



## **SOUTH YORKSHIRE MAYORAL COMBINED AUTHORITY**

# **CONSTITUTION**

## Document Properties

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## Contents

<b>PART 1 - INTRODUCTION</b>	5
<b>PART 2 - ARTICLES OF THE CONSTITUTION</b>	7
Article 1: Interpretation	7
Article 2: Functions of the Authority	10
Article 3: Members of the Authority	11
Article 4: Chairing the Authority	14
Article 5: Authority Meeting, Procedures and Voting Arrangements	15
Article 6: Records of Proceedings	17
Article 7: Responsibility for Functions	18
Article 8: Committees of the Authority	19
Article 9: Joint Arrangements	20
Article 10: Officers	21
Article 11: Decision Making	23
Article 12: Finance, Contract and Legal Matters	25
Article 13: Review and Revision of The Constitution	27
<b>PART 3 - FUNCTIONS OF THE AUTHORITY</b>	28
A. Introduction	28
B. Transport Functions of the former ITA transferred to the Authority pursuant to the 2014 Order and the former SYPTE pursuant to the 2023 Order (Appendix 1C)	28
C. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils pursuant to the 2014 Order (Appendix 1A) ....	28
D. Incidental Provisions pursuant to the 2014 Order (Appendix 1A)	29
E. Functions conferred on the Combined Authority by the 2020 Order (see Appendix 1B)	30
F. Functions conferred on the Combined Authority and the Mayor by the 2024 Order (Appendix 1D)	34
G. Functions conferred on a Combined Authority by Local Government Legislation	34
<b>PART 4 - RESPONSIBILITY FOR FUNCTIONS</b>	36
A. Functions Reserved to the Authority	36
B. Mayoral Functions	38
C. The Audit, Standards and Risk Committee	40
D. The Scrutiny Committee	44
Appendix A to Part 4D – Scrutiny Protocol	48
E. Scheme of Delegation of Functions to Officers and Schedule of Proper Officers	50
<b>PART 5 - PROCEDURE RULES</b>	61
PART 5A - COMBINED AUTHORITY PROCEDURE RULES	62
PART 5B – ACCESS TO INFORMATION PROCEDURE RULES	77

PART 5C – FINANCIAL REGULATIONS .....	84
PART 5D – CONTRACT PROCEDURE RULES.....	85
<b>PART 6 – CODES AND PROTOCOLS .....</b>	<b>86</b>
PART 6A – MEMBER’S CODE OF CONDUCT.....	87
PART 6B – OFFICERS’ CODE OF CONDUCT.....	98
APPENDIX A – PCC CODE OF CONDUCT .....	102
PART 6C – PROTOCOL ON MEMBER/OFFICER RELATIONS .....	108
PART 6D – MEMBERS’ ALLOWANCE SCHEME .....	114
PART 6E – AUTHORITY’S CODE OF CORPORATE GOVERNANCE .....	117
PART 6F – ANTI-FRAUD AND CORRUPTION POLICY .....	119
Appendix 1 – The General Principles of Public Life .....	127
Appendix 2 – Combined Authority Fraud Response Plan .....	128
PART 6G – WHISTLE-BLOWING POLICY .....	134
<b>PART 7 – POLICE AND CRIME COMMISSIONER FUNCTIONS – JOINT CORPORATE GOVERNANCE FRAMEWORK (WITH SOUTH YORKSHIRE POLICE).....</b>	<b>139</b>
APPENDIX A – PCC FINANCIAL REGULATIONS.....	156
APPENDIX B - JOINT INDEPENDENT AUDIT COMMITTEE – TERMS OF REFERENCE.....	210
<b>APPENDIX 1A – THE BARNSLEY, DONCASTER, ROTHERHAM AND SHEFFIELD COMBINED AUTHORITY ORDERS.....</b>	<b>228</b>
Appendix 1A – The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2014 .....	229
Appendix 1B - The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2020 .....	241
Appendix 1C – South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 .....	265
Appendix 1D – The South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024.....	271
<b>APPENDIX 2 – FINANCIAL REGULATIONS .....</b>	<b>304</b>
<b>APPENDIX 3 – CONTRACT PROCEDURE RULES .....</b>	<b>305</b>
<b>APPENDIX 4 – BUSINESS ADVISORY BOARD.....</b>	<b>306</b>
<b>TERMS OF REFERENCE.....</b>	<b>306</b>
<b>APPENDIX 5 – MAYORS ECONOMIC ADVISORY COUNCIL (MEAC).....</b>	<b>309</b>
<b>TERMS OF REFERENCE.....</b>	<b>309</b>

# **PART 1 - INTRODUCTION**

## **1. This Constitution**

- 1.1. This is the Constitution of The South Yorkshire Mayoral Combined Authority ('the Authority'). The Authority was established in 2014.
- 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, 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. What will the Authority do?**

- 2.1. The Authority is responsible for a range of functions including strategic economic development, transport, skills and training (including Adult Education) and housing at a South Yorkshire level.
- 2.2. The Authority has taken over all the functions of the former South Yorkshire Integrated Transport Authority and of the former South Yorkshire Passenger Transport Executive which was dissolved by Statutory Instrument with effect from 1<sup>st</sup> April 2023.
- 2.3. In 2016 The Authority became a Mayoral Combined Authority and the first Mayor was elected in May 2018. The Mayor chairs the Authority.
- 2.4. The Mayor became responsible for exercising Police and Crime Commissioner functions in May 2024.

## **3. Mayoral Authority**

- 3.1. The Mayor is the chair of the Authority and will be a full voting Member. The Mayor must also appoint a Deputy Mayor from amongst the other Members representing the Constituent Councils.
- 3.2. The Members who represent the four South Yorkshire authorities (constituent councils) have automatic voting rights, and the Members representing the five authorities from Nottinghamshire and Derbyshire (non-constituent councils) are given voting rights at the sole discretion of the Mayor and the Members representing the Constituent Councils.
- 3.3. To comply with legislation that requires there to be a majority of Members appointed from the constituent councils, the constitution requires the constituent councils to each appoint second members and for the Authority to annually appoint two of these second members. By convention these second members do not attend and vote at meetings in order to preserve the arrangement that each of the Councils are represented by one Member.

- 3.4. Except for the Mayor and the Members representing the constituent and non-constituent councils, no other attendee at Authority meetings can vote on any matter. The Authority (but not an individual Member or the Mayor) can resolve to allow other persons to attend the Authority meetings (co-opted Member). This could be because they are either an individual or represent an organisation that can make a valuable contribution to the Authority's work.
- 3.5. The voting requirements of the Authority are set out in Part 2 Article 5 of the Constitution. Whilst the Authority seeks to operate by unanimity wherever possible, the legal position on voting differs for different functions, split broadly between functions devolved by the 2014 Order (simple majority voting); functions of the Authority contained in the 2020 Order (Mayor needs to vote with the majority, or, and by convention, will do so where all 4 constituent council Members vote in favour) and Mayoral functions (including PCC functions) (only Mayor can determine the use of the function, but may need other Member consent to do so depending on the function in question).

## PART 2 - ARTICLES OF THE CONSTITUTION

### Article 1: Interpretation

- 1.1. This is the Constitution of the South Yorkshire Mayoral 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 seven 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:-

Appendices 1A, 1B, 1C and 1D (the 2014 Order, the 2020 Order, the 2023 Order and the 2024 Order as defined below) Part 2 (Articles of the Constitution) Parts 3 to 7.

- 1.3. Parts 3-6 of the Constitution apply to all of the non-PCC functions of the Authority and of the Mayor, but only apply to the PCC functions where specifically referenced. Part 7 only applies to PCC Functions and regarding the exercise of PCC functions, to the extent there is any conflict or ambiguity between Parts 3-6 and Part 7 then the provisions of Part 7 take precedence.
- 1.4. In this Constitution, where the context permits:-
  - 1.4.1. **'the Authority'** means the South Yorkshire Mayoral Combined Authority;
  - 1.4.2. **'Chief Executive Officers'** means the chief executives of the Constituent Councils;
  - 1.4.3. **'the Combined Area'** means the area consisting of the municipal areas of the Constituent Councils;
  - 1.4.4. **'the Constituent Councils'** means Barnsley Metropolitan Borough Council, City of Doncaster Council, Rotherham Metropolitan Borough Council and Sheffield City Council;
  - 1.4.5. **'the Deputy Mayor'** means the member appointed by the Mayor as such;
  - 1.4.6. **'the Deputy Mayor for Policing and Crime'** means the person appointed by the Mayor in respect of PCC functions, pursuant to Section 18 of the Police Reform and Social Responsibility Act 2011, as modified by the 2024 Order;
  - 1.4.7. **'the former ITA'** means the South Yorkshire Integrated Transport Authority which was abolished by the Order;

- 1.4.8. **“the Mayor”** means the person from time to time elected as Mayor of the Authority in accordance with the Barnsley, Doncaster, Rotherham and Sheffield (Election of Mayor) Order 2016 (as amended);
- 1.4.9. **‘Mayoral Functions’** means the functions contained in the Orders that are reserved for a decision of the Mayor and any other functions expressed to be Mayoral in the primary legislation;
- 1.4.10. **‘the Non-constituent Councils’** means Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council and Derbyshire Dales Districts Council;
- 1.4.11. **‘the 2014 Order’** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (SI 2014 No. 863) (see Appendix 1A);
- 1.4.12. **‘the 2020 Order’** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (see Appendix 1B);
- 1.4.13. **‘the 2023 Order’** means the South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 (see Appendix 1C);
- 1.4.14. **‘the 2024 Order’** means The South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024;
- 1.4.15. **‘the Orders’** mean the 2014 Order, the 2020 Order, the 2023 Order and the 2024 Order;
- 1.4.16. **‘PCC functions’** means functions of a Police and Crime Commissioner which are exercisable by the Mayor pursuant to and subject to any modifications in the 2024 Order;
- 1.4.17. **‘Scheme of Delegation’** means the Authority’s Scheme of Delegation for the discharge of functions set out in Part 4 of this Constitution (The Joint Scheme of Consent and Delegation relating to PCC functions is set out in Part 7);
- 1.4.18. **‘Statutory Officers’** means the Authority’s Head of Paid Service, Chief Finance Officer (appointed as the s.73 Officer) and Monitoring Officer;
- 1.4.19. **‘Substitute Member’** means a Member of the Authority appointed under Article 3.2;
- 1.4.20. **‘SYLTE’** means the South Yorkshire Passenger Transport Executive;
- 1.4.21. **‘Working Day’** means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory holiday in England;
- 1.4.22. **‘year’** means the municipal year which runs from 1st April to the following 31st March inclusive;



- 1.4.23. '**2009 Act**' means the Local Democracy, Economic Development and Construction Act 2009;
- 1.4.24. '**2017 Order**' means the Combined Authority (Overview and Scrutiny Committees, Access to Information and Audit and Standards Committees) Order 2017;
- 1.4.25. 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.
- 1.5. 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.
- 1.6. In this Constitution references to '**Members**' includes '**Second Members**' within the meaning of Article 3.1 and, where the context permits, Substitute Members.
- 1.7. Any reference in this Constitution to any enactment shall include a reference to any amendment or re-enactment of that enactment.
- 1.8. 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
  - (d) economic conditions in the Combined Area.
- 2.2. Under the Orders the Authority is responsible for a range of transport, economic development, regeneration, skills, training, housing and spatial planning functions and under the 2024 Order the Mayor is to exercise functions of a Police and Crime Commissioner in relation to the Combined Area. The functions of the Authority conferred or imposed upon it by the Orders and the functions of the Authority delegated to it by the Orders 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 twelve Members as follows:

- (i) The Mayor;
- (ii) 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; and
- (iii) 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.

3.2. 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 3.1. 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.

3.3. Except for the Mayor, 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.

3.4. The Mayor shall appoint a Deputy Mayor (s.107c 2009 Act) from the Members, and may appoint a Deputy Mayor for Policing and Crime (s.19 Police Reform and social Responsibility Act 2011).

3.5. 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 3.1, 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.

3.6. 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.

- 3.7. 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.
- 3.8. 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 its executive leader/leader or elected mayor.
- 3.9. 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.
- 3.10. 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.
- 3.11. Members will at all times observe the Code of Conduct for Members set out in Part 6A of this Constitution.
- 3.12. The Authority may allocate an individual portfolio of responsibilities to some or all of its Members at the Annual Meeting or any ordinary meeting of the Authority.
- 3.13. Except in accordance with the 2020 Order (allowances payable for the Mayor and Deputy Mayor as set by the independent remuneration panel) 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). Allowances for members of other Committees of the Authority may be paid in line with any statutory provision and Part 6D of this Constitution.

- 3.14. 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 9.5.
- 3.15. The Authority may co-opt representatives of organisations with a particular relevance to the work of the Authority to participate in meetings of the Authority or its committees. Such co-optees shall not become 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. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually at the Authority's annual meeting.

#### Article 4: Chairing the Authority

- 4.1. The Mayor shall Chair the Authority and the Mayor shall appoint a Deputy Mayor in accordance with the requirements of s.107c 2009 Act who shall act as Chair in the absence of the Mayor.
- 4.2. A person ceases to be Chair or Deputy Mayor of the Authority if they cease to be a Member of the Authority.
- 4.3. If a vacancy arises in the office of Deputy Mayor, the Mayor will make an appointment to fill the vacancy and notify the next ordinary meeting of the Authority of that appointment.

## Article 5: Authority Meeting, Procedures and Voting Arrangements

- 5.1. The Authority shall meet regularly as deemed appropriate to conduct the business of the Authority, and 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.
- 5.3. The Mayor and 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 Mayor and 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. The presumption is that the Members appointed by the Non-constituent Councils may not vote.
- 5.5. Subject to the provisions of any enactment, all questions coming or arising before the Authority shall be decided as follows:-
  - (a) in respect of functions granted to the Authority by the 2014 Order, 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. The Chair of the Authority shall not have a second or casting vote.
  - (b) In respect of functions granted to the Authority by the 2020 Order that are not Mayoral Functions (functions reserved to the Mayor in accordance with article 14 of the 2020 Order), by the Mayor and a majority of at least 75% of the Members (or Substitute Members) of the Constituent Councils who are present and voting.
  - (c) With regard to the functions referred to in (b) above, in the case where 100% of the Members (or Substitute Members) of the Constituent Councils present and voting support a question coming or arising before the Authority on such a function the Mayor will, unless the Mayor makes a statement to be recorded in the minutes of the meeting as to why the Mayor cannot support the proposal, facilitate the collective position of the Constituent Councils and vote with the Members of the Constituent Councils.
  - (d) In respect of Mayoral Functions (except PCC functions), the Mayor will consult with the Authority and obtain the consents of the relevant Members at an Authority meeting, as required by the 2020 Order.

- 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. 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 in accordance with its Scheme of Delegation at Part 4 of this Constitution.
- 7.3. The Authority will review its scheme of delegation on the advice of the Monitoring Officer.
- 7.4. The functions reserved to the Mayor are set out in Part 4 Section B and those PCC functions reserved to the Mayor are set out in Part 7 of this Constitution.
- 7.5. The Mayor has delegated (or has the right to delegate) the discharge of PCC functions in accordance with Part 7 of this Constitution.

## Article 8: Committees of the Authority

- 8.1. As required by the 2017 Order the Authority will establish and maintain an Audit, Standards and Risk Committee in accordance with and to discharge the roles and functions set out in Part 4, section C of this Constitution. This committee will also consider matters relating to Member conduct.
- 8.2. As required by the 2017 Order the Authority will establish and maintain an Overview and Scrutiny committee (the 'Scrutiny Committee') in accordance with and to discharge the roles and functions set out in Part 4, section D of this Constitution.
- 8.3. The Authority may establish such other committees as it thinks fit to discharge its functions.
- 8.4. Committees established under Articles 8.1, 8.2, and 8.3 may include as voting members any elected member of a Constituent Council even if such member is not a Member of the Authority (Article 13).
- 8.5. Members of Non-constituent Councils appointed by the Authority to any committee or subcommittee of the Authority may be given voting rights by resolution of the Mayor and Members appointed by the Constituent Councils (Article 13).
- 8.6. For the avoidance of doubt no person who is not entitled to vote as of right, except for the Members appointed by the Non-Constituent Councils and the independent person appointed to the Scrutiny Committee, can be given voting rights by the Authority.
- 8.7. Remuneration will be payable by the Authority to a member of any committee established by it (including allowances for travel and subsistence) in accordance with the Members' Allowances Scheme set out in Part 6D of this Constitution. Whether allowances are paid or not such members shall observe the Code of Conduct for Members set out in Part 6A of this Constitution.

### ADVISORY BOARDS

- 8.8. The Authority will establish a Business Advisory Board. The terms of reference of the Board are set out at Appendix 4 hereto. The Board has no executive decision-making functions. The Board will ensure the MCA has a strong business voice embedded into its decision- making processes.
- 8.9. The Authority will establish a Mayor's Economic Advisory Council. The terms of reference of the Council are set out at Appendix 5 hereto. The Council has no executive decision-making functions. The Board will ensure the MCA has a strong business voice embedded into its decision- making processes.

## Article 9: Joint Arrangements

- 9.1. 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.
- 9.2. 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 10: Officers

### 10.1. Statutory Officers

The Authority shall appoint:-

- (a) a Head of Paid Service (section 4, Local Government and Housing Act 1989);
- (b) a Chief Finance Officer (section 73, Local Government Act 1985); 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.

such appointments to be approved by an Authority meeting.

### 10.2. General

The Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions and the PCC functions. Except as set out in 10.1 above engagement of staff (including temporary and interim appointments) shall be the function of the Head of Paid Services in line with the budget and requirements of the Authority.

### 10.3. Officers will comply with the following:-

- (a) Officers Code of Conduct and PCC Code of Conduct (if applicable) (Part 6B of this Constitution);
- (b) Protocol on Member/Officer Relations (Part 6C of this Constitution);
- (c) Anti-Fraud and Corruption Policy (Part 6F of this Constitution);
- (d) Whistle-blowing Policy (Part 6G of this Constitution).

### 10.4. Roles and Responsibilities and Operating Principles

The Head of Paid Service will be designated the senior accountable officer of the Authority, 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.

### 10.5. The Head of Paid Service will:-

- (a) be accountable to the Chair of the Authority in relation to the identification of items of business to be placed on the agenda of any meeting of the Authority or any Committee; and

- (b) work closely with the Chief Executive Officers through the Chief Executives' meetings and other meetings that support the agreed governance model of the Authority in order to develop the policy framework and overall forward strategy of the Authority.

## Article 11: Decision Making

### 11.1. 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.

### 11.2. 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.

### 11.3. 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 functions listed in Part 4, section B are reserved to the Mayor and may only be delegated in accordance with the provisions of the 2009 Act. The PCC functions are reserved to the Mayor who may delegate their discharge in accordance with Part 7 of the Constitution. 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 Scrutiny Committee will follow the Scrutiny Committee terms of reference set out in Part 4 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 terms of reference.
- (ii) The Audit, Standards and Risk Committee will follow the Audit, Standards and Risk Committee terms of reference set out in Part 4 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 Audit, Standards and Risk Committee terms of reference.

- (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 Executive Boards and 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 relevant provisions of this Constitution.



## Article 12: Finance, Contract and Legal Matters

### 12.1. Funding

- (a) Except as set out in (f) below in respect of PCC Functions, funding of the Authority will be in accordance with the 2014 and 2020 Orders (and any subsequently made Orders that relate to funding) and The Combined Authorities (Finance) Order 2017.
- (b) Without prejudice to the generality of (a) above, except as funded from elsewhere (grants, gainshare, precept etc), the Constituent Councils shall meet the costs of the Authority that are reasonably attributable to the exercise of the Authority's functions except Transport (see (e) below).
- (c) The amount payable by each of the Constituent Councils pursuant to Article 12.1(b) above shall be determined by apportioning the costs of the Authority referred to in Article 12.1() 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.
- (d) For the purposes of Article 12.1(c) 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.
- (e) 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).
- (f) The cost of discharging the PCC functions will be met from precepting in accordance with the provisions of The Combined Authorities (Finance) Order 2017.

**12.2. Financial management** The management of the Authority's financial affairs in relation to non PCC functions will be conducted in accordance with the Financial Regulations set out in Part 5C of this Constitution and in relation to PCC functions in accordance with the Financial Regulations set out in Part 7 of this Constitution.

**12.3. Contracts and Procurement** The management of the Authority's contracting and procurement activities in relation to non PCC and PCC functions will be conducted in accordance with the Contract Procedure Rules set out in Part 5D of this Constitution.

### 12.4. 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 11 Broad Street West, Sheffield, S1 2BQ, 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.

#### **12.5. 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) Contracts or other legal documents not required to be sealed (see (c) below) must be signed by the Monitoring Officer or some other person duly authorised in writing for that purpose (which can be either a general authorisation or a specific authorisation). A decision of the Authority or any committee or officer with appropriate delegated authority shall be sufficient to authorise such signing.

- (c) **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 or, in the absence of the Monitoring Officer, the Authority, for this purpose.

## Article 13: Review and Revision of The Constitution

13.1. The Monitoring Officer will, from time to time, monitor and review the operation of this Constitution.

13.2. 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;

save for changes to Part 7 of this Constitution and any consequential amendments arising therefrom which will be approved by the Mayor (and the Chief Constable where appropriate).

13.3. Amendments made pursuant to Article 13.2(b) will be reported to the subsequent meeting of the Authority by the Monitoring Officer.

## PART 3 - FUNCTIONS OF THE AUTHORITY

### A. Introduction

1. The functions of the Authority are those functions conferred or imposed upon it by the 2014 or the 2020 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 2014 Order and the former SYPTE pursuant to the 2023 Order (Appendix 1C)

1. Pursuant to the 2014 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.
2. Pursuant to the 2023 Order the property, rights and liabilities and all the functions of the former SYPTE have been transferred to the Authority.

### C. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils pursuant to the 2014 Order (Appendix 1A)

1. Pursuant to the 2014 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 (see paragraph 6 below)
  - 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 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 3 and 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 2014 Order (Appendix 1A)**

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 the Combined Authority by the 2020 Order (see Appendix 1B)**

**Transport**

1. The functions of the constituent councils specified in section 6 of the Highways Act 1980, (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc);
2. The functions of the constituent councils as local highway authorities specified in section 8 of the Highways Act 1980 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)

The functions referred to in paragraphs (i) and (ii) are exercisable by the Authority concurrently with the Constituent Councils.

3. The functions of a Minister of the Crown specified in section 31 of the Local Government Act 2003 Act (power to pay grant). The functions are exercisable by the Authority concurrently with a Minister of the Crown. In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a Constituent Council in relation to the exercise of its highways functions, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

**Education, skills and training functions**

**General Functions**

1. The functions of the Constituent Council as follows:-
  - (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals);
  - (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential);
  - (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds);
  - (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19);

- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2);
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2);
- (g) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities);
- (h) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers);
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training); and
- (j) Section 10 of the Children Act 2004(1) (co-operation to ensure well-being) (linked to s.85 above)

The above functions are exercisable concurrently with the constituent councils.

### **Adult Education Budget (AEB) functions**

2. The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Authority:-
  - (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention;
  - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities); and
  - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees).

The functions mentioned in paragraph 2 above do not include:-

- (a) any functions relating to apprenticeship training; or
- (b) any functions relating to persons subject to adult detention.

The functions mentioned in paragraph 2 above are exercisable by the Combined Authority instead of by the Secretary of State.

3. The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Authority:-
  - (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and

(b) section 100(1)(provision of financial resources).

4. The functions mentioned in paragraph 3 above do not include—

(a) any function relating to apprenticeships training;

(b) any function relating to persons subject to adult detention; or

(c) any power to make secondary legislation.

The functions mentioned in paragraph 3 above are exercisable concurrently with the Secretary of State in relation to the Area.

The 2020 Order sets out further conditions on the exercise of the above functions.

### **Housing and regeneration**

1. The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the Housing and Regeneration Act 2008 Act are to be functions of the Authority:-

(a) section 5 (powers to provide housing or other land);

(b) section 6 (powers for regeneration, development or effective use of land);

(c) section 7 (powers in relation to infrastructure);

(d) section 8 (powers to deal with land etc);

(e) section 9 (acquisition of land);

(f) section 10 (restrictions on disposal of land);

(g) section 11 (main powers in relation to acquired land);

(h) section 12 (powers in relation to, and for, statutory undertakers);

(i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and

(j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

2. The Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of:-

(a) improving the supply and quality of housing in the area;

(b) securing the regeneration or development of land or infrastructure in the area;



- (c) supporting in other ways the creation, regeneration or development of communities in the area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the area, with a view to meeting the needs of people living in the area.

The functions described in the provisions specified in paragraph 1 above are:-

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the Housing and Regeneration Act 2008 Act.

### **Mayoral Development Corporation**

1. The Authority has, in relation to its area, functions corresponding to the functions described in the provisions in the Localism Act 2011 referred to below, that the Mayor of London has in relation to Greater London.
  - (a) section 197 (designation of Mayoral development areas);
  - (b) section 199 (exclusion of land from Mayoral development areas);
  - (c) section 200 (transfers of property etc to a Mayoral development corporation);
  - (d) section 202 (functions in relation to town and country planning);
  - (e) section 204 (removal or restriction of planning functions);
  - (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
  - (g) section 215 (reviews);
  - (h) section 216 (transfers of property, rights and liabilities);
  - (i) section 217 (dissolution: final steps);
  - (j) section 219 (guidance by the Mayor);
  - (k) section 220 (directions by the Mayor);
  - (l) section 221 (consents);
  - (m) paragraph 1 of Schedule 21 (membership);
  - (n) paragraph 2 of Schedule 21 (terms of appointment of members);
  - (o) paragraph 3 of Schedule 21 (staff);
  - (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);

- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

Schedule 3 of the 2020 Order sets out the modifications to the Localism Act 2011 to accommodate Mayoral Development Corporate functions.

### **Spatial Planning (non-statutory)**

1. The preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area using the General Power of Competence under Chapter 1 of Part 1 of the Localism Act 2011.

### **Local Nature Recovery Strategy**

1. The preparation of a local nature recovery strategy as defined in s.104 Environment Act 2021.

### **F. Functions conferred on the Combined Authority and the Mayor by the 2024 Order (Appendix 1D)**

1. The PCC functions have been transferred to the Mayor pursuant to the 2024 Order.
2. The Mayor is to be treated, in relation to PCC functions, as a Police and Crime Commissioner for the purposes of all PCC enactments (whenever passed or made) subject to the modifications in Schedule 1 of the 2024 Order.
3. 'PCC Enactments' means any functions conferred on Police and Crime Commissioner by or under Part 1 of the Police and Social Responsibility Act 2011, or any other Act (whenever passed).

### **G. 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:-
  - 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;
  - the power to borrow money for a purpose relevant to its transport functions only;
  - the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
  - the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;

- the power to pay subscriptions to the funds of local authority associations;
  - 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;
  - the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
  - 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
  - the General Power of Competence under Chapter 1 of Part 1 of the 2011 Act has effect in relation to the Authority as it has effect in relation to a local authority (see Articles 14(7) and (17) of the 2020 Order.
3. 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).
  4. The Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
  5. The Authority is a public body for the purpose of the Freedom of Information Act 2000.
  6. The Authority is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

## 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 13.2(b));
  - 1.2. Adopting, changing, withdrawing or revoking a local transport plan under section 108(3), Transport Act 2000;
  - 1.3. Approving the Authority's annual Budget in accordance with the Authority's Financial Regulations and the Combined Authorities (Finance) Regulations 2017 ("Finance Regs") by 31st January in any year, 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);
    - (e) the Authority's precept for Mayoral general functions (as defined in the Finance Regs) (**To note** the PCC component of any precept is a decision of the Mayor in accordance with Finance Regs).
  - 1.4. Approving the treasury management strategy and the investment strategy of the Authority;
  - 1.5. Subject to the Financial Regulations, approving the capital programme of the Authority;
  - 1.6. Accepting arrangements to delegate the functions of any person to the Authority;
  - 1.7. Deciding matters relating to road user charging;
  - 1.8. Making decisions about such other plans or strategies as may be stipulated by the Authority in its standing orders from time to time; and,
  - 1.9. Delegating any functions to committees or Officers.
  - 1.10. Considering and approving the creation and development of:-
    - (a) Quality Contracts Schemes pursuant to sections 24-134, Transport Act 2000;
    - (b) Ticketing Schemes pursuant to sections 135-138, Transport Act 2000;

- (c) Enhanced Partnership Schemes under the Bus Services Act 2019;
  - (d) Quality Partnership Schemes or Advanced Quality Partnership Scheme pursuant to sections 113(c)-123, Transport Act 2000; and
  - (e) Concessionary Travel Schemes pursuant to sections 93-104, Transport Act 1985;
- 1.11. Any power to acquire land by compulsory purchase (except under s.207 Localism Act 2011 (CPO for Mayoral Development Corporation));
  - 1.12. Granting approval to the Authority to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix), Transport Act 1968;
  - 1.13. Making a written request to the Minister to authorise the Authority to purchase compulsorily any land which the Authority require for the purposes of their business pursuant to section 10(3), Transport Act 1968;
  - 1.14. Approving the permanent or long term disposal of land not required by the Authority for operational transport purposes;
  - 1.15. Formulating general policies with respect to the availability and convenience of public passenger services pursuant to sections 9A(5)-(7), Transport Act 1968;
  - 1.16. Ensuring that Authority secures the provision of appropriate public passenger transport services pursuant to Section 9A (3), Transport Act 1968;
  - 1.17. Determining variations in charges for transport services or facilities provided by the Authority, pursuant to section 15(2), Transport Act 1968;
  - 1.18. Determining the operation, performance and development of accessible transport provision pursuant to sections 106(1) and 106(2), Transport Act 1985.
2. 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.

## B. Mayoral Functions

1. The following functions are functions exercisable only by the Mayor and are subject to the restrictions set out below in paragraphs (2) to (5) :-
  - (a) (Mayoral Development Corporation functions) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the Localism Act 2011; and
  - (b) (Grants to Constituent Councils for Highway functions) section 31 of the Local Government Act 2003.
  - (c) The preparation of a local nature recovery strategy as defined in s.104 Environment Act 2021.
2. The exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the Localism Act 2011 requires the consent of all Members (or substitute Members) of the Authority appointed by a Constituent Council whose local government area contains any part of the area to be designated as a Mayoral development area.
3. The exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the Localism Act 2011 in respect of any Mayoral development area requires the consent of all members (or their Substitute) of the Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area.
4. The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the Localism Act 2011 (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of:-
  - (a) the Peak District National Park Authority if the Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park; and
  - (b) each Member of the Authority appointed by a Constituent Council, or a substitute member acting in place of that Member, whose local government area contains the whole or any part of the area in respect of which the Authority proposes to exercise the functions.
5. For the purposes of the exercise of the function conferred by s.31 of the Local Government Act 2003 the Mayor must consult the Authority at an Authority meeting before exercising the function.
6. The Mayor has the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 for the purposes of the exercise by the Mayor of general functions.

7. Any exercise by the Mayor of the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 which involves the transfer of property, rights and liabilities of the Authority to or from any of the constituent authorities requires the consent of all members of the Authority (or their Substitute) appointed by the Constituent Councils.
8. Any exercise by the Mayor of the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 which involves the preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area requires the consent of all Members of the Authority (or their substitute) appointed by the Constituent Councils.
9. Where the consent of a Member is required to exercise a Mayoral function the consent must be given at a meeting of the Authority.

## C. The Audit, Standards and Risk Committee

**THERE IS A SEPARATE JOINT INDEPENDENT AUDIT COMMITTEE ESTABLISHED UNDER THE HOME OFFICE FINANCIAL MANAGEMENT CODE OF PRACTICE WHICH PROVIDES AN INDEPENDENT AND HIGH LEVEL FOCUS ON THE AUDIT, ASSURANCE AND REPORTING ARRANGEMENTS FOR THE PCC FUNCTIONS AND THE CHIEF CONSTABLE (See Part 7 of this Constitution)**

### 1. Statement of purpose

The Audit, Standards and Risk Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements. Its purpose is to provide independent review and assurance to Members on governance, risk management and control frameworks. The Committee's roles and functions are set out in paragraph 3 below. It also undertakes the Authority's Standards Committee function (see para 3.16 below).

### 2. Composition and Procedure

#### 2.1. Membership

The Audit, Standards and Risk Committee shall be appointed by the Authority from the Members and/or members of the Constituent councils. The Authority shall decide the size and membership at the Annual Meeting, provided that the membership shall comprise at least one Independent Person and comply with paragraph 2.3 below.

Independent Persons are non-voting positions.

#### 2.2. Independent Person

For the purposes of paragraph 2.1 above an individual is an Independent Person if that person:

- (i) is not a member, substitute member, co-opted member or officer of the Authority;
- (ii) is not a relative, or close friend, of a person within (i) above; and
- (iii) was not at any time during the 5 years ending with their appointment to the Audit, Standards and Risk Committee a member, substituted member, co-opted member or officer of the authority.

For the purposes of paragraph 2.2(ii) above "relative" has the meaning contained in Article 2(2) of 2017 Order.

For the avoidance of doubt the Authority may agree to pay a reasonable allowance and expenses to the appointed Independent Persons.



### 2.3. Political Balance

Ignoring the Independent Persons, in appointing co-opted elected members to the Audit, Standards and Risk Committee the Authority must ensure that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the *Constituent Councils* when taken together.

### 2.4. Chairing the Committee

The Audit, Standards and Risk Committee will be chaired by an elected Member and the vice-chair shall be an Independent Person. The role of Chair shall be appointed to annually at the first quorate meeting of the Committee after the Authority's AGM. Prior to the meeting nominations will be requested and each nomination shall be voted upon by the Members present at the meeting.

### 2.5. Quorum

At least two-thirds of the total number of members of the Audit, Standards and Risk Committee must be present at a meeting of the Audit, Standards and Risk Committee before any business may be transacted. If a meeting is not quorate the meeting may discuss any items on the agenda that do not require an executive decision and the minutes will reflect that the meeting was not quorate.

## 3. **Role and Function**

- 3.1. To consider the Authority's statement of accounts prepared in accordance with the Accounts and Audit (England) Regulations 2011 and make recommendations to the Authority in regard to the Statement prior to the Authority approving the same;
- 3.2. To consider the External Auditor's Annual Report including an ISA 260 Audit Results report in accordance with the Accounts and Audit (England) Regulations 2011 and to monitor the Authority's response to individual issues of concern identified;
- 3.3. 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;
- 3.4. To consider and advise the Authority on the findings of an annual review of the effectiveness of its internal audit provider against agreed KPIs;
- 3.5. To oversee the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anticorruption arrangements, including approving **under delegated powers** the Authority's Anti-Fraud and Corruption Policy and associated Fraud Response Plan and any changes to these;

- 3.6. To challenge the Authority's performance management arrangements;
- 3.7. To agree, oversee and review the Authority's internal audit strategy, and receive internal audit reports, as appropriate, from the Internal Auditor as well as reports relating to the progress of the internal audit plan, progress of the implementation of internal audit recommendations and the Head of Internal Audit Opinion and Annual Report;
- 3.8. 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;
- 3.9. To review any recommendations in respect of proposed changes to Part 5F of the Authorities Constitution (Financial Regulations) made by the Chief Finance Officer and Monitoring Officer or otherwise;
- 3.10. To ensure effective scrutiny of the Treasury Management Strategy and Policies;
- 3.11. To consider and advise the Authority on its Code of Corporate Governance (Part 6E of this Constitution).
- 3.12. To establish advisory panels or working groups as the Committee sees fit in order to discharge its role and functions. In respect of any such panel or group the Committee shall determine the terms of reference.
- 3.13. The Committee will prepare an annual work plan to ensure that it adequately discharges its responsibilities as set out in this section over the course of the financial year;
- 3.14. The Committee will also review its own effectiveness annually and report the results of that review along with a review of its work during the financial year, including any items it wishes to particularly note, to the MCA Board via an Annual Report from the Chair of the Committee. The Committee will also provide a mid-year update on the progress of the internal audit plan and on key risks the Authority faces;
- 3.15. The Chair will formally escalate any matters as deemed appropriate by the Committee to the Chair of the MCA Board in writing. Any matters escalated will be reported to the subsequent MCA Board meeting.

## **Standards**

- 3.16. To determine, in accordance with the Authority's arrangements whether a Member (or co-opted voting member) ("Subject Member") has failed to comply with the Authority's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Subject Member, such actions to include:-
  - publication of the findings of the Authority's Standards Committee in respect of the Subject Member's conduct;

- reporting the findings of the Authority's Standards Committee to the Combined Authority for information;
- recommendation to the Authority that the Subject Member should be censured;
- instructing the Authority's Monitoring Officer to arrange training for the Subject Member; or
- recommendation to the Authority that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Authority.

## **D. The Scrutiny Committee**

### **THE SCUTINY COMMITTEE HAS NO ROLE IN THE EXERCISE OF PCC FUNCTIONS AND THE CHIEF CONSTABLE (as to which See Part 7 of this Constitution)**

#### **1. Statement of Purpose**

1.1. The Scrutiny Committee's purpose shall be:-

- (a) To act as a focus for the monitoring, scrutiny and challenge of the Mayor, the Authority, its committees and Officers;
- (b) To investigate matters of strategic importance to residents and businesses within the Sheffield City Region and to report with recommendations to the Mayor and the Authority;
- (c) To scrutinise the decisions of the Mayor, the Combined Authority, its committees and Officers and to make recommendations for improvement and/or change;
- (d) To review the performance of the Combined Authority.

1.2. The terms of reference for the Scrutiny Committee and its work programme will be subject to an annual review by the Combined Authority.

#### **2. Appointment of Members**

2.1. Members of the Authority may not be members of the Scrutiny Committee.

2.2. The majority of members of the Scrutiny Committee must be members of the Constituent Councils.

2.3. The Authority must appoint such a number of members of each of the Constituent Councils to the Scrutiny Committee, so that the members of the committee taken as a whole reflect (so far as reasonably practicable) the balance of political parties for the time being prevailing among members of the Constituent Councils taken together.

2.4. Within the period of 28 days beginning with the day on which an appointment is made to the Scrutiny Committee, publish a notice on the Authorities website that:

- (a) states that it has made an appointment;
- (b) identify each member of the committee who has been appointed; and
- (c) specifies the period for which the members of the committee have been appointed.

2.5. Each member of the Scrutiny Committee appointed from the constituent councils will have one vote.

- 2.6. If the Chair is an independent person they shall be a non-voting member of the committee. The Chair shall not have any casting vote.
- 2.7. Any questions are to be decided by a simple majority of the members present.
- 2.8. If a vote is tied on any matter it is deemed not to have been carried.

### **3. Appointment of the Chair**

3.1. The Authority may appoint as Chair either:-

- (a) an independent person; or
- (b) an Appropriate Person

in either case appointed in accordance with the 2017 Order and Schedule 5A of the 2009 Act.

For the purpose of this paragraph 'Appropriate Person' means a member of one of the combined authority's constituent councils who is not a member of a registered political party of which the Mayor is a member.

### **4. Quoracy/Attendance**

4.1. Two-thirds of the total number of members (or their substitute) of the Scrutiny Committee must be present at a meeting before business may be transacted. In the event of a meeting not being quorate the Chair may, in consultation with the Monitoring Officer agree that the meeting proceed, albeit inquorate. In such circumstances no executive decisions that bind the Authority can be made.

4.2. The Scrutiny Committee:-

- (a) may require the Members or officers of the Authority to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the committee.

4.3. The Scrutiny Committee will meet as often as the Committee agrees and at least quarterly.

### **5. Powers**

5.1. The Scrutiny Committee has power:-

- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibilities of the Mayor or the Authority;

- (b) To make reports or recommendations to the Authority with respect to the discharge of any functions that are the responsibility of the Mayor or the Authority; and
  - (c) To make reports or recommendations to the Authority on matters that affect the Authority's area or the inhabitants of the area.
- 5.2. The Scrutiny Committee's power under paragraph 5.1 (a) above to review or scrutinise a decision made but not implemented includes:-
- (a) Power to direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee; and
  - (b) Power to recommend that the decision be reconsidered

in accordance with the Authority's Scrutiny Protocol at Appendix A to this Part 4D

- 5.3. Where the Scrutiny Committee make a report or recommendation under 5.1 (b) or (c) above the Authority (or Mayor as appropriate) must respond to such report or recommendation within 2 months of receiving notice from the Scrutiny Committee that it has made the report or recommendation such response to indicate what (if any) action the Mayor or Authority (as appropriate) propose to take. If the Scrutiny Committee had published the report or recommendation the Mayor's/Authority's response should also be published.

## **6. Referral of matters to the Scrutiny Committee**

- 6.1. The following individuals may refer matters to the Scrutiny Committee which is relevant to the function of the committee (or sub- committees) and in doing so may make representations as to why it would be appropriate for the Committee to consider the matter:
- (a) Any member of the Scrutiny Committee;
  - (b) Any member of the Combined Authority; and
  - (c) Any member of a Constituent Council of the Combined Authority.

The Scrutiny Committee must have regard to any representations made by the Member in referring the matter.

- 6.2. Subject to 6.3 below the Scrutiny Committee will consider the matters referred and place the matter on their work programme for further discussion.
- 6.3. If the matter referred is not placed on the committee's work programme the member making the referral will be notified with the decision and the reason why the item will not be discussed further by the committee.

## **7. Additional rights of access to documents for members of the Scrutiny Committee**

- 7.1. A member of the Scrutiny Committee (or sub-committee) is entitled to a copy of any document which:
  - (a) is in the possession or under the control of the Authority; and
  - (b) contains material relating to any business that has been transacted at a meeting of a decision making body of the Authority;
- 7.2. Members of the Scrutiny Committee are not entitled to a copy of a document or part of a document which contains exempt or confidential information, unless it is relevant to an action, review or decision that the Member is reviewing or scrutinising.
- 7.3. Members of the Scrutiny Committee are not entitled to a copy of a document or part of a document which contains advice provided by a political adviser.
- 7.4. Where the Authority determines that a member of a Scrutiny Committee is not entitled to a copy of a document, a written statement setting out the reasons for that decision must be made available to the member.

## Appendix A to Part 4D – Scrutiny Protocol

### 1. Introduction

- 1.1 Pursuant to statute and this Constitution, the Scrutiny Committee has power to review or scrutinise decisions made, or any other action taken in connection with the discharge of any functions which are the responsibilities of the Mayor or the Authority.
- 1.2 In particular, the Scrutiny Committee has power to review or scrutinise a decision which has been made but not yet implemented, and to direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee or to recommend that the decision be reconsidered.
- 1.3 “Call-in” is the term used for this practice of immediate post-decision scrutiny.
- 1.4 The statutory requirement for call-in is contained in Schedule 5A Local Democracy, Economic Development and Construction Act 2009 and allows Elected Members to call in a decision made by the Authority that has yet to be implemented.
- 1.5 The Scrutiny Committee cannot change the decision; however, it can refer the matter back to the decision maker to ask for the decision to be reviewed or consider an alternative course of action.

