

**Y&NY**  
**CONSTITUTION**  
**May 2024**

## Version Control

Revision Number	Revision Date	Comments
1	22 January 2024	Constitution approved by the CA
2	18 March 2024	Updated to take account of CA decisions made since January 2024 – approved by the CA
3	12 April 2024	Amendment to Part 4, Section A, paragraphs 2.1 to 2.6 (Audit and Governance Committee) under Monitoring Officer decision.
4	8 May 2024	Amendments to Part 9 (PCC & FRA Functions – Governance Documents) under Monitoring Officer urgent decision.
5	31 May 2024	<p>Amendments to include webcasting for Combined Authority and (where possible) Audit and Governance and Overview and Scrutiny Meetings and public participation at all Meetings.</p> <p>Amendments to Part 9 (PCC &amp; FRA Functions – Governance Documents) approved by the CA.</p>

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## **PART 1**

### **INTRODUCTION AND ARTICLES**

## **A. Introduction**

In this Constitution:

1. 'the 2009 Act' means the Local Democracy, Economic Development and Construction Act 2009;
2. 'the Combined Area' means the area consisting of the areas of the Constituent Councils;
3. 'the Constituent Councils' means City of York Council and North Yorkshire Council;
4. 'the Deputy Mayor' means the member of the Y&NYCA appointed by the Mayor to be the Mayor's deputy pursuant to section 107C (1) of the 2009 Act and Article 3.5 of Part 1 of this Constitution;
5. '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 York and North Yorkshire Combined Authority Order 2023;
6. 'the Y&NYCA' means the York and North Yorkshire Combined Authority;
7. 'the Y&NYCA Order', 'the 2023 Order' or 'the Order' means: -
  - (a) the York and North Yorkshire Combined Authority Order 2023 as amended;
  - (b) Such other orders made by the Secretary of State in relation to Y&NYCA pursuant to the 2009 Act;
8. 'The Mayor' means the person elected as mayor by the local government electors for the Combined Area;
9. 'Mayoral functions' means any function of the Y&NYCA which is exercisable only by the Mayor (or the Mayor's delegatee) by virtue of the Y&NYCA Order or any other enactment (whenever passed or made).
10. 'Mayoral general function' means a mayoral function which is not a PCC function.
11. 'Mayor exercising their PCC function' or 'PCC function' means a Police and Crime function which is exercisable by the Mayor pursuant to and subject to any modifications in the 2023 Order.

12. 'Mayor exercising their Fire and Rescue functions' a Fire and Rescue function which by virtue of the Order are exercisable by the Mayor.
13. 'Deputy Mayor for Policing and Crime' means a person appointed by the Mayor who may exercise Policing and Crime and/or Fire and Rescue functions of the Mayor where delegated.
14. the Scrutiny Order' means the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
15. The Constitution sets out how the York and North Yorkshire Combined Authority (hereafter referred to as 'Y&NYCA') operates, how decisions are made and the procedures that are followed to ensure that Y&NYCA operates efficiently, effectively and is both transparent and accountable.

## **B. Functions of the Y&NYCA**

1. The Y&NYCA was established pursuant to the Order on 20<sup>th</sup> December 2023 as the combined authority for the Combined Area.
2. The Y&NYCA is responsible for a range of functions across the Combined Area, including: -
  - transport
  - economic development, regeneration and housing
  - police and crime
  - fire and rescue
3. The functions of the Y&NYCA are those functions conferred or imposed on it by the Y&NYCA Order or any other enactment (whenever passed or made) or as may be delegated to it by or under the Y&NYCA Order or any other enactment (whenever passed or made).
4. The Y&NYCA will exercise all its powers and duties in accordance with the law and this Constitution.
5. This Constitution is the Constitution of the Y&NYCA.
6. The Y&NYCA will monitor and evaluate the operation of the Constitution as set out at Article 12 below.

## **C. Members of the Y&NYCA**

1. Each of the Constituent Councils shall appoint two of its elected members to be a Member of the Y&NYCA.
2. Each of the Constituent Councils must designate one of the members appointed at Article 3.1 above as the lead member.
3. In addition, each Constituent Council will appoint two named elected members for each member appointed at Article 3.1 above, one of whom is to act as a Member of the Y&NYCA in the absence of the member appointed under Article 3.1 ('the Substitute Members').
4. The Mayor will also appoint 8 Non-Elected Members to the Business Committee in accordance with the Business Committee Terms of Reference.
5. There shall be a Mayor for the area of the Y&NYCA elected by the local government electors of the area, and the Mayor by virtue of that office is a member of the Y&NYCA.
6. The Mayor must appoint one of the members of the Y&NYCA to be the Deputy Mayor.
7. Except to the extent that various functions are to be exercised only by the Mayor (or may be exercised by the Mayor's delegatee) all Members will:
  - (a) collectively be the ultimate policy makers of the Y&NYCA
  - (b) bring views of their communities into the Y&NYCA's decision-making process; and
  - (c) maintain the highest standards of conduct and ethics.
8. Members will at all times observe the Code of Conduct for Members set out in Part 7 of this Constitution.
9. Members will be entitled to receive travel and subsistence allowances, and the Mayor will be entitled to receive the mayoral allowance in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.
10. The independent members of the Audit and Governance Committee, and the Non-Elected Members of the Business Committee will be entitled to receive allowances, including allowances for travel and subsistence, in accordance with the Member's Allowances Scheme set out in Part 8 of this Constitution.

- 11 Each Member will be allocated a portfolio of responsibilities by the Mayor at the Annual Meeting of the Y&NYCA, and the various portfolios will be published on the Y&NYCA's website.

#### **D. Chairing the Y&NYCA**

1. The Mayor shall be Chair of the Y&NYCA.
2. The Y&NYCA may appoint at least two and no more than three of its Members as Vice-Chair(s).
3. The procedure for the appointment of the Vice-Chair(s) is set out in the Y&NYCA Procedure Rules in Part 5 of this Constitution.

#### **E. Meetings and Procedure**

1. The Y&NYCA usually meets every month, but additional meetings may take place within the monthly period should the need arise.
2. There are three types of Y&NYCA meeting:
  - (a) the annual meeting;
  - (b) ordinary meetings; and
  - (c) extraordinary meetings;

and they will be conducted in accordance with the Y&NYCA Rules of Procedure set out in Part 5 of this Constitution.

#### **F. Responsibility for functions**

1. Only the Y&NYCA will exercise the functions set out in Part 3 Section A of this Constitution.
2. Only the Mayor will exercise the functions set out in Part 3, Section B I and those PCC functions reserved to the Mayor in Part 9 of this Constitution.
3. The Y&NYCA may delegate the discharge of the Y&NYCA's functions which are not reserved to the Y&NYCA to committees, sub-committees, officers, joint committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
4. The Mayor may delegate the discharge of mayoral general functions (which are not reserved under Article 6.2) to the Deputy Mayor or any member or officer of the Y&NYCA or, in the case of fire and rescue functions to the Deputy Mayor for Policing and Crime or a Fire Committee (such arrangements may not have effect concurrently), provided that:-

- (a) the Mayor's political adviser (as appointed under article 5 of the 2023 Order) is not to be treated as an officer for the purpose of this Article, and
  - (b) the Mayor may only delegate to the Deputy Mayor for Policing and Crime the discharge of PCC functions and fire and rescue functions (and not the discharge of general functions other than fire and rescue)
- 5. The Y&NYCA has delegated the discharge of the Y&NYCA functions to committees and officers in accordance with the scheme of delegation contained in Part 3, sections C, D, E and F of this Constitution.
- 6. The Mayor has delegated the discharge of mayoral general functions in accordance with the scheme of delegation contained in Part 3, of this Constitution.
- 7. The Mayor has delegated the discharge of PCC functions in accordance with Part 9 of this Constitution.
- 8. The Y&NYCA and the Mayor will review their scheme of delegation annually.

## **G. Committees of the Y&NYCA**

- 1 The Y&NYCA must establish an Audit and Governance Committee to discharge the roles and functions set out in Schedule 5A of the 2009 Act and Section A of Part 4, of this Constitution and to assist the Y&NYCA in its duty to promote and maintain high standards of conduct by Members of the Y&NYCA pursuant to section 27 of the Localism Act 2011.
- 2 The Y&NYCA must appoint an Overview and Scrutiny Committee to discharge the roles and functions set out in Schedule 5A of the 2009 Act, the Scrutiny Order and Section D of Part 4 of this Constitution.
- 3 The Y&NYCA will establish a Business Committee to discharge the functions set out in Section B of Part 4, of this Constitution.
- 4 The Y&NYCA may establish such other committees as it thinks fit to discharge its functions.
- 5 Committees established under Articles 7.1 to 7.5 may include as voting members any elected member of a Constituent Council even if such members are not members of Y&NYCA.

## **H. Joint Arrangements**

- 1 The Y&NYCA has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 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.
- 3 The Mayor may enter into arrangements jointly with the Y&NYCA and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of the (transport related) functions listed in Part 5 to the 2023 Order.
- 4 Where a joint transport committee is established in accordance with Article 8.3 the members of the joint committee must be appointed in accordance with the following requirements:
  - (a) The members appointed by the Y&NYCA must be members or substitute members of the Y&NYCA or members of the Constituent Councils.
  - (b) The members appointed by the Constituent Councils must be members of those councils.
  - (c) The members appointed by the Mayor must be members of the Y&NYCA or of the Constituent Councils.
  - (d) In appointing members to the joint transport committee—
    - (i) the Mayor, the Y&NYCA and the Constituent Councils must ensure that: the number of members of the committee does not exceed twenty-three and members are appointed to act as substitute members of the joint transport committee in the absence of members of the committee; and
    - (ii) the Y&NYCA and the Constituent Councils must ensure that the members of the committee appointed from among the members of the Y&NYCA and the Constituent Councils, and any substitute committee members acting in place of those members, 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.
  - (e) Questions relating to the apportionment of membership under Article 8.4 (d)(ii) require a unanimous vote in favour by all members, or substitute members acting in place of those members, of the Y&NYCA to be carried.

- 5 Where a joint transport committee is established in accordance with Article 8.3:
- (a) the Mayor must in each year appoint the chair of the joint transport committee from among the members of that committee; and
  - (b) if a vacancy arises in the office of the chair, the Mayor must make an appointment to fill the vacancy at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

## **I. Officers**

### **1 Statutory Officers**

1.1 The Y&NYCA must appoint a Head of Paid Service, a Section 73 Officer and a Monitoring Officer, whose responsibilities and delegations are as set out in Part 3 of this Constitution. The Director of Resources will undertake the role of the Section 73 Officer.

### **2 Chief Officers**

2.1 Chief Officers for the purposes of Part 3 (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Section 73 Officer, the Monitoring Officer and the Chief Fire Officer.

### **3 Scrutiny Officer**

3.1 The Y&NYCA must designate one of its officers as the Scrutiny Officer, whose responsibilities and functions are set out in Section D of Part 5 of this constitution. They may not be an officer of a Constituent Council.

### **4 Data Protection Officer**

4.1 The Y&NYCA must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.

### **5 Head of Internal Audit**

5.1 The Y&NYCA must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.



5.2 The Combined Authority have appointed Veritau as their internal auditors. The Police and Crime and Fire and Rescue functions use RSM as their internal auditors. This arrangement will continue, with the Head of Internal Audit being appointed from either Veritau or RSM, to be determined by the Combined Authority. The Head of Internal Audit will obtain assurance from their partner internal auditor, which will then allow the Head of Internal Audit to provide overall assurance to the Combined Authority.

## **6 General**

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

6.2 Officers will comply with the Code of Conduct for Officers set out in Part 7 of this Constitution.

## **7 Policing, Fire and Crime**

7.1 The Statutory Officers must make arrangements to ensure that their responsibilities in respect of the Policing, Fire and Crime elements of the Y&NYCA powers and duties, are carried out robustly and effectively.

7.2 Those arrangements must ensure compliance with all prevailing statutory and non-statutory guidance to elected Local Policing Bodies and Fire and Rescue Authorities for the carrying out of the responsibilities of:

7.2.1 Head of Paid Service for the staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions;

7.2.2 Head of Paid Service for the staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor's FRA functions;

7.2.3 Monitoring Officer in respect of the Mayor's PCC and FRA functions;

7.2.4 Section 73 Officer in respect of the Mayor's PCC and FRA functions.

7.3 Those arrangements must be set out in writing (in the form of Protocols and/or schemes of sub-delegation, delegating functions to Officers engaged by the Combined Authority deployed wholly or partly in relation to the Mayor's PCC or FRA functions as the case may be) and subjected to regular review.

## **J. DECISION MAKING**

### **1. Responsibility for decision making**

1.1 The Y&NYCA and the Mayor will issue and keep up to date a record of what part of the Y&NYCA or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in Part 3 of this Constitution.

### **2. Principles of decision making**

2.1 All decisions of the Y&NYCA 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 public accountability and openness;
- (e) Clarity of aims and desired outcomes;
- (f) Due consideration to be given to alternative options;

### **3. Types of decision**

#### **(a) Decisions reserved to the Y&NYCA**

Decisions relating to the functions listed in Part 3, section A of this Constitution will be made by the Y&NYCA and not delegated. The Y&NYCA meeting will follow the Y&NYCA Rules of Procedure set out in Part 5 of this Constitution when considering any matter.

#### **(b) Decisions reserved to the Mayor**

Decisions relating to the Mayor's general functions listed in Part 3, Section B I of this Constitution and decisions relating to the Mayor's PCC functions specified as being reserved to the Mayor in Part 9 of this Constitution will be made by the Mayor and not delegated.

#### **(c) Decision making by Committees and Joint Committees established by the Y&NYCA**

Committees and Joint Committees established by the Y&NYCA will follow those parts of the Y&NYCA Rules of Procedure set out in Part 5 of this Constitution as apply to them.

#### **(d) Decision making by Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution and other provisions of this Constitution.

## **K. FINANCE, CONTRACTS AND LEGAL MATTERS**

### **1. Financial management**

1.1 The management of the Y&NYCA's financial affairs in relation to non-PCC functions will be conducted in accordance with the Financial Procedures set out in Part 6 of this Constitution and in relation to PCC functions in accordance with the Financial Procedures in Part 9 of this Constitution.

### **2. 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 Y&NYCA or in any case where the Monitoring Officer considers that such action is necessary to protect the Y&NYCA's interests.
- (b) Any notices to be served on the Y&NYCA are to be sent to the Monitoring Officer at County Hall, Northallerton, North Yorkshire DL7 8AD, which for the purposes of section 231 of the Local Government Act 1972 and any other enactment shall be regarded as the principal office of the Y&NYCA.

### **3. Authentication of documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Y&NYCA, it will be signed by the Monitoring Officer or some other person duly authorised by the Y&NYCA or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) . A contract can be entered into via the generation of a purchase order on standard terms and conditions or via a "formal contract" in writing via the Legal section. Any "formal contract" entered into by the Y&NYCA shall be made in writing. Such contracts must be signed by a duly authorised officer of the Y&NYCA or made under the Common Seal of the Y&NYCA attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the Y&NYCA attested by an authorised officer.

### **4. Common Seal of the Y&NYCA**

4.1 The Common Seal of the Y&NYCA will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Y&NYCA, or any part of it, 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 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.

## **L. REVIEW AND REVISION OF THE CONSTITUTION**

1. The Monitoring Officer will monitor and review the operation of the Constitution.

2. Changes to the Constitution will only be approved by the full Y&NYCA after consideration of the proposal by the Monitoring Officer and in accordance with the Y&NYCA Rules of Procedure in Part 5 of this Constitution, provided that such delegations made by the Mayor as are included in Part 3, 4 and 9 of this Constitution appear for information only and may be revised by the Mayor following consultation with, and having given written notice to, the Monitoring Officer.

## **PART 2**

### **FUNCTIONS OF THE Y&NYCA**

#### **A INTRODUCTION**

1. The functions of the Y&NYCA are those functions conferred or imposed on it by the Y&NYCA Order or by any other enactment or as may be delegated to it by or under the Y&NYCA Order or any other enactment.
2. All functions are functions of the Y&NYCA, but some functions are only exercisable by the Mayor. Part 3 of this Constitution sets out the responsibility for functions.
3. The functions of the Y&NYCA derive from a wide range of sources, in particular: -
  - Functions transferred to the Y&NYCA by the Y&NYCA Order from the former York and North Yorkshire Local Enterprise Partnership which body was then abolished;
  - Transport functions statutorily delegated (and effectively transferred) to the Y&NYCA from the Constituent Councils;
  - Functions of the Constituent Councils which pursuant to the Y&NYCA Order are exercisable by the Y&NYCA concurrently with the Constituent Councils;
  - Functions of other public authorities (including the Secretary of State) which are exercisable in the Y&NYCA area which pursuant to the Y&NYCA Order are exercisable by the Y&NYCA concurrently with the public authority;
  - Functions corresponding to those functions exercisable by other public authorities outside the Y&NYCA area (e.g. in London) which pursuant to the Y&NYCA Order are exercisable by the Y&NYCA in relation to the Y&NYCA area;
  - Consequential and incidental provisions in the Y&NYCA Order conferring functions on the Y&NYCA;
  - Functions conferred on Combined Authorities by general local authority legislation;
  - Functions voluntarily delegated to the Y&NYCA by the Constituent Councils.
4. All functions conferred on the Y&NYCA by any enactment are functions of the Y&NYCA, notwithstanding that an enactment may provide that certain functions may be exercised only by the Mayor (or the Mayor's delegatee).

5. The Y&NYCA's responsibilities which can be grouped under the following broad headings:
- Transport
  - Economic Development, Housing and Regeneration
  - Police and Crime Commissioner Functions
  - Fire and Rescue

## **B TRANSPORT**

### **1. Transport Functions of the Constituent Councils transferred to the Y&NYCA.**

#### **1.1 In consequence: -**

- (a)** The Y&NYCA is the local transport authority ('LTA').
- (b)** Without prejudice to the generality of the above, the Y&NYCA is responsible for the discharge of the functions of an LTA that are conferred or imposed by the Transport Act 1985 and 2000, the Local Government Act 1972, the Local Transport Act 2008, the Bus Services Act 2017, and the 2009 Act.
- (c)** The Y&NYCA must develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area, and must prepare and publish a local transport plan containing its policies and proposals for their implementation.
- (d)** The Y&NYCA has the power in a transport context under sections 99 and 102A of the Local Transport Act 2008 to take any action to achieve the promotion or improvement of the economic, social and environmental well-being of its area, and persons resident and present in, or travelling in or through the area.

### **2. Transport Functions of the Constituent Councils statutorily delegated to the Y&NYCA**

#### **2.1 Pursuant to the 2023 Order, the following transport functions of the Constituent Councils are delegated to the Y&NYCA: -**

- (a)** The functions of the Constituent Councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985.
- (b)** Subject to Part 5 paragraph 13 (3) & (4) of the 2023 Order, the functions of the Constituent Councils as local transport authorities specified in Part 2 (local transport) of the Transport Act 2000.

#### **2.2 In consequence of subparagraphs (a) and (b) of paragraph 2.1 above the Y&NYCA, in the discharge of the functions delegated to it by those provisions, is to be treated as a highway authority for the purposes of sections 62 and 278 of the Highways Act 1980.**

- 2.3 The costs incurred by the Y&NYCA in discharging the functions in paragraph 2.1 above shall, except so far as the Constituent Councils agree otherwise, be defrayed by the Y&NYCA.
- 2.4 The costs so defrayed under paragraph 2.3 above shall, for the purposes of section 74(10) of the Local Government Finance Act 1988, fall to be treated as expenses attributable to the exercise of the Y&NYCA's functions relating to transport.
- 2.5 Whilst the delegations given effect by paragraph 2.1 above remain in force, the functions delegated are not exercisable by the Constituent Councils either concurrently or instead of the Y&NYCA, except so far as the Y&NYCA sub-delegates any such function back to a Constituent Council.
- 2.6 In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Y&NYCA the functions delegated to the Y&NYCA by paragraph 2.1 above are to be treated as if they were functions of the Y&NYCA.
- 2.7 The Y&NYCA and the Constituent Councils will draw up and agree detailed Protocols in relation to the discharge of the transport functions set out at paragraphs 2.1 above, and paragraph 3.1 below.
- 2.8 The Y&NYCA and the Constituent Councils will keep the Protocols referred to at paragraph 2.7 above under regular review and may revise them from time to time, such revisions to be agreed by the Head of Paid Service of the Y&NYCA and the Heads of Paid Service of the Constituent Councils.
- 2.9 Protocols drawn up, agreed, or revised under paragraphs 2.7 and 2.8 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.
3. **Transport Functions to be exercised by the Y&NYCA concurrently with the Constituent Councils or the Secretary of State pursuant to the 2023 Order.**
- 3.1 The following transport functions are exercisable by the Y&NYCA concurrently with the Constituent Councils:



- (a) Powers under section 6 of the Highways Act 1980 to enter into agreements with the Secretary of State or Highways England relating to the exercise of functions with respect to trunk roads
  - (b) Powers under section 8 of the Highways Act to enter into agreements with local highway authorities or Highways England for the doing of certain works
  - (c) Functions under section 39(2) and (3) of the Road Traffic Act 1988 to prepare and carry out a programme of measures designed to promote road safety and carry out studies into accidents.
  - (d) Functions as enforcement authority specified in the following enactments:
    - (1) Part 6 (civil enforcement of road traffic contraventions) of and paragraph 9 and 10 of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London) to the Traffic Management Act 2004.
    - (2) The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 and
    - (3) The Civil Enforcement of Road Traffic Contraventions (Representation and Appeals) Regulations 2022.
  - (e) Subject to the provisions of Part 5 paragraphs 16 (2) to (4) of the 2023 Order the function of the Secretary of State set out in section 154(1) (grants to bus service operators) of the Transport Act 2000.
  - (f) The functions as local traffic authority specified in sections 1 (traffic regulation orders outside Greater London), 2(4) (what a traffic regulation order may provide) and 9 (experimental traffic orders) of the Road Traffic Regulation Act 1984.
  - (g) The functions as local traffic authority specified in sections 23 (pedestrian crossings) and section 65 (placing of signs) of the Road Traffic Regulation Act 1984.
  - (h) The functions as highway authority specified in sections 83, 84 and 85 of the New Roads and Street Works Act 1991 and the Street Works (Sharing of Costs of Works) (England) Regulations 2000.
  - (i) The functions as local highway authority specified in section 33 (preparation of permit schemes), section 33A (implementation of permit schemes of strategic highways companies and local highways authorities in England) and section 36 (variation and revocation of permit schemes) of the Traffic Management Act 2004.
  - (j) The functions as and Approved Authority as defined and specified in the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012.
  - (k) The functions of a Minister of the Crown as specified in section 31 (power to pay grant) of the Local Government Act 2003.
- 3.2 The Y&NYCA has a function in relation to its area corresponding to the function of the Secretary of State under section 154 of the

Transport Act 2000 to make grants to operators of eligible bus services operating within its area. Such grants must be calculated in accordance with any regulations made or conditions determined, by the Secretary of State.

## **C. ECONOMIC DEVELOPMENT, REGENERATION AND HOUSING**

### **1. Economic Development Housing and Regeneration Functions to be exercised by the Y&NYCA concurrently with the Constituent Councils pursuant to the Y&NYCA Orders.**

1.1 The following economic development, housing and regeneration functions of the Constituent Councils are to be exercised by the Y&NYCA concurrently with the Constituent Councils: -

- (a) The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- (b) The duty under section 8(1) of the 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);
- (c) The duties under section 82 of the Environment Act 1995 (duty to cause a review to be conducted of air quality for the time being, and likely future quality within the relevant period, of air within the authority's area and associated duties);
- (d) The duty under section 83 of the Environment Act 1985 (duty to designate air quality management areas);
- (e) The duties under section 84 of the Environment Act 1985 (duties in relation to designated area);
- (f) The power under section 2 of the Local Government Act 2000 (promotion of well-being);
- (g) The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).
- (h) The power under section 17 of the Housing Act 1985 to acquire land compulsorily or by agreement for housing purposes
- (i) The duties under section 18 of the Housing Act 1985 with respect of land acquired for housing purposes
- (j) The following functions under Part IX of the Town and Country Planning Act 1990 in relation to the acquisition of land for development and other planning purposes: -
  - (i) section 226 (compulsory acquisition of land for development and other planning purposes)
  - (ii) section 227 (acquisition of land by agreement)
  - (iii) section 229 (appropriation of land forming part of a common)
  - (iv) section 230 (i)(a) (acquisition of land for purposes of exchange)
  - (v) section 232 (appropriation of land for planning purposes)
  - (vi) section 233 (disposal of land held for planning purposes)
  - (vii) section 235 (development of land held for planning purposes)

- (viii) section 236 (extinguishment of rights over compulsorily acquired land)
  - (ix) sections 238, 239, and 241 (use and development of consecrated land, burial grounds and open space)
- 2. Housing and Regeneration Functions to be exercised concurrently with the Homes and Communities Agency (HCA) pursuant to the 2016 Order.
  - 2.1 The following functions of the HCA under Part 1 of the Housing and Regeneration Act 2008 are exercisable by the Y&NYCA in its area concurrently with the HCA: -
    - (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)
    - (e) Section 9 (acquisition of land compulsorily or by agreement)
    - (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 statutory undertakers)
    - (i) Section 19 (power to give financial assistance).
    - (j) Paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc) and
    - (k) Paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the Homes and Communities Agency), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.
  - 2.2 The functions in paragraph 2.1 must be exercised for the purposes of or for purposes incidental to the following objects: -
    - (a) To improve the supply and quality of housing in the area
    - (b) To secure the regeneration and development of land or infrastructure in the area
    - (c) To support in other ways the creation, regeneration or development of communities or their continued well being
    - (d) To contribute to the achievement of sustainable development and good design.
- 3. Functions corresponding to the Functions of the Mayor of London

### **Mayoral Development Corporations**

- 3.1 The Y&NYCA has in relation to its area functions corresponding to the functions of the Mayor of London under Part 8 of the Localism Act 2011 in relation to the designation of Mayoral Development Areas and in relation to Mayoral Development

corporations consequently established by order of the Secretary of State.

- 3.2 The provisions in the Localism Act 2011 referred to in paragraph 3.1 above 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.
  - (d) section 202 (functions in relation to town and country planning);
  - (e) section 204 (removal or restriction of planning function);
  - (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).

## **D. FIRE AND RESCUE**

1. Fire and Rescue Functions of the former Police, Fire and Crime Commissioner ('PFCC') for North Yorkshire are transferred to the Y&NYCA with effect from 6 May 2024.
  - 1.1 Pursuant to the 2023 Order, the former PFCCFRA for North Yorkshire will be abolished on 6 May 2024 and the functions transferred to the Y&NYCA as Mayoral Functions.
  - 1.2 In consequence the Y&NYCA will be the Fire and Rescue Authority for the purposes of the Fire and Rescue Services Act 2004 ('the FRA 2004') with effect from 6 May 2024 and will be responsible for the discharge of all the functions of a fire and rescue authority conferred or imposed by the FRA 2004 and any other enactment.
  - 1.3 Part 3B of this constitution sets out the Fire and Rescue functions which are reserved to the Mayor.

## **E. POLICE AND CRIME COMMISSIONER (PCC) FUNCTIONS**

- 1.1 Police and Crime Commissioner Functions of the former PCC transfer to the Y&NYCA to be exercisable by the Mayor pursuant to the 2023 Order.
- 1.2 The Mayor is to be treated with effect from 6 May 2024, 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 PCC Order.
- 1.3 'PCC enactments' means any functions conferred on Police and Crime Commissioners by or under Part 1 of the Police and Social Responsibility Act 2011, or any other Act (whenever passed).
- 1.4 Part 9 of this constitution sets out the Police and Crime functions which are reserved to the Mayor.

## **F. INCIDENTAL PROVISIONS PURSUANT TO THE Y&NYCA ORDER**

1. The following provisions have effect as if the Y&NYCA were a local authority for the purposes of these provisions: -

- (a) Section 113 of the Local Government Act 1972 (the power to place staff at the disposal of other local authorities);
- (b) 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);
- (c) Section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- (d) Section 145 of the Local Government Act (the power to provide and support cultural activities and entertainments);
- (e) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings);

1.1 The Y&NYCA 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 (research and collection of information) whether or not a scheme is made under that section.

1.2 Section 13 of the Local Government and Housing Act 1989 shall have effect as if in subsection (4) after paragraph () there were inserted: –

'(i) subject to subsection (4A), a committee appointed by the York and North Yorkshire Combined Authority.'

And 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 is a member of one of the constituent councils.'

1.3 The Y&NYCA is to be treated as a local authority, relevant authority or local enforcing authority (as appropriate) and have similar powers and duties as the Constituent Councils for the purposes of data sharing and the disclosure of information under the following provisions: -

- (a) Section 17A (sharing of information) and section 115 (disclosure of information) of the Crime and Disorder Act 1998



- (b) Section 113 of the Environment Act 1995 (disclosure of information)
  - (c) Section 122 of the Apprenticeships, Skills, Children and Learning Act 2009 (sharing of information for education and training purposes)
  - (d) The following sections of the Education and Skills Act 2008: -
    - (i) Section 14 (educational institutions – duty to provide information)
    - (ii) Section 16 (supplying of information by public bodies)
    - (iii) Section 17 (sharing and use of information held for purposes of support services)
    - (iv) Section 77 (supply of information by public bodies)
- 1.4 The Y&NYCA has the function of making grants to the Constituent Councils under section 31 of the Local Government Act 2003. Such function is a mayoral function exercisable concurrently with the Secretary of State.

## **G. FUNCTIONS CONFERRED ON A COMBINED AUTHORITY BY LOCAL GOVERNMENT LEGISLATION**

- 1.1 The Y&NYCA shall have such other powers and duties as are conferred on a combined authority by any enactment.
- 1.2 Without prejudice to the generality of the above, such powers and duties include:
  - (a) The duty to appoint a Head of Paid Service, a Monitoring Officer, an officer with responsibility for the administration of Y&NYCA 's financial affairs, a Scrutiny Officer and a Data Protection Officer;
  - (b) The power to borrow money for a purpose relevant to its functions;
  - (c) The power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
  - (d) The power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;
  - (e) The power to pay subscriptions to the funds of local authority associations;
  - (f) 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;
  - (g) The power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
  - (h) The power under section 113A of the Local Democracy, Economic Development and Construction Act 2009 to do anything it considers appropriate for the purpose of carrying out any of its functions.
- 1.3 The Y&NYCA 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).
- 1.4 The Y&NYCA is a best value authority for the purpose of Section 1 of the Local Government Act 1999.

- 1.5 The Y&NYCA is a public body for the purpose of the Freedom of Information Act 2000.
- 1.6 The Y&NYCA is a public authority for the purposes of the Equality Act 2010.
- 1.7 The Y&NYCA is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

## **H. MISCELLANEOUS ROLES OF THE Y&NYCA**

### **1. Transport for the North**

1.1 The Y&NYCA is a member of Transport for the North (TfN) which is a statutory body established under the Sub-national Transport Body (Transport for the North) Regulations 2018.

1.2 The Regulations give TfN various general functions:

- To prepare a transport strategy for its area
- To provide advice to the Secretary of State ('SoS') about the exercise of transport functions in relation to its area (whether exercisable by the SoS or others)
- To co-ordinate the carrying out of transport functions that are exercisable by different constituent authorities, with a view to improving efficiency and effectiveness
- To make proposals to the SoS about the role and functions of TfN, including proposals to transfer further functions to TfN

1.3 The Regulations confer on TfN various local transport functions which can be exercised concurrently with local authorities or, where relevant, TfN. These include: -

- (a) the power to make capital grants to fund facilities for public passenger transport under section 56 (2) of the Transport Act 1968
- (b) the power to make ticketing schemes under sections 134C and 135 of the Transport Act 2000
- (c) the right to be consulted on rail franchises affecting its area and the power to enter into agreements with the SoS in connection with rail services within its area under section 13 of the Railways Act 2005
- (d) various powers under the Highways Act 1980, namely: -
  - Section 8 (power to enter agreements with local highways authorities and Highways England for doing certain works)
  - Section 24(2) (power to construct new highways)
  - Sections 25 and 26 (powers to enter into agreements for creation of footpaths)
  - Various functions relating to the acquisition of land for highways purposes

- 1.4 The Regulations also provide that TfN will be able to exercise certain highways functions jointly with the SoS and / or Highways England, namely: -
- Entering into agreements for works relating to trunk roads
  - Functions relating to environmental impact assessments
  - Functions relating to acquisition of land for trunk roads
- 1.5 The Y&NYCA must appoint one of its elected members to be a voting member of TfN, being either the Mayor or the elected member with responsibility for transport.
- 1.6 In addition, the Y&NYCA must appoint another of its elected members to be a voting member of TfN in the absence of the member appointed under Article 6.3 ('Substitute Member').
- 1.7 The Y&NYCA is entitled to appoint one member of the authority to be a member of TfN's scrutiny committee.
- 1.8 The Y&NYCA is also entitled to appoint one member of the authority to be a member of the scrutiny committee in the absence of the person appointed under Article 6.5 ('Substitute Member').

## **PART 3**

### **RESPONSIBILITY FOR FUNCTIONS**

# **1. INTRODUCTION**

Responsibility for the discharge of Mayoral functions and the delegation of such responsibility rests with the Mayor. References to delegations of Mayoral General functions below are set out for reference only. The Mayor's delegations in relation to their Police and Crime Commissioner functions (the Mayor's PCC functions) are set out in Part 9 of the Constitution.

## **A FUNCTIONS RESERVED TO THE Y&NYCA**

Only the Y&NYCA will exercise the following functions:

1. Adopting and changing the Y&NYCA Constitution;
2. The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009;
3. The approval of the Non-Mayoral Y&NYCA budget;
4. In relation to the Mayor's General Budget:
  - (a) the approval of the draft budget (or revised draft budget),  
or
  - (b) the decision to veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Y&NYCA's recommendations as to the relevant amounts and calculations;
5. The issuing of the Combined Authority precept stating separately the Police and Crime component and the general component.
6. The approval of borrowing limits of the Y&NYCA;
7. Insofar as the Y&NYCA's functions in respect of transport are concerned, this includes determining the borrowing limits of the Y&NYCA in relation to transport matters pursuant to section 3 of the Local Government Act 2003
8. Approval of the treasury management strategy and the investment strategy of the Y&NYCA.
9. Subject to the Financial Regulations in Part 6 of this Constitution, approving the capital programme of the Y&NYCA and approving new transport schemes.

10. The approval of capital schemes within the agreed capital programme and the agreed budget (including schemes for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to Section 56(2) of the Transport Act 1968);
11. The acceptance of arrangements to delegate the functions of any person to the Y&NYCA;
12. Questions relating to road user charging;
13. Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto);
14. Making decisions in relation to severance packages of £95,000 and over;
15. The determination of collective terms and conditions of staff.



## **B. Y&NYCA FUNCTIONS RESERVED TO THE MAYOR**

### **Section B I**

#### **1. Budget**

1.1 The following functions are exercisable only by the Mayor:

- (a) functions in relation to the setting of the Y&NYCA budget for the Mayor's general functions, as provided for in the Combined Authorities (Finance) Order 2017 and budget related functions reserved to the Mayor in relation to the Mayor's PCC functions are set out in Part 9 below.

#### **2. Transport**

2.1 The following functions are exercisable only by the Mayor:

- (a) developing policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within York and North Yorkshire under s108 (1) (a) of the Transport Act 2000 (the 2000 Act);
- (b) The adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a local transport plan (LTP) under section 108(3) of the Transport Act 2000;
- (c) The duty to keep the local transport plan under review and alter it if considered appropriate to do so including replacing the plan under section 109 (1) or (2) of the Transport Act 2000;
- (d) the following provisions of the 2000 Act, to the extent that they apply in relation to functions exercisable by the Mayor—
  - (i) section 108(1) (b);
  - (ii) section 108(2ZA) and (2ZB);
  - (iii) section 108(3B);
  - (iv) section 112 (plans and strategies: supplementary).

2.2 PROVIDED THAT:

- (a) Any exercise by the Mayor of the functions under section 108(1) (a), 108(3) and section 109(1) or (2) of the 2000 Act requires a vote in favour by at least 3 members of the Y&NYCA or substitute members acting in place of those members, present and voting on that question at a meeting of the

Y&NYCA, in accordance with the voting arrangements set out at Part 5 of this Constitution.

- (b) Amendment of the following plans require a vote in favour by at least 3 members or substitute members acting in place of those members, appointed by the constituent councils present and voting on that question at a meeting of the Y&NYCA: -
  - (i) a draft policy or a draft local transport plan prepared by the Mayor under sections 108(1) (a) or (3) (local transport plans) of the 2000 Act; or
  - (ii) a draft alteration or replacement of the local transport plan prepared under sections 109(1) and (2)

### **3. Compulsory Purchase Powers**

3.1 The following functions are exercisable only by the Mayor:

- (a) Compulsory acquisition of land under section 9(2) of the Housing and Regeneration Act 2008
- (b) Compulsory acquisition of land for development and other planning purposes under section 226 of the Town and Country Planning Act 1990
- (c) Compulsory acquisition of land for housing purposes under section 17 of the Housing Act 1985.

3.2 PROVIDED THAT:

Exercise of the functions specified at 3.1 above requires the consent of all members of the Y&NYCA appointed by the Constituent Councils whose area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members (such consent to be provided at a meeting of the Y&NYCA.)

### **4. Mayoral Development Areas**

- 4.1 The following functions corresponding to functions contained in the provisions in the Localism Act 2011 (the 2011 Act), that the Mayor of London has in relation to Greater London are exercisable only by the Mayor —
- (a) Section 197 (designation of Mayoral development areas ('MDAs');
  - (b) section 199 (exclusion of land from Mayoral development areas);

- (c) section 200 (transfers of property etc. to a Mayoral development corporation ('MDC'));
- (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) paragraphs 1-4, 6 and 8 of Schedule 21

PROVIDED THAT:

The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act in respect of any MDA requires the consent of: -

- (a) The North York Moors National Park Authority if the proposal relates to the area of the North York Moors National Park Authority
- (b) The Yorkshire Dales National Park Authority if the proposal relates to the area of the Yorkshire Dales National Park Authority
- (c) Each member of the Y&NYCA appointed by a constituent council, or a substitute member acting in place of that member, whose Council's area contains the whole or any part of the area in respect of which is proposed to exercise the functions, such consent to be given at Y&NYCA Meeting.

4.2 A proposal by the Mayor to:

- (a) Designate any area of land as an MDA;
- (b) Alter the boundaries of an MDA to exclude an area of land;
- (c) Decide that a Mayoral Development Corporation (MDC) should be the local planning authority (LPA) for the purposes set out in section 202 (2) to (4) of the Localism Act 2011,

requires the consent of all members of the Y&NYCA (or substitute member acting in their place) whose local government area contains any part of the area to be designated or excluded or in respect of which the Mayor wishes to decide that the MDC should be the LPA, such consent to be provided at a meeting of the Y&NYCA.

- 4.3 A proposal of the Mayor under paragraph 4.2 above may be rejected by the Y&NYCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2023 Order, but only if a motion to reject has been considered at a meeting of the Y&NYCA and agreed to by two--thirds of the Y&NYCA members (or substitute members acting in their place) present and voting on that motion.

## **5. Bus Franchising**

- 5.1 The following functions in relation to bus franchising may only be exercised by the Mayor individually:
- (1) the function of deciding whether to make a proposed franchising scheme (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities).
  - (2) the function of deciding whether to make a proposed variation to a franchising scheme (including in a case where the decision is to act jointly to vary a scheme).
  - (3) the function of deciding whether to make a proposed revocation of a franchising scheme (including in a case where the decision is to act jointly to revoke a scheme).

## **6. Fire and Rescue**

- 6.1 The Mayor has all the responsibilities provided to them by the 2004 Act, the 2011 Act and the Order and by any other enactment.
- 6.2 The Mayor must put in place arrangements to deliver an efficient and effective fire and rescue service and perform the following key functions:
- Promote fire safety (section 6 of the Fire and Rescue Services Act 2004).
  - Provision for the purpose of extinguishing fires and protecting life and property in the event of fires (section 7 of the Fire and Rescue Services Act 2004).

- Rescue people and protect people from serious harm in the event of road traffic accidents (section 8 of the Fire and Rescue Services Act 2004).
- Dealing with other types of emergencies, as specified by the Secretary of State, in Statutory Instruments (Orders)<sup>1</sup>.
- Duty to assess, plan and advise on civil emergencies (section 2 of the Civil Contingencies Act 2004).
- Enforce the Regulatory Reform (Fire Safety) Order 2005.

6.3 The Mayor is the legal contracting body who owns all the assets and liabilities and has responsibility for the financial administration of their office and the Fire and Rescue fund, including all borrowing.

6.4 The Mayor will receive all funding, including the government grants and other sources of income, related to the Fire and Rescue Service element of the Y&NYCA.

6.5 The Mayor will notify the Police, Fire and Crime Panel of the proposed allocation of the draft budget for fire and rescue functions, including the proposed allocation of the element of the general precept attributable to fire and rescue functions in relation to the following financial year, such notification to be given before the date on which the CA determines whether to approve the Mayor's annual budget in relation to the following financial year with sufficient time for the Panel to review the proposed allocation of budget before the CA makes its determination.

6.6 The Mayor will set the Fire and Rescue element of the general precept after consultation with the public of North Yorkshire, the Police, Fire and Crime Panel and the Chief Fire Officer. The policing precept is set separately.

6.7 The Mayor is responsible for setting the strategic vision and holding the Chief Fire Officer to account for delivering that vision, in particular the Fire and Rescue Plan.

6.8 The Mayor will be responsible for handling complaints and conduct matters in relation to the Chief Fire Officer and for receiving, monitoring and responding to complaints against the Fire and Rescue Service element of the Y&NYCA.

6.9 The Police, Fire and Crime Panel has a vital role in challenging, scrutinising and supporting the Mayor by scrutinising the Mayor's policing and crime precepts and the Police, Fire and Crime plans, conducting confirmation hearings and dealing with complaints against the Mayor.

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<sup>1</sup> Currently, a single Order has been issued, requiring fire authorities to make provision to attend chemical, biological or nuclear emergencies, emergencies involving the collapse of a building or other structure and emergencies involving trains, trams or aircraft.

6.10 The following functions are assigned as the responsibility of the Mayor and cannot be delegated:

- (a) the power to enter into a reinforcement scheme with fire and rescue authorities under section 13 of the Fire and Rescue Services Act 2004 (FRSA);
- (b) the power to enter into arrangements under section 15 FRSA with a person who employs fire-fighters for securing the provision by that person of assistance for the purpose of the discharge of a function under section 7, 8 or 9 of the FRSA;
- (c) The power to enter into arrangements under section 16 of the FRSA for the discharge of a function under section 7, 8, 9 or 11 of the FRSA;
- (d) The function of approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011 (pay policy statements);
- (e) appointing, suspending or dismissing, the Chief Fire Officer;
- (f) approving the terms of appointment of the Chief Fire Officer;
- (g) holding the Chief Fire Officer to account for functions which are delegated to them or functions of persons under the direction and control of the Chief Fire Officer in respect of the fire and rescue service;
- (h) approving: -
  - (i) the community risk management plan,
  - (ii) the fire and rescue plan, and
  - (iii) the annual statement of assurance (within the meaning of Paragraph 5(2), Schedule A2 of the 2004 Act);
- (h) approving plans, modifications to plans and additions to plans for the purpose of ensuring that: -
  - (i) so far as is reasonably practicable, the Y&NYCA is able to continue to perform fire and rescue functions if an emergency occurs, and
  - (ii) the Y&NYCA is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it; and

- (i) approving any arrangements for the co-operation of the Y&NYCA in relation to its fire and rescue functions and other Category 1 responders and Category 2 responders in respect of the performance of the Y&NYCA's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004 and any duties under regulations made in exercise of powers under that Act.

## **Section B II**

### **8. Power to Pay Grants**

Functions under section 31 of the Local Government Act 2003 (grants to constituent councils) are exercisable only by the Mayor or their delegate.

### **9. Grants to Bus Operators**

The following functions in relation to buses are exercisable only by the Mayor or their delegate:

- 9.1 Functions under section 154 (1) of the Transport Act 2000 (grants to bus operators).

## **C. COMMITTEES**

The terms of reference and the delegations to Y&NYCA Committees are set out in Part 4 of this Constitution.



## **D. DEPUTY MAYOR FOR POLICING AND CRIME (Fire and Rescue Functions)**

1. The Mayor delegates all fire and rescue functions to the Deputy Mayor for Policing and Crime to exercise on the Mayor's behalf in accordance with the Y&NYCA 's Constitution, with the exception of:
  1. those functions that cannot be delegated by virtue of article 45 of the 2023 Order (set out at Part 3 Section B1 paragraph 6 of the constitution), and
  2. the functions delegated to Chief Officers under the Scheme of Delegation to Chief Officers and the Schedule of Proper Officers, contained in Part 3 Section F of the Constitution (prepared in accordance with section 101 of the Local Government Act 1972, and section 107D (3) of the Local Democracy, Economic Development and Construction Act 2009).
2. The Mayor will exercise any fire and rescue functions delegated to the Deputy Mayor for Policing and Crime in the absence of the Deputy Mayor for Policing and Crime or where Deputy Mayor for Policing and Crime has a conflict of interest.
3. Specific delegations which the Mayor can only delegate to the Deputy Mayor for Policing and Crime include:
  - a). The function of determining the Mayor's priorities and objectives for the purposes of the Fire and Rescue Plan and the Fire and Rescue Statement.
  - b). The function of attendance at a meeting of the Police, Fire and Crime Panel in compliance with a requirement by the Panel to do so (see section 29 of the Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of Schedule A2 of the Fire and Rescue Services Act 2004).

## **E. SCHEME OF DELEGATION OF FUNCTIONS TO CHIEF OFFICERS, OTHER OFFICERS AND SCHEDULE OF PROPER OFFICERS**

### **1. Introduction**

- 1.1 This Scheme of Delegation to Chief Officers and Schedule of Proper Officers for various functions has been prepared in accordance with section 101 of the Local Government Act 1972 (the 1972 Act), which enables the Y&NYCA to delegate functions to officers and section 107D (3) of the Local Democracy, Economic Development and Construction Act 2009 which enables the Mayor to delegate Mayoral general functions. The Mayor's Delegations in relation to their PCC functions are set out in Part 9 below. The Y&NYCA is also required by section 100G of the 1972 Act to maintain a list for public inspection specifying those powers of the Y&NYCA which, for the time being, are exercisable from time to time by officers of the Y&NYCA and stating the title of the officer in question by whom the powers are exercisable.
- 1.2 Chief Officers in the context of this Part means the Head of Paid Service, the Section 73 Officer, the Monitoring Officer and the Chief Fire Officer.
- 1.3 The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
- 1.4 The exercise of delegated powers by officers is required to be in accordance with:
  - a. Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - b. The Constitution, the Y&NYCA's Rules of Procedure including Access to Information Rules in Part 5 and the Financial Regulations set out Part 6 currently in force;
  - c. The revenue and capital budgets of the Y&NYCA, subject to any variation thereof which is permitted by the Y&NYCA's Financial Regulations; and
  - d. Any policy or direction of the Y&NYCA, or any Committee acting in exercise of powers delegated to that Committee by the Y&NYC.
- 1.5 Officers may not exercise delegated powers where –

- a. The matter is reserved to the Y&NYCA or the Mayor by law or by the Y&NYCA's Constitution;
  - b. The matter is a function which cannot by law be discharged by an officer;
  - c. The Y&NYCA, a Committee, Sub-Committee or Joint Committee to which Y&NYCA is a party, or (in the case of a mayoral function) the Mayor has determined that the matter should be discharged otherwise than by an officer;
- 1.6 Before exercising delegated powers, particularly on matters involving the reputation of the Y&NYCA, officers should ordinarily consult the Head of Paid Service and/or the Chair of the Y&NYCA.
  - 1.7 Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.
  - 1.8 Where, in relation to an item before the Y&NYCA or a Committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
  - 1.9 When carrying out any Fire and Rescue functions, the Mayor or any officer must have regard to the following:
    - The views of the people in the area;
    - Any report or recommendation made by the Police, Fire and Crime Panel on:
      - the Community Risk Management Plan;
      - The Medium-Term Financial Plan in relation to Fire and Rescue functions;
      - The Fire and Rescue Plan and any connected guidance issued by the Secretary of State.
  - 1.10 In addition, the Mayor is ultimately accountable for the Fire and Rescue Fund. Before any financial or legal liability affecting the fund that the Mayor might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior approval must be obtained from the Mayor.

## **2. General Delegations to all Chief Officers**

These functions may be Mayoral or non-Mayoral depending on the circumstances.

- 2.1 Any reference to these delegations in relation to the Chief Fire Officer are limited in scope to Fire and Rescue functions only. All other Chief Officers have these general delegations in respect of the Combined Authority as a whole.
- 2.2 The day-to-day routine management, supervision and control of services provided for the Y&NYCA or the Mayor by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the Y&NYCA set out in Part 6 of this Constitution in relation to Y&NYCA and the Mayor's non-PCC functions and in accordance with the Financial Regulations applicable in relation to the Mayor's PCC functions contained in Part 9 below.
- 2.3 Subject to Financial Regulations, to accept tender(s) or bid(s) for the carrying out of works for the Y&NYCA, the purchase, leasing or hiring of goods, materials and equipment by the Y&NYCA, or the supply of services to the Y&NYCA, where the estimated contract value does not exceed £250,000 or where it does exceed £250,000 with the agreement of the Section 73 Officer provided in all cases that budget provision is available.
- 2.4 Subject to Financial Regulations, to enter into contract documentation following tender/bid acceptance. To negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to the agreement of the Section 73 Officer.
- 2.5 Where a contract contains provision for the extension to the contract period, the exercise of such extensions, subject to the agreement of the Section 73 Officer.
- 2.6 Agreeing the assignment or novation of a contract.
- 2.7 Subject to Financial Regulations, to bid and tender for and enter into contract documentation for the supply of works, goods or services to other bodies where provided for in the relevant Business Plan.
- 2.8 Virement between heads of revenue and capital expenditure in accordance with Financial Regulations.
- 2.9 Subject to the agreement of the Section 73 Officer: -

- a. the writing off of debts which are irrecoverable or losses due to burglaries, etc.; and
  - b. the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
- 2.10 To exercise the responsibilities assigned to Chief Officers in Part 6 of this Constitution (Financial Regulations and Contract Procurement Rules)
- 2.11 In relation to staff and staffing matters within their direct or indirect line management responsibility:
- a. Day to day management of staff.
  - b. Determination of the payment of removal expenses, lodging allowances or travelling allowances.
  - c. Discipline, suspension and/or dismissal of employees.
  - d. Determination of staff grievances.
  - e. The filling of vacant posts within approved establishments
  - f. The determination of applications for paid and unpaid leave:
    - (i) for trade union training
    - (ii) for health and safety training
    - (iii) for paid leave for an employee to discharge their duties of the office of President of a Trade Union
    - (iv) for an employee to attend meetings etc. with pay as a member of a local authority or similar public body on condition that the employee only receives the difference between pay and any amount receivable under the Local Government Regulations etc. This does not include an employee attending such a body in their official capacity which would be as part of their official duties
    - (v) for personal or domestic reasons
    - (vi) for maternity and paternity pay
  - g. Determination of requests for the reimbursement of post-entry training and examination fees
  - h. Determination of proposals to attend training courses

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

These functions may be Mayoral functions or non-Mayoral functions depending on the circumstances.

- 3.1 To discharge the functions of the Head of Paid Service in relation to the Y&NYCA as set out in Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the Y&NYCA where appropriate setting out proposals with respect to the coordination of the Mayor's or Y&NYCA's functions, the number and grades of staff required

and the organisation, appointment and proper management of the Y&NYCA's staff.

- 3.2 To discharge any function of the Y&NYCA or the Mayor which is neither the statutory responsibility of nor been specifically delegated to another officer, Committee or reserved to the Y&NYCA or the Mayor under this Constitution or by law and may direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- 3.3 Take any action which is required as a matter of urgency in the interests of the Y&NYCA, in consultation (where practicable) with the Chair of the Y&NYCA.
- 3.4 Take preliminary steps to protect the rights and interests of the Y&NYCA subject to consultation with the Chair of the Y&NYCA in relation to any Bill or Statutory Instrument or Order in Parliament.
- 3.5 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the Y&NYCA 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 Y&NYCA not opposing any Private Bill.
- 3.6 Nominate, appoint and remove, in consultation with the Chair and Vice-Chairs of the Y&NYCA, Y&NYCA representatives on the board of companies, trusts and other bodies, of which the Y&NYCA is a member, and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
- 3.7 To provide a comprehensive policy advice service to the Mayor and the Y&NYCA and to advise on the Mayor's or the Y&NYCA's plans and strategies, including the sustainable community strategy and the local transport plan.
- 3.8 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 Y&NYCA publicity and official publications.
- 3.9 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc.

- 3.10 To authorise the attendance of officers at conferences or seminars which are appropriate to the work of the Y&NYCA and within any policy framework from time to time laid down by the Y&NYCA.
- 3.11 To be the authorised representative of the Y&NYCA (in the absence of any other officer being appointed) in respect of any company or organisation of which Y&NYCA is a member, including attending and voting at general meetings of the company or organisation or nominating a member or officer of Y&NYCA to do so.
- 3.12 To be the authorised representative of the Y&NYCA on the board of Transport for the North.
- 3.13 To manage investments made by the Y&NYCA, which fall outside of the approved Treasury Management strategy, and the Section 73 Officer and subject to subsequent reporting to the Y&NYCA.
- 3.14 Except where delegated to the Chief Fire Officer:
  - a. Establishment of new and additional posts, subject to funding being available.
  - b. In consultation with the Section 73 Officer determination of requests or recommendations for acting up/honoraria/additional payments, subject to funding being available.
  - c. Determination of extensions of sickness allowance in consultation with the Section 73 Officer.
  - d. Responsibility for the maintenance of an industrial relations framework.
  - e. In consultation with the Section 73 Officer, the agreement of severance packages up to the value of £50,000.

### **Estate Management**

- 3.15 Except where delegated to the Chief Fire Officer:
  - a. To acquire by agreement, land and property (including freehold chief rents) SUBJECT always to the purchase price, or the purchase price when added to other transactions in respect of the same project, being within the estimate of costs included in the Y&NYCA's capital programme.
  - b. To accept any offer or tender and agree and arrange for, the disposal of land or property and other interests in land or property provided the offer or tender does not exceed £500,000 and is the best consideration that can reasonably be obtained.

- c. In consultation with the relevant Portfolio Holder, to dispose of any interest in land at less than best consideration where the disposal will help the Y&NYCA to secure the promotion or improvement of the economic, social or environmental well-being of the Y&NYCA's area.
- d. Management of land, property, accommodation and facilities owned by the Y&NYCA.

