

# **The North East Joint Transport Committee**

## **Standing Orders**

**January 2019**

These are Standing Orders made by the Joint Transport Committee appointed by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority and the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority

## Version Control Sheet

This document (version 2, January 2019) of the Standing Orders of the Joint Transport Committee incorporates the additional delegations made to the Committee by the North East Combined Authority and the North of Tyne Combined Authority during December 2018. Additions are made to version 1, adopted by the Joint Transport Committee on 20 November 2018 and approved by the North East Combined Authority on the 13 November and the North of Tyne Combined Authority on the 13 November was made in accordance with section 106 of the Local Government Act 1972 (subject to the provisions in Schedule 2 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018).

To maintain effective version control, this version control sheet will accompany any future issue of the Standing Orders and Rules of Procedure.

The version number is shown in the bottom left hand corner of each page of the Standing Orders and Rules of Procedure.

An up to date version of this document is on the Committee's web-pages and the web-pages of NECA and NTCA and shall be deemed to form part of their Constitutions.

Description	Date	Most Recent Version
Standing Orders	December 2018	Version 1
The addition of Powers and Functions delegated by NECA and NTCA in December 2018 and a small number of typographical and editorial amendments made in accordance of Monitoring Officer's Constitutional Delegations (MO6)	January 2019	Version 2

## **Making Changes to the Standing Orders and Rules of Procedure**

The Monitoring Officer is required to continuously review the operation of the Standing Orders and update them at least annually. For details of how a Member or Officer can propose a change and the approval process please contact the Monitoring Officer.

## Part 1 Introduction

This document sets out the Standing Orders of the Joint Transport Committee.

### 1. The Standing Orders

In these Standing Orders:

“Combined Authorities” means NECA and NTCA and “Combined Authority” means either one of them.

“Constituent Authority” means an authority within the LA7 Area, being a member of either Combined Authority.

“Delivery Agencies” means Durham County Council, Nexus and Northumberland County Council.

“Joint Transport Committee” or “JTC” means the joint transport committee appointed by NECA and NTCA discharging the functions pursuant to Article 9 of the Second Order.

“LA7 Area” means the Local Government areas of Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland.

“NECA” means the North East Combined Authority and is the operating name of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority.

“Nexus” is the Tyne and Wear Passenger Transport Executive for Tyne and Wear and the executive body of the Combined Authorities in relation to transport functions in Tyne and Wear.

“NTCA” means [the North of Tyne Combined Authority and is the operating name of] the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority established by the Second Order.

“Order” means The Durham, Gateshead, South Tyneside and Sunderland Combined Authority Order 2014 (SI 2014 No. 1012) as amended by the Second Order.

“Proper Officer for Transport” means the principal officer to assist the Joint Transport Committee designated from time to time by that committee in accordance with Article 9(5) of the Second Order.

“Second Order” means the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018.

“Tyne and Wear Area” means the Local Government areas of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland.

“Tyne and Wear Authorities” means the Councils for the Local Government areas of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland.

A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

## **2. The Joint Transport Committee (JTC)**

In accordance with the duty falling upon the Combined Authorities by Article 8 of the Second Order, the Joint Transport Committee is appointed by Combined Authorities for the purposes of exercising the functions conferred on the Joint Transport Committee as specified in Article 9 of the Second Order and otherwise.

## **3. Committees and Sub-Committees of the Joint Transport Committee**

The Joint Transport Committee has the following committees and sub-committees:

- the Tyne and Wear Sub-Committee<sup>1</sup>
- an Audit Committee
- an Overview and Scrutiny Committee

The JTC may establish such other sub-committees as it thinks fit to exercise its functions or make other arrangements for the exercise of its functions in accordance with Article 9(2) and (3) of the Second Order.

## **4. Joint Arrangements**

Combined Authorities have appointed the Joint Transport Committee in accordance with Article 8 of the Second Order, to discharge the functions specified in Article 9 of the Second Order.

To the extent to which the Joint Transport Committee exercises functions beyond those specified in Article 9, the Joint Transport Committee is empowered to exercise those functions when they are delegated by NECA and NTCA, each of which have power pursuant to Sections 101 and 102 of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly and to form joint committees for the purposes of discharging such functions.

Together the Combined Authorities have established a Joint Transport Committee for the purpose, *inter alia*, of exercising the functions set out in these Standing Orders, including any delegated in identical terms by NECA and NTCA.

## **5. NECA as Accountable Body for the Joint Transport Committee**

NECA has been appointed by the Joint Transport Committee and has agreed to act as its accountable body and assume accountable body responsibilities in relation to its funding and responsibilities.

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<sup>1</sup> Note Article 9(2)(c) and 9(3).

As accountable body NECA is responsible for overseeing the legal and financial management of all regional transport resources, recognising that the assets are, in many cases, jointly owned by the Combined Authorities.

NECA acknowledges that its roles as accountable body is one of administration and management to implement the decisions and directions of the Joint Transport Committee and does not involve the commercial or economic review of any decision or direction of the Joint Transport Committee or any committee holding decision making authority. However, NECA shall not be obliged to act upon any decision or direction of the Joint Transport Committee or any committee or sub-committee which is:

- a. Not made in accordance with these Standing Orders;
- b. Not made in accordance with any protocol or other agreement between the Combined Authorities or the Local Authorities of the LA7 Area;
- c. Inconsistent with the principles of probity and sound financial practice.
- d. Inconsistent with public law principles;
- e. Illegal.

In the event that the accountable body does not feel able to act upon or implement the decision of the Joint Transport Committee, the Monitoring Officer will provide a report to the Joint Transport Committee as soon as possible, setting out reasons as to why the decision has not been implemented.

## **6. Chief Officers and Proper Officers**

NECA will engage persons who will be designated as Chief Officers and Proper Officers in accordance with Part 3.6 of these Standing Orders and Rules of Procedure. References to Head of Paid Service, Chief Finance Officer (or Section 73 Officer) or Monitoring Officer are references to these officers of NECA.

Appointments of Proper Officers of NECA are conducted in accordance with the procedural rules in the NECA Constitution. It is noted, however, that this is differentiated from the procedure for the Proper Officer for Transport which will be appointed by the Joint Transport Committee in accordance with Article 9(5) of the Second Order.

The Head of Paid Service, in agreement with the Proper Officer for Transport, on behalf of NECA, may engage staff (referred to as officers) as it considers necessary to carry out its functions as accountable body for the Joint Transport Committee and the delivery of transport functions across the LA7 Area.

Officers engaged in enacting or implementing the decisions of the Joint Transport Committee will comply with the NECA Code of Conduct for Officers set out in Part 6.2 of the NECA Constitution.

In the implementation of the decisions and directions of the Joint Transport Committee or otherwise in the discharge of NECA's functions as accountable body for the Joint Transport Committee and the delivery of transport functions across the LA7 Area, officers will comply with NECA's financial rules and procedures, code of

conduct for officers and officer member protocols. These can be found in the NECA Constitution.

Members must comply with the Code of Conduct and Standards Regimes of the Combined Authority which nominated them for membership of the Joint Transport Committee or any committee or sub-committee. Conduct and standards referrals will be made by the Monitoring Officer to the Standards Committees of the relevant Combined Authority (reference to the NTCA Standards Committee will be made via the NTCA monitoring officer).

## **7. Decision Making**

### **7.1 Responsibility for decision making**

The Joint Transport Committee will issue and keep up to date a record of what part of JTC or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

### **7.2 Principles of decision making**

All decisions of the Joint Transport Committee will be made in accordance with the following principles:

- a) Proportionality (meaning that the action must be proportionate to the desired outcome).
- b) Consideration of professional advice from officers.
- c) Due consultation.
- d) Consideration of the legal and financial implications.
- e) A presumption in favour of openness.
- f) Consideration of available options and outlining reasons for decisions.
- g) Respect for human rights.
- h) Promoting equality.
- i) Preventing crime and disorder
- j) Environment and sustainability.
- k) Risk management.
- l) The purpose of these Standing Orders and Rules of Procedure.

### **7.3 Decision making Committees and Sub-Committees established by the JTC**

Committees of the JTC and Sub-Committees established by the JTC<sup>2</sup> will follow the Procedural Rules set out in Part 4 of these Standing Orders.

### **7.4 Decision Making by Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers determined from time by the JTC and in particular will have regard to the relevant principles of decision making set out above.

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<sup>2</sup> Committees are created by the Second Order, Schedule 2, paragraph 4. The JTC has the power to create sub-committees by Article 9(2)(c).

## **8. Authentication of documents**

Documents approved by the JTC will be authenticated by the NECA Monitoring Officer, and as necessary, using the NECA Sealing procedures. The NECA Seal will be used for these purposes.

Where any document is necessary to any legal procedure or proceedings on behalf of the JTC (in the name of its accountable body, NECA), it will be signed by the Monitoring Officer or some other person duly authorised by the NECA or the Monitoring Officer, unless any enactment otherwise authorises or requires.

## **9. Review and Revision of these Standing Orders**

The Monitoring Officer of NECA will monitor and review the operation of these Standing Orders on an annual basis and, working together with the Proper Officer for Transport (if any) will make recommendations to the JTC for any amendment.

Changes to the Standing Orders will only be approved by JTC after consideration of the proposal by the Monitoring Officer and in accordance with the JTC Rules of Procedure in Part 4 of these Standing Orders.



## Part 2 Powers and functions of the Joint Transport Committee

**2.1** Article 9(1) of the Second Order makes the Joint Transport Committee exclusively competent to exercise certain transport functions of the Combined Authorities and those functions are listed at a) to h) below:-.