### 2. The Call-In Process

- 2.1 Authority decisions are published on the Authority’s website within 3 clear working days of the meeting being held or decision taken.
- 2.2 Five members of the Scrutiny Committee, to include at least one member from two different Constituent Councils, may call-in a decision eligible for call-in by written request to the Democratic Services and Scrutiny Manager who will then inform the people listed below:
  - a. The Scrutiny Committee
  - b. Chair and Portfolio Lead Member of the Authority
  - c. Statutory Officers of the Authority
- 2.3 Any request to call-in a decision must be made within 5 working days of the decision being published on the Authority’s website.
- 2.4 A meeting of the Scrutiny Committee must be convened within 10 working days of the decision to call-in. In the event that it is not possible to convene a quorate Scrutiny Committee within this period such a meeting must instead be convened as soon as practicable to consider the call in.
- 2.5 The following categories of decisions are not eligible for call-in:



- a. a decision that has already been considered by the Scrutiny Committee, and where recommendations have been accepted by the decision-maker either in whole or without significant addition or modification.
  - b. a decision that the decision-taker has certified as urgent (giving reasons) in accordance with the Authority's Constitution,
  - c. a decision relating to a matter which has already been the subject of a call-in during the previous six months.
- 2.6 At the Scrutiny Committee meeting, a spokesperson for the Call-In signatories will explain the reason for call-in and present any appropriate documents.
- 2.7 The Chief Executive or their nominee will attend the Scrutiny Committee to give the Authority's viewpoint and answer any questions from the Committee.
- 2.8 After debate, the Committee has two options:
- To offer no recommendations, in which case the decision may be implemented immediately; or
  - To make recommendations back to the Authority with a request that the decision be reconsidered (with reasons).
- 2.9 If the Scrutiny Committee makes recommendations, the Authority must then hold a meeting to reconsider the decision within 10 working days after the date on which the recommendations of the Scrutiny Committee were received by the Authority.
- 2.10 Where the Scrutiny Committee have directed that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee the Mayor or the Authority (as appropriate) shall not implement the decision for a period of 14 days (or such shorter period the Scrutiny Committee directs) from the date on which the direction is issued.
- 2.11 The Chair of the Scrutiny Committee may attend the Authority's meeting to present the Scrutiny Committee's findings.
- 2.12 The Authority can still decide to go ahead with implementing the decision, but a reason for this must be published if it goes against the Scrutiny Committee's recommendation(s).

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

### **1. Preamble**

The Authority approves strategies and policies which determine the framework in which operational decisions are made. Strategic overarching decisions are reserved to the Authority for decision (such as approving the budget and the capital programme). Officers implement decisions made by the Authority (or any decision making committee of the Authority).

Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions. In doing so, decision-making by officers' is subject to other control measures. These include:-

- The Constitution, including Procurement and Contract Rules and Financial Regulations;
- an Officers' Code of Conduct (which includes provisions on private interests and gifts and hospitality) and PCC Code of Conduct (if applicable), (Part 6B of this Constitution) ;
- organisational values;
- an anti-fraud, bribery and corruption policy; and
- internal audit and risk management arrangements.

### **2. Introduction**

2.1. 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. In respect of delegations, to the extent there is any conflict or ambiguity between this Part 4E and Part 7 then the provisions of Part 7 take precedence.

2.2. 'Directors' in the context of this Scheme means any person designated as such by the Head of Paid Services and appearing on the staffing establishment as a Director.

2.3. The delegated powers of Officers set out in this Scheme may be exercised by other officers authorised by the 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 (including any financial limit) and monitor decisions taken.

2.4. The exercise of delegated powers by officers is required to be in accordance with:-

- 2.4.1. statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - 2.4.2. this Constitution;
  - 2.4.3. the revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations; and
  - 2.4.4. any policy or direction of the Authority, or any other Committee acting in exercise of powers delegated to that Committee by the Authority.
- 2.5. Officers may not exercise delegated powers where:-
- 2.5.1. the matter is reserved to the Authority by law or by the Authority's Constitution;
  - 2.5.2. the matter is a function which cannot by law be discharged by an officer;
  - 2.5.3. 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
  - 2.5.4. the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in specified circumstances.
- 2.6. Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers must consider the advisability of consulting the Head of Paid Service and/or the Chair of the Authority.
- 2.7. Where, in relation to an item before the Authority, or a Committee, an 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.

### **3. General Delegations to Statutory Officers/Directors**

The functions set out below are delegated to all Statutory Officers and Directors unless limited by the individual delegation.

#### *Routine Management*

- 3.1. In relation to Statutory Officers and Directors the day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with this Constitution..

#### *Contracts/Land*

- 3.2. In relation to Statutory Officers the disposal of surplus or obsolete Authority assets to the person submitting the highest quotation up to a limit of £100,000 in value and the leasehold disposal of land leased for revenue generative purposes.

- 3.3. In relation to Statutory Officers the acquisition of land for the purpose of delivering any project in the approved capital programme and budget.
- 3.4. In relation to Statutory Officers and Directors (or their authorised representative) the acceptance of a tender or quotation:-
- (a) for the supply of goods, materials, or services for which financial provisions has been made in the Authority's Revenue Budget (as may be varied from time-to-time subject to the delegations afforded to the Chief Finance Officer through the Financial Regulations or is fully funded by any grant that is received as a result of a previously approved funding bid submission), or
  - (b) for building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority as part of the capital programme and such expenditure is approved by the Chief Finance Officer;

Provided that:-

- where the tender or quotation is in accordance with the Authority's Contract Procedure Rules and 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 Contract Procedure Rules granted in accordance with those Rules;
- the decision relates to the delivery of the agreed business plan for that business area;
- the decision accords with any officer decision making guidance issued to Officers;
- where the decision is a key decision or may have policy or strategic implications, the Officer exercising the delegation will, before the decision is taken, consult with the relevant Portfolio Lead Member, or if it does not fall within a Portfolio lead Member remit, with the Mayor (*NB, the provisions of part 5B of this constitution apply to Key Decisions taken by Officers*);
- once the decision has been made the Officer completes the prescribed officer decision form and complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014; and
- Officer decisions over £100,000 in value will be reported to the next available MCA as part of the Delegated Authority report.

#### *Staff and resources*

- 3.5. The staffing structure shall be approved by the Head of Paid Services. Officers shall be appointed to posts within the Authority's approved staffing structure by the

relevant Director, in accordance with the Authority's recruitment and selection procedure;

3.6. With the exception of:-

- Granting voluntary redundancy requests;
- Agreeing any settlement on early termination of employment; and
- Releasing preserves pension benefits on ill health grounds.

to determine any employment issue arising in respect of an individual officer in accordance with agreed procedure and the relevant conditions of service. Such matters are reserved to the Head of Paid Service in consultation with the Chief Finance Officer and/or Monitoring Officer (as relevant).

#### 4. **Delegations to the Head of Paid Service**

The functions set out below are delegated to the Head of Paid Service

- 4.1 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 (including the Mayor and also to the Police and Crime Panel for PCC functions) where necessary setting out proposals with respect to the co- ordination of the Authority's functions, the number and grades of staff required, the organisation of the staff and the appointment and proper management of them).
- 4.2 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.
- 4.3 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 (and when required in agreement with the Chair of the Scrutiny Committee as required by Part 4 section D (Scrutiny)), all such action to be reported to the next meeting of the Authority or Committee.
- 4.4 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.
- 4.5 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.

- 4.6 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.
- 4.7 To provide a comprehensive policy advice service to the Authority and in particular to advise on the Authority's plans and strategies.
- 4.8 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.
- 4.9 Where the Authority is a member of any company, to be the authorised representative of the Authority as such member or designate who should be such representative.
- 4.10 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the Authority.

## **5. Delegations to the Chief Finance Officer**

The functions set out below are delegated to the Chief Finance Officer:-

- 5.1 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.
- 5.2 The taking of all action required in relation to the Authority's treasury management (borrowing, investment and financing arrangements) subject to the submission to the Authority of an annual report of the Chief Finance Officer on treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 5.3 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.
- 5.4 The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority.
- 5.5 To accept grant offers on behalf of the Authority, subject being satisfied with all the terms and conditions imposed by the grant awarding body and subject to either the submission of the funding application for grant or the grant offer having been approved by the Authority as appropriate.
- 5.6 To submit all claims for grant to the UK Government, the European Union (EU) or any other source of funding.

- 5.7 To make all such banking arrangements on behalf of the Authority as the Chief Finance Officer considers necessary, including arrangements for issuing cheques.
- 5.8 To monitor capital spending and submit regular reports to the Authority.
- 5.9 In relation to revenue expenditure under the control of officers, to consider the reports of those officers.
- 5.10 The collection of all money due to the Authority, and the writing-off of bad debts.
- 5.11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 5.12 To administer the scheme of Members' allowances.
- 5.13 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.
- 5.14 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)).
- 5.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 5.16 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.
- 5.17 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 Chief Finance Officer.
- 5.18 To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Regulations and the Contract Procedure Rules.

## **6. 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:-

- 6.1 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 (and in the case of a report relating to the PCC functions, to the members of the Combined Authority, including the Mayor, and to the Police and Crime Panel).

6.2 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 (as defined in s.28 Localism Act 2011) 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*

6.3 To prepare and maintain a Register of Authority Members' Interests, including members of Committees and the Business Advisory Board/Mayor's Economic Advisory Council 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*

6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 The Monitoring Officer may instruct Counsel and professional advisers, where s/he considers this to be appropriate.
- 6.9 The Monitoring Officer may give undertakings on behalf of the Authority.
- 6.10 The Monitoring Officer shall supervise the preparation and sealing or signature of legal documents.
- 6.11 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.
- 6.12 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.
- 6.13 The Monitoring Officer shall determine exemptions under Section 36, Freedom of Information Act 2000.
- 6.14 The Monitoring Officer is authorised to accept on behalf of the Authority the service of notices, orders and legal proceedings.

6.15 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.

6.16 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 Committees (and where required of the Scrutiny Committee as required by Part 4 section E (Scrutiny)). All such action shall be reported to the next meeting of the Authority or Committee.

## **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 Officers responsible for their discharge:-

### **CHIEF FINANCE OFFICER**

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

#### **Local Government Act 1972**

Section 115(s)	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)	Deposits 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

## HEAD OF PAID SERVICES

The Head of Paid Services 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, 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 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**

**NONE OF THESE PROCEDURE RULES APPLY TO PCC FUNCTIONS AND RULES RELEVANT TO THOSE FUNCTIONS ARE SET OUT IN PART 7 OF THIS CONSTITUTION**

A – Combined Authority Procedure Rules

B – Access to Information Procedure Rules

C – Financial Regulations

D – Contract Procedure Rules

## **PART 5A - COMBINED AUTHORITY PROCEDURE RULES**

### **INTRODUCTION**

These procedure rules apply where appropriate to all Committees and Sub-Committees of the Authority subject to any specific provisions set out in this Constitution in respect of such a Committee or Sub-Committee as set out in their specific terms of reference set out in Part 4 or elsewhere.

### **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 Deputy Mayor
5. Quorum
6. Deputations/Public Questions
7. Chair'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. Business of the Scrutiny Committee
18. Variation 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. Disclosable Pecuniary Interests
26. Interests of Officers in Contracts
27. Gifts and Hospitality
28. Arrangements for the 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 Chairs and Vice-Chairs of Committees and Sub-Committees
33. Chairing Meetings
34. Duties of Chairs and Vice-Chairs 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 Allocated to Committees

#### PART VI – GENERAL

38. Interpretation
39. Procedure Rules to be given to Members

#### PART I - THE AUTHORITY

##### **1. Name**

The name of the Authority shall be the South Yorkshire Mayoral 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 any other business normally transacted at an annual meeting.
- 3.2 The Authority shall meet approximately once every eight 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, subcommittee and working party meetings shall be summoned by the Head of Paid Service.
- 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 Deputy Mayor**

- 4.1 Article 4 sets out that the Mayor will chair the Authority.
- 4.2 In the event the Mayor is unable to act, or the office of Mayor is vacant the Deputy Mayor must act as Chair in the Mayor's place. In the event both the Mayor and Deputy Mayor are unable to act or both positions are vacant then the other Members must act together in place of the Mayor to take decisions related to functions under the 2014 Order by simple majority.
- 4.3 If the Chair is absent from a meeting the Deputy Mayor, if present, shall preside.
- 4.4 If both the Chair and Deputy Mayor are absent from a meeting of the Authority, such Member as the Members of the Authority present so choose, shall preside.
- 4.5 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 (being the Mayor and at least 2 Members from the Constituent Councils or at least 3 Members from the Constituent Councils) 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/Public Questions**

- 6.1 At the discretion of the Authority, deputations and questions from members of the public may be received at any meeting of the Authority (normally questions will not be received at the Annual Meeting, but can so with the Chair's consent), provided that three clear working days' notice in writing has been given to the Head of Paid Service of the proposed deputation/question and the object thereof. The Chair shall put a motion that the deputation/question be received which motion shall be put and moved without discussion. On the motion being approved, the deputation/question 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/question 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 Announcements**

No discussion shall take place on any announcement made by the chair of the meeting, 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 Deputy Mayor 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 maybe 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 or questions (if any);
  - (j) Chair'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 minutes of and recommendations from other bodies;
- (o) To consider motions, if any, in the order in which notice has been received; and
- (p) 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 Head of Paid Service 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 Head of Paid Service 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; and
- (r) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Authority or the appropriate committee;
- (s) Approval or amendment of recommendations of 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 Head of Paid Service 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; and
- (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 dispatch 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 Head of Paid Service.

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 regard to 2014 Order functions, 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 Head of Paid Service will refer the matter for consideration by the Chief Executive Officers of the 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 (including, where required, the Chair of the Scrutiny 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 the Scrutiny Committee at the next available meeting of the Authority.

## **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**

The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;

- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

## **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**

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 £50, 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**

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 relevant Statutory Officer.

## **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 Audit, Standards and Risk Committee (see Part 4 Section D);
- (b) Scrutiny Committee (see Part 4 Section E)
- (c) such other Committees as the Authority deems appropriate; and
- (d) such other committees as it is required to appointment by or under any statute.

30.2 Each 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 Head of Paid Service 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 Deputy Mayor of the Authority, unless appointed in their own right, shall be ex-officio a member of every standing committee (except the Audit and Scrutiny 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 subcommittee between political groups, or

- (d) the committee resolves to carry out such a review, the Head of Paid Service 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 Head of Paid Service 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, or set out in the specific terms of reference of the Committee or sub-committee, 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 subcommittee 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; and
- (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 VI – GENERAL**

### **38. Interpretation**

- 38.1 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.
- 38.2 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.
- 38.3 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.
- 38.4 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.

### **39. Procedure Rules to be Given to Members**

A printed copy of the Authority’s Procedure Rules, Contract 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 – ACCESS TO INFORMATION PROCEDURE RULES

### (SEE PART 7 FOR PCC FUNCTIONS)

This Part is a summary of rights to attend meetings of the South Yorkshire Mayoral 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 subcommittees) is open to the public, except as stated in paragraphs 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 (11 Broad Street West, Sheffield, S1 2BQ), the Constituent Councils and the Non-Constituent Councils between the hours of 10:00 am and 16:00 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.
6. **Key Decisions**

A "Key Decision" means a decision of a decision maker, which in the view of the Scrutiny Committee of the Combined Authority is likely:-

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

In relation to expenditure or savings referred to in 6(a), as a guide, this will ordinarily be taken to mean that a Key-Decision will result in revenue expenditure or savings in excess of £0.25M or capital expenditure or savings in excess of £1.0m.

## **7. Procedures Before Taking Key Decisions**

### **(a) Notice**

Where a decision maker (including an Officer under the Officer Scheme of Delegation) intends to make a Key Decision that decision must not be made until a notice has been published which states:-

- (i) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the combined authority;
- (ii) the matter in respect of which the decision is to be made;
- (iii) the decision maker's name, and title if any;
- (iv) the date on which, or the period within which, the decision is to be made;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure under paragraph 3 above, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available.

### **(b) Publication of the Notice**

Subject to paragraph 8 below (general exception) and paragraph 9 (special urgency), a key decision may not be taken unless:-

- (i) the notice referred to at 7(a) above has been published:-

- (a) If the Combined Authority has a website, on its website; or
- (b) Otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and

made available for inspection by the public at the offices of the combined authority;

- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at a meeting of the Combined Authority or its committees, notice of the meeting has been given in accordance with paragraph 4 (notices of meetings) above.

**(c) Treatment of confidential and exempt information**

Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of paragraph 9a (confidential information), be disclosed to the public,

the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

**8. Notice Of Key Decisions – General Exception**

- (i) Subject to paragraph 9 below, where the publication of the intention to make a Key Decision under paragraph 7 above is impracticable, that decision may only be made:-
  - (a) where the Monitoring Officer has informed the chair of the relevant Scrutiny Committee or, if there is no such person, each member of the relevant Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
  - (b) where the proper officer has made available to the public at the offices of the combined authority for inspection by the public and published on the combined authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (i); and
  - (c) after 5 clear days have elapsed following the day on which the proper officer made available the copy of the notice referred to in sub-paragraph (ii).
- (ii) Where paragraph (i)(a) or (b) applies to any matter, paragraph 7 above need not be complied with in relation to that matter.

- (iii) As soon as reasonably practicable after the proper officer has complied with paragraph (i), he or she must:-
  - (a) make available to the public at the offices of the combined authority a notice setting out the reasons why compliance with paragraph 7 above is impracticable; and
  - (b) publish that notice on the combined authority's website, if it has one.

## **9. Notice of Key Decision – Cases of Special Urgency**

- (i) Where the date by which a key decision must be made makes compliance with paragraph 8 above impracticable, the decision may only be made where the decision maker has obtained agreement from:-
  - (a) the chair of the relevant Scrutiny Committee; or
  - (b) if there is no such person, or if the chair of the relevant Scrutiny Committee is unable to act, the chair of the combined authority; or
  - (c) where there is no chair of either the relevant Scrutiny Committee or of the combined authority, the vice-chair of the combined authority,that the making of the decision is urgent and cannot reasonably be deferred.
- (ii) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (i) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-
  - (a) make available to the public at the offices of the combined authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
  - (b) publish that notice on the combined authority's website, if it has one.

## **10. Scrutiny Committee Members – Additional Access To Documents**

### **(a) Rights to copies**

Subject to paragraph 10b below, a Member of the Scrutiny Committee or sub-committee will be entitled to copies of any document which is in the possession or control of the Combined Authority or the Mayor and which contains material relating to:

- (i) any business that has been transacted at a meeting of a decision-making body of that authority; or
- (ii) any decision that has been made by the Mayor or any other individual Member of the combined authority.

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.



## **(b) Limits on rights**

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Combined Authority determines that a Member of a Scrutiny Committee is not entitled to a copy of a requested document it must provide the Scrutiny Committee with a written statement setting out their reason for that decision.

## **Inspection of Minutes**

11. 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 paragraph 4 above, will be available for public inspection at the offices of the Authority at 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10:00 am and 16:00 pm on Working Days. This right of inspection exists for six years from the date of the meeting concerned.

## **Inspection of Background Papers**

12. 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.
13. 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**

14. 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 paragraph 10 above).
15. 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**

16. 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 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10:00 am and 4.00 pm on Working Days.
17. 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**

18. A member of the Authority has a right to inspect its accounts.
19. 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).
20. 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**

21. 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**

22. 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.
23. 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..
24. 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 paragraph 14, 15, 16, 18 and 19 above.

## **Fees**

25. No fee will be charged for providing the facility of inspecting background papers.
26. 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.

Rebecca Brookes  
Monitoring Officer  
The South Yorkshire Mayoral Combined Authority  
11 Broad Street West  
Sheffield S1 2BQ

## PART 5C – FINANCIAL REGULATIONS

The Financial Regulations are set out in full at Appendix 2.

**THESE REGULATIONS APPLY TO ALL OFFICERS CONDUCTING AUTHORITY MATTERS INCLUDING GENERAL MAYORAL MATTERS BUT EXCLUDING THOSE SPECIFIC MATTERS RELATING TO THE PCC FUNCTIONS WHERE THE FINANCIAL REGULATIONS IN PART 7 WILL APPLY**

## PART 5D – CONTRACT PROCEDURE RULES

The Contract Procedure rules are set out in full at Appendix 3.

**THESE RULES APPLY TO ALL AUTHORITY PROCUREMENTS INCLUDING GENERAL  
MAYORAL PROCUREMENTS AND PROCUREMENTS RELATING TO PCC FUNCTIONS**

## **PART 6 – CODES AND PROTOCOLS**

- A – Members' Code of Conduct
- B – Officers' Code of Conduct  
(Appendix A – PCC Code of Conduct)
- C – Protocol on Member/Officer Relations
- D – Members' Allowance Scheme
- E – Code of Corporate Governance
- F – Anti-Fraud and Corruption Policy
- G – Whistle-blowing Policy

## PART 6A – MEMBER'S CODE OF CONDUCT

### 1. Introduction

- 1.1 This Code applies to you as a member or Co-opted member of the South Yorkshire Mayoral 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 general obligations about the standards of conduct expected of members and co-opted members of the Authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 and is required, when viewed as a whole, to be consistent with the following general principles of conduct identified by the Committee on Standards in Public Life.

### 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.
- (b) 'Meeting' means any meeting of the Authority, its committees, subcommittees, 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) anybody 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 observe and 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 cooperate 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:-
  - (i) you have the consent of the person authorised to give it; or
  - (ii) you are required by law to do so; or
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is reasonable in the public interest and made in good faith and in compliance with the reasonable requirements of the Authority;

AND you have consulted the Monitoring Officer prior to its release.
- (m) Do not prevent another person from gaining access to information to which that person is entitled by law.
- (n) When using, or authorising the use by others of the resources of the Authority:-
  - (i) act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ITC policy and the policies, copies of which have been provided to you and which you are deemed to have read;
  - (ii) make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iii) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (A paper copy of the Publicity Code can be obtained from the Monitoring Officer).

#### **4. Disclosure of Interests and Participation in Meetings**

- 4.1 If you are present at a meeting and you or your spouse/partner have an Interest as set out in Schedule 1 below (Disclosable Pecuniary Interests):-
  - (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;

- (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (c) you must leave the room where the meeting is held during any discussion or vote; and
- (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

4.2 Where a matter arises at a meeting which relates to an interest as set out in Schedule 2 below (Other Interest):-

- (a) you must not vote on the matter;
- (b) you may speak on the matter only if members of the public are allowed to speak at the meeting; and
- (c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.

4.3 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Schedules 1 or 2 in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours, and you are aware or ought reasonably to be aware of the existence of that interest:-

- (a) you must declare the interest;
- (b) you must not vote on the matter; and
- (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

## **Pre-determination and bias**

4.4 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member, however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

4.5 When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

## **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.

## **Gifts and Hospitality**

- 5.4 You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

## **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 at the Authority's Annual Meeting.

## **11. Monitoring Officer**

- 11.1 The Authority's Monitoring Officer is Rebecca Brookes Contact details:-

Email: [Rebecca.brookes@southyorkshire-ca.gov.uk](mailto:Rebecca.brookes@southyorkshire-ca.gov.uk)  
Address: 11 Broad Street West, Sheffield, S1 2BQ

## **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.

The definition above is as set out at section 30(3) of the Localism Act 2011 and the description of interests are as specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Failure to register these interests, or to participate in any discussion or voting at a meeting in respect of these interest without a dispensation, is a criminal offence.

## **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.
- (C) Standard Dispensations
- 1. A matter relating to funding from the MCA to a Constituent Council including the Constituent Council of the Member concerned (provided the Member has no personal interest in the matter being considered).
  - 2. Where the decision relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:
    - (i) Housing, where you are a tenant of the Authority unless those functions relate particularly to your tenancy or lease;
    - (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school unless it relates particularly to the school which the child attends;
    - (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
    - (iv) An allowance, payment or indemnity given to members;
    - (v) Any ceremonial honour given to members; and



- (vi) Setting council tax, levy or a precept under the Local Government Finance Act 1992.

## PART 6B – OFFICERS' CODE OF CONDUCT

### 1. INTRODUCTION

- 1.1 The aim of this code is to lay down guidelines for all officers employed by or providing support to the Authority and it is intended that this will help maintain and improve standards and also protect officers from criticism.
- 1.2 Officers are expected to conduct themselves with integrity and honesty in carrying out all their duties and must provide the highest possible standards of service to the public and the Authority. Officers should at all times act in such a manner so as to avoid impropriety or any allegations of misconduct. Improper behaviour covers a wide range of activities from the disclosure of confidential information, to accepting gifts or hospitality that could be seen as an inducement to some course of action.
- 1.3 This Code offers guidelines only and if officers have any queries they should seek the advice of either their line manager (where relevant) or the Monitoring Officer.
- 1.4 Where officers are subject to other codes of conduct - whether the code of a professional body or an officer's employing Local Authority - those other codes will be read in conjunction with this code and the higher of the two standards will apply to their conduct.
- 1.5 All officers who are deployed predominantly in relation to PCC functions which is deemed sensitive by the Executive Director Policing and Reform are also required to comply with the PCC Code of Conduct attached as Appendix A to this Officers Code of Conduct. Where there are any conflicts between these codes then the higher of the two standards will apply to their conduct.
- 1.6 For the avoidance of doubt the term 'officer' in this code includes all officers of the Combined Authority, officers employed by other local authorities providing support to the Authority (in whatever capacity and whatever the status of their employing local authority) and any other agent (such as a consultant or secondee) properly considered to be an officer who is under an obligation to behave in accordance with this Code of Conduct.

### 2. STANDARDS

- 2.1 Officers are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Members and fellow officers with impartiality. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Officers must report to the Monitoring Officer or their Line Manager any impropriety or breach of procedure and abide by the Authority's Whistleblowing Policy.

### **3. PRIVATE INTERESTS**

- 3.1 No contract must be let to an officer employed by the Authority or to any partnership of which they, their spouse or immediate family, are members. (Except for a corporation in which they, their spouse or immediate family, hold less than 5% of the issued share or loan capital and take no part in the management) unless the Combined Authority has given permission for the letting of the contract to proceed. In such case the officer must disclose in writing the full measure of their, or their family's interest in the Contract, for recording in the register retained by the Director of Legal & Governance/Monitoring Officer.
- 3.2 No officer shall accept a directorship, except as a nominee of the Authority, in any company holding a contract with the Authority without the express permission of the Authority.
- 3.3 Any officer who comes into contact with any matter concerning a business organisation in which they have an interest must disclose their interest to the Authority in the register of interests retained by the Director of Legal and Governance/Monitoring Officer and ask that some other officer may deal with the matter.
- 3.4 A register is to be maintained by the Director of Legal & Governance /Monitoring Officer in which Members and officers are to record details of who has made offers to them, the nature of the offers made and the response made by them to the offer.

### **4. GIFTS AND REWARDS**

- 4.1 Contracts entered into by the Authority prohibit a contractor from offering or making a gift or other consideration of any kind as an inducement to some action.
- 4.2 The Bribery Act 2010 makes it an offence to offer, promise, or give a bribe (Section 1 of the Act). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business, or an advantage in the conduct of business. Section 7 relates to a corporate offence of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.
- 4.3 If any such offer, gift or irregular suggestion is made to an officer, either in connection with a contract or with the object of obtaining preferential treatment prior to the acceptance of a contract, the facts must be reported immediately to the Director of Legal & Governance/Monitoring Officer and recorded immediately in an official register, of gifts and hospitality offered, received or given. No such offer should ever be accepted.
- 4.4 All trips, free travel, holidays, accommodation (including payment of bills) or use of company cars/jets at the expense of the contractor, organisation, firm or individual is totally unacceptable.
- 4.5 The Authority's Standing Orders provide that it may cancel a contract where the contractor has made a gift or carried out some kind of favour for an officer in relation to it.

- 4.6 Where an officer is presented with a souvenir or small gift these may be accepted where the value is minimal. Where any doubt arises over whether such items are acceptable the officer's Line Manager should be consulted and, if considered necessary, a record should be made in the register provided of the offer and any action taken.

## **5. HOSPITALITY**

- 5.1 Officers must only accept offers of hospitality for a genuine business reason, e.g. to represent the Authority or convey information. In all cases the arrangements should be in the interests of the Authority. It will not always be possible, or even desirable, to reject offers of hospitality on a modest scale. The decision whether to accept or not must depend on the circumstances in each case, bearing in mind the need to act discreetly at all times. Where it is clearly evident that the work of the Authority would be facilitated, invitations to attend functions, receptions, events, luncheons, dinners and the like may be accepted. Where possible, specific prior notification should be given to the officer's Line Manager.
- 5.2 With regard to officers' attendance at sporting, cultural or arts events, such should only be accepted if the purpose is to assist the Authority in building and maintaining good working relationships or networking with organisations which will assist the Authority in carrying out its policies. Specific prior approval of the officer's Line Manager must also be obtained.
- 5.3 A record of the offer of hospitality, whether accepted or not, should be recorded on the appropriate hospitality form and an entry made in the register provided/maintained.

## **6. HOSPITALITY PROVIDED BY THE AUTHORITY**

- 6.1 As some of the operations of the Authority are of a commercial nature it is recognised that business is conducted where the provision of hospitality is acceptable. Accordingly, officers must therefore act in the best interests of the Authority, having regard to their public accountability and provide hospitality on a modest scale within the allocated budget. Approval of the line manager should, where possible, be obtained to the provision of hospitality.

## **7. DISCLOSURE OF INFORMATION**

- 7.1 Officers must not utilise any information obtained during their course of employment with the Authority that may result in their own personal gain or allow information to be passed to others who may make use of such information for their or their organisation's benefit.

## **8. MEDIA RELATIONS AND PHOTOGRAPHY**

- 8.1 If any officer receives an enquiry from the media, this should be referred to the Authority's External Affairs/Communications Team. Officers should not disclose any information to the media without the prior knowledge of the External Affairs/Communications Team.

- 8.2 Officers who are required to take photographs, videos or webcam footage of clearly identifiable people must ensure compliance with the Data Protection Act/ General Data Protection Regulation. The Authority's Information Governance and Privacy policies must be adhered to at all times by officers who are involved in any photography activities.

## **9. USE OF SERVICES OF AUTHORITY CONTRACTORS**

- 9.1 No officer involved in letting and managing contracts may purchase goods from, or use the service of, a contractor on preferential terms for private purposes if these terms are given either directly or indirectly because of the contractual or other official business relationship either potential or actual between the contractor and the Authority. In other words, no such officer should use their position to secure any personal advantage.
- 9.2 These requirements also apply where the interest in the partnership/company is held by the spouse, partner or other close relative of the officer.
- 9.3 Officers who are privy to confidential information on tenders or costs of external contractors must not in any circumstances disclose that information to any unauthorised party or organisation, in particular, to any other external contractor or tenderers.
- 9.4 Officers must ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates.

## **10. APPOINTMENT/EMPLOYMENT MATTERS**

- 10.1 Officers involved in the appointment of new Authority employees should ensure that such appointments are made on the basis of merit and the ability of the candidate to undertake the duties of that particular position. Officers who are related to or have a close personal relationship to the applicant should not be involved in the selection procedure and they should notify in writing this relationship to the Director of Human Resources and Organisational Development.
- 10.2 Similarly, decisions as to promotion, pay, discipline or other employment related matters should not involve officers who are related or have a close personal relationship.

## APPENDIX A – PCC CODE OF CONDUCT

1. The Code of Conduct covers the obligations of those staff who are deployed predominantly in relation to PCC functions which is deemed sensitive by the Executive Director Policing and Reform. The Executive Director Policing and Reform will maintain a list of such staff.
2. This code does not apply when staff are acting in a purely private capacity, although good standards of behaviour are expected from staff in their private affairs.

### Use of Resources

3. The Authority is responsible for the efficient use of the public resources held. That includes financial resources, equipment and the staff who work for the Authority. There are legal requirements in place concerning the use of resources.
4. Staff must use the Authority's resources responsibly and always give value for money. If staff know of someone who is not maintaining these standards or has not followed the code, this must be reported to the or the Executive Director Policing and Reform. The Whistleblowing Policy will apply where appropriate.
5. Telephone, computer, e-mail and internet facilities are provided for business use. Private work of any sort must not be undertaken in the Authority's premises or by using the Authority's equipment or materials.
6. Any personal accounts (for example bank accounts/social media accounts) should not be accessed using the Authority's or South Yorkshire Police (SYP) Force devices and software. The Authority's and SYP Force-owned communications may be monitored lawfully, and staff should understand without any ambiguity that there can be no reasonable expectation of privacy at any time when using these systems.
7. Staff should ensure your behaviour and language when using any SYP Force issued device is professional, appropriate and what the public would expect. Communication sent or received on the Authority's/SYP Force devices does not need to come to the attention of the public to meet the threshold of misconduct. Please ensure you are reminding your teams around this to ensure we maintain high standards at all times.
8. Some limited personal use of devices and software may be permitted in certain circumstances. For example, light browsing of news or sport websites during allocated break periods.
9. Computers should be locked when not in use and staff should be aware of who is able to view the contents of their screen, when in use. Please see Information Technology policy and procedures for further guidance
10. All resources issued to the Authority's staff are recorded on the Authority's Asset register and staff are required to sign for their items upon receipt and return all items upon leaving the Authority.

## **Social Networking**

11. Postings on social networking sites can be accessible to a very wide audience and can remain available for a very long period of time.
12. Staff should therefore take great care not to post anything that may be considered offensive, disrespectful or discriminatory towards the Mayor, staff, contractors or associated people such as partner organisations.
13. It must be borne in mind that it will not be an acceptable excuse to claim that such postings are private i.e. even if it can be shown that they have been made from a personal device and in your own time.
14. Under no circumstances should staff use or update personal social media accounts whilst at work (not including meal breaks) – other than the Comms Team for business purposes.

## **UK General Data Protection Regulation**

15. Staff must respect the confidentiality of the information to which they have access at work. This includes respecting the interests of colleagues and of the general public. Infringement of this could lead to disciplinary proceedings.
16. Any information to which there is access at work must not be used for personal gain or passed on to others who might use it in this way.
17. Staff should not tell anyone outside the Authority what goes on at the Authority's meetings held in private or the contents of any confidential documents relating to PCC functions or otherwise.
18. General Data Protection Regulation (GDPR) laws are to be followed at all times.

## **Conflicts of Interest**

19. Personal relationships with colleagues, members of the public and other organisations must not lead to any suspicion that it could affect staffs' work.
20. Staff should not be involved in the recruitment, promotion, pay, benefits, training or discipline of anyone who is a relation, partner or with whom they otherwise have a close personal relationship outside of work. If the situation is unavoidable, such an interest should be declared to the Chief Executive, to ensure that they are seen to be fair.
21. The Executive Director Policing and Reform will determine which officers of the Authority who are deployed predominantly in work relating to PCC functions are to be designated as politically restricted (as defined in legislation). The Executive Director Policing and Reform will maintain a list of such designated posts

## **Business Interests, Secondary and Voluntary Employment**

22. Permission must be sought from the Executive Director Policing and Reform to engage in any other business or take up any additional appointment. Such permission will not be unreasonably withheld.
23. In any case, staff must not be involved in any outside activity or work that could cause a conflict of interests with his/her responsibilities to the Authority, or which makes use of knowledge or information which the staff member has access to because of their position.
24. Similarly, where a member of staff wishes to partake in any voluntary activity or role in a voluntary organisation, care should be taken to clarify the expectations of the role and whether there is any conflict of interest.
25. If there is any uncertainty, any such activity should not be engaged in before first seeking the express permission of the Executive Director Policing and Reform. Liability can arise from formal membership of external organisations and permission should be sought if there is reason to believe that any liability may arise.
26. Other than those areas outlined above, staffs' off-duty hours are not the Authority's concern unless a person's activities bring the reputation of the Authority into disrepute. Staff must never put themselves in a position where duty and private interests' conflict, or where public confidence would be weakened.
27. Staff are required to register any interests in accordance with the Part B Officers Code of Conduct.

### **Disclosable Interests**

28. In order to avoid any negative impact on the Authority's reputation, individuals should declare any interest that could influence any decision making, for example:-
  - Ownership or interests in land and buildings.
  - Contracts or shares held.
  - Involvement with/Membership of any societies/partners.
29. A member of staff who has a disclosable interest must declare this in accordance with the Part B Officers Code of Conduct.
30. There is also an annual requirement for Disclosable Interests, including nil returns to be submitted. The Governance team will coordinate both processes.
31. Staff must also inform the Governance Team in writing when they are ceasing a disclosable interest.



## **Notifiable Associations**

32. In line with South Yorkshire Policy Pi23.2 'Self-Reporting of Criminal or Civil Allegations and Notifiable Associations' you are required to notify the Executive Director Policing and Reform of any associations as outlined in Pi23.2 throughout your service with the Authority. This is in addition to necessary vetting checks taking place during any recruitment process.
33. This process is intended to provide a mechanism for staff to obtain advice regarding personal associations that may impact on your role within the organisation. It also provides the organisation with a suitable process to manage any concerns that may arise from a notified association.
34. As such, staff must notify the Executive Director Policing and Reform and the Director of Human Resources and Organisational Development of any association that falls within the criteria outlined in Pi23.2, defined as 'Notifiable Associations'. The report will be assessed in line with the SYP policy and a decision made about the requirement to notify SYP's Professional Standards Department.
35. No checks should be made by the member of staff on SYP Force systems to establish if a 'Notifiable Association' exists. When reporting a 'Notifiable Association', the following details should be provided:
  - Full name and relevant number of the staff member,
  - Details – name, age, sex, date of birth, address (where available) of the person(s) to which the staff member is associated,
  - When the 'Notifiable Association' was identified and whether it has ceased.
36. Failure to adhere to these instructions may amount to a breach of the Standards of Professional Behaviour and is likely to lead to an assessment for misconduct.

## **Contractors and Suppliers**

37. Contracts and orders must be awarded on merit and in line with the Authority's procedures. Any relationship with a contractor or supplier, with whom the person is also involved at work, must be declared in accordance with the Part 6B Officers Code of Conduct.
38. Staff must not try to influence the awarding of contracts or orders to any contractor or supplier. Equally, current or past employees or their partners, close relatives or associates must not be favoured when undertaking business with the companies for which they work.
39. Staff must be fair when dealing with all customers, suppliers, other contractors and sub-contractors.

40. If staff are considering any alternative form of service delivery, a management buy-out, staff mutual, social enterprise activity, etc, the Executive Director Policing and Reform must be informed immediately. Staff must not then take part in any relevant contract awarding process.

### **Sponsorship, Gifts, Grants and Partnership Arrangements**

41. All staff have a responsibility to disclose any gifts or hospitality offered in the course of their work for the Authority in line with the requirements of the Part 6B Officers Code of Conduct.
42. If an outside organisation wants to sponsor one of the Authority's activities, the rules about accepting gifts and hospitality must be followed. Particular care should be taken when dealing with existing or potential contractors.
43. If the Authority provides support to the community or an organisation there should be no conflict of interest involved. For instance, staff must never try to influence a sponsorship decision in favour of a specific venture that they, their partner or any other relative or close friend are involved in, no matter how worthy the cause.
44. Many of the Authority's objectives are delivered by developing partnership arrangements with one or more organisations. These organisations may be other public sector organisations, private sector companies, voluntary organisations or community groups. It is important that if staff participate in such a group, they are clear as to the authority invested in them by the Authority and the other partner organisations.
45. Staff should always check with their Line Manager as to the extent of their participation and as usual show no bias and ensure that all decisions are based on achieving best value for the Authority.

### **Vetting**

46. All staff deployed predominantly in relation to PCC functions which is deemed sensitive by the Executive Director Policing and Reform will be vetted by the South Yorkshire Police Vetting Unit. The level of vetting required will be decided when a position is advertised. Vetting is refreshed at pre-determined time frames dependent upon the role but for most staff it is refreshed every 7 years.
47. The vetting unit should be informed if you change your name during your vetting period, (e.g. by marriage) and a copy of your marriage certificate should be supplied to [ForceVettingUnit@southyorks.pnn.police.uk](mailto:ForceVettingUnit@southyorks.pnn.police.uk)
48. If a circumstance arises which could impact upon the current vetting confirmation, this must be notified to the Executive Director Policing and Reform immediately. Further vetting may be required.
49. If staff are involved in any civil or legal proceedings these should be reported to the Executive Director Policing and Reform as soon as the situation occurs.

## **Complaints about Members of Staff and Representatives**

50. Officers of the Authority are subject to their terms and conditions of employment including conduct and disciplinary procedures. Representatives and contractors employed by the Authority will be subject to such conditions as are set out in individual contracts. Those terms and conditions shall determine the process that will be followed in the event that allegations of misconduct arise.

## **Reporting Issues of Concern for Conduct**

51. If a member of the public, employee or partner organisation wishes to raise a concern about the conduct of a member of the Authority's staff or a representative, this should be reported to the Executive Director Policing and Reform marked as private and confidential using the following details:

### **Executive Director Policing and Reform**

South Yorkshire Mayoral Combined Authority

11 Broad Street West

Sheffield

S1 2BQ

E-mail: [[clare.monaghan@southyorkshire-ca.gov.uk](mailto:clare.monaghan@southyorkshire-ca.gov.uk)]

52. Should the concern involve the Executive Director Policing and Reform, the matter should be reported to the Head of Paid Service of the Authority marked as private and confidential using the following details:

### **Chief Executive**

South Yorkshire Mayoral Combined Authority

11 Broad Street West

Sheffield

S1 2BQ

E-mail: [[martin.swales@southyorkshire-ca.gov.uk](mailto:martin.swales@southyorkshire-ca.gov.uk)]

## 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 South Yorkshire Mayoral Combined Authority ('the Authority') and its committees and Officers in their dealings with one another. The term 'Members' means those individuals referred to in paragraph 3.1 Article 3 of the Authority's Constitution. The guidance in this protocol should be heeded by Members of the Authority, its committees and joint committees and Officers of the Authority and of constituent councils providing services to the Authority, its committees and joint committees.
- 1.2 Both Authority Members and Officers are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Authority Officers are responsible to the Authority. Their job is to give advice to Members and 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 statement of usual practice and convention. However, it seeks to promote greater clarity and certainty. If the guidance is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 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 and they should each seek to achieve the Authority stated objectives and aims.
- 2.2 Both Authority Members and Officers will develop a relationship based on mutual respect and support. Member/Officer relationships should be conducted in a positive and constructive way. 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.

Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.

- 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 longstanding 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.

Certain statutory officers – the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Chief Finance Officer or the Monitoring Officer.

- 2.7 It is clearly important that there should be a close working relationship between the Chairman/Vice Chairman of the Authority, the Statutory Officers and other senior Officers of the 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 officers to the Head of Paid Service.
- 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 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 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 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.

The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality and advice must be confined to Authority 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.

## **Information for Members and access to Authority Documents**

- 2.16 Officers will facilitate access by Members to documents and information in accordance with their common law rights and statutory principles. Members will not seek to obtain information outside their entitlement under the law. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the code of conduct and actionable by way of complaint to

the Authority's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the Authority for damages.

- 2.17 All reports submitted to a meeting of the Authority by Authority shall specify the appropriate Officer who may be contacted in relation to the contents of the report.
- 2.18 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.

Official letters on behalf of the Authority should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member or the Chair. Letters which, for example, create legal obligations or give instructions on behalf of the Authority should never be sent out in the name of a Member.

### **Media, Publicity and Press Releases**

In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. In particular Members and Officers should note that during the election period special rules apply with regard to local authority publicity.

Officers and Members of the Authority will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Head of Paid Service or Monitoring Officer of the Authority. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.

- 2.19 Press releases are not issued by the Authority on behalf of political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by the Authority. Officer's comments can be included on professional and technical issues. Where Members are to be quoted in the press releases, approval will be sought in advance from the relevant Member.
- 2.20 In general, media requests for comments or opinion on Authority policy or political matters should be referred to the Head of Paid Services, to the Authority in the first instance.

### **Elections, referendums and petitions**

- 2.21 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.

2.22 Particular care should be taken to ensure that publicity issued by the Authority 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 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 Authority's control. Proactive events arranged in this period should not involve Authority Members likely to be standing for election.

2.23 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 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.

2.24 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 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**

- 2.25 Authority Members shall only be involved in appointments for Directors. 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**

- 2.26 As customers of the Authority'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 Head of Paid Service who are also responsible for monitoring the effectiveness of this protocol.

