

WEST OF ENGLAND COMBINED AUTHORITY

CONSTITUTION

Adopted 7 November 2017

Amended by West of England Combined Authority
Committee 17 March 2023

WEST OF ENGLAND COMBINED AUTHORITY

CONSTITUTION

PART A

CONTENTS

PART A

Introduction.....	1
West of England Governance	2
<i>Diagram of West of England Combined Authority Structures and Arrangements.....</i>	<i>2</i>
Terms of Reference of West of England Combined Authority Committees and Other Bodies.....	3
<i>The West of England Combined Authority Committee.....</i>	<i>3</i>
<i>The Joint Committee.....</i>	<i>7</i>
<i>The West of England Combined Authority Overview and Scrutiny Committee.....</i>	<i>10</i>
<i>The West of England Combined Authority Audit Committee.....</i>	<i>12</i>
<i>West of England Hearings Sub-Committee.....</i>	<i>13</i>
<i>Regional Capital Board.....</i>	<i>15</i>
<i>Combined Authority/Joint Committee Boards.....</i>	<i>17</i>
<i>West of England Local Enterprise Partnership.....</i>	<i>19</i>
<i>Employment and Appointments Committee.....</i>	<i>23</i>
Delegations.....	24
<i>General Delegations to Statutory Officers.....</i>	<i>24</i>
<i>Other Delegations.....</i>	<i>31</i>
Standing Orders (Descriptions and Rules of Procedure)	32
A1. <i>Definitions.....</i>	<i>32</i>
A2. <i>Interpretation.....</i>	<i>33</i>
A3. <i>Interpretation of Standing Orders.....</i>	<i>33</i>
A4. <i>Membership of the Authority.....</i>	<i>34</i>
A5. <i>Suspension of Standing Orders.....</i>	<i>35</i>
A6. <i>Chair of the Combined Authority.....</i>	<i>35</i>
A7. <i>Annual Meeting.....</i>	<i>35</i>
A8. <i>Ordinary Meetings.....</i>	<i>36</i>
A9. <i>Extraordinary Meetings.....</i>	<i>37</i>
A10. <i>Place of Meetings.....</i>	<i>38</i>
A11. <i>Notice of Meetings and the Notice to Attend.....</i>	<i>38</i>

A12.	<i>Public Access to Agenda and Reports</i>	38
A13.	<i>Access to meetings and Public Participation at meetings</i>	39
A14.	<i>Substitute members</i>	43
A15.	<i>Mayor and Deputy Mayor</i>	43
A16.	<i>Quorum</i>	44
A17.	<i>Items of Business</i>	44
A18.	<i>Order of Business</i>	45
A19.	<i>Rules of Debate</i>	45
A20.	<i>Voting</i>	51
A21.	<i>Point of Order</i>	52
A22.	<i>Record of Attendance</i>	53
A23.	<i>Attendance by Committee Chairs</i>	53
A24.	<i>Reporting Proceedings</i>	53
A25.	<i>General Disturbance</i>	54
A26.	<i>Minutes</i>	54
A27.	<i>Member Conduct</i>	55
A28.	<i>Compliance with the Constitution</i>	55
A29.	<i>Review and Revision of the Constitution</i>	55
A30.	<i>Publication of the Constitution</i>	55
A31.	<i>Standing orders applicable to the Overview and Scrutiny Committee</i>	56
A32.	<i>Description of Provisions Specific to Overview and Scrutiny</i>	59
A33.	<i>Conduct of Meetings</i>	62
A34.	<i>Virtual Meetings Procedure Rules</i>	62

Introduction

The West of England Combined Authority Order 2017 (“the Order”) came in to force on 9 February 2017. The Order establishes the West of England Combined Authority (“the Combined Authority”). The Combined Authority will operate under the statutory provisions set out in this Constitution and the Combined Authorities (Finance) Order 2017.

The Combined Authority provides a formal structure for the three authorities for the West of England area to give effect to the devolution deal with government. It has allowed for the transfer of powers and funding by central government to local government and gives the West of England region greater control over matters such as local transport, strategic planning and skills as well as levers to grow the local economy. The work to develop the Combined Authority has built upon existing successful joint working arrangements in the West of England. The exercise of the Authority’s statutory functions is defined in the West of England Combined Authority Order and the terms of reference of the Combined Authority are limited to the discharge of these functions.

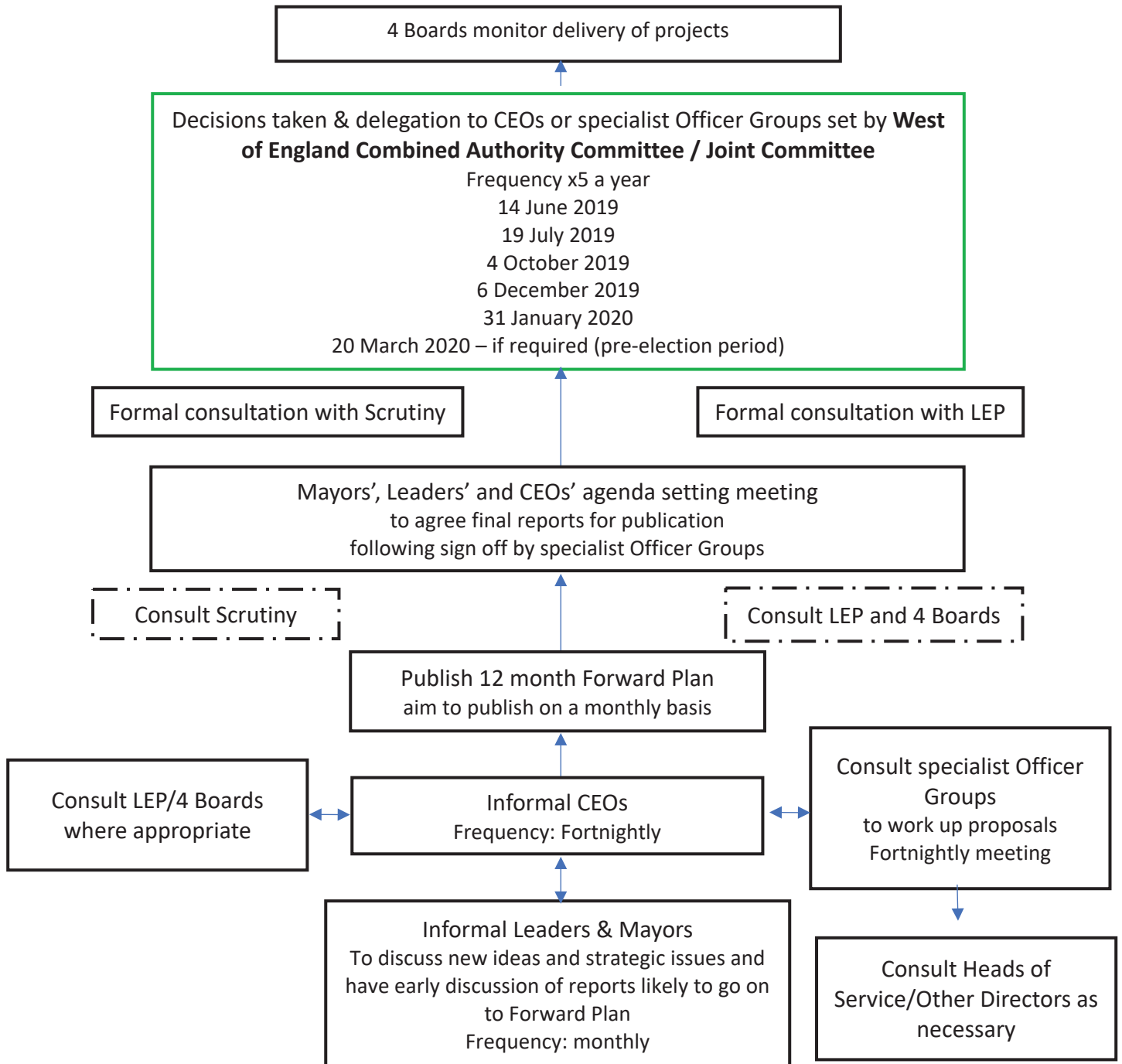
The West of England Joint Committee has been established under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council and North Somerset Council.

The West of England Joint Committee was established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017; in particular, the West of England Joint Spatial Plan and Joint Transport Plan, and any other relevant legacy matters that involve the West of England Combined Authority area together with North Somerset Council.

The West of England Local Enterprise Partnership (LEP) was set up in set up in 2011 by the Department for Business, Innovation and Skills and covers the unitary authority areas of Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire. The LEP is a business-led partnership between local businesses, universities and the West of England’s unitary and combined authorities to help determine local economic priorities and lead economic growth and job creation within the local area. The LEP makes recommendations to the West of England Combined Authority Committee and the West of England Joint Committee. The LEP is Chaired by a local business leader who is a non-voting member of the West of England Combined Authority Committee and the West of England Joint Committee.

West of England Governance

Diagram of West of England Combined Authority Structures and Arrangements



START HERE

Terms of Reference of West of England Combined Authority Committees and Other Bodies

The West of England Combined Authority Committee

The following sets out the functions and responsibilities of the West of England Combined Authority as set out in the West of England Combined Authority Order 2017

Core Strategic Functions

The West of England Combined Authority objectives:

- Contribute to providing strong collective leadership and strategic direction to realise the full economic potential of the West of England.
- Support the development and delivery of key strategies to improve the economic conditions across the West of England area.
- Agree and deliver a set of strategic priorities that enables the region to deliver on its climate commitments.
- Champion the delivery of policy, projects and programmes of work that enables the region to deliver on its climate commitments.
- Contribute to the formulation and expression of joint views (of the West of England Mayor and the local authorities) to central government and other bodies and organisations in respect of legislation, proposed legislation and other matters of concern, interest or relevance to the West of England economy with a particular focus on removing barriers to growth and the delegation of additional powers and funding.
- Actively support the co-ordination of joint local authority activity across the West of England, including the activities of the Local Enterprise Partnership Business Board.
- Work with appropriate agencies and bodies both within and beyond the West of England in order to achieve any shared economic objectives.
- Ensuring arrangements are in place to report the proposals and activities of the Combined Authority to the constituent councils.
- Take any decisions required to deliver the West of England Devolution Deal(s) and the relevant Strategic Plans including additional funding, freedoms and flexibilities.
- Provide a formal and accountable forum for decision making relating to all relevant West of England Combined Authority functions.