- a) The functions of an integrated transport authority which are exercisable by NECA and NTCA by virtue of the Order and the Second Order.
- b) The transport functions of a county council which are exercisable by NECA or NTCA by virtue of the Order or the Second Order.
- c) The functions of an integrated transport authority or county council which are exercisable by the combined authorities by virtue of the Order or the Second Order
- d) The transport functions of NECA or NTCA as an Authority under Part 2 of the Transport Act 1968.
- e) The functions of NECA or NTCA each as a combined authority under Parts 4 and 5 of the Transport Act 1985.
- f) The functions of NECA or NTCA each as a local transport authority under Part 2 of the Transport Act 2000.
- g) Anything to be done in relation to the property, rights and liabilities held jointly by NECA and NTCA previously owned by the Tyne and Wear Integrated Transport authority or subsequently acquired as a consequence of NECA being a successor of the Tyne and Wear Integrated Transport Authority.
- h) The setting of any transport levy to be issued pursuant to the Transport Levying Regulations 2002 as amended by the Second Order and issued in accordance with the Order and the Second Order.

Such other transport functions as may be delegated to it by the Combined Authorities, as a joint committee of the Combined Authorities under Section 101 of the Local Government Act 1972 and, appointed in accordance with Section 102 of the Local Government Act 1972.]

**2.2** In addition NECA and NTCA have delegated the following functions to the JCT:

- a) the appointment of a Host Combined Authority to hold, manage and account for the finances and staff deployed in relation to the discharge of transport functions in the Combined Area;
- b) determining its own rules of procedure for the conduct of its proceedings (which to the extent necessary will be incorporated into the Host Combined Authority's standing orders or constitution) subject to the provisions on the quorum and proceedings contained in Schedule 2 of the New Order;

- c) the appointment of members to any sub-committee and any individual co-optees to the Transport Joint Committee or any sub-committee;
- d) the appointment and dismissal of the Proper Officer for Transport;
- e) the approval of (and any amendment to or withdrawal of) all other major transport schemes (including such matters as Franchising Schemes, Advanced Quality Partnerships and/or Enhanced Partnership Plans and Schemes ) which are funded from the North East transport budget which is managed by the Transport Joint Committee;
- f) the approval of (and any amendment to or withdrawal of) a public transport strategy across the Combined Area;
- g) decisions concerning the monitoring and overseeing of the activities and performance of the County Councils in the discharge of the transport functions delegated to them by the Transport Joint Committee;
- h) decisions concerning the monitoring the capital programme and the activities carried out by Nexus, NCC and DCC;
- i) decisions concerning recommendation or comments on the adequacy of resources, capacity and expert support required to assist the Proper Officer for Transport and the Regional Transport Team to discharge their functions; and
- j) decisions concerning governance including ensuring its own decision making is effective and ensuring the good governance of Nexus in accordance with the responsibilities applicable to the Combined Authorities as set out in the Transport Act 1968 and other relevant legislation.

**2.3** The JTC may delegate the exercise of its functions (subject the requirement for unanimity set out in Part 3) to:-

- a) The Constituent Authority for the area in relation to which the function is to be exercised;
- b) An officer of the Combined Authorities; and
- c) A sub-committee appointed by the JTC.

## Part 3 Joint Transport Committee

**3.1** The Combined Authorities have appointed a Joint Transport Committee to exercise the functions specified in Article 9(1) of the Second Order and any other legislation.

**Membership** 7 (being four members appointed by NECA and three members appointed by NTCA in accordance with Schedule 2 of the Second Order). The Combined Authorities will also appoint substitute members as required by Schedule 2 of the Second Order.

**Quorum** 4 (two members or substitute members from each Combined Authority).<sup>3</sup>

**3.2** In exercising the functions set out in Part 2 above, the JTC will determine matters as follows:-

**A Questions relating to the following matters require a unanimous vote in favour by all members, or substitute members of the JTC, to be carried<sup>4</sup>:-**

- I. The adoption of any transport plan under section 108(3) of the Transport Act 2000 and the alteration or replacement of that plan under section 109(1) and (2) of that Act;
- II. Approval of, or any amendment to, or withdrawal of, spending plans related to the functions conferred on the JTC under Article 9(1) of the Second Order;
- III. Setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with Regulations made thereunder;
- IV. Allocation of local transport plan funding to the individual constituent authorities and the Tyne and Wear Passenger Transport Executive (Nexus); and
- V. The delegation of the JTC's functions referred to in Article 9(2) of the Second Order.

**B All other questions that are to be decided by the Joint Transport Committee are to be decided by a majority of members, or substitute members acting in the place of members, present and voting on the question at the meeting of the Joint Transport Committee<sup>5</sup>, including:-**

<sup>3</sup> Schedule 2, paragraph 3(2) of the Second Order

<sup>4</sup> Schedule 2, paragraph 3(5) of the Second Order

<sup>5</sup> Schedule 2, paragraph 3(1) of the Second Order

- VI. Other matters that fall to be determined by the Joint Transport Committee in accordance with Article 9 of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018, or otherwise expressly delegated in the same terms by each of the Combined Authorities.
- VII. Additional matters delegated to the Joint Transport Committee by the two Combined Authorities as follows:
- a. the appointment of a Host Combined Authority to hold, manage and account for the finances and staff deployed in relation to the discharge of transport functions in the Combined Area;
  - b. determining its own rules of procedure for the conduct of its proceedings (which to the extent necessary will be incorporated into the Host Combined Authority's standing orders or constitution) subject to the provisions on the quorum and proceedings contained in Schedule 2 of the New Order;
  - c. the appointment of members to any sub-committee and any individual co-optees to the Transport Joint Committee or any sub-committee;
  - d. the appointment and dismissal of the Proper Officer for Transport;
  - e. the approval of (and any amendment to or withdrawal of) all other major transport schemes (including such matters as Franchising Schemes, Advanced Quality Partnerships and/or Enhanced Partnership Plans and Schemes ) which are funded from the North East transport budget which is managed by the Transport Joint Committee;
  - f. the approval of (and any amendment to or withdrawal of) a public transport strategy across the Combined Area;
  - g. decisions concerning the monitoring and overseeing of the activities and performance of the County Councils in the discharge of the transport functions delegated to them by the Transport Joint Committee;
  - h. decisions concerning the monitoring the capital programme and the activities carried out by Nexus, NCC and DCC;
  - i. decisions concerning recommendation or comments on the adequacy of resources, capacity and expert support required to assist the Proper Officer for Transport and the Regional Transport Team to discharge their functions; and
  - j. decisions concerning governance including ensuring its own decision making is effective and ensuring the good governance of

Nexus in accordance with the responsibilities applicable to the Combined Authorities as set out in the Transport Act 1968 and other relevant legislation.

**Information:**

1. The Chair of the Joint Transport Committee will be selected annually by the Joint Transport Committee.
2. There will be a Vice Chair of the JTC selected annually by the Joint Transport Committee who will be drawn from the members of the Committee. By protocol the Chair and Vice Chair will be drawn one from each of NECA and NTCA.
3. One named substitute member is permitted for each Constituent Authority.
4. Except for matters prescribed by Schedule 2, paragraph 3(5) – and detailed in Part A above – which must be decided by the unanimous vote in favour by all members or substitute members, any questions that are to be decided by the JTC will be decided by a majority of the members, or substitute members, of the JTC present and voting.
5. In accordance with a Deed of Co-operation made between the Constituent Authorities and the Combined Authorities on 4 July 2018 it has been agreed that:
  - a. The exercise of functions as set out above, the Transport Joint Committee shall not incur or cause to incur any expenditure other than that which the Joint Transport Committee has approved as the total budget relating to the discharge of transport functions and which is administered by the host Combined Authority for such purpose; and
  - b. The Joint Transport Committee shall have no authority in relation to the Highways Maintenance Block Funding which shall be paid individually to the Constituent Authorities in the amounts specified by the Department for Transport.
  - c. The additional powers and functions listed at VII above were delegated to the Committee in accordance with the obligations under section 5.6 of the Deed of Corporation.

**3.3 Committees and sub-committees of the Joint Transport Committee**

The Joint Transport Committee has two committees and has formed one sub-committee and may form additional sub-committees in accordance with its own rules and procedures:

- a. A Tyne and Wear Sub-Committee (see 4.1 below);
- b. An Audit Committee (as required by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as amended by the Second Order) (see 4.2 below); and
- c. An Overview and Scrutiny Committee (in accordance with Paragraph 4 to Schedule 2 of the Second Order) (see 4.3 below).

## 4.1 Tyne and Wear Sub-Committee

The Tyne and Wear Sub-Committee shall be constituted as follows:

Membership	5 Members (3 Members nominated by NECA to represent Gateshead, Sunderland and South Tyneside and 2 Members nominated by NTCA to represent Newcastle upon Tyne and North Tyneside)
Quorum	4

The following transport functions are delegated by the JTC to Tyne and Wear Sub-Committee in respect of the area of the Tyne and Wear Authorities:

1. Considering and recommending to JTC the creation and development of:-
  - i) Advanced Quality Partnership Schemes pursuant to sections 113C to 113O of the Transport Act 2000;
  - ii) Franchising Schemes pursuant to sections 123A to 123X of the Transport Act 2000; and
  - iii) Enhanced Partnership Plans and Schemes pursuant to sections 138A to 138S of the Transport Act 2000.
2. Implementing Concessionary Travel Schemes pursuant to sections 93 to 105 of the Transport Act 1985.
3. Implementing Advanced Ticketing schemes pursuant to sections 134C to 134G of the Transport Act 2000.
4. Determining the local bus information to be made available, and the way in which it should be made available, pursuant to sections 139 to 143B of the Transport Act 2000.
5. Determining the operation, performance and development of accessible transport provision (including the provision of grants) pursuant to section 106 of the Transport Act 1985.
6. Setting tolls in relation to the Tyne Tunnel.
7. Appointing Members to the Tyne and Wear Passenger Transport Executive (Nexus), the appointment and dismissal of the Director General of Nexus and discharging all other responsibilities falling on either of the Combined Authorities pursuant to the Transport Act 1968.