## PART 6D – MEMBERS' ALLOWANCE SCHEME

### **1. Members and co-opted members of the Constituent and Non-constituent Councils Allowance Scheme**

- 1.1 Travel and Subsistence - Payments will pay travel and subsistence for Authority approved business of the Authority (but not attending Authority meetings), The rates payable will be in accordance with the rates in Barnsley Metropolitan Borough Council's allowances scheme. The Member/co- opted member may, in accordance with their authority's own procedures claim travel and subsistence for attending Authority meetings.
- 1.2 Allowances - 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 co-opted member of the Authority. The Authority may resolve to pay allowances to elected member of the Constituent Councils who attend MCA Committees in accordance with any statutory provision that allows such payments.

### **Mayor and Deputy Mayor Allowances**

- 1.3 The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority and to the Constituent Councils regarding the allowances payable to the Mayor and the Deputy Mayor.
- 1.4 An independent remuneration panel must consist of at least three members none of whom is also a member of the Combined Authority or is a member of a committee or sub- committee of the Combined Authority or a member of a constituent council of the Combined Authority; or is disqualified from being or becoming a member of the Combined Authority.
- 1.5 The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.
- 1.6 The Combined Authority may only pay an allowance to the Mayor or to the Deputy Mayor if:-
  - (i) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 1.3 which contains recommendations for such an allowance; and
  - (ii) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel

## **2. Scheme of Allowances for Independent Members**

- 2.1 The Authority's Scheme provides for payment of allowances and expenses of Independent Members.
- 2.2 The term "Independent Member" in this Scheme means an Independent Member or Independent Person of the Audit, Standards and Risk Committee and the Scrutiny Committee.
- 2.3 Claim forms should be submitted after each Committee meeting for a quarter (assuming 4 meetings per annum) of the allowance set out in paragraph 2.6 below and expenses in accordance with paragraphs 2.7 - 2.11 below.
- 2.4 All enquiries relating to members allowances/expenses should be made to the Monitoring Officer.
- 2.5 All claims and enquiries should be forwarded to: Mike Thomas, Senior Finance Manager, 11 Broad Street West, Sheffield, S1 2BQ.

### **Allowance**

- 2.6 The remuneration rate for an Independent Member is £1250.00 per annum to include preparation work, travelling time and attendance at the meetings.

### **Travelling allowances**

- 2.7 Travelling allowances can be claimed by Independent Members when attending Audit, Standards and Risk Committee and Scrutiny Committee meetings. Travelling expenses should only be claimed once for each journey to and from the Member's home.
- 2.8 Rail - For rail travel, Independent Members are encouraged to make use of the cheapest appropriate fare available for the journey depending on the circumstances at that time. Independent Members will be reimbursed at standard equivalent rates for journeys. If you know in advance that you are travelling on a certain date you are to arrange for the cheapest fare available.
- 2.9 Private Motor Vehicle - a mileage allowance may be claimed where an Independent Member uses his/her own motor vehicle, the mileage rate will be as per the Authority's rate provided to Officers, and notified from time to time;
- 2.10 Other – only if supported by valid receipts
  - reimbursement of taxi fares may be made in appropriate circumstances;
  - reimbursement can be claimed for expenditure on tolls, ferries, parking, etc; and
  - public transport costs, including taxis, will be reimbursed at actual cost.

- 2.11 Reasonable overnight accommodation costs will be reimbursed if such costs agreed in advance with the Senior Finance Manager.

### **Payment of Claims**

- 2.12 Payments are made through the Authority's pay system. Payment can be made direct to a bank or building society account on request; this is encouraged for reasons of security and reliability of payment and usually enables the payment to be drawn on immediately.

## PART 6E – AUTHORITY’S CODE OF CORPORATE GOVERNANCE

## AUTHORITY'S CODE OF CORPORATE GOVERNANCE

The Code of Corporate Governance is reviewed and updated annually at the MCA Board AGM

Please click [here](#) to view the latest Code of Corporate Governance

## PART 6F – 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 South Yorkshire Mayoral 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 this 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 Policy. 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 Policy its effectiveness to the Audit, Standards and Risk 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 2.5 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.

For the purpose of this Policy 'fraud' also includes the physical theft of assets.

- 1.5 In this Policy the term "employees" refers to officers of the Authority (whoever employs the officers), who provide support services to the Authority.
- 1.6 This Policy is applicable to:-
  - Members, Officers and employees of the Authority and its committees;
  - All individuals, organisations, contractors, consultants and partners associated with the Authority;
  - Our Customers and 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 Policies, Procedures and Rules**

- 2.1 The Authority 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 Policy, Code of Conduct for Members, Code of Conduct for Officers, PCC Code of Conduct, Protocol on Member/Officer Relations, Members' Allowances Scheme, Procedure Rules, Contract Procedure Rules, Financial Regulations (and PCC Financial Regulations relevant to PCC functions), Whistle Blowing Policy, Disciplinary Procedures, Recruitment Procedures, Complaints Procedures and associated procedural documents.

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

- 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.
- 2.3 Members, 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.
- 2.4 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.

- 2.5 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>

- 2.6 To ensure transparency, this Policy and documents and procedures referred to within it will be made available to view on the Authority's website.

### **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. The principles are summarised in Appendix 1. 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 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 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 Officers Code of Conduct (and PCC Code of Conduct if appropriate) 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 This policy also acknowledges that the Authority's staff deployed predominantly in relation to PCC functions work closely with South Yorkshire Police and may raise concerns of perceived malpractice within South Yorkshire Police. The Whistle-Blowing Policy addresses this.
- 3.10 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 Policy and an established risk management process is in place with potential strategic risks being reported to the Audit, Standards and Risk 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 Policy 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 Policy 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 Policy 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.
- 6.2 In order to raise awareness of this Policy 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. 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 Policy, 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 legislation.
- 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 Policy and its effectiveness to the Audit, Standards and Risk 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, Standards and Risk Committee. Recommendations that are not completed within six months of the final report will be reported separately to the Audit, Standards and Risk Committee for monitoring purposes.
- 9.3 A summary of all investigations undertaken by Internal Audit will be reported to the Audit, Standards and Risk 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 Policy 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 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 Policy.
- 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 Assistant Director of Finance:- email at [mike.thomas@southyorkshire-ca.gov.uk](mailto:mike.thomas@southyorkshire-ca.gov.uk). 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 <https://www.gov.uk/government/publications/bribery-act-2010-guidance>

### **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 Whistle-Blowing 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 Anna Mullen (0113 285 5269) at RSM UK Risk Assurance Services LLP 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 rather than overlooking a problem or "blowing the whistle" outside. It applies to all employees and those contractors working for the Authority 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. 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 Internal 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 Paid Service 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, Standards and Risk 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, Standards and Risk 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 6G – 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.
- 1.5 This policy also acknowledges that the Authority's staff deployed predominantly in relation to PCC functions work closely with South Yorkshire Police and may raise concerns of perceived malpractice with South Yorkshire Police. If a disclosure is made that relates to South Yorkshire Police, the Monitoring Officer (in consultation with the Executive Director Policing and Reform) will need to discuss with either the Deputy Chief Constable or Head of Professional Standards, how this information is then shared with South Yorkshire Police in order for the concerns raised to be considered.

### 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 Policy, but rather complements it.

### **3 Safeguarding 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:  
Rebecca Brookes, Monitoring Officer 0114 2211269
- 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.

## **PART 7 – POLICE AND CRIME COMMISSIONER FUNCTIONS – JOINT CORPORATE GOVERNANCE FRAMEWORK (WITH SOUTH YORKSHIRE POLICE)**

## INDEX

1. Introduction
    - 1.1 Scope and Purpose
    - 1.2 Context
    - 1.3 Terms and Definitions
    - 1.4 Principles
    - 1.5 Implementation of the JCGF
    - 1.6 JCGF Review
    - 1.7 Record of Decisions
  2. Corporate Governance and PCC Functions Local Code of Corporate Governance
  3. Joint Scheme of Consent and Delegation
    - 3.1 Introduction
    - 3.2 Key Roles
    - 3.3 General principles of delegation
    - 3.4 Delegation of PCC functions by the Mayor
      - General Delegations
      - Functions delegated to the Head of Paid Service
      - Functions delegated to the Executive Director Policing and Reform
      - Functions delegated to the Monitoring Officer
      - Functions delegated to the Authority's Chief Finance Officer
    - 3.5 Urgent Matters
    - 3.6 Functions delegated to the Deputy Chief Constable
    - 3.7 Functions delegated to the Chief Constable's Chief Finance Officer
    - 3.8 Functions delegated to the Chief Constable's Assistant Chief Officer Resources in consultation with the CCCFO regarding staff employed by the Chief Constable
    - 3.9 Functions delegated to the Force Head of Legal Services
  4. PCC Financial Regulations
  5. Contract Procedure Rules
  6. Anti-Fraud and Corruption Policy and Whistleblowing Policy
  7. Joint Independent Audit Committee
- Appendix A – PCC Financial Regulations
- Appendix B – Joint Independent Audit Committee – Terms of Reference

## 1. INTRODUCTION

### 1.1 Scope and purpose

- 1.1.1 The Authority and the Chief Constable of South Yorkshire Police have agreed this integrated scheme of governance (Joint Corporate Governance Framework (JCGF)) which incorporates all necessary arrangements and controls to ensure good governance.
- 1.1.2 The purpose of this JCGF is to give clarity to the way the Authority and South Yorkshire Police, will be governed both jointly and separately. The JCGF also sets out how both organisations will work together to fulfil their statutory obligations.

### 1.2 Context

- 1.2.1 The statutory regime for policing within which the Mayor, the Authority and South Yorkshire Police operate includes:
- Police Reform and Social Responsibility Act 2011 (PRSRA11, the Act)
  - Policing Protocol Order 2023 (the Protocol)
  - Financial Management Code of Practice
  - Strategic Policing Requirement
  - Various conduct and transparency legislation
- 1.2.2 The Act<sup>1</sup> sets out the PCC functions of the Mayor and Chief Constable and the Protocol<sup>2</sup> sets out how these functions will be undertaken to achieve the outcomes of the Police and Crime Plan and to assist the Chief Constable in delivering their role and outlining the expected relationship between them.

### 1.3 Terms and Definitions

Contract Rules	Procedure	The Authority's Contract Procedure Rules relating to contracts explaining the procedures to be followed for the procurement of goods, works and services.
Decision guidance	making	Decision-making guidance from time to time issued by the Mayor that sets out the principles and processes for decision making.
Joint Governance Framework (referred to as "JCGF")	Corporate	A collective term for the governance framework relating to PCC functions including the PCC Functions Local Code of Corporate Governance, Joint Scheme of Consent and Delegation, PCC Financial Regulations and Contract Procedure Rules.
Joint Scheme of Consent and Delegation (referred to as 'the Joint Scheme')		As set out in Section 3 of this Part 7.
PCC Functions Local Code of Corporate Governance		A written code giving clarity to the way the Authority acting through the Mayor in relation to PCC functions and the Chief Constable will undertake their statutory functions.
PCC Financial Regulations		The Financial Regulations relating to the PCC functions as set out at section 4 of this Part 7 of the Constitution.
Police and Crime Plan		The plan issued in accordance with section 5 of the Act.

<sup>1</sup> PRSRA11, s5 – 8,

<sup>2</sup> Policing Protocol Order 2023

South Yorkshire Police Force (referred to as “the Force”)	A collective term that refers to the Chief Constable and staff employed by the Chief Constable.
The Protocol	The Policing Protocol Order 2023

#### 1.4 **Principles**

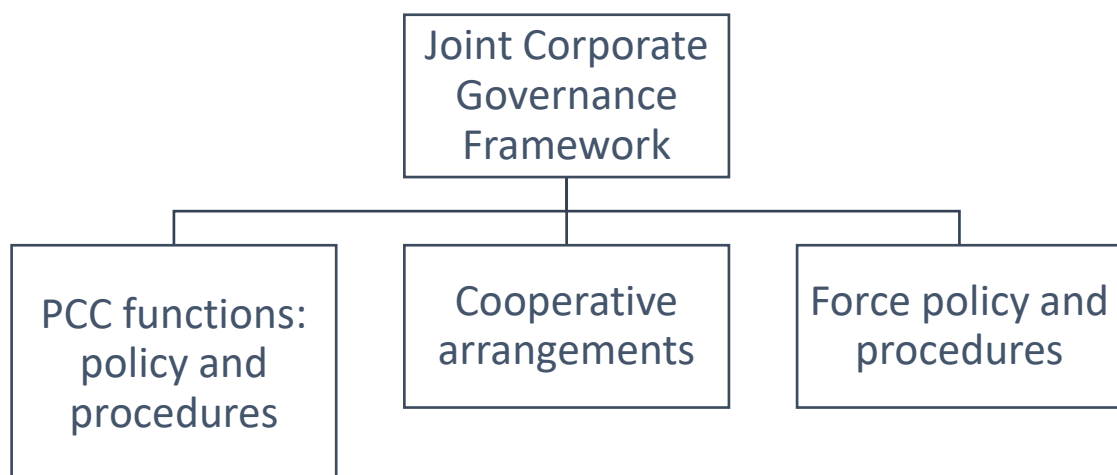
1.4.1 The core principles adopted by both organisations are those highlighted by best practice for good governance in the public sector:

- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law,
- Ensuring openness and comprehensive stakeholder engagement,
- Defining outcomes in terms of sustainable economic, social and environmental benefits,
- Determining the interventions necessary to optimise the achievement of the intended outcomes,
- Developing the entity’s capability including the capability of its leadership and the individuals within it,
- Managing risks and performance through robust internal control and strong public financial management,
- Implementing good practices in transparency, reporting and audit, to deliver effective accountability

#### 1.5 **Implementation of the JCGF**

1.5.1 The JCGF is implemented in accordance with:

- the statutory framework and local policy,
- the core principles in para 1.4.1 above,
- separate policies and procedures for each organisation, with protocols where they operate jointly.
- cooperative arrangements by which the Mayor and the Chief Constable support the exercise of each other’s functions.



1.6 **JCGF Review**

- 1.6.1 Effective governance requires ongoing adaptation and development. The Mayor and Chief Constable will review the JCGF on an annual basis to ensure it is up to date and effective, and that both organisations are compliant.

1.7 **Record of Decisions**

- 1.7.1 Any decision of significant interest (as determined in accordance with decision making guidance) made in exercising the PCC functions, shall be set out in a Decision Notice and shall be published on the Authority's website.
- 1.7.2 In determining the extent of information to be published the provisions of both the Freedom of Information Act 2000 and the Elected Local Policing Bodies (Specified Information) Order 2011 will apply.

## **2. CORPORATE GOVERNANCE AND PCC FUNCTIONS LOCAL CODE OF CORPORATE GOVERNANCE**

The Authority (acting by the Mayor for PCC functions) and the Chief Constable reviews its corporate governance arrangements on an annual basis against the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives (SOLACE) Framework Delivering Good Governance in Local Government 2016. The PCC Functions Local Code of Corporate Governance [\[hyperlink to be inserted\]](#) sets out how good corporate governance is delivered by the Mayor and the Chief Constable in connection with PCC functions.



### 3. JOINT SCHEME OF CONSENT AND DELEGATION

#### 3.1 Introduction

- 3.1.1 This Joint Scheme details the key roles of the Mayor exercising PCC functions and the Chief Constable and sets out those occasions when the Chief Constable is able to act in his/her own name, through the consent of the Mayor. Consent refers to the formal approval or agreement by the Mayor for the Chief Constable to enter into certain transactions in the Chief Constable's own name.

This Joint Scheme sets out the delegations by the Mayor to the Authority's officers and the Force's staff. It also sets out the delegations by the Chief Constable to specified officers and staff.

This document should be read in conjunction with the following documents that comprise the JCGF:

- PCC Financial Regulations
- The Authority's Contract Procedure Rules.

- 3.1.2 The Mayor consents the Chief Constable to:

- a) Enter into contracts and other agreements with a value up to £5,000,000, subject to the Authority's name appearing on the face of all contracts, but the Chief Constable having consent to issue purchase orders, memoranda of understanding and service level agreements in their name or that of the Chief Constable's Chief Finance Officer (CCCFO). For all contracts and other agreements over £5,000,000 the Chief Constable shall seek the approval of the Authority prior to awarding and signing any contract; and
- b) Acquire or dispose of property (apart from land and buildings) subject to all property and assets being vested or remaining in the name of the Authority; and
- c) Exercising the Authority's powers under Regulation 6 of the Police (Property) Regulations 1997.

- 3.1.3 Delegations are made to officers of the Authority and to senior officers of South Yorkshire Police as set out in this section 3.

The Mayor **may limit these powers and/or withdraw delegation**, as may the Chief Constable in relation to their delegations. Similarly, any sub-delegations by Statutory Officers may be limited or withdrawn by those Statutory Officers.

The Mayor may impose reporting arrangements on any delegated powers.

#### 3.2 Key Roles

- 3.2.1 The Authority owns all the assets used by both the Mayor (in connection with PCC functions) and the Force and all contracts will be entered into in the name of the Authority..
- 3.2.2 The Mayor has responsibility for the financial administration of PCC functions, and for ensuring the financial probity of the Force. The Authority is the recipient of funding, including the government grant and precept, and other sources of income, relating to policing and crime reduction. By law, all funding for the Force must come via this route.

How this money is allocated is a matter for the Mayor, in consultation with the Chief Constable, or in accordance with any grant terms.

- 3.2.3 The Mayor also has wider community safety, crime reduction and criminal justice responsibilities than those solely relating to the responsibilities and activities of the Force. When exercising any duties and functions, the Mayor must have regard to:
- The views of the people in the South Yorkshire area, including victims of crime;
  - Any report or recommendation made by the Police and Crime Panel in respect of the Police and Crime Plan, the proposed PCC component of the annual precept and the annual report for the previous financial year; and
  - The Police and Crime Plan and any guidance issued by the Secretary of State, including the Strategic Policing Requirement.
- 3.2.4 The Police and Crime Panel is a check and balance on the Mayor in exercising PCC functions through reviewing or scrutinising their decisions, but not those of the Chief Constable.
- 3.2.5 The Chief Constable is responsible for maintaining the King's Peace, for the direction and control of the Force and for the delivery of operational policing services. The Chief Constable holds office under the Crown and is appointed by the Mayor.
- 3.2.6 As a separate corporation sole, the Chief Constable may operate independently in specific areas. The Chief Constable is accountable in law for the exercise of police powers, and to the Mayor for delivery of efficient and effective policing, management of resources and expenditure by the Force. At all times, the Chief Constable, and his/her police officers and staff remain operationally independent of the Mayor and the Authority in the service of the communities they serve. The Chief Constable has legal responsibility for all employment matters relating to police officers and police staff.
- 3.2.7 The Mayor is responsible for handling complaints and conduct matters in relation to the Chief Constable and monitoring complaints against officers and staff of the Force. The Mayor is the appropriate authority to undertake reviews in relation to certain complaints recorded by the Force in accordance with the Policing and Crime Act 2017. The Chief Constable is responsible for handling all complaints and conduct matters relating to officers and staff under their direction and control. The Authority and the Chief Constable are responsible for complying with the legitimate requirements of the Independent Office for Police Conduct.
- 3.2.8 The statutory duties of the Authority's Chief Finance Officer and CCCFO are similar in nature. The two roles should operate effectively and without conflict, to reflect the legal and financial requirements of their respective organisations. Both have a fiduciary duty to the local taxpayer as both have a responsibility for securing the efficient use of public funds. This implies public reporting responsibilities in certain circumstances for both. However, given that the Mayor has the statutory responsibility for the Police Fund, the Authority's Chief Finance Officer will have responsibility for all statutory reports relating to the adequacy of the overall resource envelope available to meet Force expenditure. There is a reciprocal fiduciary duty on both to support the other in the execution of their duties in relation to policing matters.

- 3.2.9 If either of the Authority's Chief Finance Officer or CCCFO intends to exercise their statutory powers under section 114 of the Local Government Finance Act 1988, they should inform the other (as well as the Executive Director Policing and Reform and the Authority's Head of Paid Service as soon as possible).

### 3.3 **General principles of delegation**

- 3.3.1 **The Mayor and Chief Constable expect anyone proposing to exercise a delegation or an authorisation under this Joint Scheme to draw to the attention of the Mayor and Chief Constable any issue which is likely to be regarded by them as novel, contentious, repercussive or likely to be politically sensitive, before exercising such powers.**
- 3.3.2 The Mayor must not fetter the operational independence of the Force and the Chief Constable who leads it<sup>3</sup>. In exercising their functions, the Chief Constable must have regard to the Police and Crime Plan issued by the Mayor<sup>4</sup>.
- 3.3.3 To enable the Mayor to exercise their PCC functions effectively they will need access to information, and officers and staff within the Force area. This access must not be unreasonably withheld or obstructed by the Chief Constable or restrict the Chief Constable's direction and control of the Force<sup>5</sup>.
- 3.3.4 Whilst delegations are set out in this Joint Scheme, the Mayor (in exercising their PCC functions), and Chief Constable, may require at any time that a specific matter is referred to them for a decision and not dealt with under powers of delegation.
- 3.3.5 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation. The Joint Scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 3.3.6 Giving delegation under this Joint Scheme does not prevent an officer or member of staff from referring the matter to the Mayor or Chief Constable (as appropriate) for a decision or guidance if the officer or member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
- 3.3.7 When an officer is considering a matter that also falls within another officer's area of responsibility, they should consult the other officer before authorising the action.
- 3.3.8 Decisions officers make under delegated powers given to them in this Joint Scheme must be recorded and published in accordance with the decision making guidance.
- 3.3.9 Officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of the JCGF.
- 3.3.10 The persons appointed as the Statutory Officers have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.

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<sup>3</sup> Policing Protocol Order 2023, art18

<sup>4</sup> PRSRA11 s8(2)

<sup>5</sup> PRSRA11 ss2(5) and 36

3.3.11 In carrying out these delegated functions officers and staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- this JCGF
- Police Reform and Social Responsibility Act 2011 as amended and other relevant legislation issued under the Act.
- Policing Protocol Order 2023
- PCC Financial Regulations and budgetary procedures
- Financial Management Code of Practice
- CIPFA Statement on the role of the Chief Finance Officer in public service organisations
- APACE Statement on the role of the Chief Executive
- The Authority's Contract Procedure Rules
- Contract Standing Order relating to the Force
- Public Procurement and Contract Regulations
- The Authority's and Police Force policies and procedures.
- The Data Protection Act 2018, General Data Protection Regulations and the Freedom of Information Act 2000 as amended
- Health and safety at work legislation and codes.

This list is not exhaustive.

3.3.12 When carrying out PCC functions, the Mayor, Chief Constable and officers must have regard to the following:

- The views of the people in their policing area
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

This list is not exhaustive.

3.3.13 The delegated powers set out in this Joint Scheme may be exercised by other officers authorised by the 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 (including any financial limit) and monitor decisions taken.

3.3.14 These arrangements do not delegate any matter which by law cannot be delegated to an officer nor do they affect the constitutional relationship between the Mayor and the Chief Constable.

### 3.4 **Delegation of PCC functions by the Mayor**

#### **General Delegations**

3.4.1 In relation to the Statutory Officers and the Executive Director Policing and Reform, the day to day routine management, supervision and control of the Policing and Reform Office and the officers of the Authority deployed predominantly in relation to PCC functions.

3.4.2 In relation to the Executive Director Policing and Reform and Statutory Officers (or their authorised representative) the acceptance of a tender or quotation (or approval of a Chief Constable request for consent to award a contract above £5,000,000 as required by clause 3.1.2 above)

- (a) for the supply of goods, materials, or services for PCC functions or Force functions for which financial provision has been made in the Authority's Revenue Budget (as may be varied from time-to-time subject to the delegations afforded to the Chief Finance Officer through the Financial Regulations or is fully funded by any grant that is received as a result of a previously approved funding bid submission) or Chief Constable's budget (as appropriate) , or
- (b) for building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Mayor as part [of the capital programme and such expenditure is approved by the Chief Finance Officer;

Provided that:-

- the tender or quotation is in accordance with the Authority's Contracts Procedure Rules (or the Contract Standing Orders relating to the Force if applicable) and 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 (or the Contract Standing Orders relating to the Force (if appropriate));
- the decision relates to the delivery of the agreed business plan for PCC functions or the Chief Constable's business plan;
- the decision accords with any officer decision making guidance issued to officers;
- where the decision may have policy or strategic implications, the officer exercising the delegation will, before the decision is taken, consult with the Mayor (or Deputy Mayor for Policing as appropriate);
- for PCC function awards, once the decision has been made the officer completes the prescribed officer decision form and complies with the transparency requirements for PCC functions.

*Staff and resources*

3.4.3 The staffing structure for PCC functions shall be approved by the Head of Paid Service. Officers shall be appointed to posts within the approved staffing structure by the Executive Director Policing and Reform, in accordance with the Authority's recruitment and selection procedure;

3.4.4 With the exception of:-

- Granting voluntary redundancy requests;
- Agreeing any settlement on early termination of employment; and
- Releasing preserves pension benefits on ill health grounds.

which are all reserved for the Mayor, the Executive Director Policing and Reform shall (in consultation with the Chief Finance Officer) determine any employment issue arising in respect of an individual officer in the PCC functions staffing structure in accordance with agreed procedure and the relevant conditions of service.

### **Functions Delegated to the Head of Paid Service**

- 3.4.5 All such functions of the Head of Paid Service as set out in Part 4E of this Constitution (Scheme of Delegation of Functions to Officers and Schedule of Proper Officers) insofar as they apply and relate to the PCC functions.

### **Functions Delegated to the Executive Director Policing and Reform**

- 3.4.6 In absence of the Mayor or any appointed Deputy Mayor or in the event of significant conflict arising which would preclude the Mayor [or any Deputy Mayor] from exercising a function the Mayor delegates to the Executive Director Policing and Reform all PCC functions, except those prohibited by law, unless otherwise agreed.
- 3.4.7 To prepare the Police and Crime Plan for submission to the Mayor.
- 3.4.8 To prepare the Annual Report for submission to the Mayor.
- 3.4.9 To respond to consultations on proposals in respect of all issues affecting the Mayor in exercising PCC functions, if necessary, after first taking the views of the Mayor, Chief Constable or the Authority's Chief Finance Officer, as appropriate.
- 3.4.10 To ensure appropriate arrangements are in place to gather the views of the communities of South Yorkshire on policing and crime and to support public communications and engagement.
- 3.4.11 To handle and respond on the Mayor's behalf, to all correspondence addressed to the Mayor concerning PCC functions unless the content of such correspondence is perceived to be novel, contentious or repercussive. Such matters will be considered directly by the Mayor.
- 3.4.12 To make arrangements for the support to the Mayor in holding the Chief Constable to account.
- 3.4.13 At the request of the Chief Constable, to exercise the power of the Authority under the Police (Property) Regulations 1997.
- 3.4.14 To discharge functions and responsibilities in respect of Police Appeal Tribunals
- 3.4.15 To discharge functions and responsibilities in respect of Complaint Reviews (applications for reviews of the outcome of a recorded complaint about the Force within the remit of the Mayor in accordance with the Policing and Crime Act 2017).
- 3.4.16 The financial management responsibilities of the Executive Director Policing and Reform are set out in the PCC Financial Regulations.
- 3.4.17 To manage the budget of the Mayor in exercising PCC functions, along with the Authority's Chief Finance Officer.

- 3.4.18 To issue exemption certificates to officers whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- 3.4.19 To determine which officers engaged in work relating to PCC Functions are to be deemed 'sensitive' and so requiring additional vetting procedures and to retain a list of such posts.
- 3.4.20 To approve requests from officers deployed predominantly in relation to PCC functions to undertake additional outside work.
- 3.4.21 To appoint Independent Custody Visitors and terminate appointments if necessary.
- 3.4.22 To appoint legally qualified chairs and independent members for misconduct proceedings and terminate their appointments when necessary and appropriate.

**Functions delegated to the Monitoring Officer**

- 3.4.23 All such functions of the Monitoring Officer as set out in Part 4E of this Constitution (Scheme of Delegation of Functions to Officers and Schedule of Proper Officers) insofar as they apply and relate to PCC Functions and as varied by this Part 7.
- 3.4.24 To consider whether, in consultation with the Authority's Chief Finance Officer and Executive Director Policing and Reform, to provide indemnity to the Mayor or Chief Constable, and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 3.4.25 To consider any complaint or conduct matter raised against the Chief Constable, and where appropriate, refer the matter to the Independent Office for Police Conduct.
- 3.4.26 To ensure compliance with the Elected Local Policing Bodies (Specified Information) Order 2011, as amended.
- 3.4.27 To approve the financial settlement of all claims or requests for compensation against the Mayor in relation to PCC functions.  
(Claims against the Chief Constable or Force are dealt with in paragraphs 7.19 – 7.22 of the Financial Regulations)
- 3.4.28 To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:
  - they involve a high-profile claimant
  - there is a particular public interest in the case
  - there is a real risk that the Mayor or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
  - the proceedings are by their nature considered to be a test case before the court
- 3.4.29 To authorise, after consultation with the Mayor, the institution, defence or withdrawal of any claims or legal proceedings in relation to PCC functions on the Mayor's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in accordance with legal advice (and the Authority's Chief Finance Officer if there are significant financial implications).

- 3.4.30 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Mayor in respect of PCC functions.

#### **Functions delegated to the Authority's Chief Finance Officer**

- 3.4.31 All such functions of the Chief Finance Officer as set out in Part 4E of this Constitution (Scheme of Delegation of Functions to Officers and Schedule of Proper Officers) insofar as they apply and relate to PCC Functions.
- 3.4.32 The Authority's Chief Finance Officer in consultation with the Statutory Officers and / or Chief Constable as appropriate, shall be given the powers to institute any proceedings or take any action necessary to safeguard policing and crime finances.

The detailed financial management responsibilities of the Authority's Chief Finance Officer relating to PCC functions are set out in the PCC Financial Regulations.

#### **3.5 Urgent matters**

- 3.5.1 If any matter which would normally be referred to the Mayor for a decision and cannot be delayed in their absence, the matter may be decided by;
- the Executive Director Policing and Reform (all issues other than financial issues);
  - the Authority's Chief Finance Officer (financial and related issues)
- 3.5.2 Where possible the appropriate officer will consult any appointed Deputy Mayor before taking an urgent decision unless such consultation is impractical.
- 3.5.3 Urgent decisions taken must be reported to the Mayor as soon as practicable and published if required.

### **Delegations by the Chief Constable**

#### **3.6 Functions delegated to the Deputy Chief Constable**

- 3.6.1 The Deputy Chief Constable may exercise or perform any or all of the functions of the Chief Constable of the force during any period when the Chief Constable is unable to exercise functions, or otherwise with the consent of the Chief Constable<sup>6</sup>.
- 3.6.2 To be the appropriate authority for complaint and professional standards matters.
- 3.6.3 To lead on risk management on behalf of the Chief Constable.
- 3.6.4 To be the Senior Information Risk Owner, and carry out all functions and responsibilities of the Data Controller specified in the UK General Data Protection Regulations; Freedom of Information Act and to ensure compliance with the Elected Local Policing Bodies (Specified Information) Order 2011, as amended.

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<sup>6</sup> PRSRA11 s41



**3.7 Functions delegated to the Chief Constable's Chief Finance Officer (CCCFO)**

- 3.7.1 To sign contracts on behalf of the Mayor in the name of the Authority up to a value of £5,000,000. Over £5,000,000 contracts can be signed but only once they have been approved by the Authority in accordance with this Joint Scheme (see clause 3.1.2), except those which are required to be executed as a deed and in such cases the Authority's Monitoring Officer is authorised to execute such documents.

The detailed financial management responsibilities of the CCCFO are set out in the PCC Financial Regulations.

**3.8 Functions delegated to the Chief Constable's Assistant Chief Officer Resources in consultation with the CCCFO regarding staff employed by the Chief Constable**

- 3.8.1 To appoint and dismiss staff and to undertake the management of staff employed by the Chief Constable in line with agreed policies and procedures.
- 3.8.2 To approve the appointment or secondment of police officers for central services or overseas duty in line with legislation, agreed policies and procedures, except where:
- Those officers are of chief superintendent rank or above; or
  - Where the cumulative financial impact in any given financial year has the potential to be novel, contentious, repercussive or politically sensitive

In all such cases the Mayor should be consulted.

*[Note: Section 26 of the Police Act 1996 requires authorisation from the Home Secretary before any officers are deployed overseas to provide assistance to an international organisation, foreign government or police service]*

- 3.8.3 To make recommendations to the Chief Constable with regard to staff terms and conditions of service.
- 3.8.4 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which are novel, contentious, repercussive, sensitive or have major financial implications will be referred to the Chief Constable for a decision.
- 3.8.5 To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported to the Chief Constable. Any issues considered novel, contentious, repercussive or politically sensitive will be notified to the Mayor.
- 3.8.6 To approve the retirement, in the interests of the efficiency of the service, of employees and to report on this issue each year.
- 3.8.7 In consultation with the Executive Director Policing and Reform, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.

- 3.8.8 To approve the retirement of police staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner. All ill-health retirements must be reported to the Chief Constable before implementation and subject to reporting to the Mayor.
- 3.8.9 To approve payments under any bonus or performance-related payment schemes for staff approved by the Chief Constable, honoraria payments made for taking on extra duties and responsibilities, or similar special payments on the clear understanding that any issues which are novel, contentious, repercussive or politically sensitive will be referred to the Chief Constable for a decision and notified to the Mayor.
- 3.8.10 To authorise secondment of the Chief Constable's staff to the Authority and to agree the terms upon which such secondment may be effected, to monitor such arrangements and to renew/ terminate as appropriate.
- 3.8.11 To undertake the day to day management of procurement in accordance with the Contract Standing Orders relating to the Force and any collaboration agreements.
- 3.8.12 To sign contracts on behalf of the Mayor in the name of the Authority up to a value of £5,000,000. Over £5,000,000 contracts can be signed but only once they have been consented to by the Authority in accordance with this Joint Scheme (see clause 3.1.2), except those which are required to be executed as a deed and in such cases the Authority's Monitoring Officer is authorised to execute such documents.

### 3.9 **Functions Delegated to the Force Head of Legal Services**

- 3.9.1 To authorise, after consultation with the Authority's Monitoring Officer the institution, defence and/or withdrawal of legal proceedings on the Chief Constable's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, and in consultation with the CCCFO if there are significant financial implications.
- 3.9.2 To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Chief Constable and provide a quarterly report to the Monitoring Officer and Chief Constable on all legal action taken, to demonstrate compliance and good governance.
- 3.9.3 To execute all contracts on behalf of the Chief Constable, that the Chief Constable has consent to enter into in accordance with this Joint Scheme.

## 4. **PCC FINANCIAL REGULATIONS**

The Authority's financial regulations for PCC functions are set out at Appendix A

## 5. **CONTRACT PROCEDURE RULES**

The Authority's Contract Procedure Rules will apply to all procurements related to PCC Functions. In the case of any ambiguity or inconsistency the matter shall be referred to the Monitoring Officer for determination.

**6. ANTI-FRAUD AND CORRUPTION POLICY AND WHISTLEBLOWING POLICY**

The Authority's Anti-Fraud and Corruption Policy and Whistleblowing Policy will apply in relation to PCC functions.

**7. JOINT INDEPENDENT AUDIT COMMITTEE**

There is a separate Joint Independent Audit Committee established under the Home Office Financial Management Code of Practice which provides an independent and high level focus on the audit, assurance and reporting arrangements for the PCC Functions and the Chief Constable. The terms of reference are at Appendix B of this Part 7.

## APPENDIX A – PCC FINANCIAL REGULATIONS

## **PCC FINANCIAL REGULATIONS**

### **SECTION 1 – INTRODUCTION**

#### **Content**

The Financial Regulations are divided into a number of sections, each with detailed requirements relating to the section heading. References are made throughout the individual sections to delegated limits of authority. These are summarised in Section 7.

- Section 1 - Introduction
- Section 2 - Financial management
- Section 3 - Financial planning
- Section 4 - Risk Management & Business Continuity
- Section 5 - Systems and procedures
- Section 6 - External funding
- Section 7 - Summary of financial limits under delegation and consents

#### **Definitions within the Regulations**

- 1.1 The Authority's Chief Finance Officer is the CFO (PCC Functions).
- 1.2 The Chief Constable's Chief Finance Officer is the CFO (Force).
- 1.3 The Chief Executive is the officer appointed as the Authority's Head of Paid Service.
- 1.4 The Executive Director Policing and Reform has delegated responsibility for the day to day routine management, supervision and control of the PCC office and the officers of the Authority deployed predominantly in relation to PCC functions.
- 1.5 The 'Force' and/or 'SYP' means (as appropriate) the Chief Constable and staff employed by him under his direction and control or day to day management including police officers, police staff, police community support officers (PCSO), special constabulary, volunteers, contractors and other members of the wider police family.
- 1.6 Chief Officers, when referred to as a generic term, shall mean the Chief Constable, Chief Executive, the Executive Director Policing and Reform, the Authority's CFO – PCC Functions and CFO – Force.
- 1.7 Senior Officers' are police officers of the rank of Superintendent and above and police staff Heads of Department.
- 1.8 'Employees' when referred to as a generic term shall refer to those staff employed by the Authority carrying out PCC Functions and staff employed by the Chief Constable including police officers, police staff, and other members of the wider police family.
- 1.9 The expression 'authorised officer' refers to employees authorised by a Chief Officer.
- 1.10 The expression 'contract' refers to any commitment (including purchase orders, memoranda of understanding, leases and service level agreements) to acquire, purchase or sell goods, services or building works made on behalf of the Mayor, the Chief Constable or their affiliated bodies, whether signed in the name of the Authority or the Chief Constable.

- 1.11 The expression 'best value for money' shall mean the most cost effective means of meeting the need and takes account of whole life costs.
- 1.12 The expression 'he', 'his' or 'him' shall refer to both male and female.
- 1.13 The terms Chief Constable, Chief Executive, Executive Director Policing and Reform, CFO (PCC Functions and Force) include any member of staff and contractors or agents to whom particular responsibilities may be delegated. However, the level of such delegated responsibility must be evidenced clearly, made to an appropriate level and the member of staff given sufficient authority, training and resources to undertake the duty in hand.
- 1.14 The Medium Term Resources Strategy (MTRS) is a 4 to 5-year strategic financial planning summary containing forecasted annual income and expenditure budget estimates and is approved by the Mayor.

## **SECTION 2 – FINANCIAL MANAGEMENT**

### **The Mayor**

- 2.1 The Mayor has a statutory duty and electoral mandate to ensure an efficient and effective police service and to hold the Chief Constable to account on behalf of the public. The Mayor is the recipient of all funding relating to policing and crime reduction, including government grant, council tax precept and other sources of income. How this money is allocated is a matter for the Mayor in consultation with the Chief Constable, or in accordance with any grant terms. The Statutory Officers of the Chief Constable and the Mayor/Authority will provide professional advice and recommendations.
- 2.2 On the Mayor's behalf, the Authority shall appoint a CFO (PCC Functions) to be responsible for the proper administration of the Mayor's financial affairs.
- 2.3 The Mayor is responsible for approving the policy framework and budget, monitoring financial outcomes and the approval of medium term resource plans in consultation with the Chief Constable. The Mayor is responsible for approving the overall framework of accountability and control, and monitoring compliance. In relation to these Financial Regulations this includes:
  - (a) The Police and Crime Plan
  - (b) The Medium Term Resource Strategy (MTRS), including medium term financial forecasts, workforce plans and reserves strategy
  - (c) The Annual Revenue Budget and precept
  - (d) The Capital Programme, including capital strategy
  - (e) The Treasury Management Strategy, including the annual investment strategy and minimum revenue provision (MRP) policy
  - (f) The Estates Strategy and Asset Management plans
  - (g) The Risk Management strategy
  - (h) The Governance policies
- 2.4 The Mayor is responsible for approving procedures for recording and reporting decisions taken and for monitoring compliance with agreed policy and related executive decisions and for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.
- 2.5 On the Mayor's behalf, the Authority shall provide the CFO (PCC Functions) with such staff, accommodation and other resources as are in his opinion sufficient to allow his duties under this section to be performed.
- 2.6 The Mayor may appoint a Deputy Mayor and arrange for the Deputy Mayor to carry out appropriate functions of the Mayor delegated to him.
- 2.7 The Deputy Mayor may exercise any of the Functions conferred on him by the Mayor.

### **The Chief Constable**

- 2.8 The Chief Constable is responsible for maintaining the Queen's Peace and has direction and control over the Force's officers and staff. The Chief Constable holds office under the Crown but is appointed by the Mayor.

- 2.9 The Chief Constable is accountable to the law for the exercise of police powers and to the Mayor for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, his constables and staff, remain operationally independent in the service of the public.
- 2.10 To help ensure the effective delivery of policing services and to enable the Chief Constable to have impartial direction and control of all constables and to employ staff within the Force, the Chief Constable should have day-to-day responsibility for financial management of the Force within the framework of the agreed budget allocation and levels of authorisation issued by the Mayor.
- 2.11 The Chief Constable shall appoint a CFO (Force) to lead the Force on financial management and be responsible for the proper administration of the Chief Constable's financial affairs.
- 2.12 The Chief Constable must ensure that the financial management of his allocated budget remains consistent with the objectives and conditions set by the Mayor.
- 2.13 When the Chief Constable intends to make any significant change to policy or service delivery (not just financial), then the approval of the Mayor must be sought. Statutory Officers will provide guidance on what to regard as "significant change", if required.
- 2.14 The Chief Constable is responsible for the day-to-day financial management of the Force within the framework of the budget, Medium Term Resource Strategy, rules of virement, monitoring and reporting arrangements. In operating day-to-day financial management, the Chief Constable shall comply with the approved policies and framework of accountability.
- 2.15 The Chief Constable shall ensure that Financial Instructions are prepared to supplement the Financial Regulations and provide detailed instructions on the operation of the specific delegated financial processes. The Chief Constable shall ensure that all employees are made aware of the existence of the Financial Regulations and Instructions and are given access to them. Appropriate training shall be provided to ensure that they can be complied with.

### **The CFO (PCC Functions)**

- 2.16 The CFO (PCC Functions) is the Mayor's Chief Finance Officer, with responsibility for the proper administration of the financial affairs of the Mayor, and has a personal fiduciary responsibility to the local council tax payer.
- 2.17 The CFO (PCC Functions)'s statutory responsibilities are set out in:
  - (a) Paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011\*;
  - (b) Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)\*
  - (c) The Accounts and Audit Regulations as amended from time to time;
  - (d) Home Office Financial Management Code of Practice

\* as amended by The South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024.



