

Part 2 - Articles

Article 7 – Ordinary (Non-Statutory) Committees

Decision-Making Committees

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

Decision-Making Sub-Committees

- 7.6. A committee may appoint one or more sub-committees,⁷ and, unless the Combined Authority otherwise directs, the committee may arrange for a sub-

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

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

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

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

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

⁶ Section 101(1D) of the 1972 Act.

⁷ Section 102(1)(c) of the 1972 Act.

committee or officer to exercise any of its functions.⁸ This does not prevent the committee from exercising any such function.⁹

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

Advisory Committees and Sub-Committees

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

General

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

⁸ Section 101(2) of the 1972 Act.

⁹ Section 101(4) of the 1972 Act.

¹⁰ Section 102(2) of the 1972 Act.

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

¹² Section 101(4) of the 1972 Act.

¹³ Section 102(4) of the 1972 Act.

¹⁴ Section 102(4) of the 1972 Act.

¹⁵ Section 102(4) of the 1972 Act.

¹⁶ Section 106 of the 1972 Act.

Voting Rights

7.15. A Co-optee who is a member of an ordinary **decision-making committee or sub-committee** appointed by the Combined Authority shall be a non-voting member of that committee or sub-committee unless that person:

- is a member of one of the Constituent Councils, or
- is a member appointed from the Non-Constituent Council or the LEP given voting right by resolution of the Combined Authority¹⁷, and
- in relation to a sub-committee, is a member of the committee which appointed the sub-committee.

7.16. No person who is a member of an **advisory committee or sub-committee** is required to be treated as a non-voting member of that committee or sub-committee.¹⁸

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¹⁷ Schedule 1 of the West Yorkshire Combined Authority Order 2014.

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

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24 June 2021