### **Investment Funds**

- 3.16 In consultation with the Chair of the Y&NYCA the variation of loans approved by the Y&NYCA by up to 10% of the loan amount and to vary other loan conditions provided that the loan is to the same borrower on substantially the same terms.

### **Mayoral Development Corporations - Acquisition of Land**

- 3.17 To discharge the function corresponding to the function contained in Section 207 Acquisition of land) subsection 3 of the Localism Act 2011 in respect of Mayoral Development Corporations, in consultation with the Mayor and with the member(s) (or substitute member(s) acting in place of that member(s)) of the Y&NYCA appointed by the Constituent Council(s) whose area(s) contain(s) any part of the land subject to the proposed compulsory acquisition.

In the absence of the Head of Paid Service, the above delegations may be exercised by the Section 73 Officer.

## **4. DELEGATIONS TO THE SECTION 73 OFFICER**

These functions may be Mayoral functions or non-Mayoral functions depending on the circumstances.

- 4.1 To effect the proper administration of the Y&NYCA's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- 4.2 The taking of all action required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and the Y&NYCA of an annual report of the Section 73 Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.



- 4.3 To effect all insurance cover required in connection with the business of the Y&NYCA and to settle all claims under such insurances arranged for the Y&NYCA's benefit.
- 4.4 The preparation of manuals of financial and accounting procedures to be followed by Officers of the Constituent Councils working on Y&NYCA matters.
- 4.5 To accept grant offers on behalf of the Y&NYCA, subject to all the terms and conditions set out by the grant awarding body.
- 4.6 The submission of all claims for grant to the UK Government or the European Community (EC).
- 4.7 To make grants to outside bodies and organisations in accordance with grant procedures in place at the time of making the grant.
- 4.8 To make all necessary banking arrangements on behalf of the Y&NYCA, to sign all cheques drawn on behalf of the Y&NYCA or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Section 73 Officer.
- 4.9 To monitor capital spending and submit a report to the Y&NYCA at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the Y&NYCA and those via Transport for the North.
- 4.10 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Y&NYCA for consideration of a supplemental estimate.
- 4.11 The approval of contracts and agreements proposed to be entered into by Transport for the North provided that, subject to any other requirement of this Constitution, the Section 73 Officer may give a general consent to Transport for the North to enter into contracts or agreements the value of which does not exceed £5,000,000.
- 4.12 The collection of all money due to the Y&NYCA and the writing-off of bad debts.
- 4.13 To supervise procedures for the invitation, receipt and acceptance of tenders.

- 4.14 To administer the scheme of Members' allowances.
- 4.15 To make all necessary arrangements to ensure the payment of staff employed by the Y&NYCA.
- 4.16 To exercise the functions of the authority in relation to pensions and (without prejudice to the generality of this):
  - a. to be the person specified to determine disputes in the first instance arising from the decisions of the Authority as scheme employer under the Local Government Pension Regulations.
- 4.17 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit Regulations 2015 including the requirement under Regulation 9 to sign and date the statement of accounts and certify that it presents a true and fair view of the financial position of the Y&NYCA at the end of the year to which it relates and of the Y&NYCA's income and expenditure for that year.
- 4.18 To discharge the functions of the Y&NYCA under the Accounts and Audit Regulations 2015 (except for those functions required to be exercised under these Regulations by the Y&NYCA).
- 4.19 To sign certificates under the Local Government (Contracts) Act 1997.
- 4.20 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 4.21 To determine an amount (not exceeding the sterling equivalent of 5,000 euros) being the maximum sum which the Y&NYCA will receive in cash without the express written consent of the Section 73 Officer.
- 4.22 To exercise the responsibilities assigned to the Section 73 Officer in the Financial Regulations and the Contract Procurement Rules.
- 4.23 In respect of the North Yorkshire Pension Fund
  - a. To exercise Local Government Pension Scheme Pensions discretions in line with agreed Y&NYCA Pensions Discretion Statement.

- b. To authorise the adoption and implementation of pay awards made nationally or locally under procedures recognised by the Y&NYCA.
  - c. To Implement the Y&NYCA's Flexible and Early Retirement Policy.
- 4.24 To act as the Y&NYCA's Senior Information Risk Owner and to arrange for the determination of requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and data protection legislation, including dealing with internal reviews, complaints and data sharing or data processing.
- 4.25 The Section 73 Officer is designated as the Y&NYCA's Chief Finance Officer for the purposes of Section 73 of the Local Government Act 1985. The functions of the Chief Finance Officer include:
- (i) responsibility for the administration of financial affairs under section 73 of the Local Government Act 1985
  - (ii) exercise of the duties of the Chief Finance Officer under Section 114, 115 & 116 of the Local Government Finance Act 1988 and Section 25 of the Local Government Act 2003, namely ensuring lawfulness and financial prudence of decision-making.

## **5. DELEGATIONS TO THE MONITORING OFFICER**

These functions may be Mayoral functions or non-Mayoral functions depending on the circumstances

The functions of the Monitoring Officer shall be as follows:

- 5.1 Should at any time it appears to the Monitoring Officer that any proposal, decision or omission by the Y&NYCA has given rise to or is likely to give rise to unlawfulness or maladministration, they will prepare a report to the Y&NYCA with respect to that proposal, decision or omission.
- 5.2 Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee. The Y&NYCA has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011:
  - (i) To act as the Y&NYCA's Proper Officer to receive complaints that Y&NYCA Members have failed to comply with the Y&NYCA's Code of Conduct for Members;

- (ii) To determine, after consultation with the Independent Person and in accordance with the Y&NYCA's Arrangements for dealing with Complaints that Y&NYCA Members have failed to comply with the Y&NYCA's Code of Conduct for Members ("the Y&NYCA's Arrangements") whether to reject, informally resolve or investigate a complaint;
- (iii) To seek informal resolution of complaints that Y&NYCA Members have failed to comply with the Y&NYCA's Code of Conduct for Members wherever practicable;
- (iv) To refer decisions dealing with a complaint against a Y&NYCA Member to the Y&NYCA's Audit and Governance Committee in exceptional circumstances;
- (v) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determines that a complaint merits formal investigation;
- (vi) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
- (vii) To confirm, after consultation with the Independent Person and in accordance with the Y&NYCA's Arrangements, an Investigating Officer's finding of no failure to comply with the Y&NYCA's Code of Conduct for Members;
- (viii) Where an Investigating Officer's report finds that the Subject Member has failed to comply with the Y&NYCA's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Y&NYCA's Arrangements, either to seek a local resolution or to send a matter for local hearing.

### **Y&NYCA's Register of Member's Interests**

- 5.3 In conjunction with the Head of Paid Service to prepare and maintain the Y&NYCA Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Y&NYCA's Code of Conduct for Members and ensure that it is available for inspection and published on the Y&NYCA's website as required by the Act.

### **Dispensations**

- 5.4 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer: -

- i) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - ii) considers that without the dispensation the representation of different political groups on the body transacting any business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - iii) considers that granting the dispensation is in the interests of persons living in the Y&NYCA area; or
  - iv) considers that it is otherwise appropriate to grant a dispensation.
- 5.5 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 Y&NYCA.
- 5.6 To act as the Solicitor to the Y&NYCA.
- 5.7 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Y&NYCA, as may be necessary to protect and promote the Y&NYCA's interests in accordance with any general policy laid down by the Y&NYCA, subject to consultation with the Chair in any case where the matter is of significance to the Y&NYCA's reputation or where the Y&NYCA is to appeal to the Court of Appeal or the Supreme Court.
- 5.8 To settle, if appropriate, and in the interests of the Y&NYCA, any actual or threatened legal proceedings.
- 5.9 To instruct Counsel and professional advisers, where appropriate.
- 5.10 To give undertakings on behalf of Y&NYCA.
- 5.11 To supervise the preparation and sealing or signature of legal documents.
- 5.12 To authorise other officers to seal documents in accordance with Article 11.4 of the Y&NYCA Constitution, or to sign documents which are not required to be under seal.
- 5.13 To complete all property transactions and contractual arrangements where terms have been agreed by the Y&NYCA

or Committees or Chief Officers acting under the Scheme of Delegation.

- 5.14 To determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 5.15 To accept on behalf of the Y&NYCA the service of notices, orders and legal procedures.
- 5.16 Under Section 223 of the Local Government Act 1972 to authorise officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Y&NYCA.
- 5.17 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.
- 5.18 Be the Proper Officer for ensuring the maintenance of public access to information in relation to Y&NYCA documents, reports and background papers.

## **6. MAYOR'S DELEGATIONS TO THE CHIEF FIRE OFFICER**

- 6.1 The Mayor has all of the responsibilities provided to them by the 2004 Act, the 2011 Act and the Order and by any other enactment. The Mayor must put in place arrangements to deliver an efficient and effective fire and rescue service.
- 6.2 The Mayor delegates responsibility for the arrangements to deliver an efficient and effective fire and rescue service to the Chief Fire Officer, which includes the performance of the following key functions:
  - Promote fire safety (section 6 of the Fire and Rescue Services Act 2004).
  - Provision for the purpose of extinguishing fires and protecting life and property in the event of fires (section 7 of the fire and Rescue Services Act 2004).
  - Rescue people and protect people from serious harm in the event of road traffic accidents (section 8 of the Fire and Rescue Services Act 2004).
  - Dealing with other types of emergencies, as specified by the Secretary of State in Statutory Instruments (Orders).

- 6.3 The Chief Fire Officer must, in exercising functions which are delegated to them, have regard to the Fire and Rescue Plan.
- 6.4 The Mayor grants the following delegations to the Chief Fire Officer:
  - 6.5 To prepare the Community Risk Management Plan for submission to the Mayor in accordance with the requirements of the Fire and Rescue National Framework.
  - 6.6 To prepare the Fire and Rescue Statement for submission to the Mayor.
  - 6.7 To lead and direct the strategic management of the Fire and rescue Service function.
  - 6.8 Respond to requests made to the Fire and Rescue Service function from the Home Office in relation to the developing or hosting new capabilities under national resilience.
- 6.9 Responsibility for all matters associated with the day-to-day operation of the Fire and Rescue Service ('the Service').
- 6.10 The authorisation of employees to exercise statutory powers under section 44 of the Fire and Rescue Services Act 2004 (powers of fire-fighters etc. in an emergency etc.).
- 6.11 The appointment of authorised officers to exercise statutory powers under sections 45 and 46 of the Fire and Rescue Services Act 2004 (obtaining of information and investigating fires).
- 6.12 The powers of the Mayor in relation to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement.
- 6.13 The signature and service of any document or notice, and the issue, amendment, transfer, cancellation and revocation of licences for fireworks and the grant or non-grant of storage certificates for petroleum.
- 6.14 The appointment of authorised officers and inspectors under legislation relating to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement, identifying the powers each authorised officer or inspector is empowered to exercise (including, but not limited to, the signature and service of documents and notices, powers

of entry, inspection, procuring of samples, testing, requests for information and records).

- 6.15 To designate persons as inspectors under Article 26 and to authorise members of staff to exercise statutory powers under Article 27 of the Fire Safety Order.
- 6.16 The appointment of authorised officers to inspect premises for Fire Service purposes at the request of Constituent Councils in connection with applications received by them for licences or approvals under all relevant statutory provisions including those for which Constituent Councils are responsible and in connection with which requests for assistance are received.
- 6.17 To submit comments on any town and country planning matters, building regulations, safety of sports grounds and other applications or licences.
- 6.18 The authorisation of appropriate persons to accompany inspectors on inspections carried out under the Health & Safety at Work etc. Act 1974.
- 6.19 The authorisation of appropriate persons to sign and serve any document or notice, and to issue, grant, not grant, amend, transfer, cancel and revoke licences, storage certificates and consents for fireworks, explosives, petroleum and flammable stacks.
- 6.20 In consultation with the Section 73 officer, to enter into any primary authority arrangements with businesses in relation to fire safety regulations.
- 6.21 The issuing of formal cautions under fire safety and Health and safety at Work for which the Mayor has responsibility for enforcement.
- 6.22 To prepare agreements with neighbouring fire and rescue services under Sections 13, 16 and 17 of the 2004 Act for submission to the Mayor.
- 6.23 In consultation with the Monitoring Officer the institution of legal proceedings in relation to fire safety and health and safety at work and any other legislation for which the Mayor has responsibility for enforcement.
- 6.24 To exercise functions of the Mayor under the Regulatory Reform (Fire Safety) Order 2005, together with any future enactment conferring power upon the fire and rescue service to commence



criminal proceedings in any Court of competent jurisdiction, to issue, amend and withdraw prohibition notices on behalf of the Mayor under that legislation.

6.25 Settlement of employment tribunal cases and grievances of staff employed by the fire and rescue service function up to a value of £10,000 with the exception of those cases felt to be exceptional because:

- They involve a high-profile claimant;
- There is a particular public interest case;
- There is a real risk that the Mayor will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.

6.26 Any claim in excess of £10,000 will require the authorisation of the Section 73 Officer before any settlement.

6.27 In relation to the use of vehicles in accordance with any policy which may be laid down by the Mayor -

a. the approval of the use of official cars by flexible-duty officers for social purposes and restricted journeys whilst away from duty but 'on call'; and

b. the approval of the use of official transport for attendance within the UK at events promoting learning and improvement.

6.28 The financial management responsibilities of the Chief Fire Officer are set out in the Financial Regulations and the Financial Management Code of Practice 2018.

6.29 To ensure effective arrangements for the management of procurement in accordance with the Financial Regulations and the Contract Regulations.

6.30 To manage the budget of the fire and rescue service function with the Section 73 Officer.

6.31 The raising of charges:

6.31.1 for any item of equipment lost or damaged through negligence or carelessness on the part of Fire Service personnel;

6.31.2 for any item of personal uniformed equipment held after replacement, the amount of charge (if any) to be

determined, considering the age and condition of the article at the time of loss, damage or replacement.

6.32 After consultation with the Section 73 Officer, the determination within the policy adopted by the Mayor of charges for special services carried out by the Service and the waiving or modification of any such charges.

6.33 In accordance with the policy adopted by the Mayor determination of the occasions and the conditions under which fire appliances, personnel and equipment may be used to participate in processions, displays.

6.34 In consultation with the Section 73 Officer, variations in the charges which may be prescribed in the annual review of charges to be made to other fire and rescue authorities and outside organisations for the training of personnel.

6.35 In accordance with the Firefighters' Pension Schemes, the determination of questions relating to the retirement of members of the Service on grounds of ill health and the payment of ordinary, ill health and the special pensions as appropriate, the counting of past service and the extension of service by not more than six months.

6.36 Within policy adopted by the Mayor, the determination of applications from uniformed members of the Service to take up employment outside their normal duties.

6.37 The nature/type of uniform and the application of scales of uniform issue.

6.38 The amendment of the scale of issue of uniform to all roles when necessary.

6.39 The attendance of uniformed Service personnel on training courses at the Fire Service College for periods not exceeding 26 consecutive weeks.

6.40 The fire and rescue service function will ensure sufficient arrangements are in place to secure the provision of effective training for all fire staff.

6.41 The approval of secondments of officers as instructors at the Fire Service College, provided the conditions of secondment are in

accordance with recommendations of the relevant government department and the policy of the Mayor.

6.42 The making of reimbursements, in accordance with Part E NJC Scheme of Conditions of Service for Local Authority Fire and Rescue Services, to any driver who, following an investigation of an accident, is adjudged by the Chief Fire Officer to be blameless or where there are strong extenuating circumstances, provided that where, in the Chief Fire Officer's opinion, there exists an element of doubt about the extenuating circumstances surrounding any claim for reimbursement, a report be presented to the Mayor for a decision thereon.

6.43 After consultation with the Section 73 Officer, the approval of increases in the scale of allowances for fire officers undress uniform to take account of inflation.

6.44 In relation to Fire and Rescue Service Staff within the Chief Fire Officer's direct or indirect line management responsibility:

- (a) To appoint and dismiss staff employed by the Authority or engage within the fire and rescue function in consultation with the Mayor if required.
- (b) To make recommendations to the Mayor with regard to the fire and rescue function staff terms and conditions of service, in consultation with the Section 73 officer and other appropriate officers.
- (c) To undertake the management of fire and rescue function staff, including disciplinary matters in line with agreed policies and procedures.
- (d) To authorise in line with staff conditions of service, the suspension of any member of fire and rescue service function staff.
- (e) To prepare a pay policy statement for the purposes of section 38 of the Localism Act 2011, for submission to the Mayor (in consultation with the Section 73 Officer).
- (f) To bring national agreements on salaries, wages and conditions for fire and rescue staff into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Mayor for a decision.

- (g) Establishment of new and additional posts at grades up to Grade 11 or equivalent, subject to funding being available and in line with service policy for fire and rescue function staff.
- (h) in consultation with the Section 73 Officer and in line with service policy for fire and rescue service function staff, the determination of requests or recommendations for acting up/honoraria/additional payments, subject to funding being available.
- (i) In exceptional circumstances and in line with service policy for fire and rescue function staff, granting acceleration of increments for any staff within their substantive grade for merit and ability.
- (j) In line with service policy for fire and rescue function staff, determination of extensions of sickness allowance (in consultation with the Section 73 Officer).
- (k) Responsibility for the maintenance of an industrial relations framework
- (l) To take responsibility for the health, safety and welfare of staff engaged within the fire and rescue service function and to discharge any other relevant statutory duties and functions necessary for the efficient and effective operation of the fire and rescue service function.
- (m) To negotiate with and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Mayor, along with any attempts of any representative bodies to register a dispute.
- (n) To grant essential or casual user allowances for fire and rescue function staff.
- (o) To approve visits abroad by officers on official business and the expenses thereof, in consultation with the Mayor.
- (p) To approve the retirement of fire and rescue service function 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 Mayor before implementation.

- (q) In consultation with the Monitoring Officer, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
- (r) In consultation with the Monitoring Officer, to make arrangements for a Data Protection Officer and a Senior Information Risk Owner (SIRO) for the fire and rescue function.

NOTE – by established convention, the Deputy Chief Fire Officer undertakes the role of SIRO for the fire and rescue function.

6.45 The Chief Fire Officer is responsible for ensuring that fire and rescue function staff are aware of the corporate governance framework and provisions and obligations of the scheme of delegation and consents. The Chief Fire Officer will provide regular reports to the Mayor in order to demonstrate compliance and good governance.

6.46 To ensure effective arrangements for management of physical assets, including buildings subject to the provisions of the Financial Regulations. This includes the management of land, property, accommodation and facilities owned by the Y&NYCA in connection with fire and rescue functions

6.47 The Mayor nonetheless expects that in respect of non-delegable functions (and all operational fire and rescue matters) that the Chief Fire Officer will establish and maintain a sound system of internal operational governance, including but not limited to policies procedures and guidance, as well as terms of reference for all meetings whether decision-making or consultative.

In the absence of the Chief Fire Officer, the above delegations may be exercised by the Deputy Chief Fire Officer.

## **6 SCHEDULES OF PROPER OFFICERS**

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

- 7.2 There are a number of specific references in enactments affecting the Y&NYCA, which call for functions to be undertaken by what is termed the 'Proper Officer'. The following Schedules list such references and identify the Chief Officers responsible for their discharge:

### **HEAD OF PAID SERVICE**

The Head of Paid Service is appointed the Proper Officer for the purpose of any enactment (including the York and North Yorkshire Combined Authority Order 2023), other than an enactment in respect of which the Y&NYCA or this Constitution has designated another officer as Proper Officer.

### **SECTION 73 OFFICER**

The Section 73 Officer to the Y&NYCA is appointed the Proper Officer in relation to the following:

Local Government Act 1972

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

Section 73	Administration of the financial affairs of the Y&NYCA
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### **MONITORING OFFICER**

The Monitoring Officer to the Y&NYCA 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 Y&NYCA and any Committee of the Y&NYCA 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 list 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.
Section 146 (1) (a) and (b)	Declaration and Certificates with regard to securities.
Section 225 (1)	Deposit of Documents
Section 229 (5)	Certifications of photographic copies of documents.
Section 234 (1) & (2)	Issuing and signing of formal notices.
Section 236 (9) & (10)	Serving copies of Byelaws.
Section 238	Certification of Byelaws.

Schedule 12 para 4 (2) (b)	Signature of Summonses to the Y&NYCA
Schedule 12 para 4 (3)	Receipt of notices regarding address to which Summons to meetings of the Y&NYCA is to be sent

## **GENERAL**

All Officers in whose name reports are submitted to the Y&NYCA via the Monitoring Officer and the Section 73 Officer 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; and
Section 100 D (5)	Identifying and determining what are background papers

**PART 4**

**COMMITTEES**



## **PART 4**

### **COMMITTEES**

#### **Introduction**

1. To facilitate the discharge of certain of its functions the Y&NYCA has established the following committees under Section 102 of the Local Government Act 1972:
  - BUSINESS COMMITTEE
2. To meet the requirements of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 the Y&NYCA has established the following committees:
  - AUDIT AND GOVERNANCE COMMITTEE
  - Y&NYCA OVERVIEW AND SCRUTINY COMMITTEE

## **A. AUDIT & GOVERNANCE COMMITTEE**

The Y&NYCA Audit and Governance Committees oversees all aspects of Y&NYCA including Mayoral functions. The Mayor has also established an Audit Panel which oversees the control environment of the Chief Constable.

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

- 1.1 The Audit and Governance 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. It has delegated power to approve the annual accounts and it oversees year-end financial reporting, the Annual Governance Statement process and internal and external audit, to ensure efficient and effective assurance arrangements are in place.
- 1.2 The Constitution makes the Y&NYCA's Section 73 Officer responsible for discharging the functions of the 'responsible financial officer' under the Accounts and Audit Regulations 2015, including ensuring risk is appropriately managed.
- 1.3 The Audit and Governance Committee is to deal with matters relating to member conduct and ethical standards.

### **2. Composition and Procedure**

#### **2.1 Membership**

The Audit and Governance Committee shall be appointed by the Y&NYCA and shall have a total of nine members, comprising:

- Four co-opted elected members from each of the Constituent Councils of the Y&NYCA (who are not also Members or Substitute Members of the Y&NYCA or Assistant Portfolio Holders);
- One co-opted Member, who is the Independent Member and shall have no voting rights on the Committee;
- The Y&NYCA will also appoint two substitute co-opted elected members, one from each constituent council, who may be invited to attend as full members of the Audit and Governance

Committee when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.

- The Combined Authority's Independent Standards Person may attend the Committee to deal with matters relating to member conduct and ethical standards, who shall have no voting rights on the Committee.

All members of the Committee save the Independent Member and the Independent Standards Person will have voting rights.

## 2.2 Independent Member/Person

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

- (i) is not a member, substitute member, co-opted member or officer of the Y&NYCA or the Constituent Councils;
- (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 and Governance Committee a member, substitute member, co-opted member or officer of the Y&NYCA.

[For the purposes of paragraph 2.2(ii) above 'relative' has the meaning contained in Article 2(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.]

## 2.3 Political Balance

In appointing co-opted elected members to the Audit & Governance Committee the Y&NYCA 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, in accordance with Rule 15.3 of the Y&NYCA Procedure Rules set out in Section A of Part 5 of this Constitution.

## 2.4 Chairing the Committee

The Y&NYCA will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

## 2.5 Quorum

At least two-thirds of the total number of members of the Audit & Governance Committee (i.e., six members) must be present at a meeting of the Committee before any business may be transacted.

## 2.6 Voting

Each member to have one vote, no member is to have a casting vote.

# 3. Role and Function

The overarching roles the Y&NYCA's Audit & Governance Committee are:

- 3.1 Reviewing and scrutinising the Y&NYCA's accounting framework.
- 3.2 Reviewing and assessing the Y&NYCA's risk management, internal control and corporate governance arrangements.
- 3.3 Reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the Y&NYCA's functions.
- 3.4 Making reports and recommendations to the Y&NYCA in relation to reviews conducted under paragraphs 3.1 to 3.3 above.
- 3.5 To require Members, including the Mayor or Officers the Y&NYCA to attend before the Committee to answer questions on relevant items.

The functions of the Y&NYCA's Audit & Governance Committee are:

# 4. Approval of Accounts

- 4.1 Approve under delegated powers the annual statement of accounts for Y&NYCA and Chief Constable of North Yorkshire Police.

# 5. Governance, Risk and Control

- 5.1 Review corporate governance arrangements against the Code of Corporate Governance and the good governance framework.

- 5.2 Review the Annual Governance Statement (AGS) prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- 5.3 Review the effectiveness of arrangements to secure value for money.
- 5.4 Ensure the assurance framework adequately addresses risks and priorities including governance arrangements in significant partnerships.
- 5.5 Monitor the Y&NYCA's risk and performance management arrangements including review of the risk register, progress with mitigating action and the assurance map.
- 5.6 Consider reports on the effectiveness of internal controls.
- 5.7 Monitor the anti-fraud strategy, risk-assessment and any actions.
- 5.8 Receive the annual report of the Chair of the Joint Independent Audit Panel – Police and Crime and the minutes of meetings of the Panel as, amongst other things, a means of providing assurance with regard to North Yorkshire Police's internal control environment and risk management framework for the management of operational risk.
- 5.9 The Audit and Governance Committee is to be consulted on any proposed revisions to the Y&NYCA constitution via a report to the Committee.

## **6. Internal audit**

- 6.1 Approve the Internal Audit Charter.
- 6.2 Oversee Internal Audit's effectiveness including strategy, planning and process and ensure conformance with Public Sector Internal Audit Standards (PSIAS).
- 6.3 Approve (but not direct) the risk-based internal audit plan including resources, the reliability of other sources of assurance and any significant in-year changes.
- 6.4 Consider reports and assurances from the Head of Audit and Assurance in relation to: -

- Internal Audit performance including key findings and actions from audit assignments, significant non-conformance with PSIAS and the Quality Assurance and Improvement Programme.
  - Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control.
  - Risk management and assurance mapping arrangements.
  - Progress to implement recommendations including concerns or where managers have accepted risks.
  - Provision of assurances over the effectiveness of internal audit functions assuring the internal control environments of the Chief Constable for North Yorkshire Police.
- 6.5 Consider and comment on the Section 73 Officer' Annual Review of the Effectiveness of the System of Internal Audit.
- 6.6 Develop effective communication with the Head of Audit and Assurance and senior audit staff.

## **7. External audit**

- 7.1 Consider reports including the Annual Audit Letter, assess the implications and monitor managers' response to concerns.
- 7.2 Comment on the nature and scope of work to ensure it gives value for money.
- 7.3 Advise on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

## **8. Financial reporting**

- 8.1 Consider whether accounting policies were appropriately followed and any need to report concerns to the Y&NYCA.
- 8.2 Consider the Section 73 Officer' arrangements for the maintenance of the Police Fund and the Mayoral General Fund.
- 8.3 Consider any issues arising from external auditor's audit of the accounts.
- 8.4 Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice.

- 8.5 Make recommendations to the Section 73 Officer and Monitoring Officer in respect of Part 6 of the Y&NYCA's Constitution (Financial Procedures).

## **9. Accountability arrangements**

- 9.1 Report the Committee's findings, conclusions and recommendations to the Y&NYCA and, where appropriate, the Mayor, on the effectiveness of governance, risk management and internal controls, financial reporting and internal and external audit functions.

## **10. Member Conduct and Ethical Standards.**

- 10.1 The Y&NYCA has delegated to the Audit & Governance Committee the following powers to deal with matters of conduct and ethical Standards, and the Committee has the following role and functions:
- (a) to promote and maintain high standards of conduct by Y&NYCA Members and co-opted members of the Y&NYCA's committees;
  - (b) to assist Y&NYCA Members and co-opted members of the Y&NYCA's committees to observe the Y&NYCA's Code of Conduct for Members;
  - (c) to advise the Y&NYCA on the adoption, revision or replacement of the Y&NYCA's Code of Conduct for Members and the Y&NYCA's Arrangements for Dealing with Complaints that Y&NYCA Members or voting co-opted members have failed to comply with the Y&NYCA's Code of Conduct for Members ('the Y&NYCA's Arrangements');
  - (d) to monitor the operation of the Y&NYCA's Code of Conduct for Members and the Y&NYCA's Arrangements;
  - (e) to advise, train or arrange to train Y&NYCA Members and co-opted members on matters relating to the Y&NYCA's Code of Conduct for Members and other issues relating to standards and conduct;
  - (f) to determine in accordance with the Y&NYCA's Arrangements whether a Y&NYCA Member or voting co-opted member has failed to comply with the Y&NYCA's Code of Conduct for Members and, if so, to determine what action (if any) to take;
  - (g) to take decisions in respect of a Y&NYCA Member or voting co-opted member who is found on a hearing held in accordance with the Y&NYC 's Arrangements to have failed to comply with the

Y&NYCA's Code of Conduct for Members ("the Subject Member"), such actions to include –

- consideration of publication of findings in respect of the Subject Member's conduct;
  - reporting such findings to the Y&NYCA for information;
  - recommending to the Y&NYCA that the Subject Member should be censured;
  - instructing the Y&NYCA's Monitoring Officer to arrange training for the Subject Member;
  - recommending to the Y&NYCA that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Y&NYCA;
  - placing such restrictions on the Subject Member's access to staff, buildings or parts of buildings provided by, or for the use of, the Y&NYCA as may be reasonable in the circumstances;
- (h) to determine appeals against the Y&NYCA Monitoring Officer's decision on the grant of dispensations;
- (i) to deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Y&NYCA's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (j) to report from time to time to the Y&NYCA on ethical governance within the Y&NYCA.
- (k) to overview the Y&NYCA's whistle blowing policy;
- (l) to consider the Y&NYCA's Code of Corporate Governance.

## **11. Delegation**

- 11.1 The Audit & Governance Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee shall be chaired as determined by the Committee and shall have a quorum of three, except in relation to the matters referred to in paragraphs 10.1 (f) to (i) above. In respect of those specified matters the quorum will be four, of whom at least one member must be the Co-opted Independent Standards Member (provided that the Co-opted Independent Standards Member is not



prevented or restricted from participating by virtue of the Y&NYCA's Code of Conduct).

## **B. BUSINESS COMMITTEE**

The Business Committee of the Y&NYCA integrates the former Board of the York and North Yorkshire Local Enterprise Partnership (LEP) into the Y&NYCA in accordance with the terms of the 2023 Order. The LEP was formerly a private sector led voluntary partnership between local authorities and businesses instigated by the Department of Business Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within York and North Yorkshire.

### **1. Purpose.**

The purpose of the Business Committee is

- 1.1 to advise on strategy and policy that will unlock the region's economic potential and stimulate growth and prosperity.
- 1.2 to assist the Y&NYCA in bidding for public funding made available by government in support of economic growth.
- 1.3 to ensure policy and decisions of the Y&NYCA receive the input and views of key business leaders and take account of the views of the wider business community.
- 1.4 to engage with local, national and international businesses to understand the needs of different sectors and markets.
- 1.5 to engage business, opinion former and policy makers at a national and international level in promoting economic growth in the region.

In pursuit of this role the Business Committee will:

- 1.6 capture and communicate requirements for changes to, and development of, economic policy.
- 1.7 work collaboratively with all partners, including local authorities and other public and third sector bodies to address barriers to growth and to drive efficiency.
- 1.8 bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the region and secure sustainable growth.
- 1.9 work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice the private sector can inform and influence the

shape and future direction of local and national government policy.

- 1.10 advocate on behalf of the business sector at regional, national and international levels.

To ensure the Business Committee is effective in this role it has the authority to:

- 1.11 engage in dialogue with Government and advise the Mayor on responses to policy, proposals and opportunities to bid for funding in support of economic growth.
- 1.12 engage with investors, businesses and advisors to investigate growth opportunities.
- 1.13 to advise and consult on regional economic policy, programmes and interventions designed to maximise growth in the region.
- 1.14 to provide advice to the Mayor and the Y&NYCA on leadership in key themes and priorities to promote growth including policy development.
- 1.15 to review policy performance and assist the Mayor in ensuring that the work of the Y&NYCA is providing maximum support to businesses.

## **2. Legal Status**

- 2.1 The Business Committee is an advisory committee of the Y&NYCA. Unless specifically delegated by the Y&NYCA it does not have the authority to take any decisions on behalf of the Y&NYCA and does not have legal status to enter into contracts.

## **3. Role of Members/Accountability**

- 3.1 It is the duty of the Business Committee Members to act in the best interests of the region and in accordance with the policy of the Y&NYCA.
- 3.2 All private sector members of the Business Committee act in their individual capacity and not as representatives of their respective organisations.
- 3.3 All Business Committee members are expected to discharge their duties in line with the Nolan Principles for Standards of

Public Life. All members must sign and comply with the Y&NYCA Members' Code of Conduct.

#### **4. Membership**

- 4.1 The Business Committee will comprise of four public sector members and eight private sector members. Private Sector Members will form the majority of the Board. In addition, the Chair can co-opt up to five additional private sector members with specialist knowledge for specific purposes. Co-opted members will not be counted in the private sector majority.
- 4.2 The Mayor will appoint a Chair from the private sector members who will provide strategic leadership on business growth for the region. The Chair will assist the Mayor in building the reputation and influence of the region at national and international levels.
- 4.3 The Chair will be a non-voting Member of the Y&NYCA. The Vice Chair will be appointed to act as substitute who will act in the absence of the Chair.
- 4.4 The Mayor will appoint one Vice Chair from the private sector who will provide day to day support to the Chair and Business Committee Members. The Vice Chair will assist the Mayor and the Chair on leading on business relations within the region, including engaging with the SME business community and will deputise for the Chair.
- 4.5 Private Sector representation on the Business Committee will be made up of business leaders who are either currently or recently in leading positions within business or who have specific sectoral or other experience relevant to the work of the Y&NYCA.
- 4.6 All private sector members of the Business Committee act in their individual capacity and substitute Members will not be allowed to attend meetings should any Committee Member be unavailable.
- 4.7 Private Sector Committee Members will be appointed based on their experience, leadership skills and commitment to the achievement of the aims and objectives of the Y&NYCA.
- 4.8 All members of the Business Committee will be required to complete a Register of Interests and complete all relevant documentation in respect of registering gifts and hospitality as required by the Y&NYCA's Code of Conduct.

## **4.9 Diversity**

- 4.10 The Y&NYCA is committed to diversity will have regard to ensuring the Business Committee has diverse representation, which is reflective of the local business community, including gender, ethnicity, geographical spread, business size, protected characteristics and sector experience. The Y&NYCA's commitment to diversity is articulated through its Diversity Policy.

## **5. Co-opting**

- 5.1 Where specific skills or abilities are required which are not available among existing members or which the Business Committee requires to be supplemented co-optees may be appointed to the Business Committee. The appointment will be made by the Y&NYCA in consultation with the Mayor. Co-opted members will not have voting rights and will not count towards the quorum of the private sector majority.

## **6. Recruitment, Appointment & Termination of Private Sector Membership**

### **Recruitment.**

- 6.1 Recruitment will be undertaken in line with the Y&NYCA Diversity Policy and made through an open, transparent, competitive and non-discriminatory process.
- 6.2 An Appointments Committee will be convened by the Y&NYCA, and a formal interview panel formed, comprising one Member from each Constituent Authority and the Mayor.
- 6.3 Interview panels will be advised by the Head of Paid Service.
- 6.4 Remuneration will be as set out in the Members' Allowances Scheme.

### **Appointment**

- 6.5 On appointment, Business Committee Members are required to sign a declaration affirming their understanding and commitment to the Y&NYCA's Members' Code of Conduct.

## **Termination**

- 6.6 Where a Business Committee Member is no longer able to meet the conditions of Business Committee membership as defined by these terms of reference and any associated guidance issued by Government, the Mayor of the Y&NYCA following consultation with the Chair and the Head of Paid Service, may terminate a member's appointment to the Business Committee before the expiry of their period of appointment, with immediate effect.
- 6.7 Business Committee Members who miss three or more of the scheduled Committee meetings in a 12-month period will be reviewed by the Chair and their membership may be terminated by the Mayor in consultation with the Chair.
- 6.8 Failure to declare interests at meetings and to complete a register of interests will also be grounds for an appointment to the Business Committee to be terminated.
- 6.9 A Business Committee Member may resign at any time by giving notice to the Mayor in writing, having immediate effect.

## **7. Term of Appointment**

- 7.1 The term of office for a Private Sector Business Member will be 3 years. This may be extended by the Mayor by up to a further term of three years. In exceptional circumstances, with a clear rationale, Members may be appointed by the Mayor for a further term not exceeding three years.
- 7.2 The Chair, once appointed, will remain in role for a term of three years or until they choose to step down from the position within that term or if removed from the position of Chair by a majority of the Business Committee with the consent of the Mayor. In exceptional circumstances, an extension of a further term may be agreed by the Mayor.

## **8. Public Sector Appointments**

- 8.1 The term of office for any Constituent Authority representative appointed by a Constituent Authority (or their substitute) is at the discretion of their appointing authority; Constituent Authorities may terminate their appointment or appoint a representative at any time, by notification in writing to the Y&NYCA's Monitoring Officer.

## **9. Performance**

- 9.1 Private Sector Business Committee Members are expected to attend all Business Committee meetings and any relevant meetings including any working groups to which they are appointed.
- 9.2 All Business Committee members will also be governed by the Constitution and Codes of Conduct of the Y&NYCA and associated legal and government policy requirements.

## **10. Frequency of Meetings**

- 10.1 The Business Committee will meet quarterly.

## **11. Attendance**

- 11.1 Private Sector Business Committee Members who miss three or more of the scheduled Committee meetings in a 12-month period will be reviewed by the Mayor and their membership may be terminated.

## **12. Quorum**

- 12.1 Meetings of the Business Committee will be quorate when at least one quarter of the Private Sector Members and at least one quarter of the constituent Public Sector members are present.
- 12.2 A Member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.
- 12.3 For the purposes of determining whether a quorum is present, a Business Committee Member may be counted in the quorum if they are able to participate in the proceedings of the meeting by remote means e.g. telephone or video line (or equivalent) and remain so available throughout the discussion and decision for each item for which they are counted as part of the quorum.

## **13. Voting**

- 13.1 The Business Committee shall operate on a consensus model, wherever possible. Where a consensus is not achieved, a matter shall be carried by a majority of votes of the members of the Business Committee present and voting.

## **14. Conflicts of Interests**

### **Register of Interests**

- 14.1 It is the responsibility of Committee Members to ensure an up-to-date Register of Interests is maintained. A member must, within 28 days of becoming aware of any change in their interests, provide written notification of this. These will be published on the website and is a condition of appointment.

### **Declaration of Interests at a meeting**

- 14.2 It is a responsibility of Committee members to declare any personal, prejudicial or pecuniary interest on any item of business being conducted at a Committee or other Y&NYCA meeting. Where a “pecuniary interest” is declared, Members will leave the meeting, where a “non-pecuniary” interest is declared, Members may remain at the meeting but not participate in business.

## **15. Urgency Procedure**

- 15.1 In order to ensure that the Y&NYCA can progress its business in an efficient manner, comments on urgent matters may be sought by the Head of Paid Service or other Statutory Officer outside the meeting cycle.
- 15.2 Members will receive email notification which identifies:
- Details of the matter requiring comment and/or advice and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business)
  - The date by which responses are required
  - The name of the person or persons making or putting forward the proposal.
- 15.3 Actions taken and advice provided will be retrospectively reported to the next meeting of the Business Committee.

## **16. Working Groups**

- 16.1 With the approval of the Mayor and the Chair, the Business Committee may establish a working group to assist it to meet its remit.
- 16.2 Any such subordinate body set up by the Business Committee shall include one or more Business Committee Members, as



nominated by the Committee. With the consent of the Chair and the Mayor, any such group may also co-opt onto it any person with the relevant expertise on the issues within the remit of these groups.

- 16.3 The remit and terms of reference for any such subordinate body shall be approved by the Mayor and the Business Committee.

## **17. Transparency**

### **Agendas and Reports**

- 17.1 Agendas and reports for the Business Committee will be available on the website at least five clear working days before the meeting to which they relate.

### **Access to Information**

- 17.2 Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 or under Schedule 12A of the Local Government Act 1972.

## **18. Amendments to Terms of Reference**

- 18.1 These terms of reference will be reviewed annually in line with the review of the Assurance Framework and the Annual Governance Review. Any changes will be approved by the Y&NYCA

## **C. OVERVIEW AND SCRUTINY COMMITTEE**

### **1. Purpose**

- 1.1 The Y&NYCA must establish one or more overview and scrutiny committees.
- 1.2 The Y&NYCA has determined to establish one overview and scrutiny committee with the remit set out in paragraph 4 below.
- 1.3 The scrutiny procedure rules set out in section 5C give details on how this committee operates.

### **2. Composition**

#### **2.1 Membership**

The overview and scrutiny committee will be composed of 12 members appointed by the Y&NYCA from the elected members of the Constituent Councils. Each Constituent Council will appoint 6 members to the Committee. A Member of the Y&NYCA (including a Substitute Member) or an Assistant Portfolio Holder may not be a member of the overview and scrutiny committee.

In making appointments to the overview and scrutiny committee the Y&NYCA will have regard to any nominations made by Constituent Councils.

The Y&NYCA will also appoint up to 12 substitute members who may be invited to attend as full members of the overview and scrutiny committee when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.

#### **2.2 Political Balance**

In appointing the members of the overview and scrutiny committee the Y&NYCA 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.

#### **2.3 Chairing the Committee**

The overview and scrutiny committee will appoint its own chair, subject to meeting the requirement that the Chair is a member of the committee who is an 'appropriate person' that is a member of one of the Constituent Councils.

#### 2.4 Appropriate person

An 'appropriate person' means:

- a person who is not a member of a registered political party of which the Mayor is a member;
- or, where the Mayor is not a member of a registered political party, a person who is not a member of a registered political party which has the most representatives among the members of the Constituent Councils on the Y&NYCA or, where two or more parties have the same number of representatives, a member of any of those parties.

#### 2.5 Quorum

At least two-thirds of the total number of members of an overview and scrutiny committee (8 members) must be present at a meeting of the overview and scrutiny committee before any business may be transacted.

#### 2.6 Voting

Each member to have one vote, no member is to have a casting vote

### 3. Role and Function

The scrutiny procedure rules in section 5C of this constitution set out these roles and functions in more detail.

- 3.1 The overview and scrutiny committee shall, within the scope of its remit, exercise the overview and scrutiny functions set out in Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 ("the Scrutiny Order") and in particular shall have the following powers and responsibilities (to be exercised in accordance with the Overview and Scrutiny Procedure Rules set out in Section C of Part 5 of this Constitution):

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Y&NYCA;
- (b) to make reports or recommendations to the Y&NYCA with respect to the discharge of any functions that are the responsibility of the Y&NYCA;
- (c) to make reports or recommendations to the Y&NYCA on matters that affect the Y&NYCA's area or the inhabitants of the area;
- (d) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the Mayor of any general (but not Police and Crime Commissioner nor fire and rescue) functions;
- (e) to make reports or recommendations to the Mayor with respect to the discharge of any general (but not Police and Crime Commissioner nor fire and rescue) functions;
- (f) to make reports or recommendations to the Mayor on matters that affect the Y&NYCA's area or the inhabitants of the area;
- (g) when exercising the power under (a) or (d) above, to have the power to:
  - direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee; and
  - recommend that the decision be reconsidered;
- (h) to publish details of how it proposes to exercise its powers under (g) above and its arrangements in connection with the exercise of those powers, having obtained the consent of the Y&NYCA to the proposals and arrangements;
- (i) to consider matters referred to the committee by one of its members, by a Member of the Y&NYCA or a member of a Constituent Council, in accordance with Article 6 of the Scrutiny Order;
- (j) to consider matters referred to the committee by the Y&NYCA or the Mayor;
- (k) to require the Members (including the Mayor and the Deputy Mayor) or officers of the Y&NYCA to attend before the overview and scrutiny committee to answer questions;

- (l) to invite other persons to attend meetings of the overview and scrutiny committee; and
- (m) to appoint one or more overview and scrutiny sub-committees and arrange for the discharge of any of the overview and scrutiny committee's functions by any such sub-committee.

#### **4. Overview and Scrutiny Committee Remit**

##### **4.1 Y&NYCA Overview and Scrutiny Committee**

The remit of the overview and scrutiny committee includes: -

- To review and evaluate the performance of the Mayor and Y&NYCA and the way it works with its partners to deliver for local people;
- To contribute to policy development in respect of high profile, complex issues affecting the whole of York and North Yorkshire;
- To investigate complex cross-cutting issues with a particular focus on the delivery of the Combined Authority Strategy.

**PART 5**

**RULES OF PROCEDURE**

## **SECTION A - Y&NYCA PROCEDURE RULES**

### **1. Interpretation, Suspension and Chair's Ruling**

- 1.1 These Rules apply to meetings of the Y&NYCA and, where appropriate, to meetings of Committees and Sub Committees of the Y&NYCA.
- 1.2 References in these Rules to the 'Chair' mean the Member of the Y&NYCA for the time being presiding at the meeting of the Y&NYCA and, where appropriate, to the member presiding at a meeting of a Committee or Sub Committee of the Y&NYCA.
- 1.3 These Rules should be read in conjunction with other parts of the Y&NYCA's Constitution.
- 1.4 \*\*\*These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 1.5 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

### **2. Suspension and Revocation of Y&NYCA Procedure Rules**

- 2.1 \*\*\*Except for the Rules marked by the asterisk (\*\*\*) any Rule may be suspended at a meeting of the Y&NYCA either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any Rules will not be moved without notice unless at least 3 Members of the Y&NYCA are present.
- 2.2 Rules may be changed by the Y&NYCA either at the Annual Meeting or by a motion on notice made at a meeting of the Y&NYCA.

### **3. Membership of the Y&NYCA**

- 3.1 \*\*\*Each Constituent Council shall appoint two of its elected members to be a Member of the Y&NYCA.
- 3.2 \*\*\*Each Constituent Council shall appoint two named elected members for each Member to act as a Member of the Y&NYCA in the absence of the Member appointed under Rule 3.1 above ('the Substitute Member').

- 3.3 \*\*\*A person shall cease to be a Member or a Substitute Member of the Y&NYCA if they cease to be a member of the Constituent Council that appointed them.
- 3.4 \*\*\*A person may resign as a Member or Substitute Member of the Y&NYCA by written notice served on the proper officer of the Constituent Council that appointed them (who for the purposes of this Rule 3.4 shall be the Monitoring Officer of the Constituent Council that appointed them) and the resignation shall take effect on receipt of the notice by the proper officer.
- 3.5 \*\*\*Where a Member or Substitute Member of the Y&NYCA's appointment ceases by virtue of Rule 3.3 or 3.4, the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the Secretary and appoint another of its elected Members in that person's place.
- 3.6 \*\*\*A Constituent Council may at any time terminate the appointment of a Member or Substitute Member appointed by it to the Y&NYCA and appoint another of its elected members in that person's place.
- 3.7 \*\*\*Where a Constituent Council exercises its power under Rule 3.6, it must give written notice of the new appointment and the termination of the previous appointment to the Secretary 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 as is specified in the notice).
- 3.8 \*\*\*For the purposes of this Rule 3, an elected Mayor of a Constituent Council shall be treated as a Member of the Constituent Council.

#### **4. Chair and Vice-Chairs**

- 4.1 \*\*\* The Mayor shall be the Chair of Y&NYCA.
- 4.2 \*\*\*At least 2 and no more than 3 Vice-Chairs will be appointed annually by the Y&NYCA from among its Members.
- 4.3 The Vice-Chairs will be appointed in accordance with the following principles:
  - a. the Deputy Mayor will be appointed as one of the Vice-Chairs
  - b. if more than one political group is represented on the Y&NYCA, no one political group may hold all the vice-chair positions;



- c. if less than 3 political groups are represented, the Y&NYCA may decide only to appoint two vice-chairs;
- d. if at least 3 political groups are represented, the Y&NYCA must appoint 3 vice-chairs and the three largest political groups will be entitled to one vice-chair;
- e. for the purposes of (c) above, where two or more political groups have an equal number of seats on the Y&NYCA, the group which also hold(s) the larger number of Council seats in York and North Yorkshire will be regarded as being the larger political group;

4.4 \*\*\*The appointment of the Vice-Chairs shall be the first business transacted at the Annual Meeting of the Y&NYCA.

4.5 \*\*\*On a vacancy arising in the office of Vice-Chair(s) for whatever reason, the Y&NYCA shall make an appointment to fill the vacancy at the next ordinary meeting of the Y&NYCA held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The Member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

4.6 \*\*\*Subject to these Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice-Chairs.

## **5. Portfolios**

5.1 Each Member of the Y&NYCA will be allocated a portfolio of responsibilities by the Mayor at the annual meeting of the Y&NYCA.

5.2 Details of the portfolios and the Y&NYCA members to whom they have been allocated will be published on the Y&NYCA's website.

## **6. Meetings**

6.1 \*\*\*The Annual Meeting of Y&NYCA shall usually be held in June on a date and at a time determined by the Y&NYCA.

6.2 \*\*\*Ordinary meetings of the Y&NYCA for the transaction of general business shall be held on such dates and at such times as the Y&NYCA shall determine.

6.3 \*\*\*An Extraordinary Meeting of the Y&NYCA may be called at any time by the Chair.

## **7. Admission of the Public**

- 7.1 \*\*\*All meetings of the Y&NYCA, its Committees and Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
- a. In accordance with Section 100A (2) of the Local Government Act 1972; or
  - b. By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.
- 7.2 All meetings of the Y&NYCA are to be webcast, and the recordings to remain available for six years. All other public meetings of the Y&NYCA are to be webcast, subject to the availability of webcasting equipment and staff.
- 7.3 All public meetings of the Y&NYCA and its committees are to be held in fully accessible venues.
- 7.4 Members of the public may ask questions or make statements at meetings of the Combined Authority, including the Overview and Scrutiny Committee and the Audit and Governance Committee. Members of the public may submit one question or statement – only one question or statement can be made on behalf of one organisation. The public must give notice and provide the text of their question nor statement to Democratic Services no later than midday, two working days before the meeting. Contact details for Democratic Services can be found on the agenda front sheet for the meeting.
- 7.5 Members of the public who have given notice will be invited to speak either:
- At the public participation agenda item if their question or statement relates to matters which are not otherwise on the agenda; or
  - When the relevant agenda item is being considered if they wish to speak on an item which is on the agenda for the meeting.
- 7.6 At the meeting:
- Each speaker should limit themselves to no more than three minutes;

- One supplementary question may be put without notice in response to the reply received – the question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question.

## **8. Notice of Meetings**

8.1 At least five clear working days before a meeting of the Y&NYCA:

- a. notice of the time and place of the intended meeting shall be published and posted at the registered office of the Combined Authority, County Hall, Northallerton, North Yorkshire DL7 8AD and as is customary, at the office of each constituent Council.
- b. a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic mail to the usual email address of each Member, or any other email address notified to the Secretary by a Member

8.2 \*\*\*Lack of service on a Member of the Y&NYCA of the summons shall not affect the validity of a meeting of the Y&NYCA.

8.3 The following persons who are not members of the Y&NYCA will have a standing invitation to attend meetings of the Y&NYCA, including parts of the meeting where exempt matters are discussed: -

- a. the Substitute Members of the Y&NYCA
- b. the Deputy Mayor for Policing and Crime
- c. the Chair of the Audit and Governance Committee
- d. the Chair(s) of the Overview and Scrutiny Committee(s)
- e. the Chair of the Police Fire and Crime Panel

8.4 Except where otherwise entitled under this Constitution, (for example, see Rules 3.2, 6.1), such persons are not entitled to vote and may only speak at the discretion of the Chair.

## **9. Cancelling Meetings**

9.1 The Monitoring Officer may cancel or postpone any meeting, in consultation with the meeting Chair, prior to the issue of the agenda or subsequently in the event of an emergency or if there is no business to be transacted.

## **10. Meeting Agendas**

- 10.1 The Monitoring Officer in consultation with the Chair of the Y&NYCA will decide upon the agenda for the meetings of the Y&NYCA. The Chair may put on the agenda of any meeting any matter which the Chair wishes.
- 10.2 \*\*\*Any Member of the Y&NYCA may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Y&NYCA for consideration.
- 10.3 Any item proposed to be included on the agenda for any meeting of the Y&NYCA in accordance with Rules 11.1 and 11.2 above, which is not submitted before 5 days of the meeting shall not be included on the agenda for that meeting unless it is agreed by the Chair in consultation with the Secretary. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.
- 10.4 The Monitoring Officer shall set out in the agenda for each meeting of the Y&NYCA the items of business requested by Members (if any) unless the Member concerned has given prior written notice to the Monitoring Officer prior to the issue of the agenda for the meeting, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the Y&NYCA decides otherwise, be treated as withdrawn.

#### **Previous Decisions and Motions (Six Months Rule)**

- 10.5 Decisions of the Y&NYCA made within the last six months may not be changed, unless this Rule is suspended. (see Rule 2.1).
- 10.6 A motion or amendment in similar terms to one that has been rejected at a meeting of the Y&NYCA in the past six months cannot be moved, unless this Rule is suspended.
- 10.7 \*\*\*Except in the case of business required by these Rules to be transacted at a meeting of the Y&NYCA, and other business brought before the meeting as a matter of urgency, (and of which the Monitoring Officer shall have prior notice and which the Chair considers should be discussed at the meeting), no business shall be transacted at a meeting of the Y&NYCA other than that specified in the agenda for the meeting.

#### **11. Chair of Meeting**

- 11.1 \*\*\*At each meeting of the Y&NYCA the Mayor, if present, shall preside.

11.2\*\*\*If the Mayor is absent from a meeting of the Y&NYCA, the Deputy Mayor, if present, shall preside.

11.3 If both the Mayor and Deputy Mayor are absent from a meeting of the Y&NYCA, one of the other Vice-Chairs, if present, shall preside.

11.4 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

## **12. Quorum**

12.1 No business shall be transacted at any meeting of the Y&NYCA unless at least 3 of the Members are present to include a representative from each of the constituent authorities.

12.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.

12.3 If during any meeting of the Y&NYCA the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Y&NYCA.

## **13. Order of Business**

13.1 At every meeting of the Y&NYCA the order of business shall be to select a person to preside if the Mayor, Deputy Mayor or Vice-Chair(s) are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -

- a. by the Chair at their discretion, or
- b. on a request agreed to by the Y&NYCA.

13.2 The Chair may bring before the Y&NYCA at their discretion any matter that they consider appropriate to bring before the Y&NYCA as a matter of urgency.

## **14. Committees**

14.1 \*\*\* The Y&NYCA must appoint an Audit and Governance Committee and one or more Overview and Scrutiny Committee(s) in accordance with the Scrutiny Order and Part 4 of this Constitution.

- 14.2 The Y&NYCA will appoint a Business Committee in accordance with Part 4 of this Constitution.

