

DRAFT (17.04.14)

**The Barnsley, Doncaster, Rotherham and Sheffield
Combined Authority**

CONSTITUTION

Barnsley, Doncaster, Rotherham and Sheffield Combined Authority

CONSTITUTION

Contents

	Page
Part 1 Introduction	4
Part 2 Articles	7
Art 1 Interpretation	7
Art 2 Functions of the Authority	9
Art 3 Members of the Authority	10
Art 4 Chairing the Authority	12
Art 5 Authority Meetings, Procedure and Voting Arrangements	13
Art 6 Records of Proceedings	14
Art 7 Responsibility for Functions	14
Art 8 South Yorkshire Passenger Transport Executive	15
Art 9 Committees of the Authority	15
Art 10 Joint Arrangements	16
Art 11 Officers	16
Art 12 Decision Making	17
Art 13 Finance, Contracts and Legal Matters	19
Art 14 Scrutiny Arrangements	20
Art 15 Review and Revision of the Constitution	21

Part 3	Functions of the Authority	22
Part 4	Responsibility for Functions	28
A	Functions Reserved to the Authority	28
B	The Transport Committee	30
C	Audit Committee	33
D	Scrutiny Committee	34
E	Scheme of Delegation of Functions to Officers and Schedule of Proper Officers	36
Part 5	Procedure Rules	47
5A	Combined Authority Procedure Rules	48
5B	Transport Committee Procedure Rules	68
5C	Scrutiny Procedure Rules	73
5D	Access to Information Procedure Rules	74
5E	Financial Regulations	79
5F	Contracts Procedure Rules	80
Part 6	Codes and Protocols	81
6A	Members' Code of Conduct	82
6B	Officers ' Code of Conduct	91
6C	Protocol on Member / Officer Relations	92
6D	Members' Allowances Scheme	98
6E	Anti-Fraud and Corruption Policy	99
6F	Whistle-Blowing Policy	117

Appendices

Appendix 1	The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014	122
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PART 1

INTRODUCTION

1. This Constitution

- 1.1 This is the Constitution of The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority'). This is a new local government body that has been established to co-ordinate and drive forward economic regeneration and transport initiatives for the benefit of citizens and businesses within the Sheffield City Region.
- 1.2 This Constitution sets out how the Authority is made up, its legal powers and the various procedures through which it will exercise them. This may be through decisions of the Authority itself, committees of the Authority, such as its Transport Committee, or individual officers. The Constitution includes arrangements whereby these decisions may be reviewed by a Scrutiny Committee. It also includes other rules and processes relating to various aspects of corporate governance.

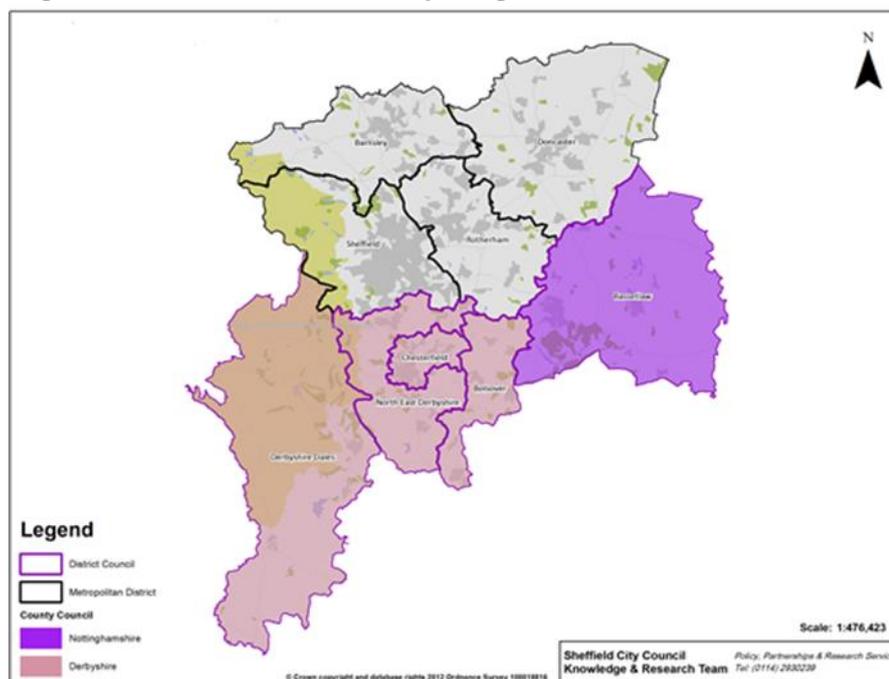
2. About the Sheffield City Region

- 2.1 The Sheffield City Region ('SCR') comprises the areas of nine local authorities:-

Barnsley Metropolitan Borough Council
Doncaster Metropolitan Borough Council
Rotherham Metropolitan Borough Council
Sheffield City Council
Bassetlaw District Council
Bolsover District Council
Chesterfield Borough Council
North East Derbyshire District Council
Derbyshire Dales Districts Council

- 2.2 These nine local authorities have a long history of collaboration at a scale that reflects the natural economic geography of the region (see *figure 1*). This collaboration was previously formalised through the SCR Forum, which evolved into the Sheffield City Region Local Enterprise Partnership ('SCR LEP') and the SCR Leaders' Group.

Figure 1 – The Sheffield City Region



3. A New Combined Authority

- 3.1 By spring 2012 there was an emerging consensus that the SCR had begun to ‘outgrow’ its existing governance structures and arrangements, which had always been based on informal, voluntary partnerships without any independent legal status. Consequently, it was agreed by both the SCR Leaders’ Group and the SCR LEP Board that a Review of the SCR should be undertaken under provisions of the Transport Act 2008 and the Local Democracy, Economic Development and Construction Act 2009.
- 3.2 The key conclusion of this Governance Review was that forming a Combined Authority for the SCR would improve the exercise of statutory functions in relation to economic development, regeneration and transport in the SCR leading to an enhancement of the SCR’s economic conditions and performance.
- 3.3 SCR Leaders and the LEP Board subsequently endorsed the findings of the Governance Review, recognising that the time was right to take SCR governance to the “next level” (i.e. from informal collaboration to joint decision making) and “put into legislation that which we [the SCR] have been doing by consent for some time” (*SCR Governance Review Workshop, 20th July 2012*).
- 3.4 Following a period of consultation and formal endorsement from each of the nine local authorities within the SCR, plans to form a Combined Authority were submitted to the Secretary of State for Communities and Local

Government in April 2013. Following a statutory consultation period, a statutory Order creating the Barnsley, Rotherham, Doncaster and Sheffield Combined Authority was ratified by both Houses of Parliament in March 2014. The Authority came into being as a legal entity on 1st April 2014.

4. What will the Authority do?

- 4.1 From the 1st April 2014, the Combined Authority became responsible for strategic economic development and transport related decision making at a Sheffield City Region or South Yorkshire level. This will include working closely with the private sector led LEP to ensure that local business representatives are actively involved in the decision making process.
- 4.2 The Authority has taken over all the functions of the former South Yorkshire Integrated Transport Authority. The majority of the Authority's transport related decisions will be delegated to its Transport Committee. The South Yorkshire Passenger Transport Executive is now an executive body of the Authority.
- 4.3 It should be noted that the Authority has not taken any legal powers from any of the nine SCR local councils.
- 4.4 Looking forward, city regions are increasingly a feature of central government policy making. It is anticipated that in the future further powers or functions may well be devolved to the Authority where the Government wishes these to be exercised on a regional basis.

PART 2

ARTICLES OF THE CONSTITUTION

Article 1: Interpretation

- 1.1 This is the Constitution of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority'). It sets out how the Authority operates, how decisions are made and the procedures that are followed to ensure that the Authority operates efficiently and effectively and is both transparent and accountable.
- 1.2 This Constitution comprises six Parts and a number of Appendices, each of which form part of the Constitution. In the event of conflict between any of the provisions of this Constitution the following order of precedence shall apply in determining which provision shall prevail:-
- Appendix 1 (the Order as defined below)
Part 2(Articles of the Constitution)
Parts 3 to 6
- 1.3 In this Constitution, where the context permits:-
- 1.3.1 **'the Authority'** means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;
- 1.3.2 **'Chief Executive Officers'** means the chief executives of the Constituent and Non-constituent Councils;
- 1.3.3 **'Chief Officers'** means the Authority's Head of Paid Service, Finance Director, Monitoring Officer and Clerk and the Chief Executive Officers;
- 1.3.3 **'the City Region'** means the Sheffield City Region which comprises the municipal areas of the Constituent Councils and the Non-constituent Councils;
- 1.3.4 **'the Combined Area'** means the area consisting of the municipal areas of the Constituent Councils;

- 1.3.5 **‘the Constituent Councils’** means Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council, Rotherham Metropolitan Borough Council and Sheffield City Council;
- 1.3.6 **‘the former ITA’** means the South Yorkshire Integrated Transport Authority which was abolished by the Order;
- 1.3.7 **‘the Non-constituent Councils’** means Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council and Derbyshire Dales Districts Council;
- 1.3.8 **‘the Order’** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (SI 2014 No. 863);
- 1.3.9 **‘Scheme of Delegation’** means the Authority’s Scheme of Delegation for the discharge of functions set out in sections B, C, D and E of Part 4 of this Constitution;
- 1.3.10 **‘Statutory Officers’** means the Authority’s Head of Paid Service, Finance Director and Monitoring Officer;
- 1.3.11 **‘Substitute Member’** means a Member of the Authority appointed under Article 3.4;
- 1.3.12 **‘SYPTTE’** means the South Yorkshire Passenger Transport Executive, being the Passenger Transport Executive for the Combined Area and the executive body of the Authority in relation to its transport functions;
- 1.3.13 **‘the Transport Committee’** means the Transport Committee established by the Authority;
- 1.3.14 **‘Working Day’** means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory holiday in England;
- 1.3.15 **‘year’** means the municipal year which runs from 1st April to the following 31st March inclusive;
- 1.3.16 phrases introduced by the words ‘including’, ‘includes’, ‘for example’, ‘in particular’ or similar, are illustrative and do not limit the generality of the related general words.

- 1.4 For the purposes of this Constitution, an elected mayor of a Constituent Council or Non-constituent Council is to be treated as an elected member of the Constituent Council or Non-constituent Council.
- 1.5 In this Constitution references to '**Members**' includes '**Second Members**' within the meaning of Article 3.3 and, where the context permits, Substitute Members.
- 1.6 Any reference in this Constitution to any enactment shall include a reference to any amendment or re-enactment of that enactment.
- 1.7 In this Constitution the various 'Procedure Rules' constitute standing orders made in accordance with paragraph 6 of Schedule 1 of the Order.

Article 2: Functions of the Authority

- 2.1 The Authority was established pursuant to the Order on 1st April 2014 as a combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 with the aim of improving:-
 - (a) the exercise of statutory functions relating to transport in the Combined Area;
 - (b) the effectiveness and efficiency of transport in the Combined Area;
 - (c) the exercise of statutory functions relating to economic development and regeneration in the Combined Area and the remainder of the City Region; and
 - (d) economic conditions in the Combined Area and the remainder of the City Region.
- 2.2 The Authority is responsible for a range of transport, economic development and regeneration functions. The functions of the Authority conferred or imposed upon it by the Order and the functions of the Authority delegated to it by the Order are set out in Part 3 of this Constitution.
- 2.3 The Authority will exercise all its powers and duties in accordance with the law and this Constitution.
- 2.4 The Authority will monitor and evaluate the operation of the Constitution as set out in Article 14 below.

Article 3: Members of the Authority

- 3.1 The Authority shall comprise eleven Members appointed as follows.
- 3.2 Each of the four Constituent Councils and the five Non-constituent Councils shall appoint one of its elected members to be a Member of the Authority.
- 3.3 Additionally, each Constituent Council shall appoint one of its elected members to be a rotational second member ('Second Member') of the Authority. The Authority must appoint two of the Second Members each year for a one year term. The order of rotation of the Second Members shall be determined at the first meeting of the Authority.
- 3.4 In addition, each Constituent Council and Non-constituent Council shall appoint another of its elected members to act as a Member ('Substitute Member') of the Authority in the absence of a Member appointed by that Council under Article 3.2. A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 3.5 All appointments as Members or Substitute Members of the Authority shall be for a term of one year, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.
- 3.6 A Constituent Council or Non-constituent Council shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its elected members in that person's place. Where a council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice. Where a Constituent Council appoints a Second Member ('the replacement Second Member') in place of a Second Member ('the original Second Member') who is currently serving as a member of the Authority pursuant to Article 3.3, the replacement Second Member shall immediately and automatically replace the original Second Member as a member of the Authority for the remainder of the original Second Member's term of office as soon as the replacement Second Member's appointment becomes effective as provided in this Article.
- 3.7 A Member or Substitute Member of the Authority who ceases (for whatever reason) to be an elected member of the council that appointed them shall immediately cease to be a Member or Substitute Member of the Authority, and

the relevant council shall as soon as practicable give written notice of this to the Authority and appoint another of its elected members in that person's place.

- 3.8 A person may resign as a Member or Substitute Member of the Authority by written notice served on the proper officer of the Constituent Council or Non-constituent Council that appointed them and the resignation shall take effect on receipt of the notice by the proper officer. The relevant council shall as soon as practicable give written notice of this to the Authority and appoint another of its elected members in that person's place.
- 3.9 Where an appointing council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Authority shall be decided in accordance with the constitutional requirements of that council, but it is anticipated that all Members and Substitute Members appointed by it shall be members of its executive and will include its executive leader or elected mayor.
- 3.10 All appointments, removals and replacements of Members, Second Members and Substitute Members of the Authority by Constituent Councils and Non-constituent Councils shall be made by notice in writing addressed to the Authority's Monitoring Officer. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 3.11 All Members of the Authority (including any Substitute Members acting in place of Members of the Authority) will:-
- (a) (subject to the Authority's voting arrangements) collectively be the ultimate policy makers of the Authority;
 - (b) bring views of their communities into the Authority's decision-making process; and
 - (c) maintain the highest standards of conduct and ethics.
- 3.12 Members will at all times observe the Code of Conduct for Members set out in Part 6A of this Constitution.
- 3.13 The Authority may allocate an individual portfolio of responsibilities to some or all of its Members at the Annual Meeting of the Authority.
- 3.14 No remuneration shall be payable by the Authority to its Members other than allowances for travel and subsistence in accordance with the Members'

Allowances Scheme set out in Part 6D of this Constitution. (It is acknowledged that a Constituent Council or a Non-constituent Council may, in accordance with its own procedures, pay a special responsibility allowance to any elected member appointed by it to the Authority in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Authority.)

- 3.15 The establishing of committees and sub-committees of the Authority is provided for in Article 9. Where elected members of Constituent or Non-constituent Councils who are not Members of the Authority are appointed to such committees and sub-committees they shall not thereby become Members of the Authority, but they may be given voting rights in accordance with Article 9.6.
- 3.16 The Authority may co-opt representatives of organisations with a particular relevance to the work of the Authority (for example the Sheffield City Region Local Enterprise Partnership or neighbouring local authorities which are neither Constituent Councils nor Non-Constituent Councils) to participate in meetings of the Authority or its committees. Such co-optees shall not be Members of the Authority and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out in Part 6A of this Constitution and they shall be entitled to the payment of allowances for travel and subsistence in accordance with the Members' Allowances Scheme set out in Part 6, section D of this Constitution. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases.

Article 4: Chairing the Authority

- 4.1 The Authority must appoint a Chair and a Vice-Chair from among its Members. The procedure for the appointment of the Chair and Vice-Chair is set out in the Authority's Procedure Rules in Part 5A of this Constitution.
- 4.2 A person ceases to be Chairman or Vice-Chair of the Authority if they cease to be a Member of the Authority.
- 4.3 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

Article 5: Authority Meetings, Procedure and Voting Arrangements

5.1 The Authority shall meet approximately once every six weeks, but additional meetings may take place should the need arise.

