

SCHEDULE 1

Article 4

Constitution

**Membership**

1.—(1) Subject to sub-paragraph (3), the Combined Authority shall comprise ten members as provided for in the following sub-paragraphs.

(2) Each of the constituent councils shall appoint one of its elected members as a member of the Combined Authority.

(3) The constituent councils shall agree the appointment of another elected member from three of the constituent councils, so that the constituent council members taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils; in the absence of such agreement no members shall be appointed under this sub-paragraph.

(4) The non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

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

(6) The Local Enterprise Partnership shall nominate one of its members to be a member of the Combined Authority (“Local Enterprise Partnership Member”).

(7) The Local Enterprise Partnership shall nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (6).

(8) The Combined Authority shall appoint a member nominated by the Local Enterprise Partnership as a member of the Combined Authority (“Local Enterprise Partnership Member”).

(9) The Combined Authority shall appoint another member nominated by the Local Enterprise Partnership to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (8) (“the substitute member”).

(10) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member.

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

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

(12) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the council or the chairman or vice-chairman of the Local Enterprise Partnership (as the case may be) of—

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

and the resignation shall take effect on receipt of the notice by the proper officer of the council or chairman or vice-chairman of the Local Enterprise Partnership (as the case may be).

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

- (a) the constituent council or the non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place;

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(b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place.

(14) The Combined Authority shall appoint a member nominated under sub-paragraph (13)(b) at the next ordinary meeting of the Combined Authority.

(15) A constituent council or the non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person's place.

(16) Where a constituent council or the non-constituent council exercises its power under sub-paragraph (15), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

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

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

(19) The Combined Authority shall appoint a member nominated under sub-paragraph (18) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(20) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

### **Chairman and vice-chairman**

2.—(1) The Combined Authority must in each year appoint a chairman and a vice chairman from among its members and the appointments are to be the first business transacted after the appointment of members at the first meeting of the Combined Authority and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

### **Proceedings**

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least three members or substitute members appointed by the constituent councils are present.

(3) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

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

(5) Members appointed by the non-constituent council or appointed from the Local Enterprise Partnership shall be non-voting members of the Combined Authority.

(6) The proceedings of the Combined Authority shall not be invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

### **Committees**

4.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and the non-constituent council to an overview and scrutiny committee appointed by the Combined Authority.

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any member of the Combined Authority.

(4) Each member of the overview and scrutiny committee appointed from the constituent councils is to have one vote and no member is to have a casting vote.

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

(6) Members appointed from the non-constituent council to the overview and scrutiny committee of the Combined Authority, and members appointed from the non-constituent council or the Local Enterprise Partnership to any other committee or sub-committee of the Combined Authority, shall be non-voting members of the committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

(7) An overview and scrutiny committee appointed by the Combined Authority shall have the power to—

- (a) invite members or substitute members of the Combined Authority, to attend before it to answer questions;
- (b) invite other persons, including members of the public, to attend meetings of the committee;
- (c) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority;
- (d) make reports or recommendations to the Combined Authority with respect to the discharge of any functions which are the responsibility of the Combined Authority.

(8) The power to review or scrutinise a decision made but not implemented under sub-paragraph (7)(c) includes the power to recommend that the decision be reconsidered by the Combined Authority.

(9) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under sub-paragraph (7)(d) the committee may—

- (a) publish the report or recommendations;
- (b) by notice in writing require the Combined Authority to—
  - (i) consider the report or recommendations;
  - (ii) respond to the overview and scrutiny committee indicating what (if any) action the Combined Authority proposes to take;
  - (iii) if the overview and scrutiny committee has published the report or recommendations under paragraph (a), publish the response.

(10) A notice served under sub-paragraph (9)(b) must require the Combined Authority to comply with it within two months beginning with the date on which the Combined Authority received the reports or recommendations or (if later) the notice.

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

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(12) Sub-paragraphs (9)(a) and (11) are subject to section 9FG of the Local Government Act 2000 and to any provision made under section 9GA(8)(1) and the Combined Authority shall be treated as a local authority for these purposes.