- 2.18 The CFO (PCC Functions) is the Mayor's professional adviser on financial matters and shall be responsible for:
- (a) ensuring that the financial affairs of the Mayor are properly administered and that Financial Regulations are observed and kept up to date;
  - (b) ensuring regularity, propriety and Value for Money (VfM) in the use of public funds;
  - (c) determining the funding of the Mayor's revenue and capital plans and agreed programmes from available resources, including from Central Government, the precept, other grants, contributions, income and recharges;
  - (d) reporting to the Mayor, the Police and Crime Panel and to the external auditor:
    - i. any unlawful or potentially unlawful expenditure by the Mayor or officers of the Mayor;
    - ii. Or when it appears that any expenditure is likely to exceed the resources available to it to meet that expenditure
  - (e) advising the Mayor on the robustness of the estimates and the adequacy of financial reserves;
  - (f) preparing and publishing the Mayor's annual statement of accounts in accordance with appropriate accounting codes of practice and reporting standards, including Annual Governance Statement;
  - (g) producing the statement of accounts for the Mayor in accordance with appropriate accounting codes of practice and reporting standards
  - (h) ensuring the provision of an effective internal audit service, in conjunction with the CFO (Force).
  - (i) securing the treasury management function, including loans and investments;
  - (j) advising, in consultation with the Executive Director Policing and Reform on the safeguarding of assets, including risk management and insurance
  - (k) arranging for the determination and issue of the precept
  - (l) liaising with the external auditor; and
  - (m) advising the Mayor on the application of value for money principles by the Force to support him in holding the Chief Constable to account for efficient and effective financial management.
  - (n) nominating a person to deputise should he/she be unable to perform their duties (Deputy CFO (PCC Functions)).
- 2.19 The CFO (PCC Functions), in consultation with the Executive Director Policing and Reform, CFO (Force) and/or Chief Constable as appropriate, shall be given powers to institute any proceedings or take any action necessary to safeguard the finances of the Mayor and the Chief Constable.
- 2.20 The CFO (PCC Functions) has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Mayor on expenditure and preparing each year, in accordance with proper practices, a statement of the Mayor's accounts, including group accounts.
- 2.21 The CFO (PCC Functions) is the Mayor's professional adviser on financial matters. To enable the CFO (PCC Functions) to fulfil these duties and to ensure the Mayor is provided with adequate financial advice, the CFO (PCC Functions):
- (a) must be a key member of the Authority's Senior Leadership Team (SLT), working closely with the Executive Director Policing and Reform, helping the team to develop and implement strategy and to resource and deliver the Mayor's strategic objectives sustainably and in the public interest;

- (b) must be actively involved in, and able to bring influence to bear on, all strategic business decisions, of the Mayor, to ensure that the financial aspects of immediate and longer term implications, opportunities and risks are fully considered, and aligned with the Mayor's financial strategy;
  - (c) must lead the promotion and delivery by the Mayor of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively;
  - (d) must ensure that the finance function is resourced to be fit for purpose;
  - (e) be professionally qualified and suitably experienced.
- 2.22 It must be recognised that Financial Regulations cannot foresee every eventuality. The CFO (PCC Functions), in consultation with the CFO (Force), shall be responsible for reviewing, maintaining and interpreting these Regulations so as to ensure the efficient and effective operation of services.

### **The CFO (Force)**

- 2.23 The CFO (Force) is the Chief Constable's Chief Finance Officer with responsibility for proper administration of the financial affairs of the Force and a personal fiduciary responsibility to the local council taxpayer.
- 2.24 The CFO (Force) is responsible to the Chief Constable for all financial activities within the Force or contracted out under the supervision of the Force.
- 2.25 The CFO (Force) responsibilities are set out in:
- (a) Paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011
  - (b) Section 114 Local Government Finance Act 1988 (formal powers to safeguard lawfulness and propriety in expenditure)
  - (c) The Accounts and Audit Regulations as amended from time to time.
- 2.26 The CFO (Force) is responsible for:
- (a) ensuring that the financial affairs of the Force are properly administered and that these Financial Regulations drawn up by the Mayor are observed and kept up to date.
  - (b) preparation of the revenue and capital budgets and medium term expenditure forecasts for consideration by the Chief Constable
  - (c) reporting to the Chief Constable, the Executive Director Policing and Reform, the CFO (PCC Functions) and to the external auditor any unlawful, or potentially unlawful, expenditure by the Chief Constable or officers of the Chief Constable
  - (d) reporting to the Chief Constable, the Executive Director Policing and Reform and the CFO (PCC Functions) when it appears that any expenditure of the Chief Constable is likely to exceed the resources available to meet that expenditure
  - (e) advising the Chief Constable on value for money in relation to all aspects of the Force's expenditure
  - (f) advising the Chief Constable and the Mayor on the soundness of the budget in relation to the Force
  - (g) preparing and publishing the Chief Constable's Annual Governance Statement
  - (h) ensuring the provision of an effective internal audit service, in conjunction with the CFO (PCC Functions)

- (i) liaising with the external auditor
  - (j) producing the statement of accounts for the Chief Constable and providing timely information to the CFO (PCC Functions) to enable preparation of the group accounts
  - (k) ensuring that financial awareness and resource management training is given to all budget holders
  - (l) nominating a deputy to deputise should he be unable to perform his duties.
- 2.27 The CFO (Force) has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Force on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Chief Constable's accounts. The CFO (Force) will need to observe the locally agreed timetable for the compilation of the group accounts by the CFO (PCC Functions).
- 2.28 The CFO (Force) is the Chief Constable's professional adviser on financial matters. To enable him to fulfil these duties the CFO (Force):
- (a) must be a key member of the Chief Constable's Management Team, helping it to develop and implement strategy and to resource and deliver the Mayor's strategic objectives sustainably and in the public interest
  - (b) must be actively involved in, and able to bring influence to bear on, all strategic business decisions of the Chief Constable to ensure immediate and longer-term implications, opportunities and risks are fully considered
  - (c) must lead the promotion and delivery by the Chief Constable of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively
  - (d) must ensure that the finance function is resourced to be fit for purpose.
  - (e) be professionally qualified and suitably experienced.

### **The Executive Director Policing and Reform**

- 2.29 The Executive Director Policing and Reform is responsible for the leadership and general administration of the Mayor's office in relation to PCC functions.

### **The Monitoring Officer**

- 2.30 There is also a designated Monitoring Officer, appointed under section 5(1) of the Local Government and Housing Act 1989.
- 2.31 The Monitoring Officer is responsible for:
- (a) ensuring the legality of the actions of the Mayor and his officers
  - (b) ensuring that procedures for recording and reporting key decisions are operating effectively
  - (c) advising the Mayor and all officers about who has authority to take a particular decision
  - (d) advising the Mayor about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework
  - (e) advising the Mayor on matters relating to standards of conduct.

### **Joint Independent Audit Committee (JIAC)**

- 2.32 The Home Office Financial Management Code of Practice states that the Mayor and Chief Constable should establish an Independent Audit Committee. In establishing and operating such Independent Audit Committee, the Mayor and the Chief Constable shall have regard to CIPFA Guidance on Audit Committees and principles of good practice set out in the HM Treasury Audit Committee Handbook.
- 2.33 The Mayor and Chief Constable shall appoint a Joint Independent Audit Committee comprising between three and five members who are independent of the Mayor and the Force.
- 2.34 The Joint Independent Audit Committee shall recommend formal terms of reference which shall be formally approved by the Mayor and the Chief Constable and reviewed on an annual basis by the Mayor and JIAC. The current Terms of Reference are set out as an Appendix to Part 7 of the Constitution.
- 2.35 The Joint Independent Audit Committee will liaise with the Authority's Audit, Standards and Risk Committee to ensure PCC activity is overseen at the appropriate level without duplication of activity.

### **Financial Management Standards**

- 2.36 The Mayor, Chief Constable and all employees have a duty to abide by the highest standards of probity (i.e. honesty, integrity and transparency) in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

### **Responsibilities of the Chief Finance Officers (PCC Functions and Force)**

- 2.37 To ensure the proper administration of the financial affairs of the Mayor and Chief Constable respectively. Both CFOs (PCC Functions and Force) are responsible for this.
- 2.38 To ensure that there are key controls in place to secure sound financial management. Both CFOs (PCC Functions and Force) are responsible for this.
- 2.39 To ensure that financial information is available to enable accurate and timely monitoring and reporting. Both CFOs (PCC Functions and Force) are responsible for this.
- 2.40 To ensure that all officers and staff are aware of, and comply with, proper financial management standards, including these Financial Regulations. Both CFOs (PCC Functions and Force) are responsible for this.
- 2.41 To ensure that all staff are properly managed, developed, trained and have adequate support to carry out their financial duties effectively. Both CFOs (PCC Functions and Force) are responsible for this.
- 2.42 To ensure that appropriate accounting policies are in place, applied consistently and reviewed annually. Both CFOs (PCC Functions and Force) are responsible for this.

## **Accounting Records and Returns**

- 2.43 Maintaining proper accounting records is one of the ways in which the Mayor and Chief Constable will discharge their responsibilities for stewardship of public resources. The Mayor and Chief Constable have a statutory responsibility to prepare annual accounts that present a true and fair view of their operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that adequate arrangements have been made for securing economy, efficiency and effectiveness in the use of resources.

## **Responsibilities of the CFOs (PCC Functions and Force)**

- 2.44 To determine the accounting procedures and records for the Mayor and Chief Constable, in accordance with recognised accounting practices, and approve the strategic accounting systems and procedures employed. All employees shall operate within the required accounting policies and published timetables. The CFO (Force) should obtain the approval of the CFO (PCC Functions) before making any fundamental changes to accounting records, procedures or accounting systems.
- 2.45 To make proper arrangements for the audit of the Mayor's and the Chief Constable's accounts in accordance with the Accounts and Audit Regulations as amended from time to time.
- 2.46 To ensure that all claims for funds including grants are made on a timely and accurate basis.
- 2.47 To ensure that all statutory returns and relevant statistical returns are accurate and made by the due date.
- 2.48 To ensure that bank reconciliations and other key control accounts are reconciled on a timely and accurate basis.
- 2.49 To prepare and publish the audited accounts in accordance with the statutory timetable.
- 2.50 To ensure that all transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
- 2.51 To maintain adequate records to provide a management trail leading from the source of income and expenditure through to the accounting statements
- 2.52 To observe the principles of segregation in the allocation of accounting duties in order to provide adequate control arrangements.
- 2.53 To ensure that financial records are both retained and disposed of in accordance with agreed policies and procedures.

## **The Annual Statement of Accounts**

- 2.54 Both the Mayor and the Chief Constable have a statutory responsibility to prepare their own Statement of Accounts to present a true and fair view of their operations during the year. They must be prepared in accordance with proper practices as set out in the CIPFA Code of Practice on Local Authority Accounting in the United

Kingdom (the Code). The Accounts of the Mayor will include Group Accounts covering both entities.

- 2.55 The Accounts are subject to detailed independent review by the external auditor. This audit provides assurance that the Accounts are prepared correctly, that proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of resources.

**Responsibilities of the CFOs (PCC Functions and Force).**

- 2.56 To draw up the timetable for the Accounts preparation, in consultation with the external auditor.
- 2.57 To prepare, sign and date the Statement of Accounts including the Group Accounts, for the financial year just ended, in line with guidance and statute.
- 2.58 To consider, approve and publish their unaudited accounts, and subsequently the audited accounts, in accordance with the statutory timetable.
- 2.59 To select suitable, common accounting policies and apply them consistently.
- 2.60 To comply with the Code of Practice on Local Authority Accounting.
- 2.61 To make judgements and estimates that are reasonable and prudent.

## **SECTION 3 – FINANCIAL PLANNING**

- 3.1 The Police Reform and Social Responsibility Act 2011 gives the Mayor responsibility for the totality of Policing within their Force area and requires the Mayor to hold the Chief Constable to account for the operational delivery of policing. The Mayor therefore sets the strategy and provides the financial resources against and within which the spending by the Mayor and the Chief Constable are managed. Both the Mayor and Chief Constable need to develop systems to enable resources to be allocated in accordance with priorities. Joint financial planning is essential for the Force and the Mayor to function effectively. There must be clear links to the overarching governance framework.
- 3.2 The strategic and financial planning process will be agreed annually, and will link strategic planning with financial planning, the timetable being agreed to meet key objectives and dates.
- 3.3 The planning process should be continuous, and the planning period should cover five years. The process should include a more detailed annual plan and budget, covering the forthcoming financial year. This allows the Mayor and the Chief Constable to plan, monitor and manage the way funds are allocated and spent during the financial year and over the medium term.
- 3.4 The format of the annual budget determines the level of detail to which financial control and management will be exercised and shapes how the virement rules operate. The annual budget will be supported by a detailed objective analysis of spending at district/command and departmental/branch level, together with the associated workforce plans.
- 3.5 It is recognised that the impact of financial planning in the police service will be constrained by the quality and timing of information made available by Central Government on resource allocation.

### **Medium Term Financial Planning**

- 3.6 The Mayor and Chief Constable share a responsibility to provide effective corporate, financial and budget planning for the short, medium and longer term. They achieve this by ensuring sufficient information is available to agree the policing need, commissioning, partnership and stakeholder requirements, investment, savings and growth. This is then translated into the medium term resource strategy, which includes financial projections for five years together with capital programme, treasury management and reserves strategies covering the same period. This explains how the Mayor and the Chief Constable will structure and manage their finances to support the delivery of the outcomes set out in the Mayor's Police and Crime Plan and to ensure there is sound financial management and good stewardship of public money.

## **Responsibilities of the Mayor**

- 3.7 To identify and agree, in consultation with the Chief Constable and other relevant partners and stakeholders, a medium term resource strategy which includes funding and spending plans for both revenue and capital. The strategy should take into account multiple years, the inter-dependencies of revenue budgets and capital investment, the role of reserves and consideration of risks. It should have regard to affordability and also to CIPFA's Prudential Code for Capital Finance in Local authorities. The Strategy must be aligned with the Police and Crime Plan and strategic objectives.

## **Responsibilities of the CFOs (PCC Functions and Force) and Chief Constable**

- 3.8 To determine the format and timing of the medium term resource strategy to be presented to the Mayor and the Chief Constable. The format is to comply with all legal requirements and with latest guidance issued by CIPFA.
- 3.9 To prepare a medium term forecast of proposed income and expenditure for submission to the Chief Constable and the Mayor.
- 3.10 To ensure that the medium term resources strategy aligns to agreed corporate strategies and plans, and includes the expected impact of demand, potential cost pressures, inflation, options for increased efficiency, workforce plans and the use of reserves and provisions alongside assumptions about future levels of government funding and the potential implications for local taxation.
- 3.11 To prepare a summary of medium term resource forecasts for consideration by the Mayor together with an identification of any gaps between proposed spending and available resources together with options for delivering a balanced strategy
- 3.12 When preparing the forecasts, the Chief Constable shall have regard to:
- (a) the Police and Crime Plan
  - (b) policy requirements approved by the Mayor as part of the policy framework
  - (c) the Force Management Statement
  - (d) the Strategic Policing Requirement
  - (e) the detailed workforce plans
  - (f) unavoidable future commitments, including legislative requirements
  - (g) initiatives already underway
  - (h) revenue implications of the capital programme
  - (i) proposed service developments and plans which reflect public consultation
  - (j) the need to deliver efficiency and/or productivity saving
  - (k) Government grant allocations
  - (l) potential implications for local taxpayers
- 3.13 Requirements should be prioritised by the Chief Constable to enable the Mayor to make informed judgements as to future funding levels and to plan the use of resources.



## **Annual Revenue Budget**

- 3.14 The revenue budget provides an estimate of the annual income and expenditure requirements for the police service, crime and community safety, Local Criminal Justice Board (LCJB) and the Authority's PCC Functions and sets out the financial implications of the Mayor's strategic policies. It provides Chief Officers with authority to incur expenditure and a basis on which to monitor the financial performance of both the Mayor and the Force.
- 3.15 The Mayor must consult with the public, Chief Constable and other relevant partners and stakeholders in planning the overall annual budget and precept proposals. This will take into consideration funding from Government and from other sources and balance the expenditure needs of the policing service and community safety and the Mayor against the level of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Act 2003) and be completed in accordance with the statutory timeframe.
- 3.16 The impact of the annual budget on the priorities and funding of future years as set out in the Police and Crime Plan and the medium-term resource strategy should be clearly identified.

## **Responsibilities of the Mayor**

- 3.17 To agree the strategic, and resource planning timetable including financial and workforce data with the Chief Constable.
- 3.18 To obtain the views of the local community on the spending plans for the financial year ahead of the financial year to which the proposed expenditure relates.
- 3.19 To present the proposed budget and precept recommendations to the Police and Crime Panel for consideration in accordance with legislative requirements and the agreed timetable.
- 3.20 To approve budgets for the police force, the Authority's PCC Functions, and other commissioned services, and set the precept after taking into account the views expressed by the Police and Crime Panel in accordance with legislative requirements and the agreed timetable.

## **Responsibilities of the CFO (PCC Functions)**

- 3.21 To determine the format of the revenue budget to be presented to the Mayor in consultation with the CFO (Force). The format is to comply with all legal requirements and with latest guidance issued by CIPFA.
- 3.22 To obtain timely and accurate information from billing authorities on the council tax base and the latest surplus/deficit position on collection funds to inform budget deliberations.
- 3.23 To advise the Mayor on the appropriate level of general and earmarked reserves and provisions to be held, together with appropriations from/to them.
- 3.24 To submit a report to the Mayor on the robustness of the estimates and the adequacy of reserves.

- 3.25 To submit the proposed Capital Strategy to the Mayor for approval.
- 3.26 To submit the proposed Treasury Management Strategy, including the recommended prudential indicators for the next three years, arising from the Prudential Code for Capital Finance in Local Authorities. These indicators shall be consistent with the annual revenue budget and Capital Programme approved by the Mayor.
- 3.27 To advise the Mayor on proposals around precept levels.
- 3.28 To prepare and submit the budget and precept proposals to the Mayor in line with statutory time frames.
- 3.29 Upon approval of the annual budget, to submit the council tax requirement return to central government and precept notifications to appropriate bodies in accordance with legal requirements.
- 3.30 To produce and issue information required by the billing authorities to explain how the precept will be used to pay for the cost of policing, in accordance with statutory requirements.

#### **Responsibilities of the Partnerships and Commissioning Manager**

- 3.31 As part of the strategic and financial planning process, to produce the commissioning needs analysis, statement of commissioning intentions and delivery plan, in order to feed into the Mayor's budget setting process by the key dates identified.

#### **Responsibilities of the Chief Constable, CFO (Force) and Director of Resources**

- 3.32 To prepare an evidenced assessment of South Yorkshire's policing need document, and associated budget estimates and medium-term resource strategy for the forthcoming financial year in accordance with the timetable agreed with the CFO (PCC Functions). This will include resources sufficient to finance foreseeable operational needs and demands without having to request additional approval. Appropriate savings and growth/ investment plans should also be provided if necessary.
- 3.33 To submit estimates in the agreed format to the Mayor for approval, including supporting information as required by the Mayor on the content of the budget in terms of service provision and anticipated outcomes to enable the Mayor to approve the level and allocation of resources.
- 3.34 The CFO (Force) is responsible for certifying the robustness of the budgets to the Chief Constable and the Mayor. The CFO (Force) must also provide information to the CFO (PCC Functions) relating to financial risk to enable an accurate assessment of the adequacy of reserves.

## **Budgetary Control**

- 3.35 Budget management ensures that once the Mayor has approved the budget, resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, enabling both the Chief Constable and Mayor to review spending against budget during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 3.36 The key controls for managing and controlling the revenue budget are that:
- (a) for each budget there is a nominated budget holder who is accountable for the budgets under his direct control
  - (b) for each budget a budget manager will be appointed by the CFO (Force) or CFO (PCC Functions) as appropriate
  - (c) the holding and management of budgets should be considered in conjunction with service outputs and performance measures.
- 3.37 The CFO's (PCC Functions and Force) shall jointly ensure that there is an appropriate framework of budget management and control within their respective organisations.

## **Revenue Monitoring**

- 3.38 By continuously identifying and explaining variances against budgetary targets, the Mayor and the Chief Constable can identify changes in trends and resource requirements at the earliest opportunity. The Mayor and Chief Constable both operate within an annual cash limit, approved when setting the annual budget. The Chief Constable and the CFO (Force), the Executive Director Policing and Reform and the CFO (PCC Functions) are required to manage expenditure within their budget allocations, subject to the rules of virement.

## **Responsibilities of the Chief Constable and CFO (Force)**

- 3.39 To provide and use appropriate financial information to enable budgets to be monitored effectively.
- 3.40 To ensure that each element of income or expenditure has a nominated budget holder to take responsibility for that part of the budget. Budget responsibility should be aligned as closely as possible to the decision making process that commits expenditure.
- 3.41 To ensure that total spending remains within the overall allocation of resources from the Mayor and take corrective action where significant variations from the approved budget are forecast. Where total projected expenditure exceeds the total allocation of resources, both the CFO (PCC Functions) and Mayor shall be alerted immediately and proposals for remedy should be put forward as part of the regular reporting process to the Mayor.
- 3.42 To ensure that the CFO (Force) presents a monthly Budget Monitoring Report to the Senior Command Team (SCT) in line with an annual timetable agreed by the Chief Constable.

- 3.43 To submit a monthly budget monitoring report to the Mayor in line with an annual timetable set by the Mayor. The reports shall be in a format agreed with the Mayor and CFO (PCC Functions) when the annual budget is approved. Where under or overspends are forecast, the underlying reasons need to be set out alongside appropriate recovery plans to achieve financial balance and deliver expected service outcomes in both the short and medium term.

### **Responsibilities of the CFO (PCC Functions)**

- 3.44 To provide and use appropriate financial information to enable:
- PCC Functions controlled budgets to be monitored effectively;
  - The consolidated budget position to be monitored effectively.
- 3.45 To ensure that each element of income or expenditure has a nominated budget holder to take responsibility for that part of the budget. Budget responsibility should be aligned as closely as possible to the decision making process that commits expenditure.
- 3.46 To ensure that total spending remains within the overall allocation of resources from the Mayor and take corrective action where significant variations from the approved budget are forecast. Where total projected expenditure exceeds the total allocation of resources proposals for remedy should be put forward as part of the regular reporting process to the Mayor.
- 3.47 To ensure that the CFO (PCC Functions) presents a monthly Budget Monitoring Report to the Senior Leadership Team (SLT) in line with an annual timetable agreed with the Executive Director Policing and Reform.
- 3.48 To submit a monthly budget monitoring report to the Mayor in line with an annual timetable set by the Mayor. Where under or overspends are forecast, the underlying reasons need to be set out alongside appropriate recovery plans to achieve financial balance and deliver expected service outcomes in both the short and medium term.

### **Virement**

- 3.49 A virement is an approved reallocation of resources between budgets. The virement scheme is intended to enable Chief Officers to manage their budgets with a degree of flexibility within the overall policy framework determined by the Mayor and, therefore, to provide the opportunity to optimise the use of resources to emerging needs.
- 3.50 The Chief Constable and the CFO (Force) are expected to exercise discretion in managing budgets responsibly and prudently and should only be required to refer back to the Mayor when virement would incur substantive changes in the policy of the Mayor or where a virement might create a future year or continuing commitment.
- 3.51 The Chief Constable shall still be held to account by the Mayor for decisions made and the way in which the resources are deployed. The virement rules allow flexibility but require detailed reports on significant changes.
- 3.52 To prepare a formal scheme of virement:

- (a) it is administered by Chief Officers subject to a scheme of consent from the Mayor. Any variation from this scheme requires the approval of the Mayor
- (b) the overall budget is agreed by the Mayor. Chief Officers and budget holders are therefore authorised to incur expenditure in accordance with the estimates that make up the budget
- (c) virement does not create additional overall budget liability.

### **Responsibilities of the Chief Constable and CFO (Force)**

- 3.53 Subject to paragraph 3.48, to approve any virement where the additional costs are fully reimbursed by other bodies.

### **Responsibilities of the Mayor**

- 3.54 To approve the scheme of virement and to note and approve the reports on virements submitted by the Chief Constable and his officers and staff.
- 3.55 The Mayor has consented to allow virements between budget headings provided that they operate within the limits defined in Section 7.
- 3.56 The exceptions to the above framework are that:
- (a) Virement is not permitted in relation to financing items such as asset charges or where a proposal would adversely affect long term revenue commitments of the Force and the Mayor; and
  - (b) When the virement is between an income budget line and an expenditure budget line which is directly related, approval is sought from the CFO (PCC Functions) and/or CFO (Force) and the income and expenditure budgets will be increased for budget monitoring purposes.
- 3.57 Budget lines will be cash limited and defined each year as part of the budget approval.
- 3.58 All requests for virement must be made in the format prescribed by the CFO (PCC Functions) and/or CFO (Force) and information on the virements within the limits set out in section 7 will be available to support budget monitoring report information.
- 3.59 The approval of the Mayor shall be required if the virement involves:
- (a) a substantial change in policy
  - (b) a significant addition to commitments in future years
  - (c) a transfer between capital and revenue.

### **Treatment of Year End Balances**

- 3.60 A year-end balance is the amount by which actual income and expenditure varies from the final budget identified down to devolved budget holder level. Arrangements are necessary for the transfer of resources between accounting years, i.e. a carry forward, should this be approved. This may increase or decrease the resources available to budget holders in the following financial year, dependent upon the nature of the budget variation.

- 3.61 The carry forward of underspent and overspent budgets may be permitted and then only within the delegation limits set out in section 7. Carry forwards are to be the subject of a report to the Mayor as part of the year end outturn report. Budget Managers will be required to satisfy the Chief Constable and the CFO (Force) that expenditure proposed against carried forward underspends is in accordance with Police and Crime Plan priorities and is non recurrent in nature.
- To ensure that Budget Managers report any overspend on their budgets in any financial year.
  - To consider reducing budgets for the following financial year where overspending has occurred or is expected to occur.
  - To refer all carry forwards that fall outside of the parameters stipulated in these Regulations to the Mayor for approval.
  - To consider whether any arrangements for carrying forward underspends on individual delegated budgets are appropriate and affordable when considering the level of reserves and balances as part of the development of a sustainable Medium Term Resources Strategy.

### **Capital Programme**

- 3.62 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and may create financial commitments in the form of financing costs and revenue running costs.
- 3.63 Capital investment can be undertaken providing the spending plans are affordable, prudent and sustainable. CIPFA's Prudential Code sets out the framework under which the Force and Mayor will consider their spending plans.
- 3.64 The capital programme should be linked to corporate objectives, strategies and plans, as well as the approved financial strategy, and should be supported by business cases and asset management plans.
- 3.65 These include strategies related to the workforce, estates, fleet, and IT, together with associated implementation plans which will be presented to the Mayor for approval.

### **Responsibilities of the Chief Constable, CFO (Force) and Director of Resources**

- 3.66 To prepare a 4 to 5 year rolling programme, of proposed capital investment for consideration and prioritisation by SCT, for consideration and approval by the Mayor. The programme shall be prepared in line with the strategic and financial planning timetable and be necessary to support corporate strategies and priorities. Each scheme shall identify the total capital cost of the project and any additional revenue commitments. The impact and outcomes of the schemes should be clearly identified at the outset.

- 3.67 The CFO (Force) should notify the CFO (PCC Functions) of any credit arrangements, such as finance leasing, that are proposed within the programme in order that the impact and affordability can be assessed prior to a request for formal consideration by the Mayor.
- 3.68 To prepare Capital Scheme Briefs for all schemes to be included in the capital programme. Those schemes above £250,000 must be submitted to the CFO (PCC Functions) and Mayor for consideration and scheme approval. This will include all additional revenue and capital costs, along with the identification of funding, benefits, drawbacks, project risks and relevant consultation.
- 3.69 Each capital project shall have a named project manager responsible for monitoring and reporting progress and ensuring the timely completion of the scheme. Each project manager will be provided with financial support appointed by the CFO (Force).
- 3.70 To identify with the CFO (PCC Functions) and to the Mayor any available sources of funding for the Capital Programme from potential capital receipts or proposals for direct revenue financing. This financing should be aligned to the approved underpinning corporate strategies around the workforce, Estates, IT and Fleet. Any shortfalls in financing proposals should also be identified.
- 3.71 A gap may be identified between available resources and required capital investment. Requirements should be prioritised by the Chief Constable to enable the Mayor to make informed judgements as to which schemes should be included in the Capital Programme, the minimum level of funding required for each scheme and the expected phasing of capital expenditure.
- 3.72 As part of the joint Mayor/Authority/ Force planning process, ensuring that there are adequate arrangements in place around capital, particularly in relation to business case and/ or investment appraisal information for each scheme, prior to its approval in the capital programme. Business cases should clearly set out the detail of any impact, need, benefits, drawbacks, risks and post implementation review, and these should be discussed with, and reported to the Mayor.
- 3.73 All schemes within the Capital Programme should be at outturn prices.
- 3.74 Following approval of the Capital Programme, the CFO (Force) and Director of Resources are authorised to incur expenditure on individual schemes with an initial cost of less than £250,000 without further reference to the Mayor. Any scheme with an initial cost in excess of £250,000 shall be submitted to the Mayor for approval.
- 3.75 Any subsequent increase in scheme cost which then increases the initial cost to a level in excess of £250,000, shall be submitted to the Mayor for approval.

Schemes under £250k:

- 3.76 The CFO (Force) and Director of Resources may utilise an under-spend to fund an overspend on another approved scheme so that the total approved Capital Programme remains within the capital resources approved. Such changes should be reported to the CFO (PCC Functions) so that the implications for borrowing and the Prudential Indicators can be monitored.

#### Mayor approved schemes over £250,000:

- 3.77 In order to ensure that the process is as efficient as possible, the CFO (Force) is permitted to authorise necessary additional individual scheme expenditure without having to return the decision to the Mayor, on the following basis:
- (a) That the additional expenditure does not exceed the lower of: 5% of total scheme costs or £250,000.
  - (b) That the additional cost can be contained within the existing capital programme funding.
- 3.78 Increases above this amount should be submitted to the Mayor for approval.
- 3.79 Cumulative additions of £100,000 or more to commitments in future years will require the approval of the Mayor.
- 3.80 Variances of more than 10% of initial estimated costs of individual schemes with a value of over £250,000 should be reported to the Mayor.
- 3.81 The CFO (Force) and Director of Resources are also authorised to spend up to 10% or £250,000, whichever is lower, of the cost of a capital scheme contained within the approved Capital Programme purely to meet the cost of design and preparatory works relating to the capital scheme prior to the preparation of a capital scheme brief. Should the scheme not proceed, the costs of any abortive fees must be written off to revenue in line with the delegations contained in section 7 and accommodated within the revenue budget and notified to the CFO (PCC Functions).

#### **Responsibilities of the CFO (PCC Functions)**

- 3.82 In relation to the PCC Functions capital programme, the principles of regulations 66 to 81 (above) apply. Discussions will however be undertaken internally within the Authority, at Senior Leadership Team level, with approval levels for the CFO (PCC Functions) aligning with those afforded above to CFO (Force).
- 3.83 In relation to the total capital programme, the following will apply:
- (a) To identify with the CFO (Force) and to the Mayor any available sources of funding for the Capital Programme from potential capital receipts or proposals for direct revenue financing. This financing should be aligned to the approved underpinning corporate strategies around workforce, Estates, IT and Fleet.
  - (b) As part of the joint Mayor/Authority/ Force planning process, ensuring that there are adequate arrangements in place around capital, particularly in relation to business case and/ or investment appraisal information for each scheme, prior to its approval in the capital programme. This should clearly set out the detail of any impact, need, benefits, drawbacks and post implementation review, and these should be discussed with, and reported to the Mayor. This will also include any proposed PCC Functions capital schemes.
  - (c) The CFO (PCC Functions) will assess the affordability of the proposed Capital Programme and will advise the Mayor on the overall funding for the Capital Programme, including the use of capital receipts, grants, revenue support and appropriate levels of borrowing.
  - (d) The CFO (PCC Functions) will advise the Mayor in setting affordable borrowing



limits and prudential indicators in accordance with the Prudential Code for Capital Finance in Local Authorities and the approved treasury management strategy.

### **Responsibilities of the Mayor**

- 3.84 To approve a fully funded medium term capital programme.

### **Monitoring of Capital Expenditure**

#### **Responsibilities of the Chief Constable, CFO (Force) and Director of Resources.**

- 3.85 To incur expenditure, providing the capital scheme brief has been approved and the cost of the schemes is included within the approved capital programme and provided cost variations do not exceed the sum contained in the approved programme by more than the amounts identified in Section 7.
- 3.86 To ensure that adequate records are maintained for all capital contracts.
- 3.87 To monitor progress of the capital programme and expenditure throughout the year against the approved programme.
- 3.88 To submit capital monitoring reports to the Mayor on a monthly basis throughout the year, liaising with the CFO (PCC Functions) to ensure that any PCC Functions capital schemes are captured in the monitoring reports. These reports are to be based on the most recently available financial information. The monitoring reports will show spending to date and compare projected income and expenditure with the approved programme. The reports shall be in a format agreed by the Mayor and CFO (PCC Functions), in line with the annual timetable agreed by the Mayor and CFO (PCC Functions).
- 3.89 To work with the CFO (PCC Functions) to identify and implement processes for continuous improvement in capital processes.
- 3.90 To report on the outturn of capital expenditure as part of the annual report on the statutory accounts in conjunction with the CFO (PCC Functions).

#### **Responsibilities of the CFO (PCC Functions)**

- 3.91 To incur expenditure on approved PCC Functions capital schemes, providing the capital scheme brief has been approved, the costs of the schemes is included within the approved capital programme and provided cost variations do not exceed the sum contained in the approved programme by more than the amounts identified in Section 7.
- 3.92 To ensure that adequate records are maintained for all capital contracts.
- 3.93 To work with the Director of Resources, and CFO (Force) to identify and implement processes for continuous improvement in capital processes.
- 3.94 To monitor progress of the PCC Functions capital schemes and expenditure throughout the year against the approved programme, and to liaise with the CFO (Force) to ensure that monitoring information is available for inclusion in the overall capital monitoring report to be presented to the Chief Constable and Mayor.

- 3.95 To report on the outturn of capital expenditure as part of the annual report on the statutory accounts in conjunction with the CFO (Force).

### **Reserves and Provisions**

- 3.96 As part of the decision on the budget and precept the Mayor needs to have regard to the level of reserves and balances the Mayor wishes to retain. Reserves and balances are maintained as a matter of prudence. They enable the organisation to provide for cash flow fluctuations and unexpected costly events and thereby help protect it from overspending the annual budget, should such events occur. Reserves for specific purposes may also be maintained where it is likely that a spending requirement will occur in the future.

### **Responsibilities of the CFO (PCC Functions)**

- 3.97 To advise the Mayor on reasonable levels of reserves following an assessment of financial risks facing the Mayor and Chief Constable.
- 3.98 To report to the Mayor on the adequacy of reserves and balances before he/she approves the annual budget and precept.
- 3.99 To approve appropriations to and from each earmarked reserve or, where consent has been given to the CFO (Force) to exercise responsibility for any earmarked reserve, to approve the process for undertaking such appropriations and subsequently notifying him.
- 3.100 To ensure that provisions are set aside for known liabilities of uncertain timing and / or amount and that expenditure is charged against provisions in accordance with proper accounting practice.

### **Responsibilities of the Mayor**

- 3.101 To approve a policy on reserves, including the minimum acceptable level of reserves, encapsulated within a reserves strategy prepared and updated annually by the CFO (PCC Functions) in consultation with the CFO (Force) and published on the Mayor's website.
- 3.102 To approve the creation of each earmarked reserve. The purpose, usage and basis of transactions should be clearly identified for each reserve established and detailed in the reserves strategy.
- 3.103 To approve the allocation of monies to and from general and earmarked reserves, as part of the annual budget setting and where required to support the budget throughout the year.
- 3.104 To approve the overall arrangements for contingency and carry forward of any reserves under the control of the CFO (Force).

### **Responsibilities of the CFO (Force)**

- 3.105 To provide a business case for Mayor approval for any proposed use of reserves, including expected benefits and timescales.

## **SECTION 4 – RISK MANAGEMENT AND BUSINESS CONTINUITY**

- 4.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all potential significant corporate and operational opportunities and risks to the Mayor and the Chief Constable. This should include the proactive participation of all those associated with planning and delivering services.
- 4.2 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk cannot be eliminated altogether. However, risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the Mayor and to ensure the continued corporate and financial wellbeing of both the Mayor and the Chief Constable. In essence it is, therefore, an integral part of good business practice and a core element of the Mayor's corporate governance framework.

### **Responsibilities of the Mayor and Chief Constable**

- 4.3 The Mayor and Chief Constable are jointly responsible for approving the opportunity and risk management policy statement and strategy, for reviewing the effectiveness of risk management, defining the risk appetite/tolerance and providing information and assurances to the Joint Independent Audit Committee.

### **Responsibilities of Chief Officers**

- 4.4 To prepare the above risk management policy statement which provides for opportunities and for promoting a culture of risk management awareness throughout the two organisations and reviewing risk as an ongoing process.
- 4.5 To implement procedures to identify, assess, prevent or contain material known risks, with a monitoring process in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be formalised and conducted on a continuing basis.
- 4.6 To ensure that appropriate business continuity plans are developed, implemented and tested on a regular basis.

### **Responsibilities of the CFO (PCC Functions), CFO (Force) and Director of Resources**

- 4.7 To advise the Mayor and Chief Constable on appropriate arrangements for insurance. Acceptable levels of risk should be determined and insured against where appropriate. Activities leading to levels of risk being assessed as unacceptable should not be undertaken.
- 4.8 To arrange for regular reviews to be undertaken of self-insurance arrangements and, following these reviews, to recommend to the Chief Constable and the Mayor a course of action to ensure that, over the medium term, funds are available to meet all known liabilities and following these reviews develop an insurance strategy.

### **Responsibilities of the Mayor and Chief Constable**

- 4.9 To ensure, in consultation with the CFO (PCC Functions), that appropriate insurance cover is provided, including where new risks are identified or circumstances affecting risks change.

- 4.10 To ensure efficient administration of insurance matters including the settlement of liability claims.
- 4.11 To notify the CFO (PCC Functions) of any significant claims.
- 4.12 To notify the Executive Director Policing and Reform of any terms of indemnity that are requested.
- 4.13 To ensure that claims made against insurance policies are made promptly.
- 4.14 To make all appropriate employees aware of their responsibilities for managing relevant risks.
- 4.15 To ensure that employees, or anyone covered by the Force and Authority's insurance, is instructed not to admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- 4.16 To ensure that comprehensive opportunity and risk registers for both the Mayor and the Chief Constable are produced and updated regularly, and that corrective action is taken at the earliest possible opportunity to either transfer, treat, tolerate or terminate identified risk.
- 4.17 To settle civil claims in accordance with the arrangements set out in Section 7.

#### **Responsibilities of the Executive Director Policing and Reform**

- 4.18 To evaluate and authorise any terms of indemnity that is requested by external parties.
- 4.19 To approve before any contract for works is made that the insurance cover to be furnished by the contractor in respect of any act or defaults unless cover is provided by the Mayor.

#### **Internal Control System**

- 4.20 Internal control refers to the systems devised by management to help ensure that objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Mayor's assets and interests are safeguarded.
- 4.21 Both the Mayor and the Chief Constable require an effective internal control framework to manage and monitor progress towards strategic objectives. Both have statutory obligations, and, therefore, require a system of internal control to identify, meet and monitor compliance with these obligations.
- 4.22 The Mayor and the Chief Constable face a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of their objectives. A system of internal control is necessary to manage these risks. The system of internal control is established in order to provide achievement of:
  - (a) Efficient, effective and economic operations
  - (b) reliable financial information and reporting
  - (c) compliance with laws and regulations
  - (d) risk management

- 4.23 To implement effective systems of internal control, in accordance with advice from the CFO's (PCC Functions and Force). These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant guidance and statements of best practice. They shall ensure that public resources are properly safeguarded and used economically, efficiently and effectively.
- 4.24 To ensure that effective key controls exist and are operating in managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance information and taking appropriate anticipatory and remedial action where necessary. The key objective of these control systems is to define roles and responsibilities.
- 4.25 To ensure that effective key controls are operating in financial and operational systems and procedures. This includes physical safeguard of assets, segregation of duties, authorisation and approval procedures and robust information systems.

***Responsibilities of the Executive Director Policing and Reform and CFO (PCC Functions)***

- 4.26 To ensure that the governance, risk and internal control systems of the Authority's PCC Functions are reviewed at least on an annual basis..
- 4.27 To ensure that an Annual Governance Statement is prepared for consideration and approval by the Mayor, in line with the CIPFA/SOLACE code.
- 4.28 To ensure that a review of governance and internal control is carried out for consideration by the Joint Independent Audit Committee.

***Responsibilities of the Chief Constable, CFO (Force) and Director of Resources.***

- 4.29 To ensure that the governance and internal control systems of the Force are reviewed at least on an annual basis. All senior officers, as determined by the Chief Constable are required to complete annual Officer Assurance Statements, setting out any governance or internal control issues identified within their area of responsibility as evidence for the review.
- 4.30 To ensure that an Annual Governance Statement is prepared for consideration and approval by the Chief Constable prior to the submission to the Mayor.
- 4.31 To report the review of governance, risk and internal control and the Annual Governance Statement to the Joint Independent Audit Committee.
- 4.32 To publish the Annual Governance Statement with the Statement of Accounts.
- 4.33 The Mayor and Chief Constable will each ensure they prepare and sign annual letters of representation and submit them to the external auditor.

**Internal Audit**

- 4.34 Internal Audit Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

- 4.35 Internal audit provision will be secured by the Authority for PCC functions and by the Chief Constable for the Police Service. Where shared services exist it may be appropriate for internal audit coverage to be discharged by one auditor on behalf of the other.
- 4.36 In the Police Service, the Mayor and the Chief Constable are required to maintain an effective audit of their affairs by virtue of the Accounts and Audit Regulations (as amended from time to time) which state that a “relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.”. The guidance accompanying the legislation states that proper internal control practices for internal audit are those contained in the Public Sector Internal Audit Standards and other relevant guidance documents prevailing from time to time.
- 4.37 In fulfilling this requirement, the Mayor and Chief Constable should have regard to the Code of Practice for Internal Audit in Local Government in the United Kingdom issued by CIPFA. The Statement on the Role of the Head of Internal Audit in Public Service Organisations issued by CIPFA also sets out best practice and should be used to assess arrangements to improve audit quality and governance arrangements.
- 4.38 In addition to enabling the Mayor and the Chief Constable to fulfil their requirements in relation to the relevant Accounts and Audit Regulations, internal Audit is needed:
- (a) to satisfy the Mayor and the Chief Constable that effective internal control systems are in place.
  - (b) to assist the external auditor in his conclusion regarding the reliability of the internal controls within the key financial systems and that the Police Fund is managed so as to secure value for money.

#### **Responsibilities of the CFO's (PCC Functions and Force)**

- 4.39 To ensure the commissioning of an adequate and effective internal audit service via a Service Level Agreement (SLA) or contract, as appropriate.
- 4.40 Service specifications and agreements should include the following responsibilities of the Head of Internal Audit as a minimum:
- To prepare, in consultation with the Mayor and CFOs (PCC Functions and Force) the Chief Constable and Director of Resources, annual audit plans that conform to the Public Sector Internal Auditing Standards for consideration by the Joint Independent Audit Committee.
  - To attend or be represented at meetings of the Joint Independent Audit Committee and to present to each Committee a report on the progress in delivering the annual plan, the matters arising from completed audits, and the extent to which agreed actions in response to issues raised in the audit reports have been delivered.
  - To present an annual report to the Joint Independent Audit Committee, including an opinion on the reliance that may be placed on the internal control, risk and governance framework and summarising the work completed during the financial year in support of this opinion.

## **Responsibilities of the Mayor, Chief Constable, CFOs (PCC Functions and Force) and Director of Resources**

- 4.41 To ensure that internal auditors, having been security cleared, have the authority to:
- (a) access Force and Authority premises at reasonable times;
  - (b) access all assets, records, documents, correspondence, control systems and appropriate personnel, subject to appropriate security clearance;
  - (c) receive any information and explanation considered necessary concerning any matter under consideration;
  - (d) require any employee to account for cash, stores or any other police and Mayor assets under their control; and
  - (e) access records belonging to contractors, when required. This shall be achieved by including an appropriate clause in all contracts.

## **Responsibilities of Chief Officers**

- 4.42 To consider and respond promptly to control weaknesses, issues and recommendations in audit reports and ensure that all critical or significant agreed actions arising from the audit are carried out in accordance with the agreed action plan included in each report.

## **Responsibilities of the CFO (Force) and Director of Resources**

- 4.43 To ensure that significant new systems for maintaining financial records or records of assets, or significant changes to existing systems, are discussed with and agreed by the CFO (PCC Functions) and internal audit prior to implementation.
- 4.44 To notify the CFO (PCC Functions) immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of police property or resources. Pending investigation and reporting, the Chief Constable should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Investigation of internal financial irregularities shall normally be carried out by the Professional Standards Department, who shall consult with the Head of Internal Audit as appropriate and keep him/her informed of progress. At the conclusion of the investigation the Head of Internal Audit shall review the case to identify any internal control weaknesses that allowed the financial irregularity to happen and shall make recommendations to ensure that the risk of recurrence is minimised. The operation of this Regulation shall be in accordance with the agreed protocol between the Chief Constable's Head of Professional Standards, the CFO's (PCC Functions and Force), the Director of Resources and the Head of Internal Audit referred to in the Anti-Fraud and Corruption Strategy and Fraud Response Plan.