5.2 There are three types of Authority meeting:-

- (a) the Annual Meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings;

and they will be convened and conducted in accordance with the Authority's Procedure Rules set out in Part 5A of this Constitution.

5.3 Each Member of the Authority appointed by a Constituent Council shall have one vote.

5.4 Members of the Authority appointed by Non-constituent Councils will, in accordance with section 85(4), Local Transport Act 2008, be non-voting Members of the Authority. In accordance with section 85(5), Local Transport Act 2008, the Members appointed by Constituent Councils may resolve to extend the voting rights on defined matters to all or any of the Members appointed by Non-constituent Councils. At each meeting of the Assembly the items of business on which Members of the Authority appointed by Non-constituent Councils may or may not vote shall be identified before those matters are considered.

5.5 The Chair of the Authority shall **not** have a second or casting vote. Subject to the provisions of any enactment, all questions coming or arising before the Authority shall be decided by a simple majority of the Members of the Authority, and any Substitute Members acting in place of Members of the Authority, present and voting. In the case of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost.

5.6 The proceedings of the Authority shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5.7 The Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Article 6: Records of Proceedings

- 6.1 The Authority shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 6.2 Minutes of the proceedings of a meeting of the Authority, or any committee or sub-committee of the Authority shall be kept in such form as the Authority may determine.
- 6.3 Any such minutes are to be signed at the same or next suitable meeting of the Authority, committee or sub-committee by the person chairing that meeting.
- 6.4 Any minute purporting to be signed as mentioned in Article 6.3 shall be received in evidence without further proof.
- 6.5 Until the contrary is provided, a meeting of the Authority, a committee or a sub-committee, a minute of whose proceedings has been signed in accordance with this Article 6, shall be deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting shall be deemed to have been duly qualified.
- 6.6 For the purposes of Article 6.3 the next suitable meeting of the Authority, committee or sub-committee is the next following meeting of the Authority, committee or sub-committee as the case may be or, where standing orders made by the Authority provide for another meeting of the Authority, committee or sub-committee to be regarded as suitable, either the next following meeting or that other meeting.
- 6.7 A Member of the Authority or of any committee or sub-committee of the Authority has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

Article 7: Responsibility for Functions

- 7.1 Only the Authority will exercise the functions set out in Part 4, Section A of this Constitution which accordingly cannot be delegated by the Authority other than through the urgency provisions set out in Part 4, Section E and any urgency provisions contained in any procedure rules from time to time forming part of this Constitution.
- 7.2 The Authority has power to delegate the discharge of its functions, other than those reserved to the Authority by Article 7.1, to committees, sub-committees,

officers, joint committees or other local authorities, pursuant to section 101, Local Government Act 1972.

- 7.3 The Authority has delegated responsibility for the discharge of certain functions which are not reserved to the Authority to committees (including the Transport Committee) and officers in accordance with its Scheme of Delegation.
- 7.4 The Authority will review its scheme of delegation annually, or more frequently on the advice of the Monitoring Officer.

Article 8: South Yorkshire Passenger Transport Executive

- 8.1 Pursuant to the Order, SYPTE is an executive body of the Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Local Democracy, Economic Development and Construction Act 2009.
- 8.2 Further information about SYPTE can be found here:-
- <http://www.sypte.co.uk>

Article 9: Committees of the Authority

- 9.1 The Authority will establish and maintain the Transport Committee to discharge the roles and functions set out in Part 4, section B of this Constitution.
- 9.2 The Authority will establish and maintain an Audit Committee to discharge the roles and functions set out in Part 4, section C of this Constitution.
- 9.3 The Authority will establish and maintain an overview and scrutiny committee (the 'Scrutiny Committee') to discharge the roles and functions set out in Part 4, section D of this Constitution.
- 9.4 The Authority may establish such other committees as it thinks fit to discharge its functions.
- 9.5 Committees established under Articles 9.1, 9.2, 9.3 and 9.4 may include as voting members any elected member of a Constituent Council even if such member is not a Member of the Authority, but, subject to Article 9.6, any other

members of such a committee (including members of Non-constituent Councils) shall be non-voting members.

- 9.6 Members of Non-constituent Councils appointed to any committee or sub-committee of the Authority may be given voting rights by resolution of the Authority.
- 9.7 No remuneration shall be payable by the Authority to a members of any committee established by it other than allowances for travel and subsistence in accordance with the Members' Allowances Scheme set out in Part 6D of this Constitution. Such members shall, however, observe the Code of Conduct for Members set out in Part 6A of this Constitution.

Article 10: Joint Arrangements

- 10.1 The Authority has power pursuant to section 101(5), Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 10.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

Article 11: Officers

11.1 Statutory Officers

The Authority shall appoint:-

- (a) a Head of Paid Service (section 4, Local Government and Housing Act 1989);
- (b) a Finance Director (section 151, Local Government Act 1972); and
- (c) a Monitoring Officer (section 5, Local Government and Housing Act 1989);

whose responsibilities and delegations are as set out in Part 4, Section E of this Constitution.

11.2 Clerk

The Authority will appoint a Clerk whose responsibilities and delegations are as set out in Part 4, Section E of this Constitution.

11.3 Other Chief Officers

The Authority will appoint as officers of the Authority (subject to their agreement) the Chief Executives of the Constituent Councils and the Non-Constituent Councils who are not officers of the Authority by virtue of Articles 11.1 and 11.2 above.

11.4 General

The Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

11.5 Officers will comply with the Code of Conduct for Officers set out in Part 6B of this Constitution.

11.6 Roles and Responsibilities and Operating Principles

The Head of Paid Service will be designated the senior accountable officer of the Authority to be known as [the Director of the Sheffield City Region] (the ['SCR Director']), and in the event that s/he holds a paid office with the Authority this will be a politically restricted post for the purposes of the Local Government and Housing Act 1989.

11.7 The [SCR Director] will be accountable to the Authority, reporting through the respective Chief Executive Officers as its most senior office holder and will in such capacity:-

- (a) be accountable to the Chair of the Authority and/or the Chair of the Transport Committee in relation to the identification of items of business to be placed on the agenda of any meeting of the Authority and/or the Transport Committee; and
- (b) report to the Chief Executive Officers through the Sheffield City Region Chief Executives' meeting and in doing so shall recognise and have due regard to the broad direction of the Chief Executive Officers in relation to the development of the general policy framework and overall forward strategy of the Authority as appropriate from time.

Article 12: Decision Making

12.1 Responsibility for decision making

The Authority will issue and keep up to date a record of what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in Part 4 of this Constitution.

12.2 Principles of decision making

All decisions of the Authority, including decisions taken under delegated powers, should be made in accordance with the following principles:

- (a) Proportionality (meaning the action must be proportionate to the results to be achieved);
- (b) Due consultation (including the taking of relevant professional advice);
- (c) Respect for human rights;
- (d) Presumption in favour of openness;
- (e) Clarity of aims and desired outcomes;
- (f) Due consideration to be given to alternative options.

12.3 Types of decision

(a) Decisions reserved to the Authority

Decisions relating to the functions listed in Part 4, section A of this Constitution will be made by the Authority and not delegated. The Authority meeting will follow the Authority's Procedure Rules set out in Part 5A of this Constitution when considering any matter.

(b) Decision making by Committees established by the Authority

- (i) The Transport Committee will follow the Transport Committee Procedure Rules set out in Part 5B of this Constitution and those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to it, to the extent that these do not conflict with the Transport Committee Procedure Rules.
- (ii) The Scrutiny Committee will follow the Scrutiny Committee Procedure Rules set out in Part 5D of this Constitution and those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to it, to the extent that these do not conflict with the Scrutiny Committee Procedure Rules.
- (iii) Other committees established by the Authority will follow those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to them.

(c) Decision making by Officers

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 4, Section E of this Constitution and other provisions of this Constitution.

Article 13: Finance, Contracts and Legal Matters

13.1 Funding

- (a) The Constituent Councils shall meet the costs of the Authority that are reasonably attributable to the exercise of the Authority's functions relating to economic development and regeneration.
- (b) The amount payable by each of the Constituent Councils pursuant to Article 13.1(a) above shall be determined by apportioning the costs of the Authority referred to in Article 13.1(a) between each of the Constituent Councils in such proportions as they may agree, or in default of agreement in proportion to the total resident population at the relevant date of the area of each Constituent Council as estimated by the Registrar General.
- (c) For the purposes of Article 13.1(b) above, the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.
- (d) The Constituent Councils shall meet the costs of the Authority that are reasonably attributable to the exercise of the Authority's functions relating to transport by way of the levy issued to the Constituent Councils pursuant to the Transport Levying Bodies Regulations 1992 (as amended).
- (e) The Constituent Councils and the Non-constituent Councils may enter into such arrangements between themselves as they may from time to time agree relating to the sharing of the costs of the Authority met by the Constituent Councils pursuant to this Article 13.1 and the Order.

13.2 Financial management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 5F of this Constitution.

13.3 Contracts and Procurement

The management of the Authority's contracting and procurement functions will be conducted in accordance with the Contracts Procedure Rules set out in Part 5G of this Constitution.

13.4 Legal proceedings

- (a) The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to

give effect to decisions of the Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests.

- (b) Any notices to be served on the Authority are to be sent to the Monitoring Officer at 18 Regent Street, Barnsley S70 2HG, which for the purposes of section 231, Local Government Act 1972 and any other enactment shall be regarded as the principal office of the Authority.

13.4 Authentication of documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) Any contract with a value exceeding £25,000 entered into by the Authority shall be made in writing. Such contracts must be signed by two duly authorised officers of the Authority or made under the Common Seal of the Authority attested by an authorised officer. Any contract with a value exceeding £250,000 must be made under the Common Seal of the Authority unless agreed otherwise by the Monitoring Officer.

13.5 Common Seal of the Authority

The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority or any part of it (including an officer of the Authority exercising delegated powers) will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which this Constitution requires to be sealed or which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer for this purpose.

Article 14: Scrutiny Arrangements

- 14.1 Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Authority. However, the discharge of the functions of the Authority will be subject to the scrutiny arrangements set out in the Scrutiny Procedure Rules set out in Part 5D of this Constitution. The requirements of paragraph 4 of Schedule 1 of the Order will be observed.

Article 15: Review and Revision of the Constitution

- 15.1 The Monitoring Officer will monitor and review the operation of this Constitution.
- 15.2 Changes to the Constitution will only be made:-
- (a) with the approval of the full Authority after consideration of the proposal by the Monitoring Officer and in accordance with the Authority's Procedure Rules in Part 5A of this Constitution; or
 - (b) by the Monitoring Officer, in consultation with the Chair of the Authority, in relation to amendments that are minor or necessarily consequential to amendments previously made, or required by Law.
- 15.3 Amendments made pursuant to Article 15.2(b) will be reported quarterly to a meeting of the Assembly by the Monitoring Officer.

PART 3

FUNCTIONS OF THE AUTHORITY

A Introduction

- 1.1 The functions of the Authority are those functions conferred or imposed upon it by the Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under the Order or any other enactment (whenever passed or made).

B Transport Functions of the former ITA transferred to the Authority pursuant to the Order

1. Pursuant to the Order the property, rights and liabilities and all the functions of the former ITA have been transferred to the Authority, including, without prejudice to the generality of the forgoing the discharge of all the functions of the former ITA that are provided for within the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport and Works Act 1992 and the Local Transport Act 2008.

C. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils pursuant to the Order

1. Pursuant to the Order, the following economic development and regeneration functions of the Constituent Councils are exercisable by the Authority in relation to its area concurrently with the Constituent Councils:-
 - 1.1 Such functions of the Constituent Authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1, Localism Act 2011
 - 1.2 The power under section 144, Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);

- 1.3 The duty under section 8(1), Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation); and
 - 1.4 The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), Education Act 1996 and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).
2. Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraph 1.1 above may be fulfilled by the exercise of that function by the Authority.
3. The Authority and the Constituent Councils may draw up and agree such Protocols as they may from time to time consider appropriate in relation to the discharge of the economic development and regeneration functions set out at paragraph 1.1 above.
4. The Authority and the Constituent Councils will keep the Protocols referred to at paragraph 1.3 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the Authority.
5. Protocols drawn up, agreed, or revised under paragraphs 1.3 and 1.4 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
6. By virtue of Section 91(5), Local Democracy, Economic Development and Construction Act 2009, the Authority must exercise the functions in paragraph 1.1 above with a view to promoting the economic development and regeneration of its area.

D. Incidental Provisions pursuant to the Order

1. Pursuant to the Order, the following provisions have effect as if the Authority were a local authority for the purposes of these provisions:-
 - 1.1 Section 142(2), Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the Authority);

- 1.2 Section 222, Local Government Act 1972 (the power to instigate and defend legal proceedings).
2. The Authority shall have the power to exercise any of the functions described in subsection 1(a) and (b) of section 88, Local Government Act 1985 (research and collection of information) whether or not a scheme is made under that section, and for these purposes paragraphs (a) and (b) of section 88(1) shall have effect as if a reference to “that area” were a reference to the Combined Area.
3. Section 13, Local Government and Housing Act 1989 shall have effect as if:-
 - 3.1 in subsection (4) after paragraph (h) there were inserted –

“(i) subject to subsection (4A), a committee appointed by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;”;
and
 - 3.2 after subsection (4) there were inserted –

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person –
(a) is a member of one of the constituent councils as defined by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014; or
(b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(6) of Schedule 1 to that Order.”.
4. The Authority is required to maintain a pension fund and is an administering authority for the purposes of the Local Government Pension Scheme Regulations 2013.

E. Functions conferred on a Combined Authority by Local Government Legislation

1. The Authority shall have such other powers and duties as are conferred on a combined authority by any enactment.
2. Without prejudice to the generality of the above, such powers and duties include:-

- 2.1 the duty to appoint a head of paid service, a monitoring officer and an officer with responsibility for the administration of Authority's financial affairs;
- 2.2 the power to borrow money for a purpose relevant to its transport functions only;
- 2.3 the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
- 2.4 the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;
- 2.5 the power to pay subscriptions to the funds of local authority associations;
- 2.6 the duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;
- 2.7 the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
- 2.8 the power under section 113A, Local Democracy, Economic Development and Construction Act 2009 (and subject at all times to the restrictions on this power contained in section 113B of that Act) to do anywhere in the United Kingdom or elsewhere:-
 - (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its 'functional purposes');
 - (b) anything it considers appropriate for purposes incidental to its functional purposes;
 - (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes;
 - (d) anything it considers to be connected with:-
 - (i) any of its functions; or
 - (ii) anything it may do under paragraph (a), (b) or (c); and
 - (e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose;

such power being in addition to and not limited by its other powers.

3. Section 113B, Local Democracy, Economic Development and Construction Act 2009 provides that the power conferred on the Authority by section 113A of that Act does **NOT** enable the Authority:-

3.1 to do anything which it is unable to do by virtue of a pre-commencement limitation;

3.2 to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply:-

(a) to its power under section 113A(1);

(b) to all of its powers; or

(c) to all of its powers but with exceptions that do not include its power under section 113A(1);

3.3 to borrow money;

3.4 to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93, Local Government Act 2003 (power of *inter alia* combined authorities to charge for discretionary services)); or

3.5 to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to that person;

and imposes further restrictions on the exercise of the power conferred by section 113A.

4. The Authority is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).

5. The Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.

6. The Authority is a public body for the purpose of the Freedom of Information Act 2000.

7. The Authority is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

F. MISCELLANEOUS FUNCTIONS OF THE AUTHORITY

1. Ownership of Companies

- 1.1 The Authority will be the sole member of SYITA Properties Limited (Company Registration Number 01990873).

