

**Summary Paper – Constitution of the Combined Authority**

**1) Overview**

- 144 pages, broken down into seven parts consisting of protocols and procedures including Member code of Conduct and Financial Regulations.
- Adopted the ITA constitution after legal teams had discussed at length and inserted combined authority elements into it.
- The Constitution will be adopted by the CA having been agreed by the Chief Executives and Constituent Council's.
- The Constitution has been created taking into account discussions that have occurred at Shadow Board and Leaders meetings which have been cascade down to the Legal Group.

**2) Membership of the Authority**

The Combined Authority shall consist of seven members as set out below:-

Seven members of the Combined Authority shall be elected members of the constituent authorities, referred to as “Constituent Members” namely:

Birmingham City Council;  
Coventry City Council;  
Dudley Metropolitan Borough Council;  
Sandwell Metropolitan Borough Council;  
Solihull Metropolitan Borough Council;  
Walsall Metropolitan Borough Council; and  
Wolverhampton City Council.

Non-constituent members will be appointed, one each from the following Councils and LEPs:

Greater Birmingham & Solihull Local Enterprise Partnership;  
Black Country Local Enterprise Partnership;  
Cannock Chase District Council;  
Coventry & Warwickshire Local Enterprise Partnership;  
Nuneaton & Bedworth Borough Council;  
Redditch Borough Council;  
Tamworth Borough Council; and  
Telford & Wrekin Council.

The term “Members” will refer to both Constituent Members and Non-constituent members

- Constituent Authority will appoint two elected members.
- Non-Constituent Authority will appoint one elected member.
- Each Constituent Authority will appoint two substitute members.
- Non-Constituent Authority will appoint one further substitute elected member or board member (as the case may be).

### 3) Annual Meeting

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.

The annual meeting will:-

- elect the Chair and up to two Vice Chairs of the Combined Authority from among the Members appointed by Constituent Authorities;
- appoint such committees, their membership and Chair/Vice-Chair as the Combined Authority considers appropriate;
- appoint Members to outside bodies;
- agree the date and time for the ordinary meetings of the Combined Authority for the forthcoming year; and
- consider any other business set out in the notice convening the meeting.

Routine provisions are also in place for calling:

- Ordinary meetings;
- Extraordinary meetings;
- Notice of meetings and notice to attend; and
- Agenda and reports.

### 4) Chair and Vice-Chair

- A person ceases to be Chair or Vice-Chair if they cease to be a Member of the Combined Authority. If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy will be made at the next ordinary meeting of the Combined Authority.
- At each meeting of the Combined Authority, the Chair shall preside. If the Chair is absent from a meeting, one of the Vice-Chairs, shall preside. If both the Chair and Vice-Chairs are absent from a meeting, the Members present shall choose by a vote another Member to preside.

### 5) Quorum

No business shall be transacted at a meeting of the Combined Authority unless at least one Member from **five separate Constituent Authorities** are present.

## 6) Items of Business

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

- the business set out in the notice;
- business required by law to be transacted at the annual meeting; or
- business brought before the meeting as a matter of urgency

Provisions are also in the constitution regarding the order of business.

## 7) Voting

Any matters that are to be decided by the Combined Authority are to be decided by consensus of the Members where possible. Where consensus is not achieved the provisions of this section shall apply.

- Each Member is to have one vote and no Member including the Chair is to have a casting vote.
- Any question put to a vote will be decided on a show of hands and a decision will require a two thirds majority of Constituent Members appointed by Constituent Authorities present and voting.

Any questions put to a vote concerning the matters set out below shall require a unanimous vote of all Members appointed by Constituent Authorities present and voting:-

- (i) approval of land use plans;
- (ii) such other plans and strategies as determined by the Combined Authority;
- (iii) financial matters which may have significant implications on Constituent Authorities' budgets;
- (iv) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority;
- (v) agreement of functions transferred by the Constituent Authorities to the Combined Authority;
- (vi) any change of voting rights to all or any Member appointed by a Non-Constituent Authority;
- (vii) approval of specific proposals for individual co-optees to the Combined Authority;

- (viii) use of general power of competence within the Local Democracy Economic Development and Construction Act 2009, including in relation to spatial strategy, housing numbers and the exercise of any compulsory purchase powers;
- (ix) establishment of arms-length companies;
- (x) approval to seek such other powers as may be appropriate and any new powers granted by central government and imposed on the Combined Authority;
- (xi) material amendments to the Constitution; and
- (xii) changes to transport matters undertaken by the Combined Authority.

For the avoidance of doubt unanimous will be construed to mean that all Members appointed by Constituent Authorities present and voting, vote in favour of the relevant decision.

- 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 on any question shall be recorded so as to show whether each Member present gave their vote for, abstained or against that question or did not vote.

## **8) Non-Constituent Authorities**

Members appointed by Non-Constituent Authorities may vote on the following matters:-

- (i) adoption of growth plan and investment strategy and allocation of funding by the Combined Authority;
- (ii) the super Strategic Economic Plan strategy along with its implementation plans and associated investment activity being undertaken using funding provided to the Combined Authority;
- (iii) the grant of further powers from central government and/or local public bodies that impacts on the area of a Non Constituent Authority;
- (iv) land and/or spatial activity undertaken by the Combined Authority within the area of a Non-Constituent Authority;
- (v) public Service reform which affects the areas of Non-Constituent Authorities
- (vi) areas of LEP activity relevant to the Non Constituent Authorities through geographical location or as part of a joint committee;

- (vii) all Combined Authority matters concerned with education, employment and skills, enterprise and business support, access to finance, inward investment, business regulation, innovation, transport, environmental sustainability, housing, economic intelligence, digital connectivity and regeneration;
- (viii) future use of business rate retention funding generated beyond that retained within new and existing Enterprise Zones;
- (ix) specific decisions to bid for and allocate revenue and capital funding provided to the Combined Authority for use in economic development activities;
- (x) investment activity related to transport and connectivity, not funded by the transport levy and current Maintenance and Integrated Transport blocks.

## 9) **Scrutiny**

The Combined Authority shall appoint one or more overview and scrutiny committees.

The Combined Authority shall appoint at least one member of each of the Constituent Authorities and the Non-Constituent Authorities to any overview and scrutiny committee provided that provisions are made to ensure that the majority of members on any overview and scrutiny committee are members of the Constituent Authorities.

An overview and scrutiny committee may not include any member of the Combined Authority.

## 10) **Key Policies and Procedures**

Contains:

- Code of Conduct for Members and Officers;
- Protocol For Member And Officer Relations;
- Anti- Fraud and Corruption Policy and Procedures;
- Provisions relating to pre-election period;
- Access to Information Procedure Rules;
- Protocol for the Monitoring Officer;
- Whistleblowing Policy;
- Protocol for Recording and Filming of Meetings and the Use of Social Media;
- Employment Procedure Rules;
- Contract Procedure Rules; and
- Financial Regulations.

All the policies and procedures have been checked against Sandwell Constitution to ensure consistency and compliance.

## 11) **Functions of the Combined Authority**

Please see attached Appendix 2A.