Transport

The West of England Mayoral functions:

- Devolved and consolidated local transport budget (including maintenance funding)
- Identify a Key Route Network
- Prepare a Local Transport Plan including:
 - Strategic infrastructure delivery plan
 - Bus strategy; including all quality partnership arrangements and Bus Services Bill Powers, for example franchising
 - Key Route Network (management and maintenance principles)

The West of England Combined Authority functions:

- Power to deliver Grants to the UAs for the exercise of highway functions.
- Integrated Transport Authority (ITA) powers:
 - Concessionary fares
 - Provision of local bus information
 - Community Transport
- MoU with Highways England and Network Rail

The West of England Mayoral functions: (with consent from the constituent Authority)

- Designation of a non charging Clean Air Zone

West of England Combined Authority and Unitary Authority Joint functions:

- Subsidised services - Socially necessary bus services

Planning and housing

The West of England Mayoral functions:

- Combined Authority (Mayoral) Spatial Plan (from May 2018)
- Strategic planning powers:
 - Power to 'call-in' cross boundary, linear infrastructure (as identified in the Combined Authority (Mayoral) Spatial Strategy) planning applications;
 - Compulsory purchase powers (CPO) (with consent from the constituent Authority)
 - Power to create Mayoral Development Corporations (with consent from the constituent Authority).

The West of England Combined Authority functions:

- Promote the establishment of a Joint Assets Board for the West of England

Skills

The West of England Combined Authority functions:

- Responsibility for 19+ Adult Education Budget (commissioning from 17/18, budget from 19/20)
- Apprenticeship Grant for Employers (AGE) (to 31 July 2017)

The West of England Combined Authority functions held concurrently with Unitary Authorities (can be exercised independently by the CA and the UA's):

- Provision of education and training for persons over compulsory school age
- Power to provide for additional Nursery Schools
- Power to provide for suitable education and training to meet the reasonable needs of persons who are— (i) over compulsory school age but under 19, and (ii) subject to youth detention in their area
- Power to provide for boarding accommodation for persons with learning difficulties
- Power to provide for securing and encouraging work experience

Employment

The West of England Combined Authority functions:

- Co-design and co-commission of the new work and health programme
- An assessment of economic conditions of the Combined Authority area (held concurrently with Unitary Authorities and so can be exercised independently by the Combined Authority and the Unitary Authorities):
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

Finance

The West of England Mayoral functions:

- Mayoral Budget of the Combined Authority
- Power to raise supplementary business rates to fund infrastructure (subject to the agreement of business and up to 2p per pound of rateable value)

The West of England Combined Authority functions:

- Creation and administration of the Single Investment Fund
- Approval of its borrowing limits

- Treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority including the amount of any expenses, including a levy, to be met by the constituent Councils

Governance and Other Administration

The West of England Combined Authority functions:

- Approval of the Combined Authority's Constitution and Standing Orders
- Exercise the General Power of Competence to the extent that those functions are exercisable for the purpose of economic development and regeneration
- Responsibility for developing regional policies and strategies, e.g. Industrial Strategy, Love our High Streets
- Power to encourage visitors and provide conference and other facilities
- Power to place staff at the disposal of other local authorities
- Power to arrange for publication of information etc. relating to the functions of the authority
- Power to prosecute and defend legal proceedings
- Powers to research and collect information

The Joint Committee

Terms of Reference of the Joint Committee comprising of the Constituent Councils of the West of England Combined Authority, the Mayor and North Somerset Council (“The Joint Committee”)

Summary of West of England Joint Committee Functions

The West of England Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by Section 9EB of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council, North Somerset Council. Following the election of the Mayor of the West of England Combined Authority, the Mayor shall become a member of the West of England Joint Committee.

The Joint Committee is established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017; in particular the West of England Joint Spatial Plan and Joint Transport Plan, the receipt of any relevant recommendations from the Local Enterprise Partnership Business Board and any other relevant legacy matters that involve the West of England Combined Authority area and the area of North Somerset Council.

Core Strategic Legacy Functions

The West of England Joint Committee functions:

- Prepare and adopt a Joint Transport Plan
- Prepare and adopt the Joint Spatial Plan
- Agreeing expenditure from the 2012 City Deal Funding including;
 - Economic Development Fund
 - 10-year Local Major Transport Funding allocation
 - The Growth Hub
- Approval of West of England One Front Door Programme Schemes including;
 - LGF Rounds 1, 2 and 3
 - Revolving Infrastructure Schemes
- Approving and Monitoring funding awarded for one off projects including from;
 - Cycling Ambition Fund
 - Local Sustainable Transport Fund
 - Better Bus Areas

- Review of the West of England Growth Fund
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

The West of England Joint Committee will contribute to the following work that will be led by the West of England Combined Authority:

- The delivery and development of key strategies to improve the economic condition across the West of England area.
- Agreement and delivery of a set of strategic priorities that enables the region to deliver on its climate commitments.
- Championing the delivery of policy, projects and programmes of work that enables the region to deliver on its climate commitments.

Matters requiring a decision on the following functions are to be determined by a majority of those Members in attendance, or their substitutes (one vote representing each Authority) and excluding the West of England Combined Authority Mayor, subject to the proviso that any such matter that solely impacts the area of a single unitary authority requires that unitary authority to vote in favour of the proposal:

- Agreeing expenditure from the 2012 City Deal Funding including;
 - Economic Development Fund
 - 10-year Local Major Transport Funding allocation
 - The Growth Hub
- Approval of West of England One Front Door Programme Schemes including;
 - Revolving Infrastructure Schemes
- Monitoring / approving application for existing joint funding awarded for one off projects including;
 - Cycling Ambition Fund
 - Local Sustainable Transport Fund
 - Better Bus Areas

Matters requiring a decision on the following functions are to be determined by a majority of those Members in attendance, or their substitutes (one vote representing each Authority) and including the West of England Combined Authority Mayor subject to the to the proviso that any such matter that solely impacts the area of a single unitary authority requires that unitary authority to vote in favour of the proposal:

- West of England One Front Door Programme Schemes including;

- LGF Rounds 1,2 and 3
- West of England Growth Fund Review
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

Matters requiring a decision on the following functions are to be determined by unanimous agreement of all Members, or their substitutes (one vote representing each Authority) and excluding the West of England Combined Authority Mayor:

- Prepare and adopt a Joint Local Transport Plan
- Prepare and adopt the Joint Spatial Plan

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Joint Committee save that the voting arrangements applicable to the Joint Committee shall be as referred to in these Terms of Reference.

The constitution and operation of the Overview and Scrutiny Committee and the Audit Committee are governed by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committee) Order 2016 which shall come into force on 8th May 2017.

The West of England Combined Authority Overview and Scrutiny Committee

Terms of Reference of the West of England Combined Authority Overview and Scrutiny Committee (“the Overview and Scrutiny Committee”)

The functions of the Overview and Scrutiny committee primarily relate to scrutinising the work of the West of England Combined Authority and the West of England Joint Committee (“Joint Committee”) and making appropriate recommendations as to the discharge of its function.

The Overview and Scrutiny Committee shall have the power to:-

- (i) Review or scrutinise decisions made, or other actions taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority or the Joint Committee;
- (ii) Provide advice and challenge on policy and programme delivery to help ensure the region meets its climate commitments, including monitoring the delivery of the authority’s Climate Emergency Action Plan.
- (iii) make reports or recommendations to the Combined Authority or the Joint Committee (as appropriate) on matters that affect the Combined Authority area or the inhabitants of the area;
- (iv) make reports or recommendations to the Combined Authority or the Joint Committee (as appropriate) with respect to the discharge of any functions which are the responsibility of the Combined Authority or the Joint Committee;
- (v) In so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the Combined Authority or the Joint Committee, the Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in (i) –(iii) above.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the West of England Overview and Scrutiny Committee.

The West of England Combined Authority Audit Committee

The functions of the audit committee shall include:

- (i) reviewing and scrutinising the authority's financial affairs;
- (ii) reviewing and assessing the authority's risk management, internal control and corporate governance arrangements;
- (iii) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
- (iv) making reports and recommendations to the Combined Authority in relation to the reviews they have conducted.
- (v) To consider and approve the Annual Statutory Accounts

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Audit Committee.

West of England Hearings Sub-Committee

The Audit Committee shall appoint a Hearings Sub-Committee

1. Composition of Hearings Sub-Committee

1.1 Membership

The Hearings Committee will be composed of:

- 3 members of the Audit Committee (None of whom will be the Mayor); and
- One person appointed by the Combined Authority who is not a Member or officer of the Combined Authority, or an elected member or officer of any of the Constituent Councils ('the Co-Opted Independent Member')

1.2 Co-opted Independent Member

The Co-opted Independent Member will not be entitled to vote at meetings of the Committee.

1.3 Chairing the Committee

The Combined Authority will appoint the Co-opted Independent Member as Chair of the Committee.

1.4 Quorum

The quorum for the Hearings Committee is three, of whom at least one member must be the Co-opted Independent Member.

1.5 Voting

Each member to have one vote, no member is to have a casting vote. The co-opted Independent member has no vote.

Terms of Reference for Hearings Sub-Committee

1. Dealing with allegations of Breach of the Member Code of Conduct, where these are referred to them by the Monitoring Officer, and the imposition of sanctions as appropriate in accordance with the law, the Authority's Constitution and relevant procedures adopted by the Authority.
2. Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.

Regional Capital Board

Purpose

The purpose of the Regional Capital Board is to provide a regular forum for public organisations responsible for the delivery of strategic infrastructure schemes in the West of England.

Context

This Board is a key part of the West of England Combined Authority and Joint Committee stakeholder engagement programme. Whilst this is not a decision-making Board, comments from this Board may be passed on to the West of England Combined Authority Committee and Joint Committee. Members of the Board may also be invited to attend the Combined Authority/Joint Committee Boards to update on specific programmes and projects.