PART 4

RESPONSIBILITY FOR FUNCTIONS

A. Functions Reserved to the Authority

1. Only the Authority will exercise the following functions:-
 - 1.1 Adopting and changing the Authority's Constitution (other than changes made in accordance with Article 15.2(b));
 - 1.2 Adopting, changing, withdrawing or revoking a plan or strategy of the following descriptions:-
 - (a) a sustainable community strategy under section 4, Local Government Act 2000;
 - (b) a local transport plan under section 108(3), Transport Act 2000;
 - 1.3 Submitting:-
 - (a) a request under section 124, Local Democracy, Economic Development and Construction Act 2009;
 - (b) a multi-area agreement under section 125 or 128 of that Act; or
 - (c) a revision proposal under section 132 of that Act;
 - 1.4 Approving the Authority's annual Budget which means the allocation of financial resources to the activities of the Authority including:-
 - (a) revenue expenditure (N.B. paragraph 2 below);
 - (b) capital expenditure;
 - (c) proposed contingency funds including reserves and balances; and
 - (d) decisions relating to the control of the Authority's borrowing requirements (N.B. paragraph 3 below).

- 1.5 Approving the treasury management strategy and the investment strategy of the Authority;
 - 1.6 Subject to the Financial Regulations in Part 5E of this Constitution, approving the capital programme of the Authority and SYPTE;
 - 1.7 Accepting arrangements to delegate the functions of any person to the Authority;
 - 1.8. Deciding matters relating to road user charging;
 - 1.9. Granting approval to SYPTE to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix), Transport Act 1968;
 - 1.10. Making a written request to the Minister to authorise SYPTE to purchase compulsorily any land which SYPTE require for the purposes of their business pursuant to section 10(3), Transport Act 1968;
 - 1.11. Exercising the Authority's powers, pursuant to section 15A(3), Transport Act 1968, to cause a review to be made of the organisation of SYPTE's undertaking, and to give to SYPTE such directions as appear from any such review to be requisite to secure that SYPTE's undertaking is organised in the most efficient manner;
 - 1.12 Making appointments to the Board of SYPTE; and
 - 1.13 Making decisions about such other plans or strategies as may be stipulated by the Authority in its standing orders from time to time.
2. In relation to paragraph 1.4 above, insofar as the Authority's revenue budget for transport is concerned, this includes approving the estimates of income and expenditure of SYPTE pursuant to sections 15(1)(b), Transport Act 1968, grants to be made to SYPTE pursuant to section 13, Transport Act 1968 and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992.
 3. In relation to paragraph 1.4 above, insofar as the Authority's functions in respect of transport are concerned, this includes determining the borrowing limits of the Authority in relation to transport matters pursuant to section 3, Local Government Act 2003, approving borrowing by SYPTE pursuant to section 12(3), Transport Act 1968, and lending money to SYPTE pursuant to section 12(4), Transport Act 1968.

B. The Transport Committee

Transport functions of the Authority referred to the Transport Committee

1. The following transport functions of the Authority (which were transferred from the former ITA to the Authority by way of the Order) are **not** delegated but are **referred** by the Authority to the Transport Committee in order for the Transport Committee to **make recommendations** (where appropriate) to the Authority in respect of:-
 - 1.1 The Authority's revenue budget for transport, including approving the estimates of income and expenditure of SYPTE pursuant to sections 15(1)(b), Transport Act 1968, grants to be made to SYPTE pursuant to section 13, Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;
 - 1.2 Determining the borrowing limits of the Authority in relation to transport matters pursuant to section 3, Local Government Act 2003;
 - 1.3 Approving borrowing by SYPTE pursuant to section 12(3), Transport Act 1968, and lending money to SYPTE pursuant to section 12(4), Transport Act 1968;
 - 1.4 Approving the capital programme of the Authority and SYPTE;
 - 1.5 Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan pursuant to sections 108-112, Transport Act 2000;
 - 1.6 Granting approval to SYPTE to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix), Transport Act 1968;
 - 1.7 Making a written request to the Minister to authorise SYPTE to purchase compulsorily any land which SYPTE require for the purposes of their business pursuant to section 10(3), Transport Act 1968; and
 - 1.8 Any exercise by the Authority of the power pursuant to section 15A(3), Transport Act 1968 to cause a review to be made of the organisation of SYPTE's undertaking, and to give to SYPTE such directions as appear from any such review to be requisite to secure that SYPTE's undertaking is organised in the most efficient manner.

Transport functions of the Authority delegated to the Transport Committee

2. The following transport functions of the Authority (which were transferred from the former ITA to the Authority by way of the Order) are **delegated** by the Authority to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the Authority, the Local Transport Plan and the Authority's agreed transport budget and borrowing limits (and without prejudice to the Authority's right to discharge such functions itself):-
 - 2.1 Formulating general policies with respect to the availability and convenience of public passenger services pursuant to sections 9A(5)-(7), Transport Act 1968;
 - 2.2 Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan pursuant to sections 108-112, Transport Act 2000 for the approval of the Authority;
 - 2.3 Monitoring and overseeing the activities and performance of SYPTE;
 - 2.4 Ensuring that SYPTE secures the provision of appropriate public passenger transport services pursuant to Section 9A(3), Transport Act 1968;
 - 2.5 Considering and approving the creation and development of:-
 - (a) Quality Partnership Schemes pursuant to sections 114-123, Transport Act 2000;
 - (b) Quality Contracts Schemes pursuant to sections 124-134, Transport Act 2000;
 - (c) Ticketing Schemes pursuant to sections 135-138, Transport Act 2000; and
 - (d) Concessionary Travel Schemes pursuant to sections 93-104, Transport Act 1985;
 - 2.7 Determining what local bus information should be made available, and the way in which it should be made available pursuant to sections 139-143, Transport Act 2000;

- 2.8 Ensuring that SYPTE implements those actions which may be delegated to it from time to time for promoting the economic, social and environmental well-being of the Combined Area and its residents pursuant to section 99, Local Transport Act 2008;
- 2.9 Monitoring the transport budget pursuant to section 15A(2), Transport Act 1968;
- 2.10 Approving releases for capital schemes within the agreed capital programme and the agreed budget for the scheme concerned (including approving capital payments for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to section 56(2), Transport Act 1968);
- 2.11 Formulating, developing and monitoring procedures for public consultation on, and lobbying for, the Combined Area's transport policies including taking responsibility for the active promotion of the Combined Area's transport interests;
- 2.12 Determining variations in charges for transport services or facilities provided by SYPTE, pursuant to section 15(2), Transport Act 1968;
- 2.13 Determining issues arising from the rail franchising process;
- 2.14 Approving the level of support of local rail services over and above that in the baseline franchise specification;
- 2.15 Considering issues arising from the implementation of schemes for the introduction of Smartcards;
- 2.16 Authorising:-
 - (a) the disposal of any land by SYPTE pursuant to section 10(1)(xxiii), Transport Act 1968;
 - (b) the acquisition of any land by SYPTE pursuant to section 10(1)(xx)(b), Transport Act 1968; and
 - (c) the development of any land of SYPTE pursuant to section 10(1)(xxii), Transport Act 1968;
- 2.17 Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and

passenger transport services pursuant to section 10(1)(via), Transport Act 1968;

2.18 Determining the operation, performance and development of accessible transport provision pursuant to sections 106(1) and 106(2), Transport Act 1985;

2.19 Monitoring the performance of tram services;

2.20 Monitoring the operation and performance of bus and local rail services and influencing accordingly;

2.21 Responding in a timely manner to transport related consultations;

2.22 All other relevant integrated transport related matters under the remit of the Authority.

C. The Audit Committee

The Authority's Audit Committee shall have the following terms of reference and delegated authority:-

1. To receive and approve **under delegated powers** the Authority's statement of accounts in accordance with the Accounts and Audit (England) Regulations 2011;
2. To consider the External Auditor's Annual Audit and Inspection Letter in accordance with the Accounts and Audit (England) Regulations 2011 and to monitor the Authority's response to individual issues of concern identified;
3. To consider and advise the Authority on the findings of the Authority's review of the effectiveness of its system of internal control and on the Annual Governance Statement;
4. To consider and advise the Authority on the findings of the review of the effectiveness of its internal audit;
5. To oversee the effectiveness of the Authority's and SYPTTE's risk management arrangements, the control environment and associated anti-fraud and anti-

corruption arrangements, including approving **under delegated powers** the Authority's Anti-Fraud and Corruption Policy and associated Fraud Response Plan and any changes to these;

6. To challenge the Authority's performance management arrangements;
7. To oversee and review the Authority's internal audit strategy, and receive reports, as appropriate, from the Internal Auditor;
8. To engage with the External Auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit;
9. To make recommendations to the Finance Director and Monitoring Officer in respect of Part 5F of the Authority's Constitution (Financial Regulations);
10. To ensure effective scrutiny of the Treasury Management Strategy and Policies;
11. To consider and advise the Authority on its Code of Corporate Governance.

D. The Scrutiny Committee

1. The Authority's Scrutiny Committee shall have the following terms of reference:-
 - 1.1 To act as a focus for the monitoring, scrutiny and challenge of the Authority, its committees and Officers and SYPTE;
 - 1.2 To investigate matters of strategic importance to residents and businesses within the City Region and to report with recommendations to the Authority or SYPTE;
 - 1.3 To scrutinise the decisions of the Authority, its committees and Officers and the major or strategic decisions of SYPTE and to make recommendations for improvement and/or change;
 - 1.4 To review the performance of the Authority and SYPTE.

2. The terms of reference for the Scrutiny Committee and its work programme will be subject to an annual review by the Authority.
3. The Scrutiny Committee shall have the power to:-
 - 3.1 invite Members to attend before it to answer questions;
 - 3.2 invite other persons, including members of the public, to attend its meetings;
 - 3.3 review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Authority;
 - 3.4 make reports or recommendations to the Authority with respect to the discharge of any functions which are the responsibility of the Authority;
4. The Scrutiny Committee's power to review or scrutinise a decision made but not implemented under paragraph 3.3 above includes the power to recommend that the decision be reconsidered by the Authority.
5. Where the Scrutiny Committee makes a report or recommendation under paragraph 3.4 above it may:-
 - 5.1 publish the report or recommendations;
 - 5.2 by notice in writing require the Combined Authority to:-
 - (a) consider the report or recommendations;
 - (b) respond to the Scrutiny Committee indicating what (if any) action the Authority proposes to take; or
 - (c) if the Scrutiny Committee has published the report or recommendations under paragraph 5.1 above, publish the response.

E. Scheme of Delegation of Functions to Officers and Schedule of Proper Officers

1. Introduction

- 1.1 This Scheme of Delegation to Officers ('Scheme') and Schedule of Proper Officers for various functions have been prepared in accordance with section 101, Local Government Act 1972, which enables the Authority to delegate any of its functions to its officers. The Authority is also required by section 100G of this Act to maintain a list for public inspection specifying those powers of the Authority which, for the time being, are exercisable from time to time by officers of the Authority, and stating the title of the officer in question by whom the powers are exercisable.
- 1.2 'Chief Officers' in the context of this Scheme means the Head of Paid Service, the Finance Director, the Monitoring Officer and the Clerk of the Authority and the Chief Executives of the Constituent Councils and the Non-constituent Councils.
- 1.3 The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
- 1.4 The exercise of delegated powers by officers is required to be in accordance with:-
 - 1.4.1 statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
 - 1.4.2 this Constitution, including the Authority's Rules of Procedure and Financial Regulations currently in force;
 - 1.4.3 the revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations; and
 - 1.4.4 any policy or direction of the Authority, the Transport Committee or any other Committee acting in exercise of powers delegated to that Committee by the Authority.

- 1.5 Officers may not exercise delegated powers where: –
- 1.5.1 the matter is reserved to the Authority by law or by the Authority's Constitution;
 - 1.5.2 the matter is a function which cannot by law be discharged by an officer;
 - 1.5.3 the Authority, or a Committee, Sub-Committee or Joint Committee to which the Authority is a party, has determined that the matter should be discharged otherwise than by an officer; or
 - 1.5.4 the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in special circumstances.
- 1.6 Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers should consider the advisability of consulting the Head of Paid Service and/or the Chair of the Authority.
- 1.7 Where, in relation to an item before the Authority, the Transport Committee or a Committee, a Chief Officer is given specific authority to determine a particular matter, that officer should ensure that there is an appropriate audit trail to evidence such determination.

2. General Delegations to all Statutory Officers and the Clerk

Routine Management

- 2.1 The day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the Authority.

Contracts and Accounts

- 2.2 The disposal of surplus or obsolete Authority equipment to the person submitting the highest quotation up to a limit of £10,000 in value.
- 2.3 The acceptance of a tender or quotation:-
- (a) for the supply of goods, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £100,000 in value for any one transaction, or

- (b) for building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority and does not exceed £250,000;

where the tender or quotation is either the most economically advantageous tender decided by reference to pre-determined weighted award criteria or the subject of a waiver of the Authority's Contracts Procedure Rules granted in accordance with those Rules.

- 2.4 The invitation of quotations for contracts:-
 - (a) not exceeding £25,000 in value for the supply of goods, materials or the execution of works; and
 - (b) not exceeding £50,000 in value for the supply of services;from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Authority.
- 2.5 Approving the provision of services to the Authority or the purchase of materials or minor items of equipment up to a total of £10,000 within one order or series of related orders and for which there is available budget.

3. Delegations to the Head of Paid Service

- 3.1 To discharge the functions of the Head of Paid Service in relation to the Authority as set out in section 4, Local Government and Housing Act 1989. (The duties of the Head of Paid Service are to report to the Authority where necessary setting out proposals with respect to the co-ordination of the Authority's functions, the number and grades of staff required and the organisation, appointment and proper management of the Authority's staff.)
- 3.2 To discharge any function of the Authority which has not been reserved to the Authority under Part 4, section A of this Constitution or specifically delegated to another officer or Committee, and to direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- 3.3 To take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee, on behalf of and within the powers and duties of the Authority or its Committees, all such action to be reported to the next meeting of the Authority or Committee.

- 3.4 To take preliminary steps to protect the rights and interests of the Authority in relation to any Bill or Statutory Instrument or Order in Parliament, subject to consultation with the Chair of the Authority.
- 3.5 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.
- 3.6 To nominate, appoint and remove, in consultation with the Chair and Vice-Chairs of the Authority, Authority representatives on the boards of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consents required within relevant constitutions.
- 3.7 To provide a comprehensive policy advice service to the Authority and the Transport Committee and in particular to advise on the Authority's plans and strategies, including the sustainable community strategy and the local transport plan.
- 3.8 To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy, including approval of the issue of all official Authority publicity and official publications.
- 3.9 Where the Authority is a member of any company, to be the authorised representative of the Authority as such member.

4. Delegations to the Finance Director

- 4.1 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- 4.2 The taking of all action required in relation to the Authority's borrowing, investment and financing arrangements subject to the submission to the Authority of an annual report of the Finance Director on treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.

- 4.3 To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- 4.4 The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority.
- 4.5 To accept grant offers on behalf of the Authority, subject to the Finance Director considering acceptable all the terms and conditions imposed by the grant awarding body.
- 4.6 To submit all claims for grant to the UK Government, the European Union (EU) or any other source of funding.
- 4.7 To make all such banking arrangements on behalf of the Authority as the Finance Director considers necessary, including arrangements for issuing cheques.
- 4.8 To monitor capital spending and submit regular reports to the Authority.
- 4.9 In relation to revenue expenditure under the control of officers, to consider the reports of those officers.
- 4.10 The collection of all money due to the Authority, and the writing-off of bad debts.
- 4.11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 4.12 To administer the scheme of Members' allowances.
- 4.13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.
- 4.14 To discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of regulations 4(3), 6(4) and 8(3)).
- 4.15 To sign certificates under the Local Government (Contracts) Act 1997.

- 4.16 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 4.17 To determine an amount (not exceeding the sterling equivalent of 5,000 euros) being the maximum sum which the Authority will receive in cash without the express written consent of the Finance Director.
- 4.18 To exercise the responsibilities assigned to the Finance Director in the Financial Regulations and the Contracts Procedure Rules.