## **External Audit**

- 4.45 Annual Statements of Account will be prepared for the Police Service and the Authority as single entities. PCC functions will be accounted for within the Authority's single entity accounts. Both single entity accounts will be individually audited by an appointed external auditor. The accounts of the Police Service will also be consolidated into the accounts of the Authority to form Group accounts. Group accounts will be audited by the auditor appointed by or for the Authority.
- 4.46 The Authority and the Chief Constable may choose to opt into Public Sector Audit Appointments Limited (PSAA) arrangements. The PSAA is responsible for appointing external auditors to each local authority, including the Authority and the Chief Constable. The external auditor has rights of access to all documents and information necessary for audit purposes.

- 4.47 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, the Audit and Accountability Act 2014, the Local Government Act 1999 and subsequent Accounts and Audit (England) Regulations. In particular, section 19 and schedule 6 of the 2014 Act require a code of audit practice to be prepared, which external auditors will follow when carrying out their duties. The code of audit practice sets out the auditor's objectives to review and report upon:
- (a) the financial aspects of the audited body's corporate governance arrangements
  - (b) the audited body's financial statements
  - (c) aspects of the audited body's arrangements to secure Value for Money
- 4.48 The 1998 Act sets out other specific responsibilities of the auditor, for example the completion of a certificate that the auditor has completed the audit in accordance with the act, and the issuing of an opinion on the accounts.

### **Responsibilities of the Joint Independent Audit Committee**

- 4.49 To advise the Mayor and Chief Constable on the appointment of the Force external auditors.
- 4.50 To approve, on behalf of the Mayor and the Chief Constable the Force external audit programme of work and associated fees.
- 4.51 To review the external auditor's report on the Force accounts to those charged with governance (ISA260) and any other reports, reporting on these to the Mayor and the Chief Constable as appropriate and including progress on the implementation of agreed recommendations.
- 4.52 To review the external auditor's Annual Audit Letter and making recommendations as appropriate to the Mayor and the Chief Constable.

### **Responsibilities of the CFOs (PCC Functions and Force)**

- 4.53 To liaise with the external auditor and advise the Authority and the Chief Constable on their responsibilities in relation to external audit and ensure there is effective liaison between external and internal audit.
- 4.54 To provide the Home Office with a copy of the annual audit letter.
- 4.55 To ensure that for the purposes of their work the external auditors are given the access to which they are statutorily entitled in relation to the Authority and Force premises, assets, records, documents, correspondence, control systems and personnel, subject to appropriate security clearance.
- 4.56 To respond to draft action plans and to ensure that agreed recommendations are implemented in a timely manner.

### **Preventing Fraud and Corruption**

#### **Other Inspection Bodies**

- 4.57 The Force and the Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HMICFRS (Force only) and the HM Revenue & Customs, who have statutory rights of access.
- 4.58 To receive and respond to reports from other inspection bodies.



- 4.59 The Mayor and the Chief Constable will not tolerate fraud or corruption in the administration of their responsibilities, whether from inside or outside their organisations.
- 4.60 The Mayor's and the Chief Constable's expectation of propriety and accountability is that employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 4.61 The Mayor and the Chief Constable also expect that individuals and organisations (e.g. suppliers, contractors, and service providers) with whom they come into contact will act with honesty and integrity and without thought or actions involving fraud and corruption. Suppliers must also be mindful of legislation in relation to the Bribery Act and money laundering.

### **Responsibilities of the Mayor and Chief Constable**

- 4.62 To foster a culture that will not tolerate fraud and corruption.
- 4.63 To adopt and maintain a whistle blowing policy to provide a facility that enables employees, the general public and contractors to make allegations of fraud, misuse and corruption in confidence, and without recrimination, to an independent contact. Procedures shall ensure that allegations are investigated robustly as to their validity, that they are not malicious, and that appropriate action is taken to address any concerns identified. The Mayor and the Chief Constable shall ensure that all employees are aware of any approved whistle blowing policy.
- 4.64 To adopt and maintain a policy on the registering of business interests and the receipt of gifts, gratuities and hospitality and to maintain a register of business interests and a register of gifts, gratuities and hospitality.
- 4.65 To ensure that adequate and effective internal control arrangements are in place including a clear internal financial control framework setting out the approved financial systems to be followed by all employees.
- 4.66 To participate in the National Fraud Initiative (NFI) data matching exercise.
- 4.67 To notify the CFO (PCC Functions) immediately of any suspected fraud, theft, irregularity or improper use or misappropriation of Force or Mayor property or resources.

### **Assets**

#### **Security**

- 4.68 Assets are held in the form of land, property, vehicles, equipment, furniture and other items. It is important that assets are safeguarded and used efficiently in service delivery, that there are arrangements for the security of both assets and information required for service operations and that proper arrangements exist for the disposal of assets. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management which provides information about assets so that they are:
  - (a) Accurately recorded and classified
  - (b) Safeguarded against loss;
  - (c) Used efficiently and effectively;
  - (d) Adequately maintained; and
  - (e) Valued in accordance with statutory and management requirements.
- 4.69 The Authority will own and fund all assets regardless of whether they are used by the

Mayor, by the Force or by both bodies.

- 4.70 The Chief Constable is responsible for the direction and control of the Force and should therefore have day-to-day management of all assets used by the Force.
- 4.71 The Chief Constable should work with the Mayor in relation to strategic and financial planning. The Mayor should consult the Chief Constable and other key partners in planning the budget and developing the underpinning Medium Term Resource Strategy. These processes should involve a full assessment of the assets required to meet operational requirements, including human resources, infrastructure, land, property and equipment.

### **Responsibilities of the Mayor and Chief Constable**

4.72 To ensure that:

- (a) assets and records of assets are properly maintained and securely held and that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place
- (b) lessees and other prospective occupiers of Authority land are not allowed to take possession or enter the land until a lease or agreement has been established as appropriate
- (c) title deeds to Authority property are held securely
- (d) no asset is subject to personal use by an employee without proper authority
- (e) valuable and portable items such as computers, cameras and video recorders are recorded on inventories
- (f) all employees are aware of their responsibilities with regard to safeguarding Authority assets and information, including the requirements of the Data Protection Act and software copyright legislation
- (g) assets no longer required are disposed of in accordance with the policies of the Mayor and the Chief Constable
- (h) all employees of the Chief Constable and the Mayor are aware of their responsibilities with regard to safeguarding the security of computer systems, including maintaining restricted access to the information held and compliance with computer and internet security policies.
- (i) officers of the Chief Constable and the Mayor respectively are aware of their responsibilities with regard to safeguarding of assets and information, including the requirements of the Data Protection Act.

### **Responsibilities of the Chief Constable**

- 4.73 The Chief Constable is responsible for the safe handling, retention and disposal of property brought into police possession, including seizure under the Drug Trafficking Act and the Proceeds of Crime Act 2002, in accordance with approved policies and regulations. Disposal of items not reclaimed or returned to owners will be arranged in accordance with the Force's disposal policy and the proceeds used in accordance with the Mayor's policy (for found property) and the Police (Property) Regulations 1997 (for other than found property). A report shall be submitted to the Mayor annually on the distribution of the proceeds of such disposals.

## **Valuation**

### **Responsibilities of the CFO (PCC Functions)**

- 4.74 To ensure that an asset register is maintained for all fixed assets with a value in excess of the limits in accordance with agreed policies. Assets are to be recorded when they are acquired and shall remain on the asset register until disposal. Assets are to be valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom.

### **Inventories, Stocks and Stores**

#### **Responsibilities of the Mayor and Chief Constable**

- 4.75 To ensure that inventories are maintained for the Force in a format approved by the CFO's (PCC Functions and Force) and the Director of Resources, that record an adequate description of items with a value in excess of the amount shown in Section 7. Other items of equipment should also be recorded if they are deemed to be both desirable and portable (e.g. laptops).
- 4.76 To ensure that inventories are maintained for the Mayor's office in a format approved by the CFO (PCC Functions) that record an adequate description of items with a value in excess of the amount shown in Section 7. Other items of equipment should also be recorded if they are deemed to be both desirable and portable (e.g. laptops).
- 4.77 The Mayor and Chief Constable must ensure that disposals and write offs of all stock or inventory items are actioned in accordance with limits set out in Section 7. Any write off above this level must be referred to the Mayor for approval.

#### **Responsibilities of the Chief Constable**

- 4.78 To make arrangements for the care, custody and control of the stocks and stores of the Force and to maintain detailed stores records in a form approved by the CFO (PCC Functions).
- 4.79 To undertake a complete stock check at least once per year either by means of continuous or annual stocktake. The stocktake shall be undertaken and certified by an authorised member of staff who is independent of the stock keeping function. This procedure shall be followed and a complete stock check undertaken whenever stock keeping duties change.
- 4.80 To ensure that adequate arrangements exist to discharge the above responsibilities in relation to stock administered by the Regional Procurement Unit on behalf of the Force and others in the region (for which South Yorkshire is the lead Force).

### **Intellectual Property**

- 4.81 Intellectual property is a generic term that includes inventions and writing.
- 4.82 If any Intellectual Property is created by either an employee of the Mayor or an employee of the Chief Constable during the course of employment, then, as a general rule, this will belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property. Certain activities undertaken within the Force may give rise to items that could be patented, for example, software development. These items are collectively known as intellectual property.

- 4.83 In the event that the Force or Mayor decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with an intellectual property policy. Matters should only proceed after legal advice.
- 4.84 Where the Mayor grants funding, the grant conditions should ensure that any intellectual property developed through the Mayor funding are retained by the Mayor.
- 4.85 The treatment of any intellectual property that has been developed through grants from other bodies via the Mayor (e.g. the Home Office) should be in line with the original funders grant agreement. These conditions should be replicated in the Mayor's grant agreement to funding recipients.

#### **Responsibilities of the Mayor and Chief Constable**

- 4.86 To ensure that employees are aware of these procedures.
- 4.87 To prepare guidance on intellectual property procedures and ensuring that employees are aware of these procedures.
- 4.88 To approve the intellectual property policy.

#### **Asset Disposals**

- 4.89 It would be uneconomical and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and these Financial Regulations.

#### **Responsibilities of the Chief Constable, CFO (Force) and Director of Resources**

- 4.90 To dispose of assets at the appropriate time and at the most advantageous price in accordance with the Asset Disposal Policy. Where this is not the highest offer, the Chief Constable shall consult with the CFO (PCC Functions). Prior approval of the Mayor is required for the disposal of land and buildings.
- 4.91 All asset disposals shall be recorded in the asset register or inventory as appropriate, other than those which are not required to be separately or individually accounted for within the inventory register.

#### **Responsibilities of the CFO's (PCC Functions and Force)**

- 4.92 To ensure that income received for the disposal of an asset is properly banked and accounted for.
- 4.93 To ensure that appropriate accounting entries are made to remove the value of disposed assets from asset records and to include the sale proceeds if appropriate.

#### **Treasury Management and Banking Arrangements**

##### **Treasury Management**

- 4.94 It is important that monies held by the Mayor and Chief Constable are managed properly, in a way that balances risk with return, but with the prime consideration being given to the security of the Mayor's capital sum.
- 4.95 The Mayor has adopted the CIPFA Treasury Management Framework and the following will be created and maintained as the cornerstones for effective treasury management:

- (a) A Treasury Management Strategy Statement (TMSS) stating the policies, objectives and approach to risk management of its treasury management activities;
- (b) Suitable Treasury Management Practices (TMPs) setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.

### **Responsibilities of the Mayor**

- 4.96 To be directly responsible for loans, investments and for borrowing money as the holder of the Police Fund.
- 4.97 To adopt the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code).
- 4.98 To approve the annual Treasury Management Strategy Statement together with the Annual Investment Strategy and Minimum Revenue Provision Statement
- 4.99 To receive and approve treasury management performance monitoring reports including an annual report on treasury management activity.

### **Responsibilities of the CFO (PCC Functions)**

- 4.100 To implement and monitor the TMSS policies and practices in line with the CIPFA Code and other professional guidance.
- 4.101 To prepare reports on the Authority's treasury management policies, practices and activities, including, as a minimum, an annual strategy, performance monitoring reports, including a mid-term review report and an annual report.
- 4.102 To execute and administer treasury management in accordance with the CIPFA Code and the Mayor's policy.
- 4.103 To arrange borrowing and investments, in compliance with the CIPFA Code.
- 4.104 To ensure that all investments and borrowings are made in the name of the Authority.

### **Banking Arrangements**

- 4.105 The Mayor is statutorily accountable to the public for the management of the Police Fund. The Mayor is the recipient of all funding relating to policing and crime reduction, including government grant and precept and other sources of income.
- 4.106 The Mayor and Chief Constable will have joint banking arrangements for their main banking requirements.

### **Responsibilities of the CFO (PCC Functions)**

- 4.107 To have overall responsibility for the banking arrangements for the Mayor and Chief Constable.
- 4.108 To authorise the opening and closing of all bank accounts and approve the relevant operating procedures. No other employee shall open a bank account unless they are performing a statutory function (e.g. CFO of a charitable body) in their own right.

- 4.109 To ensure that bank reconciliations are undertaken on a timely and accurate basis.
- 4.110 To ensure that lists of approved signatories on all bank accounts are maintained.

#### **Interest Accounts / Petty Cash**

- 4.111 Cash advances may be made to an individual in a department / establishment in order that relatively small incidental payments may be made quickly. A record of disbursements from the account should be maintained to control the account and so that the expenditure may be substantiated, accurately reflected in the Mayor's accounts and correctly reimbursed to the account holder.

#### **Responsibilities of the Chief Constable**

- 4.112 To provide appropriate employees of the Force with cash, bank imprests or pre-paid cash cards to meet minor expenditure on behalf of the Force. The Chief Constable shall determine reasonable petty cash limits and maintain a record of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances.
- 4.113 To determine reasonable petty cash limits and maintain a record of all transactions and petty cash advances made, and periodically review the arrangements for the safe custody and control of these advances.

#### **Money Laundering**

- 4.114 Both the Mayor and Chief Constable are alert to the possibility that they may become the subject of an attempt to involve them in a transaction involving the laundering of money.
- 4.115 Under no circumstances should cash payments of more than £5,000 be accepted for any transaction whether carried out in a single operation or in several operations which appear to be linked.
- 4.116 Internal control procedures will be monitored to ensure they are reliable and robust.

#### **Responsibilities of the Chief Finance Officers (PCC Functions and Force)**

- 4.117 To be the nominated Money Laundering Reporting Officer (MLRO) for the Mayor and Chief Constable respectively.
- 4.118 Upon receipt of a disclosure to consider, in the light of all information, whether it gives rise to such knowledge or suspicion.
- 4.119 To disclose relevant information to national investigative agencies.

#### **Responsibilities of Chief Officers**

- 4.120 To undertake appropriate checks to ensure that all new suppliers and counterparties are bona fide.

#### **Responsibilities of Employees**

- 4.121 To notify the CFO (PCC Functions and Force) as soon as they receive information which may result in them knowing or having reasonable grounds for knowing or suspecting money laundering, fraud or use of the proceeds of crime

- 4.122 Where an individual offers to make a payment to the Force of over £5,000 in cash, this should be reported to the CFO's (PCC Functions and Force). This instruction does not apply to seizures and subsequent banking under the Proceeds of Crime Act.

### **Covert Accounts**

- 4.123 In order to maintain the strictest confidentiality and to prevent any link to the force, it is necessary to purchase company identities and to set up bank accounts that mirror those identities in order to support covert operations.

### **Responsibilities of the CFO (PCC Functions)**

- 4.124 To authorise the opening and closing of covert accounts, and to consider and approve any associated bank indemnities.
- 4.125 To delegate the authorisation for covert accounts and their maintenance, including creation of a register of covert accounts, to the CFO (Force) initially in order to preserve the covert identity of that account.

### **Responsibilities of the CFO (Force)**

- 4.126 To agree the detailed Force operating procedures.

### **Staffing**

- 4.127 Staffing costs form the largest element of the annual policing budget. An appropriate Workforce strategy should exist, in which staffing requirements and budget allocations are matched. The Chief Constable is responsible for approving the overall Workforce strategy for the Force in consultation with the Mayor.

### **Responsibilities of the Chief Constable and Mayor**

- 4.128 To ensure that employees are appointed, employed and dismissed in accordance with relevant statutory regulations, national agreements and personnel policies, budgets and strategies agreed by the Mayor.
- 4.129 To advise the Mayor on the budget necessary in any given year to cover estimated staffing levels
- 4.130 To adjust the staffing numbers to meet the approved budget provision, and varying the provision as necessary within policy constraints in order to meet changing operational needs
- 4.131 To have systems in place to record all matters affecting payments to staff, including appointments, resignations, dismissals, secondments, suspensions, transfers and all absences from work.
- 4.132 To approve policy arrangements for premature retirements on grounds of ill-health or efficiency for all staff and redundancy arrangements for support staff.

### **Trust Funds**

- 4.133 Trust Funds have a formal legal status governed by a Deed of Trust. Employees and police officers acting as trustees must ensure that they are conversant with the requirements of the Trust Deed and the law and comply fully with them.

- 4.134 In respect of trust funds these Financial Regulations should be viewed as best practice, which must be followed whenever practicable.
- 4.135 No employee shall open a trust fund relating to their official capacity without the specific approval of the CFO's (PCC Functions and Force).

### **Responsibilities of Trustees**

- 4.136 All employees shall ensure that they have received suitable training to support their role and their personal legal obligations and should satisfy themselves they are covered by appropriate insurance arrangements. All employees acting as trustees by virtue of their official position shall ensure that accounts are audited as required by law and submitted annually to the appropriate body, and the CFO's (PCC Functions and Force) shall be entitled to verify that this has been done.

### **Police Property Act**

- 4.137 The Police (Property) Act 1897 as amended by the Police (Property) Act 1997 is a fund whereby allocations are received from the sale of recovered stolen goods or property that has been found. If the owners of the property are not traceable then the goods are sold at auction. The monies from the sale of goods are then redistributed by way of grants or donations to local charitable bodies that support and complement local policing and crime reduction priorities.
- 4.138 The Mayor and Chief Constable will determine an appropriate policy for distributing monies to charitable bodies in accordance with the Police (Property) Act 1897 as amended by the Police (Property) Act 1997.
- 4.139 To make donations to charitable bodies within the Force area in accordance with the requirements of the Police (Property) Act 1897 as amended by the Police (Property) Act 1997.
- 4.140 To determine those items of crime property which may be retained for police purposes subject to consulting with the CFO (PCC Functions).
- 4.141 The Chief Constable is required to exercise a duty of care and safeguard evidential or non-evidential property pending decisions on its ownership, or private property of an individual e.g. a suspect in custody.

### **Responsibilities of the Chief Constable**

- 4.142 To determine procedures for the safekeeping of the private property of a person, other than a member of staff, under his guardianship or supervision. These procedures shall be made available to all appropriate employees.
- 4.143 To determine procedures for the safekeeping of evidential or non-evidential property. These procedures shall be made available to all appropriate employees and shall make specific reference to the need for insurance of valuable items.

### **Responsibilities of all employees**

- 4.144 To notify the Chief Constable immediately in the case of loss or diminution in value of such private property.



## **Proceeds of Crime Act**

### **Responsibilities of the Chief Constable**

- 4.145 The Chief Constable to determine a policy for dealing with cash including seized cash under the Proceeds of Crime Act in consultation with the Mayor.

### **Gifts, Loans and Sponsorship**

- 4.146 In accordance with the Police Act 1996, the Mayor may decide to accept gifts of money and gifts or loans of other property or services (e.g. car parking spaces) if they will enable the police either to enhance or extend the service which they would normally be expected to provide. The terms on which gifts or loans are accepted may allow commercial sponsorship of some police Force activities.
- 4.147 Gifts, loans and sponsorship are particularly suitable for multi-agency work such as crime prevention, community relations work, and victim support schemes.
- 4.148 Gifts, loans and sponsorship can be accepted from any source which has genuine and well intentioned reasons for wishing to support specific projects. In return, the provider may expect some publicity or other acknowledgement. It is acceptable to allow the provider to display the organisation's name or logo on publicity material, provided this does not dominate or detract from the purpose of the supported project.
- 4.149 The total value of gifts, loans and sponsorship accepted, should not exceed 1% of the Mayor / Chief Constable gross expenditure budget annually.
- 4.150 Full details of arrangements in this area are contained in the Force's policy on Sponsorship and Donations.

### **Responsibilities of the Mayor**

- 4.151 To approve the policy on gifts, loans and sponsorship.

### **Responsibilities of the Executive Director Policing and Reform and CFO (Force)**

- 4.152 To accept and record gifts, loans or sponsorship within agreed policy guidelines.
- 4.153 To refer all gifts, loans and sponsorship above the limits set out in Section 7 to the Mayor for approval before they are accepted.
- 4.154 To maintain a central electronic register of all sponsorship, loans and gifts to the Force and the Authority in exercise of PCC Functions, including their value, and for this to be reviewed by the CFO (PCC Functions) quarterly.
- 4.155 To present an annual report to the extended management board listing all gifts, loans and sponsorship received by the Force.

## **SECTION 5 – SYSTEMS & PROCESSES – INTRODUCTION**

- 5.1 There are many systems and procedures relating to the control of Mayor assets, including purchasing, costing and management systems. The Mayor and Chief Constable are reliant on computers for financial management information. This information must be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 5.2 The CFO's (PCC Functions and Force) both have a statutory responsibility to ensure that financial systems are sound and should therefore be notified of any significant proposed new developments or changes.
- 5.3 The Chief Constable and Mayor will share common financial systems where appropriate.

### **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.4 To make arrangements for the proper administration of the Mayor and the Chief Constable's financial affairs respectively, including to:
- (a) issue advice, guidance and procedures for officers and others acting on behalf of the Mayor or Chief Constable
  - (b) determine the accounting systems, form of accounts and supporting financial records
  - (c) establish arrangements for the audit of the Mayor's and the Chief Constable's financial affairs
  - (d) approve any significant new financial systems to be introduced and approve any significant changes to existing financial systems.
- 5.5 To ensure, in respect of systems and processes, that:
- (a) systems are secure, adequate internal control exist and accounting records (e.g. invoices, income documentation) are properly maintained and held securely and that duties are appropriately segregated to minimise the risk of error, fraud or other malpractice;
  - (b) appropriate controls exist to ensure that all systems input, processing and output is genuine, complete, accurate, timely and not processed previously;
  - (c) a complete audit trail is maintained, allowing financial transactions to be traced from the accounting records to the original document and vice versa;
  - (d) systems are documented and staff trained in operations.
- 5.6 To ensure that there is a documented and tested business continuity plan to allow key system processing to resume quickly in the event of an interruption. Effective contingency arrangements, including back up procedures, are to be in place in the event of a failure in computer systems.
- 5.7 To establish separate schemes of delegation from the Mayor and the Chief Constable to their own staff, identifying staff authorised to act on their behalf in respect of income collection, placing orders, making payments and employing staff.

### **Income**

- 5.8 Income is vital and effective systems are necessary to ensure that all income due is identified, collected, receipted and banked promptly. The responsibility for cash collection should be separated from that for identifying the amount due and for reconciling the amount due to the amount received.

## **Context**

- 5.9 The Mayor and Chief Constable will jointly agree charging policies when applying charges under section 25 of the Police Act 1996. They should keep in mind that the purpose of charging for special services is to ensure that, wherever appropriate, those using the services pay for them.
- 5.10 The Mayor and the Chief Constable should ensure that there are arrangements in place so that expected charges are clearly identified in their budgets and that costs are accurately attributed and charged. When considering budget levels the Mayor and the Chief Constable should ensure that ongoing resource requirements are not dependant on a significant number of uncertain or volatile income sources and should have due regard to sustainable and future year service delivery.
- 5.11 When specifying resource requirements the Chief Constable will identify the expected income from charging. The Chief Constable should adopt NPCC charging policies in respect of mutual aid unless the Chief Constable and Mayor agree a different scheme of charges.

## **Responsibilities of the Mayor and Chief Constable**

- 5.12 To adopt the NPCC national charging policies and national guidance when applying charges under section 25 of the Police Act 1996 unless the Chief Constable and Mayor agree a different scheme of charges and to keep scales of fees and charges under review with such reviews being carried out at least annually.

## **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.13 To agree a charging policy for the supply of goods and services, including the appropriate charging of VAT, and to review it regularly in line with corporate policies. All charges should be at full cost recovery and consistent with NPCC guidelines, except where regulations issued under statute require otherwise or with the express approval of the Mayor.
- 5.14 To ensure income is not used to cash personal cheques or make other payments.

## **Responsibilities of the CFO (Force)**

- 5.15 To order and supply to appropriate employees all receipt forms, books or tickets and similar items and be satisfied as to the arrangements for their control. Official receipts or other suitable documentation shall be issued for all income received.

## **Responsibilities of the CFO's (PCC Functions and Force).**

- 5.16 To operate effective debt collection procedures.
- 5.17 To approve the write-off of cash discrepancies and bad debts in accordance with the limits set out in Section 7. A permanent record shall be maintained by the authorising officers of amounts written off which should be available for inspection by the Mayor if required. Any write off greater than this must be referred to the Mayor for approval.
- 5.18 To raise debtor accounts or otherwise levy charges imposed pursuant to these Financial Regulations.

## **Ordering and Paying for Work, Goods and Services**

- 5.19 Public money should be spent in accordance with the Mayor's policies. Both the Mayor and the Chief Constable have a statutory duty to ensure financial probity and best value. Procedures should assist in ensuring that value for money is obtained by purchasing arrangements within both the PCC Functions and the Force, which should be in accordance with the procurement strategy and each parties' relevant procurement rules as appropriate.

## **Responsibilities of the Mayor and Chief Constable**

- 5.20 To maintain a procurement policy covering the principles to be followed for the purchase of goods and services and that all payments are made in accordance with this policy.
- 5.21 To ensure that official orders are issued for all work, goods or services, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions approved by the CFOs. Orders must be in a form approved by the CFO (PCC Functions).
- 5.22 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of the Chief Constable and Mayor contracts.
- 5.23 Goods and services ordered must be appropriate and there must be adequate budgetary provision. Quotations or tenders must be obtained where necessary, in accordance with these regulations and each parties' procurement rules as appropriate.
- 5.24 Payments are not to be made unless goods and services have been received at the correct price, quantity and quality in accordance with any official order.
- 5.25 To ensure that payments are made to the correct person, for the correct amount, on time and are recorded properly, regardless of the method of payment.
- 5.26 To ensure that VAT is recovered where appropriate.
- 5.27 To ensure that all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.
- 5.28 To ensure that control systems are in place for the payment of accounts in accordance with the Late Payments of Commercial Debts (Interest) Act 1998.
- 5.29 To ensure that every police officer and employee declares any links or personal interests that they may have with purchasers, suppliers and contractors if they are engaged in contractual or purchasing decisions on behalf of the Mayor or Chief Constable and that such persons take no part in the selection of a supplier or contract with which they are connected.

## **Payments to Employees**

- 5.30 Employee costs are the largest item of expenditure for the policing budget. It is therefore important that there are controls in place to ensure accurate, timely and valid payments are made in accordance with individuals' conditions of employment.
- 5.31 To ensure the secure and reliable payment of salaries, overtime, pensions, compensation and other emoluments to existing and former employees.

- 5.32 To ensure that tax, superannuation and other deductions are made correctly and paid over at the right time to the relevant body.
- 5.33 To pay all valid travel and subsistence claims or financial loss allowance.
- 5.34 To pay salaries, wages, pensions and reimbursements by the most economical means.
- 5.35 To ensure that payroll transactions are processed only through the payroll system. Payments to individuals employed on a self-employed consultant or subcontract basis shall only be made in accordance with HM Revenue & Customs (HMRC) requirements. The HMRC applies a tight definition of employee status, and in cases of doubt, advice should be sought from them.
- 5.36 To ensure that full records are maintained of payments in kind and properly accounted for in any returns to the HMRC.

### **Taxation**

- 5.37 Tax issues are often very complex and the penalties for incorrect and/or untimely accounting for tax are severe.

### **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.38 To ensure that arrangements are in place for the timely completion and submission of all HM Revenue & Customs (HMRC) returns regarding PAYE and that due payments are made in accordance with statutory requirements.
- 5.39 To ensure that arrangements are in place for the timely completion and submission of VAT claims, inputs and outputs to HMRC.
- 5.40 To ensure that the correct VAT liability is attached to all income due and that all VAT receivable on purchases complies with HMRC regulations
- 5.41 To provide details to the HMRC regarding the construction industry tax deduction scheme.
- 5.42 To ensure that all trading activities are carried out in the name of the Mayor.
- 5.43 To ensure that appropriate technical staff have access to up to date guidance notes and professional advice.

### **Corporate Credit Cards**

- 5.44 Credit cards provide an effective method for payment for designated officers who, in the course of their official business, have an immediate requirement for expenditure which is relevant to the discharge of their duties.

### **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.45 To authorise and maintain control over the issue and cancellation of cards.
- 5.46 To provide full operating procedures to all cardholders.

### **Responsibilities of Credit Card holders**

- 5.47 To ensure that purchases are in accordance with approved policies

- 5.48 To provide receipted details of all payments made by corporate credit card each month, including nil returns, to ensure that all expenditure is correctly reflected in the accounts and that VAT is recovered.

### **Purchasing Cards**

- 5.49 Purchasing cards are an alternative method of buying and paying for relatively low value goods, which generate a high volume of invoices. This should generate an efficiency saving from lower transaction costs (i.e. fewer invoices processed and paid for through the integrated accounts payable system), as well as reducing the number of petty cash transactions.

### **Responsibilities of the Chief Finance Officers (PCC Functions and Force)**

- 5.50 To authorise and maintain control over the issue and cancellation of cards.
- 5.51 To provide full operating procedures to card holders.
- 5.52 To reconcile the purchase card account to the ledger on a monthly basis.

### **Responsibilities of Purchasing Card holders**

- 5.53 To be responsible for ordering and paying for goods and services in accordance with any procurement policy, each parties' procurement rules as appropriate and all procedures laid down.

### **Cash Cards**

- 5.54 Cash cards allow authorised officers in agreed circumstances to obtain cash from ATMs up to a maximum limit per day.

### **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.55 To authorise and maintain control over the issue and cancellation of cards to provide full operating procedures to card holders.
- 5.56 To provide detailed procedures for the management of the process for uploading of funds, reconciliation of transactions and payments to the system provider.

### **Responsibilities of Cash Card holders**

- 5.57 To be responsible for the withdrawal of and discharge of funds in line with Force procedures and the requirements set out within RIPA.

### **Ex Gratia Payments**

- 5.58 An ex-gratia payment is a payment made by the Mayor or the Chief Constable where no legal obligation has been established. An example may be where recompense is made to a police officer for damage to personal property in the execution of duty or to a member of the public for providing assistance to a police officer in the execution of duty.

### **Responsibilities of the CFO's (PCC Functions and Force)**

- 5.59 To make ex gratia payments, on a timely basis, to members of the public up to the level shown below in any individual instance, for damage or loss to property or for personal injury or costs incurred as a result of police action where such a payment is likely to

facilitate or is conducive or incidental to the discharge of any of the Functions of the Mayor or Chief Constable.

- 5.60 To make ex gratia payments, on a timely basis, up to the level shown below in any individual instance, for damage or loss of property or for personal injury to a police officer, police staff or any member of the extended police family, in the execution of duty.
- 5.61 To make ex gratia payments by way of reimbursement or contribution towards the costs of remedying criminal damage occasioned to property owned or occupied by a police officer or other employee of the Force which would not have been occasioned had the officer or employee in question was not known to be an officer or employee of the Force.
- 5.62 To maintain details of ex gratia payments in a register:
- To make ex-gratia payments up to the limit set out in Section 7.
  - The Chief Constable shall produce an annual report to the Mayor summarising the payments made by him under these arrangements. Any ex-gratia payment above this level must be referred to the Mayor for approval.

## **SECTION 6 – EXTERNAL FUNDING**

- 6.1 External funding can be a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Mayor. Funds from external agencies provide additional resources to enable policing objectives to be delivered. However in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Police and Crime Plan.
- 6.2 The main sources of such funding will tend to be specific Government grants, additional contributions from local authorities and donations from third parties (e.g. towards capital expenditure)
- 6.3 The Policing Protocol Order 2011 Section 16 states that the Mayor is the recipient of all funding including government grant and precept and other sources of income relating to policing and crime reduction and all funding for the Chief Constable must come via the Mayor. How the funding is allocated is a matter for the Mayor in consultation with the Chief Constable, or in accordance with any grant terms.

### **Responsibilities of the Mayor**

- 6.4 To approve the policy on inward investment.

### **Responsibilities of Chief Officers**

- 6.5 To pursue actively any opportunities for additional funding where this is considered to be in the interests of the Mayor and in line with the Chief Constable's policing priorities and the Police & Crime Panel.
- 6.6 To ensure that the match funding requirements and exit strategies are considered prior to entering into the agreements and that future medium term financial forecasts reflect these requirements.

### **Responsibilities of the Chief Constable, CFO (Force) and Director of Resources**

- 6.7 All grant funding for the Force must come via the Mayor. Grant funding should only be considered when it clearly meets policing objectives and priorities in line with the Police and Crime Plan.
- 6.8 Subject to the above regulation, the CFO (Force) or Director of Resources, in consultation with each other, may accept, or bid for, grant of up to £100,000. Any grant bids or grant acceptance above this level must be referred to the Mayor for consideration and approval.
- 6.9 The CFO (Force) must ensure that any key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood. Any conditions placed on the Mayor in relation to external funding must be in accordance with the approved policies of the Mayor. If there is a conflict, this needs to be taken to the Mayor for resolution.
- 6.10 A central register of external funding must be maintained including information on expected outcomes, risks, staffing implications as per the agreed inward investment policy.
- 6.11 An annual report should be submitted to the Mayor on the achievements of the external funding, demonstrating the effect on Mayor objectives and priorities in line with the Police and Crime Plan.



- 6.12 The CFO (Force) must ensure that all grant income received by the Force is notified to the CFO (PCC Functions), that all claims for funds are made by the due date and properly authorised and that any audit requirements are met.

### **Responsibilities of the CFO (PCC Functions)**

- 6.13 To ensure that all funding notified by external bodies is received and properly accounted for, that all claims for funds are made by the due date and properly authorised and that any audit requirements specified in the funding agreement are met.

### **Joint Working Arrangements**

- 6.14 Public bodies are increasingly encouraged to provide seamless service delivery through working closely with other public bodies, local authorities, agencies and private sector providers.
- 6.15 Joint working arrangements can take a number of different forms, each with its own Governance arrangements. These can be grouped under the following headings:
- (a) Partnerships
  - (b) Consortia
  - (c) Collaboration
- 6.16 Partners engaged in joint working arrangements have common responsibilities:
- (a) to act in good faith at all times and in the best interests of the partnership's aims and objectives
  - (b) to be willing to take on a role in the broader programme, appropriate to the skills and resources of the contributing organisation
  - (c) to be open about any conflicts that might arise
  - (d) to encourage joint working and promote the sharing of information, resources and skills
  - (e) to keep secure any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
  - (f) to promote the project
- 6.17 In all joint working arrangements the following key principles must apply:
- (a) before entering into the agreement, a risk assessment has been prepared
  - (b) such agreements do not impact adversely upon the services provided by the Force and Mayor
  - (c) project appraisal is in place to assess the viability of the project in terms of resources, staffing and expertise
  - (d) all arrangements are properly documented
  - (e) regular communication is held with other partners throughout the project in order to achieve the most successful outcome
  - (f) audit and control requirements are satisfied
  - (g) accounting and taxation requirements, particularly VAT, are understood fully and complied with
  - (h) an appropriate exit strategy has been produced
  - (i) the Mayor and Chief Constable elements of all joint working arrangements must comply with these Financial Regulations

### **Partnerships**

- 6.18 The term partnership refers to groups where members work together with a shared vision for a geographic or themed policy area and agree a strategy in which each partner contributes towards its delivery. A useful working definition of such a partnership is where the partners:

- (a) are otherwise independent bodies
- (b) agree to co-operate to achieve a common goal
- (c) achieve it to create an organisational structure or process and agreed programme, and share information, risks and rewards

6.19 The number of partnerships, both locally and nationally, is expanding in response to Central Government requirements and local initiatives. This is in recognition of the fact that partnership working has the potential to:

- (a) comply with statutory requirements
- (b) deliver strategic objectives in new and better ways
- (c) improve service quality and cost effectiveness
- (d) ensure the best use of scarce resources and access new resources
- (e) deal with issues which cut across agency and geographic boundaries, and where mainstream programmes alone cannot address the need
- (f) forge new relationships
- (g) find new ways to share risk

6.20 Partnerships typically fall into three main categories i.e. statutory based, strategic, and ad-hoc.

#### Statutory based

These are partnerships that are governed by statute. They include, for example, Community Safety Partnerships (CSPs) and Local Strategic Partnerships (LSPs).

#### Strategic

6.21 These are partnerships set up to deliver core policing objectives. They can either be Force-wide or local.

#### Ad-hoc

6.22 These are typically locally based informal arrangements.

### **Responsibilities of the Mayor**

6.23 To approve the policy on partnerships.

### **Responsibilities of the Chief Constable and Executive Director Policing and Reform**

6.24 To maintain a register of partnership arrangements (including information on funding and other resources invested in the partnership, assessment of risk and copy of the relevant partnership agreement or memorandum of understanding as per the agreed policy on partnerships).

6.25 To undertake a regular review of partnership working to ensure the continued relevance to Mayor objectives and priorities in line with the Police and Crime Plan.

6.26 To ensure that all partnership arrangements involving the provision of services by external bodies in exchange for payment or other means of support shall contain the following clause: "The relevant Internal Audit Team shall have all reasonable rights of access to information and persons of the partnership body to ensure that the internal control arrangements are sound, the Mayor's financial interests are protected and payments made can be accounted for and confirmed to be adequate and correct."

- 6.27 To report bi-annually to the Mayor on the achievements of the partnership demonstrating how the partnerships contribute to the Mayor objectives and priorities in line with the Police and Crime Plan.

### **Consortium Arrangements**

- 6.28 A consortium is a long-term joint working arrangement with other bodies, operating with a formal legal structure approved by the Mayor.

### **Responsibilities of Chief Officers**

- 6.29 To contact the Executive Director of Policing and Reform before entering into a formal consortium agreement, to establish the correct legal framework.
- 6.30 To consult, as early as possible, the CFO's (PCC Functions and Force) to ensure the correct treatment of taxation and other accounting arrangements.
- 6.31 To produce a business case to show the full economic benefits to be obtained from participation in the consortium.
- 6.32 To produce a Memorandum of Understanding (MOU) setting out the appropriate governance arrangements for the project. This document should be signed by the Executive Director Policing and Reform following consultation with the Monitoring Officer.

### **Responsibilities of the Mayor**

- 6.33 To approve Force participation in the consortium arrangement.

### **Collaboration**

- 6.34 Under sections 22A to 22C of the Police Act 1996, as inserted by section 89 of the Police Reform and Social Responsibility Act 2011, Mayors and Chief Constables each have the legal power and duty to enter into collaboration agreements with other Mayors (PFCCs or Mayors) and police forces, and others, to improve the efficiency or effectiveness of policing. Any collaboration which relates to the Functions of a police force must first be agreed with the Chief Constable and will result in a collaboration agreement that both the Mayor and Chief Constable must be a party to.
- 6.35 Any such proposal must be discussed with the Executive Director Policing and Reform, the Monitoring Officer, the two CFOs (PCC Functions and Force), the Deputy Chief Constable and SYP's Director of Resources in the first instance.
- 6.36 The Mayor and Chief Constable each has a statutory duty to keep collaboration agreements under review.
- 6.37 Since the Mayor is a party to a force collaboration agreement, the CC cannot seek to vary the strategic objectives for a collaboration, nor seek to vary or terminate a formal s22A collaboration agreement without the Mayor's approval. Any such proposal to vary objectives or an agreement or terminate an agreement must be discussed with the Executive Director Policing and Reform, the Monitoring Officer, the two CFOs (PCC Functions and Force), the Deputy Chief Constable and SYP's Director of Resources in the first instance.

- 6.38 The Mayor shall hold the Chief Constable to account for any collaboration in which the Force is involved, and for keeping collaboration agreements under review, and must consider doing so in co-operation with the other Mayors (or Police Force Chief Constables or Police and Crime Commissioners) concerned.

### **Commissioning of Services**

- 6.39 As set out in section 10 of the Police Reform and Social Responsibility Act 2011, the Mayor is given the responsibility for co-operative working. This allows the Mayor, within the constraints of the relevant funding streams, to pool funding as they and their local partners deem appropriate.
- 6.40 The Mayor can commission services or award grants to organisations or bodies that they consider will support their community safety priorities in accordance with their Police and Crime Plan. They may do this individually or collectively with other local partners including non-policing bodies. In exercising his Functions, must have regard to the relevant priorities of each responsible authority.
- 6.41 When the Mayor commissions services, agreement is required on the shared priorities and outcomes expected to be delivered through the contract or grant agreement with each provider. Ring-fenced provision of grants is allowed in support of each provider. The inclusion of detailed grant conditions directing recipients how to spend funding need not be the default option, however, there is an expectation that outcomes will be defined prior to the grant being given, and that the delivery of these will be monitored.
- 6.42 The power to make crime and disorder grants with conditions is contained in section 9 of the Police Reform and Social Responsibility Act 2011. The power to contract for services is set out in paragraph 14 of Schedule 1 and paragraph 7 of Schedule 3 to the Police Reform and Social Responsibility Act 2011.
- 6.43 It is important to ensure that risk management and project appraisals are in place to assess the viability - both on initiation and on an ongoing basis - of all external arrangements and that an exit strategy is prepared.

### **Responsibilities of the Mayor**

- 6.44 To consult and work with local leaders and criminal justice system partners, having due regard to the relevant priorities of local partners when considering and setting the Police and Crime Plan.
- 6.45 To make appropriate arrangements to commission, and where necessary de-commission, services from either the Force or external providers so as to best meet the strategic priorities as set out in the Police and Crime Plan.
- 6.46 To award crime and disorder grants.

### **Responsibilities of the Executive Director Policing and Reform**

- 6.47 To develop a commissioning framework that will support the objectives as set out in the Police and Crime Plan.
- 6.48 To ensure that consideration of the wider impact on other public bodies, local authorities and voluntary sector organisations is considered within the commissioning framework, and that where appropriate, local people, service users and providers are consulted as part of the commissioning process.

- 6.49 To agree on behalf of the Mayor expenditure or grant funding up to a level of £30,000, provided this is within overall agreed budget levels. Any approvals should be in line with the Mayor's overarching commissioning principles as set out in the commissioning framework and with reference to the strategic priorities as set out in the Police and Crime Plan.
- 6.50 To develop appropriate control processes and procedures so as to ensure that monitoring of performance against agreed key performance indicators and negotiated outcomes is maintained and to provide assurances to the Mayor on the same.
- 6.51 To consult with the CFO (PCC Functions) as early as possible to ensure the correct treatment of taxation and other financial and accounting arrangements.
- 6.52 To assist the CFO (PCC Functions) to carry out the financial aspects of the responsibilities around commissioning, and in particular to budget and account for incoming funding and outgoing expenditure in accordance with accounting requirements.

### **Work for External Bodies**

- 6.53 The Chief Constable provides services to other bodies outside of normal obligations, for which charges are made e.g. training, special services. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is not ultra vires.