Membership

The Regional Capital Board will be chaired by the West of England Combined Authority Mayor. Membership will include the Leaders, Mayors and Chief Executives of the Constituent Authorities, together with Chairs and Chief Executives of the public organisations working across the West of England as follows:

- Network Rail
- Homes & Communities Agency
- Ministry for Housing Communities and Local Government
- Department for Transport
- Highways England
- Environment Agency
- Local Nature Capital
- West of England Local Enterprise Capital

Lead officers from the West of England Combined Authority and Strategic Directors from the constituent councils will attend the Board in an advisory capacity.

Key delivery stakeholders will be invited to attend the Regional Capital Board to discuss specific programmes and projects.

Secretariat

The meetings will be managed by the West of England Combined Authority Democratic Services Team on behalf of both the West of England Combined Authority and the Joint Committee.

Agenda Items

Agendas will focus on strategic delivery in the region and will be structured around ongoing and emerging programmes:

- Housing (including Investment Fund and Housing Deal)
- Transport (including MetroWest, Transforming Cities Fund)
- Major Projects and Programmes

Frequency of Meetings

The Board will convene quarterly at the West of England Combined Authority Offices in Bristol

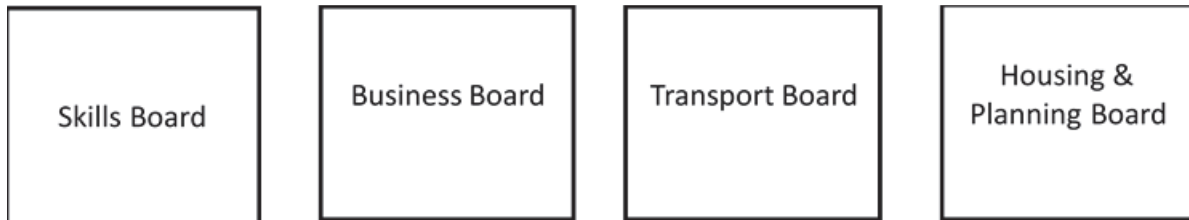
Working Groups

The Board may agree to allocate preparation of more detailed reports and investigations to working groups comprising members of the Board or nominated staff from their organisations, as agreed with the Board.

Combined Authority/Joint Committee Boards

Terms of Reference

There will be 4 Boards



Purpose

To receive briefings on items in the Combined Authority Committee and Joint Committee forward plans.

To provide strategic guidance and advice to the West of England Combined Authority, West of England Joint Committee and Local Enterprise Partnership on Housing & Planning; Transport; Business; and Skills matters.

To shape intelligence and provide advice and challenge on policy and programme planning to help deliver the region's climate commitments.

To monitor delivery of projects agreed by the Combined Authority and the Joint Committee

The Boards will work in conjunction with West of England Combined Authority Officers in relation to delegated decisions taken by Officers on behalf of the Combined Authority.

The Boards shall not make decisions and shall operate within the remit approved by the West of England Combined Authority or Joint Committee as appropriate.

The Boards shall seek to work on the principle of consensus.

Each Board shall:

- Provide guidance and advice to the West of England Combined Authority or Joint Committee as appropriate on matters relevant to the responsibilities of the Board.
- Provide direction and support in relation to the development, delivery and implementation of policies, strategies and schemes being promoted by the West of England Combined Authority or Joint Committee as appropriate

- Provide specialist and technical advice on projects and investment programmes.
- Identify any opportunities for joint working across the Boards to ensure the Boards are able to provide collective views to the West of England Combined Authority or Joint Committee as appropriate
- Have oversight of projects and programmes; raising issues and giving their views to the West of England Combined Authority, Joint Committee and Local Enterprise Partnership

Membership

The West of England Combined Authority Mayor and the Leader/Mayor of each of the Constituent Authorities, each represented by the Cabinet Lead. Where a Constituent Authority has two Cabinet Leads spanning Planning and Housing, both leads will be members of the Planning & Housing Board.

Support will be provided by relevant Officers with delegated decision making provision for Combined Authority Officers

Appointments:

Each constituent council will nominate its portfolio holding member(s)

Meetings

The Boards will meet 6 times a year in accordance with the approved calendar of meetings

A strategic review meeting of all 4 Boards will be held every 6 months, and include the Mayors and Leaders, Chief Executives and Directors and LEP.

Conflicts of interest

Members of the boards are bound by their Council's Members Code of Conduct and shall act accordingly.

West of England Local Enterprise Partnership

Terms of Reference

Purpose

The purpose of the West of England LEP Board is to secure the region's continuing and ambitious economic success and attractiveness as a place for its residents to live and thrive and for businesses and communities to grow in a sustainable way.

The LEP Board is a business led partnership between business/universities and the region's unitary and combined authorities. It brings business and university leaders together with elected leaders to shape and develop the future of the region. The LEP Board works in a collaborative and catalytic way seeking to share and test ideas informed by best practice from across the globe to ensure that actions are evidence based and draw upon the best in the world.

Key responsibilities

The LEP Board is responsible for:

- Shaping a compelling and ambitious strategic vision, strategy and brand for the region
- Promoting, developing, supporting and championing the economic success of the region
- Supporting the attraction of new inward investment and nurturing business development, innovation and creativity
- Defining and articulating the LEP Boards view of regional infrastructure to support and reflect the region's continuing economic success and enabling a healthy and productive population to thrive
- Shaping regional policy to ensure that the region has the higher-level skills it needs to deliver its ambitions for a high skills economy
- Shaping regional policy to ensure all residents can compete for jobs and can benefit from the region's success.
- Promoting the regions' interests with Government

The LEP Board will achieve this by:

- Providing a forum for political leaders, business leaders and innovators to come together to share insights, challenge, test and exchange ideas, collaborate and catalyse projects, championing the outcomes and delivering sustainable futures

- Developing their understanding of and intelligence on the region's economy and its future potential and direction
- Shaping a powerful, compelling and ambitious regional narrative and brand which is supported and promoted by the region's key influencers and shapers
- Shaping a set of strategic priorities for nurturing business, skills and infrastructure development
- Shaping key projects to deliver the region's vision and strategy such as the Joint Spatial Plan, Joint Transport Plan and skills projects
- Promoting the region nationally and internationally to raise its profile, attract and retain key businesses and sectors, and, secure funding for investments
- Working with business and political leaders in neighbouring authorities and nationally to support the development of the region's economy, infrastructure and skills
- Working with other partners in the region to shape and agree priorities and investment decisions (e.g. Network Rail and Highways England)
- Informing LEP Board and Combined Authority prioritisation and funding decisions.
- Providing a platform for wider business engagement in the region to ensure a good understanding of regional business need.

Membership

The membership of the full LEP Board is:

- Up to fourteen business members one of whom shall be the LEP Board Chair
- One Higher Education representative
- The Mayor of the West of England Combined Authority, the Mayor of Bristol City Council and the Leaders of Bath and North East Somerset Council, South Gloucestershire Council and North Somerset Council. ("Local Authority Members")

Business members will be senior leaders able to influence and advise both within the region and beyond. They will have knowledge and expertise in a range of industry sectors representing the key growth areas in the region's growth strategy; this will include both primes and SMEs and should deliver a diverse Board.

At least one third of the business membership will be women.

At least one of the business members will represent and engage with the small and medium sized enterprise business community.

No substitutions are allowed.

Term

The term of the chair and vice chair will be three years from date of appointment.

The term of business members and university member will be up to three years from the date of appointment. Terms will be staggered to ensure continuity amongst the membership.

Members to serve a maximum of 2 terms (renewal of term will not be automatic).

Appointment of business members

The LEP Chair in consultation with the Business Nominations Committee [a sub-Board of the LEP] is responsible for nominating business members including the vice chair, and the Higher Education representative, for approval by the LEP Board.

The Vice Chair in consultation with the Business Nominations Committee is responsible for the nomination of the Chair, for approval by the LEP Board’.

Frequency of Meetings

The Business Members shall meet 6 times a year and will consider, debate and shape key decisions and papers for the West of England Combined Authority and the West of England Joint Committee.

A meeting of the Full LEP Board, including the Mayor of the West of England Combined Authority, the Mayor of Bristol City Council and the Leaders of Bath and North East Somerset Council, South Gloucestershire Council and North Somerset Council will be held 6 times a year.

The Chair of the LEP is a non-voting member of the West of England Combined Authority and the West of England Joint Committee.

LEP members will attend the strategic review meeting, held every 6 months, to consider the 4 Boards:

- Housing & Planning Board
- Transport Board
- Business Board
- Skills Board

The West of England LEP is committed to holding an Annual General Meeting: open to the public to attend.

Declaration of Interest

All members are required to comply with the Code of Conduct and Conflict of Interests Policy.

All Board members should take personal responsibility for declaring their interests and avoiding bias. This should be evidenced by producing and signing a register of interests including:

- employment,
- directorships,
- significant shareholdings,
- land and property,
- membership of organisations,
- gifts and hospitality,
- sponsorships.

Members should ensure that the register of interests is kept up to date. These will be published on the LEP website.

Employment and Appointments Committee

The Role of the Committee

To exercise all powers and duties of the West of England Combined Authority under section 112 of the Local Government Act, 1972 relating to its role as an employer.

To oversee appointments of Chief Executive/Head of Paid Service and Directors of the West of England Combined Authority.

To hear staff appeals requiring Member level involvement, under accepted national or West of England Combined Authority conditions of service.

To conduct investigatory hearings requiring Member level involvement under accepted national or West of England Combined Authority conditions of service.

To determine on behalf of the Authority its powers and duties as an employer relating to pensions.

The Committee's Span of Responsibility

All matters relating to the role of the West of England Combined Authority as an employer

Appointments of Chief Executive/Head of Paid Service and Directors of the West of England Combined Authority

All appeals or investigatory hearings requiring Member consideration

Membership

The Committee when meeting to consider ordinary business, or as a hearing, will comprise the Mayor of the West of England Combined Authority (Chair) and the Leaders of the 3 constituent authorities

Delegations

General Delegations to Statutory Officers

The West of England Combined Authority (the Combined Authority) is required by law to appoint four statutory officers, being the Head of Paid Service, Monitoring Officer, s73 Officer, and Statutory Scrutiny Officer.

