

## SCHEDULE 1

Article 4

### Constitution

#### Membership

1.—(1) The Combined Authority shall comprise twenty two members as provided for in the following sub-paragraphs.

(2) Each constituent council must appoint two of its elected members to be members of the Combined Authority.

(3) Each non-constituent council must appoint one of its elected members to be a member of the Combined Authority.

(4) Each constituent council must appoint another of its elected members to act as a member of the Combined Authority in the absence of a member appointed under sub-paragraph (2) (“the substitute member”).

(5) Each non-constituent council must appoint another one of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) (“the substitute member”).

(6) Each Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(7) Each Local Enterprise Partnership must nominate one of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (6) (“the substitute member”).

(8) The Combined Authority must appoint the members nominated by the Local Enterprise Partnerships under sub-paragraph (6) as members of the Combined Authority.

(9) The Combined Authority must appoint the other member nominated by each Local Enterprise Partnership under sub-paragraph (7) to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (8).

(10) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of—

- (a) the constituent council or non-constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them.

(11) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the council that appointed them or, as the case may be, the chairman or vice-chairman of the Local Enterprise Partnership that nominated them, and the resignation takes effect on receipt of the notice by the proper officer of the council or chairman or a vice-chairman of the Local Enterprise Partnership (as the case may be).

(12) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (10) or (11)—

- (a) the constituent council or the non-constituent council that made the appointment must, 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;
- (b) the Local Enterprise Partnership that made the nomination must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place.

(13) The combined authority must appoint a member nominated under sub-paragraph (12)(b) at the next ordinary meeting of the Combined Authority.

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(14) 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 one of its elected members in that person's place.

(15) Where a constituent council or non-constituent council exercises its power under sub-paragraph (14), it must 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.

(16) A Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person's place.

(17) Where a Local Enterprise Partnership exercises its power under sub-paragraph (16), it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(18) The Combined Authority must appoint a member nominated under sub-paragraph (17) 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.

(19) 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 one or more vice-chairmen from among its members and the appointments are to be the first business transacted after the appointment of members of the Combined Authority, 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 a 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**

3.—(1) Subject to the following sub-paragraphs, a decision on a question relating to any matter to be decided by the Combined Authority requires both—

- (a) a majority of at least two-thirds of the members appointed by the constituent councils and substitute members, acting in place of those members, present and voting on that question at a meeting of the Combined Authority, and
- (b) where members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships have been given voting rights by resolution of the Combined Authority, a simple majority of all members entitled to vote on the question to be decided (including substitute members acting in place of those members) present and voting on that question at a meeting of the Combined Authority.

(2) No business is to be transacted at a meeting of the Combined Authority unless at least five members, or substitute members, appointed by at least five of 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) Members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships shall be non-voting members of the Combined Authority but may be given voting rights by resolution of the Combined Authority.

(5) A decision on a question relating to any of the matters specified in sub-paragraph (6) requires both—

- (a) a unanimous vote in favour by all members appointed by the constituent councils, or substitute members, acting in place of those members, present and voting on that question to be carried at a meeting of the Combined Authority, and
- (b) where members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships have been given voting rights by resolution of the Combined Authority, a simple majority of all members of the combined authority who are entitled to vote on the question to be decided (including substitute members, acting in place of those members) present and voting on that question at a meeting of the Combined Authority.

(6) The matters referred to in paragraph (5) are—

- (a) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority;
- (b) the conferral of further functions on the Combined Authority by the Secretary of State under sections 105 or 105A of the 2009 Act;
- (c) voting rights for members of the Combined Authority appointed otherwise than from among the elected members of the constituent councils;
- (d) the exercise of its functions in accordance with section 113A of the 2009 Act<sup>(1)</sup>;
- (e) amendments to the standing orders of the Combined Authority; and
- (f) such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders.

(7) For the purposes of sub-paragraphs (1)(b) and (5)(b), if a vote is tied on any matter it is deemed not to have been carried.

(8) 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**

**4.—**(1) The Combined Authority must appoint at least one member from each of the constituent councils and the non-constituent councils to the overview and scrutiny committee appointed by the Combined Authority.

(2) No business is to be transacted at a meeting of the overview and scrutiny committee unless at least five members appointed from at least five of the constituent councils, or substitute members acting in place of those members, are present at the meeting.

(3) 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.

(4) Members appointed from the non-constituent councils and the Local Enterprise Partnerships 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.

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(1) Section 113A was inserted by section 13 of the Localism Act 2011.

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(5) The Combined Authority must appoint an appropriate person<sup>(2)</sup> who is a member of one of the constituent councils to be the chairman of the overview and scrutiny committee appointed by the Combined Authority

(6) If a vote is tied on any matter it is deemed not to have been carried.

(7) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under paragraph 1(2)(b) of Schedule 5A of the 2009 Act 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; and

(iii) if the overview and scrutiny committee has published the report or recommendations under paragraph (a), publish the response.

(8) A notice served under sub-paragraph (7)(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.

(9) The Combined Authority must comply with a notice given under sub-paragraph (7)(b).

(10) Sub-paragraphs (7)(a) and (9) are subject to section 9FG of the Local Government Act 2000<sup>(3)</sup> and to any provision made under section 9GA(8) and the Combined Authority is to be treated as a local authority for these purposes.

(11) An overview and scrutiny committee appointed under this article must consist of a majority of members from the combined authority's constituent councils

## Records

5.—(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) is to 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.

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(2) See paragraph 3(5) of Schedule 5A to the Local Democracy, Economic Development and Construction 2009 Act for the meaning of "appropriate person".

(3) 2000 c. 22. Sections 9FG and 9GA were inserted by section 21 of and Schedule 2 to the Localism Act 2011 (c. 20).

### **Standing orders**

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

### **Remuneration**

7. No remuneration is 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.