## **15. Proceedings of any Committee or Sub-Committee of Y&NYCA**

- 15.1 Except where a Committee or any Committee or Sub-Committee of the Y&NYCA, is acting under delegated authority, the Minutes of any Committee or Sub-Committee of the Y&NYCA, shall be submitted to the Y&NYCA for information.
- 15.2 The Chair of any Committee or Sub-Committee of the Y&NYCA, (or any Committee or Sub-Committee of the Y&NYCA acting in their place), shall deal with matters arising during any debate by the Y&NYCA on the proceedings of any Committee or Sub-Committee of the Y&NYCA.
- 15.3 The Chair of the Committee or any Committee or Sub-Committee of the Y&NYCA, (or any Committee or Sub-Committee of the Y&NYCA acting in their place), may, with the consent of the Y&NYCA, withdraw any item on the Minutes of any Committee or Sub-Committee of the Y&NYCA, or correct any factual inaccuracy, which might otherwise result in the Y&NYCA being misinformed on any item in the Minutes of any Committee or Sub-Committee of the Y&NYCA.
- 15.4 Where any Committee or Sub-Committee of the Y&NYCA is acting under delegated authority, the Minutes of the proceedings of any Committee or Sub-Committee of the Y&NYCA shall be submitted to the Y&NYCA for information.

## **16 Rules of Debate**

- 16.1 Motion or amendment shall not be discussed unless it has been proposed and seconded.
- 16.2 A Member shall address the Chair and direct any speech to the question under discussion. If two or more Members indicate they wish to speak, the Chair shall call on one to speak first.
- 16.3 An amendment shall be relevant to the Motion and shall be either: -
- a. to leave out words from the Motion;
  - b. to leave out words from, and insert or add others to, the Motion;

- c. to insert words in, or add words to, the Motion;

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into or negating the original Motion before the Y&NYCA.

16.4A Member shall not speak for longer than five minutes on any matter without the consent of the Chair.

16.5A Member may claim to speak on a point of order or in personal explanation and shall be entitled to be heard. A point of order must relate only to an alleged breach of a specified statutory provision or the Y&NYCA Constitution or these Rules of Procedure and the way in which the Member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member in the current debate which may appear to have been misunderstood. The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

16.6If an amendment is rejected, 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 substantive Motion upon which any further amendment may be moved.

16.7A further amendment shall not be moved until the Y&NYCA has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.

16.8A Member at the conclusion of a speech of another Member may move without comment:

- 16.8.1 that the question be now put;
- 16.8.2 that the debate be adjourned;
- 16.8.3 that the Y&NYCA proceed to the next business;
- 16.8.4 that this meeting of the Y&NYCA be adjourned.

16.9If such a Motion is seconded, the Chair shall, subject to the mover's right to reply, put the Motion to the vote, and if it is carried –

- i. in case (a) the Motion then before the Y&NYCA shall, subject to the right to reply, be put to the vote; or
- ii. in case (b) the debate on the Motion then before the Y&NYCA shall stand adjourned until the next ordinary meeting of the Y&NYCA; or

- iii. in case (c) the Motion then before the Y&NYCA shall be regarded as lost and the Y&NYCA shall proceed to the next item on the agenda, if any; or
- iv. in case (d) the meeting shall stand adjourned.

16.10 If the Chair is of the opinion that the matter before the Y&NYCA has been sufficiently discussed the Chair may put the Motion that the question now be put.

16.11 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Rules of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.

16.12 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the Y&NYCA during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

## **18. Voting**

18.1 \*\*\*Subject to Rules 18.5 to 18.11, any questions that are to be decided by the Y&NYCA are to be decided by a majority of the Members or Substitute Members, acting in place of Members, present and voting on that question at a meeting of the Y&NYCA.

18.2 \*\*\*Each Member of the Y&NYCA, or Substitute Member acting in that Member's place, is to have one vote and no Member of the Y&NYCA or Substitute Member is to have a casting vote.

18.3 Whenever a vote is taken at meetings of the Y&NYCA it shall be by a show of hands. On the requisition of any member of the Y&NYCA, supported by two other Members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded to show whether each Member present gave their vote for or against that question or abstained from voting.

18.4 \*\*\*A Member of the Y&NYCA, or Substitute Member acting in that Member's place may demand that their vote be recorded in the Minutes of the meeting.

18.5 \*\*\*Questions that are to be decided by the Y&NYCA relating to the following matters require that at least 3 Members of the Y&NYCA, or Substitute



Member(s) acting in place of Member(s), vote in favour for any vote to be carried: -

- a. the adoption, approval, amendment, modification, revision, variation, withdrawal or revocation of a plan or strategy of the following descriptions:
  - i. a sustainable community strategy;
  - ii. approving the capital programme of the Y&NYCA and approving new transport schemes;
  - iii. such other plans and strategies as may be determined by the Y&NYCA from time to time.
- b. The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA);
- c. the approval of the budget of the Y&NYCA;
- d. the approval of borrowing limits, the treasury management strategy and the investment strategy;
- e. the setting of a transport levy;
- f. the acceptance of arrangements to delegate the functions or budgets of any person to the Y&NYCA;
- g. the amendment of these Rules of Procedure of the Y&NYCA;
- h. the approval of a transport policy developed by the Mayor under section 108 (1) (a) of the Transport Act 2000
- i. the approval of a local transport plan prepared by the Mayor under section 108 (3) of the Transport Act 2000
- j. the approval of the alteration or replacement of a local transport plan as proposed by the Mayor under section 109 (1) or (2) of the Transport Act 2000

18.6 \*\*\*Questions that are to be decided by the Y&NYCA relating to road user charging require that all 5 Members of the Y&NYCA, or Substitute Members(s) acting in place of Member(s), vote unanimously in favour for any vote to be carried.

18.7 \*\*\*The following plans may be amended by a vote in favour by at least 3 members (excluding the Mayor), or substitute members acting in their place, present and voting on that question at a meeting of the Y&NYCA: -

- i. draft policy or draft local transport plan prepared by the Mayor under section 108 (1) (a) or (3) of the Transport Act 2000, or
- ii. a draft alteration or replacement of the local transport plan under sections 109 (1) and (2) of the Transport Act 2000

18.8\*\*\*In order to be carried questions relating to functions exercised pursuant to section 93(1) of the Transport Act 1985 (travel concession schemes) require a vote in favour:

- a. by at least 3 members, or substitute members acting in place of those members, present and voting on that question at a meeting of the Y&NYCA; and
- b. by the Mayor (or the Deputy Mayor acting in place of the Mayor).

18.9\*\*\*Where the costs of expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in Schedule 1 of the 2023 Order are to be required to be met by the Constituent Councils (because the Mayor has decided not to fully meet those costs from other resources available to the Mayor) and it is proposed that, rather than apportioning such costs between the Constituent Councils in accordance with the proportion to the total resident population of the Y&NYCA which resides in the area of each Constituent Council at the relevant date as estimated by the Statistics Board, some alternative apportionment of costs between the Constituent Councils is to instead be applied, then the members of the Y&NYC , or substitute members acting in place of those members, must unanimously agree to such an alternative apportionment.

18.10 \*\*\*Any decision to veto the Mayor's draft general budget (or revised general budget) and approve the Mayor's draft budget incorporating the Y&NYCA 's recommendations must be decided by a two-thirds majority of the members of the Y&NYCA (excluding the Mayor), or substitute members acting in their place, present and voting on the question at a meeting of the Y&NYCA.

18.11 \*\*\*A proposal by the Mayor to acquire land compulsorily pursuant to: -

- a. Section 17 of the Housing Act 1985
  - b. Section 226 of the Town and County Planning Act 1990, or
  - c. Section 9 (2) of the Housing and Regeneration Act 2008
- requires the consent of all members of the Y&NYCA (or substitute members acting in their place) whose area contains any part of the land subject to the CPO, such consent to be provided at a meeting of the Y&NYCA.

18.12 \*\*\* A proposal by the Mayor to: -

- a. Designate any area of land as a mayoral development area (MDA)
- b. Alter the boundaries of an MDA to exclude an area of land, or
- c. Decide that a mayoral development corporation (MDC) should be the local planning authority for the purposes set out in section 20 (2) to (4) of the Localism Act 2011

requires the consent of all members of the Y&NYCA (or substitute members acting in their place) whose local government area contains

any part of the area to be designated or excluded or in respect of which the Mayor wishes to decide that the MDC should be the local planning authority, such consent to be provided at a meeting of the Y&NYCA.

18.13 \*\*\* A proposal of the Mayor under Rule 18.12 (a) may be rejected by the Y&NYCA in accordance with the provisions of section 197 of the Localism Act 2011 as modified by the 2023 Order, but only if a motion to reject has been considered at a meeting of the Y&NYCA and agreed to by two-thirds of the Y&NYCA members (or substitute members acting in their place) present and voting on that motion.

18.14 \*\*\*The proceedings of Y&NYCA 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

## **19. Conduct of Members**

19.1 If the Chair is of the opinion that at a meeting any Member of the Y&NYCA, or Substitute Member acting in that Member's place, has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Y&NYCA, the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:

- a. the Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting of the Y&NYCA;
- b. the Chair may direct the Member to withdraw from all or part of the remainder of the meeting of the Y&NYCA;
- c. the Chair may order the Member to be removed from the meeting of the Y&NYCA; and
- d. the Chair may adjourn the meeting of the Y&NYCA for such period as they consider expedient.

19.2 In the event of general disturbance, which in the opinion of the Chair, renders the orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the Y&NYCA for such period as the Chair considers expedient.

## **20. Disturbance by Members of the Public**

20.1 If a member of the public interrupts the proceedings at any meeting of the Y&NYCA the Chair shall warn the individual(s). If they continue the

interruption the Chair shall order their removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

## **21. Notification and Declaration of Interests**

### **21.1 In this Rule: -**

‘the Code’ means the Conduct of Conduct for Members adopted by the Y&NYCA under Section 28 of the Localism Act 2011;

‘disclosable pecuniary interest’ means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 4 of the Code;

‘Member of the Y&NYCA’ includes a Substitute Member when acting as a Member of the Y&NYCA, and a voting co-opted member of a committee or sub-committee of the Y&NYCA.

‘other registrable interest’ for the purpose of Rule 21.2 means an interest described in paragraph 5 to Appendix B of the Code,

‘Non registrable interest’ means an interest described in paragraphs 6, 7 or 8 to Appendix B of the Code;

21.2 Members of the Y&NYCA must within 28 days of their election or appointment to office notify the Y&NYCA Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their other registrable interests.

21.3 Where a member of the Y&NYCA is present at a meeting and has a disclosable pecuniary interest or, an interest described in paragraphs 5, 6, 7 or 8 to Appendix B of the Code in any matter to be considered at the meeting, they must disclose the interest to the meeting.

21.4 Where a member of the Y&NYCA has a disclosable pecuniary interest or, an interest described in paragraphs 5, 6, or 8 to Appendix B of the Code in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.

## **22. Records**

22.1 The Monitoring Officer shall ensure that the names of the Members of the Y&NYCA present at any meeting of the Y&NYCA, and any Substitute Member acting in a Member’s place, shall be recorded in the Minutes of the meeting concerned.

- 22.2 The Minutes of the proceedings of a meeting of the Y&NYCA are to be kept in such form as the Y&NYCA may from time to time determine.
- 22.3 The Minutes of the proceedings of a meeting of the Y&NYCA shall be signed at the next suitable meeting of the Y&NYCA by the person presiding at the meeting of the Y&NYCA to which the Minutes relate.
- 22.4 Any minute purporting to be signed as mentioned in Rule 22.3 shall be received in evidence for the purposes of any legal proceedings without further proof.
- 22.5 Until the contrary is proved, a meeting of the Y&NYCA, a Minute of whose proceedings has been signed in accordance with this Rule is deemed to have been duly convened and held, and all the Members of the Y&NYCA present at the meeting, and any Substitute Member acting in a Member's place, are deemed to have been duly qualified.
- 22.6 For the purposes of this Rule the next suitable meeting of the Y&NYCA is the next meeting of the Y&NYCA.

## **SECTION B – ACCESS TO INFORMATION PROCEDURE RULES**

### **1. Scope**

- 1.1 Except as otherwise indicated, Rules 3 to 13 of these Procedure Rules apply to all meetings of the Y&NYCA or its committees, including any committees established by the Mayor to discharge Mayoral general functions (together called “meetings”). Rules 14 to 18 apply in respect of any decision by a decision-maker (as defined in Rule 2.1(b)) that is a key decision. Rules 19 and 20 apply exclusively to decisions made by individual decision-makers. Rules 21 to 23 set out the specific rights of access to information applying to members of overview and scrutiny committees and the general rights of access to information applying to Members of the Y&NYCA.
- 1.2 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **2. Definitions**

- 2.1 In these Rules:
  - (a) “committee” includes a committee established by the Mayor to discharge general functions;
  - (b) “decision-maker” means the decision-making body by which, or the individual by whom, a decision is taken;
  - (c) “individual” in Rule 2.1(b) includes the Mayor and, when exercising delegated functions, other Members of the Y&NYCA and officers of the Y&NYCA (including Transport for the North acting as an officer of the Y&NYCA);
  - (d) “mayoral decision” means a decision made or to be made by a decision-maker in connection with the discharge of a mayoral function (as defined in paragraph 1.10 of Part 1 of this Constitution);
  - (e) “non-mayoral decision” means a decision made or to be made by a decision maker in connection with the discharge of a function of the Y&NYCA that is not a mayoral function;
  - (f) “key decision” has the meaning given in Rule 14;
  - (g) “political adviser” means a person appointed pursuant to Article 5 of the 2023 Order;
  - (h) “private meeting” means a meeting, or part of a meeting, during which the public are excluded under Rule 10;

- (i) “public meeting” means a meeting which is open to the public in accordance with Rule 3.

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in Rule 10.
- 3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:
  - (a) filming, photographing or making an audio recording of proceedings at a meeting;
  - (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
  - (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting but may be provided outside or after the meeting).

### **4. Notices of Meetings**

- 4.1 The Y&NYCA will give at least five clear days’ notice of any meeting by posting details of the meeting at the offices of the Y&NYCA and on the Y&NYCA's website.
- 4.2 Where the meeting is convened at shorter notice, notice of the meeting will be posted at the time the meeting is convened.

### **5. Access to Agenda and Reports Before the Meeting**

- 5.1 Subject to Rule 11 a copy of the agenda and any report for a meeting will be available for public inspection at the offices of the Y&NYCA and on the Y&NYCA's website.
- 5.2 Any document which is required by Rule 5.1 to be available for public inspection must be available for at least 5 clear days before the meeting except that -
  - (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened, and

- (b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda;

but nothing in this Rule 5.2 requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Y&NYCA.

- (c) Where meeting papers are restricted and not publicly available, a description of the contents of the papers must be published as part of the agenda.

## **6. Supply of Copies**

6.1 The Y&NYCA will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and
- (c) if the Secretary thinks fit, copies of any other documents supplied to Members in connection with an item;

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.

6.3 The Y&NYCA will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

## **7. Access to Minutes etc After the Meeting**

7.1 The Y&NYCA will make available at the Y&NYCA's offices and on the Y&NYCA's website as soon as reasonably practicable after a meeting copies of the following:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;



- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

7.2 The above documents will be retained by the Y&NYCA and be open to inspection for six years after the meeting.

## **8. Background Papers**

### **8.1 List of background papers**

The relevant Chief Officer will set out in every report and with every written statement made under Rule 20.1 a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

### **8.2 Public inspection of background papers**

The Y&NYCA will make available for public inspection at the Y&NYCA's offices, and in the case of delegated decisions falling within Rule 20.1 on the Y&NYCA's website, one copy of each of the documents on the list of background papers. Such papers will be available from the time the report or written statement (to which they are background papers) is available until four years after the date of the meeting or the date of the individual decision.

## **9. Summary of Public's Rights**

- 9.1. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the Y&NYCA's offices.

## **10. Exclusion of Access by the Public to Meetings**

### **10.1 Confidential information - requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

## 10.2 Meaning of confidential information

Confidential information means information given to the Y&NYCA by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

## 10.3 Exempt information - discretion to exclude public

The public may be excluded from meetings by a resolution passed by the meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

## 10.4 Meaning of exempt information

- (a) Exempt information means information falling within the following 7 descriptions (subject to any qualifications).

	Description	Qualification
1.	Information relating to any individual	Information within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3.	Information relating to the financial or business affairs of any person (including the authority holding that information).	Information within paragraph 3 is not exempt information if it is required to be registered under- (a) the Companies Acts (as defined in section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Co-operative and Community Benefit Societies Act 2014; (e) the Building Societies Act 1986; or (f) the Charities Act 2011.

		Subject to the above, Information within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

- 10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power to maintain orderly conduct or prevent misbehaviour at a meeting.

## **11. Exclusion of Access by the Public to Reports**

- 11.1 If the Secretary thinks fit, the Y&NYCA may exclude access by the public to the whole or part of any reports which in their opinion relates to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public.
- 11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1:
  - (a) every copy of the whole report or part of the report must be marked "Not for Publication" and
  - (b) there must be stated on every copy of the report:
    - (i) that it contains confidential information; or
    - (ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

## **12. Business Containing Exempt Information**

- 12.1 A member of the public may request the Chief Officer who wrote a report to be considered at any meeting of the Y&NYCA, its Committees or Sub-Committees to:
  - (a) recommend that an item of business containing exempt information should be taken in public; and/or,
  - (b) allow them to inspect the report or any background document to a report.
- 12.2 Such a request must be made at least 48 hours before the meeting.
- 12.3 If such a request is refused, the Chief Officer must give a reason for the decision together with details of the appeals procedure under Rule 13.1
- 12.4 A decision by a Chief Officer under Rule 12.3 will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

## **13. Public Rights of Appeal**

- 13.1 The procedure for appealing against a Chief Officer's decision in accordance with Rule 12.3 is as follows:
  - (a) The appellant must write to the Head of Paid Service giving details of the item concerned together with the reason(s) for their request at least 24 hours

before the meeting in question. The time of receipt of the appeal must be recorded as any received after this time will be invalid.

- (b) The appeal will be dealt with in private as the first item on the agenda.
- (c) Initially, only the Chief Officer (or representative) who refused the original request, the Head of Paid Service's representative and the members concerned may be present.
- (d) The Chief Officer will report the matter to the meeting giving their reasons for the decision and members will be allowed to ask questions.
- (e) The appellant will then be called into the meeting and the chair will summarise the reasons given for the refusal.
- (f) The appellant will give their reason(s) for the request and members will be allowed to ask questions of the appellant and the Chief Officer but having regard to the confidentiality of the item.
- (g) Both parties will withdraw, and the meeting will then consider and determine the appeal.

13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 24 hours before), the following procedural timetable will apply:

- (a) The appellant must submit the appeal in writing to the Head of Paid Service within 10 working days of the refusal by the Chief Officer;
- (b) The relevant body will determine the appeal within 8 weeks of its receipt.

## **14. Key Decisions**

14.1 A “key decision” means a decision of a decision-maker which is likely:

- (a) to result in the Y&NYCA or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Y&NYCA’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 in the Y&NYCA.

14.2 For the purposes of 14.1(a) above the meaning of “significant expenditure” or “significant savings” is to be construed in accordance with any definition that has been agreed by the Y&NYCA’s overview and scrutiny committee(s) and reported by the committee(s) to the Y&NYCA. A financial threshold for

key decisions under paragraph (a) of expenditure or savings by the Y&NYCA of more than £500,000 has been set.

14.3 The following categories of delegated decisions by officers do not constitute key decisions as in each case they concern the implementation of a previous key decision agreed by the Y&NYCA and/ or the Mayor, which scrutiny has had the opportunity to review:

- (i) any decision to borrow money to meet the short-term borrowing requirements of the Y&NYCA, to fund the approved capital programme, to refinance maturing debt or to restructure the long-term borrowing of the Y&NYCA in line with the provisions of the Treasury Management Strategy;
- (ii) any decision to invest funds in accordance with the Treasury Management Strategy approved by the Y&NYCA;
- (iii) the acceptance of tenders for contracts wholly or mainly involving capital expenditure where the Y&NYCA's approval to the detailed capital scheme has previously been issued.

The Y&NYCA's financial threshold of £500,000 for key decisions excludes decisions in the following categories:

- (i) the settlement of any actual or threatened legal proceedings in the interests of the Y&NYCA, subject to the Overview and Scrutiny Committee receiving a report at its next suitable meeting in the event of such a settlement;
- (ii) the payment of 'passported' grants from central government whose grant conditions include express instructions on how and where monies are spent, so that the Y&NYCA or the Mayor are unable to vary any aspect of the payment of that grant.

Note: Currently the Bus Service Operators Grants fall within this category.

14.4 For the purposes of these Rules no decision that involves the discharge of a PCC function is to be treated as a key decision.

## **15. Publicity and Procedure in Connection with Key Decisions**

15.1 Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), where a decision-maker intends to make a key decision, that decision must not be made unless at least 28 clear days before it is made:

- (a) a document is published containing the information set out in Rule 15.2, and
- (b) that document is made available at the offices of the Y&NYCA and published on the Y&NYCA's website.

15.2 The document published under rule 15.1 must state -

- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the Y&NYCA;
- (b) the matter in respect of which the decision is to be made;
- (c) the decision-maker's name, and title if any;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) 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;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision-maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

15.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser but should contain particulars of the matter to be decided.

## **16. General Exception**

16.1 Subject to Rule 17 (Special Urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, the decision may still be made but only if:

- (a) the Monitoring Officer has informed the chair of the Overview and Scrutiny Committee or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
- (b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the Y&NYCA, and published it on the Y&NYCA's website; and
- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b).

16.2 As soon as reasonably practicable after the Monitoring Officer has complied with Rules 16.1 (a) and (b), they must make available at the Y&NYCA's

offices a notice setting out the reasons why compliance with Rule 15 is impracticable and publish that notice on the Y&NYCA's website.

## **17. Special Urgency**

17.1 Where the date by which a key decision must be made, makes compliance with Rule 16 impracticable, the decision may only be made where the decision-maker has obtained agreement from:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the chair of the Overview and Scrutiny Committee is unable to act, the Chair of the Y&NYCA; or
- (c) where there is no chair of either the Overview and Scrutiny Committee or of the Y&NYCA, one of the vice-chairs of the Y&NYCA,

that the making of the decision is urgent and cannot reasonably be deferred.

17.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 17.1, the decision-maker must make available at the offices of the Y&NYCA a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred and publish that notice on the Y&NYCA's website.

## **18. Reports to the Y&NYCA**

18.1 When an Overview and Scrutiny Committee can require a report

Where a decision has been made and:

- (a) was not treated as a key decision; and
- (b) the Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision,

the Overview and Scrutiny Committee may require the decision-maker to submit a report to Y&NYCA within such reasonable period as the committee may specify (which shall normally be the next scheduled meeting of the Y&NYCA).

18.2 Decision-maker's report to the Y&NYCA

A report under Rule 18.1 must include details of:

- (a) the decision and the reasons for the decision;



- (b) the decision-maker by whom which the decision was made; and
- (c) if the decision-maker is of the opinion that the decision was not a key decision, the reasons for that opinion.

#### 18.3 Reports on special urgency decisions

The Monitoring Officer will submit reports to the Y&NYCA on the decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

### **19. Recording of Mayoral Decisions Made by Individuals**

- 19.1 As soon as reasonably practicable after the Mayor or another Member of the Y&NYCA has made a mayoral decision, that Member must produce or instruct the Secretary to produce a written statement of that mayoral decision which includes the information specified in Rule 19.3.
- 19.2 As soon as reasonably practicable after an officer has made a decision which is a mayoral decision, the officer must produce a written statement including the information specified in Rule 19.3.
- 19.3 The statement referred to in Rules 19.1 and 19.2 should include –
  - (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected when making the decision;
  - (d) a record of any conflict of interest declared by any member who is consulted by the member or officer which relates to the decision; and
  - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 19.4 Any written statement produced in accordance with this Rule, and any report considered by the individual Member or officer relevant to a decision will be available for public inspection at the Y&NYCA's offices and on the Y&NYCA's website.

- 19.5 Decisions made by the Mayor will also be reported to the Y&NYCA at its next meeting (except where the decision concerned was taken openly by the Mayor while sitting within a formal meeting of the Y&NYCA).
- 19.6 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

## **20. Recording of non-Mayoral Decisions made by Officers**

- 20.1 As soon as reasonably practicable after an officer has made a non-mayoral decision of the type referred to in Rule 20.2, the officer must produce a written statement including the information specified in Rule 20.3.
- 20.2 The non-mayoral decisions referred to in Rule 20.1 are those taken:
- (a) under a specific express authorisation; or
  - (b) under a general authorisation and the effect of the decision is to:
    - (i) grant a permission or licence;
    - (ii) affect the rights of an individual; or
    - (iii) award a contract or incur expenditure which materially affects the Y&NYCA's financial position.
- 20.3 The statement referred to in Rule 20.1 should include:
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected when making the decision;
  - (d) where the decision is taken under a specific express authorisation, the name of any member of the Y&NYCA who has declared a conflict of interest in relation to the decision.
- 20.4 Any written statement produced in accordance with this Rule will be available for public inspection at the Y&NYCA's offices and on the Y&NYCA's website.
- 20.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

## **21. Overview and Scrutiny Committee(s) Access to Documents**

### **21.1 Rights to copies**

Subject to Rule 21.3 below, a member of an overview and scrutiny committee or a sub-committee of such a committee is entitled to a copy of any document which is in the possession or under the control of the Y&NYCA or the Mayor and which contains material relating to: -

- (a) any business that has been transacted at a meeting of a decision-making body of the Y&NYCA; or
- (b) any decision that has been made by an individual member of the Y&NYCA; or
- (c) any decision made by an officer under delegated powers.

21.2 Where a member of an Overview and Scrutiny Committee or a sub-committee of such a committee requests a document under Rule 21.1, the Y&NYCA or the Mayor must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear working days after the Y&NYCA or the Mayor receives the request.

### **21.3 Limit on rights**

A member of an Overview and Scrutiny Committee or of a sub-committee of such a committee will not be entitled to: -

- (a) any document or part of a document that is in draft form;
- (b) any document or 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 any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (c) any document containing the advice of a political adviser.

21.4 Where the Y&NYCA or the Mayor determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document the Y&NYCA, or the Mayor must provide the Overview and Scrutiny Committee with a written statement setting out the reasons for that decision.

## **22. Additional Rights of Access for Members**

22.1 Subject to Rule 22.2, any document which:

- (a) is in the possession or under the control of the Y&NYCA, and

- (b) contains material relating to any business to be transacted at a meeting of the Y&NYCA or a committee or sub-committee of the Y&NYCA;

shall, subject to Rule 22.2 below, be available for inspection by any Member of the Y&NYCA.

22.2 Rule 22.1 does not require a document to be available for inspection if:

- (a) it contains confidential information (see Rule 10.2);
- (b) it appears to the Monitoring Officer to disclose exempt information under paragraph 1, 2, 4, 5 or 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4); or
- (c) it appears to the Monitoring Officer to disclose exempt information under paragraph 3 of Schedule 12A, but only to the extent that the information relates to any terms proposed or to be proposed by or to the Y&NYCA during negotiations for a contract.

[NB: documents containing exempt information by virtue of paragraph 3 where 22.2 (c) does not apply or by virtue of paragraph 6 of Schedule 12A will be available under this Rule]

22.3 The above rights are in addition to any other right that a member of a combined authority may have.

## **23. Rights of Members – ‘Need to Know’**

23.1 In addition to rights under Rule 22, Members will be entitled to access to documents and to attend the confidential part of meetings of committees and subcommittees where they can demonstrate a “need to know” to perform their duties as Members.

23.2 Subject to Rule 23.3 below, the circumstances where a “need to know” will be treated as arising will include -

- (a) Where the matter relates to a sub-committee of a committee of which the Member is a member;
- (b) Where the Y&NYCA is required to approve the decisions or recommendations of committees or sub-committees;
- (c) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Y&NYCA;

- (d) Where the matter relates specifically to the area of the Constituent Council that appointed the Member to the Y&NYCA.
- 23.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.
- 23.4 A Member wishing to see confidential or exempt Y&NYCA, committee or subcommittee documents or to attend the confidential part of a meeting should make a written application to the Head of Paid Service, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform their duties.
- 23.5 Where access to documents or a meeting is refused by the Head of Paid Service, there will be a right of appeal to the relevant body.
- 23.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.

## **SECTION C – OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES**

### **1. Establishment**

- 1.1 Legislation requires that the Y&NYCA must establish one or more overview and scrutiny committees.
- 1.2 The Y&NYCA has determined to establish one overview and scrutiny committee whose remit is set out in Section D of Part 4 of this Constitution. The Y&NYCA may choose to review the scope and titles of this committee periodically.
- 1.3 In these scrutiny procedure rules, any provisions referring to an overview and scrutiny committee also apply to any sub-committees established by an overview and scrutiny committee.

### **2 Membership**

- 2.1 The Y&NYCA will appoint to the committee annually following the annual meetings of its constituent councils.
- 2.2 The overview and scrutiny committee shall comprise twelve members appointed by the Y&NYCA from the elected members of the constituent councils.
- 2.3 In appointing members to the overview and scrutiny committee the Y&NYCA will have regard to any nominations made by constituent councils and also endeavour to ensure that the membership reflects the conurbation's diverse population.
- 2.4 The Y&NYCA must ensure that the members of the committee reflect (as far as reasonably practicable) the balance of political parties among members of the constituent councils across the whole Y&NYCA area.
- 2.5 The Y&NYCA will also appoint up to twelve substitute members who may be invited to attend as full members of the overview and scrutiny committee when apologies have been received. Substitute members will be appointed from the nominations received from constituent councils following their annual meetings and will be politically inclusive.

### **3 Committee Chair**

- 3.1 The committee's Chair will be appointed from amongst its members.

- 3.2 The Chair must be a member of the committee who is an ‘appropriate person’ who is a member of one of the Constituent Councils. This requirement is set out in legislation.
- 3.3 An ‘appropriate person’ means:
- a person who is not a member of a registered political party of which the Mayor is a member;
  - or, where the Mayor is not a member of a registered political party, a person who is not a member of a registered political party which has the most representatives among the members of the Constituent Councils on the Y&NYCA or, where two or more parties have the same number of representatives, a member of either of those parties.
- 3.4 The overview and scrutiny committee may choose to appoint a vice chair, the vice chair should also be an appropriate person as described in rule 3.3 above.

#### **4 Sub-Committees**

- 4.1 The overview and scrutiny committee may establish one or more overview and scrutiny sub-committees to discharge its functions.
- 4.2 The overview and scrutiny committee shall determine the membership of the sub-committee, subject to meeting the requirements relating to political balance and chairing by an appropriate person (rules 2.5 and 3.2).
- 4.3 These rules also apply to any sub-committee established.

#### **5 Meeting Frequency**

- 5.1 The Overview and scrutiny committee will schedule regular meetings, of sufficient frequency to effectively discharge their function.
- 5.2 Additional meetings may be requested by the chair of the overview and scrutiny committee, or by any 5 members of the committee or by the Monitoring Officer. Notification of any additional meeting will be made by the Head of Paid Service.

#### **6 Quorum**

- 6.1 The quorum for the overview and scrutiny committee shall be two thirds of its total membership, 8 members. This is set out in legislation.
- 6.2 The quorum requirement also applies to any sub-committees established.
- 6.3 No business shall be transacted unless there are 8 members present
- 6.4 The meeting must start no later than 15 minutes after its advertised starting time, if there are not 10 members present then no meeting can take place.

- 6.5 If a meeting is inquorate those members present may still wish to informally discuss any issues which were due to be discussed at the meeting. However, this informal meeting cannot transact any formal business, its discussions cannot be minuted, and any issues which members wish to bring to a decision makers attention would need to be raised again at a formally constituted meeting of that scrutiny committee.

## **7 Voting**

- 7.1 Each member of the overview and scrutiny committee has one vote.
- 7.2 No member is to have a casting vote.
- 7.3 Whenever a vote is taken at a meeting it shall be by a show of hands and voting will be recorded.

## **8 Overview And Scrutiny Committee Work Programme**

- 8.1 The Overview and scrutiny committee and any sub-committees will be responsible for setting their own work programme, taking into account the wishes of members of that committee or sub-committee.
- 8.2 The overview and scrutiny committee shall also accommodate requests from the Y&NYCA and/or the Mayor to review areas of activity as soon as their work programme permits.
- 8.3 To assist with their work the overview and scrutiny committee will be provided with a copy of the Register of Key Decisions each time it is updated.
- 8.4 Legislation also requires the Y&NYCA to allow:
- a. Any member of an overview and scrutiny committee or sub-committee
  - b. Any member of the Y&NYCA
  - c. Any member of a Constituent Council to refer matters to an overview and scrutiny committee by notifying the Head of Paid Service in writing.
- 8.5 Matters to be referred must be:
- i. relevant to the functions of the committee and
  - ii. not an excluded matter<sup>2</sup>
- 8.6 The Chair of the overview and scrutiny committee in consultation with the Monitoring Officer will determine whether a matter is an 'excluded matter'.

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<sup>2</sup> An excluded matter is one which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State for the purposes of section 9FC of the Local Government Act 2000.



- 8.7 On receipt of a notice under Rule 8.4 the matter will be included on the agenda of the next meeting the committee or sub-committee provided it meets the statutory publication requirements.
- 8.8 When the overview and scrutiny committee considers a referred matter, it must have regard to any representations made by the member referring the item as to whether it would be appropriate to exercise its powers in relation to the matter being referred.
- 8.9 If the committee decides not to exercise its powers in relation to the referred matter, it must notify the member who referred the matter of their decision and the reasons for it.

## **9 Procedure at Overview and Scrutiny Committee Meetings**

- 9.1 Where the overview and scrutiny committee conducts investigations (e.g., with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings.
- 9.2 Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Y&NYCA and/or the Mayor as appropriate and shall make its report and findings public.
- 9.3 The overview and scrutiny committee or sub-committee may make proposals to the Y&NYCA and/or the Mayor about any policy developments that fall within the committee's remit.
- 9.4 They may use choose to use different investigative methods, including task and finish groups to discharge this policy review function.

## **10 Reports and recommendations of the overview and scrutiny committee**

- 10.1 The Y&NYCA 's overview and scrutiny committee may publish a report or make recommendations which may require the Y&NYCA or Mayor to:
- (a) consider the report or recommendations made by the committee;
  - (b) respond to the overview and scrutiny committee indicating what (if any) action the Y&NYCA or Mayor proposes to take;
  - (c) publish their response to the overview and scrutiny committee's report or recommendations;
  - (d) if the committee's report or recommendations were made in response to a matter referred by a member under rule 8.4 that member must also be provided with the response.
- 10.2 The Y&NYCA or the Mayor must respond to the committee's report or recommendations as soon as is practicable, but no later than two months from the date on which the Y&NYCA or the Mayor received the reports or recommendations.

- 10.3 The agenda for Y&NYCA meetings shall include the minutes of the previous month's scrutiny meetings which will highlight any recommendations for the Y&NYCA to consider.
- 10.4 Where the Mayor has delegated decision making power to another Member of the Y&NYCA, and the overview and scrutiny committee wishes to make recommendations regarding this decision they will submit a copy of their report to that delegated decision-maker (i.e. the Member of the Y&NYCA) for consideration as well as the Head of Paid Service and the Mayor.
- 10.5 If the Member with delegated decision-making power does not accept the recommendations of the overview and scrutiny committee then they must refer the matter to the Mayor for consideration before responding to the scrutiny committee in writing. This response will also be copied to the Head of Paid service.
- 10.6 Where a report or recommendation of the overview and scrutiny committee or a response of the Y&NYCA or the Mayor's response is published any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Article 8 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

## **11 Rights of Overview and Scrutiny Committee Members to Documents**

- 11.1 Members of the overview and scrutiny committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section B of Part 5 of this Constitution.
- 11.2 There may also be more detailed liaison between the Y&NYCA and/or the Mayor and overview and scrutiny committee as appropriate depending on the matter under consideration.
- 11.3 Additionally, the Chair of the Y&NYCA's overview and scrutiny committee has a standing invitation to attend meetings of the Y&NYCA including parts of the meeting where exempt items are discussed.

## **12 Members and Officers Giving Account**

- 12.1 The overview and scrutiny committee or any sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Y&NYCA function (including any mayoral general functions), within the remit of the committee.
- 12.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Y&NYCA (including the Mayor) or officer of the Y&NYCA to attend before it to explain in relation to matters within their remit:
  - (a) any particular decision or series of decisions;

- (b) the extent to which the actions taken implement Y&NYCA policy; and/or
- (c) their performance; and it is the duty of those persons to attend if so required.

12.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the overview and scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

### **13 Attendance by Others**

13.1 The overview and scrutiny committee may invite people other than members of the Y&NYCA and/or the Mayor to support their deliberations on a matter. It may for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector or partner organisations.

### **14 Call-In Of Decisions**

14.1 Call-in is one of a range of tools that scrutiny can use to influence decision-making.

14.2 Members appointed to the Y&NYCA's Scrutiny Committee have the power to call-in: The decisions made by:

- a. York and North Yorkshire Combined Authority (Y&NYCA)
- b. York and North Yorkshire Elected Mayor (for decisions relating to their general functions only but excluding fire and rescue functions) The decisions made under delegated powers by:
- c. A Member of the Y&NYCA exercising delegated mayoral general functions
- d. A Committee of the Y&NYCA
- e. A Committee established by the Mayor to exercise mayoral general functions. and key decisions made under delegated powers by:
- f. Officers of the Y&NYCA, (as set out in Part 3 Section F of the Constitution).

14.3 When the Y&NYCA or any of its committees (with delegated decision-making powers), makes a decision; or when the mayor makes decision relating to their mayoral general functions, a decision notice will be published which sets out the decision(s) that have been made. This notice will also be made available at the offices of the Y&NYCA. The decision notice should be usually published within working 2 days of the decision being made.

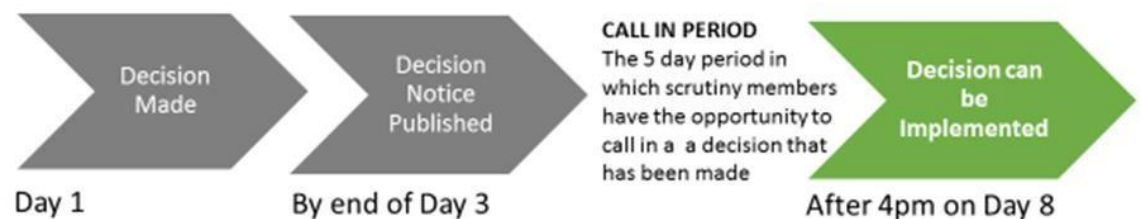
14.4 It is the responsibility of the Secretary to send electronic copies of the records of all such decisions to all members of the Y&NYCA and all members of the Y&NYCA's overview and scrutiny committee and any scrutiny sub committees (if established). This notice will enable members of the scrutiny committee to review the decisions that have been made and consider whether they would like any further information about them.

14.5 Each decision notice will bear the date on which they are published and will specify the date that the decision will come into force. Decisions may be

implemented from 4.00 pm on the fifth day after the day on which the decision was published, unless before that time three members of the committee decide to call it in. The members must give notice in writing to the Head of Paid Service that they wish to call-in the decision, stating their reason(s) why the decision should be scrutinised.

- 14.6 The period between the publication of the decision notice and the time a decision may be implemented is the call-in period. The diagram below illustrates

#### Decision Making Timeline



NOTE: For Key Decisions there is an additional requirement to publish an intention to make a decision on the Register of Key Decisions 28 clear days in advance (in practice this means 30 days)

- 14.7 A decision may not be called in if the overview and scrutiny committee has already made recommendations to the decision-maker and those recommendations have been accepted by the decision-maker either in whole or without significant addition or modification.

#### 14.8 Budget Scrutiny

Provided that the views and recommendations (if any) of the Y&NYCA Overview & Scrutiny Committee on the proposals for the Transport levy and statutory contributions, non-mayoral Y&NYCA Budget, Mayor's draft General Budget and Mayoral combined authority precept have been formally reported to both the Mayor and the Y&NYCA and considered by them, the decisions of the Y&NYCA to set the annual budgets, levies and precept shall not be susceptible to call in. A report shall be provided to the next suitable meeting of the Y&NYCA Overview & Scrutiny Committee if its recommendations are not substantially accepted.

## 15 Call-in Procedure

- 15.1 The purpose of call in is to give the overview and scrutiny committee the opportunity to consider whether they should ask the decision maker to review their decision. If three members of the overview and scrutiny committee request to call-in a decision the Head of Paid Service must notify the relevant decision-maker of the call-in except where paragraph 16.4 applies.

- 15.2 The Head of Paid Service must then convene a meeting of the overview and scrutiny committee on such date as they may determine, where possible after consultation with the chair of the overview and scrutiny committee.
- 15.3 The meeting must be convened within ten working days of the decision to call-in. If it is not possible to convene a quorate scrutiny meeting within this period such a meeting must instead be convened as soon as practicable to consider the call in. The decision-maker will have the right to attend the meeting to explain the reasons for the decision and to answer questions at the meeting. At the scrutiny meeting in which the call-in is reviewed the overview and scrutiny committee will consider the reasons for call-in and the decision-maker's response to any questions the committee may agree to. The committee may decide to:
- a. Make no recommendations (in which case the decision will stand and may be implemented with immediate effect); or
  - b. Refer the matter back to the decision-maker with a recommendation that the decision-maker: changes aspects of the decision; reconsiders the decision in light of the committee's views; or does something else before the final decision is made.
- 15.4 If a decision is referred by a meeting of the overview and scrutiny committee the decision-maker must reconsider the original decision before adopting a final decision. After reconsidering their decision, the decision maker must write to the overview and scrutiny committee and set out if they have amended their decision or explain the reasons why their decision stands.

## **16 Urgent decisions: Call-in**

- 16.1 In York & North Yorkshire the grounds for a decision to be considered as urgent (and therefore not subject to call-in) are that if any delay likely to be caused by the calling in process would seriously prejudice the legal or financial position of the Y&NYCA or the constituent councils, or the interests of the residents of York and North Yorkshire.
- 16.2 The chair of the overview and scrutiny committee must agree both that the making of the decision is urgent, cannot reasonably be deferred and that it can be treated as a matter of urgency. In the absence of the chair of the overview and scrutiny committee, the chair of the Y&NYCA must agree the grounds of urgency, or in the absence of the chair of the Y&NYCA, the vice chair of the Y&NYCA may agree the grounds for urgency.
- 16.3 As soon as agreement has been obtained by the decision maker that the making of the decision is urgent the decision maker must publish a notice in its offices and on its website which states the reason why the decision is urgent and cannot reasonably be deferred.

- 16.4 Where a decision is exempted from call-in it will become effective immediately or (if later) as soon as the agreement of the chair of the overview and scrutiny committee (or of the chair or vice chair of the Y&NYCA) has been obtained.
- 16.5 Decisions taken as a matter of urgency must be reported to the next meeting of the Y&NYCA, together with the reasons for urgency.
- 16.6 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Y&NYCA with proposals for review if necessary.

## **17 Scrutiny Officer**

- 17.1 The Y&NYCA must designate one of its officers as the scrutiny officer of the overview and scrutiny committee(s) to discharge the following functions:
- (a) to promote the role of the overview and scrutiny committee(s);
  - (b) to provide support and guidance to the overview and scrutiny committee(s) and to members of such committees; and
  - (c) to provide support and guidance to Members of the Y&NYCA and to the Mayor in relation to the functions of the overview and scrutiny committee(s).
- 17.2 The Y&NYCA may not designate as the scrutiny officer any officer of a Constituent Council.

# **PART 6**

## **FINANCIAL PROCEDURES**

**PART 6 SECTION A – Y&NYCA FINANCIAL REGULATIONS THESE REGULATIONS APPLY TO ALL OFFICERS CONDUCTING Y&NYCA MATTERS INCLUDING GENERAL MAYORAL MATTERS BUT EXCLUDING THOSE SPECIFIC MATTERS RELATING TO MAYORAL POLICE AND CRIME COMMISSIONER FUNCTIONS WHERE THE REGULATIONS IN PART 9 WILL APPLY.**

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## **1. General**

- 1.1. These Regulations shall be read in conjunction with the Rules of Procedure (see Part 5A) and the Responsibility for Functions (see Part 3) where Y&NYCA general functions reserved to the Mayor are set out.
- 1.2. These Regulations lay down for the guidance of Members and officers, principles to be followed in securing the proper administration of the Y&NYCA's financial affairs and shall be reviewed at intervals of not more than three years.
- 1.3. The Section 73 Officer, as the officer responsible for the proper administration of the Y&NYCA's financial affairs, shall report to the Y&NYCA any significant failure to comply with these Regulations which comes to their attention.
- 1.4. The Head of Paid Service and the Section 73 Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Y&NYCA.
- 1.5. For the purposes of complying with these Regulations, the Section 73 Officer shall be provided with any information they may require and shall have access to any documents and records as necessary.
- 1.6. Whenever any matter arises which may involve financial irregularity the Section 73 Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Section 73 Officer consultation with the Head of Paid Service, be referred by them to the Y&NYCA Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

## **2. Staffing**

- 2.1. The Head of Paid Service will be responsible for providing overall management to staff employed by the Y&NYCA.
- 2.2. The Head of Paid Service and the Section 73 Officer will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.
- 2.3. The Section 73 Officer will:
  - 2.3.1. Ensure that budget provision exists for all existing and new employees.
  - 2.3.2. Ensure that appropriate mechanisms are in place to support the payment of salaries and any other related expenses to staff.
  - 2.3.3. Set out and issue a staff expenses scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the Y&NYCA.

- 2.4. Chief Officers must ensure that appointments are made in accordance with the approved establishment and scales of pay and the adequate budget provision is available. Officers must produce an annual staffing budget (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.
- 2.5. Payroll documents must be retained and stored for the defined period in accordance with guidance issued by the Section 73 Officer.
- 2.6. The payment of all pensions to former firefighters and their dependents shall be made by the Section 73 Officer or under arrangements approved by them.
- 2.7. Chief Officers shall notify the Section 73 Officer of all matters affecting payment to employees - including appointments, resignations, dismissals, suspensions, secondments and pay awards, absences from duty for sickness and other reasons affecting pay, information necessary to maintain records of service for pension purposes, income tax and national insurance.
- 2.8. Claims for payments of car allowances, subsistence allowances, travelling and incidental expenses shall be certified by managers in accordance with policies approved by the Section 73 Officer.

### **3. Accounting Arrangements**

- 3.1. The Section 73 Officer shall prepare a manual of financial and accounting procedures to be operated by officers working on Y&NYCA matters.
- 3.2. All accounting and financial arrangements shall be determined by the Section 73 Officer who shall be consulted before any system, form or document of a financial or costing nature is introduced.
- 3.3. The Section 73 Officer shall be responsible for the submission of all claims for grant to Government Departments and other organisations. Chief Officers must ensure expenditure is compliant with relevant grant conditions.
- 3.4. At the end of the financial year Chief Officers must supply the Section 73 Officer with information in such form and by such date as they may determine to enable them to close the Y&NYCA's Accounts promptly.
- 3.5. The Accounts must be approved by the Audit and Governance Committee, which has delegated power to carry out this function from Y&NYCA, within the statutory deadlines.
- 3.6. If the Auditor's Report requires any material amendment to be made to the Accounts, this must be then reported to the Audit and Governance Committee, which has delegated power to carry out this function from Y&NYCA, as soon as practicable after the receipt of the audit report.

#### **4. Banking Arrangements and Cheques**

- 4.1. All arrangements with the Y&NYCA's bankers, including the ordering and safe custody of cheques, shall be made by the Section 73 Officer who shall be authorised to operate such banking accounts, they consider necessary.
- 4.2. All cheques drawn on behalf of the Y&NYCA shall be signed by or bear the facsimile of the Section 73 Officer, or the signature of any other duly authorised officer.
- 4.3. The Section 73 Officer will maintain a schedule of signatories for each bank account.

#### **5. Budgetary Control**

- 5.1. The detailed form of the programme of capital expenditure and revenue estimates shall be determined by the Section 73 Officer after consultation with appropriate Chief Officers, in accordance with any general directions of the Y&NYCA and the Mayor for the Mayoral General Functions.
- 5.2. It is the responsibility of Chief Officers to ensure business plans reflect agreed budget estimates. Chief Officers are responsible for the continuous exercise of budgetary control and service performance throughout the year and are responsible for reporting on variations to the Section 73 Officer.
- 5.3. Where the Y&NYCA operates in partnership or similar arrangements, Chief Officers must set out the roles and responsibilities of all parties including a sound framework of internal controls. All proposed financial arrangements must be subject to prior approval of the Section 73 Officer and subject to compliance checks as deemed necessary.

#### **6. Capital and Revenue Budgets**

##### **6.1. Y&NYCA Budget**

- 6.1.1. The Section 73 Officer, in consultation with appropriate Chief Officers and the Chief Executive of TfN, shall prepare an annual programme of capital expenditure for submission to the Y&NYCA, together with proposals for financing that programme. The programme will separately identify capital expenditure relating to both schemes promoted by the Y&NYCA and those via TfN.
- 6.1.2. The Section 73 Officer, in consultation with appropriate Chief Officers and the Chief Executive of TfN, shall prepare annual estimates of revenue expenditure and income, indicating the levy (in relation to the Y&NYCA's transport functions) and additional amounts payable by the Constituent Councils (in relation to the Y&NYCA's non transport functions) necessary to finance the net expenditure for the next financial year.

##### **6.2. Mayor's General Budget**

- 6.2.1. The Section 73 Officer, in consultation with appropriate Chief Officers and the Mayor shall prepare annual estimates of revenue expenditure and income and a capital programme associated with the Mayor's General Functions, indicating the general component of the Mayor's Precept to be levied and any associated borrowing requirement.
- 6.2.2. The Mayor will submit the draft Mayor's General Budget, the general component of the Mayor's Precept and associated borrowing requirement to Y&NYCA for consideration and approval.
- 6.2.3. Y&NYCA may approve the draft Mayor's General Budget.
- 6.2.4. Y&NYCA may veto the draft Mayor's General Budget, the general component of the Mayor's Precept and associated borrowing and propose changes to the Mayor who may then submit a revised draft budget for consideration and approval.
- 6.2.5. Y&NYCA will approve the revised draft Mayor's General Budget, the general component of the Mayor's Precept incorporating any Y&NYCA recommendations as to the relevant amounts and any associated borrowing requirements.

## **7. Control of Expenditure**

### **7.1. Capital Schemes**

- 7.1.1. Before a capital scheme for which provision is made may proceed, Chief Officers must prepare a fully costed scheme report for presentation to the Y&NYCA and the Mayor as appropriate, justifying the need for the expenditure. The Section 73 Officer will report on the revenue implications of the scheme.
- 7.1.2. After a capital scheme has been approved in detail by the Y&NYCA or the Mayor, Officers shall inform the Section 73 Officer as soon as practicable of any likely overspending and the Section 73 Officer will report to the Y&NYCA or the Mayor as appropriate. If the overspending is likely to exceed the approved capital cost, the revised estimates shall be referred to the Y&NYCA or the Mayor along with proposals for further funding if appropriate.
- 7.1.3. Where no borrowing is required to finance a capital scheme, the capital budget of the Y&NYCA may be increased in-year in relation to Y&NYCA's capital budget, by up to £500,000 with the approval of the Section 73 Officer;

- 7.1.4. Where borrowing will be required to fund planned capital expenditure prior approval from the Y&NYCA is needed before any increase can be made to the capital programme.

## 7.2. Y&NYCA Revenue Budget

- 7.2.1. The Y&NYCA will determine the amounts to be allocated to Y&NYCA Functions. The Head of Paid Service in conjunction with Chief Officers will monitor expenditure against this approval, and report on a regular basis agreed with the Section 73 Officer to the Y&NYCA showing forecast variations from the budget allocated. It will be a matter for the Y&NYCA to determine from this information whether expenditure priorities should be changed within the funding envelopes available.
- 7.2.2. For revenue expenditure any likely overspending shall be reported by Officers as soon as practicable to the Section 73 Officer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below), the matter shall be referred to the Y&NYCA for consideration.
- 7.2.3. The Y&NYCA will determine guidelines for carrying forward of surplus and deficits on budget headings. The Section 73 Officer will administer the scheme of carry forward within the guidelines approved by the Y&NYCA.
- 7.2.4. Where additional external funding is awarded after the annual revenue budget has been approved by Y&NYCA, the Y&NYCA revenue budget may be increased in-year by up to £500,000 with the approval of the Section 73 Officer;

## 7.3. Mayor's General Revenue Budget

- 7.3.1. The Head of Paid Service in conjunction with Chief Officers will monitor expenditure against the approved Mayor's General Revenue Budget, and report on a regular basis agreed with the Section 73 Officer to the Mayor showing forecast variations from the budget allocated. It will be a matter for the Mayor to determine from this information whether expenditure priorities should be changed within the funding envelopes available.
- 7.3.2. For revenue expenditure any likely overspending shall be reported by Officers as soon as practicable to the Section 73 Officer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below) the matter shall be referred to the Mayor for consideration.
- 7.3.3. The Mayor will determine guidelines for carrying forward of surplus and deficits on budget headings. The Section 73 Officer will administer the scheme of carry forward within the guidelines approved by the Mayor.

- 7.4. Grants for capital or revenue purposes to outside organisations and persons for which provision is made in the appropriate budget shall not be paid except by agreement with the Section 73 Officer who shall make such arrangements as they consider necessary for this purpose. The Section 73 Officer shall keep a register of grants to outside organisations.

## 8. Virements

- 8.1. The Section 73 Officer shall be authorised to approve virements between expenditure heads within the limits as set out in these Regulations. Anything more than these limits shall be reported for approval to the Y&NYCA or Mayor as appropriate.

Virements are deemed to be:

- 8.1.1. Revenue - A transfer of budget for a different purpose to that set out in the approved Budget;
- 8.1.2. Capital - a movement of budget between approved capital schemes.
- 8.2. In accordance with the scheme of virement and associated thresholds, the Section 73 Officer is responsible for considering reports submitted by Chief Officers in respect of virement proposals for revenue and capital expenditure.
- 8.3. In conjunction with Chief Officers, the Section 73 Officer is to report to and seek the prior approval of the Y&NYCA or the Mayor for any revenue expenditure where it is funded by a release of earmarked sums from reserves or will have an adverse impact on a priority within the approved budget.
- 8.4. The Section 73 Officer is to report and seek the approval of the Head of Paid Service (in consultation with the Chair of the Y&NYCA) to the exercise of the virement powers of the Y&NYCA where a matter is urgent.
- 8.5. Appropriate Officers are to ensure compliance with the scheme of virement (see tables below).

### Revenue Budgets

Threshold	Y&NYCA Function	Mayoral General Function
<b>Up to £50,000</b>	Chief Officers to exercise virements on budgets under their control during the year following approval by the Section 73 Officer.	Chief Officers to exercise virements on budgets under their control during the year following approval by the Section 73 Officer.