The appointment of all staff must be made solely for the discharge of the statutory functions of the Combined Authority which are defined in the Order. The Combined Authority is subject to the obligations placed on all public authorities by the requirements of value for money and will be subject to internal and external audit in this respect.

Expenditure on the establishment of a staff structure requires the approval of the Combined Authority.

1. CHIEF EXECUTIVE

- 1.1 To be Head of Paid Service
- 1.2 To exercise the Combined Authority corporate functions as appropriate
- 1.3 To incur expenditure in the event of a civil emergency
- 1.4 In cases of urgency or emergency, to take any decision on behalf of the Combined Authority (after consultation with the Mayor)
- 1.5 For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Executive and any one of the following namely the Chief Financial Officer and the Monitoring Officer to sign each certificate given under the Act.
- 1.6 To make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:-
 - a) Directors
 - b) changes to the Combined Authority corporate pay grade structure;
 - c) changes to employee terms and conditions which are the subject of contention with the trades unions;

1.7 To be responsible for emergency planning and management services (personal legal responsibility).

1.8 Revenue Budget Virements

All budget virements are subject to the overall Combined Authority Budget remaining within the total Budget envelope approved by the West of England Combined Authority Committee for the financial year.

The Chief Executive may, in consultation with the Combined Authority Mayor and s73 Officer, approve virements between Combined Authority Approved Budget heads up to an individual virement limit of £50,000 up to an annual limit of £100,000 provided that the virement does not represent a change in policy or commit the Combined Authority to net increased costs either within year or on an on-going full year basis.

All virements approved within the delegations above must be reported for information to the West of England Combined Authority Committee through the next available Outturn Budget Report.

1.9 Urgency

In cases of urgency, funding may be approved for use from general fund balances, or other un-earmarked reserves, by the Chief Executive in consultation with the Combined Authority Mayor and s73 Officer up to a maximum amount of £100,000 subject to such balances being available within those reserves and the decision being reported to the next West of England Combined Authority Committee

1.10 Deputy Arrangements

The Section 73 Officer is the person nominated to be the Acting Chief Executive for any period that the Chief Executive is absent and unable to perform their duties.

2. SECTION 73 OFFICER

- 2.1 To be the officer with responsibility for the proper administration of the Combined Authority's financial affairs under s73 of the Local Government Act 1985 and meeting the requirement under s113 and s114 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
- 2.2 To be a member of one of the recognised accountancy bodies.
- 2.3 To nominate a properly qualified member of staff to deputise should the Chief Financial Officer be unable to perform their duties.

2.4 Revenue Budget Virements

The Combined Authority Directors may, in consultation with the s73 Officer, approve virements between Combined Authority Budget heads within their areas of direct responsibility up to an individual virement limit of £10,000 up to an annual limit of £25,000 provided that the virement does not represent a change in policy or commit the Combined Authority to net increased costs either within year or on an on-going full year basis.

All virements approved within the delegations above must be reported for information to the West of England Combined Authority Committee through the next available Outturn Budget Report.

2.5 Grant Funding

The s73 Officer may accept grant offers on behalf of the Combined Authority subject to all terms and conditions set out by the grant awarding body.

3. MONITORING OFFICER

Functions of the Monitoring Officer

- 3.1 All proper officer functions not allocated to other officers. Clerk and Solicitor to the West of England Combined Authority.
- 3.2 Authority to affix the Common Seal of the West of England Combined Authority.
- 3.3 Local Government Act 1972 Part V – General Provisions as to members & Proceedings of Local Authorities
- a) Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
 - b) Section 84 – Receipt of Declaration of Resignation of Office.
 - c) Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
 - d) Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
 - e) Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Combined Authority Meetings.
 - f) Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.

Access to Information

- a) Section 100B(2) – Exclusion of exempt items from public access.
- b) Section 100B(7)C – Provision of copies of documents to newspapers.
- c) Section 100C(2) – Provision of written summary of exempt proceedings.
- d) Section 100D(1)(a) – Preparation of lists of background papers.
- e) Section 100D(5) – Identification of background papers to a report.
- f) Section 100F(2) – Identification of exempt information not to be disclosed.

General Provision – Documents and Notices etc

- a) Section 228(3) – Inspection of accounts.
- b) Section 229(5) – Certification of official documents.
- c) Section 231(1) – Receipt of Notices served on the Combined Authority
- d) Section 233 – Service of Notices by the Combined Authority
- e) Section 234(1) & (2) – Signing of Documents.
- f) Section 238 – Certification of bylaws.

3.4 Local Government (Committees & Political Groups) Regulations 1990

- a) Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.

3.5 Localism Act

- a) To exercise delegations as set out in the Constitution (including Standing Orders)
- b) Receipt of members register of interests.

3.6 Appointments

- a) To appoint councillors/added or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added-member nominating body.
- b) To make appointments to outside bodies in accordance with the wishes of political groups in respect of the places allocated to them and also to fill casual vacancies in the same way.

3.7 Dispensations

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

- a) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
- b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- c) considers that granting the dispensation is in the interests of persons living in the Authority’s area; or
- d) considers that it is otherwise appropriate to grant a dispensation

3.8 Representing the West of England Combined Authority in the courts, tribunals or at public inquiries

- (a) To authorise the institution, defence, withdrawal or compromise of any civil claims or legal proceedings, and or criminal proceedings, in consultation with the relevant chief officer, except where power to institute proceedings is delegated to specific officers.
- (b) To appear personally or authorise officers (or agents) of the Combined Authority to appear on the Combined Authority's behalf in court proceedings or at any tribunal or public or local inquiry.
- (c) To engage counsel (or, where appropriate, others with suitable rights of audience) to represent the Combined Authority at any proceedings.
- (d) To defend and settle (subject to consultation with the relevant chief officer and the Head of HR) any Employment Tribunal proceedings, except where any cases involve policy or are of particular sensitivity, when decisions are subject to consultation with the appropriate Committee Chair.
- (e) Combined Authority Officers and Members are prohibited from obtaining legal advice without the written agreement of the Combined Authority Monitoring Officer. All legal services will be commissioned in accordance with arrangements settled by the Monitoring Officer from time to time. These arrangements will be set out in a legal services protocol which will be published on the authority's internet.

3.8 Nomination of officers

- a) To nominate a properly qualified officer to deputise for the Monitoring Officer should the Monitoring Officer be unable to perform their duties.
- b) To nominate a suitably qualified officer to act as the statutory scrutiny officer of the West of England Combined Authority.

4. STATUTORY SCRUTINY OFFICER

Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, English councils are required to designate a “statutory” scrutiny officer, as per the legislative provision found at s9FB of the Local Government Act 2000 (the legislative framework having been altered by the Localism Act 2011).

The Combined Authority shall therefore designate an appropriate officer as the Statutory Scrutiny Officer for the authority.

In accordance with the legislation, the Statutory Scrutiny officer’s role is:

- To promote the role of the authority’s overview and scrutiny committee(s);
- To provide support to the authority’s overview and scrutiny function;
- To provide guidance to members and officers of the council in relation to overview and scrutiny functions.

The Statutory Scrutiny Officer cannot be the authority’s Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

Other Delegations

5. HEAD OF TRANSPORT

The Transport Operations functions transferred to the West of England Combined Authority in April require decision-making processes to reflect those of the councils beforehand. Swift decision-making is even more important as lockdown restrictions ease and more people use buses, so that services can be added in response to additional demand and funding allocated from existing budgets to achieve this. There may also be a need to fill gaps in the network that have not hitherto been a priority but as time goes on become necessary to provide a comprehensive network. Operational decisions required will include the following:

- The tender and/or direct award of bus service and operations contracts including de minimis, ticketing and information contracts
- Acceptance of changes to existing contracted services
- The award of grant funding to Community Transport providers
- Bids for, and acceptance and allocation of Government funding for bus services
- Code of conduct and partnership agreements with bus operators
- Response to commercial service withdrawals
- Design and delivery of bus timetable information and bus stop location maps
- Functional service reviews
- Reimbursement rates for concessionary travel
- Agreements with neighbouring Local Transport Authorities on mutual acceptance of non-statutory bus pass concessions (joint with NSC)
- Recharges to bus operators for provision of information
- Certification of Qualifying Agreements made under Schedule 10 of the Transport Act 2000

Subject to these decisions being deliverable within the Transport Levy budget envelope as agreed annually by the West of England Combined Authority Committee or other such funding as may be secured from Government and other funding streams.

Decisions impacting on services will be taken in consultation with Transport Board members as appropriate.

Standing Orders (Descriptions and Rules of Procedure)

A1. Definitions

A1.1 Definitions used throughout the constitution are:

- a) **'Clear working day'** means Monday to Friday and excludes public holidays. For clarification 5pm is regarded as the end of the working day.
- b) **'The Combined Authority'** means the West of England Combined Authority (and any reference to Authority means the Combined Authority)
- c) **'Constituent Council'** means any of the following (as the case may be) and Constituent Authorities shall be construed accordingly:

Bath and North East Somerset Council
Bristol City Council
South Gloucestershire Council
- d) **'The Constitution'** means this constitution as varied from time to time in accordance with the terms of the Constitution
- e) **'Mayor'** means the Mayor of the Combined Authority area
- f) **'Member'** means the Mayor, a member of the Combined Authority appointed in accordance with this Constitution and shall also include substitute members where appropriate
- g) **'West of England'** and/or 'Area of the Combined Authority' means the area consisting of the combined areas of the Constituent Authorities
- h) **'The Offices of the Combined Authority'** means 3 Rivergate, Temple Quay, Bristol BS1 6EW
- i) **'The Order'** means West of England Combined Authority Order 2017

- j) **'Standing Orders'** means these Procedure Standing Orders, the Contractual Standing Orders, the Financial Regulations of the Combined Authority and any other procedures, protocols, rules, policies and governance arrangements from time to time adopted by the Combined Authority and designated as Standing Orders of the Combined Authority
- k) The Constitution sets out how the Combined Authority operates and how decisions are made and the procedures that are to be followed to ensure that the Combined Authority operates lawfully efficiently, effectively and is both transparent and accountable.