5. Delegations to the Monitoring Officer

Under the provisions of the Local Government and Housing Act 1989, the Authority shall appoint a Monitoring Officer. The functions of the Monitoring Officer shall be as follows:-

- 5.1 Should at any time it appear to the Monitoring Officer that any proposal, decision or omission by the Authority has given rise to, or is likely to give rise to unlawfulness or maladministration, s/he will prepare a report to the Authority with respect to that proposal, decision or omission.
- 5.2 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support on this issue to the Authority. The Authority has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards in accordance with the requirements of Part 1 Chapter 7 of the Localism Act 2011:-
 - (a) To act as the Authority's Proper Officer to receive complaints that Members have failed to comply with the Authority's Code of Conduct for Members;
 - (b) To determine, after consultation with the Independent Person and in accordance with the Authority's arrangements for dealing with complaints that Members have failed to comply with the Authority's Code of Conduct for Members ('the Authority's Arrangements'), whether to reject, informally resolve or investigate a complaint;
 - (c) To seek informal resolution of complaints that Members have failed to comply with the Authority's Code of Conduct for Members wherever practicable;

- (d) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
- (e) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
- (f) To confirm, after consultation with an Independent Person and in accordance with the Authority's Arrangements, an Investigating Officer's finding of no failure to comply with the Authority's Code of Conduct for Members;
- (g) Where an Investigating Officer's report finds that the subject Member has failed to comply with the Authority's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Authority's Arrangements, either to seek a local resolution or to send a matter for local hearing.

Authority's Register of Member's Interests

- 5.3. In conjunction with the Clerk to prepare and maintain a Register of Authority Members' Interests to comply with the requirements of the Localism Act 2011 and the Authority's Code of Conduct for Members, and ensure that it is available for inspection and published on the Authority's website as required by the Act.

Dispensations

- 5.4 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer:-
- (a) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or

- (c) considers that granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) considers that it is otherwise appropriate to grant a dispensation.
- 5.5 The Monitoring Officer may provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all members of the Authority and its committees.
- 5.6 The Monitoring Officer may institute, conduct, prosecute and defend any legal proceedings on behalf of the Authority, as may be necessary to protect and promote the Authority's interests in accordance with any general policy laid down by the Authority, subject to consultation with the Chair in any case where the matter is of significance to the Authority's reputation or where the Authority is to appeal to the Court of Appeal or the Supreme Court.
- 5.7 The Monitoring Officer may settle any actual or threatened legal proceedings, where s/he considers this to be appropriate and in the interests of the Authority.
- 5.8 The Monitoring Officer may instruct Counsel and professional advisers, where s/he considers this to be appropriate.
- 5.9 The Monitoring Officer may give undertakings on behalf of the Authority.
- 5.10 The Monitoring Officer shall supervise the preparation and sealing or signature of legal documents.
- 5.11 The Monitoring Officer may authorise other officers to seal documents in accordance with Article 13.5 of the Authority's Constitution, or to sign documents which are not required to be under seal.
- 5.12 The Monitoring Officer is authorised to complete all property transactions and contractual arrangements where terms have been agreed by the Authority or a Committee or a Statutory Officer acting under the Scheme of Delegation.
- 5.13 The Monitoring Officer shall determine exemptions under Section 36, Freedom of Information Act 2000.
- 5.14 The Monitoring Officer is authorised to accept on behalf of the Authority the service of notices, orders and legal proceedings.

5.15 Under Section 223, Local Government Act 1972 the Monitoring Officer may authorise officers who are not admitted solicitors to appear in the Magistrates' Court on behalf of the Authority.

5.16 The Monitoring Officer shall be empowered to take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee, on behalf of and within the powers and duties of the Authority or its. All such action shall be reported to the next meeting of the Authority or Committee.

6. Delegations to the Clerk

6.1 To provide a comprehensive administrative service to the Authority.

6.2 To be the Proper Officer for ensuring the maintenance of public access to information in relation to Authority documents, reports and background papers.

6.3 To authorise the attendance of officers at conferences or seminars which are appropriate to the work of the Authority and within any policy framework from time to time laid down by the Authority.

6.4 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the Authority where the proposed expenditure in any one case does not exceed £100.

7. Schedules of Proper Officers

7.1 Section 112(1), Local Government Act 1972, provides that the Authority shall appoint such officers as it thinks necessary for the appropriate discharge by the Authority of such of its functions as fall to be discharged by them.

7.2 There are a number of specific references in the Local Government Acts 1972 and 1985 which call for functions to be undertaken by what is termed the 'Proper Officer'. The following Schedules list such references and identify the Chief Officers responsible for their discharge:-

FINANCE DIRECTOR

The Finance Director to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 115 (2)	Receipt of money due from Officers
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Local Government Act 1985

Section 73	Administration of the financial affairs of the Authority
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MONITORING OFFICER

The Monitoring Officer to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 146 (1) (a) and (b)	Declaration and Certificates with regard to securities
Section 225 (1)	Deposit of Documents
Section 229 (5)	Certifications of photographic copies of documents
Section 234 (1) and (2)	Issuing and signing of formal notices
Section 236 (9) and (10)	Serving copies of Byelaws
Section 238	Certification of Byelaws

CLERK

The Clerk to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 100B (2)	Determination of those reports which should be available for public inspection prior to a meeting of the Authority, the Transport Committee and any Committee of the Authority and those which are likely to be heard in private and consequently which should not be released to the public
Section 100B (7)	Provision of documents to the press, additional to Committee reports
Section 100C (2)	Preparing written summaries of proceedings
Section 100D (1)	Making arrangements for lists of, and background papers to reports, to be made available for public inspection.
Section 100F (2)	Determination of documents disclosing exempt information which may not be inspected by Members
Schedule 12 para 4 (2) (b)	Signature of Summonses to the Authority
Schedule 12 para 4 (3)	Receipt of notices regarding addresses to which Summonses to meetings of the Authority are to be sent

GENERAL

All Officers in whose name reports are submitted to the Authority via the Clerk and the Finance Director are appointed the proper officers in relation to the following:-

Local Government Act 1972

Section 100 D (1) (a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports
Section 100 D (5)	Identifying and determining what are background papers

PART 5

PROCEDURE RULES

PART 5A

COMBINED AUTHORITY PROCEDURE RULES

Contents

PART I - THE AUTHORITY

Rule No.

1. Name of the Authority
2. Membership of the Authority

PART II - MEETINGS OF THE AUTHORITY

3. Meetings of the Authority
4. Chair and Vice-Chair
5. Quorum
6. Deputations
7. Chair's or Clerk's Announcements
8. Order of Business
9. Notices of Motion
10. Motions which may be moved without Notice
11. Amendments to Motions
12. Rules of Debate
13. Disorderly Conduct
14. Rescission of Preceding Resolution
15. Mode of Voting
16. Urgent Business
17. Questions within the Constituent and Non-Constituent Councils
18. Variations and Revocation of Procedure Rules
19. Suspension of Procedure Rules
20. Recordings at Meetings
21. Record of Attendance

PART III - RELATING TO MEMBERS AND OFFICERS

22. Canvassing of and Recommendations by Members
23. Relatives of Members or Officers
24. Representation of the Authority on other Bodies
25. Interests of Members in Contracts and Other Matters

26. Interests of Officers in Contracts
27. Gifts and Hospitality
28. Arrangement for discharge of functions by Officers
29. Inspection of Land, Premises, etc

PART IV - RELATING TO COMMITTEES AND SUB-COMMITTEES

30. Appointment of Committees and Sub-Committees
31. Political Balance on Committees and Sub-Committees
32. Appointment or Election of Chair and Vice-Chair of Committees and Sub-Committees
33. Chair of Meetings
34. Duties of Chairmen and Vice-Chairmen of Committees and Sub-Committees
35. Quorum of Committees and Sub-Committees
36. Procedure Rules to apply to Committees and Sub-Committees
37. Powers and Duties of Committees

PART V - LEGAL

38. Legal Proceedings
39. Common Seal

PART VI - AGREEMENTS AND CONTRACTS

40. Signing of Agreements and Contracts etc
41. Adoption of Contracts Procedure Rules

PART VII – FINANCIAL

42. Adoption of Financial Regulations

PART VIII – GENERAL

43. Interpretation
44. Procedure Rules to be given to Members

PART I - THE AUTHORITY

1. **Name**

The name of the Authority shall be the 'Barnsley, Doncaster, Rotherham and Sheffield Combined Authority'.

2. Membership of the Authority

The membership of the Authority shall be determined in accordance with Article 3 of its Constitution.

PART II – MEETINGS OF THE AUTHORITY

3. Meetings of the Authority

3.1 The annual meeting of the Authority shall be held each year on such a day in the month of March, April, May or June as the Authority may fix, to deal with the appointment of a Chair and Vice-Chair of the Authority, and any other business normally transacted at an annual meeting.

3.2 The Authority shall meet approximately once every six weeks, but additional meetings may take place should the need arise. The dates and times of meetings of the Authority (including the Annual Meeting and extraordinary meetings) shall be determined by the Authority. Such meetings shall be held at a venue determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Authority, including committee, sub-committee and working party meetings shall be summoned by the Clerk.

3.3 An extraordinary meeting of the Authority may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Authority after a requisition for that purpose signed by three Members of the Authority has been presented to him/her or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Authority, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Authority.

3.4 No Business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Authority calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

4.1 The Authority from amongst its Members shall elect annually a Chair and Vice-Chair. Each person so elected shall be a member of a Constituent or Non-constituent Council and shall continue in office until his/her successor becomes entitled to act as Chair / Vice-Chair.

4.2 On a casual vacancy occurring in the office of Chair or Vice-Chair, an appointment to fill the vacancy shall be made at the next ordinary meeting of

the Authority held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date then not later than the next following meeting.

- 4.3 The Chair, if present, shall preside at a meeting of the Authority.
- 4.4 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.
- 4.5 If both the Chair and Vice-Chair are absent from a meeting of the Authority, such Member as the Members of the Authority present so choose, shall preside.
- 4.6 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. **Quorum**

If during a meeting of the Authority the Chair, after counting the number of Members present, declares that there are not at least three of the Members present, who are entitled to vote on the matter(s) under consideration, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Authority.

6. **Deputations**

- 6.1 At the discretion of the Authority, deputations may be received at any meeting of the Authority, except the Annual Meeting, provided that seven clear days' notice in writing has been given to the Clerk of the proposed deputation and the object thereof. The Chair shall put a motion that the deputation be received which motion shall be put and moved without discussion. On the motion being approved, the deputation shall be admitted.
- 6.2 The deputation shall not exceed five persons in number, only one of whom shall speak and the speech, inclusive of the reading of a memorial or petition, if one is to be presented, shall not exceed five minutes.
- 6.3 No discussion shall take place on any matter raised by a deputation but any Member shall be at liberty to move a motion, without notice, that the subject matter be referred to the next ordinary meeting of the Authority or the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

7. Chair's or Clerk's Announcements

No discussion shall take place on any announcement made by the chair of the meeting or the Clerk, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Authority or appropriate committee and such motion, on being seconded, shall be at once put to the vote.

8. Order of Business

8.1 Except as otherwise provided by paragraph 8.2 of this Rule, the order of business at every meeting of the Authority other than the annual meeting and any extraordinary meeting shall be:-

- (a) To choose a person to preside if the Chair and Vice-Chair are absent;
- (b) To deal with any business required by statute to be done before any other business;
- (c) To identify those items of business on which Members of the Authority appointed by Non-constituent Councils may or may not vote (Article 5.4);
- (d) Urgent items: to determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting;
- (e) Exclusion of Public and Press: to identify items where resolutions may be moved to exclude the public and press;
- (f) To receive disclosures by Members of interests in matters under consideration;
- (g) To approve as a correct record and sign the minutes of the last meeting of the Authority;
- (h) To deal with any business expressly required by statute to be done;
- (i) To receive deputations (if any);
- (j) Chair's or Clerk's announcements;
- (k) To dispose of business, if any, remaining from the last meeting;

- (l) To approve as necessary minutes of committees of the Authority;
- (m) To receive and consider reports, if any, from committees of the Authority;
- (n) To receive and consider reports from South Yorkshire Passenger Transport Executive or SYITA Properties Limited;
- (o) To receive minutes of and recommendations from other bodies;
- (p) To consider motions, if any, in the order in which notice has been received;
- (q) To deal with other business, if any, specified in the summons.

8.2 The Chair may at any meeting vary the order of business so as to give precedence to any business which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (f) or (g) in paragraph 8.1 of this Rule.

8.3 At any extraordinary meeting of the Authority the minutes of the last ordinary meeting of the Authority will not be considered. The minutes of an extraordinary meeting of the Authority will be submitted where possible to the next ordinary meeting of the Authority.

9. **Notices of Motion**

9.1 Except as provided by Rule 10, every notice of motion shall be in writing, signed by the Member or Members of the Authority giving the notice and delivered at least seven clear days before the next meeting of the Authority at the office of the Clerk by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Authority during normal office hours.

9.2 Every motion shall be relevant to some matter in relation to the Authority's powers or duties.

9.3 The Clerk shall set out in the summons for every meeting of the Authority motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

9.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall,

unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

10. Motions which may be Moved without Notice

The following motions may be moved without notice: -

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Authority or any committee of the Authority;
- (g) That the Authority proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Authority does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Authority or any committee of the Authority any part of which has been withdrawn or amended in accordance with Rule 10(f);
- (l) Suspending Procedure Rules in accordance with Rule 19;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 13 be not further heard or do leave the meeting;
- (o) Giving consent or leave of the Authority where the consent or leave of the Authority is required by these Procedure Rules;

- (p) That a deputation be received;
- (q) That a matter raised by a deputation received under Rule 6 be referred to the next ordinary meeting of the Authority or the appropriate committee;
- (r) That the subject matter of an announcement made by the chair of the meeting or the Clerk be referred to the next meeting of the Authority or the appropriate committee;
- (s) Approval or amendment of recommendations of Chief Officers and any consequential resolutions.

11. **Amendments to Motions**

Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 10 shall be moved at any meeting of the Authority unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer. The Clerk shall inform the Chair of the Authority of any such amendments so received.

12. **Rules of Debate**

12.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

12.2 An amendment shall be relevant to the motion and shall be either:–

- (a) to refer a subject of debate to the next meeting of the Authority or the appropriate committee for consideration or re-consideration; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

12.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business. Where

two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

- 12.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.
- 12.5 When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
 - (b) to adjourn the meeting;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) that a Member be not further heard.
- 12.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 12.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

13. **Disorderly Conduct**

- 13.1 If at a meeting any Member of the Authority in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.
- 13.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Authority for such period as s/he in his/her discretion shall consider expedient.

13.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Authority for such period as s/he in his/her discretion shall consider expedient.

14. **Rescission of Preceding Resolution**

14.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 9 bears the names of at least five Members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

14.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Authority in pursuance of a recommendation of a committee.

15. **Mode of Voting**

15.1 (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.

(b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.

(c) Members appointed by Non-constituent Councils shall not be entitled to vote except on defined matters where the Members appointed by the Constituent Councils have resolved to allow them to vote. Individuals co-opted pursuant to Article 3.15 shall not be entitled to vote.

(d) After a proposition is put from the chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.

(e) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Clerk.

15.2 Where there are more than two persons nominated for any position to be filled by the Authority and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

15.3 In the case of an equality of votes the Chair shall not have a second nor casting vote. Where the Authority is unable to reach a decision in these cases, the Clerk will refer the matter for consideration by the Chief Executive Officers of the constituent and non-constituent councils to identify how best to resolve the issues of contention. If, on a second consideration of the matter by the Authority, the vote remains tied, the motion shall be considered lost.

16. Urgent Business

The Head of Paid Service and the Monitoring Officer shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee, on behalf of and within the powers and duties of the Authority or its Committees. All such action shall be reported to the next meeting of the Authority or Committee.