<b>Above £50,000</b>	Requests must specify the proposed expenditure and the source of funding and must explain the implications in the current and future financial year. Requests must be notified to the Section 73 Officer who will report and seek approval from the Y&NYCA.	Requests must specify the proposed expenditure and the source of funding and must explain the implications in the current and future financial year. Requests must be notified to the Section 73 Officer who will report and seek approval from the Mayor.
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### Capital Programme

Threshold	Y&NYCA Capital	<b>Mayoral General Capital</b>
Up to £100,000	Chief Officers to exercise in year virement on budgets under their control following approval by the Section 73 Officer.	Chief Officers to exercise in year virement on budgets under their control following approval by the Section 73 Officer.
Above £100,000	Requests must specify the proposed expenditure and the source of funding; Requests must be notified to the Section 73 Officer who will report and seek approval from the Y&NYCA	Requests must specify the proposed expenditure and the source of funding; Requests must be notified to the Section 73 Officer who will report and seek approval from the Mayor

## **9. Maintenance of Balances/Reserves/Provisions**

- 9.1. The Section 73 Officer will ensure that there are clear protocols for the establishment and use of balances/reserves/provisions and, in consultation with Chief Officers, will establish reserves and/or provisions and provide guidance on how to incur expenditure from balances/reserves/provisions.
- 9.2. The Section 73 Officer is to seek Y&NYCA or Mayoral, as appropriate, approval the use of balances, reserves or provisions in addition to those already approved in setting the original budget.

- 9.3. Chief Officers must ensure that the use of reserves or provisions when approved is planned into the budget and used only for the purposes for which they were intended.

## **10. Borrowing and Investments**

- 10.1. The Section 73 Officer shall be the Y&NYCA's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision, of the Section 73 Officer in the name of the Y&NYCA.
- 10.2. The Section 73 Officer shall maintain records of all monies borrowed and shall be responsible for the day-to-day administration of borrowed monies.
- 10.3. The Section 73 Officer shall ensure that the CIPFA Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Y&NYCA in relation to the Y&NYCA's treasury management activity.

## **11. CIPFA Treasury Management Code of Practice 2011**

- 11.1. In line with CIPFA recommendations, the Y&NYCA has adopted the following four clauses:
- 11.1.1. This organisation will create and maintain, as the cornerstones for effective ~~OBJ~~ treasury and investment management:
- 11.1.1.1. a treasury management policy statement stating the policies, objectives and approach to risk management of its treasury management activities;
- 11.1.1.2. suitable Treasury Management Practices (TMPs) setting out the way the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;
- 11.1.1.3. Investment Management Practices (IMPs) for investments that ~~OBJ~~ are not for treasury management purposes.

The content of the policy statement, TMPs and IMPs will follow the recommendations contained in Sections 6, 7 and 8 of the TM Code, subject only to amendment where necessary to reflect the circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the TM Code's key principles.

- 11.1.2. This organisation (i.e., full Y&NYCA) will receive reports on its treasury and investment management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close in the form prescribed in its TMPs ~~OBJ~~ and IMPs.



- 11.1.3. This organisation delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit and Governance Committee, and for the execution and administration of treasury management decisions to the Section 73 Officer, who will act in accordance with the organisation's policy statement, TMPs and IMPs, and if they are a CIPFA member, CIPFA's Standard of Professional Practice on treasury management.
- 11.1.4. This organisation nominates the Audit and Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

## **12. Contracts**

- 12.1. All contracts on behalf of the Y&NYCA shall be subject to the Y&NYCA's Rules of Procedure in Part 5, Section A of this Constitution and the Responsibility for Functions in Part 3 of this Constitution.
- 12.2. The Section 73 Officer shall be informed as soon as possible by Chief Officers of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Y&NYCA and shall carry out such checks as they consider necessary during the currency of a contract. Contracts entered into by TfN are subject to TfN Standing Orders and are not covered by this Regulation.
- 12.3. Payment to contractors on account shall be authorised only on certified documents signed by a duly authorised Officer, showing the total amount of the contract, value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 12.4. Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised Officer. Any such variation or addition which necessitates an increase in the amount of an accepted tender or estimate shall be reported to the Section 73 Officer as soon as possible as follows:
- 12.4.1. Increase of £2,500 on projects up to £30,000, or
- 12.4.2. Increase of 10% or £100,000 (whichever is lower) on projects over £30,000, or
- 12.4.3. Substantial modification of a scheme.

No order shall be placed, nor any payment certified, in respect of any such variation or addition until this has been approved by the Section 73 Officer.

- 12.5. The final certificate on a contract or accepted estimate shall be issued by the duly authorised Officer after they have submitted to the Section 73 Officer a detailed statement of account, together with such vouchers or documents as they may require.

12.6. In the case of contracts for works entered into by the Y&NYCA and supervised and managed by architects or persons other than the Y&NYCA's own officers, the agreement with the person having control of the work shall provide that they furnish to the Y&NYCA for inspection by their officers, all documents and vouchers relating to prime costs, provisional sums, etc. Subject to the rights of other parties to the contract, the final certificate shall not be issued, nor the balance under such contract paid until:

- (a) The Section 73 Officer with the assistance of any appropriate officer has had the opportunity to examine the accounts, vouchers and documents, and
- (b) If any question of propriety of payment arises, the Y&NYCA shall have authorised payment.

12.7. Claims received from contractors in respect of matters clearly not within the terms of the appropriate contract shall be referred to the Head of the Paid Service for consideration of the Y&NYCA's legal liability and to the Section 73 Officer for financial consideration, before settlement is negotiated.

### **13. ASSETS, ESTATES AND PROPERTY, ASSETS FOR DISPOSAL, STOCKS AND STORES**

#### **Assets**

13.1. Chief Officers are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items and all other items used for the Authority's purposes, including property). These items must only be used for the authorised purposes of the Authority. Assets must be recorded in the Authority's Asset Register, in accordance with the CIPFA Code of Practice.

13.2. Chief Officers shall ensure that records and assets are properly maintained and securely held. They shall also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

#### **Asset Register**

13.3. The Section 73 Officer must ensure that an Asset Register in accordance with agreed auditing standards is maintained. This will include all land and property.

13.4. Each Chief Officer must immediately notify the Section 73 Officer of the acquisition of any asset having a value of £10,000 or more.

13.5. Each Chief Officer must immediately notify the Section 73 Officer of the disposal (or transfer to another Service) of any asset (or part of any asset) which is included on the Asset Register.

- 13.6. The Section 73 Officer is to approve and keep records of all leases entered into by the Authority
- 13.7. In respect of any item acquired by lease the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

### **Estates and Property**

- 13.8. The Head of Paid Service must ensure that the detailed record of all land and property owned by the Y&NYCA is included in the Y&NYCA's Asset Register.
- 13.9. The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Section 73 Officer.

### **Assets for Disposal**

- 13.10. The disposal of assets is subject to statutory provisions, in particular the overriding duty under section 123 of the Local Government Act 1972 to obtain the best consideration that can be reasonably obtained for the disposal of land which includes the granting of leases for more than 7 years.
- 13.11. The General Disposal Consent (England) 2003 gives a Local Authority the ability to dispose of assets, or grant a lease for more than 7 years for less than the best consideration reasonably obtainable, where: -
- (a) The Authority considers that the purpose for which the land and property is to be disposed is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the whole or any part of its area or any person's resident or present in its area; and
  - (b) The difference between the full market value and the actual consideration payable does not exceed £2m.
- 13.12. The disposal method for all assets including plant, vehicles and machinery will be appropriate to each disposal and may range from seeking formal quotations, electronic auctions to using public auctions. The Section 73 Officer will be consulted on the appropriate disposal method for all disposals by Chief Officers.
- 13.13. Leased items should only be disposed of in accordance with the instructions of the lessor.

### **Stock and Stores**

- 13.14. Each Chief Officer shall be responsible for the care and custody of stocks and stores within their area of responsibility.

- 13.15. The Section 73 Officer shall arrange for periodic checks of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year.
- 13.16. Officers will dispose of surplus materials, stores or equipment by competitive tender, public auction, e-bay type auction or in a manner approved by the Section 73 Officer.
- 13.17. Adjustments which may be necessary for surpluses or deficiencies of stock shall be subject to the approval of the Section 73 Officer, or delegated officer.
- 13.17 The Section 73 Officer shall be authorised to write off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items more than £50,000 must be reported to the Y&NYCA for information.

#### **14. Income**

- 14.1 The collection of all money due to the Y&NYCA shall be under the supervision of the Section 73 Officer.
- 14.2 All money received by an officer on behalf of the Y&NYCA shall, without delay, be paid intact to the Section 73 Officer or, as they may direct, to the Y&NYCA bank account.
- 14.3 Chief Officers will provide the Section 73 Officer details in connection with work completed, goods supplied, or services rendered and of all other amounts due as may be required to record correctly all sums receivable by the Y&NYCA and to ensure prompt rendering of accounts for the collection of income.
- 14.4 Chief Officers will notify the Section 73 Officer promptly of all money due to the Y&NYCA and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Y&NYCA.
- 14.5 All receipt forms, books, tickets and other such items shall be ordered and supplied ~~to~~ to departments by the Section 73 Officer who shall satisfy himself/herself as to the arrangements for their control.
- 14.6 The Section 73 Officer shall be authorised to write off bad debts. Requests to write off any individual debt more than £100,000 must be referred to the Y&NYCA for information.

#### **15 Insurance**

- 15.1 The Section 73 Officer shall, subject to any general direction of the Y&NYCA, arrange such insurances in the name of the Y&NYCA as considered necessary, and shall inform Officers annually of the insurances in force in respect of the Y&NYCA.

- 15.2 Officers shall give prompt notification to the Section 73 Officer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 Officers shall inform the section 73 Officer promptly in writing of any event which may involve the Y&NYCA in a claim on the Y&NYCA's insurers.
- 15.4 Indemnities on behalf of the Y&NYCA can only be given by the Head of Paid Service.

## **16 Risk Management**

- 16.1 The Y&NYCA shall approve the risk management strategy and shall review the effectiveness of risk management. The section 73 Officer shall prepare and promote the risk management strategy and develop appropriate risk management controls.
- 16.2 Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review. Officers should notify the Section 73 Officer, in writing of any loss, liability or damage or any event likely to lead to a claim.
- 16.3 Officers shall take responsibility for risk management within their areas of responsibility, having regard from relevant advice from specialists (e.g., fire safety, health and safety, insurance) and shall undertake regular reviews of risk within their own business areas.

## **17 Internal Audit**

- 17.1 The Section 73 Officer shall, so far as they consider necessary:
  - 17.1.1 Arrange for the provision of an internal audit service in line with the Accounts and Audit (England) Regulations 2015. The internal audit function will be independent in its planning and operation and will conform with the United Kingdom Public Sector Internal Audit Standards (PSIAS) and associated guidance on PSIAS published by CIPFA.
  - 17.1.2 Supervise security arrangements and the custody and safeguarding of Y&NYCA moneys and property, including any funds entrusted to the Y&NYCA or its officers.
  - 17.1.3 Undertake investigations to ensure that value for money is obtained and loss through wastage minimised.
- 17.2 The Section 73 Officer will make arrangements so that internal auditors have the authority:
  - 17.2.1 To have access to Y&NYCA premises at reasonable times.

- 17.2.2 To have access to documents, records and equipment in the possession of the Y&NYCA.
- 17.2.3 To require any officer of the Y&NYCA to account for cash, stores or any other Y&NYCA asset under their control.
- 17.2.4 Where possible, to have access to records belonging to third parties, such as contractors, when required
- 17.2.5 To receive information concerning any matter under investigation.
- 17.2.6 To have access to the Head of Paid Service and the Audit and Governance Committee.
- 17.3 Officers must inform the Section 73 Officer, as soon as possible, of any matter which involves irregularities or any suspected irregularity concerning cash, stores, other property or any irregularity in the exercise of the functions of the Y&NYCA. The Section 73 Officer may investigate and report on any matter which they believe involves or may involve irregularities concerning cash, stores or other property of the Y&NYCA or any suspected irregularity in the exercise of the functions of the Y&NYCA.

## **18 Requisitions and Purchase Orders for Work, Goods & Services**

- 18.1 The Y&NYCA Contract Procurement Rules set out at Part 6 Section B of the Y&NYCA Constitution will apply.
- 18.2 Requisitions and Purchase orders for works, goods and services are to be approved by Officers up to £250,000 and by the Section 73 Officer or delegated officer over £250,000.

## **19 Payment of Accounts**

- 19.1 Officers shall be responsible for the certification and submission of invoices and other claims to the Section 73 Officer who shall make safe and efficient arrangements for the payment of such accounts.

## **20 Petty Cash**

- 20.1 The Section 73 Officer shall make such arrangements as they consider necessary for defraying petty cash and other expenses by means of an imprest system.

## **21 Taxation**

- 21.1 The Section 73 Officer is;
  - 21.1.1 Responsible for ensuring that taxation advice is available to Officers to ensure compliance with relevant legislation.

- 21.1.2 Responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- 21.1.3 To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
- 21.1.4 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
- 21.1.5 To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.
- 21.1.6 To maintain an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994.
- 21.2 Officers are to:
  - 21.2.1 Ensure that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded.
  - 21.2.2 Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
  - 21.2.3 Ensure that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994.
  - 21.2.4 Ensure that all persons employed by the Council are added to the Council's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
  - 21.2.5 Follow any guidance on taxation that may be issued by the Section 73 Officer.

## **22 Internal Control**

- 22.1 The Section 73 Officer is responsible for ensuring that the financial management of the Y&NYCA is adequate and effective and that there is a sound system of internal control and sound procedures for the management of risk. The responsibility for maintaining and reviewing the system of internal control rests with the Y&NYCA.
- 22.2 The Section 73 Officer is responsible for advising on effective systems of internal control. These arrangements shall ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

## **23 Security**

- 22.3 Officers are responsible for maintaining proper security at all times for buildings, stocks, stores, furniture, equipment, cash, documentation and information under their control.
- 22.4 Officers shall be responsible for maintaining proper security and privacy of information and data held, as required by the Data Protection legislation.
- 22.5 All staff shall comply with the standards and principles set out in the Y&NYCA's ICT Security policies.

### **Purchase Cards**

- 22.6 Purchase Cards shall be operated strictly within the procedures and policy determined by the Section 73 Officer and Y&NYCA respectively.
- 22.7 Contravention of the procedures or policy will result in the rescinding of the Purchase Card facility.

## **23 Bids for External Funding**

- 23.1 Where third parties invite Y&NYCA to bid for additional resources (e.g., capital grants), care should be taken to ensure that the costs and risks associated with preparing a bid do not outweigh the benefits of receiving additional funding. All costs associated with bidding should be financed from the relevant service budget unless Y&NYCA or the Mayor has specifically approved alternative financing arrangements. Successful bids typically require Y&NYCA to deliver specific outcomes or provide additional matched funding. Failure to meet these obligations could result in the clawback of funding from the donor organisation. Any decision to bid for external funding must take account of the costs, risks and obligations associated with the bid being accepted by the provider of the funding.
- 23.2 The Section 73 Officer shall be notified by Officers of all external bids for additional resources and any additional confirmed funding. Copies of original correspondence confirming funding allocations shall also be forwarded by Officers to the Section 73 Officer.



## **PART 6 SECTION B - Y&NYCA CONTRACT PROCUREMENT RULES AND GRANT RULES**

**THESE RULES APPLY TO ALL Y&NYCA PROCUREMENTS INCLUDING GENERAL MAYORAL PROCUREMENTS BUT EXCLUDING SPECIFIC PROCUREMENTS RELATING TO MAYORAL POLICE AND CRIME COMMISSIONER FUNCTIONS WHERE THE RULES IN PART 9 WILL APPLY AND TO Y&NYCA GRANTS**

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## DEFINITIONS

### A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES AND GRANT RULES

1. These Contract Procurement Rules (issued in accordance with section 135 of the Local Government Act 1972), are intended to promote good purchasing practice (including the delivery of social value and the application of ethical procurement principles) and public accountability and deter corruption.
2. Officers responsible for purchasing must comply with these Contract Procedure Rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions).
3. For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include electronic as well as hard copy.
4. Key considerations for officers engaged in purchasing works, goods and services include:
  - Follow the rules if you purchase goods or services or order building work;
  - Take all necessary legal, financial and professional advice;
  - Declare any personal financial interest in a contract. Corruption is a criminal offence;
  - Conduct any Best Value review and appraise the purchasing need;
  - Check whether there is an existing Y&NYCA Contract, OGC Buying Solutions/Crown Commercial Service agreement, AGMA and other joint purchasing arrangements you can make use of before undergoing a competitive process;
  - Normally allow at least four weeks for submission of bids (not to be submitted by email unless allowed for in the Invitation to Tender documents);
  - Keep bids confidential;
  - Complete a written contract or Y&NYCA order before the supply or works begin;
  - Identify a contract manager with responsibility for ensuring the contract delivers as intended;
  - Keep records of dealings with suppliers;
  - Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.
5. Y&NYCA is committed to meeting needs for goods, services and works in a way that achieves value for money on a whole life basis in terms of generating benefits to society and the economy of York and North Yorkshire whilst maximising environmental sustainability.

## CONTRACTS OR GRANTS

### Distinguishing between a contract and a grant

It is important to distinguish whether obligations arise as a result of a grant or a contract because different legal frameworks apply to grants and to contracts. The description given to the relationship by the parties will not necessarily be decisive. The outcome will depend on all the circumstances.

There is no one factor that determines whether an arrangement is a grant agreement or a contract. The arrangement must be considered as a whole.

The question of whether an obligation arises as a result of a grant or a contract is one that affects state entities providing funds, usually to not-for-profit or third sector organisations (which can include charities), to facilitate outcomes.

**NB** – Advice can be obtained from the Procurement Section

## **Contract**

Usually, a contract will be entered into following a procurement process (often an Invitation to Tender or Request for Quotation):

The provider will be contractually bound to provide the services, works or goods.

The commissioner will be contractually bound to pay the provider for the services, works or goods.

There will be a detailed specification drawn up to meet the Y&NYCA's requirements setting out the services the provider is to carry out the works to be performed or the goods to be provided.

There will be, among others, provisions in the contract:

- setting out what happens if either party does not comply with the terms of the contract;
- determining what will happen if the contract is terminated; and
- dealing with whether the provider can subcontract the services or the provision of the works or goods.

## **Breach of Contract**

A breach of contract occurs whenever a party fails to perform a contractual duty as required by its terms. The principal remedy in English law for breach of contract is an award of damages.

## **Grant**

A grant is a gift of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder (so no liability for damages will arise by the recipient failing to perform), although the funder may claw back grant which has not been spent for that specific purpose or is misapplied.

Usually, under a grant agreement:

- The funder will give money to the recipient to assist it to meet the recipient's objectives. The funds are to be used to undertake activities that are not being undertaken for the direct benefit of the Y&NYCA.
- The recipient organisation has the choice of either undertaking the funded services or activities or handing back the money without incurring further costs.
- The only material obligation placed on the Y&NYCA under the grant agreement will be to pay the grant to the recipient.

\* The recipient organisation must return any unspent grant to the Y&NYCA.

A grant agreement may not be suitable, for example, where the Y&NYCA has a statutory duty to provide a service as a grant agreement would not secure the delivery of the services because the organisation is not contractually bound to provide services to the Y&NYCA.

### **Breach of Grant Agreement**

Grant agreements normally enable the funder to withhold or suspend payment of the grant and/or require repayment of all or part of the grant if the recipient organisation:

- Misuses the grant
- Fails to comply with the terms and conditions of the grant agreement
- Acts negligently in delivering the project
- Obtains duplicate funding from a third party
- Provides the funder with misleading or inaccurate information
- Commits fraud or bribery
- Ceases to operate, is wound up, dissolved or becomes insolvent

### **Contracting authorities as grant recipients**

Contracting authorities which receive grant monies to fund contracts will be subject to the procurement rules in terms of how they spend that grant. A failure to comply may result in grant funding being clawed back.

## **SCOPE OF CONTRACT PROCUREMENT RULES**

### **1. Basic Principles**

All purchasing and disposal procedures must:

- Achieve Best Value for public money spent;
- Be consistent with the highest standards of integrity;
- Ensure fairness in allocating public contracts;
- Comply with all legal requirements;

- Ensure that Non-Commercial Considerations do not influence any Contracting Decision;
- Support the Y&NYCA's corporate aims and policies;
- Comply with the Y&NYCA's corporate Procurement Strategy and other relevant policies;
- Include considerations of social value in line with the Y&NYCA's policy and the Public Services (Social Value) Act 2012;

## 2. **Officer Responsibilities**

### 2.1 Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these Contract Procurement Rules, the Y&NYCA's Financial Regulations, the Y&NYCA's Social Value Policy, the Y&NYCA's Code of Conduct for Employees and with all applicable legal requirements, including

- The Public Contracts Regulations 2015
- The Concession Contracts Regulations 2016
- The Public Services (Social Value) Act 2012

2.1.2 Officers must:

- Have regard to the Y&NYCA's Purchasing Guidance including any relevant Gateway procedures;
- Check whether a suitable Y&NYCA contract exists before seeking to let another contract; where a suitable Y&NYCA contract exists, this must be used unless there is an auditable reason not to;
- Keep the records required by Rule 6;
- Take all necessary legal, financial and professional advice.

2.1.3 When any employee either of the Y&NYCA or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting Tenders or Quotations.

### 2.2 Senior Officers

2.2.1 Senior Officers must:

- Ensure their staff comply with Rule 2.1;
- Keep registers of:
  - Contracts completed by signature rather than by the Y&NYCA's seal (see Rule 18.3) and arrange their safekeeping on Y&NYCA premises;
  - Exemptions recorded under Rule 3.2.
- Provide an electronic copy of all contracts and exemptions to Procurement Section.

- 2.3 The Officer must comply with the Y&NYCA Code of Conduct for Employees and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.
- 2.4 Officers shall comply with section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

### **3. Exemptions, Collaborative and E-Procurement Arrangements**

- 3.1 The Y&NYCA has power to waive any requirements within these Contract Procedure Rules for specific projects unless it would be unlawful to do so.
- 3.2 An Officer may (subject to Section 73 Officer' written approval where the Total Value is likely to exceed £50,000) waive any requirements within these Contract Procedure Rules, where they are satisfied:
- Goods are to be bought at auction and the Y&NYCA's best interest will be served by purchase through auction and has agreed an upper limit for bids; or
  - Only one contractor can provide the goods, services or works required and there is no reasonable alternative contractor; or
  - The need for the goods, services or works is so urgent that the time needed to comply with these Contract Procedure Rules would be prejudicial to the Y&NYCA's interests, or
  - There are value for money reasons justifying a waiver

Applications to waiver any requirement shall be made using the waiver template documentation available from the Procurement Team.

- 3.3 Where a proposed contract or agreement is subject to the Statutory Procedure, a Chief Officer and the Section 73 Officer have no delegated powers. No exemption under Rules 3.1 and 3.2 can be used if the Statutory Procedure applies.
- 3.4 All exemptions, and the reasons for them, must be recorded by Officers. The Section 73 Officer will monitor use of exemptions.
- 3.5 In order to secure Value for Money, the Y&NYCA may enter into collaborative procurement arrangements with local authorities, government departments, public bodies, public sector buying organisations and may use Framework Agreements let by local authorities, government departments, public bodies or Central Purchasing Bodies.
- 3.6 All purchases made via a public sector buying organisation are deemed to comply with these Contract Procedure Rules and no exemption is required. However, purchases above the Statutory Threshold must be let under the Statutory

Procedure, unless the consortium or Central Purchasing Body has satisfied this requirement already by letting its agreement in accordance with the Statutory Procedures on behalf of the Y&NYCA or specifying the Y&NYCA as a potential user.

- 3.7 Advice must be sought from the Procurement Team prior to entering into a contract through collaboration with local authorities or other public bodies to ensure compliance with the procurement rules.

#### **4. Relevant Contracts**

- 4.1 All Relevant Contracts and Framework Agreements must comply with these Contract Procurement Rules. A Relevant Contract is any arrangement made by the Y&NYCA for the carrying out of works or for the supply of goods, works or services. These include arrangements for:

- The carrying out of construction and engineering works;
- The supply or disposal of goods;
- The hire, rental or lease of goods or equipment; and
- The delivery of services.

- 4.2 Relevant Contracts do not include:

- Contracts of employment which make an individual a direct employee of Y&NYCA; or
- Agreements relating to the acquisition, disposal or transfer of land which do not form part of a wider transaction under which the Y&NYCA procures works, goods or services.
- Instruction of counsel

#### **COMMON REQUIRMENTS**

#### **5. Steps Prior to Purchase**

- 5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guidance, by:

- Satisfying themselves that they have the necessary authority to deal with the purchase and that there is budget provision for the purchase;
- Taking into account the requirements from any relevant Best Value review appraising the need for the expenditure and its priority defining the objectives of the purchase;
- Assessing the risks associated with the purchase and how to manage them;
- In consultation with the Procurement Team considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority,

- government department, statutory undertaker or public service purchasing consortium;
- Consulting users as appropriate about the proposed procurement method, social value opportunities, contract standards and performance and user satisfaction monitoring, terms and conditions that are to apply to the proposed contract;
- Setting out these matters in writing if the Total Value of the purchase exceeds £50,000.

5.2 and by confirming that:

- There is Y&NYCA Member or delegated approval for the expenditure and the purchase accords with the approved policy framework and Scheme of Delegation as set out in the Y&NYCA Constitution.

## 6. Records

6.1 Where the Total Value is below £10,000 a purchase order is sufficient record, unless additional records are deemed appropriate having taken into account considerations in Rule 5.1

6.2 Where the Total Value is £10,000 to £49,999, the following records must be kept:

- A unique reference number for the contract (obtained from the Procurement Section) and the title of the contract;
- Invitations to quote or tender and Quotations or Tenders;
- A record:
  - of any exemptions and the reasons for them;
  - of any Contracting Decision and the reasons for it including the evaluation of the Quotation or Tender;
- Written records of communications with the successful contractor or an electronic record if a written record of the transaction would not normally be produced.

6.3 Where the Total Value exceeds £50,000 the Officer must record:

- A unique reference number for the contract (obtained from the Procurement Section) and the title of the contract;
- The method for obtaining bids (see Rule 8.1);
- Any Contracting Decision and the reasons for it;
- Any exemption under Rule 3 together with reasons for it;
- The Award Criteria;
- Invitation to Tender documents sent to and Tender documents received from Candidates;
- Pre-tender market research (if any);
- Clarification and post-tender negotiation (to include minutes of any meetings);
- The contract documents – an electronic copy to be provided to Procurement Section;
- Post-contract evaluation and monitoring;



- Communications with Candidates and with the successful contractor throughout the period of the procurement.

6.3 Records required by this rule must be kept for six years after the end of the contract.

## 7. Advertising

### 7.1 Identifying and Assessing Potential Candidates

7.1.1. Officers shall ensure that, for Relevant Contracts or Framework Agreements a sufficiently accessible advertisement is published. Examples of where such advertisements may be placed include:

- The Y&NYCA's website;
- E portals specifically created for contract advertisements such as the UK Government Contracts Finder;
- A local or national newspaper or specialist publication;
- National official journals, or the Tenders Electronic Daily (TED) where applicable (even if there is no requirement within the Statutory Procedure).

7.1.2. Officers are responsible for ensuring that all Candidates for a Relevant Contract have necessary:

- Economic and financial standing; and
- Technical ability and capacity;

to fulfil the requirements of the Y&NYCA.

## CONDUCTING PURCHASES

### 8. Competition Requirements for Purchase and Partnership Arrangements

The Officer must calculate the Total Value.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Monitoring Officer.

#### 8.1 Purchasing – Competition Requirements

8.1.1. Where the Total Value for a purchase is within the values in the first column below, the procedure in the second and third columns must be followed.

Total Value	Procedure	Advert Placement
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Up to £9,999.99	One written quotation	
£10,000 to £49,999.99	At least three written quotations	
£50,000 – Statutory Threshold (Including VAT	Invitation to Tender by advertisement to at least three Candidates	E portal and the UK Government Contracts Finder
Above Statutory Threshold (including VAT)	Statutory Procedure	E portal and the UK Government Contracts Finder

8.1.2. Irrespective of Rule 8.1.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) as amended from time to time.

8.1.3. An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

8.1.4. Where the Total Value exceeds £50,000 the Procurement Team should be consulted prior to the commencement of the procedure.

## **8.2 Providing Services to External Purchasers**

8.2.1. The Section 73 Officer must be consulted where contracts to work for other organisations are contemplated and any bid, tender and contract for work shall be made in accordance with the Financial Regulations.

## **8.3 Collaborative and Partnership Arrangements**

8.3.1. Collaborative and partnership arrangements where services/ goods/works are supplied to the Y&NYCA are subject to all applicable procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the Monitoring Officer and the Section 73 Officer.

## **8.4 The Appointment of Consultants to Provide Professional Services**

8.4.1. Consultants shall be selected, and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

Total Value	Procedure	Advert Placement
Up to £30,000	One written quotation	
£30,001 – Statutory Threshold	Three written quotations	E portal up to £50,000 then E portal and UK Government Contracts Finder
Above Statutory Threshold	Statutory Procedure	E portal and UK Government Contracts Finder

Agreements shall be completed as specified in Rule 18.2 (Contract Formalities)

- 8.4.2. Irrespective of Rule 8.4.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) as amended from time to time.
- 8.4.3. The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.
- 8.4.4. Records of consultancy appointments shall be maintained in accordance with Rule 6.
- 8.4.5. Consultants shall be required to provide evidence of and maintain appropriate professional indemnity insurance policies for the periods specified in the respective agreement.
- 8.4.6. The instruction of the Authority's External Auditors for additional pieces of work must only be carried out by the Section 73 Officer.
- 8.4.7. The instruction of external legal advisers must only be carried out by the Monitoring Officer.
- 8.4.8. The instruction of counsel shall not be subject to the requirements of Rules 8.4.1 – 8.4.4 (inclusive).

## **9. PRE-TENDER MARKET RESEARCH AND CONSULTATION**

9.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the

supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but

- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition.

## **10. STANDARDS AND AWARD CRITERIA**

10.1 The Officer must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or international standards.

10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the authority. The basic criteria shall be one of the following:

- 'most economically advantageous', where considerations of quality, price, social value and other relevant factors apply, or
- 'lowest price' where payment is to be made by the Y&NYCA (provided that lowest price is not permissible under the Statutory Procedure),

If the first criterion is adopted (most economically advantageous) it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant social value and environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

Supplier suitability assessment questions may also be asked by the Y&NYCA provided such are relevant to the subject matter of the procurement, are proportionate and are used to assess whether candidates meet requirements or minimum standards of suitability, capability, legal status and financial standing. Officers shall have regard to the Purchasing Guidance when defining the Award Criteria.

10.3 Award Criteria must not include:

- Non-Commercial Considerations that are prohibited under UK law

NB - This does not prevent the Y&NYCA from exercising any function with reference to a non-commercial matter to the extent that it is necessary or expedient to do so to enable or facilitate compliance with a duty imposed on the Y&NYCA by section 1 of the Public Services (Social Value) Act 2012.

## **11. INVITATIONS TO TENDER/QUOTATIONS**

- 11.1 The Invitation to Tender shall state that the Y&NYCA reserves the right to reject a Tender that is not received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this requirement shall be considered without the Section 73 Officer's prior approval and shall not be considered under any circumstances when it is received after the other Tenders have been opened.
- 11.2 All Invitations to Tender shall include the following:
- 11.2.1. A specification that describes the Y&NYCA's requirements in sufficient detail to enable the submission of competitive offers.
  - 11.2.2. A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
  - 11.2.3. A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
  - 11.2.4. Notification that Tenders are submitted to the Y&NYCA on the basis that they are compiled at the tenderer's expense.
  - 11.2.5. A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms.
  - 11.2.6. Unless the Tender is sought in accordance with an electronic tendering process which is approved by the Section 73 Officer and Monitoring Officer and/or which is permitted by the Invitation to Tender documents, a statement that any Tenders submitted by fax or other electronic means shall not be considered.
- 11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 18).
- 11.4 The Invitation to Tender or Quotation may state that the Y&NYCA is not bound to accept any Quotation or Tender.

## **12. SHORTLISTING**

- 12.1 Shortlisting for contracts or agreements which are not subject to the Statutory Procedure may only be undertaken where permitted by UK law. Special rules apply to short listing for contracts or agreements which are subject to the Statutory Procedure, and these are set out in the Statutory Procedure.

## **13. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS**

- 13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The Statutory Procedure lays down specific time periods (see guidance in the Purchasing Guidance).
- 13.2 All Tenders must be returned in accordance with the Invitation to Tender.
- 13.3 Tenders received by any means (e.g., email) other than the electronic tendering process approved by the Section 73 Officer and Monitoring Officer must be rejected.
- 13.4 Each Tender must be:
- suitably recorded to verify the date and precise time it was received
  - adequately protected on receipt to guard against amendment of its contents

#### **14. CLARIFICATION PROCEDURES**

- 14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e., post-tender negotiations) are the exception rather than the rule. In particular, they must not be conducted in a Statutory Procedure where this might distort competition, especially with regard to price.

#### **15. EVALUATION**

- 15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.
- 15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

#### **16. POST TENDER NEGOTIATIONS**

- 16.1 Post tender negotiations under the Statutory Procedure can only be undertaken on the grounds allowing for such specified in the Statutory Procedure. For all other procedures if post-tender negotiations are necessary after a single-stage Tender process or after the second stage of a two-stage Tender process, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 16.2 Post-tender negotiation must only be conducted in accordance with the guidance issued by the Monitoring Officer who, together with the Section 73 Officer, must be consulted wherever it is proposed to enter into post-tender negotiation.
- 16.3 Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

## **17. AWARD OF CONTRACTS AND FRAMEWORK AGREEMENTS AND DEBRIEFING CANDIDATES**

- 17.1 The Officer may accept quotations, tenders and bids received up to £50,000.00 in value in respect of proposed contracts and Framework Agreements, provided that they have been sought and evaluated fully in accordance with these contract procurement rules, and that budget provision is available.
- 17.2 The Officer may accept tenders or bids received:
- 17.2.1. in consultation with the relevant Director over £50,000 and up to £100,000 in value, and
- 17.2.2. in consultation with the Section 73 Officer over £100,000 and up to £250,000 in value
- in respect of proposed contracts and Framework Agreements, provided they have been sought and evaluated fully in accordance with these contract procurement rules and, in respect of proposed contracts and Framework Agreements that are expected to exceed £250,000 (relating to either expenditure or income) with the additional approval of the Section 73 Officer.
- 17.3 For contracts and Framework Agreements subject to the Statutory Procedure, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful Candidate and provide information required by the Statutory Procedure specifying the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the Candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of



the successful tender. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful Candidate, then the Officer shall not award the contract or Framework Agreement and shall immediately seek the advice of the Monitoring Officer. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 17.3 does not apply to:

- contracts and Framework Agreements that are not subject to the Statutory Procedure (such as social and other specific services listed under the Statutory Procedure, or where the value is under the Statutory Threshold) and
- contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the Statutory Procedure

17.4 If a Candidate requests in writing the reasons for a Contracting Decision relating to an unsuccessful Quotation or Tender it has submitted, the Officer must give in writing the name(s) of the successful Candidate(s), the award criteria and the reasons for the decisions including the score of the candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender.

## **CONTRACT AND OTHER FORMALITIES**

### **18. CONTRACT DOCUMENTS**

#### **18.1 Relevant Contracts**

18.1.1. All Relevant Contracts that exceed £50,000 shall be in writing.

18.1.2. All Relevant Contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e., the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e., the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Authority to terminate the contract.

18.1.3. The Y&NYCA's standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible.

18.1.4. In addition, every contract or agreement must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements



- health and safety requirements
- data protection requirements, if relevant
- Equality Act requirements
- Anti-bribery compliance
- Freedom of Information Act requirements
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- that the Y&NYCA shall pay the contractor and the contractor shall pay its subcontractors within 30 days of an undisputed invoice.

18.1.5. The formal advice of the Monitoring Officer must be sought for the following contracts:

- those involving leasing arrangements
- where it is proposed to use a supplier's own terms or
- those that are complex in any other way.

## 18.2 Contract Formalities

18.2.1. Agreements shall be completed as follows:

<b>Total Value</b>	<b>Method of completion</b>	<b>By</b>
Up to £250,000	Signature	Authorised Signatory
Above £250,000	Sealing	See Rule 18.3

18.2.2. All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

## 18.3 Sealing

18.3.1. Where contracts are completed by each side as a deed, such contracts shall be executed by the fixing of the Y&NYCA's seal and must be witnessed by an Authorised Signatory.

18.3.2. Every Y&NYCA sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

18.3.3. A contract must be sealed where:

- the Y&NYCA may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or

- the Total Value exceeds £75,000 unless the Monitoring Officer does not consider that sealing is necessary.

#### 18.4 Signatures

Authorised Signatories may sign and witness the sealing of documents by way of ~~an~~ electronic signature.

### 19. BONDS AND PARENT COMPANY GUARANTEES

19.1 The Officer must consult the Section 73 Officer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000, or
- selection and/or award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

19.2 The Officer must consult the Section 73 Officer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

## CONTRACT MANAGEMENT

### 20. MANAGING CONTRACTS

20.1 Chief Officers are to name contract managers for all new contracts. All contracts must have a Y&NYCA contract manager for the entirety of the contract.

20.2 Contract managers must follow the procedures set out in the Y&NYCA's Purchasing Guidance.

20.3 Anyone awarding a contract must notify the Section 73 Officer of the details of that contract if for any reason the tender has not been issued via the Procurement Section.

20.4 The Section 73 Officer must maintain a central register of all contracts let with a value more than £50,000.

### 21. RISK ASSESSMENT AND CONTINGENCY PLANNING

21.1 A business case must be prepared for all procurements with a potential value over the Statutory Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

- 21.2 For all contracts with a value of over £75,000, contract managers must consider maintaining a risk register during the contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

## **22. CONTRACT MONITORING, EVALUATION AND REVIEW**

22.1 The Section 73 Officer may require that a Y&NYCA-developed Gateway review process may be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.

22.2 During the life of the contract, the Officer must monitor in respect of:

- Performance
- Compliance with specification and contract
- Cost
- Any Value for Money requirements
- Social value requirements
- User satisfaction and risk management.

## **23. GRANTS –TRANSPARENCY, AWARD CRITERIA, GRANT AGREEMENTS, MONITORING, EVALUATION AND REVIEW**

### **23.1 TRANSPARENCY - AWARD CRITERIA**

Where there is more than one likely possible grant recipient, grants should be awarded following an open, fair, transparent process.

The Officer must define award criteria that are appropriate to the grant programme.

Bids for grants must be evaluated and awarded in accordance with the award criteria.

All grant awards should be approved by the Section 73 Officer.

Before awarding any grant, the officer shall ensure compliance with prevailing subsidy rules, adhering to the Y&NYCA Grant Award Procedure and seeking advice from the Procurement Team as appropriate.

### **23.2 GRANT AGREEMENTS**

Grant agreements should specify that the Y&NYCA may withhold or suspend payment of the grant and require repayment of all or part of the grant if, among other matters, the recipient organisation:

- o Misuses the grant
- o Fails to comply with the terms and conditions of the grant agreement o Obtains duplicate funding from a third party
- o Provides the Y&NYCA with misleading or inaccurate information
- o Commits fraud or bribery
- o Ceases to operate, is wound up, dissolved or becomes insolvent

### 23.3 MONITORING EVALUATION AND REVIEW

During the life of the grant agreement, the Officer must monitor in respect of:

- Compliance with grant conditions
- Spend against profile
- Programme outcomes

#### **DEFINITIONS**

Authorised Signatory	An officer authorised by the Monitoring Officer in accordance with the Y&NYCA's Constitution to sign a contract or witness the Y&NYCA's seal.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2.5).
Award Procedure	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Y&NYCA.
Candidate	Any person or organisation who applies for, asks or is invited to submit a Quotation or Tender.
Central Purchasing Body	Means a contracting authority which provides centralised purchasing activities, and which may also provide ancillary purchasing activities
Chief Officers	The Officers defined as such in the Y&NYCA Constitution.
Code of Conduct	The Code of Conduct for Employees as set out from time to time in the Y&NYCA Constitution.
Committee	A committee which has power to make decisions for the Y&NYCA.
Constitution	The constitutional document approved by the Y&NYCA of which those Contract Procedure Rules form part.
Consultant	Specialist advisers engaged to provide professional services to the Y&NYCA.

Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• award of contract or Framework Agreement</li> <li>• any decision to terminate a contract.</li> </ul>
Delegated Officer	The Officer authorised by the Chief Officer to approve requisitions and purchase orders.
Statutory Procedure	The procurement procedure required by UK law for goods, works and services where the Total Value exceeds the Statutory Threshold.
Statutory Threshold	The values at which the relevant UK public procurement law applies.

European Economic Area	The members of the European Union, and Norway, Iceland and Liechtenstein
Financial Regulations	The Y&NYCA's financial regulations outlining Officer responsibilities for financial matters prepared by the Section 73 Officer and becoming part of the Y&NYCA Constitution.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Head of Procurement	The Officer as designated by the Section 73 Officer
High Profile	A high-profile purchase is one that could have an impact on functions integral to Y&NYCA service delivery should it fail or go wrong.
High Risk	A high-risk purchase that is in the opinion of the Section 73 Officer one which presents the potential for substantial exposure on the Y&NYCA's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the Statutory Threshold values.

Invitation to Tender	Invitation to tender documents in the form required by these Contract Procedure Rules.
Monitoring Officer	As identified in the Y&NYCA Constitution
Non-Commercial Considerations	<p>(a) The terms and conditions of employment by contractors of their workers or the composition of the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p>

	<p>(g) Financial support or lack of financial support by contractors for any institution to or from which the Y&amp;NYCA gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.</p>
Officer	The Officer designated by the Chief Officer to deal with the procurement and award of the contract in question.

Parent Company Guarantee	A contract which binds the parent of a subsidiary company whereby if the subsidiary company fails to do what it has promised under a contract with the Y&NYCA, the Y&NYCA can require the parent company to do so instead.
Procurement Strategy	The document setting out the Y&NYCA's approach to procurement and key priorities for the next few years.
Procurement Team	The Team under the Section 73 Officer' responsibility for Procurement Services.
Purchasing Guidance	Any guidance documents issued from time to time by the Section 73 Officer that support the implementation of these Contract Procurement Rules.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these contract procedure rules apply (see Rule 4).
Shortlisting	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
Tender	A Candidate's offer submitted in response to a Y&NYCA Invitation to Tender.
Total Value	<p>The whole of the value (inclusive of VAT) or estimated value (in money or equivalent value) calculated as follows:</p> <ul style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</li> <li>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</li> <li>(d) in the case of framework agreements and dynamic purchasing systems, the maximum estimated value of all contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.</li> </ul>
Section 73 Officer	As identified in the Y&NYCA Constitution.

<p>TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)</p>	<p>Subject to certain conditions, the regulations applying where responsibility for the delivery of works or services for the Y&amp;NYCA is transferred from one organisation (e.g., private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
<p>Value for Money</p>	<p>the most economically advantageous proposal that combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.</p>



# **PART 7**

## **CODES AND GUIDANCE**

## **A. Members Code of Conduct**

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## **A. Member Model Code of Conduct**

### **1. Definitions**

1.1 For the purposes of this Code of Conduct, a “member” means a member including the directly elected Mayor and substitute members, a co-opted member of the Y&NYCA including councillors from York and North Yorkshire Councils appointed to roles in which they act on behalf of the Y&NYCA. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority

1.2 For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### **2. General principles of Member Conduct**

2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

2.2 Building on these principles, the following general principles have been developed specifically for the role of councillor.

2.3 In accordance with the public trust placed in me, on all occasions:

- a) I act with integrity and honesty
- b) I act lawfully
- c) I treat all persons fairly and with respect; and
- d) I lead by example and act in a way that secures public confidence in the role of councillor.

2.4 In undertaking my role:

- a) I impartially exercise my responsibilities in the interests of the local community
- b) I do not improperly seek to confer an advantage, or disadvantage, on any person
- c) I avoid conflicts of interest
- d) I exercise reasonable care and diligence; and
- e) I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

### **3. Application of the Code of Conduct**

3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor or are appointed as a member and continues to apply to you until you cease to hold office/be a member of the Y&NYCA.

3.2 This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:

- a) you misuse your position as a member
- b) your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member

3.3 The Code applies to all forms of communication and interaction, including:

- a) at face-to-face meetings
- b) at online or telephone meetings
- c) in written communication
- d) in verbal communication
- e) in non-verbal communication
- f) in electronic and social media communication, posts, statements and comments

3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.

3.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

### **4. Standards of Member Conduct**

4.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

### **5. General Conduct**

5.1 The general conduct guidance follows below:

#### **1. Respect**

**As a member:**

**1.1 I treat other members and members of the public with respect.**

**1.2 I treat Y&NYCA employees, employees and representatives of partner organisations and those volunteering for the Y&NYCA with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members/councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Y&NYCA, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and Y&NYCA employees, where concerns should be raised in line with the Y&NYCA's member - officer protocol.

## **2. Bullying, harassment and discrimination**

**As a member:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Y&NYCA's

performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the Y&NYCA**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Y&NYCA**

Officers work for the Y&NYCA as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a member:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i) I have received the consent of a person authorised to give it;**
  - ii) I am required by law to do so;**
  - 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:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the Y&NYCA, and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Y&NYCA must

be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Y&NYCA and may lower the public's confidence in you or the Y&NYCA's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Y&NYCA into disrepute.

You can hold the Y&NYCA and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Y&NYCA whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a member:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the Y&NYCA provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of Y&NYCA resources and facilities**

**As a member:**

### **7.1 I do not misuse Y&NYCA resources.**

### **7.2 I will, when using the resources of the Y&NYCA or authorising their use by others:**

**a. act in accordance with the Y&NYCA's requirements; and**

**b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Y&NYCA or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Y&NYCA to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Y&NYCA/local authority buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Y&NYCA's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a member:**

- 8.1 I undertake Code of Conduct training provided by the Y&NYCA.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Y&NYCA or its governance. If you do not understand or are concerned about the Y&NYCA's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a member:**

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Y&NYCA employees and fellow members know which of your interests might give rise to a conflict of interest. The



register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011. **Section 7 (below)** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a member:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Y&NYCA or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

To protect your position and the reputation of the Y&NYCA, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**“Partner”** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

### Non-participation in case of disclosable pecuniary interest

4. Where you have a Disclosable Pecuniary Interest, as set out in Table 1, in any matter to be considered or being considered at a meeting, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (**as set out in Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial

interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

7. Where a matter arises at a meeting which affects –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**;

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

9. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

**Table 1: Disclosable Pecuniary Interests**

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

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Y&amp;NYCA) made or provided within the 12-month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992.</p>
Contracts	<p>Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Y&amp;NYCA:</p> <ul style="list-style-type: none"> <li>• a. under which goods or services are to be provided or works are to be executed: and,</li> <li>• b. which has not been fully discharged.</li> </ul>
Land and Property	Any beneficial interest in land which is within the area of the Y&NYCA. Land excludes an easement, servitude, interest or right in or over the land which does not give you or your partner (alone or jointly with another) a right to occupy or to receive income.
Licence	Any licence (alone or jointly with others) to occupy land in the area of the Y&NYCA for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - <ul style="list-style-type: none"> <li>a. the landlord is the Y&amp;NYCA: and</li> <li>b. the tenant is a body in which you or your partner is a partner of or a director of or has a has a beneficial interest in the securities.</li> </ul>
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> <li>a. that body (to your knowledge) has a place of business or land in the area of the Y&amp;NYCA; and</li> <li>b. either - <ul style="list-style-type: none"> <li>i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

11. For the purposes of the above table:

- a. 'a body in which you or your partner has a beneficial interest' means a firm in which you or your partner is a partner or a body corporate of which you or your

- partner is a director, or in the securities of which you or your partner has a beneficial interest;
- b. 'director' includes a member of the committee of management of an industrial and provident society;
  - c. 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests
<p>You must register as an Other Registrable Interest:</p> <ul style="list-style-type: none"> <li>a) any unpaid directorships</li> <li>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management</li> </ul> </li> </ul>

## **SECTION B: GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS**

### **1 General Introduction**

- 1.1 The Code of Conduct requires Members to notify the Monitoring Officer in writing of any gift or hospitality they receive which may be to the value of £100 or more. It is also a breach of the Code to act in such a way as to bring the Y&NYCA into disrepute or for a member to use their position as a member of the Y&NYCA improperly to confer on or secure for themselves or any other person advantage or disadvantage.
- 1.2 The following guidance aims to assist members in complying with the Code of Conduct for Members but it also goes beyond these basic provisions and seeks to provide wider guidance so members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.
- 1.3 The Audit and Governance Committee will review this guidance every two years, unless new legislation requires the guidance to be updated before the next scheduled review.

### **2 Legal Position**

- 2.1 The Bribery Act 2010 provides that it is a criminal offence for a Member to request, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such rewards have not been corruptly obtained.

### **3 Gifts and Hospitality**

- 3.1 Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Y&NYCA or may be applying to the Y&NYCA for some sort of decision in respect of which it is imperative that the member's independence should not be compromised.
- 3.2 The following rules should be applied: Other than the exceptions listed in (b) below a member should refuse any gift offered to them or to an immediate relative of the member, by any person who has or may seek to have dealings with the Y&NYCA. It is recommended that members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within I or II below). The Monitoring Officer will maintain the register for this purpose.
- 3.3 The exceptions where it may be appropriate to accept a gift are set out below. Members should note that the Code of Conduct for Members requires all gifts and hospitality of one hundred pounds or more to be notified to the Monitoring Officer, who will maintain a register for this purpose.

- 3.4 The gift is of purely token, advertising value given to a wide range of people, e.g., pens, key rings and other promotional items. As such promotional gifts will usually be less than one hundred pounds in value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.
- 3.5 A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Y&NYCA. If such gifts are of a small value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.
- 3.6 Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out above.
- 3.7 Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Y&NYCA and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than £100 as specified in the Code). The Monitoring Officer in consultation with the chair of the Audit and Governance Committee will determine whether it is appropriate to retain the gift in question.
- 3.8 Whilst it may be acceptable to accept a token or small gift on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

## **4 Hospitality**

- 4.1 It is increasingly the case that private companies offer hospitality e.g., free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that members' judgment would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality of one hundred pounds or more is required by the Code of Conduct to be registered. However, members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the one hundred pounds limit specified in the Code.
- 4.2 Some examples of hospitality which may be acceptable follow, but much may depend on the circumstances, for example who is providing the hospitality, why the member is there and the nature of the dealings between the Authority, the member and the provider of the hospitality:
- i. A working meal provided to allow parties to discuss or continue to discuss business.
  - ii. An invitation to attend a dinner or function of a Society, Institute or other non-commercial body with whom the Y&NYCA has contact.
  - iii. Invitations to attend functions where the member represents the Y&NYCA (opening ceremonies, public speaking events, conferences).



## **5 Unacceptable Hospitality**

5.1 The following are examples of unacceptable hospitality:

- i. Holidays, including accommodation and travel arrangements
- ii. Offers of theatre tickets for the member and their family or free travel
- iii. Personal invitations for evenings out with representatives from a company or firm who have dealings with the Y&NYCA or who are likely to have dealings in the future.

5.2 Members are again urged to err on the side of caution and if in any doubt as to the integrity of the offer / invite the member should consult the Monitoring Officer or refuse.

## **6 Notifications**

6.1 Notifications of gifts and hospitality should be sent to the Head of Paid Service who will administer the register on behalf of the Monitoring Officer.

6.2 A form for this purpose is available from the Head of Paid Service.

## **7 The Register**

7.1 The Register referred to in this protocol will be subject to scrutiny by the Audit and Governance Committee and regular inspection by the Monitoring Officer, Internal Audit. The Register of Gifts and Hospitality of £100 or more should be available for public inspection. For consistency registrations as regards gifts & hospitality offered and refused, or gifts and hospitality of a value less than one hundred pounds will also be available for public inspection.

## **8 Gifts Which Cannot Be Retained**

8.1 Where the Monitoring Officer in consultation with the Chair of the Standards Committee determines that it would not be appropriate for a member to retain a gift, that gift will be returned, utilised by the Y&NYCA or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer and Chair of the Audit and Governance Committee.

## **9 Advice and Sanctions**

9.1 Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear. Breaches of this guidance may result in a breach of the Code of Conduct for members.

9.2 Breaches of this guidance which do not result in a breach of the Code of Conduct will be reported by the Monitoring Officer to the Audit and Governance Committee.

## SECTION C: OFFICER CODE OF CONDUCT

### 1. INTRODUCTION

- 1.1. The York and North Yorkshire Combined Authority is at the forefront of innovation in the delivery of devolved government and sub-regional co-operation to ensure the well-being and advancement of the community of the York and North Yorkshire region.
- 1.2. The residents of York and North Yorkshire, the constituent local authorities and public sector partners within it are entitled to expect the highest standards of behaviour and conduct from the employees of Y&NYCA.
- 1.3. The Y&NYCA Officer Code of Conduct sets out both expectations and standards of professional and personal behaviour from its officers in respect of colleagues, residents and the community in the delivery of these services. It expects that its employees will strive to ensure that they are courteous, respectful, efficient and impartial in the provision of services to all groups and individuals within that community.

### 2. SCOPE

- 2.1. This Code applies to all employees of the Y&NYCA. It is expected that where other professional codes of conduct apply to specific groups of staff, that compliance with this Code will be an additional requirement to any specific professional codes of conduct.
- 2.2. The Y&NYCA is committed to conduct of the highest standard such that public confidence in its integrity is maintained and as such expects all those who provide services to and on behalf of the Y&NYCA to adhere to the principles set out within this Code of Conduct. This includes contractors and secondees.

### 3. GENERAL PRINCIPLES

The key principles underpinning all employee's conduct are:

- **Honesty, Integrity, Impartiality and Objectivity**  
*An employee must perform their duties with honesty, integrity, impartiality and objectivity.*
- **Accountability**  
*An employee must be accountable for their actions*
- **Respect for Others**  
*An employee must treat others with respect, not discriminate unlawfully against any person and treat all employees and elected members of the Authority professionally*
- **Stewardship**  
*An employee must use any public funds entrusted to or handled by them in a responsible and lawful manner and not make personal use of property or facilities of the Authority unless properly authorised to do so.*

- **Personal Interests**

*An employee must not in their official capacity or personal capacity allow their personal interests to conflict with the Authority's requirements or use their position improperly to confer an advantage or disadvantage to any person.*

- **Declaration of Interests**

*An employee must comply with any requirements of the Authority to declare interests and hospitality, benefits or gifts received because of their employment.*

Employees will not, either in an official capacity or in any other circumstances conduct themselves in a manner which could reasonably be regarded as bringing the Y&NYCA into disrepute.