A2. Interpretation

- A2.1 The Constitution shall be interpreted in accordance with the provisions set out below:-
 - a) the masculine includes the feminine and vice versa;
 - b) the singular includes the plural and vice versa;
 - c) a reference to any clause, sub-clause, paragraph, schedule, appendix recital or annex is, except where expressly stated to the contrary, a reference to such clause, sub clause, paragraph, schedule, appendix, recital or annex of and to this Constitution;
 - d) save where otherwise provided in this Constitution, any reference to this Constitution or to any other document shall include any permitted variation, amendment or supplement;
 - e) any reference to any enactment, order, regulation or other similar instrument shall be construed as a reference to the enactment, order, regulation or instrument as amended, replaced, consolidated or re-enacted;
 - f) headings are for convenience of reference only; and
 - g) words preceding "include", "includes", "including" and "included" shall be construed without limitation by the words which follow those words.

A3. Interpretation of Standing Orders

A3.1 The person presiding at a meeting of the Combined Authority shall make any final decision about how Standing Orders should be interpreted and applied to any of the Combined Authority’s meetings, and on any question of procedure not otherwise provided for within these Standing Orders.

A4. Membership of the Authority

A4.1 Each constituent council must appoint one of its elected members to be a member of the Combined Authority.

A4.2 Each constituent council must appoint two of its elected members, one of whom is to act [at any one time] as a member of the Combined Authority in the absence of the member appointed under paragraph A4.1 (“the substitute member”).

A4.3 A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of the constituent council that appointed them.

A4.4 A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.

A4.5 Where a member or substitute member of the Combined Authority’s appointment ceases, the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Monitoring Officer and appoint another of its elected members in that person’s place.

A4.6 A constituent council may, at any time, terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another one of its elected members in that person’s place.

A4.7 Where a constituent council exercises its power under paragraph A4.6, it must give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer and the new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

A4.8 Save for the Mayor, there shall be no Basic Allowance or Special Responsibility Allowance payable to any member. The reimbursement of any travel or subsistence expenses will be the responsibility of each member's appointing authority.

A5. Suspension of Standing Orders

A5.1 The Combined Authority may by resolution suspend Standing Order 18 (order of business) for the duration of a meeting if all the members appointed by separate Constituent Authorities of the Combined Authority are present and resolve to do so.

A5.2 Any motion to permanently add to, vary or revoke any Standing Order will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Combined Authority.

A6. Chair of the Combined Authority

A6.1 The Mayor shall be the chair of the Combined Authority

A7. Annual Meeting

A7.1 The Combined Authority will normally hold an annual meeting every year, between 1 March and 30 June, at a time fixed by the Combined Authority.

A7.2 The annual meeting will:-

- a) elect the Vice Chairs of the Combined Authority from among the members appointed by Constituent Authorities in accordance with the provisions of the Order;
- b) appoint such committees, their membership and Chair/Vice-Chair as the Combined Authority considers appropriate;
- c) appoint members to outside bodies;
- d) agree the date and time for the ordinary meetings of the Combined Authority for the forthcoming year; and
- e) consider any other business set out in the notice convening the meeting.

A8. Ordinary Meetings

A8.1 The Combined Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to its annual meeting. Each ordinary meeting shall be held at such date and time as the Combined Authority decides.

A8.2 At each ordinary meeting, the Combined Authority will:-

- a) approve the minutes of the last meeting;
- b) receive any declarations of interest from members;
- c) consider minutes/reports from any committee of the Combined Authority;
- d) consider motions submitted in the name of a member of the Combined Authority;
and
- e) consider any other business specified in the notice convening the meeting.

A8.3 All proposed key decisions will be identified in the Forward Plan of the Combined Authority which shall be published at least 28 days in advance of the date upon which the decision is to be taken.

A8.4 A “key decision” means a decision of a decision-maker which is likely:

- (a) to result in the West of England Combined Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Authority’s budget for the service or function to which the decision relates;

and/or

- (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the West of England Combined Authority.

In relation to expenditure or savings referred to in a), as a guide, this will ordinarily be taken to mean that a Key-Decision will result in expenditure or savings in excess of £0.5m revenue, or £3m capital.

A8.5 All Decisions taken will be published in a Decision Schedule as soon as reasonably practicable after the date on which the decision was taken. The Decision Schedule shall specify the date after which the decision (if not subject to call-in in accordance with Standing Order A.31) is capable of implementation.

A9. Extraordinary Meetings

A9.1 Subject to compliance with Standing Order A9.5 or A9.6 below (Urgent Decisions) an Extraordinary Meeting of the Combined Authority may be called in the following circumstances:-

- a) by a Combined Authority resolution; or
- b) by the Chair of the Combined Authority at any time; or
- c) by the Head of Paid Service of the Combined Authority at any time; or
- d) all three Constituent members of the Combined Authority who have signed a requisition which has been presented to the Chair of the Combined Authority (the meeting is called if, after five clear working days following the receipt of such a requisition, the Chair of the Combined Authority has refused to call a meeting).

A9.2 Any requisition under clause A9.1 (d) will be addressed to the Monitoring Officer of the Combined Authority by being delivered to the offices of the Combined Authority. The requisition will indicate the business to be transacted at the meeting.

A9.3 The date, time and location of any extraordinary meeting will be fixed by the Monitoring Officer after consultation with the Chair.

A9.4 Public Participation at Extraordinary meetings:

Public petitions, questions and statements will be accepted for extraordinary meetings, but they must relate to the business for which the extraordinary meeting has been arranged. The same deadlines for submission will apply as specified for ordinary meetings.

A9.5 Cases of Special Urgency

Where the date by which a key decision must be made makes compliance with article 12 impracticable, the decision may only be made where the decision maker has obtained agreement from—

- a) the chair of the relevant overview and scrutiny committee; or
- b) if there is no such person, or if the chair of the relevant overview and scrutiny committee is unable to act, the vice-chair of the relevant overview and scrutiny committee; or
- c) where there is no chair or vice chair of the relevant overview and scrutiny committee and no chair of the Combined Authority, the vice-chair of the Combined Authority,
that the making of the decision is urgent and cannot reasonably be deferred.

- A9.6** As soon as reasonably practicable after the decision maker has obtained agreement under A9.5 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—
- a) make available to the public at the offices of the Combined Authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
 - b) publish that notice on the Combined Authority’s website.

A9.7 All decisions taken will be published on the Decision Schedule.

A9.8 The call-in procedure set out in Standing Order A31.3 below shall not apply where the decision has been taken as an Urgent Decision. Standing Order A31.5 shall apply.

A10. Place of Meetings

A10.1 The Combined Authority shall hold its meetings at any place within the area of the Combined Authority, as deemed appropriate in terms of accessibility considerations.

A11. Notice of Meetings and the Notice to Attend

A11.1 At least five clear working days before a meeting of the Combined Authority, the Monitoring Officer will sign a notice to attend the meeting, which sets out the business to be carried out at the meeting together with the date and time, which shall be sent in electronic format to every member.

A11.2 The Chair shall have agreed the business to be considered at any ordinary meeting of the Combined Authority in consultation with the Head of Paid Service.

A11.3 The notice of meetings will be carried out in accordance with the Access to Information Procedure Rules.

A12. Public Access to Agenda and Reports

A12.1 Subject to A12.3 below, at least five clear working days before a meeting of the Combined Authority, the Monitoring Officer will make available for inspection by the public at the offices of the Combined Authority a copy of the agenda and (subject to A12.4 below) reports for the meeting.

- A12.2 Where an additional item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to A12.4 below), shall be open to inspection from the time the item is added to the agenda.
- A12.3 Nothing in A12.1 or A12.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members.
- A12.4 Where a report or any part of a report is not open to public inspection, the Monitoring Officer will mark the report (or the part) 'Not for publication'; and state on the description of the exempt information by virtue of which the Combined Authority is likely to exclude the public.
- A12.5 All information shall be dealt with by the Combined Authority in accordance with the Access to Information Procedure Rules.

A13. Access to meetings and Public Participation at meetings

Access to meetings

A13.1 Meetings open to the public

- a. Every Committee meeting of the Combined Authority shall be open to the public except that the public will be excluded (during the whole or part of the proceedings) to prevent the likely disclosure of confidential information, or, by committee resolution, to prevent the likely disclosure of exempt information.
- b. A motion to exclude the public may be moved without notice at any meeting in relation to an item of business whenever it is likely that, if members of the public were present for that item, there would be disclosure of exempt information.

Public participation

A.13.2 Total time available for public participation items:

The total time available at a meeting for public participation items is 30 minutes.

In presenting a petition or a statement at a meeting, members of the public are

permitted to speak for up to a maximum of 3 minutes. Given that the total time available is 30 minutes, individual speaking time may sometimes be reduced at the discretion of the Chair depending on how many public items are received, in the interests of enabling as many people as possible to present their item within the time available. All public items will in any event be circulated in advance of the meeting to committee members once the deadlines for the submission of public items have passed.

A 13.3 Public questions:

- a. Any member of the public can submit a maximum of 2 written questions to any Committee meeting. Questions must not include “sub-sets” of further questions.
- b. Questions must be about a matter falling within the Combined Authority’s remit / areas of responsibility.
- c. In submitting questions, the name of the person asking the questions must be included.
- d. Questions must be submitted in writing by 5.00 pm on the relevant working day, at least 3 clear working days before a meeting (not including the day of the meeting). For example, if a meeting is being held on a Friday, the deadline for questions will be 5.00 pm on the preceding Monday.
- e. Questions must be submitted in writing and addressed to the Chair of the Committee, and sent by the deadline to the Combined Authority’s Democratic Services team: democratic.services@westofengland-ca.gov.uk
- f. Under the direction of the Chair, wherever possible, written replies to questions will be sent to questioners by the end of the working day prior to the meeting. Whilst every effort will be made to supply written replies before a meeting, this may not always be possible given the limited resources available to the Combined Authority; in circumstances where it is not possible to supply a written reply before the meeting, it will be sent within a maximum timescale of 10 working days after the meeting.
- g. Due to time constraints, there is no opportunity for oral questions or supplementary questions to be asked at the meeting.

- h. A copy of the written questions received, and the written replies given will be published on the Combined Authority's website as soon as possible after the meeting.

