

## SCHEDULE 1

Article 6

### Constitution

#### Membership

1.—(1) Each constituent council must appoint to the Combined Authority—

- (a) one of its elected members to be a member of the Combined Authority (a “Constituent Council Member”);
- (b) two other elected members, either of whom may act as a member of the Combined Authority in the absence of the Constituent Council Member (a “Substitute Constituent Council Member”).

(2) The Combined Authority must appoint as a member of the Combined Authority a person whom it considers to be a representative of business interests within the Combined Area and that person is to be the chair of the Business Board (the “Business Board Member”).

(3) The Combined Authority must also appoint a person (the “Substitute Business Board Member”) whom it considers to be a representative of business interests within the Combined Area who is to act as a member of the Combined Authority in the absence of the Business Board Member.

(4) The Combined Authority must appoint as a member of the Combined Authority a person (the “CVS Member”) whom it considers to be a representative of the community and voluntary sector within the Combined Area.

(5) The Combined Authority must also appoint a person (the “Substitute CVS Member”) whom it considers to be a representative of the community and voluntary sector within the Combined Area who is to act as a member of the Combined Authority in the absence of the CVS Member.

(6) A person ceases to be a Constituent Council Member or a Substitute Constituent Council Member if—

- (a) they resign from the Combined Authority;
- (b) they cease to be a member of the constituent council that appointed them;
- (c) the constituent council that appointed them terminates their appointment,

and where the appointment is terminated under paragraph (b) or (c) the constituent council must give written notice to the Combined Authority and such termination takes effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) as is specified in the notice.

(7) Where a person ceases to be a Constituent Council Member or Substitute Constituent Council Member, the constituent council that appointed them must, as soon as reasonably practicable, appoint another of its elected members to be a Constituent Council Member or, as the case may be, Substitute Constituent Council Member and such appointment takes effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) as may be specified in the notice.

(8) A person ceases to be a Business Board Member or Substitute Business Board Member if—

- (a) they resign from the Combined Authority; or
- (b) the Combined Authority terminates their appointment.

(9) Where a person ceases to be a Business Board Member or Substitute Business Board Member, the Combined Authority must, as soon as reasonably practicable, appoint another person from the Business Board to fill the vacancy.

(10) A person ceases to be a CVS Member or Substitute CVS Member if—

- (a) they resign from the Combined Authority; or

(b) the Combined Authority terminates their appointment.

(11) Where a person ceases to be a CVS Member or Substitute CVS Member, the Combined Authority must, as soon as reasonably practicable, appoint another person to be a CVS Member or, as the case may be, Substitute CVS Member.

(12) The Mayor must appoint one of the Constituent Council Members to be the Deputy Mayor.

(13) Where a Constituent Council Member acts as the Deputy Mayor then one of the Substitute Constituent Council Members appointed by the relevant constituent council may act as its Constituent Council Member in any proceedings of the Combined Authority.

(14) For the purposes of this Order, an elected Mayor of a constituent council is to be treated as an elected member of the constituent council.

(15) Other than in this paragraph, any reference in this Order to—

- (a) a Constituent Council Member includes a Substitute Constituent Council Member acting in the absence of the Constituent Council Member;
- (b) a Business Board Member includes a Substitute Business Board Member acting in the absence of the Business Board Member;
- (c) a CVS Member includes a Substitute CVS Member acting in the absence of the CVS Member; and
- (d) the Mayor includes the Deputy Mayor acting in the absence of the Mayor.

(16) For the purposes of this Schedule, “Business Board” means an informal group of representatives to be appointed by the Combined Authority, the purpose of which is to share with the Combined Authority the view of business interests in the Combined Area.

## **Proceedings**

**2.—**(1) No business may be transacted at a meeting of the Combined Authority unless the following members are present—

- (a) the Mayor; and
- (b) five or more Constituent Council Members.

(2) Each of the following persons (a “Voting Member”) has one vote—

- (a) the Mayor;
- (b) each Constituent Council Member.

(3) None of the Voting Members has a casting vote.

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

(5) Subject to sub-paragraphs (6) to (11), all decisions put to the vote are to be determined by a simple majority of the Voting Members present and voting on that matter.

(6) A decision on a question relating to any allowance payable to the Mayor under paragraph 5(3) is to be decided by a majority of the Voting Members present excluding the Mayor.