#### 4. **EQUALITY**

- 4.1. Employees must ensure that Y&NYCA policies relating to equality and equal opportunities are followed and that all members of the community, customers and colleagues are treated with fairness and equity.
- 4.2. Additionally, all employees must make sure that they are aware of factors which result in discrimination against those with protected characteristics as defined by the Equality Act, 2010 (namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation) Employees must undertake their duties so as to seek to redress any equality and oppression experience by those with protected characteristics.
- 4.3. If employees themselves become victims of harassment at work, they should report it to their line manager at the earliest opportunity.
- 4.4. All employees with managerial and supervisory roles have a responsibility for the performance of other employees who they manage. Employees at all levels can expect to be directed in their work and held accountable for their performance by their manager.

#### 5. **SERVICE PROVISION**

- 5.1. Each employee should make every effort to understand the law governing their service and inform their manager or the Y&NYCA's Monitoring Officer of any impropriety, breach of procedure, unlawfulness or maladministration.

#### 6. **POLITICAL NEUTRALITY AND WORKING WITH MEMBERS**

- 6.1. Elected Members have a key role to play in the governance and management of the Y&NYCA. Both Officers and Elected Members are public servants and indispensable to one another in ensuring efficient and effective government. Mutual respect between officers and elected members of the Y&NYCA are essential to good local government.
- 6.2. It is essential that elected members and officers conduct their relationship with mutual respect and courtesy and that both parties avoid seeking to exert undue influence over the other. Additionally, close personal familiarity can damage the

relationship and prove embarrassing to both colleagues and elected members and should be avoided.

- 6.3. Whether or not an employee's post is politically restricted, they must follow every lawfully expressed policy of the Y&NYCA and not allow their personal or political opinions to interfere with their work. Where they are required to give advice to elected members and colleagues, it should be done with impartiality except in circumstances where posts are political appointments and/or the level of political restriction applied is varied by regulations.

## **7. DEALING WITH THE PRESS AND MEDIA**

- 7.1. Unless required to in the course of their work, an employee must not deal directly with the Press or the media.
- 7.2. If canvassed by the Press in the course of their work employees must seek advice and authorisation from their line manager on providing any article, publication or interview on any aspect of the Y&NYCA 's work.

## **8. DISCLOSURE OF INFORMATION AND INFORMATION SECURITY**

- 8.1. The Y&NYCA is committed to the principle of open government and will act in compliance with information rights legislation in promoting transparency and participation in the Authority's decision-making processes.
- 8.2. Employees must ensure that the Authority's information assets are managed securely and protected against accidental and unauthorised disclosure, damage or loss.
- 8.3. Employees must not:
- Prevent another person from gaining access to information to which they are lawfully entitled
  - Subject to the Authority's Whistleblowing Policy, they must not disclose information as set out below, unless they have the specific authority to do so
  - The above applies to
    - o personal data about an individual, including employees protected by the Data Protection Act;
    - o information given in confidence where there is a reasonable expectation that confidentiality will be maintained;
    - o commercially sensitive information;
    - o Confidential or exempt proceedings and any reports or other documents connected to these.

Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor share it with others who might use it in this way.

## **9. PROPRIETY IN FINANCIAL/PROCUREMENT MATTERS**

#### 9.1. Contracts and Contractors

An employee must not seek or accept any gift or personal inducement in connection with the procurement of works, goods or services.

#### 9.2. Relationships

Employees should inform their manager about relationships of a business, private or personal nature with external contractors or potential contractors. If involved in the tendering process, they should ensure that it is open and above board, observing the rules related to separation of roles during tendering.

#### 9.3. Sponsorship

Where the Y&NYCA wishes to sponsor an event, employees must ensure that they, their partner, or relative do not benefit in any way from such sponsorship without full disclosure to their manager or the Monitoring Officer.

#### 9.4. Hospitality/Gifts

Invitations to social or sporting events should be accepted only where the Y&NYCA should be seen to be represented and with authorisation of the Head of Service. If the employee does accept hospitality, they should be mindful of all the circumstances. They should get advance authority and keep a record of such occasions and ensure that it is recorded on the Y&NYCA 's hospitality register. They should not accept any significant personal gifts from contractors and outside suppliers.

### 10. **DECLARATION OF INTERESTS**

10.1. Employees should not subordinate their duty to their private interests or put themselves in a position where duty and private interests' conflict. An employee must declare any financial interests which could conflict with the Y&NYCA 's interests to their manager or the Monitoring Officer. Non-financial interests should also be declared, where a conflict of interest could be involved e.g., membership of outside bodies in a personal capacity, other secondary employment, role as a volunteer with other organisations, any relevant convictions/offences that could impact on their employment.

10.2. Employees should be mindful not to place themselves in a situation where involvement in outside bodies could compromise their continuing professional duty to the interests of the Y&NYCA. When serving on outside bodies the employee will be expected to represent and promote the interests and policies of the Y&NYCA as circumstances dictate.

10.3. Employees should also declare membership of any organisation which is not open to the public, has no formal membership and has commitment of allegiance and which has secrecy about its rules, membership and conduct.

## **11. PROPRIETY IN EMPLOYMENT MATTERS**

- 11.1. Employees involved in the recruitment process must ensure that all appointments are made on merit. It is unlawful for an employee to make an appointment which is based upon anything other than the ability of the candidate to undertake the duties of the post.
- 11.2. To avoid any possible accusation of bias, employees should not be involved in the recruitment process where they are related to an applicant or have a close personal relationship with that person, outside the workplace. In all such circumstances, a declaration of interest must be made by the panel member.
- 11.3. Similarly, employees should not be involved in decisions relating to promotion or pay adjustments for any other employee who is a relative, partner, or close personal friend.

## **12. INDEMNIFICATION OF EMPLOYEES**

- 12.1. Employees will be indemnified from personal legal action against them when acting in good faith in the discharge of their duties with the Y&NYCA.

## **13. BREACH OF CODE OF CONDUCT**

- 13.1. This Code sets out key expectations with regards to employee conduct. For avoidance of doubt where an employee is unclear about the application of this Code, they must seek advice from their line manager.
- 13.2. Breaches of this Code may lead to the formal disciplinary action depending on the circumstances. Serious breaches of this Code may lead to an employee being dismissed from the service of the Y&NYCA.

## **SECTION D MEMBER / OFFICER RELATIONS GUIDANCE**

### **1 Introduction and Principles**

- 1.1** The purpose of this guidance is to set a framework for the conduct of member officer relations which will ensure the smooth running of the business of the Y&NYCA. Its guidance should be heeded by Members of the Y&NYCA, its committees and joint committees and Officers of the Y&NYCA, and of constituent councils providing services to Y&NYCA, its committees and joint committees.
- 1.2** In this guidance, references to members of the Y&NYCA include references, where appropriate, to members of its committees and joint committees and, references to officers of the Y&NYCA include references where appropriate to officers of the constituent councils who provide services to the Y&NYCA, its committees and joint committees.
- 1.3** Given the variety and complexity of such relations, this guidance does not seek to be prescriptive or comprehensive. It simply offers 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 circumstances.
- 1.4** This guidance is a written statement of current practice and convention. 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** It also seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.6** This guidance should be read in conjunction with the Members' and Employees' Codes of Conduct and any guidance issued by the Audit and Governance Committee and/or the Monitoring Officer.
- 1.7** This guidance relates to interactions and relations between Members and Officers both in-person and via digital and other means, including through Social Media.

### **2 General Points**

- 2.1** Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Y&NYCA, its committees and joint committees. Their job is to give advice to Members and to carry out work under the direction and control of the Y&NYCA, its committees and joint committees.
- 2.2** At the heart of this guidance is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore,

it is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

- 2.3** A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Head of Paid Service of the Y&NYCA who will then look into the facts and report back to the Member.
- 2.4** An Officer should not raise with a Member matters relating to the conduct or capability of another Officer in a manner that is incompatible with the overall objectives of this policy. Such matters should be raised with the Officer's immediate line manager or the Head of Paid Service.
- 2.5** Nothing in this guidance shall prevent an officer expressing a relevant concern under the Y&NYCA's Whistle Blowing Policy.
- 2.6** Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Head of Paid Service of the Y&NYCA who will take appropriate action including approaching the individual Member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Members' Code of Conduct.

### **3 Officer Support to Members: General Points**

- 3.1** Officers must act in the best interests of the Y&NYCA, its committees and joint committees as a whole and must not give politically partisan advice.
- 3.2** Members must respect the impartiality of officers and do nothing to compromise it, e.g., by insisting that an officer change their professional advice.
- 3.3** 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.
- 3.4** Certain statutory officers – the Head of Paid Service of the Y&NYCA, the Section 73 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. Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Section 73 Officer or the Monitoring Officer.
- 3.5** The following key principles reflect the way in which Officers generally relate to Members:
- 3.6** Officers undertaking work for the Y&NYCA are accountable to the Y&NYCA through the Head of Paid Service.



- 3.7** Support from Officers is needed for all the Y&NYCA's functions. Day-to-day managerial and operational decisions should remain the responsibility of the Head of Paid Service of the Y&NYCA and other Officers.
- 3.8** On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it. If this action is a key decision the officer must ensure that the procedures to publicly notify such decisions are followed as set out in the constitution.
- 3.9** Finally, it should be remembered that Y&NYCA Officers undertaking work for the Y&NYCA are accountable to the Head of Paid Service of the Y&NYCA and whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by the Head of Paid Service.

## **4 Officer Advice to Party Groups**

- 4.1** It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Y&NYCA as a whole and not any political group, combination of groups or any individual Member of the Y&NYCA. 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.

## **5 Attendance at Party Political Group Meetings**

- 5.1** There is now statutory recognition for 'party groups'. It is common practice for such groups to consider matters of Y&NYCA business in advance of such matters being considered by the relevant decision-making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must always maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 5.2** Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Head of Paid Service of the Y&NYCA.
- 5.3** Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- i. Officer assistance must not extend beyond providing information and advice in relation to matters of Y&NYCA business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers.
  - ii. Party group meetings, whilst they form part of the preliminaries to Y&NYCA decision making, are not formal decision-making bodies of the Y&NYCA and are not empowered to make decisions on behalf of the

Y&NYCA. Conclusions reached at such meetings do not therefore rank as Y&NYCA decisions and it is essential that they are not interpreted or acted upon as such; and

- iii. Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Y&NYCA business, this cannot act as a substitute for providing all necessary information and advice to the relevant Y&NYCA decision making body when the matter in question is considered.

- 5.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Y&NYCA. Such persons are not bound by the Y&NYCA 's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.
- 5.5 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the Y&NYCA so far as that is necessary to performing their duties.
- 5.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service of the Y&NYCA who will discuss them with the relevant group leader(s).

## **6 Members' Access to Information and to Authority Documents**

- 6.1 Members have various statutory and common law rights to inspect Y&NYCA documents. The rights of members to inspect Y&NYCA documents are set out in the constitution in the Access to Information Procedure rules. Members and Officers should both be mindful of their obligations under data protection legislation.
- 6.2 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 Y&NYCA's Audit and Governance Committee. If the breach is serious a civil action may be brought against the Member and / or the Y&NYCA for damages.
- 6.3 The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 brought additional rights and responsibilities regarding the disclosure of information. A 'publication scheme' has been produced by the Y&NYCA and is available on the information bar under Data Protection and FOI which appears on every page of the Y&NYCA 's website.

## **7 Correspondence**

- 7.1** Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. 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 'silent copies' should not be employed.
- 7.2** Official letters on behalf of the Y&NYCA 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 Y&NYCA should never be sent out in the name of a Member.

## **8 Publicity and Press Releases**

- 8.1** 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. Members and officers should note that during the election period special rules apply regarding local authority publicity.
- 8.2** Officers and Members of the Y&NYCA 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 of the Y&NYCA. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.
- 8.3** All press releases are issued through the Head of Paid Service on behalf of the Y&NYCA. Press releases are not issued by the Y&NYCA 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 Y&NYCA. Officer's comments can be included on professional and technical issues.

## **9 Officer / Member Guidance Review and Interpretation**

- 9.1** Monitoring compliance with this guidance is the responsibility of the Audit and Governance Committee and the Monitoring Officer. This guidance will be reviewed by the Audit and Governance Committee every two years, unless changes to legislation necessitate an update before the next scheduled review.
- 9.2** Questions of interpretation of this guidance will be determined by the Monitoring Officer.

# SECTION E CODE OF CORPORATE GOVERNANCE

## 1 INTRODUCTION

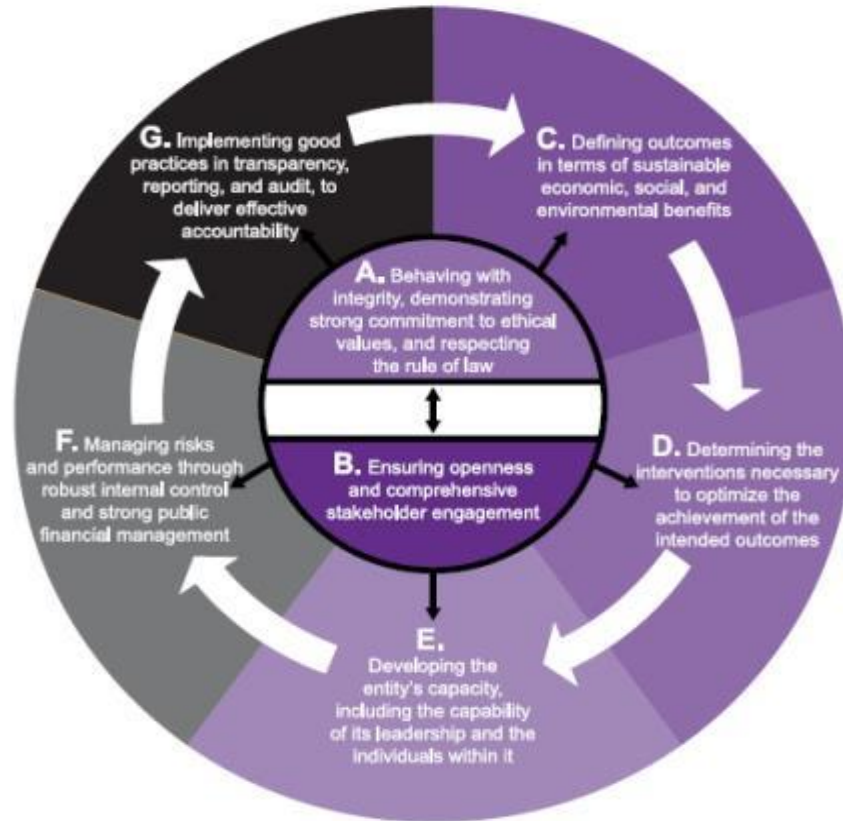
- 1.1 This Code of Corporate Governance sets out the Y&NYCA governance standards. 'Corporate governance' describes how the Y&NYCA directs and controls what it does.
- 1.2 Good governance provides the conditions for the Y&NYCA and its partners to work effectively, economically and ethically. The Y&NYCA should carry out its functions in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity. Good governance will support the Y&NYCA to pursue its vision and secure its agreed objectives.
- 1.3 The Y&NYCA's governance framework comprises the legislative requirements, principles, management systems and processes – including the Y&NYCA's Constitution, Operating Agreement and Protocols – and cultures and values through which the Y&NYCA exercises its leadership, fulfils its functions, and by which it is held accountable for its decisions and activities.
- 1.4 This Code is a public statement that sets out the way in which the Y&NYCA and its attendant structures will fulfil these principles in practice and demonstrate its commitment to good corporate governance. The business of the Y&NYCA will be conducted in accordance with the Seven Principles of Public Life identified in The Nolan Committee Report (1995), namely: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.
- 1.5 This Code will be reviewed annually to ensure it continues to be fit for purpose and relevant. The Y&NYCA will review the effectiveness of its governance arrangements and internal control systems and publish the review outcomes in an annual governance review. These standards ensure the Y&NYCA is doing the right things, in the right way in a timely, inclusive, open, effective, honest and accountable manner.
- 1.6 The governance of the combined area of York and North Yorkshire is subject to a series of Parliamentary orders which continue to provide the legislative framework in which the Y&NYCA and the elected mayor operate.

## 2 What is Good Governance

- 2.1 [International Framework: Good Governance in the Public Sector](#) (CIPFA/IFAC) describes governance as the:

*arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.... To deliver good governance in the public sector, both governing bodies and individuals working for [an authority] must try and achieve their authority's objectives while acting in the public interest at all times.*

- 2.2 The diagram below illustrates the principles of good governance, which is seen as dynamic process involving continuous evaluation and review and improvement. The following sections of this document describe how the Y&NYCA fulfils the requirements set out in the seven principles good governance described in the diagram.



### **3 BEHAVING WITH INTEGRITY, DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUES, AND RESPECTING THE RULE OF LAW.**

- 3.1 The Y&NYCA fosters a culture of behaviour based on shared values, ethical principles and good conduct that is put into practice by members and officers alike.
- 3.2 The leadership of the Y&NYCA embodies these values and creates a climate of openness, support and respect that covers the whole organisation. It establishes, monitors and maintains the organisation's ethical standards and performance.
- 3.3 One of the challenges of working across the combined area of York and North Yorkshire is being clear about the relationships and roles between City of York and North Yorkshire Councils and the Y&NYCA.

#### **Behaving With Integrity**

- 3.4 The Y&NYCA is committed to maintaining its values and integrity and operates a whistle-blowing policy to ensure that individuals who draw attention to factors that compromise the Y&NYCA integrity are adequately protected and supported in doing so. The Policy is regularly updated to ensure that it remains up-to-date and is compliant with legislation. Information on how to report concerns can be located on both the external facing Y&NYCA website and the staff intranet.

#### **Demonstrating Strong Commitment to Ethical Values**

- 3.5 The leadership of the Combined Authority has put in place robust policies and procedures which put its values into practice; these include:
- 3.6 A Standards Committee, which is integrated into the Audit and Governance Committee, composed of elected Members and an independent co-opted member, with responsibility for promoting and maintaining high standards of conduct; assisting Members to observe the Member Code of Conduct; overseeing the Authority's Whistleblowing Policy and monitoring the Member/Officer Protocol.
- 3.7 A Member Code of Conduct and arrangements for determining allegations of a Member acting in breach of the Authority's Member Code of Conduct as required by the Localism Act 2011. The Code of Conduct is reviewed annually by the Audit and Governance Committee. In addition, the Fire Service Code of Ethics is adopted for all Fire and Rescue personnel.
- 3.8 A Code of Conduct for Officers which makes it clear what standards are expected from staff across the organisation in the performance of their duties.
- 3.9 A Register of Member's Interests records members' interests in other bodies or land or assets in the Combined Authority's area and also outlines the process for

registering gifts and hospitality. Each member's recorded register of interests can be found on their individual member pages on the Y&NYCA website.

- 3.10 Systems for reporting and dealing with any incidents of wrongdoing including fraud, corruption, bribery and money laundering.

### **Respecting the Rule of Law**

- 3.11 The Y&NYCA has a Monitoring Officer who is a member of the Y&NYCA's Senior Management Team (SMT). The Monitoring Officer ensures that decisions are taken in a lawful and fair way and agreed procedures are followed and that all applicable statutes, regulations and procedure rules are complied with.
- 3.12 The Y&NYCA uses its legal powers to promote its values and priorities to the full benefit of the citizens and communities across York and North Yorkshire. The Y&NYCA has full regard to the extent of its powers and does not act beyond them, and will observe specific requirements in legislation as well as general responsibilities of public law.
- 3.13 The Y&NYCA's decision making process will adhere to the principles of good administrative law, respect human rights and demonstrate rationality, legality and natural justice.

### **Dealing With Breaches of Legal and Regulatory Power**

- 3.14 The Y&NYCA appoints Statutory Officers that have the skills, resources and support necessary to perform effectively in their roles. These statutory officers include:

Head of the Paid Service (Chief Executive)  
Monitoring Officer  
Chief Finance Officer/Director of Resources (Section 73 officer)

- 3.15 The officers working on Y&NYCA business support these statutory officers as well as other key post holders and elected members to fulfil their responsibilities within legislative and regulatory requirements.

## **4 ENSURING OPENNESS AND COMPREHENSIVE STAKEHOLDER ENGAGEMENT**

### **Openness**

- 4.1 The Y&NYCA sets out its commitment to openness in this Code, the Constitution and Annual Governance Statement.
- 4.2 Decisions taken by the Y&NYCA subject to limited exemptions, are made in public, minuted (alongside the reasons and the evidence considered) and information relating to those decisions is made available to the public. This includes access through live webcasts of the public part only of the Authority,

Police Fire and Crime Panel and Overview and Scrutiny meetings which remain online for six months.

- 4.3 The Authority ensures that, subject to limited exemptions, its most significant decisions are recorded and that information relating to such decisions is made available to the public. The Authority publishes its intention to take key decisions through the Y&NYCA's Register of Key Decision's which is published monthly along with Y&NYCA's papers. Decisions taken at each meeting of the Y&NYCA are published on the web page relating to that meeting and are also circulated by email to members of the Y&NYCA Scrutiny Committee(s).
- 4.4 The Y&NYCA has established one overview and scrutiny committee. The overarching purpose of this structure is to improve the quality of decisions made by the Y&NYCA and elected Mayor. The committees will do this by:
- Reviewing the work and decisions of the Y&NYCA and the elected Mayor, and
  - By acting as a critical friend in the development of policy and new work streams.
- 4.5 The Y&NYCA's approach is consistent with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Authority holds its key meetings in public with the agenda and public reports available on the Y&NYCA's website. However, certain exclusions apply where there is a need to comply with confidentiality laws. The Authority informs, consults and involves residents in significant decisions and their views are submitted to those making decisions for consideration.
- 4.6 The York and North Yorkshire Combined Authority Order 2023 transferred all property, rights and liabilities of the former Police and Crime Commissioner for North Yorkshire to the Y&NYCA and made the functions of the police and crime commissioner in North Yorkshire, functions exercisable by the Mayor.
- 4.7 The Mayor is accountable to local people and will draw on this mandate to set and shape the strategic objectives for York and North Yorkshire in consultation with the Chief Constable and the Chief Fire Officer.
- 4.8 In accordance with the legislation, the Mayor has arranged for the Deputy Mayor for Policing and Crime to exercise PCC functions and has made a Mayor's PCC Scheme of delegation as set out in the Police and Crime Commissioner Functions - Governance Documents contained in Part 9 of the Constitution. The provisions of this Code of Corporate Governance apply to all officers, including those operating, in whole or in part, any of the Mayor's PCC functions.
- 4.9 The Police, Fire and Crime Panel, is a joint committee of the Constituent Councils and is responsible for providing a check and balance as to the performance of what was the Police, Fire and Crime Commissioner. Following the passing in parliament of the York and North Yorkshire Combined Authority Order 2023, the Y&NY Mayor was permitted to incorporate fire and rescue into the functions



exercised by the Y&NY Deputy Mayor. Membership of the Police, Fire and Crime Panel may no longer include members or substitute members of the Y&NYCA. The role of the Y&NYPCP is to scrutinise and review decisions made or actions taken by the Mayor, the Deputy Mayor for Policing and Crime and any other person who exercises any PCC function of the Mayor.

### **Engaging Comprehensively with Institutional Stakeholders**

- 4.10 The Authority develops and maintains relationships with leaders of other organisations across the private, public and voluntary sector to help deliver the shared vision for the city region through formal governance structures and through partnership working.
- 4.11 The police and crime plan clearly sets out the strategic direction and objectives of North Yorkshire Police and is monitored and reviewed regularly in conjunction with the Deputy Mayor for Policing and Crime.

### **Engaging With Individual Citizens and Service Users Effectively**

- 4.12 The Y&NYCA consults communities, individuals, service users and other stakeholders whenever there is a legal duty to do so. The Authority informs, consults and involves residents on strategic matters and issues of interest to them. This dialogue is sustained and encouraging through a number of channels, including the live streaming of Y&NYCA meetings and through an active social media presence on platforms such as Facebook, and X (formerly Twitter).
- 4.13 The Authority is committed to considering and acting upon feedback from residents and stakeholders. A transparent complaints handling procedure is in place which enables the Authority to learn effectively from the complaints it has received.

## **5 DEFINING OUTCOMES IN TERMS OF SUSTAINABLE ECONOMIC, SOCIAL, AND ENVIRONMENTAL BENEFITS**

### **Defining Outcomes**

- 5.1 The long-term nature and impact of many of the Y&NYCA responsibilities mean that they should seek to define and plan outcomes and that these should be sustainable. Decisions should contribute to delivery of the intended benefits and outcomes within the organisational strategy.
- 5.2 The Y&NYCA strategic plan is jointly owned by the Y&NYCA and the Y&NY Local Enterprise Partnership.
- 5.3 The Strategy sets out Y&NYCA's ambitions for the area and both bodies are jointly responsible for ensuring that the ambitions contained within these plans are delivered.

- 5.4 To enable the Y&NYCA and Y&NY LEP to understand performance across all strategic priorities, headline progress measures, targeted indicators and qualitative assessments will form the basis of the comprehensive performance framework and progress monitoring of the delivery of the Y&NY Strategy.
- 5.5 The Police and Crime Plan which is a requirement of the Police Reform and Social Responsibility Act 2011 defines the police and crime objectives and outcomes and the strategic direction for policing. The Mayor, when exercising their PCC functions, must have regard to the priorities during the development and lifespan of the Police and Crime Plan, which sets the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users and officers is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.
- 5.6 The Fire and Rescue National Framework for England 2018 requires the Mayor to issue a Fire and Rescue Plan which defines the fire and rescue objectives (outcomes) and the strategic direction for the fire and rescue service. The Mayor must have regard to the priorities of the responsible authorities during its development.
- 5.7 The Integrated Risk Management Plan (IRMP), known as the Risk and Resource Model in North Yorkshire, prepared by the Chief Fire Officer, will inform and be informed by the Fire and Rescue Plan.
- 5.8 Collaboration agreements will set out those areas of the Mayor's PCC functions which will be undertaken jointly with other forces, local policing bodies and partners and other emergency services, in order to reduce cost, increase capability and/or increase resilience to protect local people.

### **Sustainable Economic, Social and Environmental Benefits**

- 5.9 The York and North Yorkshire Strategy's vision for the conurbation is predicated on developing a modern and productive economy, where residents are able to contribute to and benefit from growth, and where social and environmental objectives are delivered alongside York and North Yorkshire's economic ambitions. All of its priorities are focused on delivering this vision and ensuring that everyone in York and North Yorkshire realises their potential and all parts of York and North Yorkshire become thriving places.
- 5.10 An Equalities Impact Assessment has been undertaken for the new York and North Yorkshire Strategy, with no significant adverse impacts identified against any groups with protected characteristics.
- 5.11 The work of the Combined Authority will be informed by the Equality Act (2010) to ensure that:
- Y&NY's key strategic initiatives proactively embed the principles of promoting equalities, inclusion and cohesion within their design (and in so doing fulfil the requirements of the general equality duty);

As an employer the Y&NYCA integrates the consideration of equalities, inclusion and cohesion into its day-to-day business and adopts best practice to fulfil the aims of the general equality duty.

5.12 Finally, the Y&NYCA has been proactive in using Social Value as an enabler to deliver additional benefits for suppliers and partners across all procurement and commissioning activity. Y&NYCA understands that social value can be used to reinforce the core objectives of the Y&NY strategy and to increase the spending power – in the widest sense of the word - of every pound spent in Y&NY. The Y&NYCA's funding is subject to the provisions of the Public Services (Social Value) Act 2012 and so has adopted a Social Value Framework whose objectives are:

- To provide the best employment that you can
- To keep the air clean in York and North Yorkshire
- To create the employment and skills opportunities that we need to build back better
- To be part of a strong local community
- To make your organisation greener
- To develop a local, Y&NY based and resilient supply chain

## **6 DETERMINING THE INTERVENTIONS NECESSARY TO OPTIMISE THE ACHIEVEMENT OF THE INTENDED OUTCOMES**

### **Determining Interventions**

- 6.1 The Y&NYCA provides decision makers with objective and rigorous analysis of options, covering intended outcomes, financial impact and associated risks supporting efficient service delivery. This is achieved by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that the Y&NYCA has to make to ensure intended outcomes are achieved.
- 6.2 Robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

### **Planning Interventions**

- 6.3 The Y&NYCA plans its activity through its budget and business planning cycle and does this in consultation with internal and external stakeholders to ensure that work delivered across different organisations and partners complement each other and avoid duplication.
- 6.4 This is facilitated by Y&NY's governance structures which support the delivery of Y&NY's priorities across the conurbation and co-ordinate their activity. The

effectiveness of interventions are monitored through the provision of regular performance reports to thematic meetings as well as the Y&NYCA itself.

- 6.5 Policy implementation usually involves choice about the approach, the objectives, the priorities and the incidence of the costs and benefits. The Y&NYCA must ensure that they have access to the appropriate skills and techniques to make these choices.

### **Optimising Achievement of Intended Outcomes**

- 6.6 Y&NYCA is required to secure value for money as set out in the Code of Audit Practice 2010. The Y&NYCA has to put in place proper arrangements to:
- secure economy, efficiency and effectiveness in its use of resources
  - ensure proper stewardship and governance review regularly the adequacy and effectiveness of these arrangements.
  - consider the Y&NYCA arrangements to secure economy, efficiency and effectiveness.
- 6.7 The Authority procures goods and services in compliance with UK and Authority regulations and ensure that value for money is obtained through a balanced consideration of social, economic and environmental impacts that can be derived from procurement spend.

## **7 DEVELOPING THE ENTITY'S CAPACITY, INCLUDING THE CAPABILITY OF ITS LEADERSHIP AND THE INDIVIDUALS WITHIN IT**

### **Developing the Organisation's Capacity**

- 7.1 The Y&NYCA monitors its governance and staffing to support the delivery of planned work programme. The Authority ensures that resources are directed to those activities that will make the greatest contribution to the conurbation's vision through its budget and business planning process.
- 7.2 Where possible the Authority seeks information about functions, expenditure and performance from comparator organisations and uses these findings to inform its own work. Where intelligence suggests different ways of doing things will lead to improved value for money these options are explored.
- 7.3 The Y&NYCA continues to develop all aspects of its approach to workforce planning and development.

### **Developing The Capability of the Organisation's Leadership and Other Individuals**

- 7.4 The roles and responsibilities of members and senior officers are clearly defined within the Y&NYCA Constitution, Policies and Protocols. The Constitution also

sets out the Y&NYCA's scheme of delegation and a protocol governing member/officer relations so that elected members and senior officers have a shared understanding of their respective roles.

- 7.5 The Y&NYCA is committed to developing the capability of people with governance responsibilities and ensuring that officers working on Y&NYCA business understand the importance of governance within their role. An induction and training programme for members and officers is tailored to individual needs and provides an opportunity to learn about new developments as well as their governance responsibilities.
- 7.6 The Authority has an open approach to external and peer review and inspection and actively considers constructive feedback.

## **8. MANAGING RISKS AND PERFORMANCE THROUGH ROBUST INTERNAL CONTROL AND STRONG PUBLIC FINANCIAL MANAGEMENT**

### **Managing Risk**

- 8.1 The Y&NYCA maintains a risk register, which supports the identification and management of key risks. Risk management, business continuity and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. The risk register is regularly reviewed and informs decision making, protects the Y&NYCA's reputation and other assets and is compliant with statutory and regulatory obligations. The Y&NYCA's Corporate Risk Register names risk owners for each of its key strategic risks.

### **Managing Performance**

- 8.2 Regular performance reports are provided to the as well as the Y&NYCA itself.
- 8.3 Relevant, objective and reliable performance information is used to inform decision making, alongside the financial implications and risk information associated with each decision.

### **Effective Overview and Scrutiny**

- 8.4 The Y&NYCA believes that effective overview and scrutiny of decisions leads to improved decision making and improved public services. The Y&NYCA has established and maintains an effective Scrutiny function which is able to constructively challenge decision-makers, including those who work in partnership with the Authority, and policy makers.

### **Robust Internal Control**

- 8.5 Internal control systems support the Y&NYCA to achieve its objectives by managing its risks while complying with regulations and organisational policies.

This safeguards the Y&NYCA's resources against loss, fraud, misuse and damage and safeguards the confidentiality and integrity of its ICT and information systems. The Y&NYCA maintains clear policies and arrangements in respect of counter fraud and anti-corruption.

- 8.6 The Y&NYCA's Audit and Governance Committee provides a further source of assurance of the Y&NYCA's approach to risk management and the control environment.
- 8.7 An independent audit committee will operate in line with the guidance of the Financial Management Code of Practice, in relation to the Mayor's Police and Crime functions.

### **Managing Data**

- 8.8 The Y&NYCA is committed to safeguarding the personal data it holds and sharing this data only in circumstances permitted by law. Its approach to data protection is set out in its publication scheme. The Y&NYCA is committed to the safe-sharing of data -where appropriate- with other agencies where this supports the delivery of the York and North Yorkshire Strategy's priorities and vision.
- 8.9 The Y&NYCA complies with the [Local Government Transparency Code 2015](#) by publishing accurate data within appropriate time frames in the areas mandated by the Code on the Y&NYCA website. The Y&NYCA regularly reviews the quality and accuracy of the data it produces and uses in decision making and performance monitoring.

### **Strong Public Financial Management**

- 8.10 The Y&NYCA's approach to financial management ensures that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively. Its approach supports both long-term achievement of objectives and short term financial and operational performance.
- 8.11 The Section 73 Officer ensures that appropriate advice is given on all financial matters, proper financial records and accounts are kept, and oversees an effective system of internal financial control. The Section 73 Officer ensures well developed financial management is integrated at all levels of planning and control including management of financial risks and controls.
- 8.12 The Y&NYCA maintains a prudential financial framework; keeps its commitments in balance with available resources; and monitors income and expenditure levels to ensure that this balance is maintained and takes corrective action if necessary.

## **9. IMPLEMENTING GOOD PRACTICES IN TRANSPARENCY, REPORTING, AND AUDIT TO DELIVER EFFECTIVE ACCOUNTABILITY**

### **Implementing Good Practice in Transparency**

- 9.1 The Y&NYCA is committed to publishing information including reports in a manner which is accessible to residents and other stakeholders. The publication of information will strike a balance between satisfying the demands of transparency and becoming too onerous for users to understand.

### **Implementing Good Practices in Reporting**

- 9.2 The Y&NYCA seeks to demonstrate to its stakeholders that it has delivered its priorities. It publishes an Annual Report setting out how it has performed, charting the city region's progress towards delivering its vision. There is also an annual review of the effectiveness of its governance framework including its system of internal control and an Annual Governance Statement which is published alongside its accounts.

### **Assurance and Effective Accountability**

- 9.3 The Y&NYCA welcomes peer challenge, internal and external review and audit, and inspections from regulatory bodies. Officers and relevant member bodies consider any recommendations made and put in place arrangements for the implementation of actions agreed to be taken as a result. There is clear oversight from the Y&NYCA and wider leadership team on the conclusions and resultant actions.
- 9.4 Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.
- 9.5 It is easy to pay lip service to the principles of accountability. Aspirations which are not followed through, and actions which are not explained to those who are affected by them, undermine confidence.

### **Monitoring and Review**

- 9.6 This Code is reviewed on an annual basis to ensure it is kept up to date. Where the review identifies that changes to the Code are necessary, the revised Code will be submitted to the Audit and Governance Committee for comments before being incorporated within the Y&NYCA's Constitution.

- 9.7 The Y&NYCA has a committee responsible for monitoring and reviewing corporate governance arrangements. This committee is:
- The Audit and Governance Committee – responsible for approving the Y&NYCA's annual accounts and responding to the auditor's annual management letter. It also oversees the effectiveness of the Y&NYCA's governance and risk management arrangements, the internal control environment and associated anti-fraud and anti-corruption arrangements and
  - for promoting and maintaining high standards of conduct amongst Members, for advising the Y&NYCA on the adoption and revision of the Code of Conduct for Members, and for monitoring the operation of the Code.
- 9.8 Full terms of reference for this Committee is included in the Y&NYCA's Constitution. The Y&NYCA's members are informed of the work of this Committee through minutes submitted to the Y&NYCA.
- 9.9 The Y&NYCA will ensure that corporate governance arrangements are kept under continual review by updating, as appropriate, this Committee on:
- The work of Internal and External Audit
  - The opinion of other review agencies and inspectorates
  - Opinions from the Y&NYCA's Statutory Officers
  - General matters relating to the implementation of the Code
  - The production of the Annual Governance Statement and actions planned to address arising governance issues.

### **The Annual Governance Statement**

- 9.10 Each year the Y&NYCA publishes an Annual Governance Statement to accompany the Annual Accounts. The Statement provides an overall assessment of the Y&NYCA's corporate governance arrangements and how it adheres to the governance standards set out in this Code. Evidence relating to the principles of this Code is reviewed and analysed to assess the robustness of the Y&NYCA's governance arrangements.
- 9.11 The Statement includes an appraisal of the key controls in place to manage the Y&NYCA's principal governance risks and the effectiveness of systems and processes governing decision making and financial control. The Statement also provides details of where improvements need to be made. Actions to address significant governance issues are identified and recorded in an action plan. The Annual Governance Statement is audited by the Y&NYCA's external auditors as part of the audit of the annual accounts.



## **SECTION F ANTI-FRAUD & CORRUPTION POLICY**

### **1 Introduction**

- 1.1 The Y&NYCA Section 73 Officer, in conjunction with Chief Officers, is responsible for the development and maintenance of Y&NYCA anti-fraud and corruption policies and fraud risk management processes.
- 1.2 The Y&NYCA Audit and Governance Committee is responsible for obtaining assurance over Y&NYCA corporate governance and risk management arrangements, the control environment and associated anti-fraud and corruption arrangements.
- 1.3 The Y&NYCA is committed to ensuring that the people of York and North Yorkshire can have complete confidence that the affairs of the Y&NYCA, and its committees and joint committees are conducted in accordance with the highest standards of probity and accountability. The Y&NYCA is consequently committed to combating fraud and corruption, wherever it may arise, in relation to any of the Y&NYCA's activities.
- 1.4 The Y&NYCA expects Members and employees to demonstrate the highest standards of honesty and integrity. This includes compliance with appropriate legislation, Member and Employee Codes of Conduct, Standing Orders, Financial Regulations, conditions of service, standards of appropriate professional bodies, and any other standards, guidelines or instructions which are relevant to the service or activity.
- 1.5 The Y&NYCA is committed to establishing and maintaining effective arrangements to prevent fraud and corruption. The Y&NYCA recognises however, that in any large complex organisation there is an inherent risk of fraud and corruption and so effective arrangements have been established to detect and investigate all incidents or situations where fraud and corruption is suspected.
- 1.6 The Y&NYCA will not tolerate dishonesty on the part of any of the Members or employees of the Y&NYCA or any persons or organisations involved in any way with the Y&NYCA. Where fraud or corruption is detected the Y&NYCA will rigorously pursue appropriate action against the persons concerned including legal and/or disciplinary action.
- 1.7 The Y&NYCA is committed to creating and maintaining an anti-fraud and corruption culture. This includes establishing arrangements which enable officers, or other persons, to express concerns and suspicions without fear or repercussions or intimidation and in the knowledge that the information will be treated confidentially and will be investigated fully and rigorously.
- 1.8 The Y&NYCA is committed to working constructively with the police and other relevant agencies in relation to combating fraud or corruption within the Y&NYCA or within the wider community.

1.9 The Y&NYCA will seek to ensure that its stance on anti-fraud and corruption is widely publicised. All officers and Members of the Y&NYCA will be made aware of the anti-fraud and corruption policies and supporting procedures in respect of:

- Anti-Fraud and Corruption
- Anti-Bribery
- Anti-Money Laundering
- Whistleblowing

1.10 Policies and procedures are available on the Y&NYCA website.

# **SECTION G COMPLAINTS AND WHISTLEBLOWING**

## **1 Introduction**

- 1.1 The Y&NYCA wants to provide high-quality services for all members of the public and is committed to the highest possible standards of openness, probity and public accountability in discharging its functions. The Y&NYCA takes this commitment seriously. It has robust procedures to deal with the serious concerns of employees and others set out in its approach to whistleblowing, and complaints from members of the public in its complaints procedure.
- 1.2 Detailed policies dealing with both of these matters are available on the Y&NYCA's website, including signposting to specific services which now fall within the Y&NYCA's remit: for instance the Police and Crime Commissioner functions of the Y&NYCA (exercisable only by the Mayor), matters concerning the Y&NYCA's Fire responsibilities, as well as transport and matters concerning the Local Enterprise Partnership.

## **2 Whistleblowing**

- 2.1 The York and North Yorkshire Combined Authority is committed to the highest possible standards of openness, probity and accountability. The Y&NYCA Whistleblowing Policy is a vital part of our governance arrangements and is designed to allow employees or others, with serious concerns about any aspect of the Y&NYCA's work or that of its partners, to come forward and voice those concerns without fear of reprisal.
- 2.2 The Y&NYCA will seek to protect individuals who make certain disclosures regarding any instances of malpractice or wrongdoing and to seriously consider and investigate them in the public interest.
- 2.3 If an individual becomes aware of activities which they believe to be illegal, improper, unethical or inconsistent with this Constitution, individuals are encouraged to report their concerns in line with procedures set out in the Whistleblowing policy.
- 2.4 There are separate whistleblowing policies and referral processes in place for Y&NYCA, NYFRS and NYP respectively and referrals should be made to the relevant body.
- 2.5 The detailed policies and procedures in relation to the above are made available on the Y&NYCA website. Referrals will be handled as follows:
- 2.6 Whistleblowing concerns related to the Y&NYCA functions, including North Yorkshire Fire and Rescue Service will be dealt with in accordance with the respective Whistleblowing policies.
- 2.7 The Y&NYCA Audit and Governance Committee is responsible for reviewing the Whistleblowing Policies and approving any necessary changes. The Y&NYCA Section 73 Officer and relevant Chief Officer are responsible for monitoring the

effectiveness of the Whistleblowing Policy and process with periodic reports provided to the Audit and Governance Committee on the outcome of whistleblowing referrals.

- 2.8 The Y&NYCA Section 73 Officer is responsible for monitoring the effectiveness of the Whistleblowing Policy and process with periodic reports provided to the Audit and Governance Committee on the outcome of whistleblowing referrals. The Y&NYCA encourages anybody, employees and others, with serious concerns about any aspect of the Y&NYCA 's work or its partners, to come forward and voice those concerns without fear of reprisal.
- 2.9 The Y&NYCA will seek to protect individuals who make certain disclosures regarding any instances of malpractice or wrongdoing and to seriously consider and investigate them in the public interest.
- 2.10 If an individual becomes aware of activities which they believe to be illegal, improper, unethical or inconsistent with this Code, a whistleblowing referral should be made to the relevant body, namely Fire, Police or Y&NYCA respectively. The relevant Whistleblowing Policy along with contact information for each body can be viewed on the Y&NYCA website.

### **3 Complaints**

- 3.1 The Y&NYCA needs to know when things go wrong with our service. We are committed to putting you first and providing quality customer service. This includes:
- Dealing with any complaint quickly and fairly;
  - Keeping the complainant informed about what is happening with their complaint;
  - Treat the information given to us in line with data protection legislation;
  - Explaining the reason for our decision;
  - Use the information gathered through dealing with complaints to review and improve the way we provide services.

- 3.2 There are three stages to the Y&NYCA 's complaints procedure:

**Stage One - Informal Complaint:** where possible, the Line Manager of the Service or Officer that is the subject of the complaint will endeavour to resolve the issue.

**Stage Two - Formal Complaint:** If the Line Manager has not been able to help put things right, or the complainant is not happy with the result, the next step is to make a formal complaint. The complaint will be handled by a senior manager in the team being complained about.

**Stage 3 - Complaint Review:** If a complainant has been through Stages 1 and 2 of the complaints procedure and is still not happy with the results of the investigations, the Y&NYCA's Monitoring Officer to review your complaint.

- 3.3 The Y&NYCA is committed to dealing with all complaints fairly and impartially, and to providing a service to those who make them. However, there are occasions when contact from a complainant becomes too frequent or complex that it hinders our consideration of their complaints, or those made by other people. In such cases the Y&NYCA may take action to limit the contact the complainant has with the Y&NYCA. Such occurrences are rare, and the Y&NYCA will first write to the complainant to advise that their contact is no longer considered reasonable.

## **Section H: Y&NYCA International Visits Protocol**

### **1. Introduction**

- 1.1 The Y&NYCA has an ambition to be world renowned in many areas of its work, and therefore international visits may assist in achieving this outcome. The following protocol has been written to support officers and elected members to determine whether a visit is appropriate, understand the process for seeking authorisation and to be aware of the travel and subsistence allowance available.

### **2. Determining an appropriate visit**

- 2.1 When considering an international visit, it is important to consider the following issues, even if the visit is being paid for by a third-party organisation.
- Is the visit for the purpose of, or in connection to the discharge of functions for the Y&NYCA?
  - Consider and identify the relevant Combined Authority Officers and Members.
  - Does the visit support the Y&NYCA's low carbon ambitions? i.e. Could the same objectives be achieved through a telephone call or video call or is the trip essential?
  - Are there benefits to the Y&NYCA from the visit to the Y&NYCA's International Strategy from attending in person?
  - Determine who needs to attend in consultation with the Combined Authority Chair.
  - Identify budget from which the cost of the visit will be met
  - Use the Foreign Office website to check the latest travel advice to risk assess your visit i.e., are there political tensions, community unrest, areas to avoid etc.
  - Is the visit covered by the Y&NYCA travel insurance, if not, does there need to be an additional policy purchased?
  - Research which vaccinations and visas will be required.

### **3. Seeking authorisation**

- 3.1 Elected members representing the Y&NYCA should seek authorisation from the Head of Paid Service and Y&NY Mayor for any international visits. This should be done in writing before the trip is arranged or any tickets purchased. Air travel will only be approved in exceptional circumstances and with the authorisation of the Head of Paid Service and the Mayor, and also with the agreement of the Lead Members of the constituent authorities.
- 3.2 Officers of the Y&NYCA should first seek their Director's approval and then authorisation from the Head of Paid Service, in writing.
- 3.3 Upon presenting this request, the following details should be provided –
- Location
  - Length of trip

- Purpose of trip
  - Choice of travel (and cost)
  - Choice of accommodation (and cost)
  - Overall budget required
  - Means by which costs will be paid, i.e., is cash required
  - Consideration of the issues outlined in section 2 above
- 3.4 The choice of travel and accommodation should be in accordance with the Y&NYCA's Constitution guidance on travel and subsistence as outlined in section 4 of this protocol.
- 3.5 If leading a large delegation, further authorisation should be sought for -
- The parameters for booking a conference venue
  - The budget allocation for providing a corporate dinner
  - Confirmation as to whether the Y&NYCA will cover any additional costs for visas, vaccinations, travel, accommodation, subsistence etc

#### **4. Travel and subsistence**

- 4.1 For international visits, the most appropriate, efficient, environmentally sustainable and economical mode of transport e.g., air, sea, rail should be sought with the costs & source of funding identified.
4. Required vaccinations and visas should be sought by the individual and claimed back through the expenses process at their constituent authority.
- 4.3 The following extract from the Y&NYC's Constitution applies where appropriate

##### **Rail travel**

- 4.4 Members are expected to travel by standard class rail. First class travel is considered acceptable only in the following circumstances:
- Additional space and privacy is required during the journey to work
  - Where the cost of discounted first-class travel is less than that of the cheapest available standard class ticket
- 4.5 Rail tickets are available from the Y&NYCA office; however, members wishing to make their own travel arrangements (other than by private car) may claim a sum equal to the cost of the rail fare or their actual expenses, whichever is the lesser.
- 4.6 Expenditure may be refunded for: (i) Pullman car, seat reservation, deposit or portage of luggage; and (ii) sleeper reservation on overnight journeys; subject to a reduction by one third of any subsistence allowance payable for that night.

##### **Taxis**

- 4.7 The rate for travel by taxi shall be: (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and (ii) in any other case, the amount of the fare for travel by public transport.

## **Subsistence**

- 4.8 Foreign travel may require higher levels of subsistence to reflect the cost of living or ensure the most appropriate location is selected for accommodation and dining, in line with the completed risk assessment. However, such requests need to be outlined when seeking authorisation. In relation to day subsistence the Y&NYCA Constitution states:
- 4.9 Day subsistence rates are on a 'meals' basis, with eligibility based on the time of day the meal is taken and time away from home, as follows:
- Breakfast allowance (more than 4 hours away from normal place of residence before 11:00 am) £5.59
  - Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2:00 pm) £7.59
  - Tea allowance (more than 4 hours away from normal place of residence including the period between 3:00 pm to 6:00 pm) £3.06
  - Evening meal allowance (more than 4 hours away from the normal place of residence after 7:00 pm) £9.50
- 4.10 The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3-star hotel. The amount claimed should not be higher than the amount actually incurred and any reimbursement at a higher rate than is specified will only be permitted when prior agreement to the cost has been given by the Head of Paid Service Y&NYCA.
- 4.11 Meals provided free of charge. The rates specified above are to be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.
- 4.12 When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.
- 4.13 Claims / Payments Claims for payments under this scheme shall be made in writing to the Section 73 Officer / Finance Officer of the Constituent Council which has nominated the member to serve on the Y&NYCA, on a quarterly basis, in arrears, or at more frequent intervals if the member so chooses. Payments shall be made by the nominating Constituent Council on the same basis. All payments are rechargeable to the Y&NYCA by the Constituent Councils, on a quarterly basis.
- 4.14 The protocol applies the Constitution's guidance as above to both elected members and officers of the Y&NYCA.

## **5. Following the visit**



- 5.1 In order to evaluate the outcomes of the visit it is important that feedback is provided so that these can be measured against the original objectives of the visit and assurances can be provided for any future visits.

# **PART 8**

## **MEMBERS ALLOWANCES**

## A. Independent Remuneration Panel

1. **The York and North Yorkshire Combined Authority Order 2023** enables the Y&NYCA to establish an Independent Remuneration Panel (“IRP”) which may make recommendations to the Y&NYCA and to the constituent councils regarding the allowances payable to—
  - (a) the Mayor;
  - (b) the Deputy Mayor provided that the Deputy Mayor is not a leader or elected mayor of a constituent council or the Chair of the Local Enterprise Partnership;
  - (c) the deputy mayor for policing and crime provided that the deputy mayor for policing and crime is not a leader or elected mayor of a constituent council; and
  - (d) independent members and the Independent person.
2. The IRP must consist of at least 3 members, none of whom: -
  - (a) is also a member of the Y&NYCA or committee or sub-committee of the Y&NYCA, or a member of a Constituent Council; or
  - (b) is disqualified from being or becoming a member of the Y&NYCA
3. Subject to paragraph 4 below no remuneration is to be payable by the Y&NYCA to its members other than allowances for travel and subsistence.
4. The Y&NYCA may pay an allowance to those named in paragraph 1 (a) to (d) above but only if it has considered report published by the IRP which contains recommendations for the payment of such an allowance. Where the IRP recommends the payment of an allowance, the Y&NYCA must pay an allowance not exceeding the allowance recommended by the IRP.
5. *[The IRP has recommended an allowance for the Mayor of £ a year (subject to annual indexation), and this recommendation has been accepted by the Y&NYCA.]*
6. *The IRP has recommended:*
  - a. *an annual allowance of £ (£ - indexation 2022/23) be paid to the Independent Member appointed to the Y&NYCA Audit and Governance Committee;*
  - b. *an inclusive annual allowance of £ (£ - indexation 2023/24) be paid when the Chair of the Y&NYCA Audit and Governance Committee is an Independent Member;*
  - c. *[Need to consider position of Independent Member for Standards].*
  - d. *the Independent Person appointed under the Localism Act 2011 be paid the following annual allowance: £ (£ - indexation 2023/24).*
  - e. *That all these allowances be subject to annual indexation.] [Only to be added if an IRP meet and recommend, following approval by the Combined Authority.]*

## **B. MEMBERS ALLOWANCES SCHEME**

### **1. Interpretation**

In this Scheme “Year” means the 12 months ending on the Sunday after the first Thursday in May.

### **2. Renunciation**

A member may by notice in writing given to the Section 73 Officer elect to forego any part of their entitlement to an allowance under this Scheme.

### **3. Claims/Payments**

All claims relating to subsistence and travelling expenses must be supported by receipts.

### **4. Amendments to Scheme**

Amendments to this scheme can be made by the Y&NYCA at any time.

## **B. Allowance Payable to Mayor**

The allowance payable to the Mayor shall be £81,300 per annum and shall be index linked.

## **C. Allowances Payable to the Independent Members and Independent Person**

The allowances and remuneration paid to the Independent Members of the Audit and Governance Committee and the Standards Independent Person are indexed to the annual percentage cost of living increase that is applied each year as set by the National Joint Council for Local Government Services.

The allowances for Independent Members of the Audit and Governance Committee and the Standards Independent Person are paid from the date of their appointment in accordance with the provisions of the York and North Yorkshire Combined Authority Order 2023 that gives the Authority to pay such allowances including backdating.

## **D. Scheme of travel and subsistence allowance as authorised pursuant to the Order**

### **1. Definition of Qualifying Duties**

The definition of duties qualifying for the payment of travel and subsistence allowances shall include any duty carried out by any member of the Y&NYCA in accordance with a request, authorisation or designation by the Y&NYCA; or in accordance with a request by the Chief Officer for the

purpose of, or in connection with the discharge of the functions of the Y&NYCA .

## **2. Travel**

- (a) Members are expected to travel by standard class rail. First class travel is considered acceptable only in the following circumstances:
  - Additional space and privacy is required during the journey to work
  - Where the cost of discounted first-class travel is less than that of the cheapest available standard class ticket
- (b) Rail tickets are available from the Y&NYCA office; however, members wishing to make their own travel arrangements (other than by private car) may claim a sum equal to the cost of the rail fare or their actual expenses, whichever is the lesser.
- (c) Expenditure may be refunded for:
  - (i) Pullman car, seat reservation, deposit or portage of luggage; and
  - (ii) sleeper reservation on overnight journeys; subject to a reduction by one third of any subsistence allowance payable for that night.
- (d) The rate for travel by taxi shall be:
  - (i) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid; and
  - (ii) in any other case, the amount of the fare for travel by public transport.

## **3. Motor Mileage**

- 3.1 The authorised rate where members travel by their own car or van, or one belonging to a member of their family, or one otherwise provided for their use is 45p per mile (all engine sizes) up to 10,000 miles per annum.
- 3.1 The above rates may be increased:
  - (a) in respect of the carriage of passengers, not exceeding four, to whom a travel allowance would otherwise be payable, by [ ] pence per mile.

- (b) by the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

#### **4. Bicycle**

Members who travel to approved duties by bicycle will be reimbursed at a rate of [ ] pence per mile.