A 13.4 Public petitions:

- a. Any member of the public can submit a petition to a meeting.
- b. Petitions must be about a matter falling within the Combined Authority's remit / areas of responsibility.
- c. Petitions will be listed in the order of receipt.
- d. In giving notice of a petition, the name of the petition organiser must be included, along with the wording/text of the petition and the number of people who have signed the petition.
- e. Petition details must be notified in writing by 12.00 noon on the working day prior to a meeting. For example, if a meeting is being held on a Friday, the deadline for notifying details of a petition will be 12.00 noon on Thursday, the day before.
- f. Petition details must be sent in writing prior to the deadline to the Combined Authority's Democratic Services team: democratic.services@westofengland-ca.gov.uk
- g. Due to time constraints, the subject matter of petitions will not be debated at the meeting. A written response will be sent to the petition organiser within 10 working days of the meeting.
- h. A copy of the wording of petitions submitted, and the written replies given will be published on the Combined Authority website as soon as possible after the meeting.

A 13.5 Public statements:

- a. Any member of the public can submit a written statement to a meeting.

- b. Statements must be about a matter(s) falling within the Combined Authority's remit / areas of responsibility.
- c. One statement is permitted per person. More than one matter can be referred to in the statement (subject to each matter falling within the Combined Authority's remit / areas of responsibility) but speaking time is limited to a maximum of 3 minutes per statement (subject to A.13.2 above).
- d. Statements must be submitted in writing - the full text of the statement must be supplied by 12 noon on the working day before the meeting. For example, if a meeting is being held on a Friday, the deadline will be 12.00 noon on Thursday, the day before. Statements must be sent, prior to the deadline, to the Combined Authority's Democratic Services team: democratic.services@westofengland-ca.gov.uk
- e. Statements will be listed in the order of receipt.
- f. Within the time available, every effort will be made to enable individuals to verbally present their statements if they so wish (subject to A.13.2 above). There will be no debate at the meeting on the issues raised by statements.
- g. Under the direction of the Chair, statements will be formally noted and published on the Combined Authority's website as soon as possible after the meeting. Due to the limited resources available to the Combined Authority, written replies will not ordinarily be sent in response to statements. The Chair of the meeting may, however, determine that a reply be sent to particular statements on an individual basis, where they consider this to be appropriate.

A 13.6 Rejection of public participation items

The Mayor, in consultation with the Monitoring Officer, may reject a question, petition or statement if, in their opinion:

- a. it is not about a matter falling within the Combined Authority's remit / areas of responsibility.
- b. it is defamatory, offensive or frivolous.
- c. will bring about the disclosure of confidential or exempt information.

A14. Substitute members

A14.1 Substitute members shall be appointed in accordance with A4.

A14.2 Substitute members may attend meetings in that capacity only:-

- (i) to take the place of the member for whom they are the substitute where the member will be absent for the whole of the meeting;
- (ii) after they, or the member they are substituting for has provided the proper officer with notice of the substitution before the commencement of the meeting in question;
- (iii) where an adjourned meeting is reconvened and it is essential for that substitute member to continue to attend to comply with the spirit of natural justice.

A14.3 Substitute members will have all the powers and duties of an ordinary member of the Combined Authority for the duration of the meeting at which they act as substitute but will not be able to exercise any special powers or duties exercisable by the person for whom they are the substitute, subject to A15.3.

A15. Mayor and Deputy Mayor

A15.1 The mayor for the Combined Authority must appoint one of the members of the authority to be the mayor's deputy.

The deputy mayor holds office until the end of the term of office of the mayor, unless

- (a) the mayor removes the person from office;
- (b) the person resigns as deputy mayor;
- (c) the person ceases to be a member of the combined authority.

If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the combined authority to be deputy mayor.

A15.2 The deputy mayor must act in place of the mayor if for any reason—

- (a) the mayor is unable to act, or
- (b) the office of mayor is vacant.

Either: A15.3 If for any reason—

- (a) the mayor is unable to act or the office of mayor is vacant, and
- (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,

the other members of the combined authority must act together in place of the mayor, taking decisions by a simple majority.

Or: A15.3 At each meeting of the Combined Authority, the Mayor shall preside. If the Mayor is absent from a meeting, the Deputy Mayor shall preside. If both the Mayor and Deputy Mayor are absent from a meeting, the meeting will be adjourned. All business which would have been considered at the meeting or which has not been completed when the meeting was adjourned shall stand referred to the next ordinary meeting unless arrangements are made for an extraordinary meeting to consider that business.

A16. Quorum

A16.1 A meeting of the Combined Authority will not commence unless there is a quorum of members present. To be quorate, the Mayor, and at least one member from two separate constituent authorities, or their substitutes, must be present.

A16.2 If during any meeting of the Combined Authority, the person presiding at the meeting declares a quorum of members is not present, the meeting will be adjourned for 15 minutes. If at the end of 15 minutes, there is still no quorum present, the meeting shall be adjourned.

A16.3 All business which would have been considered at the meeting or which has not been completed when the meeting was adjourned shall stand referred to the next ordinary meeting unless arrangements are made for an extraordinary meeting to consider that business.

A16.4 For the purposes of this clause A16, a meeting will not be considered inquorate where the number of members present falls below that specified in clause A16.1 above for the sole reason of a member being unable to act on individual items because of the need to temporarily leave the meeting due to a conflict of interests. For the avoidance of doubt, the meeting shall be inquorate for the relevant item of business that caused the conflict of interest.

A17. Items of Business

A17.1 No item of business may be considered at any meeting except:-

a) the business set out in the notice;

- b) business required by law to be transacted at the annual meeting; or
- c) business brought before the meeting as a matter of urgency in accordance with A17.2 below.

A17.2 Nor may an item be considered at any meeting unless:-

- a) a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear working days before the meeting; or
- b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

A18. Order of Business

A18.1 All items of business will be dealt with in the order specified in the notice of the meeting, except that such order may be varied at the discretion of the Chair

A19. Rules of Debate

Speeches

A19.1 The Chair will introduce each item to be considered at the meeting in order they appear on the agenda or such order as the Chair considers best for the effective conduct of the meeting. The Chair may invite an officer or other member to present the item. Each member shall then be given an opportunity to speak, for up to five minutes, on the item and the report. The Chair will determine the order in which members may address the meeting.

A19.2 Unless the Chair decides otherwise, each member shall speak only once on each item, other than to seek a point of order, a point of personal explanation or where a right of reply is reserved to the member.

A19.3 When speaking, a member shall address the Chair. While a member is speaking, the other members shall not speak, unless raising a point of order or a point of personal explanation.

A19.4 Whenever, during a debate, the Chair rises or issues a clear instruction of the intention, all other members shall be silent.

A19.5 Any member while exercising the right to speak on the item may:-

- a) move a motion; or
- b) move an amendment to a motion; or
- c) move that an item be withdrawn

A19.6 A member who has already spoken on any motion shall not speak on that same motion again while it is the subject of debate, except:-

- a) to speak once on an amendment moved by another member;
- b) if the motion has been amended since he / she last spoke, to move a further amendment;
- c) if his / her first speech was on an amendment moved by another member (whether or not the amendment was carried) but he/she wishes to speak on the main issue;
- d) in exercise of a right of reply;
- e) on a point of order or by way of personal explanation;
- f) where the person presiding is of the opinion that it would be prudent to provide an opportunity for clarification to be given or to allow the debate to proceed to an effective conclusion.

A19.7 Subject to the outcome of any such motion, once each member who wishes to speak has done so, the Chair shall move the item, which shall be decided in accordance with article A20.

A19.8 When a motion is under debate, no other motion shall be moved except the following procedural motions:-

- a) to amend the motion;
- b) to withdraw the motion;
- c) a closure motion;
- d) a motion under Standing Order 25 (prevention of disorderly conduct);
- e) a motion to exclude the public and press;
- f) to not hear further from a named member or to exclude them from the meeting (see Standing Order 25).

Motions raised in debate

A19.9 A motion shall not be debated unless it has been moved and seconded.

A19.10 When seconding a motion, a member may reserve his speech until a later period of the debate by declaring his intention to do so.

A19.11 The following motions may be moved at any meeting at which they would be in order:-

- a) relating to the accuracy of the minutes;
- b) to change the order of business;
- c) to refer a matter to an appropriate body or individual;
- d) to establish a committee or appoint a member arising from an item on the agenda for the meeting;
- e) to receive reports or adopt recommendations of a committee or officer and any relevant resolutions;
- f) closure motions (see standing order A19.15);
- g) the suspension of Standing Orders in accordance with the Constitution;
- h) to exclude the public and press from a meeting where there is likely to be disclosure of exempt or confidential information;
- i) to give the consent of the Combined Authority where it is required by the Constitution;
- j) to prevent disorderly conduct

A19.12 When any motion, notice of which has not been given in writing, has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him before it is further discussed.

A19.13 With the consent of the meeting, signified without discussion, a member may:-

- a) alter a motion of which he / she has given notice; or
- b) with the consent of the seconder, alter a motion which has been moved and seconded.

A19.14 With the consent of the seconder and of the meeting, signified without discussion, the mover of a motion may withdraw it. No member shall speak on a motion that is withdrawn.

Closure Motions

A19.15 At the conclusion of a speech by a member on a motion before the meeting, any other member may move, without comment, a motion:-

- a) that the meeting proceed to the next business;
- b) that the matter be put to the vote;
- c) that the meeting is adjourned.

A19.16 If the closure motion is seconded, then the person presiding shall proceed as follows:-

- a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his right of reply under paragraph A19.18 below, before the original motion is put to the vote;
- b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his right of reply on that occasion.

If the meeting is not reconvened, the original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements have been made for an extraordinary meeting to consider that business or the business is dealt with as a matter of urgency.

- c) closure motions not seconded shall lapse.

A19.17 If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may move from the Chair, that the matter be put to the vote.

Right of Reply

A19.18 The mover of any motion has a right of reply, immediately before the motion is put to the vote. The mover shall speak for no more than 5 minutes.

If an amendment is moved and seconded, the mover of the original motion shall have a right of reply, at the close of the debate on the amendment, of not more than 5 minutes, but he shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on his/her amendment.