17. Business of the Scrutiny Committee

The Authority will be required to consider the conclusions of any review by an overview and scrutiny committee at the next available meeting of the Authority. There shall be no requirement to delay the implementation of any decision of the Authority in anticipation of consideration of that decision by an overview and scrutiny committee.

18. Variation and Revocation of Procedure Rules

Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Authority.

19. Suspension of Procedure Rules

No Rule shall be suspended at any meeting of the Authority except on the vote of a majority of the members then present.

20. Recordings at Meetings

No one may make recordings of any kind other than written notes unless the person chairing the meeting has given permission. Such permission shall not be unreasonably withheld, but, if anyone makes a recording without permission, the person chairing the meeting can either require the person to leave at once and/or adjourn the meeting for as long as s/he thinks fit.

21. Record of Attendance

Every Member of the Authority attending a meeting of the Authority or its committees or sub-committees of which s/he is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

PART III - RELATING TO MEMBERS AND OFFICERS

22. Canvassing of and Recommendations by Members

Canvassing of members of the Authority directly or indirectly for any appointment with the Authority shall disqualify the candidate concerned for that appointment.

23. Relatives of Members or Officers

23.1 A candidate for any appointment with the Authority who knows that s/he is related to any Member or officer of the Authority shall when making application disclose that relationship to the Monitoring Officer. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and officer of the Authority shall disclose to the Monitoring Officer any relationship known to him/her to exist between him/her and any person whom s/he knows is a candidate for any appointment within the Authority.

23.2 This Rule shall be brought to the attention of all applicants for appointments with the South Yorkshire Combined Authority.

24. Representation of the Authority on Other Bodies

If any Member of the Authority is appointed by or on behalf of the Authority as a member of any other body or is nominated by or on behalf of the Authority

for appointment to such other body and is duly appointed then unless the constitution of that other body provides to the contrary or the Authority otherwise resolves, the appointment shall remain in force only until the next annual meeting of the Authority, or such earlier time as that person ceases to be a Member of the Authority.

25. Disclosable Pecuniary Interests

25.1 Where a Member or co-opted member is present at a meeting and s/he has a disclosable pecuniary interest in a matter the Member must withdraw from the meeting while any discussion or vote takes place on the matter unless they have been granted a dispensation allowing their participation.

25.2 For the purposes of this Rule “meeting” means any meeting of:

- (a) the Authority; or
- (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

26. Interests of Officers in Contracts

The Monitoring Officer shall keep a record of the particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract and the record shall, during the ordinary office hours of the Authority, be open for inspection by any Member of the Authority.

27. Gifts and Hospitality

27.1 In accordance with the code of conduct for members approved by the Authority a Member must within 28 days of receiving any gift or hospitality over the value of £100, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

28. Arrangements for the Discharge of Functions by Officers

The Clerk and each of the Statutory Officers may nominate one or more persons to act in his/her place for different purposes in respect of any duty of the Authority which is for the time being delegated to himself/herself. Any person so nominated under this Rule, shall when acting in pursuance of such nomination be authorised to exercise any power or duty delegated to the Clerk or the relevant Statutory Officer as the case may be.

29. Inspection of Land, Premises etc

A Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

PART IV - RELATING TO COMMITTEES AND SUB COMMITTEES

30. Appointment of Committees and Sub-Committees

30.1 The Authority shall at the annual meeting appoint –

- (a) a Transport Committee;
- (b) a SYITA Properties Limited Shareholders Committee;
- (c) such other Committees as the Authority deems appropriate;
- (d) such committees as it is required to appoint by or under any statute.

30.2 Each constituent and, where appropriate, non-constituent council shall nominate such member(s) to serve on Committees and Sub-Committees on the request of the Combined Authority.

30.3 The Authority may at the annual meeting or at any other time appoint such other committees and such sub-committees of committees as are necessary to carry out the work of the Authority.

30.4 Subject to any statutory provision in that behalf the Authority:–

- (a) shall not appoint any member of a committee or sub-committee so as to hold office later than the next annual meeting of the Authority;
- (b) may at any time dissolve a committee or sub-committee or alter its membership; every vacancy on a committee or sub-committee shall be reported by the Clerk at the first meeting of the Authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.

30.5 Every committee appointed by the Authority may appoint sub-committees for purpose to be specified by the committee and, subject to these Procedure Rules and to any resolution of the Authority in that behalf, may delegate to any such sub-committee any power or duty delegated to the committee by the Authority.

- 30.6 The Chair and Vice-Chair of a committee shall be ex-officio members of every sub-committee appointed by that committee.
- 30.7 The membership of a sub-committee may include persons who are not members of the committee by which the sub-committee was appointed, however where such persons are not Members of the Authority, save in the case of an advisory committee, they shall be appointed as non-voting members.
- 30.8 A committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Authority and may at any time dissolve a sub-committee or alter its membership.
- 30.9 Except where otherwise provided by statute or by a scheme made under statutory Authority the Chair and Vice-Chair of the Authority, unless appointed in their own right, shall be ex-officio a member of every standing committee (except the Audit and Standards Committees) but shall not be counted as such for the purpose of Rule 35.

31. Political Balance on Committees and Sub-Committees

- 31.1 Where the Members of the Authority are to be treated as divided into political groups for the purposes of the Local Government and Housing Act 1989 then whenever
- (a) the Authority is required to review the allocation of seats on committees and sub-committees between political groups, or
 - (b) the Authority resolves to carry out such a review, or
 - (c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
 - (d) the committee resolves to carry out such a review, the Clerk shall submit a report to the Authority or Committee (as the case may be), showing what allocation of seats would, in his/her opinion best meet the requirements of Section 15(4) of the 1989 Act.
- 31.2 In the light of such a report the Authority or Committee as the case may be, shall determine the allocation of seats to political groups.
- 31.3 Whenever an appointment of a voting member of a Committee or Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Clerk shall make or terminate the appointment accordingly.

32. Appointment or Election of Chairs and Vice-Chairs of Committees and Sub-Committees

32.1 The Authority shall appoint the chair and vice-chair of every standing committee and sub-committee but in default of such appointment by the Authority every standing committee and every sub-committee shall be empowered to make the appointments, subject to confirmation by the Authority at its next meeting.

32.2 The chair of every sub-committee shall be a member of the committee by which the sub-committee was appointed.

33. Chairing Meetings

33.1 If the chair of a committee or sub-committee arrives at a meeting of the committee or sub-committee, or if the vice-chair arrives at a meeting from which the chair is absent, after the time for which the meeting has been summoned, s/he shall preside over the meeting after any question under discussion on his/her arrival has been disposed of.

33.2 The chair or vice-chair of a committee or sub-committee may relinquish their right to preside at any meeting or for any part of any meeting of the committee or sub-committee.

34. Duties of Chairs and Vice-Chairs of Committees and Sub-Committees

The chair and vice-chair of every committee and sub-committee shall be authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of powers or duties of such committee or sub-committee.

35. Quorum of Committees and Sub-Committees

Except where ordered by the Authority or authorised by statute, business shall not be transacted at a meeting of any committee or sub-committee unless at least one quarter of the whole number of members of the committee or sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a committee or sub-committee be less than three members.

36. Procedure Rules to Apply to Committees and Sub-Committees

These Procedure Rules shall, with any necessary modifications, apply to meetings of committees and sub-committees.

37. Powers and Duties Allocated to Committees

37.1 Subject to any statutory provision or to any resolution in that behalf (including any such resolution as requires a decision of one committee to be considered or approved by another committee) and to the provisions of this Rule 37, powers and duties allocated to any committee shall be delegated to and exercisable on behalf of the Authority by that committee.

37.2 No committee shall have power to act on behalf of the Authority with regard to the following matters –

- (a) issuing a precept;
- (b) borrowing money;
- (c) approving annual estimates except as permitted by the Constitution;
- (d) matters reserved to the Authority;
- (e) composition of committees;
- (f) promotion of private legislation;
- (g) agreements for the discharge of functions of other local authorities by the Authority or for the discharge of the Authority's functions by other local authorities;
- (h) co-ordination and overall supervision of the committee and departmental organisation;
- (i) resource allocation, except as permitted by these Procedure Rules or by regulations or resolutions of the Authority;
- (j) making and revising Procedure Rules.

37.3 Every delegation to a committee of any power or duty shall be subject to any general or special instructions given by the Authority to the committee as to how the power or duty shall be exercised or discharged.

- 37.4 In any case where the Authority requires a committee to consider and report on any matter relating to a delegated power or duty of that committee, the Authority may suspend the delegation to such extent as it thinks fit until it has received the report and concluded action on it.
- 37.5 The powers and duties allocated to a committee, in so far as they are not delegated powers and duties of that committee, shall be exercised by the committee subject to confirmation of their decisions by the Authority.
- 37.6 Any decision of a committee with regard to a power or duty which is not delegated to that committee shall be taken as a recommendation to the Authority and shall be submitted to the Authority for its consideration and decision.
- 37.7 The minutes of a meeting of a sub-committee shall be submitted to the next convenient meeting of the committee by which it was appointed and no act of a sub-committee shall have effect until approved by that committee.

PART V - LEGAL

38. **Legal Proceedings**

- 38.1 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Monitoring Officer unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such procedure or proceedings.
- 38.2 The Monitoring Officer is authorised to institute or defend any legal proceedings in any case where either the institution or defence of such proceedings is necessary to give effect to decisions of the Authority (or of any committee, sub-committee or officer with delegated authority to take decisions in the name of the Authority) or in any case where the Monitoring Officer considers that the institution or defence of proceedings is necessary to protect the Authority's interests. The powers of the Monitoring Officer under this Rule shall include the power to negotiate the settlement of legal proceedings subject to any action taken being reported to the Authority in accordance with Financial Regulations.

39. Common Seal

- 39.1 The Common Seal of the Authority shall be kept in the custody of the Monitoring Officer and the affixing of the Common Seal shall be attested by the Monitoring Officer or a person nominated by him/her.
- 39.2 A decision of the Authority shall be sufficient authority for the sealing of any document necessary to give effect to the decision.
- 39.3 A record of every sealing of a document to which the Common Seal shall have been affixed shall be made and shall be signed by the person who has attested the Common Seal.
- 39.4 Common Seal of the Authority shall be affixed to those documents which in the opinion of the Monitoring Officer require to be sealed.

PART VI - AGREEMENTS AND CONTRACTS

40. Signing of Agreements and Contracts, etc

- 40.1 The Monitoring Officer is the agent of the Authority to sign all formal written agreements and contracts entered into by the Authority or by a Committee which has the power to act on behalf of the Authority.

41. Adoption of Contracts Procedure Rules

The Authority shall adopt Contracts Procedure Rules which shall be observed by all committees, Members and officers of the Authority.

PART VII - FINANCIAL

42. Adoption of Financial Regulations

The Authority shall adopt Financial Regulations which shall be observed by all committees, Members and officers of the Authority.

PART VIII - GENERAL

43. **Interpretation**

- 43.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.
- 43.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.
- 43.3 In these Procedure Rules where the context so requires, reference to the Authority shall mean the Authority itself or acting through its Committees or other Committees exercising delegated powers.
- 43.4 In appropriate circumstances, the functions of the Clerk may be undertaken by a consultant or similar professional person appointed for a specific scheme or purpose.
- 43.5 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression “Monitoring Officer” in these Procedure Rules there shall be substituted the expression “the solicitor to the Authority” wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

44. **Procedure Rules to be Given to Members**

A printed copy of the Authority’s Procedure Rules, Contracts Procedure Rules and Financial Regulations shall be given by the Monitoring Officer to every Member of the Authority on his/her first being appointed to the Authority.

PART 5B

TRANSPORT COMMITTEE PROCEDURE RULES

Rule 1: Functions of the Transport Committee

- 1.1 The functions of the Transport Committee ('the Committee') are set out in Part 4 Section B of the Constitution.
- 1.2 The Committee's functions comprise:-
- (a) transport functions of the Authority which are not delegated but are **referred** by the Authority to the Committee in order for the Committee to make recommendations (where appropriate) to the Authority; and
 - (b) transport functions of the Authority which are **delegated** by the Authority to the Committee, subject to the Committee exercising these functions in accordance with any transport policies of the Authority, the Local Transport Plan and the Authority's agreed transport budget and borrowing limits (and without prejudice to the Authority's right to discharge such functions itself).

Rule 2: Members of the Committee

- 2.1 The Committee shall comprise seventeen Members, each of whom must be elected members, elected to one of the four Constituent Councils or five Non-constituent Councils of the Authority. Each Constituent Council shall nominate to the Authority the following number of Members:-

Sheffield	5
Doncaster	3
Rotherham	2
Barnsley	2

Each Non-constituent Council shall nominate one Member to the Authority.

The Authority shall appoint the nominated Members to the Committee.

- 2.2 The Authority shall terminate the appointment of a Member from the Committee on the written request of the relevant nominating Council. In this situation the nominating Council shall as soon as practicable nominate a

different Member to be appointed by the Authority to the Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

- 2.3 The Authority may terminate the appointment of a Member from the Committee. In this situation the Authority shall give written notice to the nominating Council who shall as soon as practicable nominate a different Member to be appointed by the Authority to the Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- 2.4 All appointments as Members of the Committee shall be for a term of one year, but an individual may be re-appointed to serve as a Member any number of times.
- 2.5 A Member of the Committee who ceases (for whatever reason) to be an elected member of the council that nominated them shall immediately cease to be a Member of the Committee, and the relevant nominating Council shall as soon as practicable give written notice of this to the Authority and nominate another of its elected members in that person's place. The Authority shall as soon as practicable appoint the nominated Member to the Committee.
- 2.6 A person may resign as a Member of the Committee by written notice served on the proper officer of the Council that nominated them and the resignation shall take effect on receipt of the notice by the proper officer. The relevant nominating Council shall as soon as practicable give written notice of this to the Authority and nominate another of its elected members in that person's place. The Authority shall as soon as practicable appoint the nominated Member to the Committee.
- 2.7 Where a nominating Council operates executive arrangements (within the meaning of the Local Government Act 2000), the nomination, request for removal and nomination for replacement of Members of the Committee shall be decided either by that Council or by the executive of that Council, depending on the Council's decision-making arrangements.
- 2.8 All Members of the Committee will:-
 - (a) (subject to the Committee's voting arrangements) collectively be the ultimate policy makers of the Committee;

- (b) bring views of their communities into the Committee’s decision-making process; and
 - (c) maintain the highest standards of conduct and ethics.
- 2.9 Committee Members will at all times observe the Code of Conduct for Members set out in Part 6A of this Constitution.
- 2.10 The Committee may allocate a portfolio of responsibilities to Committee Member at the Annual Meeting of the Committee.
- 2.11 No remuneration shall be payable by the Authority to the Committee Members other than allowances for travel and subsistence in accordance with the Members’ Allowances Scheme set out in Part 6D of this Constitution. (It is acknowledged that a Constituent Council or Non-constituent Council may, in accordance with its own procedures, pay a special responsibility allowance to any elected member nominated by it to the Committee in respect of duties and responsibilities undertaken as a Member of the Committee.)
- 2.12 The Committee may co-opt representatives of organisations with a particular relevance to the work of the Authority (for example the Sheffield City Region Local Enterprise Partnership) to participate in meetings of the Committee or its sub-committees. Such co-optees shall not be Members of the Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out in Part 6A of this Constitution and they shall be entitled to the payment of allowances for travel and subsistence in accordance with the Members’ Allowances Scheme set out in Part 6D of this Constitution.