#### **5. Subsistence**

##### **Day Subsistence**

5.1 Day subsistence rates are on a 'meals' basis, with eligibility based on the time of day the meal is taken and time away from home, as follows:

- (a) Breakfast allowance (more than 4 hours away from normal place of residence before 11:00 am) [£5.59] [To be determined]
- (b) Lunch allowance (more than 4 hours away from normal place of residence including the period between 12 noon and 2:00 pm) [£7.59] [To be determined]
- (c) Tea allowance (more than 4 hours away from normal place of residence including the period between 3:00 pm to 6:00 pm) [£3.06] [To be determined]
- (d) Evening meal allowance (more than 4 hours away from the normal place of residence after 7:00 pm) [£9.50] [To be determined]

##### **Overnight Accommodation**

5.2 The cost of overnight accommodation will be paid where necessary at a reasonable rate for a 3-star hotel.

5.3 The amount claimed should not be higher than the amount actually incurred and any reimbursement at a higher rate than is specified will only be permitted when prior agreement to the cost has been given by the Y&NYCA.

##### **Meals provided free of charge**

5.4 The rates specified in 5.1 and 5.2 above are to be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

#### **6. Meals on Trains**

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

## **7. Claims / Payments**

Claims for payments under this scheme shall be made in writing to the Section 73 Officer of the Constituent Council which has nominated the member to serve on the Y&NYCA, on a quarterly basis, in arrears, or at more frequent intervals if the member so chooses. Payments shall be made by the nominating Constituent Council on the same basis. All payments are rechargeable to the Y&NYCA by the Constituent Councils, on a quarterly basis.

# **PART 9**

## **PCC & FRA FUNCTIONS**

### **GOVERNANCE DOCUMENTS**



## **1. Introduction**

1.1 The office of the Police, Fire and Crime Commissioner was established as a corporation sole by the Police Reform and Social Responsibility Act 2011 to employ staff and hold funds in their official capacity. However, following the introduction of an elected Mayor for York and North Yorkshire who exercises Police and Crime Commissioner (PCC) functions, with effect from 7 May 2024, the North Yorkshire Police area no longer has a Police and Crime Commissioner.

1.2 Instead, the Mayor is to be treated as Police and Crime Commissioner for the purposes of all Police and Crime Commissioner enactments (whenever passed or made). Any PCC function exercisable by the Mayor is to be taken as a function of the Y&NYCA exercisable by the Mayor acting individually or by a person under delegated arrangements. So, whilst any property, rights and liabilities may vest legally in the Y&NYCA as the corporate entity, it is the Mayor who has public accountability for the delivery and performance of the police service, in conjunction with a statutory duty and electoral mandate to hold the police to account on behalf of the public.

1.3 The s4A Fire and Rescue Authority was transferred into the PCC's functions and responsibility on 15 November 2018. The North Yorkshire Fire and Rescue Authority (NYFRA) has also been abolished with effect from 7 May 2024, with the fire and rescue function for North Yorkshire being passed to the Y&NYCA, which is a fire and rescue authority under the Fire and Rescue Services Act 2004 and has a statutory duty and electoral mandate to ensure an efficient and effective fire and rescue service. As a result, the NYFRA will be known from the 7 May 2024 as the Y&NYCA FRA.

1.4 The purpose of this statement is to give clarity to the way the Mayor, in exercising their PCC and fire and rescue functions will be governed to do business in the right way, for the right reason at the right time and clarity in the way that the Chief Constable, the Chief Fire Officer and the Mayor will also do such business to ensure efficiency, effectiveness and value for money.

1.5 In order to conduct their PCC and Fire and Rescue functions, support service collaborations are in place with Evolve Legal Services for PCC Functions (NYC provides Fire and Rescue legal support) and Enable NY.

1.6 Evolve Legal Services is a collaboration with the Chief Constables of Durham, Cleveland and North Yorkshire Police Forces and each respective Police and Crime Commissioner Offices, providing legal, insurance and disclosure services to support the police and crime function. The agreement has been made in accordance with Section 22A of the Police Act 1996.

1.7 Enable NY is a collaboration which provides support services in the areas of People Services, Finance, Assets and Information Technology. The agreement has been made in accordance with Section 1 of the Policing and Crime Act 2017 and supports both the PCC functions and the Fire and Rescue functions.

## **2. Statement of Corporate Governance**

2.1 The principal statutory framework within which the Combined Authority exercising their PCC or Fire and Rescue Functions will operate is:

- Fire and Rescue Services Act 2004 (FRSA04)
- Dealing with other types of emergencies, as specified by the Secretary of State in Statutory Instruments (Orders) made under the Fire and Rescue Services Act 2004
- Civil Contingencies Act 2004
- Police Reform and Social Responsibility Act 2011 (PRSRA11)
- The Policing and Crime Act 2017
- The Policing Protocol Order 2011
- Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017
- Regulatory Reform (Fire and Safety) Order 2005
- Crime and Disorder Act 1998
- Financial Management Code of Practice
- Strategic Policing Requirement
- Fire and Rescue National Framework for England 2018
- Local Government Finance Act 1992
- Health and Safety at Work Act 1974 and associated Regulations
- Local Government & Housing Act 1989

In each case as amended by (or otherwise in accordance with the provisions of) the York and North Yorkshire Combined Authority Order 2023 which makes provision for how the Police and Crime Commissioner and the Fire and Rescue Functions operate when they form part of the Combined Authority.

2.2 The core principles adopted are those highlighted by the Code of Corporate Governance, which can be found in Part 7, Section E of this Constitution.

## Mayor's PCC Functions - Scheme of Consent and Scheme of Delegation

### **3 Introduction**

3.1 This Scheme sets out the delegations by the Mayor to the Deputy Mayor for Policing and Crime, Chief Officers, Statutory Officers and other senior personnel. It complements the delegations by the Chief Constable, which is addressed within the Chief Constable's own scheme of delegation. It is supported by other instruments such as the Financial Regulations and contract Procedure Rules.

3.2 It aims to clarify those powers which, for the benefit of good business practice, are given to senior and statutory officers. The Mayor may limit these powers, where the law allows and/or withdraw delegation and the Mayor may impose reporting arrangements on any authorised powers.

3.3 Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Mayor, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office.

3.4 The powers given to officers should be exercised in line with the Mayor's delegation and consent, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets.

3.5 This Scheme does not identify all the statutory duties which are contained in specific laws and regulations.

### **4. Key Role of the Mayor**

4.1 The Combined Authority is the legal contracting body who owns all the assets and liabilities, and with responsibility for the financial administration of their office, the corporate support service and the Police Force, including all borrowing limits.

4.2 The Mayor will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. By law all funding for the Police Force must come via the Mayor. How this money is allocated is for the Mayor to decide in consultation with the Chief Constable, or in accordance with any grant terms.

4.3 The Police, Fire and Crime Panel is a check and balance on the Mayor when operating their Police and Crime Commissioner and Fire and Rescue Functions, through reviewing or scrutinising their decisions, including the Mayor's policing and crime precepts and police, fire and crime plans, conducting confirmation hearings and dealing with complaints against the Mayor when operating these Functions.

4.4 The Mayor will be responsible for handling complaints and conduct matters in relation to the Chief Constable and Chief Fire Officer and monitoring complaints against officers and staff. Both organisations are responsible for complying with the lawful requirements of the Independent Office for Police Conduct.

## **5. Key Role of the Chief Constable**

5.1 The relationship between the Chief Constable and the Mayor operating their Police and Crime Functions is set out in the Policing Protocol Order 2013.

5.2 The Chief Constable is responsible for maintaining the King'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.

5.3 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.

5.4 At all times, the Chief Constable, their Constables and staff remain operationally independent in the service of the communities they serve.

## **6. Consents to the Chief Constable of North Yorkshire Police**

### **General Powers of the Chief Constable**

6.1 The Police Reform and Social Responsibility Act 2011 (PRSA 2011) confers wide general powers on the Chief Constable and provides that the Chief Constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions.

### **Consent**

6.2 Section 18 of the PRSA 2011 prohibits the Mayor from delegating functions to the Chief Constable (or any constable) or to staff of a constable. However the PRSA 2011 provides for the Mayor to 'consent' to the Chief Constable and also provides for the Chief Constable to carry out their duty to assist in the exercise of the Mayor's Police and Crime Commissioner functions.

6.3 'Consent' refers to the provision of approval and agreement, particularly and especially after due and thoughtful consideration. Transactions entered into following 'consent' by the Mayor to the Chief Constable, will be in the name of the Chief Constable as a separate legal entity, as opposed to the name of the Mayor or Combined Authority (as would have been the case if the Chief Constable was permitted to give delegated authority and gave it).

6.3 The Mayor expects that the Chief Constable will want to further delegate many of the responsibilities that are consented to them from the Mayor. The Mayor expects that a formal scheme of delegation is put in place, in writing, that is updated annually and is consistent with the contents of this scheme of consent, the financial regulations approved by the Mayor and the Contract Standing Orders approved by the Mayor.

6.5 From the 1st April 2014 there was a transfer of staff from the employment of the former Police and Crime Commissioner to the employment of the Chief Constable. Known as the 'Stage 2' transfer, this process transferred some Police Staff contracts of Employment, from the Police and Crime Commissioner to the Chief Constable. Specific details were set out and agreed with the Home Secretary in line with the legislative requirement.

6.6 The restrictions placed on Chief Constables in terms of ‘contracts and other agreements’ (where they need the consent of the Mayor to enter into them) do not apply to contracts of employment and therefore the Chief Constable does not need the consent of the Mayor to employ staff.

6.7 As with any organisation the Chief Constable will be expected to exercise all the powers of employer of Police Staff, including engagement and dismissal, consideration of appeals by such staff, in respect of discipline, capability, grievance and grading.

6.8 The Chief Constable will be responsible for determining all matters in relation to Pensions for both Police Officers and Police Staff, unless legislation specifically requires a decision to be made by the Mayor. The Mayor expects that given the arrangements in place for the Local Government Pension Scheme that any decisions relating to this scheme being contemplated by the Chief Constable, as a scheme employer, is discussed with the Mayor so that a consistent approach is agreed and taken.

6.9 The Chief Constable will be expected to exercise all the powers of employer of Police Officers, including engagement and dismissal, consideration of appeals by such officers, in respect of discipline, capability, grievance and grading. In line with the PRSRA 2011 the Chief Constable is required to notify and consult, as appropriate, with the Mayor in relation to the appointment, suspension and/or removal of either a Deputy Chief Constable or an Assistant Chief Constable.

6.10 The Mayor expects that wherever possible that consistent ‘people’ policies, processes and procedures are maintained and adopted across the Combined Authority and North Yorkshire Police. To enable this to happen, the Mayor expects that the Corporate Director for the Office of Police, Fire and Crime be included on all policy consultations.

6.11 The Chief Constable is prevented from owning land by the PRSRA 2011 and therefore the ownership of all land remains with the Combined Authority. The Mayor consents to the Chief Constable using the land owned by the Combined Authority, which they hold for Police and Crime purposes, if they wish to do so, for the delivery of policing services in line with the Police and Crime Plan, and to enable the Chief Constable to exercise their functions.

6.12 The Mayor will not transfer the ownership of any of the buildings currently owned by the Combined Authority to the Chief Constable. The Mayor also does not provide consent to the Chief Constable to acquire any buildings in their own name. The Mayor does consent to the Chief Constable using any of the buildings owned by the Combined Authority, which they hold for Police and Crime purposes, if they wish to do so, for the delivery of policing services in line with the Police and Crime Plan, and to enable them to exercise their functions, but does so on the understanding that:

- a. The Mayor does not intend to transfer the ownership of any of the buildings to the Chief Constable.

- b. The Mayor does not intend to sell any of the buildings to the Chief Constable.
- c. The use of the buildings is reviewable by both parties.
- d. Any gains or losses in the value of the buildings accrue to the Combined Authority only.

6.13 The Mayor consents to the Chief Constable to exercise all powers, rights and duties in respect of buildings owned by the Combined Authority but being used by the Chief Constable (other than disposing of buildings).

6.14 The Mayor consents to the Chief Constable identifying, and disposing of, in the most economically advantageous way, any Police and Crime assets owned by the Combined Authority (which are not land and/or buildings) which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services, subject to the Scheme of Delegation below and compliance with any Financial Regulations or Contract Procedure Rules.

6.15 In order to respond to the strategic objectives set by the Mayor and the wide variety of challenges faced by the police every day, the Chief Constable is charged with day-to-day management of assets used by the Force.

6.16 The Mayor does not consent to the Chief Constable entering into contracts in their own name.

6.17 The Chief Constable is prohibited by law from entering into credit arrangements and therefore will be unable to enter into either PFI or Finance Leases in their own name.

6.18 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 staff within their force, the Chief Constable has day to day responsibility for financial management of the force provided that such responsibility shall be exercised in accordance with the law and within the Mayor's PCC Financial Regulations and Contract Procedure Rules and any relevant statutory guidance and codes of practice and within the agreed budget allocation and levels of authorisation issued by the Mayor.

6.19 The Chief Constable must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the Mayor. The Chief Constable is required by legislation to appoint a Chief Finance Officer who will have a personal responsibility for the proper financial administration of the Force and who will lead for the force on financial management.

6.20 When the Chief Constable intends to make a significant change of policy or seeks to move significant sums of their budget then the approval of the Mayor should be sought in line with the Mayor's agreed Financial Regulations.

6.21 The Chief Constable shall report to the Mayor, and inform the Mayor's Director of Resources, if it appears that expenditure is likely to exceed those resources allocated to them by the Mayor.

6.22 The Chief Constable is required to make the Mayor aware, and inform the Mayor's Director of Resources, of any decisions either made, or proposed, which they become aware of, that might involve unlawful expenditure or are likely to cause a loss or deficiency or an unlawful entry in the Accounts.

6.23 The Mayor expects that the money provided to the Chief Constable is spent in pursuit of the objectives as set out in the Police and Crime Plan and in line with the requirements placed on the Chief Constable by the Policing Protocol Order, the PRSRA 2011 and other legislation. The Mayor prohibits using any money provided to the Chief Constable from the Combined Authority on reviewing or contesting any decision of the Mayor.

6.24 The Mayor consents to the Chief Constable to approve the writing off of any debt owing from the Chief Constable's Staff or Police Officers (subject to the agreement of the Mayor's Director of Resources where any debt is in excess of £5,000).

6.25 The Mayor has the responsibility to commission services to address the causes and effects of crime and anti-social behaviour and does so in line with a Commissioning Strategy and Plan. As such the Mayor does not consent to the Chief Constable making any Grants and/or Contributions of a financial nature, to any organisation without the prior approval of the Mayor.

6.26 The Mayor consents to the Chief Constable to accept income, offers of sponsorship and gifts on behalf of the Mayor, where they relate to policing and crime, provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the Mayor may from time to time determine. Acceptance of the income however does not provide automatic authorisation to spend the income.

6.27 To avoid duplication and in the interests of efficiency and effectiveness the Mayor and Chief Constable have agreed that there is no requirement for the Chief Constable to have separate bank accounts. As such the Mayor does not consent to the Chief Constable having either temporary loans or overdrafts.

6.28 The Mayor consents to the Chief Constable to authorise payments to be made from the Combined Authority's PCC Function bank accounts, providing that joint banking arrangements are in place.

6.29 The Mayor does consent to the Chief Constable having credit cards in the name of the Chief Constable providing there are adequate policies in place for their use and appropriate checks and balances in place to oversee their usage.

6.30 The Mayor does consent to the Chief Constable having purchasing cards in the name of the Chief Constable providing they are used in accordance with both Contract Procedure Rules and that their use is adequately controlled with appropriate policies and checks and balances.

6.31 As a result of operating under one banking arrangement, the Chief Constable will not have any separate funds to invest and as such the Mayor does not consent to the Chief Constable making any investments.

6.32 It is recognised that, unless a power or function of the Chief Constable must, as a matter of law, be exercised personally by them; such functions may be exercised on their behalf by such officers and staff as the Chief Constable thinks fit. There are numerous functions and powers of the Chief Constable which, as a matter of everyday practice, are in fact exercised on their behalf by other officers and members of staff.

## **7. General principles of delegation**

7.1 The Mayor expects anyone exercising delegated powers or consents to draw to the attention of the Mayor any issue which is likely to be regarded as novel, contentious or repercussive before exercising such powers.

7.2 Delegations are set out in this Part. The Mayor may ask that a specific matter is referred to them for a decision and not dealt with under powers of delegation. This scheme also does not prevent an officer from referring the matter to the Mayor for a decision, for example, due to sensitivities of the matter or where there may be a significant financial implication.

7.3 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.

7.4 When a statutory officer (or an officer with a delegation of a statutory officer) is considering a matter that is within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.

7.5 All decisions officers make under powers given to them by the Mayor must be recorded and be available for inspection. It is sufficient for this recording to be an email, signed document, notebook entry and officers should exercise their own judgement when recording decisions.

7.6 In this document, any reference made to the statutory officers include officers and staff authorised by them to act on their behalf.

7.7 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme.

7.8 The Scheme of Delegation provides a member of staff with the legal power to carry out PCC functions of the Mayor. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- a. Police Reform and Social Responsibility Act 2011 and other relevant legislation issued under the Act (care must be taken to ensure that the PRSR Act 2011 is read in conjunction with the York and North Yorkshire Combined Authority Order 2023)



- b. Policing Protocol Order 2023
- c. Financial Regulations
- d. Financial Management Code of Practice
- e. CIPFA Statement on the role of the Chief Finance Officer in public service organisations
- f. APACE Statement on the role of the Chief Executive
- g. Contract Procedure Rules
- h. The Combined Authority's employment policies and procedures
- i. The Data Protection Act 2018 and the Freedom of Information Act 2000
- j. Health and safety at work legislation and codes

7.9 This Scheme, will be reviewed as part of the review of the constitution. This scheme does not permit any person, with appropriate authority, to delegate that power further, without the prior consent of the person holding the original delegation.

7.10 To enable the Mayor to exercise their functions effectively they will need access to information, and officers and staff exercising PCC functions. This access must not be unreasonably withheld or obstructed by the Chief Constable, but must not fetter the Chief Constable's direction and control of their force.

## Officer Scheme of Sub-Delegation – PCC and Fire and Rescue (FRA) Functions

**This scheme of sub-delegation relates to PCC functions and FRA functions only and does not relate to any other functions of the Mayor, or Combined Authority functions which are not Police and Crime Commissioner (PCC) or Fire and Rescue (FRA) functions.**

These arrangements are to have effect from 7 May 2024 until superseded by any subsequent scheme approved by the Mayor. This Scheme of Delegation replaces previous schemes in operation and reflects the obligations and needs of the Mayor.

Any reference to Finance Lead for the Office of Police, Fire and Crime is a reference to the Chief Fire Officer employed by Cleveland Police and Crime Commissioner who, by way of a collaboration agreement, provides Police, Fire and Crime financial services to the Combined Authority.

### 1. Introduction

1.1 This scheme of delegation provides authorised individuals with the legal authority to carry out specific Police and Crime functions (PCC Functions) and Fire and Rescue (FRA) Functions on behalf of the Mayor.

1.2 The PCC Functions are set out in Part 1 of the PRSA 2011) and the Schedules to it, as modified by the York and North Yorkshire Combined Authority Order 2023 (the 2023 Order) but are further specified, along with the FRA Functions, below.

1.3 The statutory powers of the Mayor to arrange for others to exercise PCC Functions are set out in section 18 of the 2011 Act. In addition, by virtue of section 14 of Schedule 1 of the 2011 Act, the Mayor may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions, subject to other provisions in the 2011 Act and any other enactments concerning the exercise of PCC Functions.

1.4 With the exceptions set out in this paragraph and in paragraphs 1.5 and 1.6 below, the Mayor may delegate PCC Functions or FRA Functions to a Deputy Mayor for Policing and Crime or arrange for any person to exercise any PCC Function or FRA Functions subject to any statutory exclusion. The Mayor cannot delegate their PCC Functions to:

- A constable;
- The Metropolitan Police Area Mayor's Office for Policing and Crime (as defined in the 2011 Act);
- The Metropolitan Police Area's Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime (as defined in the 2011 Act);
- A Deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009;
- The Mayor of London;

- The Common council of the City of London;
- Any other person or body which maintains a police force;
- A member of staff of any of the above;
- The Combined Authority.

1.5 The Mayor cannot delegate certain PCC Functions to anyone else. These functions are:

- Issuing the Police and Crime Plan;
- Appointing, suspending and requiring the Chief Constable to retire or resign;
- Calculating the PCC component council tax requirement.

1.6 The 2011 Act also specifies those functions which, if delegated, can only be delegated to a Deputy Mayor for Policing and Crime, namely:

- Determining police and crime objectives;
- Attending the Police, Fire and Crime Panel;
- Preparing an annual report to the Police, Fire and Crime Panel.

## 2. General principles of delegation

2.1 This scheme of delegation provides authorised officers with the legal authority to carry out specific PCC Functions and FRA Functions on behalf of the Mayor. Throughout this scheme the Mayor expects that any person carrying out the Functions on the Mayor's behalf, or making any related decision, will comply with statutory and regulatory requirements and within policies and strategies approved by the Mayor and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the Chief Constable or Chief Fire Officer.

**2.2 The Mayor expects anyone exercising delegated powers under this scheme to draw to the attention of the Mayor any issue which is likely to be regarded as novel, contentious or repercussive. In addition, the Mayor is ultimately accountable for the Police Fund, and for the Combined Authority's funds held for FRA Functions. Before any financial liability affecting the Police Fund that the Mayor might reasonably regard as novel, contentious or repercussive is incurred, prior written approval must be obtained from the Director of Resources. Delegations for such approval are set out in this scheme.**

2.3 It is recognised that, unless a power or PCC/FRA Function of the Mayor must, as a matter of law, be exercised personally by them, these functions may be exercised by officers that have been given delegated authority to act on the Mayor's behalf. These delegations are designed to assist the mayor in the performance of PCC and FRA Functions.

- 2.4 For the avoidance of doubt, any of the Mayor's Functions may be exercised directly by the Mayor at any time, irrespective of whether those functions, or matters ancillary to them, have been delegated to any other person.
- 2.5 In the Mayor's absence or where specifically authorised to do so by the Mayor, a Deputy Mayor for Policing and Crime may exercise any of those functions (except those functions which cannot be delegated as set out in paragraph 1.5).
- 2.6 The Mayor, or the Deputy Mayor for Policing and Crime, if authorised to do so by the Mayor, may at any time issue specific delegations to any person to exercise any of the Mayor's PCC or FRA Functions (unless prohibited by law).
- 2.7 No decision will be taken on behalf of the Mayor unless the relevant person has the power to do so as set out under the terms of this scheme and in accordance with the officer scheme of delegation below. The Monitoring Officer is responsible for overall adherence to this scheme.
- 2.8 All decisions authorised officers make under delegated authority given to them must be recorded and be available for inspection by the Mayor.
- 2.9 The scheme is intended to complement the Financial regulations and the Contract Standing Orders and to be read in conjunction with the Scheme of Consent to the Chief Constable, the Chief Fire Officer's scheme of delegation which can be found at part 3 of this Constitution and any other relevant arrangements adopted by the mayor.
- 2.10 The Statutory Officers of the Combined Authority have a duty consistently to monitor the effectiveness of this scheme and to recommend changes, as necessary, to the Mayor. It will be reviewed on an annual basis by the Statutory Officers and the Chief Constable's Chief Finance Officer as part of the annual review of financial management and internal control as required by the Accounts and Audit Regulations 2015 and the Financial Management Code of Practice.
- 2.11 Anyone authorised to exercise delegated PCC or FRA Functions under this scheme may make such arrangements as are necessary so as to ensure that those PCC or FRA Functions can be exercised properly by other qualified and/or experienced people and will make appropriate arrangements to cater for their absence. Those proposed arrangements must be made known to the Head of Paid Service and Monitoring Officer and also the person who has the original delegation from the Mayor prior to making such a delegation.
- 2.12 To exercise the PCC or FRA Functions effectively the Mayor will be provided with timely and secure access to all relevant information and data, where a lawful basis and appropriate gateway exist.

### 3. Delegations to the Deputy Mayor for Policing and Crime (if appointed)

- 3.1 The Mayor may appoint a Deputy Mayor for Policing and Crime to exercise their functions (except those which cannot be delegated, listed in paragraph

1.5). The Deputy Mayor for Policing and Crime can give consent to an officer with sub-delegated authority to carry out any PCC or FRA Functions with the exception of those listed in paragraph 1.6) in their absence (defined as leave or illness).

- 3.2 Subject to the overriding requirements of paragraph 2.2, the Deputy mayor for Policing and Crime is authorised to exercise or perform any or all of the PCC Functions of the Mayor (and FRA functions, if they have the authority to do so), with the exception of those listed at paragraph 1.5, in the Mayor's absence or as authorised by the Mayor.

Officer Scheme of Delegation – PCC Functions

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
1	To provide information to the Police, Fire and Crime Panel as reasonably required to enable the panel to carry out its functions.			Corporate Director for the Office of Police, Fire and Crime	
2	To exercise all of the Mayor's powers and duties in connection with Health and Safety.			Corporate Director for the Office of Police, Fire and Crime	
3	Responsibility for the corporate budgets allocated to Policing and Crime	To be exercised in accordance with the law, Financial and Contract Regulations and any relevant statutory guidance and Codes of Practice	Director of Resources	Corporate Director for the Office of Police, Fire and Crime	
4	To administer the Independent Custody Visiting Scheme, to determine the appointment and removal of Custody Visitors, and			Corporate Director for the Office of Police, Fire and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	to monitor service quality issues raised through the operation of the scheme				
5	To respond to consultations on proposals affecting the Mayor		Where appropriate Mayor, Director of Resources, Monitoring Officer and Chief Constable	Corporate Director for the Office of Police, Fire and Crime	
6	To make arrangements for the support of public communications and engagement.			Corporate Director for the Office of Police, Fire and Crime	
7	In connection with complaints and conduct issues against the Chief Constable:  To determine (and respond to the complainant accordingly) whether or not the Mayor is the appropriate authority to consider such a complaint;		Mayor	Corporate Director for the Office of Police, Fire and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	<p>To make decisions in dealing with complaints and conduct matters against the Chief Constable including:</p> <ul style="list-style-type: none"> <li>a. Recording decisions;</li> <li>b. Initial assessments;</li> <li>c. Suitability for local resolution;</li> <li>d. Referral to the IOPC;</li> <li>e. Referral to the CPS;</li> <li>f. Application to IOPC for dispensation or discontinuance;</li> <li>g. Appointment and briefing of investigator;</li> <li>h. Appointment of misconduct hearing or meeting members;</li> <li>i. Settling terms of the Mayor's representations to misconduct;</li> </ul>				

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	j. Securing representation at proceedings, meetings, appeals, hearing.				
8	To undertake the management of staff employed by the Combined Authority, in line with agreed policies and procedures.			Corporate Director for the Office of Police, Fire and Crime	
9	To consider and determine complaints against staff of the Combined Authority (except Corporate Director of Police, Fire and Crime) and Deputy Mayor) and to consider grievances made by such staff against other such staff.		Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
10	Determination of issues relating to conditions of service of staff of the Combined Authority	In accordance with law and policies adopted by Combined Authority	Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>
11	To appoint, suspend and dismiss staff		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
12	To bring national agreements on salaries, wages and conditions of staff	Any sensitive or major financial implications referred to Mayor for decision	Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
13	To approve payment under any bonus or performance-related payment schemes for staff, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
14	To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
15	To grant essential or casual car user allowances		Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
16	To approve the retirement of relevant staff on the grounds of ill-health and the payment or ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner.		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime
17	Responsibility for identifying and disposing of, in the most economically advantageous way, assets owned by the Mayor which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services		Head of Paid Service and Director of Resources	Corporate Director for the Office of Police, Fire and Crime	
18	To arrange for the Chief Constable to provide a rolling 5-year Estate plan incorporating and setting		Mayor will determine need for future asset purchases,	Corporate Director for the Office of Police, Fire and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	out the Chief Constable's estate needs.		investments and/or disposals		
19	To arrange for the Chief Constable to provide a rolling 5 year ICT plan incorporating and setting out the Chief Constable's ICT needs.		Mayor will determine need for future asset purchases, investments and/or disposals	Corporate Director for the Office of Police, Fire and Crime	
20	To arrange for the Chief Constable to provide a rolling 5-year Fleet plan incorporating and setting out the Chief Constable's Fleet needs.		Mayor will determine need for future asset purchases, investments and/or disposals	Corporate Director for the Office of Police, Fire and Crime	
21	Settlement of employment tribunal cases and grievances of staff	Except "exceptional" cases: <ul style="list-style-type: none"> <li>• high-profile Claimant;</li> <li>• public interest to the case;</li> <li>• exposure to serious public criticism or serious weakness in organisation or policies.</li> </ul>	Director of Resources and Head of HR  If exceptional, in addition to the above, Head of Paid Service and Mayor	Head of Paid Service	Corporate Director for the Office of Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
22	Determination of sums to be paid from Police Property Fund towards charitable purposes.  Determination of retention of property for police purposes.		Mayor	Director of Resources	Finance Lead Office for Police, Fire and Crime
23	In accordance with the Financial Regulations to move money or budgets between budget headings.			Director of Resources	Finance Lead Office for Police, Fire and Crime
24	Approve the arrangements for the treasury management functions, including day-to-day management, production of the treasury management strategy, and supporting policies and procedures.			Director of Resources	Finance Lead Office for Police, Fire and Crime
25	Approve arrangements for securing and preparing Mayor's police and crime accounts and seek assurances that			Director of Resources	Finance Lead Office for Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	there are appropriate arrangements in place for the preparation of the Chief Constable's accounts.				
26	Seek assurances that there are appropriate arrangements in place within the force for its financial management.			Director of Resources	Finance Lead Office for Police, Fire and Crime
27	Responsibility for all banking arrangements, together with creating, closing or authorising all bank accounts within police and crime directorate.			Director of Resources	Finance Lead Office for Police, Fire and Crime
28	Day to day financial management of all income received by the Mayor and the budget <u>not</u> provided to the Chief constable.			Director of Resources	Finance Lead Office for Police, Fire and Crime
29	To accept and manage any lawful grant awarded to the Mayor.			Director of Resources	Finance Lead Office for Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
30	Commit expenditure within the approved budget to meet the Mayor's police and crime policies and objectives.		Mayor	Director of Resources	Finance Lead Office for Police, Fire and Crime
31	To approve the writing off of any debt.	Subject to the Financial Regulations		Director of Resources	Head of Finance, Policing and Crime
32	Responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.			Director of Resources	Finance Lead Office for Police, Fire and Crime
33	Authorise payments, in relation to: <ul style="list-style-type: none"> <li>a. Payments to be made by law;</li> <li>b. Payments ordered by the Court;</li> <li>c. Payments due under any agreement.</li> </ul>			Director of Resources	Finance Lead Office for Police, Fire and Crime
34	Act as "Money Laundering Reporting Officer" under the Proceeds of Crime Act 2002 and Money			Director of Resources	Finance Lead Office for Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	Laundering Regulations 2003.				
35	Sign cheques on behalf of the Mayor.			Director of Resources	Finance Lead Office for Police, Fire and Crime
36	Determine when assets are surplus to requirements or obsolete and arrange for disposal in line with financial regulations			Director of Resources	Finance Lead Office for Police, Fire and Crime
37	To exercise responsibility for the corporate budget allocated to the Mayor's Policing and Crime functions.	Must be exercised in accordance with the law, Financial and Contract Regulations and any relevant statutory guidance and codes of practice		Director of Resources	Finance Lead Office for Police, Fire and Crime
38	Delete organisations from the list of organisations approved for the investment of monies by the Mayor.			Director of Resources	Finance Lead Office for Police, Fire and Crime
39	To exercise all of the Mayor's powers and			Monitoring Officer	Corporate Director for the



Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	duties in connection with equalities, Human Rights, Freedom of Information and Data protection legislation.				Office of Police, Fire and Crime
40	To sign all contracts on behalf of the Mayor			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
41	To affix the common seal of the Combined Authority to: <ul style="list-style-type: none"> <li>a. All contracts, agreements or transactions in respect of which there is no consideration;</li> <li>b. All deeds which grant or convey an interest in land;</li> <li>c. All documents where it is determined by the Monitoring Officer</li> </ul>			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	there is a particular need for the seal to be attached				
42	In addition to the powers set out in the Contract Regulations and Property Procedure Rules, to sign, execute and issue all legal documents necessary to implement decisions made by the Mayor			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
43	To consider whether to provide indemnity to the Mayor and deal with or make provision to deal with other matters arising from any proceedings relating to them.		Director of Resources	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
44	To consider and approve, provision of indemnity and/or insurance to staff		Director of Resources	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
					Deputy Monitoring Officer
45	To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.		Director of Resources and Head of HR	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
46	To review complaints of maladministration against the Mayor and to approve the provision of any remedy, financial or otherwise, should the complaint be found to have substance and should the complainant be found to have suffered injustice as a result.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
47	To approve payment to Officers in respect of unpaid Compensation Orders awarded to any			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	officer by an appropriate Court.				Deputy Monitoring Officer
48	To approve the financial settlement of all claims and requests for compensation against the Mayor in accordance with the Financial Regulations.		Director of Resources	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
49	To approve all requests for financial assistance to staff involved in legal proceedings or inquests.	Except “exceptional” cases:  <ul style="list-style-type: none"> <li>• high-profile Claimant;</li> <li>• public interest to the case;</li> <li>• exposure to serious public criticism or serious weakness in organisation or policies.</li> </ul>		Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
50	To authorise the institution, defence, withdrawal or settlement of any claims or legal		Director of Resources if significant	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	proceedings on the Mayor's behalf.		financial implications  Chief Constable as necessary		Deputy Monitoring Officer
51	To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Mayor.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
52	To authorise, pursuant to s223 Local Government Act 1972, any Officer of the Combined Authority to prosecute or defend or to appear in proceedings before any Magistrates Court or to conduct any such proceedings.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
53	To determine ex gratia payments in respect of loss or damage to the personal property of staff.		Director of Resources	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
54	To deal with all claims asserted against the Mayor.		Director of Resources if approval of financial settlement required	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
55	To initiate such proceedings or take such steps as they may consider necessary to secure the payment of any debt due to the Mayor.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
56	To take such steps as they may consider necessary to enforce or comply with any judgment obtained in any proceedings.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
57	To issue exemption certificates to staff employed by the Combined Authority whose posts would otherwise be politically restricted under the Local		Head of HR	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	Government and Housing Act 1989.				
58	Urgent decisions taken in the absence of the Deputy Mayor for Policing and Crime.		Mayor	Monitoring Officer (legal issues)  Director of Resources (finance issues).	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
59	Vetting decisions in respect of the Chief Constable (in accordance with prevailing College of Policing guidance)			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer
60	Vetting decisions in respect of staff within the OPFCC			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime  Deputy Monitoring Officer

## Officer Scheme of Sub Delegation – FRA Functions

**This scheme of sub-delegation relates to FRA functions only and does not relate to any other functions of the Mayor, or Combined Authority functions which are not FRA functions.**

These arrangements are to have effect from 7 May 2024 until superseded by any subsequent scheme approved by the Mayor. This Scheme of Delegation replaces previous schemes in operation and reflects the obligations and needs of the Mayor.

All Chief Fire Officer delegations are contained within Part 3 of this constitution (Responsibility for Functions), within section E, including E(6).

This scheme identifies the roles of Corporate Director for the Office of Police, Fire and Crime and the Finance Lead for the Office of Police, Fire and Crime. The detailed financial management responsibilities of these roles, in particular the Finance Lead for the Office of Police, Fire and Crime are set out in the Financial Regulations.

<b>Functions delegated to the Corporate Director for the Office of Police, Fire and Crime</b>	
1	To prepare the Fire and Rescue Plan for submission to the Mayor.
2	To provide information to the Police, Fire and Crime Panel, as reasonably required, to enable the Panel to carry out its function.
3	To sign contracts on behalf of the Mayor.
4	To affix the common seal of the Combined Authority to: <ul style="list-style-type: none"><li>a. all contracts, agreements or transactions in respect of which there is no consideration;</li><li>b. All deeds which grant or convey an interest in land;</li><li>c. All documents where it is determined by the Monitoring Officer that there is a particular need for the seal to be attached.</li></ul>
5	To consider whether, in consultation with the Chief Fire Officer, to provide indemnity to the Mayor and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
6	To consider and approve, in consultation with the Director of Resources, provision of indemnity and/or insurance to individual staff of the Mayor.
7	To respond to consultations on proposals affecting the Mayor, if necessary, after first taking the views of the Mayor, or the Director of Resources, as appropriate.



8	To consider, with the Mayor, any complaint made against the Chief Fire Officer, and where appropriate, to make arrangements for appointing someone independent to investigate the complaint.
9	To deal with strategic matters in respect of land or buildings and structures thereon, including purchase, sale, redesign and major configuration in conjunction with the Chief Fire Officer and Director of Resources.
10	To make arrangements for the support of public communications and engagement.
11	To make arrangements for the support to the Mayor in holding the Chief Fire Officer to account.
12	To be the Senior Information Risk Owner (SIRO) for the OPFCC.
13	The financial management responsibilities of the Corporate Director for the Office for Police, Fire and Crime are set out in the Financial Regulations.
14	To manage the budget of the OPFCC, along with the Director of Resources.
15	To appoint and dismiss staff employed within the OPFCC, in consultation with the Head of Paid Service.
16	To make recommendations to the Head of Paid Service with regard to staff of the OPFCC terms and conditions of service, in consultation with the Director of Resources.
17	To undertake the management of staff employed by the Combined Authority deployed to the OPFCC in line with agreed policies and procedures.
18	To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the OPFCC.
19	To bring national agreements on salaries, wages and conditions of staff of the OPFCC into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Head of Paid Service for a decision.
20	To approve payment under any bonus or performance-related payment schemes for staff approved by the Mayor, honoraria payments made for taking on extra duties and responsibilities, or similar special payments for staff in the OPFCC.

21	To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Mayor.
22	To grant essential or casual car user allowances for staff employed by the OPFCC.
23	To issue exemption certificates to staff employed by the OPFCC whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
24	To approve the retirement of relevant staff of the OPFCC 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 Mayor before implementation.
25	<p>In consultation with the Director of Resources and the Head of HR, the settlement of employment tribunal cases and grievances of staff employed by the OPFCC with the exception of those cases felt to be exceptional because:</p> <ul style="list-style-type: none"> <li>• They involve a high profile claimant</li> <li>• There is a particular public interest case</li> <li>• There is a real risk that there will be exposure to serious public criticism or serious weaknesses in the organisation or policies .</li> </ul> <p>In the event that the matter is exceptional, in addition to the consultation requirements above, the Head of Paid Service and the Mayor must also be consulted.</p>
26	To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
27	To consider all requests for financial assistance to staff related or connected to the Fire and Rescue Service involved in legal proceedings or inquests, in conjunction with the Chief Fire Officer.
28	To authorise, after consultation with the Chief Fire Officer, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Mayor's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the Monitoring Officer (and Director of Resources if there are significant financial implications).
29	To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Mayor.

30	To determine the outcome of an appeal, with the support of independent advisors, in respect of dismissals, individual grievances (Principal Officers only) and awards under the Firefighters' Pension Scheme.
<b>Functions delegated to the Finance Lead for the Office of Police, Fire and Crime</b>	
31	The Director of Resources, as the financial adviser to the Mayor has a statutory responsibility to manage the Mayor's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003 (as amended). The Director of Resources delegates such responsibility in relation to OPFCC functions, to the Finance Lead for the Office of Police, Fire and Crime.
32	To sign contracts on behalf of the Combined Authority, irrespective of the value once they have been approved, except those which are required to be executed under the common seal of the Combined Authority. In such cases the Corporate Director for the Office of Policing and Crime is authorised to sign and affix the seal.

## OPFCC Financial Regulations

- 1.1 These financial regulations form part of the overall control framework within which the Mayor of the Y&NYCA exercising their PCC functions and the Chief Constable for North Yorkshire operates. They aim to facilitate service delivery by setting out best practice for the administration of all financial matters throughout the organisations, thus ensuring a high quality of financial information and thereby enabling better decision making.

Matters which are of significant public interest (whether decisions of the Mayor, or of an Officer under delegated powers) must always be set out in a Decision Notice and published in accordance with the Scheme of Delegation & Consent.

Notwithstanding any provision in these Regulations, the Mayor expects the Chief Constable and persons exercising delegated powers, to draw to their attention issues which:

- are, or are in the professional judgement of the delegate likely to be, sensitive, contentious, novel or repercussive; or
- there is a real risk that the Combined Authority, the Mayor and/or the Chief Constable could be exposed to public criticism; or
- reveal serious weakness in the efficiency and effectiveness of policing; or
- it is otherwise considered prudent to do so.

and to seek the views of the Mayor on the issue in question.

- 1.2 The financial control framework can be seen as a hierarchy established as follows:

**Financial  
Management  
Code of  
Practice**

**Scheme of  
Delegation**

**Mayors PCC  
Contract  
Standing  
Orders**

**Financial  
Regulations**

The statutory Code of Practice for financial management within the police service issued under s17 Police Reform and Social Responsibility Act 2011

approved by the Mayor after consultation with the Executive Board

## **Devolved Resource Manual**

prepared and maintained by the Chief Constable's Chief Finance Officer in consultation with the Director of Resources.

All these control instruments will be reviewed as part of the annual review of the effectiveness of internal control mechanisms, as required by the Audit and Account (England) Regulations 2011.

- 1.3 The Scheme of Delegation defines the framework within which the powers to make decisions and/or take action are delegated to the appropriate level in the organisation. In particular the Scheme of Delegation requires all officers to act within the terms of these Financial Regulations in the exercise of their delegated powers.
- 1.4 The **Contract Regulations** define the correct procedures to be followed when the Mayor exercising their PCC Functions or the Chief Constable enter into any contractual arrangement and should be read in conjunction with these Regulations.
- 1.6 The **Devolved Resource Manual** is a comprehensive document detailing all aspects of financial systems and procedures and is designed for use on a day to day basis by staff involved in any aspect of financial administration. Any new or revised instructions on financial matters issued by the Director of Resources or the Chief Constable's Chief Finance Officer will be incorporated into the Devolved Resource Manual.
- 1.7 The **statutory responsibility** for the creation and maintenance of the financial control framework throughout the police service rests with the Y&NYCA's and Chief Constable's Chief Finance Officer/Director of Resources, as set out in the Financial Management Code of Practice. With the assistance of the Internal Audit Service, the Y&NYCA's and Chief Constable's Chief Finance Officer/Director of Resources will monitor adherence to these Financial Regulations.

## **2.0 DEFINITIONS**

- 2.1 For the purposes of these Financial Regulations, unless the context otherwise requires

**Budget Holder** is a post appointed as being responsible for managing a defined sum of money (i.e. budget).

**Budget** is a defined sum of money allocated to a budget holder for a specific purpose. Budgets can be capital or revenue.

**Project manager** is an officer who is responsible for the preparation, implementation and monitoring of a specific scheme.

**Annual Revenue Budget** is the estimate net revenue expenditure for any given year.

**Medium Term Financial Plan** is a multi-year assessment of the financial implications of the implementation of the Mayor's Police and Crime Plan and the needs of Operational Policing and will include:

- (a) The annual revenue budget
- (b) A plan of expenditure on capital schemes for the current year
- (c) A revenue financial forecast for the remaining years covered by the Plan
- (d) A plan of expenditure on capital schemes for the remaining years of the Medium Term Financial Plan
- (e) Current and future forecast reserve levels

**Capital Programme** is the plan of expenditure on capital schemes for the current year.

**Capital Plan** is the plan of expenditure on capital schemes for all the years of the Medium Term Financial Plan.

**Chief Officer** shall apply to any, or all, of the following officers:-

Monitoring Officer or their designated delegate, which would include the Corporate Director for the Office of Police, Fire and Crime  
Director of Resources or their designated delegate, which would include the Finance Lead, Office for Police, Fire and Crime

Chief Constable  
Deputy Chief Constable  
Assistant Chief Constable  
Chief Constable's Chief Finance Officer

**Director of Resources** refers to the officer appointed to exercise the powers defined in Section 71 of the Local Government Act 1985.

**Chief Constable's Chief Finance Officer** refers to the officer appointed by the Chief Constable to exercise the powers defined in Section 151 of the Local Government Act 1972.

**Leasing Agreement** is a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not necessarily pass to the Mayor at the end of the contract period.

**Officer** means any employee exercising their PCC functions or the Chief Constable or other authorised agent.

**Person** means any individual, partnership, company, trust, other local authority, Government department or agency.

**Property** refers to any estate or interest in land or buildings.

**Policy or policies** shall mean any Mayor or Chief Constable's commitment as expressed in financial terms.

- 2.2 Reference in these Regulations to the Director of Resources or the Chief Constable's Chief Finance Officer shall be taken to include such officers as are designated by those officers to undertake the duties and responsibilities set out in these Regulations, except in the case of the following Regulations:-

**Regulations 4.3, 4.4, 4.5, 4.6, 4.15, 16.4, 16.7, 20.6 and 21.1**

where delegation is not permitted.

A record of all duties and responsibilities as delegated under these Regulations is to be maintained, as appropriate, by those officers.

### 3.0 **POWERS AND DUTIES OF THE MAYOR**

- 3.1 Any power or duty of the Y&NYCA, Mayor and the Chief Constable in relation to these Financial Regulations may be exercised by an officer to which the Mayor or Chief Constable has delegated their powers in that regard.

### 4.0 **RESPONSIBILITIES**

#### Preamble

These Financial Regulations are made by the Combined Authority and the Chief Constable. They set out the working arrangements by which the Mayor when exercising their PCC functions and the Chief Constable gives effect to their statutory financial responsibilities under the Police Reform and Social Responsibility Act 2011, the Local Government Act 1972, the Local Government Finance Act 1982, the Local Government and Housing Act 1989, the Local Government Act 2003, as amended from time to time and also sets out the working arrangements, within the organisations of the Y&NYCA and the Chief Constable, of the statutory Code of Practice approved under s 17 of the Police Reform and Social Responsibility Act 2011.

#### Regulations

**NOTE: The following responsibilities of the Director of Resources and the obligation imposed by these regulations also apply to the Chief Constable's Chief Finance Officer where matters concern financial resources of the Chief Constable.**

- 4.1 The Director of Resources will, for the purposes of Section 73 of the Local Government Act 1985, be responsible for the proper administration of the Y&NYCA's financial affairs and the submission of reports to the Y&NYCA (or any of its constituent parts) as part of the discharge of that responsibility. The Chief Constable's Chief Finance Officer will, for the purposes of Section 151 of the Local Government Act 1972 be responsible for the proper administration of the

Chief Constable's financial affairs and the submission of reports to the Chief Constable (or any of its constituent parts) as part of the discharge of that responsibility.

- 4.2 The Director of Resources and the Chief Constable's Chief Finance Officer each have a statutory responsibility to ensure that adequate systems and procedures exist to account for all income due, and expenditure payments made on behalf of the Combined Authority and the Chief Constable respectively. Their responsibilities include to ensure that controls operate to protect the assets of the Mayor, Combined Authority and Chief Constable from loss, waste, fraud or other impropriety. In addition to these Regulations the Director of Resources and the Chief Constable's Chief Finance Officer may discharge that responsibility in part by the issue and maintenance of financial instructions with which any officer of the Combined Authority or the Chief Constable, together with any person employed by an organisation contracted to the Combined Authority or Chief Constable, shall comply, save that nothing in these regulations shall be read as having the effect of delegating the Director of Resources and Chief Constable's Chief Finance Officer's responsibilities under s151 of the Local Government Act 1972 .
- 4.3 The nature and format of all accountancy systems and related financial procedures and records must be in a form agreed with the Director of Resources and the Chief Constable's Chief Finance Officer who shall, at all times, have regard to the provision of Section 151 of the Local Government Act 1972, and such other statutory provisions which, from time to time, shall affect the financial administration of the Mayor exercising their PCC functions and the Chief Constable or their constituent services. The financial ledger maintained by the Chief Constable's Chief Finance Officer will be regarded as the primary financial record of the Combined Authority and the Chief Constable, both for actual expenditure/income transactions as well as budget allocations. The Director of Resources and the Chief Constable's Chief Finance Officer shall be consulted at an early stage regarding proposed changes to any financial systems, procedures or records and their approval obtained before such changes are implemented.
- 4.4 The Mayor shall ensure that the Finance Department, headed by the Chief Constable's Chief Finance Officer, is sufficiently resilient and resourced to meet all the recording and reporting requirements laid down by the Mayor, the Chief Constable, the Director of Resources and the Chief Constable's Chief Finance Officer. The Director of Resources and the Chief Constable's Chief Finance Officer must be assured that sufficient resources of adequately qualified staff are in place to ensure that the Combined Authority's and the Chief Constable's financial affairs are administered efficiently and effectively without recourse to excessive overtime or temporary secondment.
- 4.5 The Director of Resources and the S151 Officer for the Chief Constable shall be responsible for securing the production of and certifying the Annual Statement of Accounts in accordance with the Accounts and Audit (England) Regulations 2011 and shall also be responsible for all arrangements relating to the external audit of the Annual Statement of Accounts in accordance with those regulations. The



Director of Resources shall be responsible for financial information contained within any Statutory Plan published by the Mayor.

4.6 The Director of Resources and the Chief Constable's Chief Finance Officer shall, in compliance with Section 114 of the Local Government Finance Act 1988 report to the Combined Authority, Mayor and/or Chief Constable (as appropriate), External Auditors and the Police, Fire and Crime Panel, if the Mayor, the Chief Constable, an officer or any other person:-

- (a) has made or is about to make a decision which involves or would involve the Combined Authority or the Chief Constable incurring expenditure which is unlawful.
- (b) has taken or is about to take a course of action which, if pursued, to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the Combined Authority or Chief Constable, or
- (c) is about to enter an item of account, the entry of which is unlawful.

The Director of Resources and the Chief Constable's Chief Finance Officer shall also make a report to the Combined Authority, Mayor and/or Chief Constable (as appropriate), External Auditors and the Police, Fire and Crime Panel if it appears that the expenditure proposed by the Mayor and/or the Chief Constable (as appropriate) in a financial year is likely to exceed the resources available to it to meet the expenditure.

4.7 Without prejudice to their statutory responsibilities under s 151 of the Local Government Act 1972 and where appropriate, the Director of Resources and the Chief Constables Chief Finance Officer shall inform the Mayor and/or the Chief Constable (as appropriate) of their intention to take any action under Regulations 4.2 to 4.6 above.

4.8 Every Chief Officer and Budget Holder shall be responsible for the observance of these Financial Regulations within their service area and for the training of staff under their supervision to enable them to comply with these Regulations. This principle also applies to any Instructions, or guidance, published in the Devolved Resource Management manual, issued under the authority of these Regulations.

4.9 If any Chief Officer or Budget Holder employs a consultant, agency staff or an external contractor to undertake any duties which would normally be undertaken by an officer of the Y&NYCA or the Chief Constable they must ensure that every such person acts in accordance with these Regulations. It is the responsibility of the Chief Officer or Budget Holder (as appropriate) to ensure such persons are aware of this responsibility and are given training if appropriate to enable them to carry out these duties. Every agreement for such work should include adequate remedies to enable the Y&NYCA/Mayor or the Chief Constable to secure reimbursement if there is a failure to comply with these Regulations which leads to a financial loss for the Y&NYCA/Mayor or the Chief Constable.

4.10 The principles referred to in **Regulation 4.9** shall also be applied to any partnership or joint working arrangement with a third party whereby the Y&NYCA or the Chief Constable agrees to allocate to, or receive (and then administer) funds from, a third party under the terms of the partnership or joint working arrangement. No funds should be allocated to, or received from, a third party on this basis without the agreement of the Director of Resources or the Chief Constable's Chief Finance Officer, as appropriate, as to the financial systems and procedures that will be adopted either by the Y&NYCA, the Chief Constable or the third party where these differ from the normal arrangements as set out in the Devolved Resource Management manual. This Regulation shall be deemed to apply to any proposal where the Mayor receives and administers funds consequent upon applications for external funding by the Mayor and its partners.

4.11 Where appropriate, items requiring a decision, in line with the scheme of delegation, must contain a financial statement or appraisal setting out the full financial implications arising from any proposals contained within the report. Where such issues emanate from proposals from the Chief Constable, the financial statement or appraisal must be agreed by the Chief Constable's Chief Finance Officer, where appropriate in consultation with the Director of Resources in advance of the report being distributed to the appropriate decision making forum.

Such items requiring a decision may cover

- (a) a new policy
- (b) a variation of existing policy, or
- (c) a variation in the means or timescale for implementing an existing policy

which may increase (or decrease) net expenditure in the current or subsequent years.

4.12 Each Chief Officer and Budget Holder is responsible for the proper financial management of all resources allocated to them within their operational areas. They shall via the Devolved Resource Management manual devise and implement such controls and procedures, in consultation with the Director of Resources or Chief Constable's Chief Finance Officer as appropriate, as are necessary to carry out their duties and prevent loss, waste, fraud and other impropriety in relation to the assets or integrity of the Y&NYCA/Mayor.

4.13 Each Chief Officer shall agree with the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate, budgetary control procedures for the resources (revenue or capital) allocated to their operational area and ensure it is enforced. This includes identifying Budget Holders for every revenue budget head and capital scheme, and their limits of authority (see **Regulations 6.9 and 7.11**). The same principle shall apply to any funds allocated to, or received from, a third party under a partnership or joint working arrangement (see **Regulation 4.10**).

- 4.14 Failure to comply with these Regulations, and any related instructions or guidance contained in the Devolved Resource Management manual may lead to disciplinary action being taken against individual officers.
- 4.15 The Director of Resources and Chief Constable's Chief Finance Officer shall be responsible for monitoring adherence with these Regulations.

## **5.0 MEDIUM/LONG TERM FINANCIAL PLANNING**

### **Preamble**

In order for the Mayor and the Chief Constable to be able to plan the implementation of the Police and Crime Plan, and determine priorities for the allocation of resources, they undertake medium/long-term financial planning. The Y&NYCA/Mayor and Chief Constable will do this by preparing a Medium-Term Financial Plan for incorporation in the statutory Policing and Crime Plan. In accordance with the Mayor, the Chief Constable and the planning framework, this Plan will also incorporate HR, Estates, Assets and Information Systems strategies and the MTFP will take account of the financial implications of those strategies.

In complying with the following regulations, officers shall have regard to any agreed strategic planning framework and/or planning timetable which from time to time may be agreed by the Mayor and Chief Constable.