(For the purposes of this paragraph a person who moves an amendment is not moving a motion).

Amendments to Motions

A19.19 An amendment shall be relevant to the motion and shall either be:-

- a) to refer the matter to the appropriate body or individual for consideration or reconsideration;
- b) to leave out words; or
- c) to insert or add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

A19.20 An amendment shall not be discussed unless it has been moved and seconded.

A19.21 When seconding an amendment, a member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

A19.22 No amendment shall be moved to an amendment.

A19.23 When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him before it is further discussed.

A19.24 With the consent of the seconder and of the meeting, signified without discussion, the mover of an amendment may amend it or withdraw it. No member shall speak on amendment that has been withdrawn.

A19.25 Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of.

A19.26 If an amendment is not carried, other amendments may be moved to 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.

Previous Decisions and Motions

A19.27 At a meeting of the Combined Authority, no motion or amendment shall be moved to rescind any resolution of the Combined Authority which was passed within the preceding six months or which has the same effect as one which has been rejected within that period.

Motions submitted in the name of a member

A19.28 With the exception of clause A19.29 below, any member appointed by a Constituent Council may give notice of not more than one motion for consideration at any ordinary meeting of the Combined Authority.

A19.29 Where a motion raised by a member under this Standing Order was deferred from a previous meeting, that member may still submit a further motion under Standing Order A19.28 above.

A19.30 Unless the person presiding at any meeting of the Combined Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority shall:-

- a) be given in writing and signed by the member or members who propose to move the motion;
- b) state the date of the Combined Authority meeting at which it is proposed to be moved;
- c) be delivered to the Monitoring Officer not later than 12 noon seven clear working days before the day of the Combined Authority meeting.

A19.31 Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the member giving notice states in writing that they propose to move it to a later meeting or withdraw it.

A19.32 The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers and duties and responsibility.

A19.33 A motion shall only be moved at the relevant meeting by the person who has submitted it or by a substitute member nominated by them where notice of this has been given to the Monitoring Officer prior to the commencement of the meeting.

A19.34 At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 5 minutes.

If an amendment to the motion is moved and seconded, the mover of the original motion shall have a right of reply on the amendment of not more than 5 minutes but shall not otherwise speak on the amendment.

A19.35 Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority but the motion has not been moved and

seconded (for whatever reason) nor deemed to have been referred to a committee, that motion shall lapse.

A19.36 Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date, any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority or at a later meeting selected by the member proposing the motion.

A20. Voting

A20.1 Under the direction of the Chair, matters will be decided by consensus of the members where possible, save for

A20.2 Where consensus is not achieved, the provisions of this section shall apply.

A20.3 Each member is to have one vote and no member, including the Chair, is to have a casting vote.

A20.4 Decisions must be carried by a majority of the Mayor and members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question.

A20.5 If a vote is tied on any matter it is deemed not to have been carried.

A20.6 A decision on the following matters requires a unanimous vote in favour by the Mayor and all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question at a full meeting of the Combined Authority to be carried:-

- a) approval of the Combined Authority's constitution and standing orders and any amendments; and
- b) adoption of a spatial development strategy
- c) approval to implement a Business Rate Supplemental Levy

A20.7 A decision on the following matters requires a unanimous vote in favour at a full meeting of the Combined Authority by all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried:-

- a) approval of borrowing limits; and

b) treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority including the amount of any expenses, including a levy, to be met by the constituent councils

A20.8 A decision on the exercise of the functions of the Combined Authority requires a vote in favour at a full meeting of the Combined Authority, save for:-

a) where responsibility for the exercise of the function has been delegated in accordance with the constitution of the Combined Authority (and which may include delegation of such powers and functions of the Mayoral Combined Authority to sub-committees or to officers as the Mayoral Combined Authority considers appropriate); and

b) matters which fall to be considered by the Combined Authority's overview and scrutiny committee and audit committee(a)

A20.9 The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualification of any member or substitute member.

A20.10 On the request of any member of the Combined Authority, supported by two other members appointed by separate constituent authorities before a vote is taken, the voting shall be recorded so as to show whether each member present gave their vote for, abstained or did not vote.

A20.11 A member may demand that his / her vote is recorded in the minutes of the relevant meeting.

A20.12 The provisions of this Standing Orders shall apply to voting in the Joint Committee, in so far as they are applicable to the Joint Committee and are consistent with the voting arrangements set out in the Terms of Reference of the Joint Committee

A21. Point of Order

A21.1 A member may ask to speak on a point of order or personal explanation. The member must be allowed to put the point of order or personal explanation immediately and without interruption.

A21.2 A point of order shall only relate to an alleged breach of a specified statutory provision, a specified Standing Order or procedural rule, 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 during the meeting which may appear to have been misunderstood or taken out of context.

- A21.3 The ruling of the person presiding on a point of order, or on the admissibility of a personal explanation, shall be final and not challenged at the meeting.

A22. Record of Attendance

- A22.1 All members will ensure that their names are recorded as being present during the whole or part of all meetings.

A23. Attendance by Committee Chairs

- A23.1 At the request of the Combined Authority, the chair of any of the Combined Authority's committees may be invited to attend and speak at any meeting of the Combined Authority to:-
- a) present any reports or recommendations of that committee; or
 - b) answer questions about any matter set out in the minutes of that committee; or
 - c) contribute to discussion about any matter which is relevant to the functions discharged by the committee of which they are Chair.

A24. Reporting Proceedings

- A24.1 Without prejudice to the Chair's powers in Standing Order 25, and subject to A24.2 and A24.3, any meeting of the Combined Authority is open to the public and any person attending may report on the meeting and publish or disseminate the recording at the time of the meeting or after the meeting.
- A24.2 The Chair may decide not to permit oral reporting/commentary of the meeting as it takes place if the person reporting or providing the commentary is present at the meeting and such reporting/commentary is judged by the Chair to be disruptive to the meeting itself.
- A24.3 Where the public are excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:-

- a) which can be used without that person's presence, and
- b) which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.

A24.4 Reporting in this context of this Standing Order means:-

- a) filming, photographing and making an audio recording of proceedings;
- b) using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later; or
- c) reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

A25. General Disturbance

A25.1 If a general disturbance makes orderly business impossible, the Chair may:-

- a) adjourn the meeting for as long as they think necessary; or
- b) call for any part of the meeting room open to the public, to be cleared, if the disturbance is in that part.

A25.2 If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If they continue to interrupt, the Chair may order them to be removed from the meeting room.

A25.3 If the Chair considers at any meeting that a member or observer is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion. If the member or observer continues to behave in the same way, the Chair may:-

- a) adjourn the meeting for a specified period; or
- b) move that the member leaves the meeting (such a motion will be voted on without seconding or discussion).

A26. Minutes

A26.1 A permanent record of the minutes of each meeting shall be retained by or on behalf of the Combined Authority.

A26.2 The minutes of a meeting must be signed at the next meeting of the Combined Authority by the person presiding at that meeting. No discussion shall take place upon the minutes except about their accuracy.

A27. Member Conduct

A27.1 Members shall comply with the members' Code of Conduct including those relating to registering and disclosing of disclosable pecuniary and other interests.

A28. Compliance with the Constitution

A28.1 All meetings of the Combined Authority will be conducted in accordance with the relevant Standing Orders set out in the Constitution when considering any matter.

A28.2 All members and officers of the Combined Authority will observe the policies set out in the Appendices to this Constitution.

A29. Review and Revision of the Constitution

A29.1 The Monitoring Officer will monitor and review the operation of the Constitution on a yearly basis and shall make recommendations for amendments as appropriate, to ensure that the aims and principles of the Constitution are given full effect.

A29.2 For the avoidance of doubt the Monitoring Officer may carry out any technical/non material amendments to the Constitution.

A30. Publication of the Constitution

A30.1 The Monitoring Officer will arrange for electronic copies of the Constitution to be made available to all members and for public inspection. An electronic copy of the Constitution will also be made available on the Combined Authority's website.

A31. Standing orders applicable to the Overview and Scrutiny Committee

A31.1 Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny Committee and the Audit Committee.

A31.2 The following provisions shall apply to the Overview and Scrutiny Committee

A31.2.1 Quorum - At least two thirds of the Overview and Scrutiny Committee appointed from the constituent councils must be present at a meeting of the Committee before business may be transacted.

A31.2.2 Decisions must be carried by a simple majority.

Call in of Combined Authority or Mayoral Decisions

Publication of Decisions

A31.3 When a decision is taken by the Combined Authority Committee or the Joint Committee, the decision will be published in a decision record on the Combined Authority website. The decision record will state the specific date when the call-in period will expire (this will be 5 clear working days after the publication of the decision).

Call-in

A31.4 The following rules apply in relation to any call-in of a decision taken by the West of England Combined Authority Committee or West of England Joint Committee:

- a. A decision of the Combined Authority Committee or the Joint Committee can be called-in within 5 clear working days of the publication of a decision (for clarity, 5.00 pm is regarded as the end of the working day). For example, if a decision is published on a Friday, the call-in period will expire at 5.00 pm on the following Friday.
- b. A request that a decision be called-in must be in line with the published call-in procedure and submitted using the “Call-in” procedure proforma. This proforma

is available on request from the Combined Authority's Democratic Services team:
democratic.services@westofengland-ca.gov.uk

- c. Within 5 clear working days of publication, any member of:
- (i) an Overview and Scrutiny Committee
 - (ii) sub-committee of an Overview and Scrutiny Committee
 - (iii) the Combined Authority
 - (iv) any member of a constituent council of the Combined Authority
- is/are entitled to give notice to the Scrutiny Officer of their requirement for a decision to be called in.
- d. The reasons for calling-in the decision must be stated on the pro-forma.
- e. The completed pro-forma, signed by the member concerned, must be sent to the Combined Authority's Democratic Services team within 5 clear working days of the publication of the decision, marked for the attention of the Statutory Scrutiny Officer: democratic.services@westofengland-ca.gov.uk
- f. On receipt of a signed and completed pro-forma, the Statutory Scrutiny Officer will make arrangements for a meeting of the Combined Authority Overview and Scrutiny Committee to be held to consider the call-in. The date of the meeting will be determined by the Chair of the Overview and Scrutiny Committee and must be held as soon as practicable, and in any event within a maximum of 10 working days of receipt of the signed pro-forma. If the Chair is not available, the date of the meeting will be determined by the Vice-Chair of the Overview and Scrutiny Committee. If the Chair and Vice-Chair are not available, the date of the meeting will be set by the Statutory Scrutiny Officer.
- g. The decision taking committee must be invited to attend the meeting of the Combined Authority Overview and Scrutiny Committee that will consider the call-in.
- h. The following will apply at a meeting of the Combined Authority Overview and Scrutiny Committee that is considering a call-in:
- 1. Except for circumstances where confidential or exempt information will be considered, the meeting will be open to the public to observe proceedings.