Rule 3: Chairing the Committee

- 3.1 The Committee must appoint a Chair and a Vice-Chair from among its Members appointed from the Constituent Councils. The procedure for the appointment of the Chair and Vice-Chair is set out in the Authority Procedure Rules in Part 5A of this Constitution.
- 3.2 A person ceases to be Chair or Vice-Chair of the Committee if they cease to be a Member of a Constituent Council.
- 3.3 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Committee, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

- 3.4 The Chair, if present, shall preside at a meeting of the Committee, in the Chair's absence the Vice Chair shall preside and in the absence of both the Chair and Vice Chair the meeting shall be chaired by such person as the Members present so choose to preside.

Rule 4: Committee Meetings, Procedure and Voting Arrangements

- 4.1 The Committee shall meet approximately once every 6 weeks (or as often as required to fit with the Authority's meeting cycle), but additional meetings may take place should the need arise. Meetings will normally be held at 18 Regent Street, Barnsley S70 2HG.

- 4.2 There are three kinds of meeting of the Committee:-

- (a) the Annual Meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings;

and they will be convened and conducted in accordance with the Authority's Rules of Procedure set out in Part 5A of this Constitution.

- 4.3 Each Member of the Committee appointed from a Constituent Council shall have one vote. Committee Members appointed from the Non-constituent Councils to the Committee, or to any sub-committee of the Committee, shall be non-voting members of the Committee or sub-committee. The Chair of the Committee shall have a second or casting vote. Subject to the provisions of any enactment, all questions coming or arising before the Committee shall be decided by a simple majority of the Members of the Committee present and voting.
- 4.4 The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any defect in the appointment or qualifications of any Member.
- 4.5 The Committee shall comply with any standing orders made by the Authority for the regulation of its proceedings and business.
- 4.6 The quorum for a meeting of the Committee shall be a minimum of three voting Members present.

Rule 5: Records of Proceedings

- 5.1 The provisions of Article 6 of this Constitution shall apply equally to the proceedings of this Committee.

PART 5C

SCRUTINY PROCEDURE RULES

[To be completed.]

PART 5D

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (the Authority), its Committees and Sub-Committees, and of access to documents.

The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

Access to Meetings

1. A meeting of the Authority (including meetings of its committees and sub-committees) is open to the public, except as stated in Rules 2 and 3 below.
2. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
3. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

Access to Agendas and Connected Papers

4. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The

papers will be available for inspection at the principal offices of the Authority (18 Regent Street, Barnsley S70 2HG), the Constituent Councils and the Non-constituent Councils between the hours of 10.00 am and 4.00 pm on Working Days.

5. A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

Inspection of Minutes

6. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection under Rule 4 above, will be available for public inspection at the offices of the Authority at 18 Regent Street, Barnsley S70 2HG, between the hours of 10.00 am and 4.00 pm on Working Days. This right of inspection exists for six years from the date of the meeting concerned

Inspection of Background Papers

7. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.
8. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request.

Additional Access for Members of the Authority

9. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to Rule 10 below).
10. Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

Publication of Additional Information

11. The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the Authority at 18 Regent Street, Barnsley S70 2HG between the hours of 10.00 am and 4.00 pm on Working Days.
12. The Authority will maintain a list specifying the powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection, but excludes delegations of less than six months' duration.

Financial Documents

13. A member of the Authority has a right to inspect its accounts.
14. Any local government elector for the district of a Constituent Council or a Non-constituent Council has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2011 (as amended).
15. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.

Documents Deposited with the Authority

16. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it.

Requests should be made to the Monitoring Officer.

Other Documents

17. Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
18. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request. (The Authority has not made any such Order and [at the time of this revision of this document] has no plans to do so).
19. The Local Government (Inspection of Documents)(Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in Rules 14, 15, 16, 18 and 19 above.

Fees

20. No fee will be charged for providing the facility of inspecting background papers (Rule 7 above).
21. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

Andrew Frosdick
Monitoring Officer
The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority
18 Regent Street
Barnsley
S70 2HG

PART 5E

FINANCIAL REGULATIONS

[See separate paper.]

PART 5F

CONTRACTS PROCEDURE RULES

[See separate paper.]

PART 6

CODES AND PROTOCOLS

PART 6A

MEMBERS’ CODE OF CONDUCT

1. Introduction

- 1.1 This Code applies to you as a member or Co-opted member of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (‘the Authority’) (‘a Member’) when you act in your role as such a member and it is your responsibility to comply with the provisions of this Code.
- 1.2 The Code sets out the standards which are required of all members and Co-opted members of the Authority in carrying out their duties, and in their relationships with the Authority and its officers.

2. Interpretation

2.1 In this Code –

- (a) **‘Co-opted member’** means a person who is not a member of the Authority but who:-
- (i) is a member of any committee or sub-committee of the Authority, or
 - (ii) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority,
- and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee;
- (b) **‘Meeting’** means any meeting of the Authority, its committees, sub-committees, joint committees or joint sub-committees (whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members);
- (c) **‘Member’** means a member of the Authority or a Co-opted member;
- (d) **‘Non-pecuniary interest’** means an interest which affects your personal well-being but not your financial position;

- (e) **'Pecuniary interest'** means any interest which affects your financial position whether favourably or adversely.

2.2 An interest is also a Pecuniary Interest or Non-pecuniary interest of yours if to the best of your knowledge it affects the financial position or well-being of:-

- (a) any body of which you are a member or in a position of general control or management; or
- (b) a member of your family or any person with whom you are closely acquainted or any person or body who employs or has appointed you or such persons, or any firm in which you or they are a partner, or any company of which you or they are a director; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

3. General Obligations

3.1 As a Member you must have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership (often referred to as the Nolan Principles or the seven principles of public life).

3.2 Accordingly, when acting in your capacity as a Member:-

- (a) You should conduct yourself in a manner which is consistent with the Authority's duty to promote and maintain high standards of conduct of members;
- (b) You should treat others with respect;
- (c) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Authority;
- (d) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
- (e) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

- (f) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- (g) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
- (h) You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions;
- (i) When reaching decisions on any matter you must have regard to the relevant advice provided to you by:-
 - (i) the Authority’s Section 151 Officer; and/or
 - (ii) the Authority’s Monitoring Officer, where that officer is acting pursuant to his or her statutory duties;
- (j) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below;
- (k) You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.;
- (l) You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature:-

UNLESS you have the consent of the person authorised to give it or you are required by law to do so or the disclosure is reasonable in the public interest;

AND you have consulted the Monitoring Officer prior to its release.

(A paper copy of the Publicity Code can be obtained from the Monitoring Officer.)

4. Disclosure of Interests and Participation

- 4.1 If you have any Pecuniary or Non-pecuniary interest in any matter at any Meeting or any meeting with officers at which you are present you must disclose that interest and give sufficient details of it so that the nature of your interest is clearly understood.
- 4.2 Unless a dispensation has been granted you should not take part in or vote on any item of business at any Meeting where your interest is a ‘disclosable pecuniary interest’ which you are required to register in accordance with regulations made by the Secretary of State as listed in Schedule 1 to this Code and you should withdraw from the Meeting during consideration of that item.

5. Registration of Interests

- 5.1 You must within 28 days of taking office as a Member notify the Monitoring Officer for entry on the Authority’s Register of Members’ Interests of any ‘disclosable pecuniary interest’ as defined in regulations made by the Secretary of State as listed in Schedule 1 to this Code where that interest is yours, that of your spouse or civil partner or that of somebody with whom you are living as spouses or as if you were civil partners.
- 5.2 In addition you must within the same time period notify the Monitoring Officer of any Pecuniary or Non-pecuniary interest which the Authority has decided should be included in the Register of Members’ Interests as listed in Schedule 2 to this Code.
- 5.3 You must also notify the Monitoring Officer within 28 days of any such interest arising for the first time.
- 5.4 You must register with the Monitoring Officer within 28 days of receipt details of any gifts or hospitality which you have received as a Member from any person or body other than the Authority which exceeds [£100].

6. Sensitive Interests

6.1 Where you are concerned that the disclosure of the details of an interest (either a disclosable pecuniary interest or any other interest you are required to disclose under this Code) could lead to you, or a person connected with you, being subject to violence or intimidation, you may apply to the Monitoring Officer for it to be classed as a “sensitive interest”. If the Monitoring Officer agrees that it should be treated as such then the provisions below will apply.

6.2 Where an interest is considered to be a sensitive interest:-

(a) If the interest is entered on the Authority’s register of interests, copies of the register that are made public will not include details of the interest, but may state that the member or co-opted member has an interest, the details of which are withheld under the provisions applying to sensitive interests;

(b) Where the interest is a disclosable pecuniary interest, and the member is required to disclose this at a meeting, he/she may simply disclose that he/she has a disclosable pecuniary interest in the matter concerned.

7. Dispensations

7.1 A member or co-opted member who has a disclosable pecuniary interest in an item of business to be considered by the Authority may make a written request to the Monitoring Officer that the Authority grant a dispensation from the restrictions applying to their participation in the discussion and vote on the item and from not carrying out any function related to the matter. The grounds upon which the Authority can grant a dispensation are set out in Schedule 3 to this Code.

8. Members Register of Interests

8.1 The Monitoring Officer is required to establish and maintain a register of interests of members and co-opted members of the Authority. This register is available for public inspection and must also be published on the Authority’s website.

9. Authority Procedures and Protocols

- 9.1 You should comply with procedures and protocols approved by the Authority that relate to the conduct of Authority business or apply to you in your capacity as an individual member or co-opted member of the Authority. Relevant procedures and protocols are included in the Authority’s Constitution. This can be viewed on the Authority’s website.

10. Review of this Code

- 10.1 This Code will be reviewed annually at the Authority’s Annual Meeting.

11. Monitoring Officer

- 11.1 The Authority’s Monitoring Officer is Andrew Frosdick
Contact details:-
Telephone: 01226 773001 Email: andrewfrosdick@barnsley.gov.uk
Address: PO Box 609, Barnsley S70 9FH

Schedule 1 - Disclosable Pecuniary Interests

The following are disclosable pecuniary interests:-

- (A) *Employment, office, trade, profession or vocation:*

Any employment, office, trade, profession or vocation carried on for profit or gain.

- (B) *Sponsorship:*

Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Note: “Relevant period” means the period of 12 months ending with the day on which the member gives notice of any disclosable interests that he/she has on being appointed or reappointed to the Authority.

(C) *Contracts:*

Any contract which is made between the relevant person (or the body in which the relevant person has a beneficial interest) and the Authority:-

- under which goods or services are to be provided or works to be executed; and
- which has not been fully discharged.

Note: “Relevant person” means the member, or member’s spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners.

(D) *Land:*

Any beneficial interest in land which is within the Authority’s area.

(E) *Licences:*

Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

(F) *Corporate tenancies:*

Any tenancy where (to the member’s knowledge):-

- the landlord is the Authority; and
- the tenant is a body in which the relevant person has a beneficial interest.

Note: “Relevant person” is as described above.

(G) *Securities:*

Any beneficial interest in securities of a body where:-

- (a) that body (to the member’s knowledge) has a place of business or land in the area of the Authority; and

(b) either:–

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Schedule 2 - Other Interests Required to be Registered

(A) Membership of any Body:-

- (i) to which you are appointed or nominated by the Authority; or
- (ii) exercising functions of a public nature; or
- (iii) or dedicated to charitable purposes; or
- (iv) one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union)

(B) Membership of a private club or society

(C) Membership of any organisation which promotes secrecy amongst its membership

Schedule 3 – Dispensations

(A) The grounds upon which the Authority may grant a dispensation relieving a member or co-opted member from the restrictions on participating in the discussion or voting on a matter in which they have a disclosable pecuniary interest are set out below. A member or co-opted member may make application to be relieved from either or both of the restrictions.

(B) The circumstances in which a dispensation may be granted are:-

- (i) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of business (the meeting would be inquorate).
- (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate.
- (iii) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
- (iv) That the Authority considers that it is otherwise appropriate to grant a dispensation.

PART 6B

OFFICERS' CODE OF CONDUCT

[To be completed.]

PART 6C

PROTOCOL ON MEMBER / OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The purpose of this protocol is to provide a set of principles to guide Members of the Barnsley, Doncaster and Rotherham Combined Authority ('the Authority') and its committees and Officers in their dealings with one another. The term 'Officers' includes officers of both the Authority and the South Yorkshire Passenger Transport Executive ('SYPTTE') unless expressly stated otherwise.
- 1.2 Both Authority Members and Officers are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate [and their appointing councils] and serve only so long as their term of office lasts. Officers are responsible to the Authority or SYPTTE. SYPTTE officers are responsible to SYPTTE. Their job is to give advice to members [and the Authority] and to carry out SYPTTE's work under the direction and control of SYPTTE, which is in turn accountable to the Authority. Authority officers are responsible to the Authority. Their job is to give advice to members and the Authority and to support the Authority in the exercise of its functions.
- 1.3 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.4 This protocol is to a large extent no more than a written down statement of usual practice and convention. However, it seeks to promote greater clarity and certainty.
- 1.5 This protocol also seeks to reflect principles underlying the respective codes of conduct which apply to Authority Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.6 The following basic principles are seen to be fundamental to continuing good relations between Members of the Authority and Officers.

2. PRINCIPLES

Mutual Respect

- 2.1 Authority Members and Officers should recognise that they each have an essential role to play in the success of the Authority/SYPTE and they should each seek to achieve the Authority/SYPTE's stated objectives and aims.
- 2.2 Both Authority Members and Officers will develop a relationship based on mutual respect and support. This is essential to achieving effective working relationships. Authority Members and Officers need to understand the limitation of undue close personal familiarity and personal friendship. Both Authority Members and Officers should consider how any such relationship may be perceived by others.
- 2.3 There will however be situations where such relationships arise between Officers and Members, for example through marriage, direct family connection or a close and long standing friendship. Such relations must always be disclosed, when relevant to the Authority business.
- 2.4 Where such a personal relationship does exist, the Officer should avoid professional contact with the Authority Member concerned on any matter where a personal relationship may be perceived by others to affect the conduct or judgement of the Officer or Authority Member concerned. Furthermore, Officers should avoid discussing within the context of a personal relationship any information of a private or personal and confidential nature which they become aware of in the course of their duties.
- 2.5 The Chairman and Vice-Chairman of the Authority have important roles in representing the Authority and are entitled to particular respect from Officers and Authority Members.
- 2.6 All Authority Members and Officers will have, as a key priority, the imperative to ensure that the community receives the services it needs and that best use of resources is made in delivering this.
- 2.7 It is clearly important that there should be a close working relationship between the Chairman/Vice Chairman of the Authority, the Director General, the Monitoring Officer and other senior Officers of the SYPTE and Authority. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question a senior Officer's ability to deal impartially with other Members and other party groups.

- 2.8 It is important that any dealings between Members and Officers observe reasonable standards of courtesy and that neither party seek to take unfair advantage of their position. Members should avoid making personal attacks on Officers and avoid undermining respect for Officers in public meetings of whatever kind. Complaints can be made about the performance or ability of Authority / SYPTE officers to the Head of Paid Service or to the Director General and as regards Authority officers to the Authority's Monitoring Officer.
- 2.9 If either an Authority Member or an Officer has a complaint about the conduct of the other such complaint should be made to the Director General or Monitoring Officer and not to the complainant direct.

Standards

- 2.10 In carrying out their duties Members and Officers should have regard to their respective codes of conduct, internal policies/procedures, procedure rules and statutory provisions.
- 2.11 Authority Members and Officers will avoid any actions which could be perceived as being designed to achieve personal as opposed to the Authority/SYPTE's objectives.

Informed Decision Making

- 2.12 In making decisions, Authority Members need to be provided with, and have regard to, proper professional advice from Officers. The aim is to achieve a full, open and transparent debate. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable Authority could have made.

Political Neutrality

- 2.13 SYPTE Officers are employed by and are accountable to the SYPTE and are required to act accordingly. Authority Officers are responsible to the whole Authority and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour. Advice to political groups must be given in such a way as to avoid compromising an employee's political neutrality and advice must be confined to Authority/SYPTE business.
- 2.14 Relationships with particular individuals or party political groups should not be such as to create public suspicion that an Officer favours that Member or group above others. Officers must not be involved in advising in matters of party business.