### **Regulations**

- 5.1 The Director of Resources and the Chief Constable's Chief Finance Officer shall, in consultation with the Chief Officers, secure the preparation of a Medium-Term Financial Plan for consideration and approval by the Mayor in consultation with the Chief Constable.
- 5.2 The Director of Resources in consultation with the Chief Constable's Chief Finance Officer shall determine the format of the Medium-Term Financial Plan and the timing of reports relating thereto, subject to any overriding requirements of the Mayor and the Chief Constable, but at the very least it shall be reviewed on a quarterly basis by the Mayor and the Chief Constable.
- 5.3 The Medium-Term Financial Plan shall include the financial effects of all known commitments and anticipated resourcing levels in a multi-year period, together with any proposals for significant changes to the level of existing services, or for developing new services.
- 5.4 For the purposes of this Section of the Regulations the duration of the 'multi-year' period shall be determined, from time to time, by the Mayor and Chief Constable based upon advice provided by the Director of Resources and the Chief Constable's Chief Finance Officer.

## **6.0 REVENUE BUDGET**

## **Preamble**

The Revenue Budget sets out the financial implications of delivering the statutory Policing and Crime Plan. Once approved it gives the power to incur expenditure, and collect income, and also provides the basis on which financial performance will be monitored. These Regulations provide a comprehensive framework for the preparation, monitoring and reporting of the Revenue Budget against these criteria.

These regulations seek to provide for those working for the Y&NYCA/Mayor exercising their PCC functions and Chief Constable to exercise as much day to day responsibility for financial management as possible within the framework of the statutory Protocol and agreed budget and rules of virement (if any). As described below, once an annual budget has been approved, only when significant changes of policy are envisaged or when significant sums are involved should approval be sought once more.

## **Regulations**

### **Budgetary Control Principles**

- 6.1 The Regulations in this Section are based on the following budgetary control principles established by the Y&NYCA/ Mayor.
- (a) any under or overspending of Revenue Budget at the financial year end may be carried forward subject to approval by the Mayor after consultation with the Executive Board.
  - (b) mechanisms shall be defined in the Devolved Resource Management manual and endorsed by the Director of Resources and the Chief Constable's Chief Finance Officer to ensure budgetary monitoring and control is carried out on a regular basis. The mechanisms will specify the manner in which the DRM applies to the business of the Mayor in exercising their PCC functions.
- 6.2 During the financial year the Mayor and Chief Constable will have overall responsibility for all aspects of their respective Revenue Budgets. To the extent therefore that any financial matter(s) arising during a given financial year cannot be resolved within the OPFCC or the Chief Constable, using the powers/responsibilities defined in this Section of the Regulations, such matter(s) shall be brought to the attention of the Chief Constable's Chief Finance Officer and the Director of Resources at the earliest opportunity. Where, in the professional opinion of the relevant Chief Finance Officer/Director of Resources the sums are considered to be significant, the details shall be reported to the Mayor or the Chief Constable.

### **Structure of the Revenue Budget**

- 6.3 The Mayor will, on the advice of the Director of Resources, propose to the Police, Fire and Crime Panel and thereafter agree an overall council tax requirement for

the following financial year and a consequent annual Precept (see **Regulation 6.4 et seq**). They will also approve the Chief Constable's proposed allocation of resources for policing purposes, as set out in a format agreed by the Chief Constable's Chief Finance Officer and the Director of Resources and an allocation of resources for the Mayor's own purposes, as set out in a format agreed by the Monitoring Officer and the Director of Resources.

Budget Holders will be notified of budget allocations, as soon as practical following the fixing of the Precept and no later than the day before the start of the new financial year to which they apply.

The Chief Constable's Chief Finance Officer will maintain a schedule of Budget Holders and their approved delegated budgetary amount, which will be updated from time to time during the year as budget amendments are agreed.

### **Setting a Budget/Precept**

- 6.4 As soon as practicable following the start of the financial year and in consultation with the Chief Constable's Chief Finance Officer, the Director of Resources shall specify the process to be followed for the preparation of the following years Revenue Budget and the timing and format of reports relating thereto, subject to any overriding requirements of the Mayor.
- 6.5 The Director of Resources shall be responsible for submitting any reports regarding the overall Revenue Budget of the Mayor that will enable the Mayor to comply with their statutory responsibility to determine an annual Precept. These will include a review of the robustness of estimates and the appropriateness of the level of reserves. Once the Precept has been determined by the Mayor, it shall be the responsibility of the Director of Resources to notify the collecting authorities.
- 6.6 As part of the process and in advance of approving the overall Revenue Budget the Chief Officers, in consultation with the Chief Constable's Chief Finance Officer and the Director of Resources, shall define the arrangements whereby each Budget Holder prepares its own service plan and budget for consideration by the Chief Constable; these arrangements will be so defined as to fulfil the functions referred to in **Regulations 6.3, 6.4 and 6.5**.

### **Incurring expenditure/collecting income**

- 6.7 From the start of each financial year subject to **Regulation 6.3**, expenditure may be incurred and income collected by Budget Holders within the overall approved Revenue Budget.
- 6.8 Commitments on behalf of the Mayor and the Chief Constable to spend shall only be made against approved budgets in accordance with **Regulation 6.3** and in accordance with the purposes for which the budget was established. Any significant commitment to continuing liabilities (including establishment changes) which will increase the budget provision in future years, or any proposed change in policy likely to affect the current approved budget and/or the Financial Forecast

(see **Regulation 5.3**) shall be subject to the prior approval of the Mayor. Such proposals may relate to expenditure and/or income and this should be made explicit in any statement of financial implications (see **Regulation 6.2**).

- 6.9 The Director of Resources and the Chief Constable's Chief Finance Officer are authorised to accept income, grants, offers of sponsorship and gifts for police purposes on behalf of the Mayor and the Chief Constable respectively provided that decisions taken in this regard are in accordance with the law and with the agreed policies on Income Generation and Cost Recovery, which the Mayor will review annually in consultation with the Executive Board.
- 6.10 The Director of Resources and the Chief Constable's Chief Finance Officer are authorised to give approval to charge for or not to charge for policing services to external bodies in accordance with the law and with the agreed policies on Income Generation and Cost Recovery, which the Mayor will review annually in consultation with the Executive Board.

### **Budgetary Control**

- 6.11 Budgetary control must be effected in accordance with the procedures in **Regulation 4.13** and in particular as set out in the Devolved Resource Management manual.

### **Grant Applications and Claims**

- 6.12 The Director of Resources or the Chief Constable's Chief Finance Officer shall be consulted, and certify if necessary, any application for revenue grant or external funding.
- 6.13 The Director of Resources or the Chief Constable's Chief Finance Officer shall be responsible for the completion (where appropriate), authorisation and submission of any revenue grant or external funding claim forms to the relevant organisation(s) and if necessary the External Auditor, in accordance with any guidelines applicable to the claim(s) in question.

### **Outturn**

- 6.14 In accordance with the requirements of the Accounts and Audit (England) Regulations 2011 in the context of the preparation of final accounts, with the assistance of all Chief Officers the Director of Resources and Chief Constable's Chief Finance Officer shall each report to the Mayor and the Chief Constable respectively on the outturn of income and expenditure, as soon as practicable after the end of the financial year.

## **7.0 CAPITAL PROGRAMME AND PLAN**

### **Preamble**

Capital expenditure is a necessary element in the development of the police service since it generates investment in new, improved and replacement assets.

These Regulations provide a framework for the preparation and appraisal of schemes proposed for inclusion in the Capital Plan, appropriate authorisations for individual schemes to proceed and facilitate the overall management of the Capital Programme and Plan within defined resource parameters.

The Regulations in this Section are based on the following principles established by the Mayor:

- (a) individual schemes shall be part of an approved Capital Plan before they proceed. The Capital Plan must be reconciled to the anticipated resources available as identified in the Medium Term Financial Plan;
- (b) a scheme is defined as either;
  - (i) a specific project required to be individually listed in the Capital Plan; and/or
  - (ii) a rolling programme, which is an ongoing programme of planned expenditure for a designated purpose;
- (c) a specific scheme can be either:
  - (i) “firm” – the scheme has been approved in accordance with Regulation 7.5.

Firm schemes are considered to be part of the approved budget and expenditure against the scheme can be commenced; or

- (ii) “draft” – the scheme is at an early stage of planning, and has been authorised as set out in Regulation 7.5 for inclusion in the Capital Plan as “draft”.

Expenditure will not be incurred against draft schemes.

- (d) rolling programmes for the next five years will be presented to Executive Board annually as part of the budget process, and once approved will be “firm” as defined above for one year only. Rolling programmes for future years will be “draft”.

## Regulations

### **Budgetary Control Principles**

- 7.1 Mechanisms shall be defined by the Chief Constable’s Chief Finance Officer via the Devolved Resource Management manual in consultation with the Director of Resources to ensure that expenditure and income, are monitored and controlled.
- 7.2 Over/underspends

- (a) Any slippage of expenditure against firm schemes at the financial year end may be recommended by the Budget Holder to be carried forward, subject to Director of Resources approval.
- (b) Any underspends against firm schemes at the financial year end will by default be given up. Budget Holders may request a carry forward for a specific purpose related to the original business case. Such requests will be considered and approved in accordance with the principles outlined in Regulation 7.5.
- (c) Any anticipated overspends in respect of firm schemes by more than the lower of 10% and £100,000 will require the approval of the Director of Resources, with retrospective reporting to Executive Board via MTFP reports. Projects expenditure will be paused until such approval has been received.

7.3 Any scheme specific funding must be compatible with the Treasury Management Policy Statement of the Mayor (see **Regulations 16.3 and 16.7**).

### **Approving a Capital Plan**

7.4 The Mayor's Director of Resources shall determine the format of the Capital Plan.

7.5 The Chief Constable's Chief Finance Officer will prepare and update the Capital Plan.

- (a) Individual schemes will be approved for inclusion in the Capital Plan as follows:
  - Following confirmation by Executive Board that the scheme fits the strategic direction of the organisation. Schemes will be approved by Executive Board as either "draft" or "firm", as defined in Regulation 7.0.
  - Schemes will only be approved as firm where:
    - They are a rolling programme approved by Executive Board; or
    - They are an allocation of funding for small schemes of the Chief Constable; or
    - A business case has been prepared and approved

And

- The Director of Resources or the Chief Constables Chief Finance Officer (for schemes up to £250,000) has confirmed that funding is available and borrowing limits will not be breached as a result of the scheme; and
- A Senior Officer has been identified as project sponsor and Budget Holder.



- All other schemes will be “draft” and will not become “firm” until the above requirements are met.
  - The Chief Constables Chief Finance Officer will maintain a schedule of Budget Holders and their approved delegated budgetary amounts, which will be updated from time to time during the year as budget amendments are agreed.
- (b) A business case will be in a format to be agreed by the Chief Constable’s Chief Finance Officer and the Director of Resources and published from time to time.
- (c) Business cases will be approved by:
- The Executive Board where the scheme is either
    - A new scheme; or
    - A scheme that was previously approved in principle by Executive Board with the proviso that the Business Case would be presented to Executive Board for approval.
- Or
- A Chief Finance Officer/Director of Resources where the scheme was previously approved to go ahead by Executive Board subject to approval of a business case by a Chief Finance Officer/Director of Resources. Such approval to be given by the Chief Constables Chief Finance Officer (for schemes up to £250,000) or the director of .
- (d) Delegations to the Chief Finance Officer/Director of Resources under **Regulation 7.5 (c)** and under **Regulation 7.8** will be subject to retrospective reporting to the Mayor at the Executive Board and in the MTFP..

7.6 The Capital Plan and Capital Programme shall be approved annually by the Mayor at the same time as they exercise their responsibility under **Regulation 6.3** and at such other times as is deemed appropriate by the Mayor, as part of the approval of the Medium Term Financial Plan.

An approval under **Regulation 7.5(c)** constitutes an approval of items within the plan by the Mayor.

### **Incurring expenditure against the Capital Plan**

7.7 Approval of the Capital Plan by the Mayor under **Regulation 7.6** shall provide the following authorisation to the Budget Holder appointed for the scheme subject to the satisfactory completion of the financial controls included in the business case:

- (a) Current Year (Capital Programme):

- (i) commence expenditure against schemes and rolling programme included in the Plan and to continue to incur expenditure on each scheme in progress at the start of the financial year;

providing in all cases that total expenditure on an individual scheme or rolling programme does not exceed the sum contained in the approved Plan for that scheme by more than the lower of 10% and £100,000 and all necessary approvals have been received, where appropriate, from Government Departments and/or any external funding agencies (see **Regulation 7.14**);

- (ii) On the authorisation of the Chief Constables Chief Finance Officer (up to £25,000 per scheme) or the Director of Resources (over £25,000 per scheme) commence expenditure against the allocation of funding for small schemes of the Chief Constable;

Providing that total expenditure against the allocation of funding for small schemes of the Chief Constable does not exceed the allocation.

- (iii) the approval in (i) is subject to any additional expenditure on an individual scheme being met from within the sum total of the Capital Plan expenditure limit for that year (as originally approved, or subsequently amended) as defined under **Regulation 7.5**;
- (iv) to collect all grant and other income related to expenditure incurred on schemes in that year.

(b) Subsequent Years:

- (i) to make any arrangements necessary for site purchase, to seek planning permissions, to incur professional fees and preliminary expenses as appropriate and to seek any necessary approvals from Government Departments and/or external funding agencies.

This approval is subject to any expenditure being met from within the Capital Plan expenditure limit for the year in which it is incurred.

7.8 The approval of the Director of Resources will be required if:

- (a) any increase/decrease in the previously approved Capital Plan expenditure limit is necessary as a result of either:
  - (i) the cost variation on an individual scheme exceeding the parameters defined in **Regulation 7.7**;
  - (ii) the deletion or material modification of an existing approved scheme;
  - (iii) the loss or revision of any funding which materially affects the ability to undertake the approved Capital Plan;

- (b) the committed expenditure in later years of the Capital Plan is increased for any of the reasons listed under (a) of this Regulation;
- (c) an individual scheme requires expenditure in addition to any arising from the provisions in **Regulation 7.7(b)** to be committed more than one financial year in advance of the financial year in which the actual costs will be incurred;

The approval of the Chief Constable's Chief Finance Officer will be required if:

- (d) there is a proposed transfer of resources within an approved scheme between the Revenue Budget and the Capital Plan;

### **Monitoring of the Capital Plan**

- 7.9 Once the Capital Plan has been approved, the Director of Resources and the Chief Constable's Chief Finance Officer shall define, in the Devolved Resource Management manual, a budgetary control policy and the Chief Constable's Chief Finance Officer shall ensure it is enforced.
- 7.10 The Senior Officer designated as Budget Holder for each Scheme shall identify a responsible Project Manager for each scheme and define the limits of their budgetary authority (see **Regulation 4.13**). Throughout the year each designated Project Manager shall monitor expenditure, and if appropriate grant and other income, on a scheme by scheme basis.
- 7.11 The Chief Constable's Chief Finance Officer shall provide financial advice to assist Budget Holders and Project Managers to fulfil their responsibilities.
- 7.12 Project Managers shall supply the Chief Constable's Chief Finance Officer with sufficient information, as and when required, to enable accurate cost/income profiling and/or financial projections of scheme costs/benefits/income to be undertaken.
- 7.13 Budgetary control during a financial year shall be undertaken by Budget Holders as follows:
  - (a) a Budget Holder shall maintain an ongoing review of all aspects of the Capital Plan for their Area/Department; this review to be undertaken in conjunction with the relevant Project Managers, and the Chief Constable's Chief Finance Officer;
  - (b) the results of (a) to be reported at least quarterly to the Mayor via the Director of Resources;
  - (c) that arising from (b) the Project Manager will be expected to bring to the early attention of the Chief Constable's Chief Finance Officer any significant matters which if left unresolved may lead to a scheme budget overspending together with proposals to address that potential situation (see **Regulations 7.7/7.8**);

- (d) the Director of Resources and the Chief Constable's Chief Finance Officer shall report to the Mayor on matters arising from (a) to (c) above in accordance with **Regulation 7.15**.
- 7.14 If expenditure in excess of the approved Capital Plan expenditure limit for that year is incurred due to an emergency, this expenditure must be reported to the Director of Resources or Chief Constable's Chief Finance Officer as soon as practicable, who will then report to the Mayor as soon as possible.
- 7.15 Monitoring of capital plan expenditure (revenue and capital expenditure) will be undertaken as follows:
- (a) Monthly by the Chief Constable's Chief Finance Officer. Any significant slippage will be highlighted and an action plan to rectify the situation put in hand in respect of each relevant project.
  - (b) Quarterly as part of the Performance Update Report to the Executive Board.
  - (c) Quarterly to the Corporate Performance and Coordination Group (or its successor), as part of the Budget Outturn report.

## **8.0 PROCUREMENT OF GOODS AND SERVICES AND ACQUISITION OF PROPERTY**

This Section of the Regulations refers to the arrangements under which Budget Holders shall undertake the procurement of the goods and services they require. These Regulations should be read in conjunction with the **Mayor's PCC Contract Standing Orders**, which describe in detail the procedures officers must follow when procuring the required goods and services. In addition, these regulations should be read in conjunction with the **PROPERTY PROCEDURE RULES** which describe in detail the procedures officers must follow when considering acquiring, disposing of or redeploying land and buildings.

Wherever possible and appropriate, Budget Holders should seek to complete a procurement process and enter into a contract for the supply of goods or services, rather than complete a one off purchase. This will benefit NYP and the Budget Holder and other NYP Budget Holders who may require access to similar goods or services in the future.

### **Responsibilities of a Budget Holder**

- 8.1 A Budget Holder shall be responsible for:
- (a) the procurement of all goods and services, within the approved revenue or capital budget for which they have been appointed as Budget Holder, subject to any additional requirements of the Contract Standing Orders or the Property Procedure Rules;

- (b) ensuring that goods and services ordered provide value for money to the organisation;
- (c) bringing any conflict of interest in their involvement in the procurement process to the attention of the Monitoring Officer, the Director of Resources or the Chief Constables Chief Finance Officer;
- (d) ensuring that goods and services ordered are received and are of the correct quality;
- (e) ensuring that goods and services are only procured if there is budgetary provision to cover the associated costs (see **Regulation 7.8**);
- (f) adherence to the approved Procurement Strategy of NYP;
- (g) the certification of invoices in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer and included in the Devolved Resource Management manual.

## 8.2 The Mayor's PCC Contract Standing Orders

These cover procedures for contracts in excess of £50,000. These regulations do not refer to contract exemptions (except Single Tender Actions) and variations, extensions or terminations of contracts. These will be authorised in accordance with the NYP financial limits in the Mayor's PCC Contract Standing Orders.

Where the contract value is less than £50,000 the NYP P2P team will advise the Budget Holder as required on the appropriate procurement process.

## 8.3 Relevant authority in accordance with these Financial Instructions

8.3.1 The Mayor's PCC Contract Standing Orders do not provide for contracts less than £50,000 and direct the reader to the relevant authority in accordance with financial instructions. Contracts, contract exemptions and variations, extensions or terminations of contracts that are under £50,000 will be authorised as follows:

* Estimated Value £	Quotation/ Tender Requirements	Levels of Delegated Authority and Contract Signature Thresholds
<10,000	Three quotations shall be obtained, preferably in writing or obtained from catalogues or price lists. Evidence of competition shall be retained locally.	Purchase orders and contracts to be approved the budget holder, subject to Regulation 8.1 below.
10,000 – 50,000	Three quotations in writing or references	Purchase orders, requisitions and contracts

	to three supplier catalogues shall be obtained. Evidence of competition shall be retained locally.	to be approved the budget holder, subject to Regulation 8.1 below.
Contract exemptions (except Single Tender Actions) and variations, extensions or terminations of contracts:		To be approved by the budget holder, subject to Regulation 8.1 below.
Single Tender Actions up to £50,000, subject to 8.3.2 below		To be approved by: <ul style="list-style-type: none"> <li>• The budget holder up to £10,000</li> <li>• the Chief Constables Chief Finance Officer or the Director of Resources</li> </ul>

\* Estimated values are calculated over the life of the contract

8.3.2 Single Tender Actions are not required for expenditure of various types where there is demonstrably only one supplier able to provide the desired goods or service, and the expenditure is for a specific type of expenditure on a list approved and updated from time to time by the Chief Constables Chief Finance Officer in consultation with the Director of Resources, and included in the Devolved Resource Manual.

8.3.3 The Mayor requires that before commissioning in house procurement activity for goods services and/or works, approval is required by the budget holder where the anticipated value is up to £50,000.

8.3.4 The Mayor does not mandate the completion of a procurement process summary for contracts subject to an internal procurement process, but budget holders are encourage to consider whether it would be good practice to prepare a summary to document the procurement process.

8.3.5 Contracts in respect of which expenditure is less than £50,000 will be signed by:

- the budget holder where the terms and conditions are standard North Yorkshire Terms and Conditions;
- the Force Solicitor where the Terms and Conditions are non-standard.

### **Payment of Accounts**

8.4 The Director of Resources shall arrange the payment of all invoices, which are certified duly payable.

### **Leasing Agreements**

- 8.5 The Director of Resources shall undertake the negotiation of terms for, and authorise the leasing of, NYP assets which the Mayor, or a Budget Holder within the context of their budgetary responsibility, has decided to acquire where the main purpose of the leasing agreement is to finance the transaction.
- 8.6 A Budget Holder for whom any assets have been acquired under a leasing agreement shall ensure that all steps as are reasonably practicable, shall be taken to adhere to the terms and conditions of the relevant leasing agreement particularly as this relates to wear and tear, or residual condition of the asset at the end of the leasing period. A full inventory of all leased items must also be maintained by the Budget Holder (see **Regulation 10.1**).
- 8.7 Any NYP assets subject to a leasing agreement must not be disposed of without the prior consent of the Mayor who shall be responsible for notifying the lease company and obtaining their consent to disposal.

### **Acquisition of Property**

- 8.8 All proposals for the acquisition of property must be dealt with in accordance with Rule 6 of the Property Procedure Rules.

## **9.0 DISPOSAL OF PROPERTY AND MATERIAL ASSETS**

- 9.1 Prior to the disposal of any property or material asset, a Chief Officer must:
- (a) ensure that the asset is of no use to any other Chief Officer (see Rule 7 of the Property Procedure Rules);
  - (b) for assets subject to a leasing agreement consult the Director of Resources (see **Regulation 8.5**);
  - (c) in the case of a proposed disposal of land and/or buildings follow the process in Rule 8 of the Property procedure Rules.
- 9.2 The procedures defined in the **MAYOR'S PCC CONTRACT STANDING ORDERS** for the procurement of goods and services apply to the disposal of any assets of the Mayor, other than property. In particular no quotations or tenders for other than the highest price shall be accepted without reference to **Contract Standing Orders** or **Rule 8.1.4 of the Property Procedure Rules if it relates to the disposal of property**.
- 9.3 For the disposal of any single property (i.e., land and buildings) Rule 8 of the Property Procedure Rules applies.
- 9.4 For the disposal of any other single material asset a Chief Officer may proceed in accordance with procedures set out in the Devolved Resource Management Manual.

## **10.0 INVENTORIES AND STORES**

- 10.1 A Budget Holder shall maintain a written inventory of all items of moveable property used in their Area/Department which belong to the Mayor whose individual cost or value exceeds £1,000. The form of the inventory and the definition of moveable property are as set out in the Devolved Resource Management Manual. This Regulation also applies to any item purchased under a leasing agreement (see **Regulation 8.4**).
- 10.2 A Budget Holder shall be responsible for the custody of all stores, cash and financial documents used in their Area/Department. Cash held on any premises should not exceed any sums for which the Combined Authority is insured.
- 10.3 A Budget Holder may (with the approval of the Chief Constable's Chief Finance Officer) arrange for the disposal of unrequired stock or inventory items, up to a limit of estimated value of £5,000 in any period of three consecutive calendar months. In excess of that amount, the approval of the Director of Resources, who may require a report be made to the Mayor, or the approval of the Chief Constable as relevant, will be required. (see also **Regulation 9**).
- 10.4 A Budget Holder may (with the approval of the Chief Constable's Chief Finance Officer) write off stock and inventory deficiencies up to a limit of £5,000 in any period of three consecutive calendar months. In excess of that amount, the approval of the Director of Resources, who may require a report be made to the Mayor, or the approval of the Chief Constable as relevant, will be required (see also **Regulation 9**).

## **11.0 POLICY ON FINANCIAL PROVISIONS AND RESERVES**

### **Preamble**

The Mayor maintains provisions and reserves to ensure a sound financial position for North Yorkshire Police. The overriding aim is to ensure that, within the budget, the maximum amount of funding is available to deliver policing. To this end, the levels of provisions and reserves are regularly reviewed to ensure that funding is directed to service use rather than being tied up unnecessarily in balances. Retaining reserves is a useful and considered tool which enables a sound financial position to be maintained and which can be used to reduce or negate the need for higher cost funding alternatives, i.e. borrowing.

The way in which provisions and reserves are managed and the distinction between them is determined by Accounting Standards.

The Mayor has a Policy on Financial Provisions and Reserves which is reviewed annually.

The levels of financial provisions and reserves are formally reported to the Mayor in quarterly budget monitoring reports and as part of the Annual Statement of Accounts.

## **MISCELLANEOUS MATTERS**



## Preamble

In addition to arrangements for the key aspects of financial administration (i.e. Revenue Budget, Capital Plan and procurement) there are a range of other financial matters that require specific Financial Regulations. These are covered in the remaining sections of this document.

### **12.0 PAYROLL, PENSIONS AND OTHER EMOLUMENTS**

- 12.1 The calculation and payment of all salaries, wages, pensions, gratuities, compensation and other emoluments payable by the Y&NYCA to their employees, by the Chief Constable to their employees and officers or former employees or officers shall be performed in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer.
- 12.2 The Director of Resources and the Chief Constable's Chief Finance Officer shall be authorised to implement national and provincial pay awards with effect from their implementation dates.

### **Travelling and Subsistence Allowances**

- 12.3 The calculation and payment of all Travelling and Subsistence Allowances payable by the Y&NYCA to employees or the Chief Constable to their employees and officers shall be performed in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer.
- 12.4 The Director of Resources and the Chief Constable's Chief Finance Officer shall maintain a record of officers authorised to certify claims on behalf of Budget Holders. Certification of a claim shall signify that the Budget Holder is satisfied that the allowance or expenses are properly payable by the Mayor in respect of duties performed by the claimant.

### **13.0 INCOME**

- 13.1 Each Budget Holder shall be responsible for the determination of rents, fees and/or charges relevant to the activities carried out by/within their Budget. For practical purposes this responsibility should be linked to the budget management arrangements established in accordance with **Regulations 4.12/4.13**.
- 13.2 Rents, fees and/or charges within the control of the Mayor or Chief Constable shall be subject to review at least annually by the Director of Resources or Chief Constable's Chief Finance Officer as appropriate except as provided in any specific agreements between the Y&NYCA/Mayor or the Chief Constable and relevant third parties. If a review results in a proposal to change the policy under which a rent/fee/charge is determined the review shall be reported to the Mayor or Chief Constable before it is implemented.
- 13.3 A Budget Holder shall agree with the Director of Resources or the Chief Constable's Chief Finance Officer the administrative arrangements for the

collection of any money due to the Y&NYCA/Mayor or Chief Constable respectively. The collection of debts will be the responsibility of the Chief Constable's Chief Finance Officer and shall be administered via the debtor system linked to the financial ledger - any alternative arrangement requires the prior written approval of the Director of Resources.

- 13.4 Income may NOT be used to directly offset payments due. All money received shall be banked, as soon as practicable.

#### **Debt Write-Off**

- 13.5 Any proposal by a Budget Holder to write off an individual debt up to a limit of £5,000 may be agreed by the Chief Constable's Chief Finance Officer. In excess of that amount, the approval of the Director of Resources (who may require a report be made to the Mayor) will be required.

### **14.0 PETTY CASH**

#### **Preamble**

To assist designated officers to purchase minor items the Chief Constable's Chief Finance Officer may grant petty cash advances. Before seeking such an advance a Budget Holder should consider using a Purchasing Card (see **Contract Regulation 13**).

#### **Regulations**

- 14.1 The Chief Constable's Chief Finance Officer may make cash advances to Budget Holders to allow them to meet minor expenses, subject to such conditions as are deemed necessary.
- 14.2 Any cash shall be kept in a safe place at all times (see also **Regulation 10.2**).
- 14.3 Individual petty cash purchases must not exceed £50 per item and must be supported where possible by authenticated receipts.
- 14.4 Payments from petty cash will only be made in respect of reasonable expenditure of a minor nature which is incurred for the benefit of the Mayor or the Chief Constable. The specific purposes for which petty cash expenditure can be incurred shall be defined by the Chief Constable's Chief Finance Officer in the Devolved Resource Manual. Petty cash can be used either to reimburse expenditure previously incurred or to provide an advance to pay for known future expenditure.
- 14.5 No income received, other than reimbursement of approved petty cash expenditure, may be paid into a petty cash Imprest Account.

### **15.0 BANKING**

- 15.1 All arrangements for the operation and supervision of the Mayor's bank account(s) shall be made by the Director of Resources. No alternative bank account(s) may be opened without the prior written approval of the Director of Resources. The purpose of any new bank account and the identity of the bank and details of the account shall be recorded in writing and retained on an appropriate file by the Director of Resources.
- 15.2 When the need for a bank account ceases then the Director of Resources shall be notified immediately and the account closed in accordance with procedures agreed with the Director of Resources.
- 15.3 Any payments made over £20,000 by cheque shall require 2 signatures as set out in the bank mandate.

## **16.0 TREASURY MANAGEMENT**

- 16.1 The Mayor has adopted the CIPFA 'Code of Best Practice and Guide for Treasury Management in the Public Services' together with those of its specific recommendations that are relevant to the Mayor's PCC Treasury Management activities.
- 16.2 A Treasury Management Policy Statement setting out the matters detailed in the CIPFA 'Code of Best Practice and Guide for Treasury Management in the Public Services' shall be approved by the Mayor after consultation with the Executive Board and thereafter its implementation and monitoring shall be delegated to the Director of Resources.
- 16.3 At or before the start of each financial year, the Director of Resources shall report to the Mayor at the Executive Board on the Strategy for Treasury Management, including an Annual Investment Strategy, it is proposed to adopt for the coming financial year. This report will include specific reference to borrowing limits and requirements as required by Part 1 Chapter 1 Local Government Act 2003.
- 16.4 All money in the possession of the Mayor shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972 (i.e. the Director of Resources or the Chief Constable's Chief Finance Officer).
- 16.5 The Director of Resources will make arrangements for the daily management of cash, loans and investment work.
- 16.6 The Director of Resources shall report to the Mayor at the Executive Board not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an Annual Report on Treasury Management for presentation by 30 September of the succeeding financial year.
- 16.7 The Director of Resources shall periodically review the Treasury Management Policy Statement and report to the Mayor at the Executive Board on any necessary changes.

- 16.8 The Director of Resources shall maintain a Treasury Management Approved Practices document setting out the framework for Treasury Management.

## **17.0 VOLUNTARY FUNDS**

### **Preamble**

A voluntary fund is any fund which, although not legally the property of the Mayor or the Chief Constable, is controlled or administered solely, or in part, by an officer by reason of their employment with the Y&NYCA or the Chief Constable.

### **Regulations**

- 17.1 The Director of Resources or Chief Constable's Chief Finance Officer shall be informed of the purpose and nature of all voluntary funds maintained by any officer in the course of their duties with the Mayor or Chief Constable. Formal accounts shall be prepared and shall be audited annually by a competent, independent person and shall be submitted with an audit report to the appropriate body within 6 months of the accounting year end. A copy of the accounts and audit report shall be supplied to the Director of Resources or the Chief Constable's Chief Finance Officer immediately after the meeting of the body. The Director of Resources or the Chief Constable's Chief Finance Officer shall be entitled to verify that the reports have been made and to carry out such checks on the accounts as he/she considers appropriate.
- 17.2 Voluntary Funds, and any related bank accounts, shall be operated in accordance with procedures set out in the Devolved Resource Management manual.

## **18.0 INSURANCE**

- 18.1 The Y&NYCA/Mayor and Chief Constable have risks which are mitigated by insurance. These include public liability, employer liability, professional and officials indemnity, fleet and estates. It is important that the Y&NYCA/Mayor and Chief Constable regularly review their exposure to risk to ensure that appropriate insurance is in place at all times.
- 18.2 The Director of Resources and Chief Constable's Chief Finance Officer should (either personally or with the assistance of appropriate professional advisors) ensure acceptable level of risks are determined and ensure that appropriate insurance is secured on the Y&NYCA/Mayor's and Chief Constable's behalf.
- 18.3 The Mayor, Chief Constable, police officers and police or Y&NYCA staff shall promptly notify the Director of Resources or Chief Constable's Chief Finance Officer of:
- (a) any happening which may result in a claim against the Y&NYCA or Chief Constable or in favour of it.
  - (b) all new risks, of whatever nature, which may require to be insured, together with any changed circumstances affecting existing risks.

- (c) any action(s) taken which might affect the Y&NYCA's or Chief Constable's current, and future, insurance arrangements.

18.4 No police officer, civilian employees or the Mayor shall (without first seeking appropriate professional advice) admit liability to a claimant, or make any statement which could be construed as such, concerning a matter which should properly be dealt with by insurers.

## **19.0 RISK MANAGEMENT**

19.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Y&NYCA/Mayor and the Chief Constable. This should include the proactive participation of all those associated with the planning and delivering of services.

19.2 The Mayor and Chief Constable shall approve arrangements for risk management. These arrangements will be detailed in the Risk Management Strategy and brought to Executive Board for ratification.

19.3 The Director of Resources and the Chief Constable shall effect and administer the Risk Management Strategy, including securing that:

- (a) procedures are in place to identify, assess, prevent or manage known risks and that these procedures are operating effectively.
- (b) a monitoring process is in place to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis with any significant changes being reported to the Risk Management Group.
- (c) Senior officers and managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management.
- (d) A Corporate risk register should be presented to the Risk Management Group on a regular basis. This risk register will identify known and potential risks to the Mayor and Chief Constable, assess the impact of the risk and specify approved action to address these risks.

## **20.0 AUDIT**

### **Preamble**

The Accounts and Audit (England) Regulations 2011, issued under the provisions of the Audit Commission Act 1998, apply to the Y&NYCA and the Chief Constable. The Regulations (in particular regulation 6) require the Y&NYCA and Chief Constable to maintain an adequate and effective internal audit of their accounting records and of their system of internal control. The following Regulations provide the framework for this statutory duty to be discharged.

## Regulations

- 20.1 Every Chief Officer, Budget Holder and Project Manager is responsible for the implementation and maintenance of all internal control procedures relating to financial systems and for achieving the economic, effective and efficient use of resources within their Area/Department or in respect of Capital schemes allocated to them.
- 20.2 The Director of Resources and the Chief Constable's Chief Finance Officer shall be responsible for maintaining an independent and effective internal audit service and assistance in providing safe and efficient financial management. The Director of Resources and Chief Constable's Chief Finance Officer are responsible for internal audit and must be satisfied as to the system of financial controls in place and the effectiveness of the financial administration system.
- 20.3 Internal Audit shall provide an assurance function that primarily provides an independent objective opinion to the Y&NYCA and the Chief Constable on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisation's objectives. Internal Audit shall objectively examine and report on the adequacy of the control environment as a contribution to proper, economic, efficient and effective use of resources. Internal auditors will not undertake any operational delivery within the force or for the Y&NYCA except for audit activity and will maintain independence from service delivery.
- 20.4 Each Chief Officer shall therefore make arrangements for the Director of Resources or the Chief Constable's Chief Finance Officer or their authorised internal audit representative to:-
- (a) enter at all reasonable times on any premises or land used by the Mayor or Chief Constable;
  - (b) have access to all correspondence, documents, books or other records relating to any financial transactions of their establishment or operational area;
  - (c) require and receive such explanation(s) as he/she considers necessary to establish the correctness of any matter under examination;
  - (d) require any officer, agent or contractor of the Y&NYCA/Mayor or Chief Constable or appointed by the Y&NYCA/Mayor or Chief Constable to produce cash, stores, or other Y&NYCA or Chief Constable property under his/her control for inspection.
- 20.5 The Director of Resources and Chief Constable's Chief Finance Officer will require Internal Audit to operate in accordance with proper internal audit practices as set out in CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

- 20.6 If any employee of the Y&NYCA/Mayor or employee or officer of the Chief Constable suspects or knows of any loss or irregularity concerning cash, property, stores or other financial matters they should inform the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate. Internal Audit must be informed immediately. Such communications may be oral initially but must be confirmed promptly in writing. If appropriate communication should be directly to the Monitoring Officer.
- 20.7 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate shall determine the scope of any internal enquiries or investigations, subject to consultation with the appropriate Chief Officer. The Head of Professional Standards Department or appropriate Chief Officer should correspondingly notify the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate, and Internal Audit of any matters arising within the scope of 20.6 above.
- 20.8 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate, in consultation with the appropriate Chief Officer shall decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters. The Director of Resources or Chief Constable's Chief Finance Officer as appropriate and appropriate Chief Officer will agree an appropriate route for investigation and reporting. Where investigations are led by Professional Standards Department the respective Chief Officers will be kept informed and the Chair of Ethics and Standards Board updated as appropriate.
- 20.9 The Director of Resources or Chief Constable's Chief Finance Officer shall report serious losses and irregularities to the Mayor and/or the Joint Independent Audit Committee.
- 20.10 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate or their representative shall seek to preserve and respect the confidentiality of information received in discharging tasks under this Section of the Financial Regulations where it is appropriate to do so and where it does not compromise transparency or future probity.
- 20.11 The Chief Finance Officer/Director of Resources, the Head of Internal Audit and the External Auditors shall have the right to communicate directly with the Mayor, the Chief Constable or the Chair of the Joint Independent Audit Committee on any matter that he/she deems appropriate.
- 20.12 An appropriate body will be appointed by the Home Office to have responsibility for external audit. The cost will form part of the costs of the Mayor and the Chief Constable. External auditors shall have full access to internal audit reports. In developing the external audit plan, the external auditor will normally work closely with the Director of Resources and the Chief Constable's Chief Finance Officer.
- 20.13 The Chief Constable, who has a direct interest in secure, efficient and effective arrangements for internal audit, shall receive all internal audit reports on matters relating to activity under his control as a matter of course.

- 20.14 Before deciding which aspects of Force financial activity to include in the internal audit plan, the Director of Resources shall consult the Chief Constable's Chief Finance Officer and the Chief Constable. This plan shall include, if required, systems audits or value for money audits.
- 20.15 The Mayor will use the reports of external auditors to aid her in their monitoring role and to ensure that the agreed regulations of the Mayor and the Chief Constable are being followed.
- 20.16 A Joint Independent Audit Committee will be established in accordance with the Financial Management Code of Practice comprising persons independent of the Mayor and the Chief Constable. This Committee will receive copies of all internal and external audit reports.
- 20.17 Wherever possible responses to Internal Audit reports should be forwarded to the Head of Audit and Risk within 3 weeks of the final report being issued. Audit reports will be reported to the next available Joint Independent Audit Committee. Reports will be taken without a management response should this not have been provided to the Auditors following a reasonable length of time.
- 20.18 An annual report including an opinion on the overall adequacy and effectiveness of the control environment must be presented to the Mayor and Chief Constable timed to support the Statement on Internal Control.

## **21.0 REVISION OF FINANCIAL REGULATIONS**

- 21.1 The Director of Resources, the Chief Constable's Chief Finance Officer and the Monitoring Officer shall regularly review the application and effect of these Regulations and shall propose such updated Regulations to the Mayor and the Chief Constable as they may consider appropriate.

## **22.0 COLLABORATIVE ARRANGEMENTS**

- 22.1 The Mayor exercising their Police and Crime Commissioner Functions and the Chief Constable have adopted an agreed set of financial regulations for use across the four forces of the region engaged in collaborative working.
- 22.2 The regional forces comprise Humberside, North Yorkshire, South Yorkshire and West Yorkshire and each respective Police and Crime Commissioner and Chief Constable has adopted the financial regulations. The Mayor in exercising their Police and Crime Commissioner functions and chief constable has agreed that these shall apply to financial transactions and use of assets when engaged in work of a regional collaborative nature under the programme of collaborative arrangements and where other agreements and =/or binding arrangements do not apply.



# The Mayor's Fire and Rescue Financial Regulations

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## 1.0 INTRODUCTION

- 1.1 These **Financial Regulations** form part of the governing documents approved by the Mayor in relation to their PCC functions. These regulations will be reviewed on an annual basis to ensure they remain timely and relevant. Subsequent changes will be submitted to the Executive Board for approval.
- 1.2 The s4A Fire and Rescue Authority was created following the Statutory Instrument 2018 No. 970 and came into force on 15 November 2018. The s.4A FRA is a fire and rescue authority under the Fire and Rescue Services Act 2004 and has a statutory duty and electoral mandate to ensure an efficient and effective fire and rescue service. The s. 4A FRA was referred to as Police, Fire and Crime Commissioner ("PFCC" or "Commissioner") for North Yorkshire, however, with effect from 7 May 2024, the fire and rescue service is known as the Y&NYCA FRA, overseen by the Mayor of the Y&NYCA, as set out in the Scheme of Corporate Governance.
- 1.3 These regulations apply to all staff in the Y&NYCA working wholly or partly in relation to the Mayor's fire and rescue functions.
- 1.4 The Introduction to Part 9 provides financial definitions for terms used within these regulations.
- 1.5 The Director of Resources of the Y&NYCA has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Fire and Services Act 2004. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by regulation 6 and the schedule to SI 2018/226).
- 1.6 The Director of Resources has a fiduciary duty to the local taxpayer as they have a responsibility for securing the efficient use of public funds (which will include revenue derived from the fire precept).
- 1.7 The statutory responsibilities of the Director of Resources of the Y&NYCA are set out in Part 8 of the Local Government Finance Act 1988. The qualifications set out in section 113 of the Local Government Finance Act 1988 apply to the Director of Resources. The Accounts and Audit Regulations 2015 impose further responsibilities. Taken together, and considered in the context of the Fire and Rescue Services Act 2004, these mean that the Director of Resources of the Y&NYCA is responsible for:

- ensuring that the financial affairs of the Mayor are properly administered and that the financial regulations are observed and kept up to date;
- ensuring regularity, propriety, feasibility and value for money in the use of public funds;
- ensuring that funding required to finance agreed programmes is available from central Government funding, business rates, precept, other contributions and recharges;
- reporting to the Mayor, the Police, Fire and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the Mayor or officers of the Y&NYCA/Mayor;
- reporting to the Mayor, the Police, Fire and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;
- advising the Mayor on the robustness of the budget and adequacy of financial reserves;
- ensuring production of the statements of accounts of the Mayor and confirming that they present a true and fair view of the financial position of the Mayor at the end of the financial year to which it relates and of the Mayor's income and expenditure for that financial year;
- liaising with the external auditor;
- advising the Mayor on the application of value for money principles by the fire and rescue service to support the Mayor in delivering efficient and effective financial management;
- advising, in consultation with the statutory officers, on the safeguarding of assets, including risk management and insurance.

1.8 The Director of Resources of the Mayor 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 in relation to accounts, a statement of the Mayor's accounts.

1.9 The Director of Resources is the Y&NYCA's professional adviser on financial matters. To enable them to fulfil these duties and to ensure the Mayor is provided with adequate financial advice, the Director of Resources:

- must be a key member of the Mayor's leadership team, working closely with the Chief Fire Officer, helping the team to develop and implement strategy and to resource and deliver the Mayor's strategic objectives sustainably and in the public interest;
- 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;
- 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;
- must ensure that the finance function is resourced to be fit for purpose;

- must be suitably experienced and ensure professional knowledge is kept current through continuing professional development.

## **2 Financial Planning, Budgeting and Reporting**

### **Financial Planning**

- 2.1 The financial planning process should be directed by the approved policy framework, the business planning process and the need to meet key objectives.
- 2.2 The planning process should be continuous and the planning period should cover at least three years. The process should include a detailed annual plan – the budget, covering the forthcoming financial year. This allows the Mayor to monitor and manage the way funds are allocated and spent.
- 2.3 The Medium Term Financial Plan explains how the Mayor and Chief Fire Officer will structure and manage their finances to support deliver of the aims and objectives of the fire and rescue service, as set out in the Corporate Plan, and to ensure sound financial management and good stewardship of money.

### **Medium term Financial Plan**

- 2.4 The Mayor is responsible for effective financial and budget planning for the fire and rescue service. The Mayor, in consultation with the Chief Fire Officer, will identify and agree a Medium Term Financial Plan which includes funding and spending plans for both revenue and capital. The plan should have regard to affordability and take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It must also have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities. The plan should be aligned with the Fire and Rescue Plan and Risk and Resource Model.
- 2.5 The Director of Resources is responsible for submitting a Medium Term Financial Plan to the Mayor, which should:
  - be regularly reviewed to ensure its assumptions are appropriate;
  - contain relevant sensitivity analysis;
  - be reviewed when there are changes in the financial environment, for example changes in inflation and/or a change in the grant regime.

### **Budget Preparation**

- 2.6 The Mayor should consult with the Chief Fire Officer in planning the overall budget for the fire and rescue service. The budget will take into consideration funding from government and from other sources, and balance the expenditure of needs of the fire and rescue service against the levels of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local

Government Finance Act 2003) and be completed in accordance with the statutory timeframe.

- 2.7 The impact of the annual budget on the priorities and funding of future years as set out in the Corporate Plan and the Medium Term Financial Plan should be clearly identified.
- 2.8 As set out in section 96 of the Police Act 1996, as applied by paragraph 2 of the Schedule A2 of the Fire and Rescue Services Act 2004, the Mayor must obtain the views of the local community on the proposed expenditure (including capital expenditure) in the financial year ahead of the financial year to which the proposed expenditure relates.
- 2.9 The Chief Fire Officer and the Director of Resources are responsible for submitting to the Mayor, a budget within the approved resource allocation framework which sets out the proposed revenue budget allocation and capital investment plans for the services within their areas of responsibility. No expenditure will be included in the budget unless it has been through the appropriate approval process.
- 2.10 In addition to receiving a Medium Term Financial Plan the Mayor will consider summarised reports from the Director of Resources and the Chief Fire Officer on the budget.
- 2.11 The Director of Resources will make recommendations regarding approval of the revenue budget, the level of precept and allocation of financial resources to the services, provision for contingencies, the use of reserves and balances and the setting of the precept to the Mayor.

## **The Precept**

- 2.12 Part 1 of the Local Government Finance Act 1992 sets out the process for issuing precepts. The Policing and Crime Act 2017 (paragraph 71 (2) of Schedule 1) amended section 29 of the Local Government Finance Act 1992 to establish the s.4A FRA as a major precepting authority for the purposes of the Act.
- 2.13 The Mayor will present the proposed level of the fire precept to the Police, Fire and Crime Panel. The remit of the Police and Crime Panel has been extended to include the scrutiny of the s.4A FRA's functions, as set out in the Policing and Crime Act 2017. The Mayor will have regard to any recommendation that is made by the panel in response to the proposed level of precept.

## **Budget Plans**

- 2.14 Principal Officers, in consultation with the Mayor, will ensure that Budget Coordinators produce Budget Statements for each budget head for which they are accountable. These statements should be prepared in line with instructions contained with the Budget Management Standing Operating Procedure.

## **Virement and In-year changes to the Budget**

- 2.15 The Director of Resources will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the Director of Resources.
- 2.16 Principal Officers, after consultation with the Director of Resources, may initiate virements between budget heads provided:
- it does not involve a new policy or policy change;
  - it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations;
  - it does not create additional overall budget liability.
- 2.17 Any single virement for expenditure not exceeding £20,000 shall be approved by the Chief Accountant and Administration who will notify the Director of Resources accordingly.
- 2.18 Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Director of Resources.

## **Power to Incur Expenditure**

- 2.19 Principal Officers have power, subject to these Regulations, to incur expenditure provided for in the revenue budget and capital programme approved by the Mayor.
- 2.20 No revenue or capital expenditure can be incurred without the approval of the Mayor if it is considered a key decision or is contrary to or not wholly in accordance with the Corporate Plan or the budget. In this context contrary to the budget may be through:
- a) Initiating a new policy;
  - b) Committing revenue or capital expenditure in current or future years to above the approved budget levels;
  - c) Transferring revenue resources between budget heads except as provided in the Scheme of Virement;
  - d) Entering into a capital commitment if it involves a material change in the nature of the project as set out in the original project appraisal;
  - e) Entering into a capital commitment if it:
    - I. Will affect the Authority's borrowing limits, or
    - II. Involves a revenue consequence for which no specific provision has been made in the budget for that service.
- 2.21 Principal Officers are responsible for ensuring that any increases in a project expenditure that occurs during the course of the project is reported to the Treasurer and can be contained within the overall budget.

- 2.22 No expenditure that requires specific approval of a government department or agency, the European Union or any other external funding organisation may be incurred until the Mayor has received such approval or written assurance that such approval will be forthcoming in due course. Expenditure funded from these sources should not be incurred without the specific approval of Director of Resources where the funding organisation may refuse to pay the grant or contribution.
- 2.23 No lease, hire, rental or arrangements of a similar nature that may affect the Mayor borrowing limits may be entered into without seeking the prior approval of the Director of Resources.

### **Partnerships**

- 2.24 Principal Officers are responsible for ensuring that partnership arrangements are approved, carried out, monitored and evaluated in a satisfactory way and in accordance with guidance from the Director of Resources.
- 2.25 Principal Officers must consider the overall corporate governance arrangements and legal issues and take appropriate action when arranging contracts with external bodies. These arrangements must be made in accordance with the requirements set out in the Contract Standing Orders.
- 2.26 Principal Officers must ensure the risks have been fully appraised before arrangements are formalised. They must prepare a clear and feasible exit strategy before entering into arrangements.

### **Monitoring and Reporting**

- 2.27 Principal Officers are responsible for ensuring regular monitoring of revenue budgets and the capital programme in their area of business, and for ensuring that significant variations are investigated and appropriate action taken to bring any forecast overspend back into line with the budget. Monitoring of budgets should be undertaken in line with instructions contained within the Budget Management Standard Operating Procedure.
- 2.28 Principal Officers, in consultation with the Director of Resources, must, as soon as is practicable, report to the Mayor where they are unable to balance expenditure and resources within the approved budget allocation and make recommendations to the Mayor which will address the shortfall.
- 2.29 The Director of Resources is responsible for co-ordinating production of the Annual Statement of Accounts, ensuring they are prepared in accordance with statutory requirements and proper practice, and for submitting it for consideration by the Joint Independent Audit Committee and then for approval by the Mayor.

### **Disposal of Capital and Fixed Assets**

- 2.30 Amounts received for a disposal in excess of £10,000 are categorised as capital receipts. All disposals of capital and fixed assets with a carrying value of £10,000 or more must be approved by the Director of Resources. The disposal will be recorded in the Capital Asset Register maintained by the Enable NY Finance Department.

### **3 Financial systems and Standards**

#### **Financial Management Standards**

- 3.1 The Director of Resources is responsible for setting the Authority's financial management standards and for monitoring their compliance.
- 3.2 The Director of Resources is responsible for ensuring proper professional practices and accounting policies are adhered to and to act as head of profession in relation to standards, performance and development of any finance staff.

#### **Systems and Procedures**

- 3.3 The Director of Resources is responsible for keeping principal accounting records of the Authority. Such records will be maintained on the Authority's central financial system. No other system will be used for the keeping of accounting or any other records relating to the Authority's finances without the prior written permission of the Director of Resources.
- 3.4 The Director of Resources, in conjunction with the Chief Accountant and Administration, will ensure that all feeder systems and processes to the principal accounting records of the Authority are fully documented with staff trained in their operation. Such systems and processes will incorporate the necessary controls to ensure that the data used to update the principal accounting records is complete, accurate, timely and not previously processed.
- 3.5 The Chief Accountant and Administration must consult with the Director of Resources before introducing or amending any book, form, record, administrative procedure or system used for the keeping of accounting or other records relating to the finances of the Authority and should act on any advice given.
- 3.6 The Director of Resources will jointly ensure that all accounting records are properly maintained and held securely.
- 3.7 Function Heads, as Asset Information Owners, must ensure that all information assets are handled in accordance with the appropriate data protection legislation. This will include assurance that all systems holding personal and financial information provide the relevant technical assurance. Asset Information Owners will ensure that staff are aware of their information security responsibilities and how to process such queries as a Freedom of Information request appropriately.

### **4 Audit, Control and Irregularities**

- 4.1 The Independent Audit Committee will review the effectiveness of external and internal audit. These members should be independent of both the Mayor's Office and the Y&NYCA.
- 4.2 Public Sector Audit Appointments Limited (PSAA) is responsible for appointing external auditors for the Y&NYCA. Mazars LLP have been appointed to audit the accounts until March 2023.
- 4.3 The terms of reference for the Independent Audit Committee is available on the OPFCC website and is reviewed and agreed annually setting out the role of the Committee and the responsibilities of its Members.
- 4.4 The Director of Resources is responsible for reporting to Independent Audit Committee the internal control systems and the internal audit function.
- 4.5 The internal audit function will be under the independent control and direction of the Director of Resources which shall be arranged to carry out a continuous examination of financial and other operations. An annual programme of work will be set by the Director of Resources in consultation with Principal Officers, and approved or otherwise amended by the Independent Audit Committee.
- 4.6 Principal Officers will co-operate with, and provide all necessary information for, Internal Audit and the Authority's External Auditor.
- 4.7 It is the responsibility of Principal Officers to establish effective and efficient arrangements for internal control. Principal Officers will seek the advice of the Director of Resources in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.
- 4.8 The Director of Resources must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Authority.
- 4.9 The Monitoring Officer is responsible for the development and maintenance of anti-fraud and anti-corruption policies which will identify who is responsible for ensuring compliance and for receiving reports of potential breaches.

## **5 Expenditure**

### **General**

- 5.1 All payments made on behalf of the Authority will be delegated to and made by the Enable NY Financial Services Team on behalf of the Director of Resources.
- 5.2 In making such payments, the Director of Resources will, where necessary, rely on the certification of authorised employees.

### **Procurement of Supplies, Services and Works**



- 5.3 Each order will conform to the Authority's Contract Standing Orders.
- 5.4 Every employee involved in the procurement process will comply with the Staff Code of Conduct Policy.

### **Payment of Creditors**

- 5.5 Payments will be made in accordance with the Payment of Invoices Standard Operating Procedures, any proposed changes to which must be reported to the Director of Resources for approval.

### **Advance Accounts**

- 5.6 The Director of Resources will provide such accounts as is considered appropriate for authorised employees to defray petty cash and other expenses.