8. Without limitation to the above,
  - a) authorising the acquisition, disposal and development of land held by either of the Combined Authorities or NEXUS in relation to the transport functions discharged by the Transport Joint Committee (including pursuant to sub-sections 10(1)(xx), (xxii) and (xxiii) of the Transport Act 1968);
  - b) determining the operation, performance and development of tendered bus services, bus stations/stops and passenger transport services pursuant to Section 10(1)(vi)(a) of the Transport Act 1968;
  - c) monitoring the operation and performance of the metro service and the associated activities of NEXUS and recommending appropriate action;
  - d) any other matter previously falling to be discharged by the Tyne and Wear Integrated Transport Authority prior to the creation of NECA unless such matter shall have been specifically reserved for decision by the Transport Joint Committee;
9. Monitoring the operation and performance of bus, ferry and local rail services and influencing accordingly.
10. Further transport functions as may be delegated to the Tyne and Wear Sub-Committee by the JTC as considered appropriate.

## Part 4.2 Audit Committee

An Audit Committee is formed in accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as amended by the Second Order and constituted as follows:

Membership	9 (four Members nominated by NECA and three Members nominated by NTCA and two non-voting Independent Members who will act as Chair and Vice Chair).
Quorum	5 (not including the co-opted Independent Members or the Independent Person)

The Audit Committee is a key component of the corporate governance arrangements and is an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment; and reporting on financial and other performance.

### Terms of reference

The following functions are the responsibility of the Audit Committee:

1. To consider the effectiveness of the Joint Transport Committee's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements, and seek assurance from the Head of Paid Service, Internal Audit and External Audit that action is being taken on risk related issues within the organisation.
2. To consider internal audit annual report and opinion; and consider a review of the effectiveness of the Joint Transport Committee's system of internal audit.
3. To consider a review of the effectiveness of the Joint Transport Committee's system of internal control on an annual basis. This will include consideration of the Annual Governance Statement, and whether this has been prepared in accordance with proper practices in relation to internal control, whether this properly reflects the risk environment, and whether this includes actions required for improvement. Following that consideration, the Audit Committee will approve the JTC Annual Governance Statement.
4. To receive the following plans on an annual basis:
  - a) Internal Audit's Strategic Audit Plan, including Internal Audit's terms of reference, strategy and resources. The JTC Audit Committee will approve, but not direct, the JTC Strategic Audit Plan.



- b) The JTC External Auditor's Audit Service Plan, including details of any non-audit services provided.
5. To receive an interim and end of year report on the progress made by Internal Audit and External Audit in achieving their respective plans of work, so that the Committee may monitor performance in this regard.
  6. The Audit Committee may suggest that Internal Audit undertakes reviews into specific areas of concern. Internal Audit will then determine whether such work should be undertaken, having regard to the nature, materiality and gravity of the matter referred, and the corresponding importance of planned work which would be delayed by attending to the matter referred.
  7. The Audit Committee will receive external audit reports, including Annual Audit Letter, Fee Letter, Annual Governance Report, and other external audit reports as appropriate; and the reports of other regulatory and inspection agencies where these highlight internal control and risk issues.
  8. The Audit Committee will consider the scope and depth of external audit work to ensure it gives value for money.
  9. The Audit Committee will promote effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and champion the audit process.
  10. The Audit Committee will receive follow-up reports on the progress made in implementing agreed internal and external audit recommendations, in order that it may review this progress.
  11. The Audit Committee will review the accounting policies used to compile the JTC's Statement of Accounts.
  12. The Audit Committee will review key information relating to the JTC's Statement of Accounts.
  13. The Audit Committee will review the external auditor's opinion and reports on the statement of accounts, and monitor management action in response to any issues raised in relation to the accounts by external audit.
  14. The Audit Committee will ensure it is aware of the work undertaken by other committees, so it can take account of any significant internal control issues arising from this work.

## **Proceedings**

The Audit Committee will conduct its proceedings in accordance with the Audit Committee Rules of Procedure in Part 4.2 of these Standing Orders.

**Note:**

1. This Committee discharges the functions set out in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as amended by paragraph 5 of Schedule 2 to the Second Order.
2. In appointments to this Committee, the JTC must ensure that the Members of the Committee, taken as a whole, reflect as far as reasonably practicable, the balance of political parties prevailing amongst the Constituent Authorities across the LA7 Area (see paragraph 4(13) of Schedule 2 of the Second Order).
3. The requirement for the JTC to appoint at least one independent person to the Audit Committee is also a requirement under Article 14 (Audit Committees) of The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as modified by the Second Order.

## Part 4.3 Overview and Scrutiny Committee

An Overview and Scrutiny Committee formed in accordance with Paragraph 4 to Schedule 2 of the Second Order and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as amended by the Second Order and constituted as follows:

Membership:	14	Fourteen Members – each of whom are not members of the Leadership Board or other decision making body of either Combined Authority. In appointments the JTC must have regard, as far as possible, to political balance across the LA7 Area across the life of the Committee.
Also:	2	Non-voting Independent Chair and Vice-Chair
Quorum:	11	Including the non-voting Independent Chair or Vice-Chair

Effective scrutiny arrangements are an essential component of local democracy, enhancing accountability and transparency of decision making and enabling local councillors to represent the views of their constituents. These arrangements have been established to enable local councillors, on behalf of their communities, to scrutinise and challenge the Joint Transport Committee, its committees and Nexus, and to investigate matters of strategic importance to residents within the LA7 Area with a view to influencing and adding value to the decisions.

The Overview and Scrutiny Committee can:

1. Review and scrutinise the decisions made, or other action taken by, the Joint Transport Committee or its committees in connection with the discharge of their functions.
2. Review or scrutinise a decision made in connection with the discharge of any functions which are the responsibility of the Joint Transport Committee which have not been implemented and recommend that the decision be reconsidered by the Joint Transport Committee.
3. Work closely with the Overview and Scrutiny Committees of NECA and NTCA to ensure effective and joined up scrutiny arrangements.
4. Make reports or recommendations to the Joint Transport Committee on the discharge of these functions.
5. Review and scrutinise the Joint Transport Committee's initial and final proposals in respect of plans and strategies falling within the Joint Transport Committee's remit.
6. Establish a Call-in Sub-Committee to exercise call-in powers and consider decisions taken but not implemented (See Rule 22 of the JTC Overview and

Scrutiny Procedure Rules for information about the process for calling-in decisions).

7. Investigate matters of strategic importance to residents of the LA7 Area and make reports with evidence based recommendations to the Joint Transport Committee in relation to matters falling within the Joint Transport Committee's remit.
8. Review the performance of the Joint Transport Committee against objectives within the Joint Transport Committee's Strategy.
9. Facilitate the exchange of information about the work of the Joint Transport Committee and to share information and outcomes from reviews.
10. The role of these arrangements in relation to Nexus and the County Councils of Durham and Northumberland will include:-
  - a) Review and scrutiny of each County Council's and Nexus' respective delivery of transport services against the Local Transport Plans and to make recommendations for improvement and/or changes; and
  - b) Obtaining explanations from each of the County Council's and Nexus regarding their respective delivery of transport services.
11. Make recommendations to the Joint Transport Committee on the appointment of any co-opted member to the Overview and Scrutiny Committee or its sub-committees.
12. To establish working groups to consider any matter.

### **Proceedings**

The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Committee Rules of Procedure in Part 7.3 of these Standing Orders.

### **Note:**

1. In accordance with Article 9 of The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, as amended by the Second Order, Schedule 2, paragraph 5, the Joint Transport Committee must designate a Scrutiny Officer to support the Overview and Scrutiny Committee in discharging its functions. The Scrutiny Officer may not be an officer of a Constituent Authority.
2. In appointments to this Committee, the JTC must ensure that the Members of the Committee, taken as a whole, reflect as far as reasonably practicable, the balance of political parties prevailing amongst the Constituent Authorities across the LA7 Area (see paragraph 4(2) of The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

## Part 5 Joint Transport Committee - Delegation of Functions

The Joint Transport Committee has arranged for certain functions to be exercised on its behalf by:

1. The County Council of Durham
2. Northumberland County Council
3. Nexus
4. The Proper Officer for Transport (or as the case may be other officers of either Combined Authority – NECA or NTCA)

To the extent legally necessary, these delegations have been confirmed by both Combined Authorities.

### Delegations to County Councils

The following transport functions have been delegated by the Joint Transport Committee to each of the County Councils of Durham and Northumberland County Council in relation to their respective administrative areas:

1. Considering and recommending to Joint Transport Committee the creation and development of:-
  - i) Advanced Quality Partnership Schemes pursuant to sections 113C to 113O of the Transport Act 2000;
  - ii) Franchising Schemes pursuant to sections 123A to 123X of the Transport Act 2000; and
  - iii) Enhanced Partnership Plans and Schemes pursuant to sections 138A to 138S of the Transport Act 2000.
2. Implementing Concessionary Travel Schemes pursuant to sections 93 -105 of the Transport Act 1985.
3. Implementing Advanced Ticketing schemes pursuant to sections 134C to 134G of the Transport Act 2000.
4. Determining local bus information to be made available, and the way in which it should be made available, pursuant to sections 139 to 143B of the Transport Act 2000.
5. Determining the operation, performance and development of accessible transport provision (including the provision of grants) pursuant to section 106 of the Transport Act 1985.
6. All obligations of County Councils relating to mandatory travel concessions pursuant to sections 145A to 150 of the Transport Act 2000.
7. Those functions of County Councils set out in Part IV of the Transport Act 1985 (Passenger Transport in areas other than Integrated Transport Areas) under:

- section 63 – functions of local Councils with respect to passenger transport
- section 81 – provision, maintenance and operation of bus stations
- section 82 – bus stations: restriction on discriminatory practices.