- 2.15 Officers are obliged to respect the confidentiality of any party group discussions at which they are present in that they must not relay the content of any such discussion to another party group.
- 2.16 It must be remembered that officers within the SYPTE are ultimately accountable to the Director General and that whilst officers should always seek to assist the Chairman (or indeed any member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Director General.

Information for Members

- 2.17 Members are entitled to SYPTE officer advice and information in representing their District, ward or individual electors in matters within the control of the SYPTE.
- 2.18 Officers will facilitate access by Members to documents and information in accordance with common law and statutory principles. Members will not seek to obtain information outside their entitlement under the law.
- 2.19 To assist Members on SYPTE operational issues, the SYPTE's External Relations Manager should be the first point of contact.
- 2.20 All reports submitted to a meeting of the Authority by the SYPTE/Authority shall specify the appropriate Officer who may be contacted in relation to the contents of the report.
- 2.21 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other elected Member. Exceptionally, where it is necessary to copy the correspondence to another Member this should be made clear to the original Member. In other words a system of 'blind' or 'silent' copies should **not** be employed.

Media

- 2.22 Press releases in the name of the SYPTE will only be issued through the Senior Public Relations Officer. Press releases in the name of the Authority will only be issued through the Monitoring Officer. Where Members are to be quoted in the press releases, approval will be sought in advance from the relevant Member.
- 2.23 SYPTE publications and other publicity material produced by SYPTE will not normally feature individual Authority Members. In general, media requests for comments or opinion on SYPTE/Authority policy or political matters should be referred to the Director General, Director of Strategy, Director of Customer Experience and/or the Monitoring Officer to the Authority in the first instance.

Elections, referendums and petitions

- 2.24 It is unlawful for a local authority (which includes the Authority) to publish any material designed to affect public support for a political party or for the local authority to give financial or other assistance to bodies to enable them to publish materials which the authority itself may not publish.
- 2.25 Particular care should be taken to ensure that publicity issued by the Authority/SYPTE immediately prior to an election or by-election in the area of constituent or non-constituent councils could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Thus proactive publicity in all its forms of candidates and other politicians involved directly in the election should not take place in the period between the notice of an election and the election itself. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Authority members or groups of members. However, it is acceptable for the SYPTE/Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. The key factor to remember is that publicity should be objective, balanced, informative and accurate, concentrating on facts or explanations. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the SYPTE/Authority's control. Proactive events arranged in this period should not involve Authority members likely to be standing for election.
- 2.26 The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to district councils) prohibit an authority from incurring any expenditure to:-
- Publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor;
 - Assist anyone else in publishing such material; or
 - Influence or assist others to influence local people in deciding whether or not to sign a petition.

Any publicity by the SYPTE/Authority in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition. There should be no publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal. The

publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group.

2.27 In line with the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 1988, as revised in 2011, during the period prior to any election, the Authority/SYPTE will not:-

- Provide quotes from Authority Members to the news media or other organisations, nor arrange publicity events or photo calls that involve Authority Members;
- Issue the news media news releases or statements that actively promote a candidate;
- Issue the news media news releases which refer to policy or controversial matters directly affecting the electoral division.

Recruitment

2.28 Authority Members shall only be involved in appointments for the Director General and other Directors of the SYPTE. Members must not seek to influence the appointment of other Officers. It is unlawful to make an appointment based on anything other than the ability to undertake the duties of the post.

Members/Officers as Customers

2.29 As customers of the SYPTE's services, Members and Officers should expect to be treated no more or less favourably than other citizens of South Yorkshire. They should not use their position to try to obtain advantage for themselves, their families or friends.

3. GUIDANCE AND MONITORING

3.1 Further guidance to Officers and Members on Authority Member/Officer relations and particularly on the matters set out in this protocol is available from the Monitoring Officer to the Combined Authority or the Director General who are also responsible for monitoring the effectiveness of this protocol.

PART 6D

MEMBERS' ALLOWANCES SCHEME

[To be completed in accordance with Article 3.14.]

PART 6E

ANTI-FRAUD AND CORRUPTION POLICY

CONTENTS

1. Introduction
2. Authority Policies Procedures and Rules
3. Expected levels of behaviour
4. Preventing Fraud and Corruption
5. Detection/Investigation
6. Training and Awareness
7. Sanctions
8. Sharing Information
9. Reporting and Monitoring
10. Review Policy

Appendix 1 - The General Principles of Public Life

Appendix 2 - Fraud Response Plan

1. Introduction

- 1.1 The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority') is committed to maintaining high standards of Corporate Governance. The management of the risk of Fraud and Corruption and ensuring that effective counter fraud arrangements are in place are key elements of Corporate Governance.
- 1.2 The Authority recognises that, as well as causing financial loss, fraud is also detrimental to the provision of services and damaging to the reputation of, and confidence in, the Authority, consequently could put at risk the achievement of strategic objectives. The Authority is committed to a culture of honesty and opposition to fraud and corruption, and making sure that the opportunities for fraud and corruption are reduced to the absolute minimum. The Authority will not tolerate fraud and corruption in the administration of its responsibilities from inside or outside the Authority.
- 1.3 An important part of this approach is introducing and maintaining an effective Anti-Fraud and Corruption Strategy. This document outlines the approach for dealing with the threat of fraud and corruption and makes clear to all

concerned that appropriate and decisive action will be taken against those committing or attempting to commit fraudulent or corrupt acts against the Authority. The Authority has delegated responsibility for the approval and monitoring of this strategy and its effectiveness to the Audit Committee. A Fraud Response Plan is included which gives more detailed guidance on how to deal with allegations of fraud and corruption.

1.4 Fraud is defined as:-

“The intentional distortion of financial statements or other records by persons internal or external which is carried out to conceal the misappropriation of assets or otherwise for gain”

Corruption includes bribery and other improper conduct. The Bribery Act 2010, in force from 1 July 2011, replaces the previous common law and statutory bribery offences. The new offences under the 2010 Act are described in paragraph 2.6 below.

The precise definitions are set out in the Fraud Act 2006. The Act provides for a general offence of fraud and three ways of committing it: by false representation, by failing to disclose information and by abuse of position.

1.5 In this Strategy the term “employees” refers to officers of the Authority and of the South Yorkshire Joint Secretariat, who provide support services to the Authority.

1.6 This strategy is applicable to:-

Members, Chief Officers and employees of the Authority and its committees;
Staff employed at South Yorkshire Joint Secretariat (SYJS);
All individuals, organisations, contractors, consultants and partners associated with the Authority;
Our Customers;
Other Stakeholders.

1.7 The Authority expects all applicable persons to be fair and honest, and to provide any help, information and support necessary to deal with the suspicion or reports of fraud and corruption.

2. Authority /SYJS Policies, Procedures and Rules

2.1 The Authority and SYJS will put in place a range of interrelated policies and procedures that provide a corporate framework to counter fraudulent activities. These are an important part of the internal control process, and it is important that all members and employees know about them. These include:-

Code of Corporate Governance, Risk Management Strategy, Code of Conduct for Members, Code of Conduct for Officers, Procedure Rules, Contracts Procedure Rules, Financial Regulations, Whistle Blowing Policy, Disciplinary Procedures, Recruitment Procedures, Complaints Procedures and associated procedural documents

These documents will be made available on the Authority's website and SYJS intranet.

- 2.2 It is the responsibility of managers at all levels to ensure that all employees have an awareness of and access to the relevant rules and regulations and receive suitable training.
- 2.4 Members, Chief Officers and employees of the Authority and its committees must make sure that they read and understand the rules and regulations that apply to them, and act in accordance with them.
- 2.5 Contravention of these rules and regulations may lead to formal action being taken against the parties concerned. This may include terminating employment in respect of employees, and referral to an appropriate local authority standards committee in respect of members. Serious cases may be referred to the Police for criminal investigation. It will be the responsibility of the Monitoring Officer to decide whether to make a referral to the Police.
- 2.6 The Bribery Act 2010 creates four new criminal offences:-
a general offence covering offering, promising or giving a bribe;
a general offence covering requesting, agreeing to receive or accepting a bribe;
a separate offence of bribing a foreign official to obtain or retain business;
a strict liability offence for commercial organisations where they fail to prevent bribery by those acting on their behalf (section 7 of the Act).

The Act includes severe penalties. Individuals can receive unlimited fines and a ten year custodial sentence; organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official.

The Ministry of Justice has issued guidance which explains the intended effect of the Act. This can be accessed by following this link <http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm>

- 2.7 To ensure transparency, this Strategy and documents and procedures referred to within it will be made available to view on the Authority's website and the internet website and the intranet of SYJS.

3. Expected levels of behaviour

- 3.1 The Nolan Committee set out seven guiding principles that apply to people who serve the public. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. High standards of conduct, consistent with these principles, are set out in the Code of Conduct for Members and are seen to apply to both members and officers as best practice to achieve good governance in accordance with recognised standards and frameworks. The Authority and SYJS will develop their working behaviour around these principles and expects all staff to carry out their duties in line with the relevant legal requirements, internal codes, professional ethical standards, rules and procedures and to act always with honesty and integrity when carrying out their work. Staff must always be mindful of public perceptions and potential media scrutiny of their actions, and ensure that their conduct is transparent and above reproach.
- 3.2 Members of the Authority and its committees, the Monitoring Officer and other Senior Officers of SYJS are expected to set an example by their own behaviour which should be in accordance with the General Principles.
- 3.3 The Authority expects all individuals and organisations that are in any way associated with the Authority to be honest and fair and act with integrity in their dealings with the Authority, its clients and customers.
- 3.4 The Codes of Conduct applying to members and employees set out an approach to work that is both honest and fair. Members and employees must act in line with these at all times. Members and employees are also expected to follow Codes of Conduct relating to any personal professional qualifications.
- 3.5 Members and employees must ensure that they avoid situations where there is potential for a conflict of interest. Such situations can arise with for example tendering and externalisation of services. Effective role separation will ensure decisions made are seen to be based on impartial advice.
- 3.6 The employee Code of Conduct includes guidelines on Gifts and Hospitality, the disclosure of financial and other interests and conflicts of interests.
- 3.7 Members and employees have an important part to play in dealing with fraud and corruption. It is the policy of the Authority to encourage them to raise concerns regarding fraud and corruption, and to assure them that they may do so without fear of recrimination. Whilst 'open' reporting is encouraged, confidentiality will be given the highest priority, and will be maintained as far as possible and supported by management. The Public Disclosure Act 1998

protects employees who report suspected fraud or corrupt activities from any reprisals as long as they meet the rules set out in the Act.

- 3.8 The Authority has put in place procedures to facilitate the reporting of concerns of fraud, corruption and other forms of malpractice. The Authority has agreed a whistle blowing policy, which is intended to encourage and enable employees to raise concerns within the organisation rather than overlooking a problem or “blowing the whistle” outside the organisation. The Fraud Response Plan provides more detailed guidance on this.
- 3.9 Malicious allegations will not be tolerated and, where identified, appropriate action will be taken.

4. Preventing Fraud and Corruption

- 4.1 The Authority recognises that fraud and corruption can be costly in terms of financial loss and reputational risk. The prevention of fraud and corruption is therefore a key objective.
- 4.2 The Authority has agreed a Risk Management Strategy and an established risk management process is in place with potential strategic risks being reported to the Audit Committee. The risk of fraud and corruption must be considered as part of this process and appropriate controls put in place to mitigate the risk.
- 4.3 The Authority recognises that a key preventative measure in the fight against fraud and corruption takes effect at the staff recruitment stage. The taking up of written references, verifying qualifications held and where appropriate undertaking criminal records checks is an essential control in establishing as far as possible the honesty and integrity of potential staff, whether for permanent or temporary employment. All recruitment must be in accordance with the procedures approved by the Authority.
- 4.4 In order to combat fraud and corruption, it should be prevented from happening in the first place. It is essential that there are clear rules and procedures, within which members, employees and others associated with the Authority, can work. A number of these are documented in section 2.
- 4.5 The Authority aims to have sound systems and procedures in place, which incorporate efficient and effective controls. Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments. Managers must ensure that relevant training is provided for employees and that formal

documented procedures are in place. Suitable levels of internal check must be included in working procedures and maintained, particularly financial procedures, and it is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system (i.e. separation of duties).

- 4.6 Managers must ensure that computer system access is set at the relevant level for each employee.
- 4.7 Fraud and Corruption risks should be considered within all new systems, policies and procedures to remove apparent weaknesses.
- 4.8 As part of the Authority's overall arrangements to deter the occurrence of financial irregularities, Internal Audit will target specific risk areas. In addition, the Internal Audit Strategy provides for regular reviews of system financial controls and specific fraud and corruption tests. Where appropriate intelligence led audits are undertaken. Regularity audits aim to ensure compliance with the Authority's Procedure Rules, Financial Regulations and interrelated policies and procedures. The scope of Internal Audit work has been extended into governance areas including codes of conduct and policy review procedures.
- 4.9 External Audit is required to give an opinion of the Authority's accounts which involves the assessment of the systems of financial control and the legality of transactions. They have a responsibility to review the Authority's arrangements for preventing and detecting fraud and irregularities, and those which are designed to limit the opportunity for corrupt practices.
- 4.10 Partners and all other stakeholders are expected to have strong Anti-Fraud and Corruption measures in place. They should provide the Authority with full access to their financial records and their staff will be required to assist fully with any investigation. Agreements or contracts should include these conditions and appropriate risk assessments should be undertaken before entering into an agreement.
- 4.11 There are confidential lines of communication available for individuals to provide information that may prevent fraud and corruption. These include the Authority's whistle blowing policy. See Fraud Response Plan at Appendix 2.
- 4.12 The Head of Internal Audit will ensure that details of reporting facilities are widely publicised to the public, members and employees and that all information received is dealt with appropriately and in accordance with this strategy and the Fraud Response Plan.

5. Detection/Investigation

- 5.1 The Fraud Response Plan provides direction and guidance to employees in dealing with suspected cases of theft, fraud and corruption. It also gives direction to others wanting to report matters of concern. The Response Plan forms an Appendix to this Strategy and should be read in conjunction with this section.
- 5.2 The Authority's Financial Regulations stipulate that the Head of Internal Audit, must be notified of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources.
- 5.3 The Head of Internal Audit and the Monitoring Officer will agree on the direction of any investigation.

6. Training and Awareness

- 6.1 The Authority recognises that the success and credibility of this Strategy will depend largely on how effectively it is communicated to members, employees and beyond and is committed to raising fraud awareness. It will be provided to members as part of the constitution, included on induction programmes and published on the Authority's website and SYJS intranet.
- 6.2 In order to raise awareness of this Strategy and fraud and corruption generally, the Head of Internal Audit will issue instructions/advice aimed at encouraging fraud awareness and reminding individuals of their responsibilities.
- 6.3 Where appropriate, the Head of Internal Audit will publicise the results of any investigation to promote awareness, to deter, and to demonstrate the need for preventative measures.
- 6.4 The Authority supports training for members and employees, particularly those employees who are involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. Within SYJS, the Head of Human Resources is responsible for maintaining appropriate induction procedures and processes. All managers have an obligation as part of employee induction training to comply with these procedures and processes and regularly thereafter to brief employees on individual responsibilities with regard to this strategy, fraud and corruption in general and the action to be taken when it is suspected, ensuring that operations achieve adequate levels of internal control.

- 6.5 The Authority is committed to training and developing employees who are involved in investigating fraud and corruption and appropriate training will be provided.

7. Sanctions

- 7.1 The Authority will consider the full range of sanctions, disciplinary, regulatory, civil and criminal which will be applied as appropriate to each case.
- 7.2 The Authority is committed to recovering any monies gained by fraud and all options will be considered.