### **Responsibilities of the CFO (Force) and Chief Constable**

- 6.54 To ensure that proposals for assistance are costed, that no contract is subsidised by the Force and that, where possible, payment is received in advance of the delivery of the service so that the Force is not put at risk from any liabilities such as bad debts.
- 6.55 To ensure that appropriate insurance arrangements are in place.
- 6.56 To ensure that all contracts are properly documented.
- 6.57 To ensure that such contracts do not impact adversely on the services provided by the Mayor.
- 6.58 The CFO (Force) and Director of Resources are authorised to submit tenders for the supply of goods and/or services to other bodies up to the value of £50,000. The submission of tenders for the supply of goods and/or services in excess of £50,000 require the approval of the Executive Director Policing and Reform.

## **SECTION 7 – SUMMARY OF FINANCIAL LIMITS UNDER DELEGATIONS AND CONSENTS**

The following will apply:

### **Virement**

- 7.1 The CFO (PCC Functions) may approve a virement within the Mayor's annual budget allocation, except if it involves a transfer of funds from revenue to directly fund capital expenditure.
- 7.2 The CFO (Force) may approve a virement within the Force's annual budget allocation, except if it involves a transfer of funds from revenue to directly fund capital expenditure.
- 7.3 These cases must be referred to the Mayor for approval, via the CFO (PCC Functions).
- 7.4 Information regarding virements between revenue and capital, and vice versa, should be retained and reported to the Mayor on a regular basis, or when requested by the Mayor.
- 7.5 The CFO (PCC Functions) must be consulted and Mayor's approval obtained for any other virement proposal that cannot be contained within the existing Force budget in the current and/or future years.
- 7.6 Subject to the controls on external finance in section 6, the CFO (Force) can approve any virement where the additional costs are fully reimbursed by other bodies.

### **Carry Forward of Resources**

- 7.7 Throughout the year, each budget holder shall ensure that income and expenditure is monitored against the budgets for which they are responsible. The CFO (Force) may be allowed to carry forward unspent budget allocations into the new financial year, subject to agreement annually by the Mayor, provided it is within statutory regulations. Any budget overspends may also be carried forward to be met from the budget for the new financial year, provided it is within statutory regulations.

### **Contingency**

- 7.8 As part of the annual budget process, the Mayor may agree a separately identified contingency sum available to the Chief Constable, together with the arrangements for approval and reporting distributions for the amount agreed.

### **Capital Expenditure**

- 7.9 The CFO (PCC Functions) is authorised to incur expenditure on individual PCC Functions schemes of less than £250,000 within the approved Capital Programme without further reference to the Mayor.
- 7.10 The CFO (Force) is authorised to incur expenditure on individual Force schemes of less than £250,000 within the approved Capital Programme without further reference to the Mayor.
- 7.11 Any scheme with an initial cost in excess of £250,000, or any subsequent increase in scheme cost which then increases the initial cost to a level in excess of £250,000, shall be submitted to the Mayor for approval.
- 7.12 Any other change to the Capital Programme, including the addition of new schemes to be funded by grant or revenue contribution, require the prior approval of the Mayor in respect of all changes over £25,000.

- 7.13 The CFO (PCC Functions) is permitted to authorise necessary additional individual PCC Functions scheme expenditure, and the CFO (Force) is permitted to authorise necessary additional individual Force scheme expenditure, without having to return the decision to the Mayor, on the following basis:
- (a) That the additional expenditure does not exceed the lower of:
    - i. 5% of total scheme costs or £250,000.
  - (b) That the additional cost can be contained within the existing capital programme funding.
- 7.14 Increases above this amount should be submitted to the Mayor for approval.
- 7.15 Cumulative additions of £100,000 or more to commitments in future years will require the approval of the Mayor.
- 7.16 The CFO (Force) may utilise an underspend on any approved Force scheme to fund an overspend on another approved scheme so that the total approved Capital Programme remains within the capital resources approved. Such changes should be reported to the CFO (PCC Functions) so that the implications for borrowing and the Prudential Indicators can be monitored.
- 7.17 Each CFO may incur costs to meet the design and any preparatory works relating to their own organisations capital schemes within the approved Capital Programme of up to 10% of the total scheme value or £250,000 whichever is lower. Should the Force scheme not proceed, then the abortive costs must be accommodated within the Force revenue budget and notified to the CFO (PCC FUNCTIONS).

### **Inventories, Stocks and Stores**

- 7.18 The CFO's (PCC Functions and Force), and the Director of Resources (in consultation with the CFO- Force) may individually authorise disposals and write offs of inventory items up to a value of £10,000 and stocks and stores up to the value of £15,000, based on cost price. A permanent record shall be maintained by the authorizing officers of amounts written off which should be reported to the CFO (PCC Functions) annually.

### **Legal Claims**

- 7.19 The settlement of legal claims brought against the Chief Constable may be approved by the following officers and with the following respective delegated limits, where they are not deemed exceptional:
- The t Head of Legal Services for South Yorkshire Police may approve settlement of such claims up to the value of £25,000 (excluding legal costs);
  - The CFO (Force) may approve settlement of such claims up to the value of £50,000 (excluding legal costs);
  - The Deputy Chief Constable may approve settlement of such claims up to the value of £50,000 (excluding legal costs) in consultation with the CFO (Force);
  - The Executive Director Policing and Reform may approve, in consultation with the Monitoring Officer, settlement of such claims up to the value of £50,000 (excluding legal costs);
  - In the absence of the Executive Director Policing and Reform, the CFO (PCC Functions) may approve, in consultation with the Monitoring Officer, settlement of such claims up to the value of £50,000 (excluding legal costs).

7.20 Claims in excess of this amount, and exceptional claims, must be approved by the Mayor.

7.21 Claims are deemed “exceptional” where:

- (a) they involve a high profile claimant;
- (b) there is a particular public interest in the case;
- (c) there is a real risk that the Mayor or CC will be exposed to serious public criticism, or serious weaknesses in the organisation or policies and procedures will be revealed.

7.22 Legal claims will be reported quarterly to the Mayor.

### **Anti-Money Laundering**

7.23 Under no circumstances should cash payments of more than £5,000 be accepted for any transaction whether carried out in a single operation or in several operations which appear to be linked.

7.24 Where an individual offers to make a payment to the Force of over £5,000 cash, this should be reported to the CFO's (Force and PCC Functions). This instruction does not apply to seizures and subsequent bankings under the Proceeds of Crime Act.

### **Gifts, Loans and Sponsorship**

7.25 The Commander/Head of Department may grant approval if the level of gift, sponsorship or loan does not exceed £2,000.

7.26 All proposals with a value over £2,000 or where there are financial implications for the Force, then approval may be granted in accordance with the following:

- i) Up to £20,000 – CFO (Force)
- ii) Over £20,000 – Executive Director Policing and Reform or CFO (PCC Functions).

### **Income**

7.27 The CFOs (PCC Functions and Force) and the Director of Resources may individually authorise write offs of cash discrepancies up to the value of £5,000 and bad debts to £10,000. A permanent record shall be maintained by the authorising officers of amounts written off which should be reported to the Mayor annually.

### **Ex-gratia Payments**

7.28 The CFO's (PCC Functions and Force) and the Director of Resources may individually authorise ex-gratia payments of up to £20,000. An annual report by the Chief Constable to the Mayor summarising the payments made under these arrangements shall be produced.

### **External Funding**

7.29 The CFO (Force) may accept, or bid for, grants of up to £100,000. Any grant bids or grant acceptance above this level must be referred to the Mayor for consideration and approval on an annual basis.

### **Commissioning**

7.30 Subject to a process being agreed prior the start of the financial year. The Executive Director Policing and Reform may agree, in consultation with the CFO (PCC Functions),



expenditure or grant funding on behalf of the Mayor. All such decisions should be reported to the Mayor as soon as practicable.

### **Work for External Bodies**

- 7.31 The CFO's (PCC Functions and Force) and Director of Resources are authorised to submit tenders for the supply of goods and/or services to other bodies up to the value of £50,000. The submission of tenders for the supply of goods and/or services in excess of £50,000 requires the approval of the Mayor.

## APPENDIX B - JOINT INDEPENDENT AUDIT COMMITTEE – TERMS OF REFERENCE

**[Pending approval by the Mayor and the Chief Constable at the next JIAC]**

## Joint Independent Audit Committee

### Attendees:

All JIAC Members	Deputy Chief Constable
Director of Finance (Police and Crime), SYMCA	Director of Resources, SYP
Head of Governance (Police and Crime), SYMCA	Head of Finance, SYP
Governance and Compliance Manager, OPCC	
Representative from Internal Audit Service	Representative from External Audit
Report Authors – as required	

### Frequency:

At least 4 times per year.

### Purpose:

The JIAC is responsible for enhancing public trust and confidence in the governance of police and crime functions exercised by the Mayor and South Yorkshire Police (SYP). It also assists the Mayor in discharging statutory responsibilities in holding the Force to account.

The JIAC works in conjunction with the SYMCA Audit, Standards and Risk Committee (ASRC). The ASRC is the primary audit committee of SYMCA, responsible for supporting the SYMCA Board in the management of its affairs and oversight.

The JIAC will lead on all South Yorkshire Police matters covered in the terms of reference. The JIAC will liaise with the ASRC on police and crime functions undertaken within SYMCA and those corporate functions undertaken to deliver police and crime activity to ensure that appropriate coverage is delivered between the two Committees.

SYMCA wide matters, such as the annual external audit process for the SYMCA single entity and Group accounts, and the SYMCA Annual Governance Statement, will be matters reserved to the ASRC. JIAC will liaise with the ASRC to support the Committee in its work as necessary.

This is achieved by:

- Advising and supporting the Mayor, Chief Constable and statutory officers in ensuring that effective governance arrangements are in place and functioning efficiently and effectively, making any recommendations for improvement.
- Providing independent assurance on the adequacy and effectiveness of the police and crime functions and SYP internal control environment, risk management framework, and the integrity of the financial reporting and annual governance processes.
- Overseeing the effective application of the local code of governance and financial reporting processes, including the Annual Governance Statement as they relate to police and crime matters.
- Scrutinising the effectiveness of the Chief Constable's Anti Fraud, Bribery and Corruption strategy and any supporting policies, making recommendations for improvement as appropriate.

- Ensuring effective value for money arrangements are in place for police and crime functions through oversight of the Mayor's Value for Money strategy and delivery against this.
- Independently scrutinising financial and non-financial police and crime performance to the extent that it affects exposure to risk and weakens the internal control environment.
- Provide comment to the ASRC on the SYMCA Treasury Management Strategy (TMS) and supporting policies as it applies to police and crime matters, noting that the endorsement of the TMS and its quarterly review is undertaken at the ASRC
- Approving internal audit work programmes for police and crime functions and associated fees
- Coordination with the ASRC for internal audit work programme activity on SYMCA Group wide activity as it applies to police and crime functions
- Overseeing the independence, objectivity, performance and professionalism of the internal audit service as it applies to police and crime functions
- Considering reports and recommendations of internal audit reports on police and crime activity and monitoring the effective completion of any recommendations within the timescales identified.
- Oversight of the external audit process, noting the ASRC's role in scrutinising the annual statement of accounts for the SYMCA Group before their endorsement to the MCA Board
- Considering reports and recommendations of external audit and inspection agencies where there are implications for governance, risk management or control.
- Carrying out assurance activity commissioned by the Mayor (and / or the CC) usually by a Public Accountability Board (PAB) discussion or other event.

## **JOINT INDEPENDENT AUDIT COMMITTEE**

### **TERMS OF REFERENCE**

#### **Purpose of the Audit Committee**

The Joint Independent Audit committee (JIAC) is a key component of the South Yorkshire Mayoral Combined Authority (SYMCA) and South Yorkshire Police (SYP) corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards as they relate to police and crime matters.

The purpose of the Joint Independent Audit Committee is to provide independent advice and recommendation to the Mayor and The Chief Constable on the adequacy of the governance and risk management frameworks, the internal control environment, and financial reporting, as they relate to police and crime matters, thereby helping to ensure efficient and effective assurance arrangements are in place. To this end the committee is enabled and required to have oversight of, and to provide independent review of, the effectiveness of SYMCA's police and crime functions and SYP governance, risk management and control frameworks, its financial reporting and annual governance processes, and internal audit and external audit.

JIAC is responsible for enhancing public trust and confidence in the governance of SYMCA's police and crime functions and SYP. It also assists the Mayor in discharging statutory responsibilities in holding the Force to account.

Noting that SYMCA's portfolio of activity is broader than police and crime functions, JIAC will work closely with the SYMCA Audit, Standards, and Risk Committee (ASRC). Coordination between the Committees is required to provide mutual assurance on cross-over activity, particularly around corporate functions, risk management, and external and internal audit activity. JIAC will be lead on all discrete police and crime activity, with the ASRC leading on other SYMCA functions and corporate and Group activity.

These terms of reference will summarise the core functions of the committee in relation to SYMCA, the Mayor and to SYP and describe the protocols in place to enable it to operate independently, robustly and effectively.

#### **Governance, risk, and control**

The committee will provide advice and recommendations to the Mayor or Chief Constable in relation to the following areas:

- Review the corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- Review the annual governance statement[s] prior to approval and consider whether they properly reflect the governance, risk and control environment and supporting assurances and identify any actions required for improvement.
- Consider the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- Consider the framework of assurance and ensure that it adequately addresses the risks and priorities of the Mayor/SYP.

- Monitor the effective development and operation of risk management, review the risk profile, and monitor progress of the Mayor/Chief Constable in addressing risk-related issues reported to them.
- Independently scrutinising police and crime financial and non-financial performance to the extent that it affects SYMCA's and SYP's exposure to risk and weakens the internal control environment.
- Consider reports on the effectiveness of internal controls as they relate to police and crime functions and monitor the implementation of agreed actions.
- Review arrangements for the assessment of fraud risks and potential harm from fraud and corruption and monitor the effectiveness of the counter fraud strategy, actions and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.
- Ensuring effective value for money arrangements are in place for police and crime functions through oversight of the Value for Money strategy and delivery against this.
- Coordinate with the SYMCA ASRC on any cross-over activity that may relate to shared functions and SYMCA Group wide activity.

## **Internal audit**

The committee will provide advice and recommendations to the Mayor or Chief Constable in relation to the following areas:

- Coordinate with the SYMCA ASRC on the development of internal audit plans for shared functions and SYMCA Group wide activity
- Annually review the internal audit charter and resources and receive confirmation of the organisational independence of the internal audit activity.
- To review the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To consider significant interim changes to the risk-based internal audit plan and resource requirements.
- Coordinate with the SYMCA ASRC on the appointment and consider the adequacy of the performance of the internal audit service and its independence.
- Consider the head of internal audit's annual report and opinion, and a regular summary of the progress of internal audit activity against the audit plan, and the level of assurance it can give over corporate governance arrangements.
- To consider the head of internal audit's statement of the level of conformance with the Public Sector Internal Audit Standards and the results of the Quality Assurance Improvement Program that support the statement – these will indicate the reliability of the conclusions of internal audit.
- Consider summaries of internal audit reports and such detailed reports as the committee may request from the Mayor/Chief Constable, including issues raised or recommendations made by the internal audit service, management response and progress with agreed actions.
- Consider a report on the effectiveness of internal audit to support the AGS

- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To make recommendations on safeguards to limit such impairments and periodically review their operation.

## **External audit**

- The committee will provide advice and recommendations to the Chief Constable in relation to the following areas:
- Support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by either Public Sector Audit Appointments (PSAA) or the auditor panel as appropriate.
- Comment on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.
- To advise on commissions of additional work from external audit
- Consider the external auditor's annual management letter, relevant reports, and the report to those charged with governance.
- Consider specific reports as agreed with the external auditor.
- Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee
- The committee will coordinate with the SYMCA ASRC with regards to the external audit of the SYMCA Group accounts, and provide any necessary support to the ASRC for consideration of police and crime related activity within the SYMCA single entity accounts

## **Financial reporting**

The JIAC will provide advice and recommendations to the Mayor or Chief Constable in relation to the following areas:

- Review the SYP single entity and Police Fund annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit of the financial statements that need to be brought to the attention of the Mayor and/or the Chief Constable.
- Consider the external auditor's report to those charged with governance on issues arising from the audit of the SYP and Police Fund financial statements.
- In collaboration with the ASRC, scrutinise the SYMCA Treasury Management strategy and any supporting policies as they relate to police and crime functions, making recommendations for improvement as appropriate
- To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.

## **Accountability arrangements**

The JIAC will do the following:

- Coordinate with the SYMCA ASRC to ensure effective and coherent coverage of Committee arrangements across the SYMCA Group.
- On a timely basis report to the Mayor and the Chief Constable with its advice and recommendations in relation to any matters that it considers relevant to governance, risk management, strategic concerns and financial management.
- Report to the Mayor and the Chief Constable on its findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management, strategic concerns and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- Review its performance against its terms of reference and objectives on an annual basis and report the results of this review to the Mayor and the Chief Constable.
- Publish an annual report on the work of the committee
- Approving internal and external audit work programmes and associated fees.
- Carrying out assurance activity commissioned by the Mayor (and / or the CC) usually by a Public Accountability Board (PAB) discussion or other event.

### **Meetings**

The Committee will, under normal circumstances, meet at least five times per year. These will be scheduled to coincide with its key responsibilities and functions.

The quorum for the Committee will be three members.

### **Responsibilities of the Audit Committee**

The Audit Committee has the authority to investigate any activity within its terms of reference and the right of access to obtain all the information and explanations it considers necessary, from whatever source, to fulfil its remit.

The Audit Committee is a non executive function of the organisations.

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
Internal Control Framework				



Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
<p>To assure the Mayor and CC that the internal control framework in operation within SYMCA (as it relates to police and crime functions) and SYP remains adequate and effective, and to advise on improvements as appropriate. To include discrete assurances on (but not be limited to):</p> <ul style="list-style-type: none"> <li>the internal financial control environment</li> <li>insurance arrangements</li> <li>treasury management</li> <li>value for money arrangements</li> <li>process for complaints against SYMCA and SYP and their staffs</li> <li>audit follow up arrangements.</li> </ul>	Via Internal Audit annual programme of reviews and other commissioned work	HoIA	Annual (March)	<b>Advise</b> Mayor/CC on Annual IA Plan (& <b>update advice</b> as necessary during year in response to changing risk profile).
			Each meeting	<b>Receive</b> summary reports from HIA on completed reviews & HIA's Annual Report, and <b>advise</b> Mayor/CC on assurance provided ( <b>commenting</b> on any recommendations to strengthen ICF)
	Via Internal Audit statement of independence		Annual (March)	<b>Receive</b> statement from Internal Audit and <b>advise</b> Mayor/CC on assurance provided.
	Via External Audit Annual Audit Letter (incl. VFM opinion)	External Audit Lead	Annual	<b>Advise</b> Mayor/CC on appropriateness of proposed EA Plan
			Annual	<b>Liaise</b> with SYMCA ASRC on Group accounts external audit
			Annual	<b>Receive</b> EA External Audit Letter and <b>advise</b>

Function	How discharged	Lead Officer(s)	Frequency	JAC Action / Output
			Annual	Mayor/CC on assurances provided  <b>Liaise</b> with SYMCA ASRC on Group accounts External Audit Letter and advise Mayor/CC on assurance provided
<b>Corporate Risk Management</b>				
To assure the Mayor and CC that SYP/SYMA corporate risk management strategy and framework for assessing and managing key risks to the SYMCA police and crime functions and SYP remains adequate and effective, and advise on improvements to the framework as appropriate.	Via IAS's annual review of risk management arrangements	HolA	Annual	<b>Advise</b> Mayor/CC to include review of RM arrangements in Annual IA Plan
To the extent that the Committee itself becomes aware of emerging potential risks, or possible changes to the assessment of current risks, to advise the Mayor and CC on matters to be re-considered.	Via consideration of SYMCA and Force risk registers relating to police and crime, together with Committee's own horizon scanning & review of external reports (e.g. HMIC)	SYMCA Executive Director Resources & Investment or delegate / DCC/Force Director of Resources	Every meeting	<b>Review</b> risk registers having particular regard to changes since last meeting. <b>Consider</b> whether changes reflect Committee's own view of changing risk profile, and <b>advise</b> Mayor/CC accordingly on continued effectiveness of risk management process and whether any changes required to Annual IA Plan &/or other assurances need to be commissioned.

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
	Via a 'link member' scheme	Heads of Department		<b>Liaise</b> with key members of staff in specific risk areas, <b>understand</b> the issues at a more detailed level, and <b>report</b> on assurance levels to the JIAC, raising issues as necessary with the Mayor/ CC.
<b>Governance Framework</b>				
<p>To assure the Mayor and CC that the process for producing the SYP Annual Governance Statement (AGS) for publication with the annual accounts (together with associated improvement action plans) is adequate and effective, such that the content of the draft AGS is accurate and soundly based, and advise on improvements to the process and/or amendments to the draft AGS as appropriate.</p> <p>To assure the Mayor and CC that the policies and procedures of SYP and SYMCA (as they may pertain to police and crime functions) have been reviewed each year and align to relevant professional standards and statutory requirements, and advise on the appropriateness and completeness of any proposed updates.</p> <p><i>NB</i> the policies and procedures to be updated annually include (but are not limited to):</p> <ul style="list-style-type: none"> <li>financial regulations and procedures, including contract standing orders and procedures</li> </ul>	Via SYMCA's and CC's annual governance review process supported by appropriate IA reviews	<p>SYMCA Executive Director Resources and Investment or delegate</p> <p>DCC / Director of Resources</p>	Annual	<p><b>Review</b> the arrangements in place for the annual review of the effectiveness and compliance with SYMCA's and CC's governance arrangements.</p> <p><b>Consider</b> if those review arrangements have been effective and <b>advise</b> the Mayor and CC as to any improvements in process or in the proposed outcome of the annual review.</p> <p><b>Consider</b> the draft SYP AGS and be satisfied that it has been prepared using the results of the annual review process and that it reflects the Committee's understanding of the</p>

Function	How discharged	Lead Officer(s)	Frequency	JAC Action / Output
<ul style="list-style-type: none"> <li>codes of conduct and behaviour, including anti-fraud and anti-corruption and whistleblowing arrangements</li> <li>insurance arrangements</li> <li>treasury management</li> <li>the process for dealing with external complaints</li> <li>information governance (information management, information security, records management, FOI/DPA legal compliance).</li> </ul> <p>To liaise with the SYMCA ASRC on matters of overlap, particularly relating to corporate functions and Group wide activity, including the production of the SYMCA Annual Governance Statement.</p>				<p>control, risk and governance matters affecting the CC.</p> <p><b>Liaise</b> with the SYMCA ASRC on the production of the SYMCA Annual Governance Statement as it relates to police and crime functions.</p> <p><b>Liaise</b> with the SYMCA ASRC on the <b>scrutiny</b> of treasury management strategy and policies as they relate to police and crime functions.</p>
<b>Financial Reporting/Accounts</b>				
<p>To review the draft Police Fund Annual Statement of Accounts and to advise the Mayor and CC on the continued suitability of accounting policies and major areas of judgement, e.g. provisions, and advise on changes and/ or improvements as appropriate.</p> <p>To advise the Mayor and CC on their response to the external auditor's report to those charged with governance on issues arising from the audit of the accounts, focussing on any significant adjustments and material weaknesses in internal control reported by the external auditor.</p> <p>To liaise with the SYMCA ASRC on the SYMCA single entity and Group accounts as they relate to police and</p>	<p>Via briefing on preparation and content of the annual accounts.</p> <p>Via formal presentation of draft and final accounts</p>	SYMCA Executive Director Resources and Investment or delegate & Force DoR	Annual	<p><b>Consider</b> the draft and final SYP accounts to understand and gain assurances about the compliance with accounting standards and practices, the appropriateness of areas of judgement and estimate and their suitability as a public document.</p> <p><b>Obtain</b> assurances that all matters raised by the</p>

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
crime functions, to support the ASRC in its role of scrutinising the SYMCA accounts and endorsing to the MCA Board their approval.				<p>External Auditor have been taken into account and reflected where appropriate into the final accounts.</p> <p><b>Liase</b> with the SYMCA ASRC to support the Committee in its oversight of the SYMCA single entity and Group accounts and its endorsement of those accounts to the MCA Board.</p>
<b>Other sources of assurance</b>				
<p>To assure the Mayor and CC that the implications for the internal control framework, risk management arrangements and governance framework of any issues referred to it by the Statutory Officers of SYMCA and SYP have been considered and to advise on improvements as appropriate.</p> <p>To assure the Mayor and CC that the implications for the internal control framework, risk management arrangements and governance framework of any issues arising from the reports of HMIC, external review</p>	<p>Via periodic reports from Officers or as commissioned by the Committee.</p> <p>Via regular update and specific reports regarding the outcome of HMIC (and other review agencies).</p>	<p>SYMCA Executive Director Resources and Investment / SYMCA Executive Director Policing and Reform &amp; Solicitor / CFO / DoR</p> <p>SYMCA Executive</p>	<p>As required</p> <p>Each meeting</p>	<p><b>Receive and consider</b> the reports and <b>advise</b> the Mayor and CC regarding the assurance obtained.</p> <p><b>Consider</b> the implications contained in the reports and seek assurances regarding the actions taken and improvements made in</p>

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
<p>agencies and internal inspections have been considered and to advise on improvements as appropriate.</p> <p>To assure the Mayor and CC that the implications for the internal control framework, risk management arrangements and governance framework of any issues arising from the reports of the Regional Collaboration Board and any other regional boards have been considered and to advise on improvements as appropriate.</p>	<p>Via update and specific reports regarding matters arising from collaboration / regional activities.</p>	<p>Director Policing and Reform / DCC</p> <p>SYMCA Executive Director Policing and Reform / DCC</p>	<p>Each meeting</p>	<p>the relevant aspect of the control, risk or governance framework.</p>
<b>Maintaining appropriate sources of assurance</b>				
<p>To advise the Mayor and CC on the appointment, reappointment, dismissal and remuneration of the internal auditors, SYP external auditor and any other assurance providers the Committee considers are required to deliver assurances on the SYP internal control framework, risk management arrangements and governance framework, and to establish that all such assurance providers adhere to relevant professional standards.</p> <p><u>Internal Audit</u></p>	<p>Via specific involvement in the processes necessary in the appointment, reappointment, dismissal and remuneration of the internal auditors, external auditors and any other assurance providers.</p> <p>Via relevant reports from the HoIA</p>	<p>SYMCA Executive Director Resources &amp; Investment or delegate / Force DoR</p>	<p>As required</p> <p>Annual and each meeting</p>	<p>Provide <b>advice and challenge</b> to ensure rigour in the relevant process.</p> <p>Liaise with the SYMCA ASRC to ensure appropriate internal audit coverage of shared corporate functions and police and crime functions</p>

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
<p>To consider and advise the Mayor and CC on the Internal Audit Strategy and annual programme of work for the Internal Audit Service (IAS), including the Regional Audit Team.</p> <p>To liaise with the SYMCA ASRC on the production of the SYMCA internal audit plan, ensuring appropriate coverage of all police and crime functions and shared corporate functions between the SYMCA appointed internal auditor and the internal auditor appointed for police and crime activity.</p>		HoIA		<p><b>Receive</b> the IA Annual Strategy, Plan of Work and Quarterly progress reports and <b>consider</b> the effectiveness of the IA function, the basis of annual planning and the delivery of the plan throughout the year and <b>advise</b> the Mayor / CC regarding deficiencies in the IA function.</p>
<p>To advise the Mayor and CC on variations to the annual programme of work to be considered in response to emerging or changing strategic risks.</p>	<p>Via quarterly progress reports</p>	HoIA	Each meeting	<p><b>Consider</b> the progress report and the delivery of the plan and <b>advise</b> the Mayor / CC of the assurances received regarding progress and any issues emerging.</p>
<p>To receive all reports commissioned from the IAS (assignment reports, progress reports and the Head of Internal Audit Annual Report and annual opinions on the</p>	<p>Via Quarterly progress reports and specific assignment reports as requested and the HoIA Annual report</p>	HoIA	Each meeting / annual	<p><b>Consider</b> the progress report and the findings and recommendations made</p>

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
internal control framework, risk management arrangements and governance framework of SYMCA and SYP) and management's responses to those reports, and to monitor the implementation of agreed actions.				and <b>advise</b> the Mayor / CC as to the assurances obtained regarding the performance of IA work and the management action taken or planned to address issues raised.
		HoIA	Annual	<b>Consider</b> the HoIA Annual Report and the assurances received regarding the adequacy and effectiveness of the control, risk and governance framework and <b>review</b> the appropriateness of any issues included in the SYP AGS.
To oversee and give assurance to the PCC and CC on the provision of an adequate and effective IAS (including resources).	Via periodic and annual reports of the effectiveness of the IA function	HoIA	Periodic and annual	<b>Consider</b> reports on the effectiveness of the IA function and <b>advise</b> the Mayor / CC on the assurances provided.
<u>External Audit</u>				
To consider and advise the Mayor and CC on the annual programme of work for the SYP external auditor.	Via External Audit annual plan.		Annual	<b>Consider</b> the proposed plan and <b>advise</b> the Mayor



Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
<p>To receive the external auditor's Annual Governance (ISA260) Report, Annual Audit Letter and any other reports; and management's responses to those reports, and to monitor the implementation of agreed actions.</p> <p>To oversee and give assurance to the PCC and CC on the provision of an adequate and effective external audit service (including resources).</p> <p>Liaise with the SYMCA ASRC to provide support as necessary to the Committee for its role in scrutinising the SYMCA single entity accounts and Group accounts, and its role in endorsing those accounts to the MCA Board</p>	<p>Via annual and progress reports</p> <p>Via progress reports and general observation</p> <p>Via liaison sessions with the SYMCA ASRC</p>	<p>External Audit</p> <p>External Audit</p> <p>SYMCA Executive Director Resources &amp; Investment</p>	<p>Each meeting and annual</p> <p>Each meeting</p> <p>Each meeting</p>	<p>/ CC regarding the assurances provided.</p> <p><b>Consider</b> reports and <b>advise</b> the Mayor / CC as to the assurances provided regarding the management response and actions.</p> <p><b>Consider</b> the performance and adequacy of the External Audit and <b>advise</b> the Mayor / CC as to any concerns and the action necessary.</p> <p><b>Liaise</b> with the SYMCA ASRC</p>
Operating Arrangements				

Function	How discharged	Lead Officer(s)	Frequency	JIAC Action / Output
An annual review of the performance of the Audit Committee will be undertaken against best practice standards and Terms of Reference.	Via annual programme of individual and collective self-assessment against recommended best practice.	Governance and Compliance Manager / Chair of JIAC	Annual	<p>Undertake individual self-assessments and participate in annual performance review making a commitment to undertake any necessary training and development to ensure continuous improvement.</p> <p>Advise the Mayor / CC regarding any recommendations for changes to the Committee.</p>

## **Terms of Office**

Each member may serve a maximum of two terms of three years.

In order to avoid a situation of recruiting a whole new membership at the end of a term of office, the initial appointments have been made in the following schedule:

Member	Initial Term	End of 1 <sup>st</sup> Term	End of 2 <sup>nd</sup> Term
Steve Wragg	3 years	30/09/22	30/09/25
Cheryl Hobson	3 years	10/12/22	09/12/25
Tracy Watterson	3 years	07/06/25	
Elizabeth Winders	3 years	15/06/25	
David Phillips	3 years	31/07/25	

Terms are deemed to have commenced on 1st October 2013 for the purposes of the annual review.

Members will undertake an annual performance review in May/June each year which will form the basis of determining a second three-year term.

## **APPENDIX 1A – THE BARNSLEY, DONCASTER, ROTHERHAM AND SHEFFIELD COMBINED AUTHORITY ORDERS**

## Appendix 1A – The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2014

A link to the 2014 Order can be found [here](#)

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STATUTORY INSTRUMENTS

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**2014 No. 863**

**LOCAL GOVERNMENT, ENGLAND**  
**TRANSPORT, ENGLAND**

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

*Made - - - - 31st March 2014*

*Coming into force in accordance with article 1*

This Order is made in exercise of the powers conferred by sections 84, 91 and 93 of the Local Transport Act 2008(1) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(2).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve—

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted—

- (a) the district councils for the area comprised in the South Yorkshire integrated transport area,
- (b) the South Yorkshire Integrated Transport Authority,
- (c) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the South Yorkshire integrated transport area have consented to the making of this Order.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

## PART 1

### General

#### Citation and commencement

1. This Order may be cited as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 and shall come into force on the day after the day on which it is made.

#### Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority constituted by article 3;

“commencement date” means the date on which this Order comes into force;

“constituent councils” means—

- (a) Sheffield City Council; and
- (b) Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council and Rotherham Metropolitan Borough Council;

“financial year” means the period of 12 months ending with 31st March in any year;

“ITA” means the South Yorkshire Integrated Transport Authority;

“non-constituent councils” means—

- (a) Chesterfield Borough Council; and
- (b) Bassetlaw District Council, Bolsover District Council, Derbyshire Dales District Council and North East Derbyshire District Council.

## PART 2

### Establishment of a combined authority for Barnsley, Doncaster, Rotherham and Sheffield

#### Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority.

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

### **Constitution**

1. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

### **Funding**

2.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between 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 council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) 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.

## **PART 3**

### **Transport**

#### **Abolition and transfer of functions**

3.—(1) The South Yorkshire integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

- (a) its functions; and
- (b) its property, rights and liabilities,

are transferred to the Combined Authority.

#### **Adaptation of enactments**

4.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.



## Passenger Transport Executive

1.—(1) In this article “the Executive” means the South Yorkshire Passenger Transport Executive established pursuant to the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973<sup>(3)</sup>.

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act.

(3) In the application of section 101 of the Local Government Act 1972<sup>(4)</sup> (arrangements for the discharge of functions) to the Combined Authority the Executive is to be treated as if it were an officer of the Combined Authority.

## Continuity

2.—(1) Nothing in article 6 or 7 affects the validity of anything done by or in relation to the ITA before the commencement date.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (b) is in the process of being done by or in relation to the ITA immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to the ITA for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988<sup>(5)</sup> and in accordance with the Transport Levying Bodies Regulations 1992<sup>(6)</sup> to the constituent councils in respect of the financial year beginning 1st April 2014 is to have effect for that year from and after the commencement date as if it had been so issued by the Combined Authority.

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(3) [S.I. 1973/1728](#).

(4) [1972 c. 70](#).

(5) [1988 c.41](#); section 74 was amended by the Local Government Finance Act [1992 \(c. 14\)](#), Schedule 13, paragraph 72; the Local Government (Wales) Act [1994 \(c. 19\)](#), Schedule 6, paragraph 21; the Environment Act [1995 \(c. 25\)](#), Schedule 24; the Greater London Authority Act [1999 \(c. 29\)](#) section 105; the Courts Act [2003 \(c. 39\)](#), Schedule 8, paragraph 305(a); the Fire and Rescue Services Act [2004 \(c. 21\)](#), Schedule 1, paragraph 68; the Local Government and Involvement in Public Health Act [2007 \(c. 28\)](#), Schedule 1, paragraph 16; the Local Democracy, Economic Development and Construction Act [2009 \(c. 20\)](#), Schedule 6, paragraphs 74 and 75 and Schedule 7, Part 4; the Police Reform and Social Responsibility Act [2011 \(c. 13\)](#), Schedule 16, paragraph 182(a); the Localism Act 2011 (c. 20), Schedule 7, paragraphs 1, 2; and by [S.I. 1994/2825](#).

(6) [S.I. 1992/2789](#), amended by [S.I. 2012/213](#).

## PART 4

### Additional functions

#### **Economic development and regeneration functions**

**1.** —(1) The functions of the constituent councils set out in Schedule 2 to this Order are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

#### **Incidental provisions**

**2.** The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of these provisions—

(a) section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc relating to the functions of the authority); and

(b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

**3.** —(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985<sup>(7)</sup> (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to “that area” were a reference to the combined area.

**4.** Section 13 of the Local Government and Housing Act 1989<sup>(8)</sup> (voting rights of members of certain committees) shall have effect as if—

(a) 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;”;

(b) 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.”

**5.** Regulation 64 of the Local Government Pension Scheme Regulations 2013<sup>(9)</sup> (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

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<sup>(7)</sup> 1985 c.51.

<sup>(8)</sup> 1989 c.42.

<sup>(9)</sup> S.I. 2013/2356; there are no relevant amendments.

“(8A) Paragraph (8B) applies where the exiting employer is the South Yorkshire Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority as a result of the establishment of the combined authority by article 3(1) of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”

1. —(1) The Local Government Pension Scheme Regulations 2013 are amended as follows.

(2) In Part 1 of Schedule 2 (Scheme employers) at the end insert—

“**25.** The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(**10**).”

(3) In Part 1 of Schedule 3 (pension funds) at the end insert—

“(z) the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014.”

Signed on behalf of the Secretary of State for Communities and Local Government

*Brandon Lewis*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

31st March 2014

## Constitution

**Membership**

1.—(1) Each constituent council shall appoint one of its elected members as a member of the Combined Authority.

(2) Each constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(3) Each constituent council shall appoint one of its elected members to be a rotational second member (“the second member”) of the Combined Authority.

(4) The Combined Authority shall appoint two of the rotational second members each year for a one year term.

(5) The order of rotation of the second members shall be determined at the first meeting of the Combined Authority.

(6) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the appointed second members.

(7) Each non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(8) Each non-constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (7) (“the substitute member”).

(9) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of the constituent council or non-constituent council that appointed them.

(10) A person may resign as a member or substitute member of the Combined 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.

(11) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (9) or (10) the constituent council or non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place.

(12) A constituent council or non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person’s place.

(13) Where a constituent council or non-constituent council exercises its power under sub-paragraph (12), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined 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.

(14) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

**Chairman and vice-chairman**

2.—(1) The Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the order of

rotation of second members at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

### **Proceedings**

1.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least three members or substitute members appointed by the constituent councils are present at the meeting.

(3) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(4) If a vote is tied on any matter it shall be deemed not to have been carried.

(5) Members appointed by the non-constituent councils shall be non-voting members of the Combined Authority.

(6) The proceedings of the Combined Authority are not 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.

### **Committees**

2.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and non-constituent councils to each overview and scrutiny committee appointed by the Combined Authority.

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any member of the Combined Authority.

(4) Each member of the overview and scrutiny committee appointed from the constituent councils is to have one vote and no member is to have a casting vote.

(5) If a vote is tied on any matter it shall be deemed not to have been carried.

(6) Members appointed from the non-constituent council to the overview and scrutiny committee, or to any other committee or sub-committee of the Combined Authority, shall be non-voting members of that committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

(7) Any overview and scrutiny committee appointed by the Combined Authority shall have the power to—

- (a) invite members or substitute members of the Combined Authority to attend before it to answer questions;
- (b) invite other persons, including members of the public, to attend meetings of the committee;
- (c) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority;

- (a) make reports or recommendations to the Combined Authority with respect to the discharge of any functions which are the responsibility of the Combined Authority;
- (3) The power to review or scrutinise a decision made but not implemented under sub-paragraph (7)(c) includes the power to recommend that the decision be reconsidered by the Combined Authority.
- (4) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under sub-paragraph (7)(d) the committee may—
  - (a) publish the report or recommendations;
  - (b) by notice in writing require the Combined Authority to—
    - (i) consider the report or recommendations;
    - (ii) respond to the overview and scrutiny committee indicating what (if any) action the Combined Authority proposes to take;
    - (iii) if the overview and scrutiny committee has published the report or recommendations under paragraph (a), publish the response.
- (5) A notice served under sub-paragraph (9)(b) must require the Combined Authority to comply with it within two months beginning with the date on which the Combined Authority received the reports or recommendations or (if later) the notice.
- (6) The Combined Authority shall comply with a notice given under sub-paragraph (9)(b).
- (7) Sub-paragraphs (9)(a) and (11) are subject to section 9FG of the Local Government Act 2000 and to any provision made under section 9GA(8)(11) and the Combined Authority shall be treated as a local authority for those purposes.

## **Records**

- 1.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.
- (2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.
- (3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.
- (4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.
- (5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.
- (6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined 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.

## **Standing orders**

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

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(11) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

## Remuneration

1. No remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

## SCHEDULE 2

Article 10(1)

### Economic development and regeneration functions

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 of the Localism Act 2011<sup>(12)</sup>.

2. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).

3. The duty under section 8(1) of the Housing Act 1985<sup>(13)</sup> (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).

4. The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996<sup>(14)</sup> 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).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This order establishes the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise functions relating to transport and to economic development and regeneration in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This order has been made following the publication of such a scheme on 25th April 2013 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at [www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority](http://www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority).

Part 2 of the Order establishes the new authority, to be known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, and makes provision for its constitution and funding.

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<sup>(12)</sup> 2011 c.20.

<sup>(13)</sup> 1985 c.68.

<sup>(14)</sup> 1996 c.56. Sections 15ZA, 15ZB, 15ZC, 17A, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/1158. Sections 17A and 18A were also amended by the Education Act 2011 (c. 21), sections 30 and 82.

*Article 4* of and *Schedule 1* to the Order make provision for the constitution of the Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

*Article 5* makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its economic development and regeneration functions.

*Part 3* is about the transport aspects of the combined authority. *Article 6* dissolves the South Yorkshire Integrated Transport Authority and transfers its functions and its property, rights and liabilities to the Combined Authority. *Article 7* makes general adaptations to the primary and subordinate legislation, so that references to an integrated transport area or authority are to be treated as extending to the Combined Authority and its area. *Article 8* makes the South Yorkshire Passenger Transport Executive an executive body of the Combined Authority. *Article 9* ensures continuity when functions, property, rights or liabilities are transferred by the Order.

*Part 4* confers additional functions on the Combined Authority. *Article 10* confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 2 to the Order and are to be exercised concurrently with the constituent councils. *Articles 11 to 13* make some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions more effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.



## Appendix 1B - The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2020

A link to the 2020 Order can be found [here](#)

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STATUTORY INSTRUMENTS

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**2020 No. 806**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND  
EDUCATION, ENGLAND**

**The Barnsley, Doncaster, Rotherham and Sheffield Combined  
Authority (Functions and Amendment) Order 2020**

*Made - - - - 27th July 2020*

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a), 105(1) and (3), 105A(1), (2) and (3), 107D(1), (7) and (8), 107E(1) to (4), 113D, 114(1) and (3), and 117(5) of the Local Democracy, Economic Development and Construction Act 2009<sup>(1)</sup> (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act<sup>(2)</sup>, considers that—

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and;
- (b) any consultation required by section 113(2) of the 2009 Act<sup>(3)</sup> has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government<sup>(4)</sup>.

In accordance with sections 105(3A) and 105B(1) and (2) of the 2009 Act, the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”) and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order<sup>(5)</sup>.

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- (1) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.
- (2) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.
- (3) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.
- (4) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 of the 2009 Act in relation to an existing combined authority, to have regard to these matters.
- (5) This Order relates to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, which was established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863).

In accordance with section 107D(9) of the 2009 Act the Mayor for the area of the Combined Authority, the Combined Authority, and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved, by a resolution of each House of Parliament under section 117(2) of the 2009 Act.

## PART 1

### General

#### Citation and commencement

1. This Order may be cited as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 and comes into force on the day after the day on which it is made.

#### Interpretation

2. In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(6)</sup>;

“the 1999 Act” means the Greater London Authority Act 1999<sup>(7)</sup>;

“the 2003 Act” means the Local Government Act 2003<sup>(8)</sup>;

“the 2008 Act” means the Housing and Regeneration Act 2008<sup>(9)</sup>;

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act” means the Localism Act 2011<sup>(10)</sup>;

“the 2014 Order” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014<sup>(11)</sup>;

“adult detention” has the meaning given by section 121(4) of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(12)</sup>;

“Area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;

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<sup>(6)</sup> 1989 c. 42.