### **Delegations to Nexus**

By virtue of the Order and Second Order Nexus is an Executive Body of NECA and NTCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Economic Development and Construction Act 2009 and is to be treated as an Officer of each Combined Authority for the purposes of Section 101 of the Local Government Act 1972<sup>6</sup>. The Joint Transport Committee exercises certain functions falling to the Integrated Transport Authority in accordance with the Transport Act 1968 and accordingly has determined the following [authority levels/delegations]:

Nexus has statutory powers to discharge functions, however, it is noted that the acquisition and disposal of capital assets (principally land) have in the past been reserved to TWSC (see TWSC paper 9 October 2014 for example).

Delegation: Nexus – acquisition and disposal of assets within the Tyne and Wear area up to a value of £250,000 per transaction.

### **Delegation to the Proper Officer for Transport**

In accordance with Article 9(5) of the Second Order the Joint Transport Committee may designate a Proper Officer for Transport being the principal officer to assist the committee in exercising its functions. For these purposes the term Proper Officer has the same meaning as in Section 270(3) of the Local Government Act 1972.

### **Relationship with the Host Combined Authority**

In addition NECA, as accountable body for the Joint Transport Committee, will determine its own scheme of delegation to Chief Officers and Officers to support the effective delivery of its accountable body functions and other functions.

### **Reporting on the use of delegation**

Each of the delegations in this section will be reviewed annually and it is expected that each delegate (County Councils, Combined Authorities, Nexus, sub-committees and Proper Officer) will provide a report at least once per year to the Joint Transport Committee touching upon:

- The linkages with the North East Transport Plan, agreed from time to time by the Joint Transport Committee.
- The linkages with the North East Strategic Economic Plan, agreed from time to time by the North East LEP Board.

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<sup>6</sup> Article 10 of the Second Order

- Key projects delivered in accordance with the delegation.
- Key outcomes from those projects.

The North East Combined Authority, as accountable body, shall also provide a report on the effectiveness of accountable body functions delivered to the Joint Transport Committee, including financial performance and the use of funding-swaps in accordance with the agreed funding-swap protocol agreed between the Chief Finance Officer of NECA and the Chief Finance Officers of NTCA and the Constituent Authorities as appropriate.

## Part 6 Role of Proper Officers

Section 112(1) of the Local Government Act 1972, provides that the NECA (as accountable body for the Joint Transport Committee) shall appoint such officers as it thinks necessary for the appropriate discharge by it of its responsibilities as accountable body for the Joint Transport Committee (and its committees and sub-committees) of such of its functions as fall to be discharged by them.

There are a number of specific references in the 1972 Act and the 1985 Local Government Act, which call for functions to be undertaken by what is termed the 'Proper Officer'. The following lists such references and identifies the Chief Officers responsible for their discharge.

### A Head of Paid Service

The Head of Paid Service is responsible for the corporate and overall strategic management of the NECA's staff in accordance with section 4 of the Local Government and Housing Act 1989.

The Head of Paid Service cannot be the Monitoring Officer.

### B Monitoring Officer

Under the provisions of the Local Government and Housing Act 1989, the NECA Leadership Board shall appoint a Monitoring Officer who will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budgetary issues to all Members and provide a comprehensive administrative service to the NECA.

The Monitoring Officer to the NECA is appointed the Proper Officer in relation to the following under the Local Government Act 1972:

- a) Determination of those reports which should be available for public inspection prior to a meeting of the Joint Transport Committee and any Committee or Sub-committee of the Joint Transport Committee and those which are likely to be heard in private and consequently which should not be released to the public (section 100B (2)).
- b) Provision of documents to the press, additional to committee reports (section 100B (7)).
- c) Preparing written summaries of proceedings (section 100C (2)).
- d) Making arrangements for list of, and background papers to reports, to be made available for public inspection (section 100D (1)).
- e) Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).
- f) Signature of Summonses to the Joint Transport Committee and its committees and Sub-committees (paragraph 4 (2) (b) of Schedule 12).
- g) Receipt of notices regarding address to which Summonses to meetings of the Joint Transport Committee, its Committees and Sub-committees are to be sent (paragraph 4 (3) of Schedule 12).



- h) Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
- i) Deposit of documents (section 225 (1)).
- j) Certifications of photographic copies of documents (section 229 (5)).
- k) Issuing and signing of formal notices (section 234 (1) and (2)).
- l) Serving copies of Byelaws (section 236 (9) and (10)).
- m) Certification of Byelaws (section 238).

The Monitoring Officer (working with the Monitoring Officers of the NTCA and Constituent Authorities) will maintain an up to date Register of Member's interests and an up to date version of these Standing Orders and Rules and will ensure that they are widely available for consultation by Members, officers and the public.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of information to the Monitoring Officers of the NTCA and the Constituent Authorities and to the Audit and Standards Committees of those Authorities (and the Audit and Standards Committee of NECA).

The Monitoring Officer will be the Proper Officer for receipt and acknowledgement of complaints of failure by a Member of the Joint Transport Committee to comply with the applicable Members Code of Conduct (from their Combined Authority or Constituent Authority).

The Monitoring Officer is also responsible for promoting the role of the Joint Transport Committee's overview and scrutiny committee; providing support to the Joint Transport Committee's overview and scrutiny committee and its members; and to provide support and guidance to members and officers of the Joint Transport Committee in relation to the functions of the Joint Transport Committee's overview and scrutiny committee.

The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

### **C Chief Finance Officer**

The Chief Finance Officer has responsibility for ensuring lawfulness and financial prudence of decision making. The Chief Finance Officer is appointed Proper Officer in relation to the following:

- a) receipt of money due from officers (Local Government Act 1972, section 115 (2); and
- b) administration of the financial affairs of the Joint Transport Committee (and NECA as its accountable body) (Local Government Act 1985 section 73).

### **D Proper Officer for Transport**

The Joint Transport Committee may appoint a Proper Officer for Transport in accordance with Article 9(5) of the Second Order, who will be responsible for such duties as the Joint Transport Committee shall determine including:

- a) working with the Chairs and Vice Chairs of the Joint Transport Committee, its Committees or Sub-committees to recommend the business to be considered at each meeting;
- b) Working with the staff of the North East Combined Authority to develop a committee timetable which meets the needs of the Joint Transport Committee work programme;
- c) To co-ordinate the reports on the use of delegated authority discussed in Part 4.5 of these Standing Orders;
- d) To work closely with the Chief Executives of the Constituent Authorities to determine matters of the highest strategic authority in relation to regional transport matters.

## **E General**

All officers in whose name reports are submitted to the Joint Transport Committee, or any committee or sub-committee of the Joint Transport Committee via the Monitoring Officer and Chief Finance Officer, are appointed the Proper Officers in relation to the following under the Local Government Act 1972:

- a) Compilation and retention of lists of background papers and copies of the relevant documents and reports (section 100D (1) (a)).
- b) Identifying and determining what are background papers (section 100D (5)).

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## Part 7 Rules of Procedure

These Rules apply to all meetings of the Joint Transport Committee, committee or sub-committee as appropriate and should be read in conjunction with other Parts of these Standing Orders.

References in these Rules to the 'Chair' mean the member of the Joint Transport Committee, committee or sub-committee for the time being presiding at the meeting.

These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.

### 7.1 Joint Transport Committee Rules of Procedure

#### The Annual Meeting

The Annual Meeting will take place in May or June.

The Annual Meeting will:

- a) elect a person to preside if the Chair of the Joint Transport Committee is not present;
- b) elect the Chair of the Joint Transport Committee ;
- c) elect the Vice Chair of the Joint Transport Committee;
- d) approve the minutes of the last meeting;
- e) receive any announcements from the Chair and/or the Proper Officer for Transport and the Head of Paid Service of NECA (as accountable body);
- f) appoint the Chair and Vice Chair of the Tyne and Wear Sub-Committee, Audit Committee, Overview and Scrutiny Committee and any other committee or sub-committee considered necessary and agree a timetable of meetings;
- g) appoint the members of the Tyne and Wear Sub-Committee, Audit Committee, Overview and Scrutiny Committee and any other relevant committee or joint committee<sup>7</sup>;
- h) agree any delegation of functions to the bodies referred to in f) and g) above and any amendment to delegation set out in Part 3.5 of these Standing Orders or any other scheme of delegation;
- i) approve the policies and strategies to be included in any transport policy framework to be adopted by the Joint Transport Committee; and

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<sup>7</sup> Any in-year changes can be agreed by the Monitoring Officer. See MO4 in Part 3.7 Scheme of Delegation of Functions to Proper Officers, D Monitoring Officer.

- j) conduct any other business reserved for its Annual Meeting as set out in Part 3 - Responsibility for Functions in accordance with the following procedure rules.

### **Ordinary Joint Transport Committee Meetings**

Ordinary meetings of the Joint Transport Committee will take place in accordance with a programme decided by the Joint Transport Committee.