2. As the purpose of the meeting is specifically to review a decision that has been taken (i.e. on the basis of the information available to the decision taking committee on the date that the decision was taken), there is no provision for public questions, petitions or statements to be submitted to a meeting of an Overview and Scrutiny Committee that is convened for the purposes of considering a call-in.
3. The agenda papers for the Overview and Scrutiny Committee meeting that will consider a call-in must include:
 - A copy of the call-in procedure (as set out in 4 below).
 - A copy of the submitted call-in proforma, which sets out in writing the reasons for the call-in.
 - Any written comments that the original decision taker may wish to submit in light of or responding to the issues raised by the callers-in.
 - A copy of (or link to) the original report considered by the decision taking committee.
 - A copy of (or link to) any public participation items submitted to the decision taking committee in connection with the relevant agenda item that related to the decision taken.
4. The Overview and Scrutiny Committee will follow this procedure in considering a call-in:
 - The councillors who submitted the call-in to be given an opportunity to explain why they have called-in the decision.
 - Members of the Overview and Scrutiny Committee to then ask any questions of the councillors who submitted the call-in.
 - The decision taker to then be given an opportunity to explain why the decision was taken and to respond to the issues raised by the call-in.
 - Members of the Overview and Scrutiny Committee to then ask any questions of the decision taker.
 - Members of the Overview and Scrutiny Committee to then discuss and review the decision taken, in light of the evidence submitted. As part of this, the Committee may ask further questions of the councillors who

submitted the call-in, or of the decision taker, or of specialist officers as necessary.

- The Committee must then determine either:
 - a. That no further action be taken (in which case, the decision shall stand, as determined by the decision-taking committee).
or
 - b. That the decision-taking committee be asked to reconsider the decision taken. If the Overview and Scrutiny Committee determines to ask the decision-taker to reconsider the decision taken, they must state their reasons and also make any further recommendations that they feel the decision-taking committee should take into account in reviewing their decision. The matter will be re-considered as soon as practicable by the decision taking committee in order that the decision taking committee can consider their final decision on the matter. That final decision cannot be “called-in.”

Call-In and Urgency

A.31.5 The call-in procedure set out above shall not apply where the decision being taken by the Combined Authority or Joint Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Combined Authority’s or the public’s interests. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such cases, the published decision record must include the reasons for urgency. The Head of Paid Service and the Monitoring Officer must agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Head of Paid Service, the consent of the Section 73 Officer shall be required, and in the absence of the Monitoring Officer, the consent of the Deputy Monitoring Officer shall be required.

A32 Description of Provisions Specific to Overview and Scrutiny

A32.1 Work Programme

The Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the Committee who are not members of the largest political group on the Committee.

A32.2 Policy and Review Development

- (a) The role of the Overview and Scrutiny Committee includes policy review and development
- (b) In relation to the development of the Combined Authority's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee may make proposals to the Combined Authority for developments in so far as they relate to matters within their terms of reference. They may also agree requests from the Combined Authority for advice on the development of such policies.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development. The Overview and Scrutiny Committee may ask witnesses to attend to address them on any matter under consideration.

A32.3 Reports from the Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for policy development or other matters, the Overview and Scrutiny Committee members will prepare a formal report. This will normally be submitted to the Combined Authority for consideration.
- (b) The Combined Authority shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

32.4 Consideration by the Combined Authority of Reports of the Overview and Scrutiny Committee

- (a) Once an Overview and Scrutiny Committee report on any matter which is the responsibility of the Combined Authority has been completed, it shall be included on the agenda of the next available meeting of the Combined Authority.
- (b) The Overview and Scrutiny Committee will in any event have access to the Combined Authority's forward plan and timetable for decisions and intentions for consultation.

Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Combined Authority's consultation process in relation to any key decision.

- (c) The Overview and Scrutiny Committee's Chair has the right to attend any meeting of the Combined Authority which considers a report, and to present the report to the Combined Authority.

A32.5 The Combined Authority's Response to Overview and Scrutiny Committee Reports

The Combined Authority is required to respond to all reports submitted to it by the Overview and Scrutiny Committee. The response will be minuted and reported back to the Overview and Scrutiny Committee within 2 months.

The Combined Authority may respond in the following ways:-

- (a) to accept the report and indicate how it proposes to implement its contents;
- (b) to accept the report in part, giving reasons why parts are not accepted;
- (c) to disagree with the report and give reasons;
- (d) to receive the report for further consideration by an officer of the Combined Authority, or by the Combined Authority itself and for the outcome of that consideration to be reported back to the Overview and Scrutiny Committee within 2 months. The outcome of the consideration given will be in any of the ways set out in (a) to (c) above.

A32.6 Party Whip

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

("Definition of "party whip" – Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Authority or any committee or sub-committee, or the application or threat

to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”)

A33 Conduct of Meetings

A33.1 How meetings are conducted and conclusions reached

A33.1.1 Normal Standing Orders of debate are not relevant to the work of the Overview and Scrutiny Committee.

A33.1.2 The Chair will ensure that, at all times, meetings are conducted in a constructive and positive manner and in the best interests of the Combined Authority.

A33.1.3 The Chair will suggest to the meeting the most appropriate way of considering the business of the meeting and the contributions to be asked of any witnesses.

A33.1.4 Investigations will be conducted fairly and all members of the committee shall be given the opportunity to ask questions of attendees and to contribute and speak.

A33.1.5 Those assisting the committee by giving evidence will be treated with respect and courtesy.

A33.1.6 Investigations will be conducted so as to maximise the efficiency of the investigation or analysis.

A33.1.7 Conclusions and recommendations should ideally be reached by consensus. However, if necessary, they may be decided by majority vote.

A34 Virtual Meetings Procedure Rules

Introduction and application of the Virtual Meetings Procedure Rules

These procedure rules provide the means and guidance for the conduct of any remote meeting of the West of England Combined Authority, and any committees and sub-committees held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime

Panels Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’) and will remain in force until those Regulations are repealed.

These procedure rules should be read in conjunction with the Authority’s Standing Orders and procedure rules as set out within the Constitution. The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, these Virtual Meetings Procedure Rules take precedence in relation to any remote meeting.

The Regulations, and therefore the standing orders, have an automatic amending effect on the Authority’s existing rules and can be applied immediately in order to run committee meetings remotely.

Virtual Meetings Procedure Rules

A34.1 No requirement to hold an annual meeting

A34.1.1 The requirement to hold an annual meeting is to be disregarded and, prior to 7th May 2021, an annual meeting of the Authority (or its committees) may only take place:

- (a) where called by the Chair; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of the authority.

A34.2. Notice of meetings and provision of agenda papers

A32.2.1 The Monitoring Officer will give the requisite notice to the public of the time of the meeting, and the agenda.

A34.2.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the authority’s website <https://westofengland-ca.moderngov.co.uk/ieDocHome.aspx?bcr=1>

A34.2.3 The ‘place’ at which the meeting is held may be at an authority building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be

a number of these combined. The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.

A34.3. Remote access to meetings

A34.3.1 Members will be encouraged to use any video conferencing facilities provided by the authority to attend a meeting remotely.

A34.3.2 If this is not possible, attendance may be through an audio link or by electronic means as referred to in Regulation 5(6)(c) of the Regulations.

A34.3.3 As per the Regulations, remote access for individuals who are not attending to participate in the meeting, together with press facilities, will be provided through webcasting/broadcasting, live audio streaming or other means. The intention is that the West of England Combined Authority virtual meetings will be broadcast via the Authority's YouTube channel.

A34.3.4 The "place" of a meeting is to be interpreted as where a meeting is held, or to be held; this can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

A34.3.5 Meetings will be "open to the public" – this term includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

A34.3.6 If the Chair is made aware that the meeting at any point is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

A34.4. Members in remote attendance

A34.4.1 A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by the other Members in attendance.
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by any members of the public entitled to attend the meeting in order to speak at the meeting; and
- (c) to be so heard and, where practicable, be seen by any other members of the public observing the meeting.

A34.4.2 A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in A34.4.1 above are not met. In such circumstances, the Chair may, as they deem appropriate

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 4.1 above to be re-established;
- (b) count the number of Members in attendance for the purposes of the quorum; or
- (c) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

A34.5. **Public participation**

A34.5.1 For remote meetings, the public participation rules as set out in the West of England Combined Authority's Constitution will apply so far as is practically possible.

Note: as per the constitution, written replies to questions will continue to be sent to questioners prior to the meeting wherever possible – there is no opportunity for supplementary oral questions. Copies of questions and statements will be sent to committee members in advance of the meeting. Copies of questions and statements will be published on the authority's website.

A34.5.2 At the discretion of the Chair of the meeting, those submitting statements will be given access to the virtual meeting for the period of time required to orally present their statement. Any person submitting a statement who wishes to present their statement at the virtual meeting must confirm this to the authority's Democratic Services Team by 12 noon on the working day before the meeting at latest.

A34.6. Declaration of Interests

A34.6.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer or meeting facilitator, who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.

A34.7. Voting

A34.7.1 Voting at remote meetings shall take place, conducted by the Chair of the meeting in accordance with the voting requirements of the current West of England Combined Authority constitution.

A34.8. Exclusion of press and members of the public – exempt or confidential information

A34.8.1 There may be times when the Authority's meetings (or part of a meeting) are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting, able to hear or see the proceedings once the exclusion has been agreed by the meeting.

A34.8.2 Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

A34.9. Review

A34.9.1 These rules will be kept under regular review and updated as necessary.