8. Sharing Information

- 8.1 The Authority is committed to working and co-operating with other organisations to prevent organised fraud and corruption. They support the National Fraud Initiative and, wherever possible, the Authority will be prepared to help and exchange information with other authorities and organisations to counter fraud. This information will be shared in accordance with the principles of the Data Protection Act 1998.
- [8.2 Internal Audit and South Yorkshire Police Professional Standards Department have in place a Joint Working Protocol for the sharing of information and joint working for investigating irregularities and system weaknesses within South Yorkshire Police. This relationship can be utilised as a first line of contact for advice/guidance on any issue relating to fraud and corruption for the Authority.]

9. Reporting and Monitoring

- 9.1 The Authority has delegated responsibility for monitoring this strategy and its effectiveness to the Audit Committee.
- 9.2 Internal Audit reports will highlight policy and system weaknesses that are identified as a result of routine audits and investigations. These will be addressed through an agreed action plan. The relevant manager is responsible for implementing the action plan. Implementation will be monitored and reported on by the Head of Internal Audit to the senior management and the Audit Committee. Recommendations that are not

completed within six months of the final report will be reported separately to the Audit Committee for monitoring purposes.

- 9.3 A summary of all investigations undertaken by Internal Audit will be reported to the Audit Committee annually. The report will include the outcome of each investigation, for example, recoveries, sanctions, reduced losses and awareness levels. In addition, a summary of all allegations received but not investigated including reasons will be reported annually.
- 9.4 When fraud and corruption has occurred due to a breakdown in policy or systems such events will be considered as part of the annual review of internal control and will be included in the Annual Governance Statement.
- 9.5 The Head of Internal Audit is required to inform the External Auditor of all losses exceeding £10,000 due to fraud and any corrupt act.

10. Review Policy

- 10.1 This Strategy will be reviewed on an annual basis by officers of the Authority and will take cognisance of an annual vulnerability assessment which will be conducted in line with the CIPFA Red Book 2 Managing the Risk of Fraud. An appropriate control strategy and action plan will be developed in order to address any identified areas for improvement.

Appendix 1

THE GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's Chief Officers, and its employees.

Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Appendix 2

COMBINED AUTHORITY FRAUD RESPONSE PLAN

1. Introduction

- 1.1 The Authority is committed to protecting public funds and assets and reducing to an absolute minimum any losses to fraud and corruption to ensure that all resources are used for the purpose for which they are intended.
- 1.2 This Fraud Response Plan (the Plan) forms part of the Authority's anti-fraud and corruption arrangements and is one of a series of policies and procedures that are in place to prevent, deter and detect fraudulent or corrupt acts. The other documents to be referred to are detailed in the Anti-Fraud and Corruption Strategy.
- 1.3 The Plan provides direction and guidance to employees in dealing with suspected cases of theft, fraud and corruption and it also gives direction to others wanting to report matters of concern. The Plan's purpose is to provide for timely and effective action to be taken in the event of a fraud to:-
- (a) prevent further loss of funds or assets where fraud has occurred;
 - (b) establish and secure evidence necessary for criminal and / or disciplinary action;
 - (c) assign responsibility for investigating the incident and establish lines of communication;
 - (d) minimise and recover losses;
 - (e) review any learning points that can be used to reduce the risk of future fraud;
 - (f) publicise the outcome of the successful actions to promote the anti-fraud culture by making it clear to staff and the public that the Authority will pursue all cases of fraud vigorously, taking appropriate legal and / or disciplinary action where this is justified.
- 1.4 The evidence from previous investigations highlights the signs where fraudulent activity occurred; these are listed at the end of this Plan. It must be emphasised that not all circumstances where similar situations exist will constitute fraud. If in doubt, advice and guidance can be obtained from the Head of Internal Audit:-
telephone on 01126 773241 email at robwinter@barnsley.gov.uk writing to the Head of Internal Audit, South Yorkshire Combined Authority, 18 Regent Street, Barnsley S70 2HG.
All contact will be treated confidentially.

- 1.5 In accordance with Financial Regulations all instances of suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources must be reported to the Head of Internal Audit at the earliest opportunity.

2. Definitions

- 2.1 The Chartered Institute of Public Finance and Accountancy defines **fraud** as: *“the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to conceal the misappropriation of assets or otherwise for gain”*.

- 2.2 The Fraud Act 2006 defines **fraud** in three classes:-

- (a) by false representation;
- (b) by failing to disclose information; and
- (c) by abuse of position.

- 2.3 **Corruption:** the Bribery Act 2010, in force from 1 July 2011, replaces the previous common law and statutory provisions relating to bribery. The Act creates four new offences:-

- (a) a general offence covering offering, promising or giving a bribe;
- (b) a general offence covering requesting, agreeing to receive or accepting a bribe;
- (c) a separate offence of bribing a foreign official to obtain or retain business;
- (d) a strict liability offence for commercial organisations where they fail to prevent bribery by those acting on their behalf (section 7 of the Act).

- 2.4 The Bribery Act includes severe penalties: individuals can receive unlimited fines and a ten year custodial sentence; organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official. The Ministry of Justice has issued guidance which explains the intended effect of the Act. This can be accessed by following this link <http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm> .

3. Reporting Suspicions

3.1 *All Employees*

All employees are responsible for raising concerns they may have about possible fraud, corruption or theft or procedural irregularities. Normally

concerns will be raised with line managers. It is recognised, however that there may be circumstances where employees feel unable to take this course of action. In such circumstances employees should contact the Head of Internal Audit (as above in 1) for further guidance or refer to the Confidential Reporting Policy which will be made available on the Authority's web site.

3.2 *All Managers*

All managers are responsible for following up any reported allegation/suspicion. Irrespective of any potential investigation the Head of Internal Audit or, in his absence, the Audit Manager (01226 772820) must be notified. Where doubt exists as to whether the matter should be reported managers must adopt the principle that such matters will be reported.

3.3 The following items will be routinely reported:-

- (a) All suspicions/allegations of fraud and corruption;
- (b) Matters resulting in controls being applied after a transaction/event occurs;
- (c) Deliberate or mistaken use of the Authority's assets;
- (d) All thefts and burglaries;
- (e) Misuse of levels of authority;
- (f) Stock and inventory deficiencies and surpluses above levels delegated for write off/back;
- (g) All cases where the internal control processes have been breached or highlighted as being weak or non-existent.

The above list is not exhaustive as much depends on the individual circumstances of each case.

3.4 It is not possible to be prescriptive about matters which do not need to be reported. Generally, genuine errors which are identified as a result of existing controls do not need to be reported. However, where this is a persistent problem, for example, recurrent misinterpretation of policies/procedures, these matters should be reported in order that consideration can be given to reviewing such policies/procedures to provide greater clarity.

3.5 Where it is appropriate to do so, managers can make discreet initial enquiries promptly to determine if there does appear to be an irregularity. If this is done it is imperative that it can be done without alerting the suspected perpetrator and the manager involved has sufficient experience to do so.

If in any doubt, contact should be made with the Head of Internal Audit for advice before proceeding.

During the initial enquiries the manager should:-

- (a) determine the circumstances that gave rise to the suspicion;
- (b) consider whether a genuine mistake has been made or whether an irregularity has occurred;
- (c) produce a written record of the alleged irregularity which should be held confidentially to be handed over as part of the investigation;
- (d) take all necessary steps to prevent further loss and to secure any relevant records and documents against removal or alteration if this can be done without alerting the suspected perpetrator.

At this stage, the manager should not:-

- (a) contact the suspected perpetrator in an effort to determine the facts
- (b) interrogate the suspect's computer, mobile phone or other electronic device;
- (c) conduct further investigations or interview staff unless advised to do so by the Head of Internal Audit.

- 3.6 Confidentiality for all parties will be maintained over reports made in good faith which cannot be substantiated following investigation. Employees may elect to report their concerns anonymously which will be respected. However, if the investigation reveals criminal activity, and the case is pursued by the police, the identity of the employee may be needed at a later date if criminal proceedings ensue. The Public Disclosure Act 1998 protects employees who report suspected fraud or corrupt activities from any reprisals providing they meet the rules set out in the Act.
- 3.7 Genuine allegations, even if after investigation they prove to be without foundation, are welcomed. Managers should be responsive to employee concerns and treat such concerns seriously and sensitively. However, any allegation made frivolously, maliciously or for personal gain may result in disciplinary action being taken against the person making the allegation.
- 3.8 The Authority's whistle-blowing policy is intended to encourage and enable employees to raise serious concerns within the Authority/SYJS rather than overlooking a problem or "blowing the whistle" outside. It applies to all employees and those contractors working for the Authority/SYJS or on their premises, for example agency staff and builders. Suppliers are also covered by the policy.
- 3.9 All allegations will be recorded irrespective of whether they are investigated or not. The Head of Internal Audit will maintain a register for allegations received by Internal Audit.

4. Scope of the Investigation

- 4.1 The direction of the investigation and the participants will be a joint decision between the Head of Internal Audit and the Monitoring Officer, usually in consultation with Head of Human Resources. At this stage, consideration will be given to the involvement of the police. This may require contact with the South Yorkshire Police Head of Professional Standards Department for advice, to ensure that conduct of the investigation does not jeopardise any future criminal proceedings.

5. Investigation Process

- 5.1 Where an investigation is carried out by Internal Audit it will be conducted in accordance with the process documented in the Internal Audit Manual.

- 5.2 The following principles will apply to all investigations:-

- (a) All allegations reported to the Head Internal Audit will be logged in the Internal Audit Fraud and Irregularity Register.
- (b) Investigations must be promptly conducted, with due regard to compliance with legislation for conducting interviews i.e. the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 (RIPA) and the Lawful Business Practice (Interception of Communications) Regulations 2000.
- (c) Actions where a criminal offence is committed must comply with the Police and Criminal Evidence Act 1984 (PACE): all evidence must be recorded, ensuring that it is sound and supported by evidence; written records of fact finding meetings must be maintained ; documents must be retained securely with appropriate access restrictions;, contact should be made with the police at the earliest opportunity to ensure that criminal proceedings are not compromised; any cases referred to the police will be agreed with the Monitoring Officer.
- (d) Where appropriate, the Authority's insurance team should be notified as soon as possible so that any future claim is not jeopardised e.g. under a fidelity guarantee policy.
- (e) If, during the course of the investigation, it transpires that a corrupt action has occurred, the Authority's Monitoring Officer and the External Auditor will be notified at the conclusion of the investigation. A report will be produced as soon as possible but within 28 days so that a decision can be made on any further action.

6. Further Action

- 6.1 Where the outcome confirms that improper behaviour has occurred, the appropriate Manager should instigate the disciplinary process. Disciplinary action can be taken in addition to, or instead of, criminal proceedings. The decision must be taken following advice from the Head of Human Resources and the Monitoring Officer.
- 6.2 Where fraud or corruption has occurred the Authority will seek to recover any losses incurred: all options will be considered which may involve deductions from pay (if service continues), debtor invoices, pension seizure, taking civil proceedings or seeking compensation orders.
- 6.3 Policy and system weaknesses identified as a result of any investigation will be addressed with the appropriate Managers. Reports produced as a result of any investigation will highlight weaknesses and implementation of recommendations will be monitored through agreed action plans.
- 6.4 The outcome of any investigation should be recorded in the Fraud and Irregularity Registers. Outcomes include awareness levels, sanctions applied, recoveries, fraud levels, reports of suspicions. This information may be useful in the future to determine performance targets and should be used as a basis for presenting an annual report to the Audit Committee.
- 6.5 Consideration should always be given to any lessons learned which may, for example, identify training needs, changes in policy or the need for fraud risk to be given higher profile.
- 6.6 Any cases of identified fraud or corruption will be reported to the Audit Committee and publicised where appropriate to promote awareness, to deter and to demonstrate the need for preventative measures. If any employees are approached by the press, they should be referred to the Head of Paid Service.

7. Potential Indicators of Fraudulent Activity

The following list has been compiled from evidence from previous investigations and highlights the signs where fraudulent activity occurred. It must be emphasised that not all circumstances where similar situations exist will involve fraud.

- Where staff do not take leave

- Where staff work outside normal working hours for no obvious reason
- Staff whose lifestyles are disproportionate to their income
- Unusual concerns or reaction to visits from senior managers and / or internal audit
- Lack of effective internal control e.g. separation of duties and management checks: prime examples being where an individual:
 - Undertakes payment runs and bank reconciliations
 - Collects and banks income and undertakes bank reconciliations
 - Procures goods and services
 - Completes payroll documentation and monitors the staffing budget
- Unexplained falls in income levels and / or increases in expenditure levels
- Unusual or unexpected events e.g. overdrawn bank accounts or missing stock identified by stocktaking processes
- Unavailability of documents / systems for inspection during audit and management checks
- Regular breaking of rules and regulations and continuing non compliance with procedures
- Poor quality record keeping causing difficulty in following the trail of documents and processes
- Lax security or disregarding of security process
- Staff who exhibit 'bullying' behaviour
- Staff who appear to have close relationships with suppliers and contractors beyond a reasonable professional level.

PART 6F

WHISTLE-BLOWING POLICY

1. Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.
- 1.2 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Authority work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Authority rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all members, employees and officers of the Authority and its committees, and those contractors working for the Authority on Authority premises, for example, agency staff and builders. It also covers suppliers with the Authority.

2. Aims and Scope of this Policy

- 2.1 This policy aims to:-
 - (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - (b) provide avenues for you to raise those concerns and receive feedback on any action taken;
 - (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
 - (d) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief in the substance of your disclosure and have acted in good faith.

- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistle-blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include: conduct which is an offence or a breach of law; disclosures related to miscarriages of justice; health and safety risks, including risks to the public as well as other employees; damage to the environment; a misuse of Authority or other public money; possible fraud and corruption and other unethical conduct.

- 2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Authority or others acting on behalf of the Authority can be reported under this Whistle-blowing Policy. This may be about something that:-

- (a) makes you feel uncomfortable in terms of known standards, your experience, or the standards to which you believe the Authority subscribes; or
- (b) is against the Authority's Constitution or policies; or
- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

- 2.4 This policy does not replace the Authority's Anti-Fraud and Corruption Strategy, but rather complements it.

3. Safeguards Against Harassment or Victimisation

- 3.1 The Authority is committed to good practice and high standards and wants to be supportive of employees.

- 3.2 The Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or you in good faith believe it to be true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

- 3.3 The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. Confidentiality

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. Anonymous Allegations

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Authority.
- 5.3 In exercising this discretion the factors to be taken into account would include the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

6. Untrue Allegations

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. How to Raise a Concern

- 7.1 As a first step, you should normally raise concerns with your immediate line manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Monitoring Officer or Internal Audit.
- 7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are requested to provide the following information: the background to and history of the concern (giving relevant dates), and the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express a concern, the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Advice/guidance on how to pursue matters of concern may be obtained from:

Andrew Frosdick, Monitoring Officer 01226 773001; or
Rob Winter, Head of Internal Audit 01226 773241

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. How the Authority will Respond

8.1 The Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may be investigated by management, internal audit, or through the disciplinary process, be referred to the police, be referred to the external auditor or form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Authority has in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, harassment or discrimination issues) will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the Monitoring Officer or Head of Internal Audit will write to you acknowledging that the concern has been received indicating how we propose to deal with the matter, giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, supplying you with information on staff support mechanisms and telling you whether further investigations will take place, and if not, why not.

8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved

and the clarity of the information provided. If necessary, the Authority will seek further information from you.

- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative, or a friend.
- 8.8 The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Authority will arrange for you to receive advice about the procedure.
- 8.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. The Responsible Officer

- 9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

10. How the Matter can be Taken Further

- 10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. The Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:-

The external auditor
Your trade union
Your local Citizens Advice Bureau,
Relevant professional bodies or regulatory organisations
A relevant voluntary organisation
The Police
Public Concern at Work (Telephone 0207 404 6609)

- 10.2 If you do take the matter outside the Authority, you should ensure that you do not disclose confidential information.

Appendix 1

The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014

[To be inserted.]