

WEST YORKSHIRE PASSENGER TRANSPORT AUTHORITY

STANDING ORDERS

27 JUNE 2008

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STANDING ORDERS

The provisions of these Standing Orders shall apply subject to the provisions of the Local Government Act 1985.

1. DEFINITIONS

Unless the context otherwise requires, the following expressions shall have the meanings respectively given to them below:

- (a) "Joint Authority" means the West Yorkshire Passenger Transport Authority.
- (b) "Officer" means the Officer who services the Joint Authority and who as a matter of operational practice is primarily responsible for or involved with the subject under discussion, whether an employee of the Joint Authority or the West Yorkshire Passenger Transport Executive.
- (c) "Clerk" means the person appointed pursuant to section 34(8) of the Local Government Act 1985.
- (d) "Clear working day" means any day except Saturday or Sunday or a Bank Holiday and excludes the date of the notice and the date of the meeting.
- (e) "Related" in relation to members and officers has the same meaning as "a member of your family" set out in the Introduction to the Members' Code of Conduct.

2. INTERPRETATION

The ruling of the Chair as to the interpretation of any of these Standing Orders or on any question of procedure not provided for by these Standing Orders shall be final.

3. MEETINGS

- (1) The first meeting of the Joint Authority after the ordinary elections of councillors each municipal year shall be the Annual Meeting of the Joint Authority and shall be held as soon as possible after the Annual Meetings of the constituent Councils and in any case not later than 30 June, or such other date as may be provided by law.
- (2) The Joint Authority shall, between each Annual Meeting, hold at least four other meetings for the transaction of general business on such day and at such time as they may determine except that the Clerk, after consultation with the Chair, may cancel any of such meetings if in his/her opinion insufficient business has arisen for consideration.

- (3) An Extraordinary Meeting of the Joint Authority shall be convened at any time by the Clerk upon the instructions of the Chair.
- (4) A Special Meeting of the Joint Authority shall be convened at any time by the Clerk upon the receipt by him/her of a written requisition for that purpose signed by at least three members of the Joint Authority and specifying the business to be transacted at the meeting.
- (5) Notice of a meeting convened pursuant to paragraph (4) shall be issued within five clear working days of receipt of the requisition and, notwithstanding Standing Order 4(4), no other business other than that specified in the requisition shall be transacted at the meeting.
- (6) Meetings of the Joint Authority shall be held at such places as the Joint Authority or, in the case of urgency, the Clerk in consultation with the Chair, may direct.

4. NOTICE OF MEETINGS

- (1) At least five clear working days before a meeting of the Joint Authority (excluding the date of the notice and date of the meeting) :-
 - (a) notice of the time and place of the intended meeting shall be published at the offices of the Joint Authority and such other place as is fixed for the meeting of the Joint Authority.
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, shall be left at or sent by post to the address designated by each member.
 - (c) copies of the summons shall be made available for inspection by members of the public.
- (2) Lack of service on a member of the Joint Authority of the summons referred to in sub-paragraph (1)(b) above shall not affect the validity of a meeting of the Joint Authority.
- (3) A member of the Joint Authority may require a particular item of business, which is relevant to the powers and duties of the Joint Authority, to be discussed at an ordinary meeting of the Joint Authority subject to at least ten clear working days' notice of such intention being given to the Clerk in writing, signed by the member concerned and specifying the business to be discussed. The Clerk shall set out in the notice of every meeting of the Joint Authority the items of business requested by members in the order in which they have been received unless the member or members concerned has indicated in writing that an item should be discussed at a later meeting or has since withdrawn the item. If the member is not present at the meeting when an item of which he/she has given notice comes up for discussion, this item shall, unless the Joint Authority decides otherwise, be treated as withdrawn and shall not be raised again without fresh notice.

- (4) Except in the case of business required by these Standing Orders to be transacted at a meeting of the Joint Authority and other business brought before the meeting as a matter of urgency and of which the Clerk shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Joint Authority other than that specified in the summons relating thereto.
- (5) At any time during a meeting of the Authority, the Chairman may direct that an item of business or part thereof (other than one requested by a member pursuant to paragraph 4(3)) shall be withdrawn and no consideration of that item shall take place at the meeting.
- (6) The Monitoring Officer or the Chief Financial Officer may, in pursuance of their statutory duties and in consultation with the Clerk, include an item on the agenda of any meeting of the Joint Authority and may require the Clerk to convene a special meeting for such a purpose.