## **6 Income**

- 6.1 Principal Officers are responsible for:
- (a) reviewing and making recommendations to the Mayor about charges that may be made for services provided by the Authority on a non-profit making basis, in accordance with the Y&NYCA's powers to charge set out in relevant legislation;
  - (b) reviewing and implementing all external fees and charges, to be approved by the Director of Resources on an annual basis.
- 6.2 The establishment or variation of any such fee or charge that involves a policy change requires approval from the Director of Resources.
- 6.3 Income Grants and Donation Standards Operating Procedures sets out management arrangements for all monies due to the Authority.
- 6.4 Principal Officers are responsible for ensuring that all cash and cheques received on behalf of the Mayor are banked promptly and intact and receipted.
- 6.5 Principal Officers are responsible for the prompt raising of Y&NYCA debtors' accounts and for the subsequent collection of the amounts due in accordance with corporate policies on credit management as determined by the Director of Resources.
- 6.6 The Director of Resources may write-off debtors' accounts up to an individual account limit of £10,000. Bad debts exceeding this figure require the approval of the Mayor.

## **7 Treasury Management**

## **Banking**

- 7.1 The Director of Resources is responsible for arranging the Y&NYCA's banking arrangements, including opening and closing of bank accounts. The Y&NYCA in exercising its s.4A FRA functions is a separate corporation sole with precept raising and borrowing powers. As such, the s.4A FRA should have separate banking arrangements from the Y&NYCA and the Chief Constable for North Yorkshire.
- 7.2 Payments from the Y&NYCA FRA bank accounts will be authorised in accordance with the appropriate bank account mandates.

## **Treasury Management**

- 7.3 The Director of Resources is responsible for recommending approval to the Mayor for the Treasury Management Policy Statement, in line with CIPFA's Code of Practice for Treasury Management in Local Authorities and Prudential Code, and the Annual Treasury Management Strategy.
- 7.4 The Director of Resources is responsible for all Treasury Management activities within the Authority's Treasury Management Policy Statement and Annual Treasury Management Strategy. More specifically, such responsibilities will be carried out in accordance with CIPFA's Code of Practice for Treasury Management in the public services and CIPFA's Prudential Code and will include:
- to keep under review and to update as required, the Treasury Management Policy Statement for approval by the Mayor;
  - to prepare and maintain suitable treasury management practices setting out the manner in which treasury management policies and objectives will be achieved and presenting how those activities are managed and controlled;
  - to prepare the Annual Treasury Management Strategy at or before the start of each financial year for approval by the Mayor;
  - to regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable;
  - to report the outcome of all Treasury Management activities at least once a year including an annual report for the preceding financial year to the Mayor.

## **Assets**

- 7.5 All staff has a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 7.6 Principal Officers are responsible for keeping records and assets properly maintained and securely held.

- 7.7 Principal Officers are responsible for ensuring that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- 7.8 The Director of Resources may write-off assets with an individual item value of £10,000. Amounts exceeding this figure may not be written-off without the approval of the Mayor.

### **Insurance and Risk Management**

- 7.9 The Director of Resources is responsible for arranging appropriate insurance cover for risks which are not self-insured. Where appropriate, this officer will consult with other Principal Officers prior to arranging cover.
- 7.10 Except where otherwise provided for in agency agreements, the Deputy Chief Fire Officer will negotiate the settlement of claims with insurers.
- 7.11 The Mayor is responsible for approving the Risk Management Policy Strategy and for reviewing the effectiveness of risk management.
- 7.12 The Chief Fire Officer is responsible for co-ordinating risk management activity across the fire and rescue service including the allocation of the annual dedicated risk management budget.

### **Other Funds**

- 7.13 Principal Officers will maintain records detailing the purpose and nature of all voluntary funds maintained by their staff in the course of their duties within the Authority.
- 7.14 Principal Officers will ensure that such funds are operated in accordance with these regulations and any guidance issued by the Director of Resources.
- 7.15 All employees of the Y&NYCA exercising fire and rescue functions acting as trustees by virtue of their official position will ensure that accounts are audited as to the appropriate body.

**Mayor's PCC  
Contract Standing Orders**

**September 2018**

**1 Introduction**

The Y&NYCA has adopted Regional Contract Standing Orders, as amended (attached as Appendix 1). Any reference within the Appendix to Police and Crime Commissioner or PCC is taken to be a reference to the Y&NYCA.

In accordance with the Regional Contract Standing Orders the Police and Mayor exercising their PCC functions for North Yorkshire has adopted the following Local Financial Instructions, and taken with the Regional Contract Standing Orders this document will be referred to as the North Yorkshire Police Contract Standing Orders.

**2 Authority to Proceed to Procurement**

The Mayor requires that the following authorisations are obtained before proceeding with any procurement exercise which will commit resources under the control of the Mayor or the Chief Constable for North Yorkshire.

Before commissioning the Regional Procurement Team to undertake any procurement activity for goods services and/or works, approval is required by the Budget Holder , who is also required to confirm that the budget is available within the agreed budget (capital or revenue).

Approval of the Budget Holder is also required for

- Any Pre Qualification Questionnaire and the Selection Process for any project.
- The incorporation of any specification into any tendering exercise.
- Any Tender Package and Evaluation Criteria for any project.

**3 Authority to Proceed to Contract**

All contracts supported by Regional Procurement for the provision of goods, services or works over £1,000,000 will be supported by a process summary document (to be completed by Regional Procurement).

- Process summaries will be accepted by, and contracts up to £5,000,000 will be signed by the Head of Paid Service, or persons delegated

authority by way of the Constitution of the Y&NYCA or the Director of Resources, or delegate.

- Process summaries will be accepted by, and contracts over £5,000,000 will be signed by, by the Head of Paid Service, or their delegate subject to specific delegation.

Regional Procurement Department may be authorised by the Mayor, the Head of Paid Service or delegate or the Director of Resources or delegate to sign contracts on behalf of the Y&NYCA that are entered into on a collaborative basis.

#### 4 Exceptions to normal procurement procedures (including Single Tender Actions)

Any STA shall be authorised:

- up to £10,000 – Budget Holder
- over £10,000 – Chief Constables Chief Finance Officer

The Chief Constables Chief Finance Officer will submit a quarterly report to the Joint Internal Audit Committee summarising STA's over £50,000 with an explanation of the reasons for the STA's.

## **APPENDIX 1**

### **CONTRACT STANDING ORDERS**

#### **YORKSHIRE AND THE HUMBER REGIONAL CONTRACT STANDING ORDERS**

##### **Overview**

In Yorkshire and the Humber a Regional Procurement Team has been created to support police procurement activity. Contract Standing Orders have been harmonised across the Forces and PCCs and these are supplemented by detailed guidance on policies and procedures.

## **1. INTRODUCTION AND COMPLIANCE**

- 1.1. All orders and contracts for works, goods or services made by or on behalf of the Yorkshire and the Humber Regional Police Forces and the Police and Crime Commissioners (PCCs) shall be made in accordance with these Contract Standing Orders (Standing Orders).
- 1.2. All contracts shall comply with statutory requirements including, but not limited to, UK legislation, Directives of the European Community, and relevant Government Guidance.
- 1.3. The Forces and PCCs require all procurement activity to be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability. All procurement undertaken on behalf of the Forces and PCCs will operate under robust principles and procedures to ensure best value. Detailed procedures will be published in Procurement Policy and Procedures.
- 1.4. No exceptions shall be made to these Standing Orders otherwise than reasons stated in Section 5.
- 1.5. Every Officer in any of the YatH Regional Police Forces and every Police and Crime Commissioner (PCC) or employee of the PCCs shall comply with these Standing Orders; any failure to do so may result in disciplinary action.
- 1.6. Any dispute regarding the interpretation of these Contract Standing Orders will be referred to the Regional Collaboration Board (RCB) and its decision will be final.

## **2. GLOSSARY OF TERMS**

These terms will have the following meanings in the Standing Orders;

<b>YatH</b>	The Yorkshire and the Humber Region
<b>YatH OPCCs</b>	Office of the Police and Crime Commissioner for Humberside, Office of Police and Crime Commissioner for North Yorkshire ,Office of Police and Crime Commissioner for South Yorkshire and Office of Police and Crime Commissioner for West Yorkshire
<b>Chief Executives</b>	The Chief Executives of the OPCCs in YatH
<b>YatH Forces</b>	The Humberside Police, North Yorkshire Police, South Yorkshire Police and West Yorkshire Police
<b>Chief Constables</b>	The Chief Constables of the YatH Forces
<b>Chief Officers responsible for Finance</b>	The Chief Officers responsible for Finance within each of the YatH Forces and PCC's.
<b>YatH Regional Procurement Team</b>	The Regional Procurement team operating on behalf of the YatH forces
<b>Regional Procurement Director</b>	The Officer responsible for the Regional Procurement Team
<b>Chief Officers</b>	Officers who are members of the Command Team in each of the YatH Forces

<b>Divisional/Departmental Head</b>	The most senior officer in any Division, Department or Branch in the YatH forces or PCCs
<b>Officers</b>	All Police officers and Police staff of the YatH Forces and PCCs (to include officers working under a service level agreement)
<b>PCCs</b>	All of the PCCs in the YatH Force areas
<b>Single Tender Action (STA)</b>	The selection of a supplier to provide works, goods or services without competition
<b>Regional Collaboration Board (RCB)</b>	The Board comprising the PCCs and chief constables within the YatH Force areas responsible for developing and maintaining a shared vision for joint working and ensuring that resources are being applied efficiently and effectively
<b>Regional Procurement Policy and Procedures</b>	All Procurement Policy, Procedures and Procedures published by the Regional Procurement Team
<b>Collaborative Contract</b>	A contract for the provision of works, goods or services to more than one police force or public entity
<b>Framework Agreement</b>	A contract set up by a public sector



organisation for some or any public sector organisations to use. The Agreement sets out terms and conditions under which specific purchases can be made throughout the term of the Agreement. The Agreement will typically have been awarded under the EU Procurement rules

***Financial Instructions – Refers to those adopted by the Yath Forces and the Yath PCCs***

### **3. COMPETITIVE PROCUREMENT**

- 3.1. The use of central contracts that have been set up by the Yath Regional Procurement team or individual Yath Forces and PCCs for certain works, goods and services is mandatory.
- 3.2. For works, goods or services not available from an existing contract, the acceptance of quotations and bids will be based on the principle of best overall value for money, i.e. the most economically advantageous offer. Criteria for the award of contracts shall be recorded in advance of the invitation and strictly observed by officer's evaluating the bids. The criteria may include cost and qualitative elements and shall take into account whole life costs. The evaluation process must be objective, systematic, thorough and fair.
- 3.3. Evaluation models shall generally be weighted such that the overall percentage score allocated to cost is not less than 50%. In exceptional circumstances the Regional Procurement Director or his/her deputy may agree a different cost/quality ratio.
- 3.4. The table below describes the procedure and authority levels dependent on the estimated value of the procurement.
- 3.5. Estimated value is deemed to be the aggregate cost, in any Force and any PCC or the Region that is reasonably anticipated over the lifetime of the provision. If the lifetime is unknown, then the aggregate cost should be based on 48 months.
- 3.6. Requirements must not be disaggregated in force and PCC or in the region in order to avoid competitive procurement under any circumstances.
- 3.7. The authority levels shall apply to variations to contract, i.e. any additional costs resulting from the variation must be aggregated with the original contract value for the purposes of authorisation.


3.8 Where a procurement is deemed novel, contentious or repercussive it should be notified to the PCC by the budget holder to ensure authority to proceed to full procurement.

3.9 Subject to point 3.8 of these standing orders, authority to authorise the Regional Procurement Team to proceed at stage one of the procurement process is governed by local Financial Instructions. This does not affect the authority levels detailed at 3.10 of these standing orders.

### **3.10. PROCUREMENT COMPETITION PROCEDURES AND AUTHORITY LEVELS**

<u>Estimated Quotation / Tender Requirements Value £</u>		<u>Levels of Delegated Authority and Contract Signature Thresholds</u>
< 10,000	The local procurement procedure may use any reasonable means to select the supplier, preferably three quotations shall be obtained (this may include from catalogues or price lists). The procurement procedure and outcome must be recorded and retained locally.	Purchase orders and contracts to be approved locally by Officers with relevant authority in accordance with financial instructions.
10,000 – 50,000	At least three formal written quotations or references to three supplier catalogues shall be obtained. At least one quotation should be sought, where possible,	Purchase orders, requisitions and contracts to be approved locally by Officers with relevant authority in accordance with financial instructions.

	from a local SME.	
	<p>All procurement to be managed by the Regional Procurement team.</p> <p>At least three Tenders shall be obtained, where the aggregated value of the contract is in excess of EU thresholds, tender procedures will be in accordance with EU Procurement Directives.</p>	<p>On conclusion of the procurement process an 'Authority to proceed to contract' (including a Process Summary) will be issued to the Lead force/PCC by the Regional Procurement Team and will be signed locally by officers with relevant authority in accordance with local Financial Instructions and returned to the Regional Procurement team.</p> <p>Contracts will be signed as follows;  £50,000 - £75,000 Senior Category Manager,  Category Manager/Contract Manager  £75,000 - £150,000 Strategic Category Manager,  Strategic Contract Manager  £150,000 - £500,000 Head of Procurement &amp; Category Management/Head of Contract</p>
> 50,000		



Management	&
Performance	
£500,000	-
£1,000,000	Director
of	

Regional Procurement  
£1,000,000 - £5,000,000 Chief Officer, relevant Yath Force in accordance  
with local Financial Instructions  
>£5,000,000 relevant PCC

- 3.11. The Officer with delegated authority to authorise orders or contracts committing the expenditure does so on behalf of the relevant Force/PCC.
- 3.12. Whilst mandatory involvement of the Regional Procurement team is required for contracts valued over £50,000, the Team will provide advice and guidance on all procurement matters and contracts under £50,000.

## **4. FINANCIAL AND CONTRACTUAL DELEGATION**

- 4.1. The Chief Officer responsible for Finance in each Force or Chief Executive will be responsible for determining authorised signatories within each PCC/Force. Those authorised signatories and sub delegation rules will be described and documented in each Force/PCC's Financial Instructions.
- 4.2. Authorised signatories will ensure that the purchase is compliant with all financial instructions, and ensure that sufficient resources are available within the revenue budget or capital programme.

## **5. EXCEPTIONS TO NORMAL PROCEDURES/SINGLE TENDER ACTION**

### **5.1. Exceptions**

- 5.1.1. All exceptions to normal procedures must be approved in accordance with the arrangements set out in the Regional Procurement Policy and Procedures for local and collaborative contracts.

### **5.2. Single Tender Action (STA)**

- 5.2.1. STA should only be used in very exceptional circumstances. The Chief Constables and Chief Executives or their delegated authorities will consider requests for exceptions to normal procedures under the following circumstances;

- (a) Where it can be evidenced that only one supplier is able to carry out the work or service or to supply goods for technical reasons or because of exclusive rights;

- (b) Extensions to existing contracts where there is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience;
- (c) The contract has been classified as secret by a Chief Officer making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain;
- (d) The contract is required so urgently that competition is impracticable. For example a genuine unforeseeable operational need arises. However failure to take action within appropriate timescales does not constitute grounds for an urgency exception.

5.2.2. Any STA up to £50,000 shall be authorised in accordance with local Financial Instructions. . It is the responsibility of the authoriser to satisfy themselves that the grounds in which the exception has been sought is justified and that all associated spend must be aggregated with the original contract value or future contract value for the purposes of authorisation. It should be noted that where grounds of urgency has been selected submissions will be subjected to further scrutiny to ensure compliance.

5.2.3. Any STA over £50,000 shall be requested via the Regional Procurement Director and the appropriate Chief Officer/s or Chief Executive in accordance with local Financial Instructions. All associated spend must be aggregated with the original contract value or future contract value for the purposes of authorisation. The formal procedure shall be described in the Regional Procurement Policy and Procedures.

5.2.4 Where it becomes apparent before an order is placed and accepted by the supplier that the figures quoted and appropriately approved in an STA are understated by an amount that is more than 10% of the original STA value, then the STA will need to be returned (with an explanation for the increase) through the appropriate channels for consideration of further approval, based on the revised value of the STA.

## **6. COMPETITIVE PROCUREMENT USING TENDERS**

6.1. The Regional Procurement Director will have responsibility to ensure appropriate Procurement Policy and Procedures are in place covering matters such as;

6.1.1. The procedures to be applied in respect of the whole tendering process i.e. initial tender, specifications and standards, and evaluation and appointment of contractors and consultants.

6.1.2. Processes regarding the use of sub contractors.

6.1.3.Processes regarding variations to contract.

6.1.4.The process to be undertaken in relation to declarations of interest in a contract.

6.1.5.The procedures to be followed in relation to Collaborative Contracts.

6.1.6.The adoption of Framework Agreements.

6.1.7.The Procedures to be followed in applying for an exception to Standing Orders, including:

- The formal procedure to be adopted to evidence alternative provision is not available;
- The formal justification of emergency provision.

6.1. 8.The achievement of Value for Money, and the minimisation of risks to Forces and PCCs.

6.2. The Procurement Policy and Procedures will set out arrangements for the recording and retention of information in relation to procurement activity.

6.3 The Procurement Policy and Procedures will also detail the arrangements for reporting procurement activity to meet the requirements of the RCB and of individual Forces and PCCs together with addressing the need to publish information in accordance with Government requirements.

6.4.1 Force and PCC Chief Officers responsible for Finance will ensure appropriate Financial Instructions are provided for use by staff within their respective forces.

## **7. TENDER CUSTODY AND OPENING**

### **Electronic Tendering**

7.1. The RCB, Forces and PCCs support the use of electronic means for the invitation and receipt of tenders through the selected e-tendering system in line with the system requirements.

### **Tender custody and opening if non electronic means are utilised**

7.2. In the event of operating non electronic procedure, tenders shall be stored in a secure and confidential manner as required by sealed bid procedure.

7.3. The opening of these tenders and recording of details shall be subject to the following regulations:-

- They shall not be opened before the appointed time;
- They shall be opened at one time by not less than two persons approved by the Regional Procurement Director for the purpose.
- The appropriate tender details shall be recorded on the Tender Opening Certificate which shall be ruled off (to prevent the addition of further entries) and then signed by each member of the tender opening panel.

7.4. Once the tenders have been opened they must be circulated only to those directly involved in tender evaluation and contract letting activities prior to awarding the contract.

## **8. FORM OF CONTRACT**

8.1. All contracts shall be in writing. If appropriate, legal advice should be sought in relation to contracts through the Regional Procurement team. The form of contract shall be in line with the NPCC Procurement Portfolio guidance and other best practice.

8.2. The Regional Procurement team will advise on the appropriate use of Performance Guarantee Bonds or the provision of liquidated damages where necessary.

## **9. COLLABORATIVE CONTRACTS AND FRAMEWORK AGREEMENTS**

9.1. Where tenders are invited on behalf of the region or include other police forces or public sector organisations, they will be invited on a Force/PCC basis and comply with these Contract Standing Orders.

## **10. REVIEW**

10.1 These Contract Standing Orders will be reviewed on an annual basis by the OPCC Chief Executives.



## **Mayor's Fire and Rescue Contract Standing Orders**

### **1. Introduction**

- 1.1. These Contract Standing Orders explain the procedures for obtaining written or electronic quotations and tenders from suppliers for the provision of goods, services and works on behalf of the Y&NYCA, in particular the Mayor in exercising their Fire and Rescue functions. They do not apply to the employment of staff nor the acquisition or disposal of the right to use, or an interest in, land or buildings.
- 1.2. The procedures in the Contract Regulations apply to all contracts with third parties and to all sub-contracts (where a sub-contractor is specified by the Y&NYCA/Mayor to a contractor).
- 1.3. The Mayor's Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Policy provide the framework for managing the financial affairs when dealing with the setting up of contracts for services or works, or the purchasing of goods in relation to Fire and Rescue functions. These regulations apply to all staff in the Y&NYCA working wholly or partly in relation to Fire and Rescue functions and also any staff exercising any fire and rescue functions that have been delegated to the deputy mayor for policing and crime.
- 1.4. The Contract Regulations should be read in conjunction with the Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Policy.
- 1.5. The financial limits specified within these Contract Regulations are subject to variation from time to time by the Mayor. Those subject to European Union Directives are presently reviewed by the European Union every two years.

### **2. How the Mayor Procures**

- 2.1 The estimated value of goods, services or works for the purpose of these procurement procedures is to be the value of any individual purchases of a particular item, service or building work aggregated over a four year period that could have been reasonably anticipated.
- 2.2 All contracts with a value of more than £5,000, exclusive of Value Added Tax (VAT) in total over a four year period shall be entered on the Y&NYCA Police and Crime or Fire and Rescue Service Contract Register, which is publicly available via the OPFCC/NYFRS website.
- 2.3 In accordance with the Public Procurement Regulations 2015, the Authority shall publish details of all contracts awarded whose value exceeds £30,000 (including VAT), irrespective of whether these were advertised in the public domain or not, on the government website <https://www.contractsfinder.service.gov.uk> (hereinafter referred to as 'Contracts Finder') within 90 days of the contract being awarded.

2.4 In accordance with the Public Contracts Regulations 2015, and where applicable the Concession Contracts Regulations 2016, the Authority shall publish in Find a Tender Service (FTS) all contracts awarded whose value exceeds the financial thresholds stated in these Regulations for their application.

#### **For Goods, Services and Works**

Under £10,000	It is the Budget Co-ordinators responsibility to ensure best value is achieved.
Between £10,000 and £50,000	A Procurement Request Form (PRF) must be submitted, a minimum of three written or electronic quotations, which may be in an electronic format, must be sought.
Between £50,001 and FTS threshold	A PRF must be submitted, procurement involvement is required and a tendering procedure must be followed. Public Contract Regulations 2015 regulations must be complied with.

#### **For All Goods, Services and Works**

##### **Under £10,000**

- All purchases require a purchase order. It is the Budget Co-ordinators responsibility to ensure best value is achieved.
- An Authority purchasing credit card should only be utilised whenever a Purchase Order cannot be used.

##### **Between £10,000 and £50,000**

- A PRF is required with a minimum of three written or electronic quotations must be sought and the details of the quotes sent to the Enable NY Procurement Department. Once the decision has been made to take up a quote, a purchase order is to be raised via the financial accounting system and the details of the transaction must be recorded by the Budget Holder for inclusion in the local commitment records.

##### **Between £50,001 and FTS threshold**

- Enable NY Procurement involvement is required, and a tendering procedure must be followed.

- The principles of the Business Management Framework should be followed to confirm all relevant stakeholders have been consulted.
- To ensure budget availability no contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £50,001 or contracts that cover more than one financial period can be entered into without:
  - (a) Where a decision has been made at Executive Board.
  - (b) Authority is given by the Director of Resources.
  - (c) Confirmation has been sought from the Budget Co-ordinator confirming budget availability and approval.

2.5 The tendering procedure will require the specification to be up-loaded into the Bluelight e-Tendering Portal and a notice seeking expressions of interest will be published. This notice will automatically generate where applicable, an advert on the GOV.UK Contracts Finder and an advert in the FTS, meeting the Authority's obligation to the Government's requirements to advertise the procurement of goods, services or works.

2.6 No tendering procedure is required in respect of:

- Contracts for the purchase of goods of which tenders have been obtained from a purchasing consortium or other recognised Government agency (such as Crown Commercial Services) where the Authority has been identified in any previous procurement exercise undertaken by the consortium or agency;
- Frameworks but further competition by means of a mini-competition may be required;
- Contracts for the supply of goods which Government Departments have specified as the type of goods which should be used for a particular purpose and only one supplier of such goods exists;
- Contracts for the supply of goods or services the price of which is fixed by a trade organisation or Government department and no reasonably suitable alternative is available;
- A contract for the engagement of a Counsel (see below);
- Subscriptions or fees to Government departments and/or other official organisations such as NFCC, FTA, CIPFA, etc., this list is not exhaustive.

### **3. Exemptions to the Contract Procedures**

3.1. Exemptions to the contract procedures are permitted where it can be proven that it is inefficient or uneconomic to comply with the above requirements. A Single Tender Action must be completed. Exceptions to normal procedures for contracts of a value less than £10,000 must have the approval of the Budget Holder or a person who is authorised by the Budget Holder to provide such an approval. Exceptions of a value above £10,000 but below £50,000 can be approved by the Enable NY Procurement Manager and all those above £50,000 must have the approval of the Director of Resources. Examples are detailed as:

- The goods, services or works are unique and provided by only one organisation with no reasonably satisfactory alternatives available;

- The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm, are sold at a fixed price and no reasonably satisfactory alternative is available;
- The goods, services or works constitute an extension of an existing contract which is allowed within the contract terms, or the goods/materials, services or works consist of repairs to, or the supply of parts for, existing proprietary plant or equipment and/or where the initial contract value or specification is not fundamentally changed or increased;
- That new services or works are required which are a repetition of services or works carried out under an original contract whilst a new procurement is underway;
- That goods are required as a partial replacement for, or addition to, existing goods or installations and obtaining them from another source would result in issues with compatibility or disproportionate technical difficulties in operation or maintenance;
- Tenders are invited on behalf of any consortium or collaboration, of which the Y&NYCA exercising their Fire and Rescue functions, is an identified member, in accordance with any method adopted by that body. Where however, an Officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the Fire and Rescue Financial Regulations and Finance Procedures or any overriding National or European Union legislation;
- The goods, services or works are of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product;
- A Single Tender Action may be considered to have the approval of the Director of Resources if the action is relevant expenditure of value less than £50,000 and one of the following types:
  - (a) An annual maintenance/licence fee for a piece of equipment or software that has been purchased previously, to cover the second or subsequent years following purchase, when there is only one UK supplier of the maintenance/licence services for the make/model of equipment or software. This exemption does not apply to the first year's maintenance/licence fee when it is purchased with the equipment software.
  - (b) Servicing or repair charges of parts for a piece of equipment or a piece of software that has been previously purchased when there is only one UK supplier of the servicing or repair services or parts for the make/model of the equipment or software. This exception does not apply to upgrades.
  - (c) Specialist Training Courses when:
    - There is only one UK supplier of the training services; or
    - Where the Y&NYCA has already purchased the relevant equipment or software for which training is required and it is considered by the budget holder to be appropriate to use the same supplier for training; or
    - Where the training forms part of a previously approved course of training which covers a number of years and which has already been commenced with the supplier. For clarity, this exemption does not apply to the initial selection of the training

provider, only to the procurement of the second and subsequent training sessions.

This exemption does not apply to training purchased at the same time as the equipment or software.

3.2 An exception may be considered to have the approval of the Director of Resources if the expenditure is less than £50,000 and is one of the following :

- Purchase of Licences (following an initial procurement);
- Performing Rights Society;
- Phonographic Performance Limited;
- Copyright \ Licencing Agency Limited;
- TV Licencing (TV global licence).

3.3 No exemptions will be granted which would result in a breach of European or United Kingdom law. The Budget Co-ordinators must obtain approval to apply ANY exemption to the contract procedures outlined by submitting a request to the Enable NY Procurement Department completing a Single Tender Action so that the requirement can be assessed and presented to the relevant Function Head and consultation and approval can be sought from the Director of Resources.

3.4 For procurement projects over £10,000 for all goods, services and works, the Monitoring Officer or the Director of Resources must approve any exemption, prior to any commitment being given by the Authority to any organisation. The Enable NY Procurement Department will keep a register of exemptions granted detailing the nature and value of the contract, the circumstances justifying the exemption and the name of the contractor awarded the contract.

#### **4. Advertising of Contracts**

- 4.1. In accordance with the Public Procurement Regulations 2015, the Authority shall publish details of all forthcoming contract award opportunities whose value exceeds £30,000 (incl VAT), in total over a four year period, on Contracts Finder.
- 4.2. Where the above forthcoming contract award opportunity has been advertised in the public domain or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract, it must be advertised on Contracts Finder within 24 hours of such advertising being made.
- 4.3. In accordance with the Public Contracts Regulations 2015, and where applicable the Concession Contracts Regulations 2016, the Authority shall publish in the FTS all forthcoming contract award opportunities whose value exceeds the financial thresholds stated in these Regulations for their application and shall cause these contract award opportunities to also be published on Contracts Finder within 24 hours of being entitled to do so under these Regulations.

#### **5. Pre-Quotation/Tender Requirements**

- 5.1. Suppliers may be contacted informally without obligation to the Authority before tender or quotations are invited in order to:
- Establish whether the goods, services or works that the Authority wishes to purchase are available, and within what price range;
  - Assess market conditions should the procurement process require it.

This must be with the prior knowledge and approval of the Enable NY Procurement Department via the procurement service level agreement.

- 5.2. In making enquiries:
- No information shall be disclosed to one supplier which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote;
  - No supplier shall be led to believe that the information they offer will necessarily lead them to be invited to tender or quote, or awarded a contract. All requests for information or quotations either verbal or written must include the words “without obligation” to confirm that the request is for information only;
  - A record, including notes of any meetings held, the responses and the names of all individuals present shall be kept on the files which are associated with that contract.
- 5.3. Before obtaining quotations or tenders for a procurement estimated at a value of £30,000 (incl VAT) or more, a detailed specification must be prepared by the Budget Co-ordinators, Budget Holder or the project manager acting on the Budget Coordinators behalf. The specification is a description of the goods, services or works that the Authority wishes to procure.
- 5.4. All contracts should incorporate key performance indicators, acceptance criteria and staged payments where appropriate, which should be included in any invitation to tender documentation and also be part of any final contract documentation.
- 5.5. All contracts with a value exceeding £1,000,000 shall have a performance bond and be formed by seal unless the Head of Paid Service or Chief Fire Officer, after consultation with the Director of Resources provides his express written consent that it is not required.
- 5.6. The specification should also consider the life-cycle of the goods, works or services, including any ongoing management costs or arrangements, support and maintenance and disposal or termination at the end of a contract period. This may also include contract performance measures, such as performance bonds, performance clauses, penalties/damages and regard share contracts.

## **6. Procurement Portal**

- 6.1. If a supplier wishes to be considered for future Y&NYCA Fire and Rescue requirements they can, at no cost, register on the Bluelight e-Tendering Portal <https://bluelight.eu-supply.com/>.

- 6.2. All forthcoming tender award opportunities shall be advertised in accordance with paragraph 4.
- 6.3. If a supplier is asked to submit a quotation or tender, they will be required to provide sufficient information for Officers to conduct a due diligence assessment on their capacity, capability and financial standing to undertake work on behalf of the Authority. Pre-Qualification Questionnaires where applicable will be issued to help achieve this.

## **7. Invitation and Submission**

- 7.1. Instructions must be issued to those organisations invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. Tenders will be carried out electronically via the Bluelight e-Tendering Portal <https://bluelight.eu-supply.com/>.
- 7.2. Invitation to tender documents will usually contain the following information:
- Letter of invitation and instructions about the process;
  - Form of tender;
  - Specification and/or schedule of rates;
  - Contract terms and conditions;
  - Any relevant supporting information (drawings, maps, etc.);
  - All tender submissions shall be evaluated on the basis of quality and price, and the invitation to tender documentation must clearly specify the evaluation criteria together with its accompanying scoring methodology.
- 7.3. Completed tenders **MUST** be submitted on the Bluelight e-Tendering Portal by the date and time specified. Late tenders will not be accepted. Qualified tenders will also not be accepted.
- 7.4. It is important that organisations are given sufficient time to adequately research and compile their bids. This includes enough time to seek accurate estimates from their sub-contractors. The Mayor's minimum time for return of priced tenders for below FTS procurements is 14 days for date of issue, although best practice suggests that at least 21 days should be allowed. Longer periods can be considered if the nature of the procurement is complex or of a nature where increased time to develop bids will yield a more effective outcome for the Mayor. All procurements which exceed the FTS thresholds must use the timescales outlined in the Regulations.
- 7.5. The specified time to submit tenders/quotations may be extended in exceptional circumstances provided that all organisations involved in the process are notified of the revised date and time and no potential supplier is disadvantaged by the deadline extension.

## **8. Opening of Tenders**

- 8.1. Electronic tenders must be delivered to the designated Bluelight eTendering Portal by bidders prior to the stated closing date and time set out in the Invitation to Tender. All electronic tender submissions are retained in a virtual 'locked box' until the designated opening time. The Bluelight e-Tendering Portal will hold each submission unopened and with no reference to the contents of the response until the 'box' is opened. An activity log within the procurement portal provides a full audit trail logging any activity, recording the name of the person accessing the box, data and time and any activity undertaken.
- 8.2. The Procurement Department will maintain a record of tenders on the Bluelight eTendering Portal and in compliance with the Local Government Transparency Code 2015.

## **9. Evaluation of Tenders and Quotations**

- 9.1. An evaluation must be made of tenders submitted, comparing the tender sum against the estimate for the goods, services or works prepared in advance of the suppliers being invited to tender. Where errors or discrepancies are found that may affect the tender sum, the tenderer may be notified and afforded an opportunity to confirm the submitted sum without amendment, amend their bid to correct an arithmetical error, or withdraw their bid. A written record of any revisions or withdrawals must be maintained.
- 9.2. The Y&NYCA evaluates and awards contracts to the suppliers it considers offers the best value having due regard to both price and quality factors. This is sometimes referred to as the 'most economically advantageous tender' and provides for the contract to be awarded to the supplier best able to meet the tender specification.
- 9.3. To ensure fairness the quality criteria (or award criteria) and evaluation method must be clearly defined in the tender documentation. Award criteria will vary depending on the type of contract. Some examples of criteria included are:
  - Technical suitability;
  - Financial viability and stability;
  - Quality systems;
  - Customer care and after sales service;
  - Experience and past performance;
  - Aesthetic and functional characteristics;
  - Delivery date and other management factors;
  - Commitment to Equality and Diversity and Sustainability;
  - The economic, social and environmental well-being of an area (social value).
- 9.4. Where tenders exceed the Budget Co-ordinators financial authority or the approved financial budget thresholds, confirmation of funding must be confirmed from the Treasurer before any further proceedings can be taken.

## **10. Post Tender Considerations**



- 10.1. After the receipt of tenders, Budget Co-ordinators may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and entered into utilising the <https://bluelight.eu-supply.com/> message system. Should this not be available then advice should be sought from the Enable NY Procurement Department, or a person acting with the authority of the Budget Holder, on how to proceed so that an audit trail can be maintained.
- 10.2. Any negotiations with a supplier to discuss the pricing or any other allowable aspects of the bid submitted should be undertaken only by the Enable NY Procurement Department, or a person acting with the authority of the Budget Holder, in the presence of at least one manager who is not involved in the project, and will act as an independent observer.

## **11. Contract Awards**

- 11.1. Before a Tender is accepted, and the resulting contract signed, a Contract Summary Report will be completed by the Enable NY Procurement Team (over £50,000 procurements). The award of a contract shall be approved in accordance with the following:
- By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
  - By the Budget Co-ordinator for contracts with a value of up to £250,000;
  - By the Director of Resources for contracts with a value in excess of £250,000.
- 11.2. The successful supplier should be promptly notified that its tender has been accepted by the Authority, and a contract issued for signature. Once it has been signed by the supplier, it should be signed by the Authority in accordance with the following delegated authority:
- By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
  - By the Budget Co-ordinator for contracts with a value of up to £250,000;
  - By the Director of Resources for contracts with a value in excess of £250,000.
- 11.3. All unsuccessful tenderers should be notified promptly in writing or via <https://bluelight.eu-supply.com/>. All documentation in relation to any quotation or tender exercise should be retained for a period of not less than seven years by either the Budget Co-ordinators, the Enable NY Purchasing Department or a person acting with the authority of the Budget Holder.

## **12. Corrupt Practices**

- 12.1. In line with the Anti- Fraud and Corruption Policy and the Staff Code of Conduct Policy – Hospitality and Gifts, a clause must be inserted into every written contract ensuring that the Y&NYCA is entitled to terminate the contract so as to be able to recover from the contract supplier the amount of any loss resulting from termination:

- If the contract supplier has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing anything related to the contract or another contract with the Y&NYCA;
- For favouring or not favouring any person in relation to such contract, or similar acts have been done by any person employed by the contract supplier or acting on their behalf;
- If the contract supplier or any person employed by them or acting on their behalf has committed an offence under the Bribery Act 2010 or any amendment of the act;
- For any fee or reward given, the receipt of which is an offence under the Local Government Act 1972.

### **13. Third Parties**

- 13.1. Where it is appropriate for the Authority to purchase goods, services or works under a joint arrangement with a local authority, the prior approval of the Authority is required together with the Chief Fire Officer and the Director of Resources being satisfied that the procurement procedures of the partner authority are no less rigorous than these Contract Regulations.
- 13.2. Where a consultant, which could be an architect, has been engaged to purchase goods, services or works on behalf of the Authority, the following prior approvals are required as evidence that the Authority is satisfied that the procurement procedures of the consultant are no less rigorous than these Contract Regulations:
  - By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
  - By the Budget Co-ordinator for contracts with a value of up to £250,000;
  - By the Director of Resources for contracts with a value in excess of £250,000.
- 13.3. Where a consultant, which could be an architect, has been engaged to purchase goods, services or works on behalf of the Authority, it shall be a condition of their contract that they shall:
  - Observe the procedures prescribed within these Contract Regulations;
  - Produce on demand, all records maintained by them in relation to the contract;
  - On completion of a contract, transmit such records to the Director of Resources or the Monitoring Officer.

### **14. Assignment**

- 14.1. In every written contract for the execution of works or the supply of goods or services the contract supplier shall be prohibited from transferring, assigning or novating directly or indirectly to any person or persons whatever, any portion of the contract without the prior written permission of the Y&NYCA. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited.

## **15. Sealed Contracts**

- 15.1. All contracts and orders shall be made electronically or in writing and made in the name of the Y&NYCA.

## **16. Term of Contract**

- 16.1. The term of the contract may be extended with the approval of the Budget Coordinators, if there is provision within the contract terms and conditions to extend and if confirmation of budgetary provision has been agreed by the Budget Coordinator or Enable NY Financial Services Team, Budget Co-ordinators must not approve their own contract extensions. If the contract has already been extended to the full extent within the provisions of the existing contract, it cannot be further extended.
- 16.2 The contract terms cannot be extended where this would result in the value of the contract exceeding the European Union procurement threshold, would make a fundamental change to the contract award previously made or extending the contract period not previously identified in the contract.

## **APPENDIX A - Terms of Reference for the North Yorkshire Joint Independent Audit Committee (Police and Crime) (“JIAC”)**

### Composition of the JIAC

That the JIAC comprises not less than 5 Members, including 1 Chair, who are independent of the Y&NYCA and North Yorkshire Police. The length of each appointment will be confirmed on recruitment, but will be between 2 and 4 years, with a maximum term of four years. A member may apply for re-appointment however re-appointment may only take place once.

To support the Committee in undertaking their role attendees from each of the following will also attend every ordinary meeting of JIAC:

- The Command Team of the Police Force, including at least one operational Police Officer, are required to be represented at each meeting of the Committee.
- At least one of the Deputy Mayor for Policing and Crime’s Statutory Officers are required to attend each meeting of the Committee.
- A representative from each of External Audit and Internal Audit shall also attend each meeting of the Committee.

Other attendees will be confirmed by the Chair as and when required. The Mayor and Chief Constable although not Members of the JIAC, may attend any meeting.

### Quorum of the JIAC

No decisions can be made at the meeting of the JIAC unless at least 3 Members of the JIAC are present.

At any meeting the Chair shall preside, if present. In their absence the Members present shall appoint one of their number to act as Chair for that meeting.

### Press and Public

The Public shall be admitted to all meetings of the JIAC unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.

A member of the public will not be permitted to speak or ask questions at the meeting except with the consent of the meeting Chair.

### Exclusion of Public Access

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Confidential information means information given to the Mayor or Chief Constable by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Items will be considered '**Below the Line**' or '**not for publication**' when they contain exempt information as defined by schedule 12 of the Local Government Act 1972.

Individual members of the public may be excluded at the discretion of the meeting Chair on the basis of maintaining good order.

#### Purpose

The JIAC is responsible for enhancing public trust and confidence in the governance of the Mayor's Police, Fire and Crime Office and North Yorkshire Police. It also assists the Mayor in discharging statutory responsibilities in holding the Police Force to account, and ensures that effective governance and risk management arrangements are in place and functioning efficiently and effectively. This is achieved by;

- Advising the Mayor and Chief Constable of North Yorkshire Police according to good governance principles.
- Independently scrutinising financial and non-financial performance to the extent that it affects the Mayor and North Yorkshire Police exposure to risks and weakens the internal control environment.
- Providing independent assurance on the adequacy and effectiveness of the Mayor office and North Yorkshire Police internal control environment and risk management framework.
- Overseeing the effectiveness of the framework in place for ensuring compliance with statutory requirements.
- Overseeing governance and monitoring of governance within the organisation.
- Overseeing the financial reporting process.
- Having unfettered access to Internal Audit and External Audit where required and to meet with them at least once a year out with formal JIAC sessions and without executive representation.

On an annual basis the JIAC shall complete a self-assessment which shall inform a report on the work of the Committee to the Mayor and Chief Constable.

To aid the JIAC in delivering its purpose and objectives the Mayor will make available funds for the JIAC to take independent legal and financial advice where the JIAC deems it is reasonably necessary to do so. Where the JIAC deems this advice is necessary it should be discussed and coordinated with the Monitoring Officer and the Chief Finance Officers of the Chief Constable and the Combined Authority.

#### Notice of Meetings

The JIAC meets on at least four occasions during a financial cycle typically in May, July, November and March.

In the event that additional formal JIAC sessions are required these can be convened at the request of either the Chair or at least two JIAC members.

#### Objectives

The JIAC in effectively discharging its function is responsible for:

### Internal Control Environment

- Satisfying itself as to the effectiveness of the internal control framework in operation within the Mayor and North Yorkshire Police and advising the Mayor and Chief Constable of North Yorkshire Police as appropriate.
- Considering the Annual Governance Statement for publication with the annual accounts, together with associated action plans for addressing areas of improvement and advising the Mayor as appropriate.
- Considering the arrangements to secure value for money and review assurances on the effectiveness of those arrangements.

### Corporate Risk Management

- Approving the Mayor and North Yorkshire Police's corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the office of the Mayor and North Yorkshire Police.
- Considering the financial risks to which the Mayor and North Yorkshire Police are exposed and approving measures to treat, tolerate, transfer or terminate them as appropriate.
- Providing assurance to the Mayor and Chief Constable of North Yorkshire Police as appropriate on the effectiveness of the risk management framework in operation.
- Providing oversight and scrutiny of the risk registers of both the Mayor and Chief Constable.

### Regulatory Framework

- Maintain an overview of the governance framework in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- Review any issue referred to it by the statutory officers of the Mayor and Chief Constable and make recommendations as appropriate.
- Monitor the policies of both the Mayor and Chief Constable on the making of protected disclosures (whistleblowing) and any anti-fraud & anti-corruption strategy.

### Internal Audit

- Advising the Mayor and Chief Constable of North Yorkshire Police on the appropriate arrangements for internal audit, the appointment of the Internal Auditors and approving the Internal Audit Strategy.
- Approving the internal audit annual programme.
- Overseeing and giving assurance to the Mayor and Chief Constable of North Yorkshire Police on the provision of an adequate and effective internal audit service; receiving progress reports on the internal audit work plan and ensuring appropriate action is taken in response to audit findings, particularly in areas of high risk.
- Considering the Internal Audit's findings on the internal control environment for the Mayor and North Yorkshire Police; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of office of the Mayor and North Yorkshire Police on fraud, irregularity and corruption.

### External Audit

- Advising the Mayor and Chief Constable of North Yorkshire Police on the appointment of external auditors.
- Approving/recommending on behalf of the Mayor and Chief Constable of North Yorkshire Police the external audit programme and associated fees.
- Reviewing the external auditor's Annual Completion Report and any other reports; reporting on these to the Mayor and Chief Constable of North Yorkshire Police as appropriate and including progress on the implementation of agreed recommendations.
- Reviewing External Auditor's Annual Audit Letter and making recommendations as appropriate to the Mayor and Chief Constable of North Yorkshire Police.

### Financial Reporting

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the Mayor or Chief Constable, any concerns or issues.
- Considering whether appropriate accounting policies have been followed and any changes to them.

### Inspection and Review

- Considering HMICFRS, external review agencies and any internal inspection reports that provide assurance on the internal control environment and/or may highlight governance issues for the Mayor and/or North Yorkshire Police.

### Civil Claims

- Maintaining an overview of civil claims and other legal proceedings affecting or revealing matters of good governance.

### Information Governance

- Reviewing Corporate Strategy, policies and procedures in relation to Information Governance for both the Mayor and Chief Constable.
- Reviewing reports from the Senior Information Risk Owner (SIRO), of both the Mayor and Chief Constable, relating to the implementation of the corporate strategy, compliance with the legal framework regulating data protection and other information governance.
- Considering any implications for governance and the annual governance statements of both the Mayor and Chief Constable from issues in this area.

### Approval

These Terms of Reference were approved by the Police, Fire and Crime Commissioner and Chief Constable on 28 May 2019 and will be reviewed annually.

## **APPENDIX B - Terms of Reference for the North Yorkshire Independent Audit Committee (Fire and Rescue) (“IAC”)**

### **Composition of the Committee**

The Audit Committee comprises 5 members who are independent of the Combined Authority in relation to their Fire and Rescue Authority responsibilities (formerly known as the Office of the PFCC Fire Rescue Authority (OPFCC FRA)). The FRA will be referred to as the Y&NYCA FRA within this document. The Corporate Management Board of the Fire Service are required to be represented at each meeting of the Committee.

### **Quorum of the Committee**

No business shall be transacted at the meeting of the Audit Committee unless at least 3 Members of the Committee are present.

### **Press and Public**

The Public shall be admitted to all meetings of the Audit Committee unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.

A member of the public will not be permitted to speak or ask questions at the meeting except with the consent of the meeting chair.

### **Exclusion of Public Access**

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Confidential information means information given to the Mayor, the Combined Authority or Chief Fire Officer (CFO) by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Items will be considered ‘**Below the Line**’ or ‘not for publication’ when they contain exempt information as defined by schedule 12 of the Local Government Act 1972.

### **Purpose**

The Audit Committee is responsible for enhancing public trust and confidence in the governance of the Y&NYCA FRA and North Yorkshire Fire and Rescue Service. It also assists the Mayor in discharging statutory responsibilities in holding the Fire Service to account. This is achieved by;



- Advising the Y&NYCA FRA and Chief Fire Officer of North Yorkshire according to good governance principles
- Providing independent assurance on the adequacy and effectiveness of the Y&NYCA FRA internal control environment and risk management framework.
- Overseeing the effectiveness of the framework in place for ensuring compliance with statutory requirements (and in particular those in respect of health and safety and equalities and diversity.)
- Independently scrutinising financial and non-financial performance to the extent that it affect the Y&NYCA FRA exposure to risks and weakens the internal control environment
- Overseeing governance and monitoring of governance within the organisation.
- Overseeing the financial reporting process

## **Objectives**

The Audit Committee meets at least four times a year and in effectively discharging its function is responsible for:

### **Internal Control Environment**

- Satisfying itself as to the effectiveness of the internal control framework in operation within the Y&NYCA FRA and advising the Mayor and Chief Fire Officer as appropriate.
- Considering the Annual Governance Statement for publication with the annual accounts, together with associated action plans for addressing areas of improvement and advising the Mayor as appropriate.

### **Corporate Risk Management**

- Approving the Y&NYCA FRA corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the Y&NYCA FRA.
- Considering the financial risks to which the Y&NYCA FRA is exposed and approving measures to reduce or eliminate them or to insure against them.
- Providing assurance to the Mayor and Chief Fire Officer as appropriate on the effectiveness of the risk management framework in operation.
- Provide quarterly oversight and scrutiny of the risk registers of the Y&NYCA FRA.

### **Regulatory Framework**

- Maintain an overview of the governance framework in respect of contract procedure rules, financial regulations and codes of conduct and behaviour and to review and approve on an annual basis any changes to the Code of Corporate Governance.
- Maintain an overview in relation to an overview of the number and types of complaints.

- To review any issue referred to it by the Statutory Officers of the Mayor/Y&NYCA and make recommendations as appropriate.
- To monitor the policies of the Y&NYCA FRA on 'Raising Concerns at Work', anti-fraud and corruption strategy and complaints process.

### **Internal Audit**

- Advising the Mayor and Chief Fire Officer on the appropriate arrangements for internal audit, the appointment of the Internal Auditors and approving the Internal Audit Strategy.
- Approving the internal audit annual programme.
- Overseeing and giving assurance to the Mayor and Chief Fire Officer on the provision of an adequate and effective internal audit service; receiving progress reports on the internal audit work plan and ensuring appropriate action is taken in response to audit findings, particularly in areas of high risk.
- Considering the Head of Internal Audit Annual Report and annual opinion on the internal control environment for the Y&NYCA FRA; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of Y&NYCA FRA on fraud, irregularity and corruption.

### **External Audit**

- Advising the Mayor and Chief Fire Officer on the appointment of external auditors.
- Approving on behalf of the Mayor and Chief Fire Officer the external audit programme and associated fees
- Reviewing the external auditor's Annual Completion Report and any other reports; reporting on these to the Mayor and Chief Fire Officer as appropriate and including progress on the implementation of agreed recommendations.
- Reviewing the External Auditor's Annual Audit Letter and making recommendations as appropriate to the Mayor and Chief Fire Officer.

### **Financial Reporting**

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the Mayor or Chief Fire Officer, any concerns or issues.
- To consider whether appropriate accounting policies have been followed and any changes to them.

### **Inspection and Review**

- Considering HMICFRS, external review agencies and any internal inspection reports that provide assurance on the internal control environment and/or may highlight governance issues for the Y&NYCA FRA.

## **Complaints**

- Maintain an overview of Fire Service complaints.

## **Freedom of Information**

- Maintain an overview of FOI requests, Subject Access Requests and Performance.
- Act as the review body for Freedom of Information appeals

## **Civil Claims**

- Maintain an overview of Civil Claims

## **Information Governance**

- Review Corporate Strategy, policies and procedures in relation to Information Governance for Y&NYCA FRA.
- Review reports from the Senior Information Risk Owner (SIRO) relating to the implementation of the corporate strategy, compliance with Data Protection Act and other information Governance related legislation.
- Consider any implications for governance and the annual governance statements of the Y&NYCA FRA from issues in this area.

## **Appendix C – Terms of Reference for Executive Board (PCC and Fire and Rescue)**

### **Purpose**

A strategic governance forum which gives direction and makes decisions on matters of significant public interest, within police, fire and crime through which the Mayor drives and monitors the delivery of the Police and Crime Plan and the Fire and Rescue Plan.

### **Standard agenda**

- 2) Welcome and apologies
- 3) Action Log
- 4) North Yorkshire Police (must specify which part of the Police and Crime Plan each area reported upon relates to)
  - a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of the Police and Crime plan that the Mayor should be aware of)
  - b) For information and discussion (This will be areas that you wish to raise with the Mayor or items that you wish to discuss with the Mayor but not necessarily require a decision)
  - c) Decisions required. (
  - d) Third party reports section. Including update on HMICFRS progress against actions. (include updates from other internal and external audits)
- 5) North Yorkshire Fire and Rescue Service (must specify which part of RRM and Fire and Rescue Plan each area reported on relates to)
  - a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of the Fire and Rescue plan that the Mayor should be aware of)
  - b) For information and discussion (This will be areas that you wish to raise with the Mayor or items that you wish to discuss with the Mayor but not necessarily require a decision)
  - c) Decisions required. (include detail of the decision making process to this point – where has this been before being presented to the Mayor?)
  - d) Third party reports section. Including update on HMICFRS progress against actions. (include updates from other internal and external audits)
- 6) Enable (must specify which part of the Police and Crime plan or Fire and Rescue Plan each area raised impacts upon)

- a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of either plan that the Mayor should be aware of)
  - b) For information and discussion (This will be areas that you wish to raise with the Mayor or items that you wish to discuss with the Mayor but not necessarily require a decision)
  - c) Decisions required.
- 7) Legal services
  - a) Updates
  - b) Collaboration agreements
- 8) Finance
  - a) Updates
- 9) Mayor
  - a) Commissioning and partnerships
  - b) Mayor updates
  - c) Devolution
- 10) Risks
  - a) NYP
  - b) NYFRS
  - c) Enable
  - d) Mayor

### **Reports required**

- Minutes/decisions and actions log of COT and SLT.
- HMICFRS Update report.
- Any other reports in line with the terms of reference.

### **Attendees**

- Mayor (Chair)
- Chief Constable of North Yorkshire Police
- Deputy Chief Constable
- Chief Fire Officer, North Yorkshire Fire and Rescue Service
- Deputy Chief Fire Officer
- Assistant Chief Officer, Enable NY
- Combined Authority Head of Paid Service
- Combined Authority Monitoring Officer
- Legal Services Representative
- Communications and engagement team representative
- Combined Authority's Chief Finance Officer (or delegate)
- Chief Constable's Chief Finance Officer
- Corporate Director for the Office of Police, Fire and Crime
- Director of Delivery and Assurance
- Director of Public Confidence
- Director of Commissioning & Partnerships

## **Terms of reference:**

1. Ensure that the strategic direction and objectives of the services are set in-line with and are supportive of the Police and Crime and Fire and Rescue Plan.
2. To give direction and make decisions on matters of significant public interest, with to achieve the outcomes of the Police and Crime and Fire and Rescue Plan.
3. To receive notification of decisions made by delegates under the Scheme of Delegation.
4. Ensure that North Yorkshire Police, North Yorkshire Fire and Rescue Service and the OPFCC are operating within agreed budget allocations and ensuring value for money.
5. Consider North Yorkshire Police, North Yorkshire Fire and Rescue Service and the OPFCC's strategic risks and ensure that appropriate actions are being taken to address them.
6. Review and monitor progress against HMICFRS and other regulatory recommendations.
7. Consider any public feedback received.

## **Rules**

- Held monthly, usually the last Tuesday of the month (except December)
- In exceptional circumstances closed items may be withheld from publication. Closed items shall be those matters which in the opinion of the meeting are either
  - Exempt from publication within the meaning of Regulation 2(2) Elected Local Policing Bodies (Specified Information) Order 2011; or
  - Subject to legal professional privilege; or
  - Subject to a duty of confidence at law; or
  - Fall within a description of any other matter in respect of which a local authority could pass a resolution to exclude members of the public from a meeting
- Papers are to be supplied to the nominated SPOC within the OPFCC by a deadline set by the SPOC, by 4pm on the Tuesday before every meeting.
- Papers may be in any reasonable and accessible format suitable for the subject matter.
- Business Cases or documents seeking significant investment from the Mayor, must be the subject of a pre-briefing to the Mayor, unless explicit agreement is obtained to the contrary from the Mayor or the Corporate Director for the Office of Police, Fire and Crime.
- There will be an assumption that all those attending the meeting will have read all documentation which is circulated in advance of a meeting, provided reasonable notice has been given.
- Verbal updates should be delivered at a strategic level and by exception only.
- Attendees must ensure that all updates reference the section of the police and crime or fire and rescue plan to which they relate.

**How details of the meeting will be recorded and published.**

The meeting will be documented, and this will be published on the Y&NYCA website.