(7) Where one of the matters described in paragraphs (a) to (e) is put to the vote, that vote will only be carried upon the unanimous support of the Mayor and each of the seven Constituent Council Members—

- (a) approval of, and any amendment to, the Combined Authority’s annual budget excluding those elements of the annual budget which relate to Mayoral functions;
- (b) approval of, and any amendment to, the setting of any levy which the Combined Authority shall apply to any constituent council;
- (c) agreement to confer upon the Mayor a duty to produce a Spatial Development Strategy;

- (d) approval or amendment of the Combined Authority’s constitution or standing orders;
- (e) approval or amendment of such other plans and strategies as may be determined by the Combined Authority and set out in its constitution or standing orders.

(8) Where under sub-paragraph (7)(c) there has been the necessary unanimous agreement, the adoption of the Spatial Development Strategy requires the support of at least four Constituent Council Members.

(9) Reference to a two thirds majority in article 8(4) (combined authority’s decisions on budget) of the Combined Authorities (Finance) Order 2017(1) as it applies in relation to the Combined Authority is to be read as a reference to a five-sevenths majority of the Constituent Council Members.

(10) Any decision of the Combined Authority to amend the Local Transport Plan is passed if voted for by a simple majority of the Constituent Council Members present at a meeting of the Combined Authority.

(11) Any decision that might lead to a financial liability falling directly upon a constituent council may only be passed if the majority in favour includes the Constituent Council Member, or their respective Substitute Constituent Council Member, of the constituent council affected.

(12) Save for those matters identified in paragraph 3, where the Mayor votes against a decision carried by virtue of the support of the other members of the Combined Authority present, the Mayor may seek a review of that decision by making an application to the Combined Authority’s monitoring officer within 24 hours of the decision being taken.

(13) Where an application for review is made in accordance with sub-paragraph (12), the Combined Authority must reconsider the decision and a further vote must be held on the question in issue.

(14) The Combined Authority must publish the reasons for any decision taken following a further vote on a question under sub-paragraph (13).

(15) 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.

(16) The provisions in this Schedule relating to the Mayor only have effect where the Mayor is in office.

(17) In this paragraph, “monitoring officer” means the officer designated by the Combined Authority under section 5(1) of the 1989 Act.

### **Majority including the Mayor**

**3.—(1)** Any questions that are to be decided by the Combined Authority on the exercise of the functions described in sub-paragraph (2) and which are not functions solely exercisable by the Mayor pursuant to article 42 are to be decided by a majority of the Voting Members present and voting on that question at a meeting of the Combined Authority, and such majority is to include the Mayor.

(2) The functions described in this sub-paragraph are those functions conferred onto the Combined Authority by this Order that had not been previously conferred by an enactment on the Durham, Gateshead, South Tyneside and Sunderland Combined Authority or the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority.

---

(1) S.I. 2017/611.

## Remuneration

4.—(1) Subject to sub-paragraphs (3) and (4), 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.

(2) A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any Constituent Council Member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.

(3) The Combined Authority may pay an allowance to the Mayor if—

(a) the Combined Authority has considered a report published by an independent remuneration panel established by the Combined Authority or by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003<sup>(2)</sup> 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.

(4) The Combined Authority may also make payments to a member of a constituent council in accordance with an order made under paragraph 3(2)(aa) (power by order to make further provision about overview and scrutiny committees) or 4(3)(c) (power by order to make further provision about audit committees) of Schedule 5A (combined authorities: overview and scrutiny committees and audit committees) to the 2009 Act<sup>(3)</sup>.

## The combined authority's overview and scrutiny committee

5.—(1) The Combined Authority must appoint an overview and scrutiny committee that includes an equal number of members from each constituent council.

(2) An overview and scrutiny committee appointed by the Combined Authority must not include any Constituent Council Member, or Substitute Constituent Council Member, of the Combined Authority.

(3) The Combined Authority must appoint an appropriate person to be the chair of the committee.

## The Combined Authority's Audit Committee

6. The Combined Authority must appoint an Audit Committee<sup>(4)</sup> that includes—

(a) an equal number of members from each constituent council; and

(b) one independent person appointed by the Combined Authority who is to chair the Audit Committee.

## Records

7.—(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.

---

(2) S.I. 2003/1021.

(3) Schedule 5A was inserted by Schedule 3 to the Cities and Local Government Devolution Act 2016 (c. 1). Paragraph 3(2)(aa) and paragraph 4(3)(c) were inserted by section 70 of the Levelling-up and Regeneration Act 2023 (c. 55).

(4) See further article 14 of S.I. 2017/68 which makes provision in respect of the appointment of members to an audit committee.

(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 the 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.

### **Standing orders**

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