Ordinary meetings will:

- a) elect a person to preside if the Chair and Vice Chair are not present;
- b) approve the minutes of the last meeting;
- c) receive any declarations of interest from Members;
- d) receive any announcements from the Chair and/or the Proper Officer for Transport and/or Head of Paid Service (as accountable body);
- e) deal with any uncompleted business from the last Joint Transport Committee meeting;
- f) receive and consider reports from its Committees and Sub-committees;
- g) conduct any business reserved for it in accordance with Part 3 - Responsibility for Functions and specified in the summons to the meeting in accordance with the following procedure rules; and
- h) authorise the sealing of documents.

#### **1. Chair and Vice Chair**

The Chair and Vice Chair shall be selected annually by the Joint Transport Committee from amongst its Members and shall, unless they resign, cease to be members of either Combined Authority or become disqualified, act until their successors become entitled to act as Chair or a Vice Chair.

The election of the Chair and Vice Chair shall be the first item of business at the Annual Meeting of the Joint Transport Committee.

Subject to any Rules made by the Joint Transport Committee, anything required to be done by, to or before the Chair may be done by, to or before a Vice Chair.

At a meeting of the Joint Transport Committee the Chair shall preside. If the Chair is absent the Vice Chair shall preside. If both the Chair and Vice Chair are absent, such other Member present may choose to preside with the agreement of the other Members present.

Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

## **2. Meetings of the Joint Transport Committee**

In addition to the Annual Meeting and any meeting convened by the Chair or by Members, meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the Annual Meeting.

## **3. Extraordinary Meetings**

Those listed below may request the Monitoring Officer to convene a Joint Transport Committee meeting in addition to ordinary meetings:

- a) the Joint Transport Committee by resolution;
- b) the Chair of the Joint Transport Committee; and
- c) any three Members if they have signed a requisition presented to the Chair of the Joint Transport Committee and the Chair has refused to convene a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The agenda for the extraordinary meeting will include the resolution, request or requisition which led to it being called and any other business agreed by the Chair, or in their absence the Vice Chair of the Joint Transport Committee, the Monitoring Officer and the Head of Paid Service. No further item of business may be conducted at an extraordinary meeting of the Joint Transport Committee other than that specified in the agenda for the meeting unless the Chair, or in their absence the Vice Chair, agree the matter is urgent and requires a decision before the next ordinary meeting of the Joint Transport Committee. The report submitted to the extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting of the Joint Transport Committee and this reason will be recorded in the minutes of the meeting.

## **4. Summons**

At least five clear days before a meeting the Monitoring Officer shall arrange for a notice of the time and place of the intended meeting to be published at his/her office. Where the meeting is called by Members that notice is to be signed by those Members and specify the business proposed. A summons to attend the meeting, specifying the proposed business and signed by the Monitoring Officer, is to be left at, or sent by post to, the usual place of residence of every Member or to such other place as may be requested by a Member.

Except in the case of business required by statute to be transacted at the Annual Meeting no business shall be transacted at a meeting other than that specified in the summons.

## **5. Quorum**

The quorum of the Joint Transport Committee shall be at least two thirds of members save for items of business that require a unanimous decision in which case the quorum is seven voting members. No business shall be transacted at any meeting unless a quorum is present.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

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.

## **6. Duration**

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

## **7. Declaration of Interests in Meetings**

Where a Member attends a meeting of the Joint Transport Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

## **8. Access to information**

In accordance with the Local Government Act 1972 as amended:

- a) All meetings of the Joint Transport Committee, its committees and sub-committees shall be open to the public unless it is likely in view of the nature of the business to be transacted that either confidential information (as defined in section 100A (3) of the 1972 Act) or information falling within one of the categories of exempt information in Schedule 12A (as amended) of the 1972 Act would be disclosed.
- b) Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Joint Transport Committee, its committees and sub-committees where the meeting is open to the

- public. The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.
- c) Copies of the agenda, and reports open to the public will be available for public inspection at least five clear days before a meeting. If an item is added to the agenda later, the revised agenda and any additional report will be open to inspection from the time it was added to the agenda.
  - d) The NECA (as accountable body) will make available for public inspection for six years after a meeting the minutes of the meeting (but excluding any part of the minutes when the meeting was not open to the public or which disclose confidential or exempt information), a summary of any proceedings not open to the public where the minutes open to inspection would not otherwise provide a reasonably fair and coherent record, the agenda for the meeting and reports relating to items when the meeting was open to the public.
  - e) The author of any report will set out in it a list of those documents (called background papers) relating to the report which in his/her opinion disclose any facts or matters on which the report is based and which have been relied on to a material extent in preparing the report (except for documents which are published works or which disclose confidential or exempt information). Such background papers will remain available for public inspection for four years from the date of the meeting.
  - f) Where information is withheld under these provisions the fact must be made known to the member of the public concerned who shall be advised of the categories of information being withheld and the way in which the withholding can be challenged.

## **9. Disturbance**

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

The Chair may at any time, if he/she thinks it desirable in the interests of order, adjourn or suspend a meeting for a time to be named by him/her.

## **10. Order of Business**

The Joint Transport Committee on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.



## 11. Motions and Amendments

### Notice

- (1) A Member may by notice of motion given in writing raise any matter relating to the functions of the Joint Transport Committee.
- (2) Notice of every motion, other than a motion which under Rule 11 (8) may be moved without notice, shall be signed by the Member giving the notice, and delivered not later than seven working days before the day of the meeting at the office of the Monitoring Officer, by whom it shall be dated.
- (3) The Monitoring Officer shall include in the summons for every meeting all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice indicated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.
- (4) If a motion included in the summons is not moved either by the Member who gave notice of the motion or by some Member on his/her behalf it shall, unless postponed by consent of the Joint Transport Committee, be treated as withdrawn and shall not be moved without fresh notice.
- (5) No motion to rescind any resolution passed within the last six months shall be proposed unless the notice thereof bears the names of at least three Members of the Joint Transport Committee. When any such motion has been disposed of by the Joint Transport Committee it shall not be open to any Member to propose a similar motion within a further period of six months unless the suspension of Standing Orders has been carried.
- (6) A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Joint Transport Committee, which consent shall be signified without debate, and no Member may speak upon it after the mover has asked permission for its withdrawal unless such permission shall have been refused.

### Amendments

- (7) Any member who intends to move an amendment to a motion included on the agenda for a meeting shall give written notice of the amendment (before noon on the day before the meeting) to the Monitoring Officer who will notify the Chair, the Vice Chair or other Member likely to preside at the meeting.

The Chair may in his/her discretion waive the requirements to comply with Rule 11 (7) but unless there are exceptional circumstances, a request of the Chair to exercise such discretion should be made before the meeting.

The amendment must be relevant to the motion and cannot negate the motion.

### Motions without notice

- (8) The following motions and amendments may be moved without notice:

- a) appointment of a Chair of the meeting at which the motion is made;
- b) motions relating to the accuracy of the minutes, closure adjournment, proceeding to the next business, or the motion “that the question be now put”;
- c) variation of the order of business;
- d) appointment of a committee or members of committee, arising from an item on the agenda of the meeting;
- e) that leave be given to withdraw a motion;
- f) suspension of these Rules;
- g) a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the Press and Public
- h) that a Member named under Rule 13(6) not be heard further or do leave the meeting;
- i) that a deputation be received; or
- j) giving the consent of the Joint Transport Committee where such consent is required under these Rules.

### During debate

- (9) When a motion is under debate, no further motion shall be received except the following:
  - a) to amend the motion (in these Rules called “an amendment”);
  - b) that the Joint Transport Committee do now adjourn;
  - c) that the debate be adjourned;
  - d) that the question be now put; or
  - e) that the Joint Transport Committee proceed to the next business.
- (10) If the motion “that the Joint Transport Committee do now adjourn” is carried, any outstanding business shall be printed on the agenda of the next ordinary meeting or of such meeting as shall be specified in the adjournment notice and given priority at the next meeting.
- (11) If the motion “that the debate be adjourned” is carried, the discussion shall be resumed at the next ordinary meeting. When a debate resumes any Member who would have had a right to speak or reply in the adjourned debate shall have the same right in the resumed debate.
- (12) If the motion “that the question be now put” is carried, the motion or amendment under debate shall, subject to the right of reply of the mover of the original motion, be forthwith put.
- (13) When a motion “that the Joint Transport Committee do proceed to the next business” is carried, no further debate shall take place on the matter under discussion.

## **12. Suspension of Standing Orders**

All of these Rules of Procedure, except the mandatory standing orders relating to the right to have an individual vote recorded and no requirement to submit minutes to extraordinary meetings, may be suspended by motion on notice or without notice if at least one half of the whole number of Members are present.

Suspension of these procedure rules can only be for the duration of the meeting and must only be moved in exceptional circumstances where the Chair of the Joint Transport Committee is satisfied that the reasons for the exceptional circumstances can be sufficiently justified. The reasons for the exceptional circumstances must be given by the mover of the motion and the Chair's reasons for considering the exceptional circumstances will be recorded in the minutes of the meeting.

### **13. Rules of Debate**

The following rules shall apply to the conduct of debate at meetings of the Joint Transport Committee:

- (1) Members shall address the Chair. A Member who speaks shall confine his/her remarks strictly to the motion or report under discussion or to a personal explanation or a question of order.
- (2) A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the Member shall immediately specify the Rule or Statutory provision and the way it has allegedly been broken. No Member may use unbecoming or offensive language.
- (3) A Member may make a personal explanation. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final. When making a point of personal explanation, Members must await the conclusion of the relevant Member's speech.
- (4) The ruling of the Chair on a point of order or the admissibility of a personal explanation shall be final and shall not be open to discussion.
- (5) Where a Notice of Motion has been placed on the agenda, the Chair shall allow the mover the right of reply to the debate before putting the matter to the vote, but otherwise the conduct of the meeting shall be at the discretion of the Chair.
- (6) The Chair shall call the attention of the Joint Transport Committee to continued irrelevance, repetition, unbecoming language or a breach of order by a Member and shall direct such Member, if speaking, to discontinue his/her speech, or, if the Member does not do so, to leave the meeting.