<sup>(7)</sup> 1999 c. 29.

<sup>(8)</sup> 2003 c. 26.

<sup>(9)</sup> 2008 c. 17.

<sup>(10)</sup> 2011 c. 20.

<sup>(11)</sup> S.I. 2014/863.

<sup>(12)</sup> 2009 c. 22. Section 121 was amended by paragraph 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19); paragraph 22 of Part 2 of Schedule 1, and paragraph 27 of Part 1 of Schedule 14, to the Deregulation Act 2015 (c. 20); and by paragraph 8 of Schedule 18 to the Education Act 2011 (c. 21).

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined Authority;

“constituent councils” means the councils for the local government areas of Barnsley, Doncaster, Rotherham and Sheffield; and

“Mayor” means the mayor for the Area, except in the term “Mayor of London”.

## PART 2

### Transport

#### Transfer of functions etc. relating to transport

1.—(1) The functions of the constituent councils specified in section 6 of the Highways Act 1980<sup>(13)</sup> (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the Highways Act 1980<sup>(14)</sup> (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article “local highway authority” has the meaning given by section 329(1) of the Highways Act 1980<sup>(15)</sup>.

#### Power to pay grant

2.—(1) The functions of a Minister of the Crown<sup>(16)</sup> specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highways functions, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

(4) To comply with paragraph (3), the Combined Authority must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highways functions.

(5) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

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(13) 1980 c. 66. Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994, section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(14) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(15) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015.

(16) See section 105A(9) of the 2009 Act for the definition of “Minister of the Crown”.

- (a) in subsection (1)—
  - (i) the reference to a Minister of the Crown were a reference to the Combined Authority,
  - (ii) the reference to a local authority in England were a reference to a constituent council,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(6) In this article “highways functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority(17).

## PART 3

### Education, skills and training functions

#### **Transfer of local authority functions**

1.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)(18);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(19);
- (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)(20);
- (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19)(21);
- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(22);
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(23);

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(12) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(13) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

(14) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).

(15) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31) and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000 (c. 21); section 59 of, and paragraph 4 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009; section 82 of, and paragraph 6 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(16) Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000 and was amended by section 82 of, and paragraph 7 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(17) Section 10 was amended by [S.I. 2010/1158](#).

Section 12 was amended by [S.I. 2010/1158](#).

- (a) in subsection (1)—
  - (i) the reference to a Minister of the Crown were a reference to the Combined Authority,
  - (ii) the reference to a local authority in England were a reference to a constituent council,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(6) In this article “highways functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority<sup>(17)</sup>.

## PART 3

### Education, skills and training functions

#### **Transfer of local authority functions**

**1.—(1)** The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals<sup>(18)</sup>);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)<sup>(19)</sup>;
- (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)<sup>(20)</sup>;
- (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19)<sup>(21)</sup>;
- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)<sup>(22)</sup>;
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)<sup>(23)</sup>;

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(12) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(13) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

(14) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).

(15) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31) and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000 (c. 21); section 59 of, and paragraph 4 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009; section 82 of, and paragraph 6 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(16) Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000 and was amended by section 82 of, and paragraph 7 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(17) Section 10 was amended by [S.I. 2010/1158](#).

(18) Section 12 was amended by [S.I. 2010/1158](#).

- (a) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**24**);
  - (b) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**25**); and
  - (c) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**26**).
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.
- (5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.
- (6) Section 10 of the Children Act 2004(**27**) (co-operation to ensure well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14–19 education or training in the Area within the meaning of section 85(5) of the Education and Skills Act 2008.

### **Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area**

1.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009(**28**) are exercisable by the Combined Authority in relation to the Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(**29**);
  - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(**30**); and
  - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(**31**).
- (2) The functions mentioned in paragraph (1) do not include —
- (a) any functions relating to apprenticeship training;
  - (b) any functions relating to persons subject to adult detention; or
  - (c) any power to make regulations or orders.
- (3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

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(12) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158.

(13) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

(14) Section 85 was amended by S.I. 2010/1158.

(15) 2004 c. 31. Section 10 was amended by section 39 of and paragraph 4 of Schedule 3 to the Offender Management Act 2007 (c. 21), section 169 of and paragraphs 82 and 83 of Part 2 of Schedule 1 to the Education and Skills Act 2008, section 193 and 266 of and Part 5 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009, sections 99 of and paragraphs 330 and 331 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 67 of and paragraph 23 of Schedule 16 to the Education Act 2011 (c. 21), section 55 of and paragraphs 127 and 128 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), section 82 of and paragraph 80 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6), and by SI 2010/1158.

(28) 2009 c. 22.

(29) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c.20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c.21).

(30) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraph 91 of Part 2 of Schedule 3 to the Children and Families Act 2014.

(31) Subsection (1) is amended by section 114(2) of the Digital Economy Act 2017 (c. 30), on a date to be appointed. Section 88 was amended by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 and by section 73 of the Education Act 2011.

## **Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area**

1.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention)(**32**); and
- (b) section 100(1) (provision of financial resources)(**33**).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any function relating to apprenticeships training; or
- (b) any function relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

## **Conditions on the exercise of functions mentioned in articles 6 and 7**

2.—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 6 and 7, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(**34**).

(3) In subsection (1), “award” has the same meaning as in regulation 2 of the Fees and Awards (England) Regulations 2007(**35**).

## **Modification of provisions in the Apprenticeships, Skills, Children and Learning Act 2009**

3. For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 6 and 7, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the Apprenticeships, Skills, Children and Learning Act 2009 apply in relation to the Combined Authority with the modifications set out in Schedule 1.

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(30) Section 90 was amended by paragraphs 5 and 20 of Part 2 of Schedule 1, and paragraphs 1 and 12 of Part 1 of Schedule 14, to the Deregulation Act 2015.

(31) Section 100 was amended by section 27 of the Enterprise Act 2016 (c. 12); by Schedules 1 and 14 to the Deregulation Act 2015; and by paragraphs 1 and 9 of Schedule 18 to the Education Act 2011.

(32) The Secretary of State’s guidance was published on 23rd July 2018 and is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/730012/The\\_exercise\\_of\\_devolved\\_adult\\_education\\_functions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730012/The_exercise_of_devolved_adult_education_functions.pdf). Copies are available on request from the Department for Education, 20 Great Smith Street, London SW1P 3BT.

(35) S.I. 2007/779, as amended by S.I. 2007/2263, S.I. 2010/1172, S.I. 2010/1941, S.I. 2011/87, S.I. 2011/1043, S.I. 2011/1987, S.I. 2012/765, S.I. 2012/956, S.I. 2012/1653, S.I. 2015/971, S.I. 2016/584, S.I. 2017/114, and S.I. 2018/137.



## PART 4

### Housing and regeneration

#### Housing and regeneration

1. —(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(<sup>36</sup>);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of—

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

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(36) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

## PART 5

### Mayoral development corporation

#### Mayoral development corporation

**1.** —(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(**37**);
- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(**38**);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

#### Application of provisions in the 2011 Act

**2.** —(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
  - (b) any reference which falls to be read as a reference to a Mayoral development corporation,
- is to be treated as including a reference to a Corporation.

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(37) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(38) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

(4) For the purposes of any transfer scheme relating to a Corporation, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**39**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**40**);
- (c) section 38 of the 1999 Act (delegation)(**41**);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(**42**);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(**43**);
- (f) section 73 of the 1999 Act (monitoring officer)(**44**);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(**45**);

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(36) 1996 c. 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(37) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by [S.I. 2012/1530](#).

(38) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of [S.I. 2012/1530](#).

(39) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of [S.I. 2008/2038](#).

(40) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(41) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to [S.I. 2000/1435](#).

(42) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.

- (a) section 424 of the 1999 Act (interpretation)(46);
- (b) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(47); and
- (c) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(48).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

### **Mayoral development corporation: incidental provisions**

1. —(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(49), and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction)(50) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(51) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

- (a) each reference to a functional body were a reference to a Corporation;
- (b) each reference to the Greater London Authority were a reference to the Combined Authority;
- (c) each reference to the Mayor of London were a reference to the Mayor; and
- (d) subsection (7) were omitted.

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(36) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(37) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.

(38) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

(39) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).

(40) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.

(41) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.

## PART 6

### Mayoral functions and funding

#### Functions exercisable only by the Mayor

1. —(1) The functions of the Combined Authority set out in paragraph (2) are general functions exercisable only by the Mayor(52).

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

- (a) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act; and
- (b) section 31 of the 2003 Act.

(3) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or
- (b) substitute members acting in place of those members.

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
- (b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the Peak District National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park; and
- (b) each member of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

(6) For the purposes of the exercise of the general function mentioned in paragraph (2)(b)—

- (a) the Mayor must consult the Combined Authority before exercising the function; and
- (b) members and officers may assist the Mayor in the exercise of the function.

(7) Subject to paragraphs (8) and (9), the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) for the purposes of the exercise by the Mayor of general functions.

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(37) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to “general functions”, in relation to a Mayor for the area of a combined authority, are to any functions exercisable by the Mayor other than police and crime commissioner functions.

(8) Any exercise by the Mayor of the general power conferred by paragraph (7) which involves the transfer of property, rights and liabilities of the Combined Authority to or from any of the constituent authorities requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(9) Any exercise by the Mayor of the general power conferred by paragraph (7) which involves the preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(10) For the purpose of paragraphs (3), (4), (5)(b), (8) and (9), the consent must be given at a meeting of the Combined Authority.

### **Political advisers**

1. —(1) The Mayor may appoint one person as the Mayor's political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>(53)</sup>), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words "and that the appointment terminates" to the end of that subsection were omitted.

### **Funding**

2. —(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in article 14(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning

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(36) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by [S.I. 2001/2237](#). There are other amendments not relevant to this Order.

such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion to the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board<sup>(54)</sup>.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992<sup>(55)</sup>.

(6) For the purposes of paragraph (3) 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 financial year in which such payment is made.

## PART 7

### Additional functions

#### General power of competence

1. Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) has effect in relation to the Combined Authority as it has effect in relation to a local authority<sup>(56)</sup>.

## PART 8

### Amendment of the 2014 Order

#### Amendment of the 2014 Order

2. Article 5 (funding) of the 2014 Order is omitted.

3. —(1) Schedule 1 (constitution) to the 2014 Order is amended as set out in the following paragraphs.

(2) Paragraph 2 (chairman and vice-chairman) is omitted.

(3) In paragraph 3 (proceedings), after sub-paragraph (6) insert—

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(36) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

(55) S.I. 1992/2789.

(56) Section 113D of the 2009 Act as inserted by section 10 of the 2016 Act enables the Secretary of State by order to confer the general power of competence, found in Chapter 1 of Part 1 of the 2011 Act, on a combined authority.

“(7) Questions relating to the functions conferred by Parts 2 to 5 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 cannot be carried without a vote in favour by the Mayor or the deputy Mayor acting in place of the Mayor.”.

(4) In paragraph 4 (committees)—

(a) in subparagraph (2), omit “and non-constituent councils”; and

(b) in subparagraph (6), omit “the overview and scrutiny committee, or to”.

(5) At the start of paragraph 7 (remuneration), insert “Subject to paragraphs 7A and 7B”.

(6) After paragraph 7 (remuneration), insert—

**“7A.** Paragraphs 7B and 7C apply in relation to allowances payable other than allowances for travel and subsistence.

**7B.**—(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority and to the constituent councils regarding the allowances payable to—

(a) the Mayor; and

(b) the Deputy Mayor.

(2) An independent remuneration panel must consist of at least three members none of whom—

(a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or

(b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

**7C.** The Combined Authority may only pay an allowance to the Mayor or to the Deputy Mayor if—

(a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 7A which contains recommendations for such an allowance; and

(b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government



Modification of provisions of the Apprenticeships, Skills, Children  
and Learning Act 2009 in their application to the Combined Authority

1. Section 86 has effect as if—
  - (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
  - (b) subsection (1)(b) were omitted but not “and” at the end;
  - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
  - (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
  - (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
  - (f) in subsection (7), the words “or (b)” were omitted.
2. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
3. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
4. Section 90 has effect as if—
  - (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
  - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
  - (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.
5. Section 100 has effect as if—
  - (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
  - (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
  - (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
6. Section 101~~(57)~~ has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
7. Section 103~~(58)~~ has effect as if—
  - (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (b) the words “or (1A)” were omitted.
8. Section 115~~(59)~~ has effect as if—

(56) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(57) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(58) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
- (b) in subsection (2)(a), the word “, and” were omitted; and
- (c) in subsection (2), paragraph (b) were omitted.

**1. Section 121(60) has effect as if—**

- (a) in subsection (1), there were added at the appropriate place—  
““Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, a body corporate established under the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”;
- (b) in subsection (2)—
  - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
  - (ii) in paragraph (a), the words “or (b)” were omitted; and
- (c) in subsection (3)—
  - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
  - (ii) paragraphs (a) and (aa) were omitted.

## SCHEDULE 2

Article 10

### PART 1

#### Modification of the application of Chapter 2 of Part 1 of the 2008 Act

**1.—**(1) Chapter 2 of Part 1 of the 2008 Act applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

- (4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—  
““Combined Authority” means the body corporate established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”.

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(56) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

## PART 2

### Modification of the application of Schedules 2 to 4 to the 2008 Act

1.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”.

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020.

## SCHEDULE 3

Article 12

### Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority, established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the Area”;

(b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;

(c) in subsection (3)(d)—

- (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
  - (b) in subsection (3)(e)—
    - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
  - (c) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
  - (d) in subsection (4)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council or county council whose local government area”;
    - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park,”;
    - (v) paragraphs (f) and (g) were omitted;
  - (e) in subsection (5)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
    - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
    - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
    - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
  - (f) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
  - (g) subsection (7) were omitted.
- (3) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
  - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (4) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—

- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (3) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
    - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council or county council wholly or partly in the Area”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the Area”;
    - (iv) paragraphs (f) to (h) were omitted;
    - (v) paragraph (k) were omitted;
  - (b) in subsection (4) paragraph (b) were omitted;
  - (c) subsection (7) were omitted;
  - (d) subsection (8) were omitted; and
  - (e) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (4) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (5) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”, and
  - (c) in subsection (7), in the definition of “affected authority”, “(f) or (g)” were omitted.
- (6) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
  - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (7) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
  - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (8) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent

- councils (including substitute members, acting in place of those members) or a district council or county council wholly or partly in the Area”; and
- (a) in subsection (4) the definition of “an affected local authority” were omitted.
- (3) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
- (i) the definition of “functional body” were omitted; and
- (ii) in the definition of “permitted recipient”—
- (aa) paragraph (b) were omitted,
- (bb) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the Area”, and
- (cc) paragraph (e) were omitted.
- (4) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
- (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
- (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
- (b) for each reference to “an MDC” there were substituted “the Corporation”;
- (c) in paragraph 1(1)—
- (i) for “Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
- (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
- (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council or county council”;
- (e) in paragraph 1(3)—
- (i) sub-paragraph (a) were omitted; and
- (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
- (f) in paragraph 1(5), for “MDC’s” there were substituted “Corporation’s”;
- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
- (h) in paragraph 3, for “MDC’s” there were substituted “Corporation’s”;
- (i) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the conferral of functions of local authorities and other public authorities on the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order concerns the transport functions of the Combined Authority. Article 4 provides for the Combined Authority to pay a grant under section 31 of the Local Government Act 2003 to constituent councils in respect of any of their functions, which is exercisable concurrently with a Minister of the Crown.

Article 5 of the Order confers on the Combined Authority functions of the constituent councils in relation to education, skills and training to be exercisable by the Combined Authority in the Combined Authority’s area concurrently with the constituent councils. Article 6 of the Order provides for the transfer to the Combined Authority of adult education functions under section 86 to 88 of the Apprenticeships, Skills, Children and Learning Act 2009, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

Article 7 also provides for the functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 8 sets conditions on the exercise of the functions mentioned in Articles 6 and 7. The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document).

Article 9 and Schedule 1 to the Order apply certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Part 4 of and Schedule 2 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 5 of and Schedule 3 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 2 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order makes additional provision for the Mayor for the area of the Combined Authority and funding. Article 14 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 15 provides for the appointment of a political adviser to the Mayor. Article 16 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. Article 17 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 7 of the Order extends to the Combined Authority the general power of competence available to the constituent councils.

Part 8 of the Order provides for amendments to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 which establishes the Combined Authority. Article 18 removes the funding provision for the Combined Authority's economic and development and regeneration functions, which is replaced by article 16 of this Order. Article 19 makes provision in the Combined Authority's constitution relating to the Combined Authority's voting arrangements and remuneration.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.



## Appendix 1C – South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023

A link to the 2023 Order can be found [here](#)

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STATUTORY INSTRUMENTS

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**2023 No. 176**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND**

**The South Yorkshire Passenger Transport  
Executive (Transfer of Functions) Order 2023**

*Made* - - - - - *20th February 2023*

*Coming into force* - - - - - *1st April 2023*

The Secretary of State, in exercise of the powers conferred by section 85 of the Transport Act 1985(1), makes the following Order.

In accordance with section 85(8) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. This Order may be cited as the South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 and comes into force on 1st April 2023.

**Extent and application**

2.—(1) This Order extends to England and Wales.

(2) This Order applies to England only.

**Interpretation**

3. In this Order—

“combined area” has the meaning given by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(2);

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(1) 1985 c. 67. Section 85 was amended by paragraph 30 of Schedule 4 to the Local Transport Act 2008 (c. 26) and references to integrated transport area and Integrated Transport Authority are to be treated as including, respectively, a reference to the combined area and the Combined Authority in accordance with article 7 of S.I. 2014/863.

(2) S.I. 2014/863.

“Combined Authority” means the South Yorkshire Mayoral Combined Authority<sup>(3)</sup> established under article 3 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;

“commencement date” means the date on which this Order comes into force;

“Executive” means the South Yorkshire Passenger Transport Executive established by the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973<sup>(4)</sup>.

#### **Dissolution and transfer of functions**

4. The Executive is dissolved and all the functions, property, rights and liabilities of the Executive are transferred to the Combined Authority.

#### **Adaptation of enactments**

5.—(1) Subject to paragraphs (2) and (3), any reference in any enactment (whenever passed or made) to a passenger transport executive is to be treated, in its application to the combined area, as if it were to the Combined Authority.

(2) Paragraph (1) does not apply to the following provisions—

- (a) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000<sup>(5)</sup>;
- (b) Schedule 2 to the Local Government Act 1988<sup>(6)</sup>;
- (c) section 33 of the Railways Act 2005<sup>(7)</sup>;
- (d) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985<sup>(8)</sup>; and
- (e) section 162(4) of the Transport Act 2000<sup>(9)</sup>.

(3) The Transport Act 1968<sup>(10)</sup> is to be treated, in its application to the combined area, as if—

- (a) in section 9 (areas, authorities and executives)<sup>(11)</sup>—
  - (i) subsections (2) to (4) were omitted; and
  - (ii) in subsection (5), the words “each of the following bodies namely,” and “the Executive and any subsidiary of the Executive,” were omitted;
- (b) in section 9A (general functions of Authorities and Executives)<sup>(12)</sup>—
  - (i) the duty under subsection (3) were a duty for the Combined Authority to secure the provision of such public passenger transport services as it considers appropriate for meeting any public transport requirements within its area which in the view of the Combined Authority would not be met apart from any action taken by it for that purpose;

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(3) The authority was previously known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority but changed its name by resolution of 7th June 2021 with effect from 17th September 2021 in accordance with section 104(4) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) which applies section 97 of the Local Transport Act 2008 (change of name of ITA) to a combined authority as it applies to an Integrated Transport Authority.

(4) S.I. 1973/1728.

(5) 2000 c. 36. Paragraph 28 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(6) 1988 c. 9.

(7) 2005 c. 14.

(8) Sections 95, 96, 97, 104 and 137 were amended, respectively, by paragraphs 33, 34, 35, 36 and 40 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(9) 2000 c. 38. Section 162(4) was amended by sections 15(6) of, and paragraph 46(2) of Schedule 4 to, the Local Transport Act 2008 (c. 26).

(10) 1968 c. 73.

(11) Section 9 was amended by the Transport Act 1985 (c. 67), the Local Government etc. (Scotland) Act 1994 (c. 39), the Local Transport Act 2008 (c. 26), the Deregulation Act 2015 (c. 20) and S.I. 2011/908, 2014/864 and 866, 2016/653 and 2018/1133.

(12) Section 9A was inserted by the Transport Act 1985 (c. 67) and was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), the Transport Act 2000 (c. 38), the Local Transport Act 2008 (c. 26), and S.I. 2014/866 and 2016/653.

- (ii) subsection (3A) were omitted;
- (iii) in subsection (5)—
  - (aa) the words “for the Executive for that area” were omitted, and
  - (bb) for the words “by the Executive for that area, and the Executive” there were substituted “and”;
- (iv) subsection (6)(b) were omitted; and
- (v) in subsection (7) the words “both” and “and of the Executive” were omitted;
- (c) in section 10 (general powers of Executive)(13)—
  - (i) in subsection (1)—
    - (aa) in paragraph (xxiii), the words “subject, in the case of a disposal of land, to the approval of the Authority,” were omitted, and
    - (bb) any other reference to the approval of the Authority were omitted; and
  - (ii) in subsection (7), the words “the approval of the Authority or” were omitted;
- (d) in section 11 (financial duty of Executive), in subsection (3A)(14), the words from “and the Authority” to “the application thereof,” were omitted;
- (e) sections 12 to 15A were omitted; and
- (f) in section 16 (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities), in subsection (1)(15)—
  - (i) the words “jointly by the Authority and the Executive,” were omitted;
  - (ii) “and the Executive” (in the second place) were omitted;
  - (iii) for “their respective” there were substituted “its”; and
  - (iv) the words from “including in particular” to the end of the subsection were omitted.

### Continuity

6.—(1) Nothing in articles 3 or 4 affects the validity of anything done by or in relation to the Executive before the commencement date.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (b) is in the process of being done by or in relation to the Executive immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to the Executive for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred, and
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(13) Section 10 was amended by the Local Government Act 1974 (c. 7), the Acquisition of Land Act 1981 (c. 67), the Transport Act 1985 (c. 67), the Railways Act 1993 (c. 43), the Railways Act 2005 (c. 14), the Local Transport Act 2008 (c. 26), the Localism Act 2011 (c. 20), the Deregulation Act 2015 (c. 20) and S.I. 2014/864 and 866 and 2016/653.

(14) Subsection (3A) was inserted by paragraph 2 of Schedule 24 to the Local Government Act 1972 (c. 70).

(15) Subsection (1) was amended by the Local Government Act 1972 (c. 70), the Transport Act 1985 (c. 67), the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

(4) The Combined Authority shall be substituted for the Executive, in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred, and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the Executive includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the Executive.

Signed by authority of the Secretary of State for Transport

*Richard Holden*  
Parliamentary Under Secretary of State  
Department for Transport

20th February 2023

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the merger of the South Yorkshire Passenger Transport Executive into the South Yorkshire Mayoral Combined Authority.

Article 4 dissolves the South Yorkshire Passenger Transport Executive and transfers all of its functions, property, rights and liabilities to the South Yorkshire Mayoral Combined Authority.

Article 5 provides for enactments referring to passenger transport executives to have effect, in their application to the combined area, subject to certain modifications.

Article 6 provides for continuity in the exercise of functions as between the abolished Passenger Transport Executive and the Combined Authority.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](https://www.legislation.gov.uk)

Appendix 1D – The South Yorkshire Mayoral Combined Authority  
(Election of Mayor and Transfer of Police and Crime Commissioner  
Functions) Order 2024

A link to the 2024 Order can be found [here](#)

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STATUTORY INSTRUMENTS

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**2024 No. 414**

**POLICE, ENGLAND**  
**LOCAL GOVERNMENT, ENGLAND**

The South Yorkshire Mayoral Combined Authority  
(Election of Mayor and Transfer of Police and  
Crime Commissioner Functions) Order 2024

*Made* - - - - 20th March 2024  
*Coming into force* - - 21st March 2024

The Secretary of State makes this Order in exercise of the powers conferred by sections 107F(1), (5) and (6), 114, 115, 116 and 117(5) of, and by paragraph 3 of Schedule 5B and Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009<sup>(1)</sup>.

In accordance with section 107F(4) of that Act<sup>(2)</sup> the mayor of the Combined Authority has consented to the making of this Order.

In accordance with section 113(1) of that Act<sup>(3)</sup>, the Secretary of State considers that making this Order is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area, and is appropriate having regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities. The Secretary of State has carried out a public consultation in accordance with section 113(2) of that Act.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of that Act<sup>(4)</sup>.

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- (1) 2009 c. 20. Section 107F was inserted by section 4(1) of, Schedule 5B by section 2 of and Schedule 5C by Schedule 2 to, the Cities and Local Government Devolution Act 2016 (c. 1).  
(2) Section 107F(4) was substituted by section 62 of the Levelling-up and Regeneration Act 2023 (c. 55).  
(3) Subsections (1) and (2) of section 113 were substituted by section 14 of the Cities and Local Government Devolution Act 2016 and amended by section 66 of the Levelling-up and Regeneration Act 2023.  
(4) Section 117(2) was substituted by section 13(2) of the Localism Act 2011 (c. 20).



## PART 1

### General

#### Citation, commencement and extent

1.—(1) This Order may be cited as the South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024.

(2) This Order comes into force on the day after the day on which it is made.

(3) This Order extends to England and Wales.

#### Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the PRSR Act” means the Police Reform and Social Responsibility Act 2011<sup>(5)</sup>;

“the Area” means the area of the Combined Authority;

“the Combined Authority” means the South Yorkshire Mayoral Combined Authority<sup>(6)</sup>;

“the deputy mayor for policing and crime” means the deputy mayor for policing and crime for the Area;

“the Mayor” means the mayor of the Combined Authority;

“PCC component” means the component of the precept under section 40 of the Local Government Finance Act 1992<sup>(7)</sup>, as modified by the Combined Authorities (Finance) Order 2017<sup>(8)</sup>, in respect of the Mayor’s PCC functions;

“PCC component council tax requirement” means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992<sup>(9)</sup>, as modified by the Combined Authorities (Finance) Order 2017, in respect of the Mayor’s PCC functions.

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<sup>(5)</sup> 2011 c. 13.

<sup>(6)</sup> The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority was created by S.I. 2014/863. Since 17th September 2021 the Combined Authority has been known as the South Yorkshire Mayoral Combined Authority, in accordance with a resolution notified to the Secretary of State under section 97 of the Local Transport Act 2008 (c. 26), as applied to a combined authority by section 104(4) of the Local Democracy, Economic Development and Construction Act 2009.

<sup>(7)</sup> 1992 c. 14. Section 40 was amended by paragraph 17 of Schedule 7 to the Localism Act 2011 (c. 20) and section 5(2) of the Cities and Local Government Devolution Act 2016 (c. 1). There are other amendments not relevant to this instrument.

<sup>(8)</sup> S.I. 2017/611.

<sup>(9)</sup> Section 42A was inserted by section 75 of the Localism Act 2011 and amended by S.I. 2014/389. Section 107G of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor’s PCC functions.

## PART 2

### Date of election

#### **Amendment of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016**

3.—(1) Article 3 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016 (election of a mayor)(10) is amended as follows.

(2) In paragraph (3), at the beginning, for “Subsequent” substitute “Subject to paragraphs (5) and (6), subsequent”.

(3) After paragraph (4), insert—

“(5) The election for the return of a mayor for the area that otherwise would be held on the ordinary day of election in 2026 is to be held instead on the ordinary day of election in 2024; and the mayor’s term is reduced accordingly.

(6) Subsequent elections for the return of the mayor for the area are to be held on the ordinary day of election in every fourth year after 2024.”.

## PART 3

### Police and crime commissioner functions

#### **Police and crime commissioner functions**

4.—(1) The Mayor is to exercise functions of a police and crime commissioner in relation to the Area.

(2) There is to be no police and crime commissioner for the Area from 7th May 2024.

(3) Any election of a police and crime commissioner for the Area that would otherwise take place (whether before, on or after 7th May 2024) by virtue of section 50(1)(b) of the PRSR Act (ordinary elections)(11) is not to take place.

(4) The term of office of the police and crime commissioner for South Yorkshire is to continue until 7th May 2024.

(5) Any election to fill a vacancy in the office of police and crime commissioner for South Yorkshire which would otherwise take place under section 51 of the PRSR Act (election to fill vacancy in office of commissioner)(12) is not to take place if the vacancy occurs within the period starting on the day on which this article comes into force and ending with 7th May 2024.

#### **Transfer of police and crime commissioner functions**

5.—(1) Subject to paragraphs (2) and (3), the Mayor is to be treated, in relation to the Mayor’s PCC functions(13), as a police and crime commissioner for the purposes of all police and crime commissioner enactments, whenever passed or made(14).

(10) S.I. 2016/800. Article 3 was amended by S.I. 2017/432.

(11) Section 50 was amended by section 8(1) to (4) of the Wales Act 2017 (c. 4).

(12) Section 51 was amended by section 8(5) of the Wales Act 2017.

(13) “PCC functions” is defined at section 107F(3) of the Local Democracy, Economic Development and Construction Act 2009.

(14) “Police and crime commissioner enactment” is defined at paragraph 12(5) of Schedule 5C to the Local Democracy, Economic Development and Construction Act 2009.

(2) In their application to the Mayor, the police and crime commissioner enactments set out in Schedule 1 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to the enactments set out in Schedule 2.

### **Transfer of property, rights and liabilities**

6.—(1) All property, rights and liabilities, including rights and liabilities in relation to contracts of employment, which immediately before 7th May 2024 were property, rights and liabilities of the police and crime commissioner for South Yorkshire are to transfer to, and by virtue of this paragraph vest in, the Combined Authority on 7th May 2024.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the Mayor's PCC functions on or after 7th May 2024—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor;
- (c) any receipts arising from such property, rights and liabilities, whether arising from their use, sale, disposal or otherwise, are to be paid into the police fund kept by the Mayor by virtue of section 21 of the PRSR Act (police fund).

(3) All monies held in the police fund kept by the police and crime commissioner for South Yorkshire under section 21 of the PRSR Act immediately before 7th May 2024 are, on that date, to transfer to the police fund kept by the Mayor by virtue of that section, as applied in accordance with article 5.

(4) Nothing in paragraph (2) prevents the Mayor from making arrangements under section 18 of the PRSR Act (delegation of functions by police and crime commissioners)(15), as applied in accordance with article 5, in relation to the matters mentioned in paragraph (2).

### **Secondments**

7. In the case of a person who immediately before 7th May 2024 is seconded to the police and crime commissioner for South Yorkshire, the secondment is to have effect, after that time, as a secondment to the Combined Authority.

### **Continuity**

8.—(1) The abolition of the police and crime commissioner for South Yorkshire, the transfer or abolition of the commissioner's functions and the transfer of the commissioner's property, rights and liabilities do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under this Part from the police and crime commissioner for South Yorkshire to the Combined Authority.

(3) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred, and
- (b) is in the process of being done by or in relation to the police and crime commissioner for South Yorkshire immediately before 7th May 2024.

(4) Anything which—

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(15) Section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 (c. 20), paragraphs 115 and 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and by section 23(2) of the Policing and Crime Act 2017 (c. 3) ("the 2017 Act").

- (a) was made or done by or in relation to the police and crime commissioner for South Yorkshire for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred, and
- (b) is in effect immediately before 7th May 2024,

has effect as if made or done by or in relation to the Combined Authority.

(5) The Combined Authority is to be substituted for the police and crime commissioner for South Yorkshire in any instrument, contract or legal proceedings which—

- (a) relates to any of the functions, property, rights or liabilities transferred, and
- (b) is made or commenced before 7th May 2024.

(6) In this article a reference to the transfer of a function includes a reference to the abolition of a function and the conferral of a corresponding function on another person.

#### **Foreign property etc, perfection of vesting**

9.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights or liabilities: perfection of vesting)(16) apply to the transfer by or under this Part of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

- (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Part, and
- (b) references to the transferor and transferee are to be construed accordingly.

#### **Transfers: supplementary provision**

10.—(1) All property, rights and liabilities transferred by or under this Part are to be transferred, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Part, whether or not any consent required to the transfer has been obtained.

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document is to operate or become exercisable or be contravened, by reason of the transfer made by or under this Part.

(4) Paragraphs (1) to (3) have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property, or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by or under this Part of land or other property.

(5) In paragraph (3), “relevant document” means—

- (a) any enactment, other than an enactment contained in the 2009 Act;
- (b) any subordinate legislation made otherwise than under that Act, or
- (c) any deed or other instrument.

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(16) 1999 c. 29.



### **Extension of financial year of Police and Crime Commissioner and Chief Constable for South Yorkshire**

11.—(1) The following requirements are modified in the case of the police and crime commissioner for South Yorkshire and the chief constable for the financial year which began on 1st April 2023.

(2) The requirement in section 3(3) of the Local Audit and Accountability Act 2014 (general requirements for accounts)(17) to prepare a statement of accounts for each financial year ending with 31st March is modified so that the period ends with 6th May 2024.

(3) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)(18) is modified so that the relevant responsible financial officer must ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of those Regulations (period for the exercise of public rights) begins on 23rd July 2024.

(4) In this article—

“the chief constable” means the chief constable of the police force for South Yorkshire;

“the relevant responsible financial officer”(19) means—

- (a) in relation to the police and crime commissioner, the responsible financial officer for the Combined Authority, and
- (b) in relation to the chief constable, the responsible financial officer for the police force for South Yorkshire.

### **Modification to the Local Government Act 1972**

12.—(1) Section 86 of the Local Government Act 1972 (declaration by local authority of vacancy in office in certain cases)(20) applies in relation to the Mayor with the following modification.

(2) After section 86(1)(c), insert—

“or

- (d) ceases to be the Mayor by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011,”.

### **Consequential amendments**

13. In the Police and Crime Commissioner Elections Order 2012(21)—

- (a) in article 34 (prohibition of candidate election expenses not authorised by election agent), in table 1 in paragraph (4), omit the entry for “South Yorkshire”;
- (b) in article 35 (limitation of candidate election expenses), in table 2 in paragraph (2), omit the entry for “South Yorkshire”.

### **Amendment of the York and North Yorkshire Combined Authority Order 2023**

14. In the York and North Yorkshire Combined Authority Order 2023(22), in Schedule 5 (modifications of police and crime commissioner enactments in their application to the Mayor),

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(17) 2014 c. 2.

(18) S.I. 2015/234. Relevant amendments were made by S.I. 2020/404, 2021/263, and 2021/565.

(19) “Responsible financial officer” is defined in regulation 2(2) of the Accounts and Audit Regulations 2015.

(20) 1972 c. 70. Section 86 was amended by paragraph 8 of Schedule 14 to the Local Government Act 1985 (c. 51) and by section 59 of and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments not relevant to this instrument.

(21) S.I. 2012/1917, amended by S.I. 2014/921, 2016/300, 2017/67, 2018/1310, 2021/1265, 2022/1275, 2022/1354 and 2022/1382.

(22) S.I. 2023/1432.

in paragraph 25 (modification of the Police Reform and Social Responsibility Act 2011), for subparagraph (b), substitute—

“(b) for subsection (3), substitute—

“(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Mayor is to be treated as holding that office during that suspension.”.”.

20th March 2024

*Chris Philp*  
Minister of State  
Home Office

## SCHEDULE 1

Article 5(2)

Modification of police and crime commissioner enactments in their application to the Mayor

### PART 1

#### Modifications of primary legislation

##### **Police (Property) Act 1897**

1.—(1) The Police (Property) Act 1897<sup>(23)</sup> is modified as follows.

(2) In section 2(2A) (regulations with respect to unclaimed property in possession of police), for the last reference to “relevant body” substitute “Combined Authority”.

##### **Trustee Investments Act 1961**

2.—(1) The Trustee Investments Act 1961<sup>(24)</sup> is modified as follows.

(2) In paragraph 9 of Part 2 of the First Schedule (manner of investment), for “similar officer of the authority” substitute “similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

##### **Pensions (Increase) Act 1971**

3.—(1) The Pensions (Increase) Act 1971<sup>(25)</sup> is modified as follows.

(2) In paragraph 51(aa) of Schedule 2 (official pensions: court and police staff), for “a police and crime commissioner” substitute “the police and crime commissioner for South Yorkshire or of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor”.

##### **Local Government (Miscellaneous Provisions) Act 1976**

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976<sup>(26)</sup> is modified as follows.

(2) In section 29(1) (repayment of unclaimed compensation etc. paid into court)<sup>(27)</sup>, for “or transferred to the authority”, substitute “to the Mayor, or transferred to the Combined Authority in relation to the Mayor’s PCC functions”.

(3) In section 30(3)(a) (power to forgo repayment of advances of remuneration paid to deceased employees)<sup>(28)</sup>, for “maintained by a local authority”, substitute “maintained by the Mayor of the Combined Authority”.

(4) In section 44(1) (interpretation etc. of Part I)<sup>(29)</sup>, in paragraph (a) of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “13, 14, 16, 29 and 38”.

<sup>(23)</sup> 1897 c. 30. Section 2(2A) was inserted by section 1 of the Police (Property) Act 1997 (c. 30) and amended by paragraph 62 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) (“the PRSR Act”).

<sup>(24)</sup> 1961 c. 62. There are amendments to paragraph 9 of Part 2 of the First Schedule not relevant to this instrument.

<sup>(25)</sup> 1971 c. 56. Paragraph 51 was amended by Part 1 of Schedule 9 to the Police Act 1996 (c. 16) and by paragraph 97 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

<sup>(26)</sup> 1976 c. 57.

<sup>(27)</sup> Section 29(1) was amended by paragraph 14 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).

<sup>(28)</sup> Section 30(3) was substituted by paragraph 126 of Schedule 16 to the PRSR Act.

<sup>(29)</sup> The definition of “local authority” was substituted by paragraph 53 of Schedule 14 to the Local Government Act 1985 (c. 51) and amended by paragraph 43(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraph 127 of Schedule 16 to the PRSR Act, and paragraph 36 of Schedule 1 to and paragraph 51 of Schedule 2 to the 2017 Act. There are other amendments not relevant to this instrument.

### **Local Government, Planning and Land Act 1980**

5.—(1) The Local Government, Planning and Land Act 1980(30) is modified as follows.

(2) In section 99 (directions to dispose of land – supplementary)—

(a) after subsection (2), insert—

“(2A) Where a notice under subsection (1) is received by the Combined Authority which relates to land used wholly or partly in relation to the Mayor’s PCC functions, the Mayor is to make any representations under subsection (2) on behalf of the Combined Authority to the Secretary of State.”;

(b) in subsection (4)—

(i) in paragraph (dbzb)(31) at the end insert “or, as the case may be, the Mayor”;

(ii) omit paragraph (dc)(32).

### **Dartford-Thurrock Crossing Act 1988**

6.—(1) The Dartford-Thurrock Crossing Act 1988(33) is modified as follows.

(2) In section 19(a)(i) (exemption from tolls), for “a local policing body” substitute “the Combined Authority for use in relation to the exercise of the Mayor’s PCC functions”.

### **Local Government Finance Act 1988**

7.—(1) The Local Government Finance Act 1988(34) is modified as follows.

(2) In section 114 (functions of responsible officer as regards reports)—

(a) for subsection (4)(b)(i)(35) substitute—

“(i) the Mayor exercising PCC functions, each member of the Combined Authority, including the Mayor, and each member of the police and crime panel for the Mayor’s area.”;

(b) in subsection (8A)(b)(36), for “relevant authority”, substitute “Mayor”.

(3) In section 115 (authority’s duties as regards reports)—

(a) for subsection (1B)(37) substitute—

“(1B) In the case of a report made by the chief finance officer of the Combined Authority in relation to the Mayor’s PCC functions, the Mayor must consider the report and decide whether the Mayor agrees or disagrees with the views contained in the report and what action (if any) the Mayor proposes to take in consequence of it.”;

(b) in subsection (1E)—

(i) for “the elected local policing body”, substitute “the Mayor”;

(ii) for “that body”, in each place it occurs, substitute “the Mayor”;

(c) in subsection (1F)(b), for “elected local policing body’s” substitute “Combined Authority’s”;

(30) 1980 c. 65.

(31) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

(32) Section 99(4)(dc) was inserted by paragraph 141 of Schedule 16 to the PRSR Act.

(33) 1988 c. 20. Section 19(a)(i) was substituted by paragraph 177 of Schedule 16 to the PRSR Act. There are other amendments to section 19 not relevant to this instrument.

(34) 1988 c. 41.

(35) Section 114(4)(b) was substituted by paragraph 188(5) of Schedule 16 to the PRSR Act.

(36) Subsection (8A)(b) was inserted by paragraph 188(6) of Schedule 16 to the PRSR Act.

(37) Section 115(1B) to (1F) were inserted by paragraph 189(2) of Schedule 16 to the PRSR Act.



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- (d) in subsection (2)(38), for “an elected local policing body” substitute “a Combined Authority in relation to a Mayor exercising PCC functions”.
- (4) For section 116(2B) (information about consideration of reports etc.)(39), substitute—
  - “(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

#### **Road Traffic Act 1988**

- 8.—(1) The Road Traffic Act 1988(40) is modified as follows.
- (2) In section 144(2)(b) (exceptions from requirement of third-party insurance)—
  - (a) for “a local policing body” substitute “the Combined Authority for use in relation to the Mayor’s PCC functions”;
  - (b) for “a police and crime commissioner’s staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions”.

#### **Local Government and Housing Act 1989**

- 9.—(1) The Local Government and Housing Act 1989(41) is modified as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff)—
  - (a) in subsection (9)(42), for “an elected local policing body” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (10)(43), for “an elected local policing body does not include a deputy police and crime commissioner” substitute “the Combined Authority deployed predominantly in relation to the Mayor’s PCC functions does not include the deputy mayor for policing and crime”.
- (3) In section 4 (designations and reports of head of paid service)—
  - (a) omit subsections (1) and (1A)(44);
  - (b) for subsection (4)(45), substitute—
    - “(4) It shall be the duty of the head of the Combined Authority’s paid service, as soon as practicable after he has prepared a report relating to the Mayor’s PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority, including the Mayor, and to the police and crime panel.”;
  - (c) in subsection (5)(46), omit “(other than an elected local policing body)”;
  - (d) in subsection (5A)(47), for “by the head of the body’s paid service” substitute “that relates to the Mayor’s PCC functions”.

(38) Section 115(2) was amended by paragraph 189(3) of Schedule 16 to the PRSR Act and by S.I. 2018/226.

(39) Section 116(2B) was inserted by paragraph 190(3) of Schedule 16 to the PRSR Act.

(40) 1988 c. 52. Section 144(2)(b) was amended by Part VIII of Schedule 34 to the Greater London Authority Act 1999 (c. 29), paragraph 197(3) of Schedule 16 to the PRSR Act, and paragraph 8 of Schedule 12 to the 2017 Act.

(41) 1989 c. 42.

(42) Section 1(9) was inserted by paragraph 200 of Schedule 16 to the PRSR Act and amended by section 123(2) of, and paragraph 61 of Schedule 2 and paragraph 86 of Schedule 2 to, the 2017 Act.

(43) Section 1(10) was inserted by section 123(3) of the 2017 Act.

(44) Section 4(1A) was inserted by paragraph 201(2) of Schedule 16 to the PRSR Act.

(45) Section 4(4) was amended by paragraph 201(3) of Schedule 16 to the PRSR Act, and by paragraph 62(2) of Schedule 1 and paragraph 87(2) of Schedule 2 to, the 2017 Act.

(46) Section 4(5) was amended by paragraph 201(4) of Schedule 16 to the PRSR Act.

(47) Section 4(5A) was inserted by paragraph 201(5) of Schedule 16 to the PRSR Act.

