induction and Training

10.1 Appropriate training and induction is provided to all representatives, including private sector representatives. Further training may also be provided throughout their term, including diversity training and briefings on new

developments, as and when required and this will be kept under review in accordance with the Leeds City Region's Assurance Framework.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>

Part 4

Section 4.10 - Petitions Scheme¹

Petitions with fewer than 2,000 signatures

- 1.1 Subject to paragraph 3 below, any petition with fewer than 2,000 signatures of persons resident or working in the Combined Authority's Area² shall be referred to an officer for response.

Petitions with 2,000 or more signatures

- 2.1 Subject to paragraph 3 below, the Managing Director, in consultation with the Mayor, will refer any petition with at least 2,000 signatures of persons resident or working in the Combined Authority's Area to a meeting of the Combined Authority, a committee or sub-committee.
- 2.2 No person or organisation may present more than one petition for consideration at any meeting.
- 2.3 The petition will be read at that meeting; there will be no opportunity for the organiser of the petition to address the meeting.
- 2.4 The Chair of the meeting will determine whether the petition is debated by the meeting.
- 2.5 The Chair/meeting will decide how to respond to the petition. Such response may include:
- taking the **action** the petition requests,
 - taking **no further action**,
 - referred for **further investigation** into the matter to an overview and scrutiny committee, a working group, or an officer,
 - requesting an officer to take **any other step** in relation to the matter.
- 2.6 The response will be recorded in the minutes of the meeting. The Head of Legal and Governance Services will notify the petition organiser in writing of the response, which will be published on the Combined Authority's website.
- 2.7 Where a Chair/meeting has referred the matter for further investigation or requested any other step to be taken, they will identify a relevant officer to notify the petition organiser in writing of the outcome, which will be published on the Combined Authority's website.

¹ This Petition Scheme does not extend to any petition in relation to Police and Crime Commissioner (PCC) Functions, in respect of which alternative arrangements apply.

² That is, West Yorkshire

Miscellaneous

- 3.1 Where a petition addresses an issue which only directly affects one Constituent Council, the Managing Director may, in consultation with the Chief Executive of that Constituent Council, refer the petition to that Council.
- 3.2 The Managing Director may, in consultation with the Head of Legal and Governance Services, reject a petition if:
- it is vexatious, abusive or otherwise inappropriate,
 - it qualifies as a statutory petition³,
 - it is excluded by order,
 - it is substantially the same as another petition presented to the Combined Authority in the previous 12 months, or
 - it does not relate to any function of the Combined Authority.

Document version control	
Municipal Year:	2021-22
Version:	1 - 21/22
Document approved by:	<i>The Combined Authority</i>
Date:	<i>24 June 2021</i>
To be of effect from:	<i>24 June 2021</i>