### **14. Voting**

Subject to the provisions of any enactment the Joint Transport Committee will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the Joint Transport Committee present and voting at the time the question was put unless it is a matter for which there must be a unanimous decision (see Part 3.1 A).

The method of voting at meetings of the Joint Transport Committee shall be by show of hands. In the event that a vote is tied on any matter it shall be deemed not to have been carried.

If any Member wishes to have his/her name recorded as having voted against any resolution on matters when unanimity is not required, he/she may require the Monitoring Officer to do so.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **15. Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

## **16. Code of Conduct and Protocols**

Members shall comply with the Code of Conduct for Members of the Combined Authority (or Constituent Authority) of which they are a member and any breach or alleged breach of the Code of Conduct will be referred by the Monitoring Officer to the monitoring officer of the relevant Combined Authority or Constituent Authority.

## **17. Officers' Interests**

If it comes to the knowledge of an officer engaged by NECA (as accountable body), that a contract in which he/she has a pecuniary interest, whether direct or indirect has been, or is proposed to be, entered into by the NECA he/she shall as soon as practicable give notice in writing to the Monitoring Officer of the fact that he/she has an interest.

An officer shall be treated as having indirectly a pecuniary interest in a contract if he/she would have been so treated by virtue of Section 95 of the Local Government Act 1972 had he/she been a member of the NECA or the Joint Transport Committee i.e. the other party to the contract is a company or other person or body (other than a public body) of which the officer or his/her spouse/partner is a member or employee or partner.

## **18. Financial Regulations**

The Financial Regulations of the NECA are deemed to be incorporated in and have the same force as these Rules.

## **19. Sealing of Documents**

A decision of the Joint Transport Committee (or of a committee, sub-committee, person or persons to whom the Joint Transport Committee, has delegated its powers and duties) shall be sufficient authority for the sealing of any document necessary to give effect to the decision. The Common Seal of NECA will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed.

The Common Seal of the NECA shall be kept in a safe place in the custody of the Monitoring Officer and the affixing of the Common Seal shall be attested by the Monitoring Officer or other person nominated by them, unless any enactment otherwise authorises or requires, or the Combined Authority has given requisite authority to some other person.

## **20. Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Joint Transport Committee (or NECA as its accountable body), it will be signed by the Monitoring Officer or other person nominated by them, unless any enactment otherwise authorises or requires, or authority has been given to some other person.

## **21. Committees**

The Joint Transport Committee shall at its Annual Meeting each year appoint such committees as are required to be appointed by or under any statute and may at any time appoint such other joint committees, committees or sub-committees as are necessary to carry out the work of the Joint Transport Committee but, subject to any statutory provision, may at any time dissolve a joint committee, committee, sub-committee or alter its membership.

No joint committee, committee or sub-committee shall continue in office longer than the next Annual Meeting.

All of the Joint Transport Committee Rules of Procedure apply to meetings of the Joint Transport Committee. All of these Rules of Procedure, except rules 11, 12, 13, 19 and 20 will, with any necessary modifications specified in the relevant committee's responsibility for functions, apply to meetings of joint committees, committees and sub-committees of the Joint Transport Committee.

Procedure Rule 14 (voting) will apply to meetings of joint committees, committees and sub-committees of the Joint Transport Committee with the amendment that in the event of an equality of votes, the Chair will have a second or casting vote.

These Rules of Procedure do not apply to the Audit Committee and the Overview and Scrutiny Committee or any working groups established by any joint committee, committee or sub-committee of the NECA. The Audit Committee and the Overview

and Scrutiny Committee have their own Rules of Procedure set out at Part 4.2 and 4.3 of these Standing Orders.

## **22. Working groups**

Any committee or sub-committee of the Joint Transport Committee can establish working groups to undertake specific studies/examinations, subject to agreement from the Joint Transport Committee (except that the Overview and Scrutiny Committee does not require consent for the creation of working groups).

In appointing working groups the committee or sub-committees will:

- a) have regard to any approved work programmes to avoid duplication of work or the undertaking of non-priority work and advice from relevant officers on the overall capacity of the Combined Authorities to support such studies;
- b) determine the remit for each working group which will be bound by the terms of that remit.
- c) determine the membership of the working group to be drawn from the membership of the committee or sub-committee with appropriate representation across the Constituent Authorities;
- d) determine whether a non-standard/flexible arrangement for the work required is preferable, for example, a joint arrangement with one or two specified Constituent Authorities.
- e) consider and either approve, amend or reject any reports and recommendations for submission to its parent committee or sub-committee, the Joint Transport Committee, an individual or outside organisation as appropriate.

Working groups may seek the assistance of Members and officers of either Combined Authority and/or outside organisations and individuals to meet the objectives of their agreed remit.

## **23. Attendance**

The Monitoring Officer shall record the attendance of each Member at each meeting of the JTC, its committees and sub-committees and it shall be the responsibility of each Member to sign such a record.

## **24. Substitutes**

Substitute Members may attend the meetings they have been appointed to as a substitute member to take the place of an ordinary member of the committee or sub-committee.

Two types of substitute can be made:

1. Where the ordinary member of the committee or sub-committee will be absent for the whole of the meeting.

Once the meeting has commenced and the substitute is present and participating the appointed Member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the committee and this substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

2. Where the ordinary member of the committee has a registerable or non-registerable interest in a matter which requires the Member to leave the room whilst the matter is discussed and decided upon (see for example NECA Code of Conduct for Members).

In these circumstances the substitute member will only act as a member of the committee for the duration of the discussion on that matter.

When this type of substitution is required, the Monitoring Officer and the Chair of the Joint Transport Committee should be notified prior to the commencement of the meeting.

## **25. Failure to attend Meetings**

Subject to the exceptions prescribed by statute, if a Member of the Joint Transport Committee, committee or sub-committee fails throughout a period of six consecutive months to attend any meeting of the Joint Transport Committee, committee or sub-committee to which they have been appointed, he/she shall, unless the failure to attend was due to a reason approved by the Joint Transport Committee before the end of that period, cease to be a Member of the Joint Transport Committee, committee or sub-committee (as the case may be). For the purpose of this provision the period of failure to attend shall date from the first meeting which the Member could have attended as a Member.

## **26. Resignation**

A person appointed to the office of Chair or Vice Chair or Member of the Joint Transport Committee, committee or sub-committee may at any time resign his/her office by a notice of resignation in writing signed by him/her and delivered to the Monitoring Officer and such resignation shall take effect upon receipt of that notice by the Monitoring Officer.

## **27. Appointments**

A person, so long as he/she is a Member of the Joint Transport Committee, and for twelve months after he/she ceases to be a Member of the Joint Transport Committee, shall be disqualified from being appointed by the Joint Transport Committee to any paid office.

A Member shall not solicit for any person any appointment to either Combined Authority or any Constituent Authority or recommend any person for such appointment or for promotion, but this Rule shall not prevent a Member from giving a written testimonial of a candidate's ability, experience or character for submission to either Combined Authority or any Constituent Authority with an application for appointment.

Canvassing of Members directly or indirectly for any appointment to either Combined Authority or any Constituent Authority shall disqualify the candidate for that appointment. A statement to this effect shall be included in all recruitment information for appointments.

## **28. Forward Plan**

The Forward Plan for the Joint Transport Committee (which may be published and separately and/or as part of the NECA Forward Plan) will be prepared and published by the Monitoring Officer for the purpose of giving 28 days' notice of decisions.

The purpose of the Forward Plan is, amongst other things, to provide an opportunity for people inside and outside either Combined Authority to see when decisions are going to be taken, who will be taking those decisions and what information and consultation will contribute to these decisions

The Forward Plan will be published on the NECA website (and any Joint Transport Committee webpages) and will be available for inspection at the offices of each Constituent Authority.

The Forward Plan will contain details of key and other decisions to be taken by the Joint Transport Committee and any committee with decision making authority (for example the Tyne and Wear Committee) or a Chief Officer or Officer with delegated authority from the Joint Transport Committee. Exempt information need not be included in a Forward Plan and confidential information cannot be included. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made;
- b) the identity of the decision taker(s)
- c) notice of the intention to exclude the press and public from any meeting, or part of a meeting,
- d) the date on which, or the period within which, the decision will be taken;
- e) the steps any person might take who wishes to make representations to the Joint Transport Committee, or any relevant committee or sub-committee of the Joint Transport Committee about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
- f) a list of the documents submitted to the Joint Transport Committee, or any relevant committee or sub-committee of the Joint Transport Committee for consideration in relation to the matter and an address from which the documents are available; and
- g) a statement to indicate that other documents may be submitted to the decision maker(s) and details of the procedure for requesting copies of them.



## 29. Petitions

Any person or body wishing to present a petition to the Joint Transport Committee shall notify the Monitoring Officer in writing and provide him/her with a copy of the petition not less than 14 working days before a meeting of the relevant Committee or a Sub-Committee of the Joint Transport Committee. On receipt of such petition the Monitoring Officer shall check that it relates to the work of the Joint Transport Committee or NECA (as its accountable body) and, if so, include an appropriate item on the agenda. All petitions addressed to the Joint Transport Committee shall be reported to the next meeting of its relevant Committee or a Sub-Committee.