## Records

5.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

## Standing orders

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

## Remuneration

7. No remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

## SCHEDULE 2

Article 7(4)

### Modification of Part 2 of the Transport Act 1968

1. The Transport Act 1968(2) is amended as follows.

2.—(1) Section 9 (areas, authorities and executives) is amended as follows.

(2) In subsection (1)(c)—

(a) in sub-paragraph (i), after “England and Wales” there is inserted “(except as mentioned in sub-paragraph (ia))”;

(1) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

(2) 1968 c. 73; section 9 was amended by the Local Government (Scotland) Act 1973 (c. 65) Schedule 18, paragraph 1; by the Transport Act 1985 (c. 67) sections 57(1), 58(2), Schedule 3, paragraph 3, Schedule 8; by the Local Government (Scotland) Act 1994 (c. 39) Schedule 13, paragraph 80(2); and in relation to England and Wales only by the Local Transport Act 2008 (c. 26) section 98(4), Schedule 4, paragraph 2 and Schedule 7, Part 4 and by S.I. 2011/908.

- (b) after sub-paragraph (i) there is inserted—
  - “(ia) in relation to the area of the West Yorkshire Combined Authority, that Authority;”.
- (3) After subsection (6) there is inserted—
  - “(6A) This section applies in relation to the West Yorkshire Combined Authority as if—
    - (a) subsections (2) to (4) were omitted; and
    - (b) in subsection (5), the words “the Executive and any subsidiary of the Executive” were omitted.”
- 3. In section 9A (general functions of Authorities and Executives), after subsection (11) there is inserted—
  - “(12) This section applies to the West Yorkshire Combined Authority as if—
    - (a) the duty under subsection (3) were a duty for the Authority to secure the provision of such public passenger transport services as it considers appropriate for meeting any public transport requirements within its area which in the view of the Authority would not be met apart from any action taken by it for that purpose;
    - (b) subsection (3A) were omitted;
    - (c) in subsection (5)—
      - (i) the words “for the Executive of that area” were omitted;
      - (ii) for the words “by the Executive for that area, and the Executive” there were substituted “and”;
    - (d) in subsections (6) and (7), the references to the Executive were omitted.”
- 4. In section 10 (general powers of Executive), after subsection (9) there is inserted—
  - “(10) This section applies to the West Yorkshire Combined Authority as if—
    - (a) in subsection (1)—
      - (i) in paragraph (xxiii), the words “subject, in the case of a disposal of land, to the approval of the Authority” were omitted, and
      - (ii) any other reference to the approval of the Authority were omitted;
    - (b) in subsection (7), the words “the approval of the Authority or” were omitted.”
- 5. In section 11 (financial duty of Executive), after subsection (3A) there is inserted—
  - “(3B) Subsection (3A) applies to the West Yorkshire Combined Authority as if the words from “and the Authority” to “the application thereof” were omitted.”
- 6. In section 12 (borrowing powers of Executive), after subsection (7) there is inserted—
  - “(8) This section does not apply to the West Yorkshire Combined Authority.”
- 7. In section 13 (power to make grants)—
  - (a) the existing text is renumbered as subsection (1);
  - (b) after that subsection there is inserted—
    - “(2) This section does not apply to the West Yorkshire Combined Authority.”
- 8. In section 14 (accounts of Executive), after subsection (3) there is inserted—
  - “(4) This section does not apply to the West Yorkshire Combined Authority.”
- 9. In section 15 (further functions of Authority), after subsection (7) there is inserted—
  - “(8) This section does not apply to the West Yorkshire Combined Authority.”

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**10.** In section 15A (additional provisions as to control of Executive by Authority), after subsection (3) there is inserted—

“(4) This section does not apply to the West Yorkshire Combined Authority.”

**11.** In section 16 (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities), after subsection (2) there is inserted—

“(2A) In its application to the West Yorkshire Combined Authority, subsection (2) has effect as if—

- (a) the words “jointly by the Authority and the Executive” were omitted;
- (b) “and the Executive” (in the second place) were omitted; and
- (c) for “their respective” there were substituted “its”.

### SCHEDULE 3

Article 10

#### Economic development and regeneration functions

**1.** Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the Localism Act 2011<sup>(3)</sup>.

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<sup>(3)</sup> 2011 c.20.