- (4) In section 5 (designation and reports of monitoring officer)—
  - (a) omit subsection (1C)(48);
  - (b) for subsection (3)(b)(a)(49), substitute—
    - “(a) in the case of a report relating to the Mayor’s PCC functions, to the members of the Combined Authority, including the Mayor, and to the police and crime panel; and”;
  - (c) in subsection (5)—
    - (i) for “a relevant authority” substitute “the Mayor”;
    - (ii) in paragraph (a)(50)—
      - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
      - (bb) omit sub-paragraph (ii);
  - (d) in subsection (8)(51), in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa) (all staff to be appointed on merit)(52).
- (6) Omit section 13(5ZA) (voting rights of members of certain committees: England and Wales)(53).

#### **Police Act 1996**

- 10.—(1) The Police Act 1996(54) is modified as follows.
- (2) In section 22A(9)(a) (collaboration agreements)(55), for “that body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.
- (3) In section 41 (directions as to minimum budget)(56)—
  - (a) in subsection (1), for “commissioner’s council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “PCC component council tax requirement”;
  - (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “determination by the Mayor of the final amount of the PCC component”.
- (4) In section 53E (guidance about civilian staff employed by local policing bodies and chief officers)(57)—
  - (a) in subsection (1)(a), for “a local policing body” substitute “the Combined Authority and are deployed wholly or partly in relation to the Mayor’s PCC functions”;
  - (b) in subsection (1)(b), for “the body” substitute “the Combined Authority”.

(48) Section 5(1C) was inserted by paragraph 202(3) of Schedule 16 to the PRSR Act.

(49) Section 5(3)(b) was amended by paragraph 202(4) of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(50) Section 5(5)(a) was amended by paragraph 202(5) of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(51) The definition of “relevant authority” was amended by paragraph 634(3)(b) of Schedule 1 to the 2017 Act. There are other amendments not relevant to this instrument.

(52) Section 7(1)(aa) was inserted by paragraph 203(b) of Schedule 16 to the PRSR Act.

(53) Section 13(5ZA) was inserted by section 7(8) of the 2017 Act.

(54) 1996 c. 16.

(55) Section 22A was inserted by section 89(2) of the PRSR Act. There are amendments to section 22A not relevant to this instrument.

(56) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48), section 22 of the PRSR Act, and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).

(57) Section 53E was inserted by section 125 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

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(5) In section 88 (liability for wrongful acts of constables)(58)—

- (a) in subsection (5A), for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) in subsection (6)(a), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

(6) In section 92(1) (grants by local authorities)(59), for “parish or community” substitute “parish, community or Combined Authority”.

(7) In section 96(1B) (arrangements for obtaining the views of the community on policing)(60), for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “PCC component is determined by the Mayor”.

#### **Proceeds of Crime Act 2002**

11.—(1) The Proceeds of Crime Act 2002(61) is modified as follows.

(2) For section 55(8)(aa) (sums received by designated officer) substitute—

- “(aa) a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.”.

#### **Police Reform Act 2002**

12.—(1) The Police Reform Act 2002(62) is modified as follows.

(2) In section 40(7)(d) (community safety accreditation schemes)(63), for “local policing body” substitute “Combined Authority and who are deployed wholly or partly in relation to the Mayor’s PCC functions”.

(3) In section 42(7) (supplementary provisions relating to designations and accreditations)(64)—

- (a) for the first reference to “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for the second reference to “local policing body” substitute “Combined Authority”;
- (c) for “or body” substitute “or Combined Authority”.

#### **Local Government Act 2003**

13.—(1) The Local Government Act 2003(65) is modified as follows.

(2) In section 7 (credit arrangements)—

- (a) in subsection (1)(a), for “its part” substitute “the part of the Combined Authority”;
- (b) in subsection (2), for “on the part of the authority”, substitute “on the part of the Combined Authority”.

(58) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50), sections 102(1) and (4) and 103(1) of the Police Reform Act 2002, paragraph 80(3) of Schedule 4 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 42 of Schedule 16 to the PRSR Act, paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22) and by S.I. 2012/1809 and 2019/742.

(59) Section 92(1) was amended by section 25(4)(a) of the PRSR Act.

(60) Section 96(1B) was inserted by section 14(3) of the PRSR Act.

(61) 2002 c. 29. Section 55(8)(aa) was inserted by paragraph 305 of Schedule 16 to the PRSR Act.

(62) 2002 c. 30.

(63) Section 40(7)(d) was amended by paragraph 295(4) of Schedule 16 to the PRSR Act.

(64) Section 42(7) was amended by paragraph 296 of Schedule 16 to the PRSR Act.

(65) 2003 c. 26.

### **Railways and Transport Safety Act 2003**

- 14.—(1) The Railways and Transport Safety Act 2003<sup>(66)</sup> is modified as follows.
- (2) For paragraph 7(2)(c) of Schedule 4 (British Transport Police Authority), substitute—
- “(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions,”.

### **Local Government and Public Involvement in Health Act 2007**

- 15.—(1) The Local Government and Public Involvement in Health Act 2007<sup>(67)</sup> is modified as follows.
- (2) For section 15(1)(a) (incidental etc provision in orders or regulations), substitute—
- “(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor’s PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

### **Local Democracy, Economic Development and Construction Act 2009**

- 16.—(1) The 2009 Act is modified as follows.
- (2) In paragraph 9(1)(a) of Schedule 5B (mayors for combined authority areas: further provision about elections)<sup>(68)</sup>, for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime”.

### **Police Reform and Social Responsibility Act 2011**

17. The PRSR Act is modified as follows.
18. In section 5 (police and crime commissioners to issue police and crime plans)<sup>(69)</sup>—
- (a) in subsection (1), for “ordinary election” substitute “election for the return of a Mayor”;
- (b) in subsection (13)—
- (i) in the definition of “financial year”, for “the police and crime commissioner” substitute “the Combined Authority”;
- (ii) omit the definition of “ordinary election”.
19. In section 7(7) (police and crime plans)<sup>(70)</sup>—
- (a) in the definition of “financial year”, for “the elected local policing body” substitute “the Combined Authority”;
- (b) omit the definition of “ordinary election”;
- (c) in the definitions of “planning period” and “qualifying day”, for “ordinary election” substitute “election for the return of a Mayor”.
20. In section 16 (appointment of persons not employed by elected local policing bodies)—
- (a) for subsection (1), substitute—

<sup>(66)</sup> 2003 c. 20. Paragraph 7(2)(c) of Schedule 4 was inserted by paragraph 328 of Schedule 16 to the PRSR Act.

<sup>(67)</sup> 2007 c. 28. Section 15(1)(a) was amended by paragraph 14(2)(a) of Schedule 10 to the PRSR Act.

<sup>(68)</sup> Schedule 5B was inserted by Schedule 1 to the Cities and Local Government Devolution Act 2016 (c. 1).

<sup>(69)</sup> There are amendments to section 5 not relevant to this instrument.

<sup>(70)</sup> Section 7 was amended by paragraph 97 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).



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- “(1) This section applies where the Mayor, in connection with the exercise of the Mayor’s PCC functions, is required or authorised by any Act—
- (a) to appoint a person to a specified post in the Combined Authority; or
  - (b) to designate a person as having specified duties or responsibilities.”;
- (b) in subsection (2), for “the body” substitute “the Combined Authority”.
21. In section 18 (delegation of functions by police and crime commissioners)(71)—
- (a) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (b) in subsection (6)—
    - (i) after paragraph (d), insert—
 

“(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009(72);”;
    - (ii) after paragraph (h), insert—
 

“(i) the Combined Authority.”;
  - (c) in subsection (7)—
    - (i) for paragraph (f), substitute—
 

“(f) calculating the PCC component council tax requirement.”;
    - (ii) omit paragraphs (g) and (h);
  - (d) for subsection (10), substitute—
 

“(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.
22. In section 21 (police fund), after subsection (3) insert—
- “(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to the exercise of the Mayor’s PCC functions.”.
23. In section 28 (police and crime panels outside London)(73)—
- (a) omit subsections (1A) and (1B);
  - (b) in subsection (6)(a), after “police and crime commissioner” insert “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18”.
24. In section 29 (power to require attendance and information)—
- (a) for subsection (1), substitute—
 

“(1) A police and crime panel may require—

    - (a) the Mayor,
    - (b) the deputy mayor for policing and crime,
    - (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, and
    - (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,

(71) Section 18 was amended by paragraph 53 of Schedule 7 to the Localism Act 2011 (c. 20), paragraph 116 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2), and section 23(2) of the 2017 Act.

(72) 2009 c. 20. Section 107C was inserted by section 3 of the Cities and Local Government Devolution Act 2016 (c. 1).

(73) Section 28 was amended by paragraph 89 of Schedule 1 to the 2017 Act.

to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;

- (b) for subsection (2), substitute—

“(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—

- (a) the Mayor in relation to the Mayor’s PCC functions,
- (b) the deputy mayor for policing and crime, or
- (c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;

- (c) for subsection (5), substitute—

“(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;

- (d) in subsection (6), after “commissioner” insert “or the deputy mayor for policing and crime”.

25. In section 30 (suspension of police and crime commissioner)—

- (a) in subsection (1), for “relevant police and crime commissioner” substitute “Mayor so far as acting in the exercise of PCC functions”;

- (b) for subsection (3), substitute—

“(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Mayor is to be treated as holding that office during that suspension.”.

26. In section 31(3) (conduct), for paragraphs (b) to (d) substitute—

“(b) deputy mayor for policing and crime.”.

27. In section 62 (appointment of acting commissioner)—

- (a) for subsection (1), substitute—

“(1) The police and crime panel must appoint a person to exercise the Mayor’s PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;

- (b) in subsection (2), for “member of the police and crime commissioner’s staff”, substitute “member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or the deputy mayor for policing and crime”;

- (c) after subsection (2), insert—

“(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;

- (d) omit subsection (3);

- (e) for subsection (5), substitute—

“(5) Any property or rights vested in the Combined Authority in relation to the Mayor’s PCC functions can be dealt with by the acting commissioner.”;

- (f) omit subsection (6)(c);

- (g) in subsection (7)—

(i) omit “incapacitated or”;

(ii) omit “(c) or”;

- (h) omit subsection (8).

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28. For section 63 (vacancy where acting commissioner acts for 6 months), substitute—

“63.—(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
- (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.

(2) At the end of that 6 month period—

- (a) the Mayor ceases to be the Mayor, and
- (b) accordingly, the office of Mayor becomes vacant.”.

29. For section 64(3) to (4A) (disqualification from election as police and crime commissioner)(74), substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016(75) if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(76) if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

30. In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds)(77)—

- (a) in subsection (1)(e), insert after paragraph (ii)—

“(iii) the Combined Authority;”;

- (b) for subsection (1A), substitute—

“(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—

- (a) from being elected as Mayor at an election held under the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016;
- (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

31. In section 70 (declaration of acceptance of office of police and crime commissioner)(78)—

- (a) for subsection (1), substitute—

(74) Subsections (3A) and (4A) were inserted by S.I. 2017/470.

(75) S.I. 2016/800, amended by S.I. 2017/432, and by article 3 of this Order.

(76) S.I. 2017/69.

(77) Section 65 was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22), section 122(1) of and paragraph 73(2) of Schedule 9 to, the 2017 Act and by S.I. 2021/1265.

(78) Section 70 was amended by S.I. 2021/1265.

“(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;

- (b) omit subsection (2);
- (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;
- (d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989;

“specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as Mayor of South Yorkshire.

In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of South Yorkshire.

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”;

- (e) omit subsection (7).

**32. In Schedule 1 (police and crime commissioners)(79)—**

- (a) for paragraph 1, substitute—

“1. This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;

- (b) for paragraph 4, substitute—

“4.—(1) The Mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

- (a) pensions to, or in respect of, persons who have been the police and crime commissioner for South Yorkshire, and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for South Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

- (c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “paragraph”;
- (d) in paragraph 8—
  - (i) for each reference to “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

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(79) Paragraph 8 of Schedule 1 was amended by section 121 of the 2017 Act.



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(ii) for sub-paragraphs (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person’s term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime’s appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;

(e) for paragraph 9(1), substitute—

“(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;

(f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “election for the return of a Mayor”;

(g) for paragraph 13, substitute—

“13.—(1) The Mayor may pay—

(a) remuneration, allowances and gratuities to members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and

(b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.

(2) The Mayor may pay—

(a) pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions; and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions.

(3) In this paragraph “allowances” —

(a) in relation to a member of the Combined Authority’s staff deployed wholly or partly in relation to the Mayor’s PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and

(b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority’s staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person’s duties as deputy mayor for policing and crime.”;

(h) for paragraph 15(2), substitute—

“(2) A person who is—

(a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions, or

(b) a member of the Combined Authority exercising the Mayor’s PCC functions,

has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor’s PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;

(i) for paragraph 16, substitute—

“16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.

**33. In Schedule 5 (issuing precepts)—**

- (a) in paragraph 1—
  - (i) for sub-paragraph (1), substitute—

“(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;
  - (ii) for sub-paragraph (3), substitute—

“(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
- (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
  - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;
  - (ii) in paragraph (b), for “issue a different precept” substitute “determine a different PCC component”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “determine that the proposed PCC component is to be the PCC component”;
- (g) in paragraph 8—
  - (i) in sub-paragraph (1), for “the issuing of precepts” substitute “determining the amount of the PCC component”;
  - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “amount of the PCC component”.

**34. In Schedule 6 (police and crime panels)(80)—**

- (a) for paragraph 21, substitute—

“21. The Mayor, a member of the Combined Authority appointed by the constituent councils, or a substitute member acting in place of such a member may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “Combined Authority”;
- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;
- (d) in paragraph 34, after sub-paragraph (1) insert—

(80) Schedule 6 was amended by paragraph 92 of Schedule 1 to the 2017 Act.

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“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

**35. In Schedule 7 (regulations about complaints and conduct matters)(81)—**

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority)”;
- (b) for paragraph 4, substitute—

“4.—(1) This paragraph applies in relation to qualifying complaints which—

- (a) relate to a holder of the office of—
  - (i) Mayor; or
  - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority; and
- (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.”.

**36. In Schedule 8 (appointment, suspension and removal of senior police officers)(82)—**

- (a) for paragraph 4(10), substitute—
 

“(10) For that purpose, “relevant post-election period” means the period that—

  - (a) begins with the day of the poll at an election for the return of the Mayor; and
  - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;
- (b) for paragraph 15(8), substitute—
 

“(8) For that purpose, “relevant post-election period” means the period that—

  - (a) begins with the day of the poll at an election for the return of the Mayor; and
  - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

**Local Audit and Accountability Act 2014**

**37.—(1) The Local Audit and Accountability Act 2014(83) is modified as follows.**

**(2) In Schedule 4 (further provisions about auditor panels)—**

- (a) for paragraph 2(4)(a), substitute—
 

“(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (“the relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;
- (b) for paragraph 2(5), substitute—

(81) Schedule 7 was amended by paragraph 73 of Schedule 9 to the 2017 Act. There are other amendments to Schedule 7 not relevant to this instrument.

(82) There are amendments to Schedule 8 not relevant to this instrument.

(83) 2014 c. 2. Paragraph 2(4) to (7) of Schedule 4 was substituted by S.I. 2014/2845.

“(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

## PART 2

### Modifications of secondary legislation

#### **Motor Vehicles (Third Party Risks) Regulations 1972**

38.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972<sup>(84)</sup> are modified as follows.

(2) For regulation 7(3) (production of evidence as alternatives to certificates), substitute—

“(3) in the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor’s PCC functions, a certificate in form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor’s PCC functions.”.

#### **Official Secrets Act 1989 (Prescription) Order 1990**

39.—(1) The Official Secrets Act 1989 (Prescription) Order 1990<sup>(85)</sup> is modified as follows.

(2) In Schedule 2 (prescriptions), for “A Deputy police and crime commissioner”, substitute “A deputy mayor for policing and crime”.

#### **Police (Disposal of Sound Equipment) Regulations 1995**

40.—(1) The Police (Disposal of Sound Equipment) Regulations 1995<sup>(86)</sup> are modified as follows.

(2) In regulation 4(4) (application of proceeds of sale), for “local policing body” substitute “Combined Authority”.

#### **Police (Property) Regulations 1997**

41.—(1) The Police (Property) Regulations 1997<sup>(87)</sup> are modified as follows.

(2) In regulation 6(6), for “relevant authority” substitute “Combined Authority”.

(3) In regulation 7(1), for “vest in them” substitute “vest in the Combined Authority”.

#### **Health and Safety (Enforcing Authority) Regulations 1998**

42.—(1) The Health and Safety (Enforcing Authority) Regulations 1998<sup>(88)</sup> are modified as follows.

(2) In regulation 4(3)(d) (exceptions), for “a local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

<sup>(84)</sup> S.I. 1972/1217. Regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments not relevant to this instrument.

<sup>(85)</sup> S.I. 1990/200, amended by S.I. 2012/2900. There are other amending instruments not relevant to this instrument.

<sup>(86)</sup> S.I. 1995/722. Regulation 4 was amended by S.I. 2000/1549 and 2011/3058.

<sup>(87)</sup> S.I. 1997/1908. Regulation 6 was amended by S.I. 2002/2313 and 2013/2318. Regulation 7 was amended by paragraph 320 of the Sentencing Act 2020 (c. 17).

<sup>(88)</sup> S.I. 1998/494. Regulation 4(3)(d) was amended by S.I. 2011/3058. There are other amendments to regulation 4 not relevant to this instrument.



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### **Motor Vehicles (Driving Licences) Regulations 1999**

43.—(1) The Motor Vehicles (Driving Licences) Regulations 1999<sup>(89)</sup> are modified as follows.

(2) In regulation 23(1)(c)(ii) (persons by whom theory tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(3) In regulation 24(1)(d)(ii) (persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(4) In regulation 58(2)(c)(ii) (provision of approved training courses), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

### **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

44.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999<sup>(90)</sup> is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1 (Employment to which this Order Applies: Employers Immediately Before the Relevant Event), substitute—

“2. The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor’s PCC functions.”.

### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

45.—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001<sup>(91)</sup> are modified as follows.

(2) In regulation 3(2) (further disclosure), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

46.—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001<sup>(92)</sup> are modified as follows.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

### **Police Regulations 2003**

47.—(1) The Police Regulations 2003<sup>(93)</sup> are modified as follows.

(2) In regulation 7(7)(a) (business interests of members of police forces: general), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

<sup>(89)</sup> S.I. 1999/2864, amended by S.I. 2011/3058. There are other amending instruments not relevant to this instrument.

<sup>(90)</sup> S.I. 1999/2277. Paragraph 2 of Section 6 of Schedule 1 was substituted by S.I. 2012/2733.

<sup>(91)</sup> S.I. 2001/3343. Regulation 3(2) was amended by S.I. 2011/3058.

<sup>(92)</sup> S.I. 2001/2645. Regulation 2 was amended by S.I. 2012/61.

<sup>(93)</sup> S.I. 2003/527. Regulation 7 was substituted by S.I. 2012/1960. Regulation 24(1) was amended by S.I. 2011/3026.

(3) In regulation 24(1)(b) (pay), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

#### **Docking of Working Dogs’ Tails (England) Regulations 2007**

**48.—**(1) The Docking of Working Dogs’ Tails (England) Regulations 2007<sup>(94)</sup> are modified as follows.

- (2) In regulation 2 (interpretation), for the definition of “police identification” substitute—
- ““police identification” means evidence that the person presenting the identification is—
- (a) a police officer;
  - (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor’s PCC functions;
  - (c) contracted to work for the Mayor in relation to the Mayor’s PCC functions; or
  - (d) contracted to work for, or otherwise employed by, the chief officer of police.”.

#### **REACH Enforcement Regulations 2008**

**49.—**(1) The REACH Enforcement Regulations 2008<sup>(95)</sup> are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

#### **Elected Local Policing Bodies (Specified Information) Order 2011**

**50.—**(1) The Elected Local Policing Bodies (Specified Information) Order 2011<sup>(96)</sup> is modified as follows.

- (2) In article 1(2) (interpretation)—
- (a) for the definition of “election” substitute—  
““election” means an election for the return of a Mayor.”;
  - (b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (c) for the definition of “senior employee”, substitute—  
““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions and whose salary exceeds £50,000.”;
  - (d) for the definition of “staff”, substitute—  
““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions but does not include the deputy mayor for policing and crime.”.
- (3) In the Schedule—
- (a) in paragraph 2—
    - (i) omit the first reference to “of the elected local policing body”;
    - (ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;

<sup>(94)</sup> S.I. 2007/1120. The definition of “police identification” was amended by S.I. 2012/61.

<sup>(95)</sup> S.I. 2008/2852. Paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058.

<sup>(96)</sup> S.I. 2011/3050.

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- (b) in paragraph 3(97) —
  - (i) for sub-paragraph (b), substitute—
    - “(b) the PCC component;”;
  - (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;
- (c) in paragraph 4(98)—
  - (i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor’s PCC functions”;
  - (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor’s PCC functions, or occupied for the purposes of”;
  - (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
  - (iv) for sub-paragraph (d), substitute—
    - “(d) a list of every contract with a value not exceeding £5,000 —
      - (i) which the Mayor has entered into, or is to enter into, on behalf of the Combined Authority in relation to the Mayor’s PCC functions; or
      - (ii) to which the chief officer of the police force maintained by the Mayor is, or is to be, a party,
 including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”.

#### **Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

51.—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(99) are modified as follows.

- (2) In regulation 2 (interpretation)—
  - (a) after the definition of “document”, insert—
    - ““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989(100);”;
  - (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (c) in the definition of “relevant office”, for paragraph (b) substitute—
    - “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7 (delegation of powers and duties by police and crime panels)—
  - (a) for paragraph (1)(a), substitute—
    - “(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
  - (b) in paragraph (2), omit “a chief executive or”;
  - (c) for paragraph (3), substitute—
    - “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and

(97) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and 2013/1816.

(98) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.

(99) S.I. 2012/62, to which there are amendments not relevant to this instrument.

(100) 1989 c. 42.

recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.

(4) In regulation 15(3)(a) (disapplication of requirements of regulations), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”.

(5) In regulation 28(1) (informal resolution)—

(a) omit paragraph (a);

(b) for paragraph (b), substitute—

“(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded;”.

(6) For regulation 29 (resolution in accordance with Part 3 of the Local Government Act 2000), substitute—

**“Resolution in accordance with the Combined Authority’s code of conduct**

**29.—**(1) If a complaint to which this Part applies concerns the conduct of—

(a) the Mayor, or

(b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011<sup>(101)</sup>.

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

**Police Appeals Tribunals Rules 2012**

**52.—**(1) The Police Appeals Tribunals Rules 2012<sup>(102)</sup> are modified as follows.

(2) In rule 15(4) (legal and other representation) for “relevant local policing body” substitute “Combined Authority”.

**Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**53.—**(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012<sup>(103)</sup> are modified as follows.

(2) In regulation 3(2) (entities under the control of a relevant council)—

(a) in sub-paragraph (c), omit “or”;

(b) in sub-paragraph (d), after (c) insert “, or”;

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<sup>(101)</sup>2011 c. 20.

<sup>(102)</sup>S.I. 2012/2630, subject to modification and saving by S.I. 2020/1.

<sup>(103)</sup>S.I. 2012/2087.



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- (c) after sub-paragraph (d), insert—  
 “(e) the Combined Authority.”.

#### **Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012**

54.—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012<sup>(104)</sup> are modified as follows.

(2) In regulation 4(2) (report on proposed precept), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2) (veto: police and crime commissioner’s response), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2) (panel’s review of revised precept)—

- (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
- (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

(5) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”.

(6) In regulation 8 (issuing precept)—

- (a) in paragraph (2)—
  - (i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;
  - (ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”;
- (b) in paragraph (3)—
  - (i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;
  - (ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”.

#### **Local Government Pension Scheme Regulations 2013**

55.—(1) The Local Government Pension Scheme Regulations 2013<sup>(105)</sup> are modified as follows.

(2) After regulation 64(8) (special circumstances where revised actuarial valuations and certificates must be obtained), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the South Yorkshire Mayoral Combined Authority (Election of Mayor and Transfer of Police and Crime Commissioner Functions) Order 2024.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

<sup>(104)</sup>S.I. 2012/2271.

<sup>(105)</sup>S.I. 2013/2356. There are amendments not relevant to this instrument.

#### **Local Audit (Auditor Resignation and Removal) Regulations 2014**

**56.—**(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014<sup>(106)</sup> are modified as follows.

(2) In regulation 2 (application of these Regulations to policing bodies)—

- (a) in paragraph (3), for “police and crime commissioner” substitute “Combined Authority”;
- (b) in paragraph (4), for “a police and crime commissioner” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

#### **Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

**57.—**(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017<sup>(107)</sup> is modified as follows.

(2) In article 4(d) (date on which vacancy occurs)—

- (a) in paragraph (ii), omit “or”;
- (b) in paragraph (iii), at the end insert “or”;
- (c) after paragraph (iii), insert—

“(iv) the mayor ceasing to hold office by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011;”.

#### **Police Appeals Tribunals Rules 2020**

**58.—**(1) The Police Appeals Tribunals Rules 2020<sup>(108)</sup> are modified as follows.

(2) In rule 19(4)(c) and (d) (legal and other representation), for “relevant local policing body” substitute “Combined Authority”.

#### **Policing Protocol Order 2023**

**59.—**(1) The Policing Protocol Order 2023<sup>(109)</sup> is modified as follows.

(2) In the Schedule—

- (a) in paragraph 5, for “of each PCC”, substitute “deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”;
- (b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

**13A.** The staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;

- (c) in paragraph 16, for “precept” substitute “PCC component”;
- (d) in paragraph 17(d), for “precept” substitute “PCC component”;
- (e) in paragraph 24—

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<sup>(106)</sup>S.I. 2014/1710.

<sup>(107)</sup>S.I. 2017/69.

<sup>(108)</sup>S.I. 2020/1.

<sup>(109)</sup>S.I. 2023/649.

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- (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
- (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
- (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

## SCHEDULE 2

Article 5(3)

### Exclusion of legislation from application to the Combined Authority Mayor with policing and crime functions

## PART 1

### Primary legislation

1. Section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes)(**110**).
2. The following provisions of the Local Government Act 1972(**111**)—
  - (a) section 102(6) to (11) (appointment of committees);
  - (b) section 223(2) (appearance of local authorities in legal proceedings);
  - (c) paragraph 6ZA of Part 1 of Schedule 12 (meetings and proceedings of local authorities).
3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority etc.)(**112**).
4. Section 14(1)(caa) of the Rent Act 1977 (landlord’s interest belonging to local authority, etc.)(**113**).

(110) 1967 c. 88. Section 28(5)(a) was amended by paragraph 85 of Schedule 16 to the PRSR Act. There are other amendments to section 28 not relevant to this instrument.

(111) 1972 c. 70. Section 102(6) to (11) and paragraph 6ZA were inserted by section 7 of the 2017 Act. Section 102(9) was amended by section 74 of the Levelling-up and Regeneration Act 2023. Section 223 was amended by paragraph 21 of Schedule 14 to the Local Government Act 1985 (c. 51), part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), paragraph 12 of Schedule 4 to the Police and Magistrates’ Courts Act 1994 (c. 29), paragraph 17(a) of Schedule 22 and Schedule 24 to the Environment Act 1995 (c. 25), paragraph 28 of Schedule 21 to the Legal Services Act 2007 (c. 29), paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 109 of Schedule 16 to the PRSR Act, paragraph 6(7)(k) of Schedule 13 to the Deregulation Act 2015 (c. 20), paragraph 27 of Schedule 1 to the 2017 Act, and by S.I. 2001/3719 and 2022/372.

(112) 1976 c. 80. Section 5(3)(baa) was inserted by paragraph 52 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 134 of Schedule 16 to the PRSR Act.

(113) 1977 c. 42. Section 14(1)(caa) was inserted by paragraph 53 of Schedule 4 to the Police and Magistrates’ Court Act 1994 and amended by paragraph 135 of Schedule 16 to the PRSR Act.

5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980 (land held by public bodies)(114).
6. Sections 33 (enforceability by local authorities of certain covenants relating to land) and 41 (lost and uncollected property) of the Local Government (Miscellaneous Provisions) Act 1982(115).
7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983 (alteration of registers)(116).
8. Section 60 of the County Courts Act 1984 (right of audience)(117).
9. The following provisions of the Housing Act 1985(118)—
  - (a) section 80(1) (the landlord condition);
  - (b) section 157(1) (restriction on disposal of dwelling-houses in National Parks);
  - (c) section 171(2) (power to extend right to buy);
  - (d) section 573(1) (meaning of public sector authority);
  - (e) paragraph 2(1) of Schedule 1 (tenancies which are not secure tenancies);
  - (f) grounds 7 and 12 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies);
  - (g) ground 5 in Schedule 3 (grounds for withholding consent to assignment by way of exchange);
  - (h) paragraph 7(1) of Schedule 4 (qualifying period for right to buy and discount);
  - (i) paragraph 5(1)(b) of Schedule 5 (exceptions to the right to buy).
10. Section 38 of the Landlord and Tenant Act 1985 (minor definitions)(119).
11. Section 7 of the Local Government Act 1986 (transfer requires mortgagor's consent)(120).
12. Section 58 of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords)(121).

(114) 1980 c. 65. Section 96A was inserted, and section 97 substituted, by paragraphs 2 and 3 of Schedule 5 to the Local Government Act 1988 (c. 9). Section 98 was amended by paragraphs 4(2) and (3) of the Local Government Act 1988, section 176(1) of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), and by S.I. 2009/1941.

(115) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 56(2)(a) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, paragraph 156 of Schedule 16 to the PRSR Act, paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015, and paragraph 66 of Schedule 2 to the 2017 Act. There are other amendments to section 33 not relevant to this instrument.

(116) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6) and amended by paragraph 4 of Schedule 2 to the Recall of MPs Act 2015 (c. 25) and by S.I. 2018/1310. Section 13B was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 11 of the Electoral Administration Act 2006 (c. 22), section 6(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), paragraph 3 of Schedule 10 to the PRSR Act, paragraph 13 of Schedule 4 to the Electoral Registration and Administration Act 2013, and paragraph 5 of Schedule 2 to the Recall of MPs Act 2015, and by S.I. 2018/1310.

(117) 1984 c. 28. Section 60 was amended by paragraph 58 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 159 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.

(118) 1985 c. 68. There are amendments not relevant to this instrument.

(119) 1985 c. 70. The definition of "local authority" in section 38 was amended by paragraph 70 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 75 of Schedule 2 to the 2017 Act. There are other amendments not relevant to this instrument.

(120) 1986 c. 10.

(121) 1987 c. 31. Section 58(1)(a) was amended by paragraph 72 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009, and paragraph 176 of Schedule 16 to the PRSR Act. There are other amendments not relevant to this instrument.



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13. Sections 111, 113, 114 and 114A of the Local Government Finance Act 1988 (financial administration)(122).

14. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies)(123).

15. Section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities)(124).

16. Section 33 of the Value Added Tax Act 1994 (refunds of VAT in certain cases)(125).

17. Section 94 of the Police Act 1996 (financing of new police and crime commissioners)(126).

18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000 (public authorities)(127).

19. Sections 21 and 22 of the Local Government Act 2003 (accounts)(128).

20. The following provisions of the Fire and Rescue Services Act 2004(129)—

- (a) section 3(7) and (9) (creation of combined fire and rescue authorities: supplementary);
- (b) section 4A (power to provide for police and crime commissioner to be fire and rescue authority);
- (c) Schedule A1 (procedure for orders under section 4A);
- (d) Schedule A2 (application of legislation relating to police and crime commissioners).

21. The following provisions of the PRSR Act—

- (a) section 1(1) to (4) (police and crime commissioners)(130);
- (b) sections 50 to 61 (elections and vacancies);
- (c) section 69 (validity of acts);
- (d) sections 71 to 75 (elections: further provision);
- (e) section 102(3) (interpretation: police and crime commissioner's staff);
- (f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2), and (4), and 7 (police and crime commissioners);
- (g) Schedule 6, paragraphs 33 to 35 (duty to nominate elected mayor to be a member of police and crime panel);
- (h) Schedule 10 (elections: consequential amendments).

22. Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014 (relevant authorities)(131).

23. The following provisions of the Policing and Crime Act 2017(132)—

- (a) section 5(7)(a) and (9)(a) (collaboration agreements: definitions);

(122)1988 c. 41. Section 111 was amended by paragraph 186 of Schedule 16 to the PRSR Act. Section 114(4)(b) was substituted by paragraph 118 of Schedule 16 to the PRSR Act. Section 114A was inserted by S.I. 2001/2237. There are other amendments not relevant to this instrument.

(123)1988 c. 50. Paragraph 12(2)(g) was substituted by paragraph 178 of Schedule 16 to the PRSR Act.

(124)1992 c. 14. Section 39 was amended by section 26(2) of the PRSR Act. There are other amendments not relevant to this instrument.

(125)1994 c. 23. Section 33 was amended by paragraph 217 of Schedule 16 to the PRSR Act.

(126)1996 c. 16. Section 94 was amended by section 25(7) to (11) of the PRSR Act.

(127)2000 c. 36. Paragraph 57 of Schedule 1 was substituted by paragraph 249 of Schedule 16 to the PRSR Act.

(128)2003 c. 26.

(129)2004 c. 21. Section 3(6) to (9) were inserted by section 7(12) of the 2017 Act. Section 4A was inserted by paragraph 5 of Schedule 1 to that Act. Schedules A1 and A2 were inserted by paragraph 13 of Schedule 1 to that Act.

(130)Section 1 was amended by section 183 of the 2017 Act.

(131)2014 c. 2.

(132)2017 c. 3.

- (b) paragraph 92 of Schedule 1 (amendments to Schedule 6 to the Police Reform and Social Responsibility Act 2011).

## PART 2

### Secondary legislation

- 24. The Police and Crime Commissioner Elections Order 2012.
- 25. The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(133).
- 26. The Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(134).
- 27. The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(135).
- 28. The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013 (scheme employers)(136)—
  - (a) paragraph 6 of Part 1;
  - (b) Part 4.
- 29. The Police and Crime Commissioner Elections Order 2015(137).
- 30. Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(138).
- 31. The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(139)
- 32. The Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2020(140).
- 33. The Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2020(141).
- 34. The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2021(142).

(133) S.I. 2012/1918, amended by S.I. 2016/300 and 2022/263.

(134) S.I. 2012/2088, amended by S.I. 2015/1526, 2016/488, 2021/179, and 2021/1265.

(135) S.I. 2012/2553.

(136) S.I. 2013/2356.

(137) S.I. 2015/665.

(138) S.I. 2015/1376.

(139) S.I. 2015/1526.

(140) S.I. 2020/134, amended by S.I. 2021/258 and 2022/1079.

(141) S.I. 2020/136, amended by S.I. 2021/259 and 2022/1079.

(142) S.I. 2021/390, amended by S.I. 2022/1079.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision amending the date of the election of the mayor of the South Yorkshire Mayoral Combined Authority (“the Mayor”), and providing for the transfer of police and crime commissioner (“PCC”) functions from the police and crime commissioner for South Yorkshire to the Mayor.

Article 3 amends article 3 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Election of Mayor) Order 2016 (S.I. 2016/800) to change the date of the next mayoral election from 7th May 2026 to 2nd May 2024, to reduce the term of office of the mayor accordingly and to provide for mayoral elections every four years thereafter. The change of date of the next mayoral election to 2024 is to coincide with the transfer of PCC functions to the Mayor and to provide for the election of a Mayor with PCC functions on the same election date and cycle as PCCs elsewhere in England and Wales.

Article 4 provides for the transfer of functions to the Mayor, and the abolition of the PCC for South Yorkshire.

Article 5 provides that, in relation to the Mayor’s PCC functions, the Mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. Schedule 1 sets out modifications of such legislation in its application to the Mayor and Schedule 2 lists certain legislation that does not apply.

Articles 6 to 10 make provision in relation to the transfer of property, rights and liabilities from the PCC for South Yorkshire to the South Yorkshire Mayoral Combined Authority. The Mayor is to exercise all functions and make all decisions in relation to such property, rights and liabilities.

Article 11 extends the period under the Local Audit and Accountability Act 2014 (c. 2) in which a statement of accounts must be prepared. Article 12 applies and modifies section 86 of the Local Government Act 1972 (c. 70) to provide for circumstances where the Mayor is unable to act as Mayor for more than six months. Article 13 makes amendments to legislation consequential on this Order, and article 14 makes a minor amendment to the York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

## APPENDIX 2 – FINANCIAL REGULATIONS

[Please click here to view the Financial Regulations](#)



## **APPENDIX 3 – CONTRACT PROCEDURE RULES**

[Please click here to view the Contract Procedure Rules](#)

## **APPENDIX 4 – BUSINESS ADVISORY BOARD**

### **TERMS OF REFERENCE**

#### **1. Purpose**

- 1.1 The Business Advisory Board (“Board”) will provide regional business contribution into the MCA;
- 1.2 The Board will provide a strong, independent and diverse business voice into the work and decision making of the MCA;
- 1.3 The MCA, individual Portfolio Leads, officers of the MCA and the Mayor may consult the Board or its members out with the formal meeting cycle to ensure views of business are taken into account when formulating policy and making decisions;
- 1.4 The Board may be commissioned to carry out work for the MCA.

#### **2. Responsibilities**

- 2.1 Having regard to the desire to ensure the MCA has access to a strong, independent and diverse business voice, the Board will be established with a role and remit that includes:-
  - 2.1.1 Shape South Yorkshire’s thinking on short and long-term issues of importance to businesses and the region’s economic future, and to ensure these are heard and considered by the MCA to inform its decisions;
  - 2.1.2 Help develop thinking on MCA priorities within the agreed remit and core priorities where the business voice can bring most added value while allowing for agility to respond to emerging issues;
  - 2.1.3 Cover a range of business topics that the MCA is directly involved with and where in-depth business input strengthens its thinking, supports delivery, and secures backing;
  - 2.1.4 Share intelligence which informs the region’s approach to delivering the business facing interventions including business growth, skills programmes, and investments in digital and physical infrastructure;
  - 2.1.5 Serve as a forum to surface issues that the Mayor and the MCA may need to address;
  - 2.1.6 Carry out work commissioned by the MCA; and

2.1.7 Advocating for the region, networking, and engagement regionally.

### **3. Delegated Authority**

- 3.1 The Board is an advisory body and has no delegated authority. It is not a Committee of the MCA, but is integral to the decision making process to ensure a strong business voice is taken into account.

### **4. Membership**

- 4.1 Non-MCA membership will be up to 12 members.
- 4.2 The non-MCA members will be either nominated representatives of business bodies active in the MCA area or will be openly recruited in a transparent process that ensures a mix of experiences, skills and diverse voices.
- 4.3 The Board will be chaired by a private sector board member, who will be appointed annually at the MCA AGM following agreement between the board members and the MCA.
- 4.4 The Chair of the MCA Regional Skills Advisory Board will be invited to sit on the Board to support joined up working and communication between these groups.

### **5. Frequency**

- 5.1 Meetings will be held approximately every 8 weeks

### **6. Secretariat**

- 6.1 The MCA Executive Team will provide secretariat for the Board.
- 6.2 Papers and presentations for the meetings, will as far as possible, be circulated to the members of MEAC five clear working days in advance of the meeting.

### **7. Quorum**

- 7.1 As the Board is non-decision making there will be no minimum attendance required.

### **8. Conflicts of Interest**

- 8.1 All members must complete a Register of Interests Form within 28 days of being appointed to the Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all members are published on the MCA website.

- 8.2 It is the responsibility of every member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.

### ***Declarations of Interest at Board Meetings***

- 8.3 It is the responsibility of members to declare any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each meeting.

## **9. Transparency**

- 9.1 The membership of the Board together with each members declarations of interest form will be published.
- 9.2 Meetings will not be public meetings and meeting papers will not be routinely published.
- 9.3 For each meeting, a note of the matters considered will be published on-line no later than 10 working days after the meeting.
- 9.4 The Board will publish its annual work programme (if developed) and an annual report detailing its activity in the previous year. This will be presented to the MCA Board by the Chair of the Board.
- 9.5 The Chair of the Board will be invited to attend each MCA Board meetings and may speak at such meetings in a non-voting capacity.

## **APPENDIX 5 – MAYORS ECONOMIC ADVISORY COUNCIL (MEAC)**

### **TERMS OF REFERENCE**

#### **1. Purpose**

- 1.1 To provide the Mayor and local authority Leaders with access to the best economic growth advice, from across the UK and globally, to ensure the South Yorkshire driving ambition and narrative reaches the highest levels of decision making in government, investment institutions and markets.
- 1.2 The MEAC will provide internationally credible expert, advice and support, acting as champions for South Yorkshire. The MEAC will be outward facing, nationally significant and well networked with key influencers across Government, investment organisations and key stakeholders.
- 1.3 The MEAC will help ensure the MCA has a strong, independent and diverse business growth voice as an integral part of the work and decision making of the MCA.

#### **2. Responsibilities**

- 2.1 The priorities of the MEAC in advising the Mayor and MCA will be focused on helping the region to:
  - 2.1.1 Grow productivity and prosperity in South Yorkshire and address inequality of opportunity;
  - 2.1.2 Drive economic growth and ensure the broadest range of access to suitable investment ;
  - 2.1.3 Maximise trade, export, and inward investment opportunities;
  - 2.1.4 Upskill the South Yorkshire workforce to include opportunity for higher productivity sectors and occupations;
  - 2.1.5 Deliver long lasting, inclusive, and regenerative economic growth for residents and investors;
  - 2.1.6 Maximise the impact of strategic investments; and
  - 2.1.7 Support raising the economic profile of South Yorkshire to that of a top performing region.

2.2 The MCA and/or Mayor may commission the MEAC to undertake specific work.

### **3. Delegated Authority**

3.1 The MEAC is an advisory body and has no delegated authority. It is not a Committee of the MCA, but is integral to the decision making process of the MCA to ensure a strong business voice is taken into account.

### **4. Membership**

4.1 The membership of the MEAC will be widely drawn and will include experts of national and international repute from the following fields:

- Investment and finance;
- Property and capital infrastructure development;
- Industry leaders in South Yorkshire's core competence and capability areas such as:
  - Advanced materials and manufacturing;
  - Clean energy and green tech;
  - Advanced mobility (esp. rail) and advanced logistics;
  - Creative content & digital tech;
  - Health and life sciences.
- Leading small and medium sized business owners / entrepreneurs; and
- Academia.

4.2 Appointments to the Board will be made by the Mayor. The Mayor will Chair the Board and may delegate the role.

### **5. Frequency**

5.1 The MEAC will meet on a frequency to be determined by the Mayor.

### **6. Secretariat**

6.1 The MCA Executive Team will provide the secretariat for the MEAC.

6.2 Papers and presentations for the meetings, will as far as possible, be circulated to the members of MEAC five clear working days in advance of the meeting.

### **7. Quorum**

7.1 As the Board is non-decision making there will be no minimum attendance required.

## **8. Conflicts of Interest**

### ***Register of Interests***

- 8.1 All members must complete a Register of Interests Form within 28 days of being appointed to the MEAC. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all members are published on the MCA website.
- 8.2 It is the responsibility of every member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.

### ***Declarations of Interest at Board Meetings***

- 8.3 It is the responsibility of members to declare any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each meeting.

## **9. Transparency**

- 9.1 The membership of the Council together with each members declarations of interest form will be published.
- 9.2 Meetings will not be public meetings and meeting papers will not be routinely published.
- 9.3 For each meeting, a note of the matters considered will be published on-line no later than 10 working days after the meeting.
- 9.4 The MEAC will publish its annual work programme (if developed) and will publish an annual report detailing its activity in the previous year, this will be presented to the MCA Board by the Chair of the Board.
- 9.5 The Chair of the MEAC (if not the Mayor) will be invited to attend each MCA Board meetings and may speak at such meetings in a non-voting capacity.