## 30. General Exception

A key decision of the Joint Transport Committee, committee or sub-committee of the Joint Transport Committee, not included in the Forward Plan for the requisite 28 day period can only be taken where:

- a) the Monitoring Officer has notified the Chair (or Vice Chair in their absence) of the Overview and Scrutiny Committee in writing of the matter to be decided; and
- b) at least 5 clear days have elapsed between the agenda for the meeting, which includes the matter, being made available and the date of the meeting.
- c) a notice of general exception will set out the reason why the matter could not be included on the Forward Plan and, a copy of this notice will be published on NECA's website and made available at each of NECA's offices.
- d) the notice of general exception will be sent to the Chair of the Overview and Scrutiny Committee (and the Vice Chair in their absence) and the Chair and Vice Chairs of the Committee which will decide the substantive matter in question.

## 31. Special Urgency

A key decision of the Joint Transport Committee, a committee or a sub-committee of the Joint Transport Committee not included in the Forward Plan can only be taken with less than 5 clear days' notice where:

- a) the Monitoring Officer has notified the Chair (or Vice Chair in their absence) of the Overview and Scrutiny Committee in writing of the matter to be decided and the Chair (or Vice Chair) has given consent to the matter being decided on short notice;
- b) agreement has been obtained from the Chair (or Vice Chair in their absence) of the Joint Transport Committee, that the matter is urgent and cannot be reasonably deferred;
- c) a notice setting out the reasons why the matter is urgent and cannot reasonably be deferred:
  - i. has been made available to the decision makers at (a) and (b) above;

- ii. is published on the NECA's website (and the Joint Transport Committee webpages) and made available for inspection at each of the NECA offices.
- d) the report submitted to the meeting will set out the reason why the matter is urgent and cannot reasonably be deferred and this reason will be recorded in the minutes of the meeting.

### **32. Key Decisions made by Officers acting under Delegated Authority**

An officer making a key decision in accordance with authority delegated to them by the decision making body or, by these Standing Orders, a scheme of delegation approved by the Joint Transport Committee or the Constitution or scheme of delegation of NECA (as accountable body) shall ensure that key decisions appear on the Forward Plan for 28 days or otherwise follow the procedures set out in 31 and 32 above.

### **33. Urgent Decisions**

Where a decision needs to be taken urgently and it is not practical to convene a quorate meeting of the appropriate body (i.e. the Joint Transport Committee, or any other committee, sub-committee of the Joint Transport Committee), the Head of Paid Service, in consultation with the Proper Officer for Transport, the Chair (or in their absence the Vice Chair) of the relevant committee, the Chief Finance Officer and the Monitoring Officer has the authority to take an urgent decision. In such circumstances, the Head of Paid Service must report that decision to the next meeting of the appropriate decision making body which would have otherwise made that decision.

### **34. Recording Decisions made in cases of General Exception or Special Urgency**

A report of decisions made following the procedure in 31, 32, and 33 and is made to the Overview and Scrutiny Committee and the Joint Transport Committee at least once annually. The report will include a summary of the subject matter of the decisions taken.

## **7.2 Audit Committee Rules of Procedure**

Subject to the provisions of any specific legislation and/or regulations relating to their operation, the Audit Committee will conduct their proceedings in accordance with the following procedure rules.

### **1. Membership**

The Audit Committee is made up from seven members from the Constituent Authorities and two non-voting co-opted Independent Members.

Any Member from the Constituent Authorities may serve as a Member of the Committee unless they are specifically excluded. Membership of the Committee is determined by the Joint Transport Committee and will be appointed annually, usually at the Annual Meeting. In-year changes to membership can be made, see Part 3.6 Scheme of Delegation of Functions to Proper Officers, Part D Monitoring Officer.

### **2. Independent Members**

The appointment of independent Members to this committee is a matter reserved to the Joint Transport Committee. The Audit Committee can make recommendations to the Joint Transport Committee on the appointment of independent members to the committee itself and/or any of its sub-committees. In making such recommendations to the Joint Transport Committee, the committee will specify the term of office to be applied in each case. The term of office for any appointed independent Member can only be extended with the express approval of the Joint Transport Committee. Independent Members appointed by the Joint Transport Committee can attend and speak at meetings of the Committee or sub-committee to which they are appointed but cannot vote.

### **3. Meetings**

Meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the Joint Transport Committee's Annual Meeting. Notice of meetings will be given to the public.

### **4. Extraordinary Meetings**

Extraordinary meetings of the Audit Committee may be called, where possible following consultation with the Chair and Vice Chair, where it is considered necessary or appropriate or at the request of the Chair and Vice Chair or any three Members of the Committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

The agenda for the extraordinary meeting will include the item of business which led to it being called and any other business, agreed where possible by the Chair, or in their absence Vice Chair, and the Monitoring Officer, which requires a decision before the

next ordinary meeting of the Committee. No further item of business may be conducted at an extraordinary meeting of the Audit Committee other than that specified in the agenda for the meeting unless the Chair, or in their absence the Vice Chair, agree the matter is urgent and requires a decision before the next ordinary meeting of the Committee. Any report submitted to an extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting of the Committee and this reason will be recorded in the minutes of the meeting.

## **5. Summons**

The Monitoring Officer and Chief Finance Officer, where possible in consultation with the Chair and Vice Chair, will determine the agenda for meetings of the committee.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted, and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to the committee by either the Joint Transport Committee or any of its committees will be placed on the agenda for the next available meeting of the committee. The committee will, at that meeting, determine the method and timetable for responding to any such referrals.

## **6. Chair**

The Chair and the Vice Chair of the Audit Committee will be the co-opted members. Meetings of the Committee will be chaired by the Chair or in the Chair's absence the Vice Chair. In the absence of both the Chair and Vice Chair, members of the committee present will elect from amongst themselves a Chair for the meeting.

## **7. Quorum**

A meeting of the Committee cannot begin until a quorum is present. The quorum for the Audit Committee will be two thirds of the membership, excluding the co-opted Members and the Independent Person.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

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.

## **8. Substitutes**

Two types of substitute can be made:

1. Where the ordinary member of the Audit Committee will be absent for the whole of the meeting.

Once the meeting has commenced and the substitute is present and participating the appointed Member of the Audit Committee shall not be entitled to attend the relevant meeting as a member of the committee and this substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

2. Where the ordinary member of the committee has a registerable or non-registerable interest in a matter which requires the Member to leave the room whilst the matter is discussed and decided upon (see for example NECA Code of Conduct for Members).

In these circumstances the substitute member will only act as a member of the committee for the duration of the discussion on that matter.

When this type of substitution is required, the Monitoring Officer and the Chair of the Audit Committee should be notified prior to the commencement of the meeting.

## **9. Duration**

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

## **10. Declaration of Interests in Meetings**

Where a Member attends a meeting of the Audit Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct for the relevant Combined Authority either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in the relevant Combined Authority's Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

## **11. Filming/Reporting at meetings**

Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of Audit Committee where the meeting is open to the public.

The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

## **12. Disturbance**

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

## **13. Order of Business**

The Audit Committee on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.

## **14. Voting**

Subject to the provisions of any enactment the Audit Committee will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the committee present and eligible to vote at the time the question was put.

The method of voting shall be by show of hands. As the Chair of the Committee is a non-voting independent Member there is no Chair's casting vote. In the event that a vote is tied on any matter it shall be deemed not to have been carried.

Where any member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **15. Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

## **16. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information paragraph of the Joint Transport Committee Rules of Procedure (Part 4.1, paragraph 8) or when causing a disturbance.

## **17. Attendance by Members and officers**

The Audit Committee may request the attendance at a meeting of any Member, any co-opted Member, or any officer to assist the Committee in its work.

Under normal circumstances where it is felt that the attendance of a particular Member or officer would assist the Committee in its work then they will be invited to attend. In such circumstances, the Member or officer concerned should preferably be given at least 5 working days' notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 5 working days' notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member or officer who has been invited to a meeting is not able to attend, then the Committee will consider whether or not to defer consideration of the matter to enable the Member or officer to be present.

The Monitoring Officer and the Chief Finance Officer (or their nominated representatives) will attend the meetings of the Audit Committee.

## **18. Specialist Advisers**

The appointment of specialist advisers to any body, committee or sub-committee is a matter reserved to the Joint Transport Committee. The Audit Committee can make requests to the Joint Transport Committee for the appointment of a specialist adviser. In making such requests to the Joint Transport Committee, the Committee will specify the term of the appointment and their reasons for the request.

## **19. Arrangements for dealing with complaints against Members**

Any complaints about Member's conduct will be referred to the Standards Committees of the relevant Combined Authority or Constituent Authority, via the Monitoring Officer of the relevant body.

## **Part 7.3 Overview and Scrutiny Committee Rules of Procedure**

Subject to the provisions of any specific legislation and/or regulations relating to their operation, the Overview and Scrutiny Committee will conduct their proceedings in accordance with the following procedure rules.

### **1. Membership**

Any Member of the Constituent Authorities may serve as a member of the Overview and Scrutiny Committee unless they are specifically excluded. Membership of the Committee is determined by the Joint Transport Committee and will be appointed annually, usually at the Annual Meeting.

Any elected member appointed to the Overview and Scrutiny Committee cannot also be appointed to the Joint Transport Committee or the Leadership Board of either Combined Authority or any committee of either Combined Authority holding final decision making authority (for example, the Tyne and Wear Committee or the Leadership Boards of either Combined Authority).

### **2. Independent Members**

The appointment of independent Members is a matter reserved to the Joint Transport Committee. The Overview and Scrutiny Committee can make recommendations to the Joint Transport Committee on the appointment of independent members to the committee itself and/or any of its sub-committees. In making such recommendations to the Joint Transport Committee, the committee will specify the term of office to be applied in each case. The term of office for any appointed independent Member can only be extended with the express approval of the Joint Transport Committee. Independent Members appointed by the Joint Transport Committee can attend and speak at meetings of the committee or sub-committee to which they are appointed but cannot vote.

### **3. Meetings**

Meetings for the carrying out of general business shall be held in each year at the times and on the dates fixed at the Joint Transport Committee Annual Meeting. Notice of meetings will be given to the public.

### **4. Extraordinary Meetings**

Extraordinary meetings of the Overview and Scrutiny Committee may be called, where possible following consultation with the Chair and Vice Chair, where it is considered necessary or appropriate or at the request of the Chair and Vice Chair or any three Members of the Committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

No item of business may be conducted at an extraordinary meeting of the Overview and Scrutiny Committee other than that specified in the resolution, request or requisition which led to it being called.



## 5. Summons

The Monitoring Officer, where possible in consultation with the Chair and Vice Chair, will determine the agenda for meetings of the committee.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted, and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to the committee by either Joint Transport Committee or any of its committees will be placed on the agenda for the next available meeting of the committee. The committee will, at that meeting, determine the method and timetable for responding to any such referrals.

## 6. Chair

Two independent persons will fulfil the roles of Chair and Vice Chair of the Overview and Scrutiny Committee and will be appointed by the Joint Transport Committee.

## 7. Quorum

A meeting of the Committee cannot begin until a quorum is present. The quorum for the Overview and Scrutiny Committee is two thirds of the members including the Independent Chair or Vice Chair.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

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.

## 8. Duration

At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of Members present, by vote, determine it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.

## **9. Declaration of Interests in Meetings**

Where a Member attends a meeting of the Overview and Scrutiny Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct (of their relevant Combined Authority) either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in the relevant Combined Authority's Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

## **10. Disturbance**

No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and if he/she continues the interruption the Chair shall order his/her removal.

## **11. Order of Business**

The Overview and Scrutiny Committee on a motion duly seconded and carried without debate, or on motion by the Chair, which shall not require to be seconded, may vary the order of business as set out on the agenda.

## **12. Voting**

Subject to the provisions of any enactment the Overview and Scrutiny Committee will aim to reach a consensus. If exceptionally it is not possible to reach consensus on any matter on which it is necessary to reach a decision, the matter will be put to a vote which will be decided upon by a simple majority of the members of the committee present and voting at the time the question was put.

Each member of the Overview and Scrutiny Committee from the Constituent Authorities is to have one vote. In the event that a vote is tied on any matter it shall be deemed not to have been carried. No member has a casting vote.

Where any member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **13. Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

### **14. Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information paragraph of the Joint Transport Committee Rules of Procedure (Part 4.1, paragraph 8) or when causing a disturbance.

### **15. Attendance by Members and officers**

The Overview and Scrutiny Committee may invite to a meeting any Member, co-opted Member, and others to assist the Committee in its work.

Under normal circumstances where it is felt that the attendance of a particular Member, officer, officer of Nexus or other delivery bodies or stakeholders and members of the public, would assist the Committee in its work then they will be invited to attend or submit written information. In such circumstances, the person/organisation concerned should be given at least 5 working days' notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 5 working days' notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member of the Joint Transport Committee or officer who has been invited to a meeting is not able to attend, then the Committee will consider whether or not to defer consideration of the matter to enable the Member or officer to be present.

### **16. Specialist Advisers**

The appointment of specialist advisers to any body, committee or sub-committee is a matter reserved to the Joint Transport Committee. The Overview and Scrutiny Committee can make requests to the Joint Transport Committee for the appointment of a specialist adviser. In making such requests to the Joint Transport Committee, the Committee will specify the term of the appointment and their reasons for the request.

## **17. Reports of recommendations from Overview and Scrutiny Committee**

Where Overview and Scrutiny Committee makes a report or recommendation the committee may:

- a) publish the reports or recommendations.
- b) by notice require in writing the Joint Transport Committee to consider the report or recommendations and respond to them indicating what (if any) action the Joint Transport Committee proposes to take within two months of receipt of the report or recommendations;
- c) and if the report was published, publish the response.

## **18. Involvement in the work of the Committee by the public, etc.**

The Joint Transport Committee is committed to the involvement of the public and others in the work of the Overview and Scrutiny Committee.

Where members of the public and/or others have had an active role in the work of the Overview and Scrutiny Committee such involvement will be properly acknowledged. In addition, where this involvement has contributed to a particular study or examination, then the individuals and/or organisations concerned will be informed of any resulting conclusions and/or recommendations.

## **19. Work Programme**

At its first meeting of the year, the Overview and Scrutiny Committee will:

- a) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months.
- b) agree to establish Scrutiny Groups from amongst their number in order to carry out agreed areas of review and scrutiny.

The work programme will be kept under review by the Committee and the Scrutiny Officer.

The Constituent Authorities will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.

Members of the Overview and Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Authorities or elsewhere and will not duplicate the work of existing bodies or agencies.

Any member of the Constituent Authorities shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included in the work programme for discussion at a future meeting of the Committee.

The Scrutiny Committee shall respond, as soon as their work programme permits, to requests from the members of the Constituent Authorities and if it considers it appropriate the Joint Transport Committee, to review particular areas of NECA activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Joint Transport Committee.

Members of the Overview and Scrutiny Committee will use the following framework when considering referrals to the Overview and Scrutiny Committee:-

1. The Scrutiny Committee may determine that the item is not relevant to the functions of the Scrutiny Committee or duplicates the work of another body or agency. In these circumstances the Committee can resolve to take no action or that the issue is more appropriately dealt with by one of the Combined Authorities or Constituent Authorities, or may refer the item elsewhere e.g. to another committee.
2. That the issue is linked to an existing work programme item then it should be discussed as part of that item.
3. If the issue is a new item of business within the remit of the Committee, the Scrutiny Committee may:
  - a) Request a response in writing (with copies to all Members of the Scrutiny Committee) or
  - b) Request a presentation to a future Scrutiny Committee, or
  - c) Request a report to a future Scrutiny Committee or
  - d) Decide that the issue raised does not merit any response beyond noting the matter or
  - e) Decide to express a view or make a recommendation, by resolving accordingly, if the Committee considers it has sufficient information to make a fully informed decision.

## **20. Scrutiny Groups**

In appointing scrutiny groups, the Overview and Scrutiny Committee will:

- a) have regard to the approved work programme and advice from relevant officers on the overall capacity of either Combined Authority to support such studies;
- b) determine the remit for each scrutiny group who will be bound by the terms of that remit;
- c) determine the membership of the scrutiny group to be drawn from the membership of the committee or sub-committee;
- d) consider and either approve, amend or reject any reports and recommendations made by a scrutiny group for submission to the Joint Transport Committee, an individual or outside organisation as appropriate.

The arrangements for the attendance of Members of the Joint Transport Committee and/or officers of the Authority applicable for meetings of the Overview and Scrutiny Committee will also apply to scrutiny groups.

Scrutiny groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals.

## **21. Scrutiny Officer and Linking Sub-regional Scrutiny with Local Scrutiny**

A Scrutiny Officer must be appointed in accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017. The role of the Scrutiny Officer is to promote the activities and purpose of the Overview and Scrutiny Committee, provide support and guidance to the Overview and Scrutiny Committee and provide support and guidance to the members of the Joint Transport Committee, committees and sub-committees in relation to the functions of the Overview and Scrutiny Committee.

The Scrutiny Officers of each Combined Authority and Constituent Authority will ensure that the work programmes and minutes relating to the work carried out by the Overview and Scrutiny Committee in scrutinising the Joint Transport Committee, its committees, sub-committees and Nexus are circulated appropriately within their own Combined Authority or Constituent Authorities scrutiny arrangements.

## **22. Call-in**

The Overview and Scrutiny Committee has the power to call-in decisions made but not yet implemented and to direct that a decision is not implemented whilst it is under review or scrutiny by the Committee. The Committee will delegate this authority to a call-in subcommittee comprising a panel of 7 Members drawn from the Scrutiny Committee (or substitutes) with a representative Member from each of the Constituent Authorities and in addition the independent Chair (or Vice-Chair). The purpose of call-in is to consider whether to recommend that a decision be reviewed by the decision taker. Call-in should only be used in exceptional circumstances. These are where members of the Committee have evidence which suggests that the decision was not taken in accordance with the principles of decision making. It cannot be used in respect of day-to-day management and operational decisions.

- (a) When a decision is taken by the Joint Transport Committee, a committee of the Joint Transport Committee, or an officer with delegated authority, the decision shall be published and shall be available normally within three working days of being made. Members of the Committee will be sent copies of the records of all such decisions by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Committee directs that it should be called in.

- (c) During that period, the Monitoring Officer shall call-in a decision for scrutiny by the Committee if so requested by any four members of the Committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the call-in sub-committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within a period not exceeding 14 days of the decision to call-in.
- (d) If, having considered the decision, the Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker they shall hold a meeting to reconsider the decision no later than 10 days after the recommendation from the Committee is received.
- (e) If following a direction to call-in the decision, the Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the expiry of 14 days.
- (f) The decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

#### **Overview and Scrutiny Committee – Decision Making Protocol**

- (g) The Overview and Scrutiny Committee of NECA has adopted a protocol about the definition of key and on-key decisions and how it anticipates to discharge its responsibilities. The Monitoring Officer and the Scrutiny Officer responsible to the JTC Overview and Scrutiny Committee will ensure that all staff are aware of the procedures set out in this protocol. The JTC's Overview and Scrutiny Committee will operate in accordance with NECA's Overview and Scrutiny decision making protocol until a new protocol is adopted by the JTC Overview and Scrutiny Committee and consent is given to it by the Joint Transport Committee in accordance with the relevant legislation.