5. APPOINTMENT OF CHAIR AND DEPUTY CHAIR

- (1) At the opening of each Annual Meeting the Chair/Deputy Chair shall ask the Clerk to invite nominations for the positions of Chair and Deputy Chair and the Joint Authority shall then elect a Chair and Deputy Chair from its members. Such appointment shall continue until the election of a new Chair and Deputy Chair at the next following Annual Meeting. For the avoidance of doubt, this procedure will not remove the requirement for the member pursuant to these Standing Orders and the Local Government Act 1985 entitled to preside at the meeting to exercise a casting vote in accordance with paragraph (3) below.
- (2) On a vacancy arising in the office of Chair or Deputy Chair for whatever reason, the Joint Authority shall as soon as possible elect a replacement for the remainder of the year in which such vacancy occurred.
- (3) In the case of an equality of votes in respect of the appointment of a Chair of the Joint Authority the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

6. MEMBERSHIP OF THE JOINT AUTHORITY

Each member of the Joint Authority shall be a representative of the Council by whom he/she shall have been appointed, and shall continue in office in accordance with Sections 31-32 of the Local Government Act 1985.

7. CHAIR OF MEETINGS

- (1) At each meeting of the Joint Authority the Chair, if present, shall preside.
- (2) If the Chair is absent from a meeting of the Joint Authority the Deputy Chair, if present, shall preside.

- (3) If both the Chair and Deputy Chair of the Joint Authority are absent from a meeting of the Joint Authority the Clerk shall invite Members of the Joint Authority present to select another Member of the Joint Authority to preside at the meeting until such time as the Chair or Deputy Chair joins the meeting.
- (4) Any power or duty of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

8. QUORUM

- (1) No business shall be transacted at any meeting of the Joint Authority unless at least one-quarter of the members (i.e.six members) are present provided that if more than one third of the whole number of members of the Joint Authority becomes disqualified at the same time, the quorum shall be determined in accordance with the provisions of the Local Government Act 1972, Schedule 12, paragraph 45.
- (2) If during any meeting of the Joint Authority the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Joint Authority.

9. CONSIDERATION OF ITEMS OF BUSINESS

- (1) Subject to Standing Orders 10, 11 and 12 below, the following rules shall apply.
- (2) Where the item of business is the minutes of one of the Joint Authority's Working Groups or Committees, the consideration of that item shall be dealt with in accordance with the Guidance Note appended to these Standing Orders.
- (3) All other items of business dealt with at a meeting of the Joint Authority shall be introduced by the Chair who may then invite an Officer to explain the item.
- (4) Members shall then be given an opportunity to speak on the item, the order being decided by the Chair.
- (5) Unless the Chair shall otherwise determine, each member shall speak only once on each agenda item, with a final right of reply being available to the Leader (or their nominee) of each political group at the end of the debate.
- (6) Once each member who wishes to speak has done so, the Chair shall move the item which, if seconded, shall be voted upon.

10. AMENDMENTS

- (1) Unless the Chair shall otherwise determine, no amendments to an item of business on the agenda for a meeting of the Joint Authority shall be moved at that meeting.
- (2) If a member wishes to seek an amendment to the recommendations, he/she may, when exercising his/her right to speak on the item pursuant to Standing Order 9(4), explain why he/she wishes an amendment to be made and move that a decision on the item be deferred until the next meeting of the Joint Authority to enable the Clerk to give proper consideration to the issue raised and address them in a revised report.
- (3) If the request for a deferment is supported by a majority of votes, the item shall be deferred and no further discussion of it shall take place at the meeting.

11. MEMBERS' ITEMS

- (1) An item of business requested by a member pursuant to Standing Order 4(3) shall be introduced by the member who gave notice of it.
- (2) The Chair shall then give the Clerk (in person or through another Officer present at the meeting) an opportunity to comment on the item.
- (3) Other members shall then be given an opportunity to speak on the item, the order being decided by the Chair.
- (4) Unless the Chair shall otherwise determine, and subject to paragraph (5), each member shall speak only once on the item, with a final right of reply being available to the Leader (or their nominee) of each political group at the end of the debate.
- (5) When all members who wish to speak pursuant to paragraph 3 have done so, the member who requested the item shall then have a right of reply.
- (6) The Chair shall then move the item which, if seconded, shall be voted upon.

12. ORDER OF BUSINESS

At every meeting of the Joint Authority the order of business shall be to select a person to preside if the Chair and Deputy Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting, except that such order may be varied -

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the Joint Authority.

13. MINUTES

No discussion shall take place upon the Minutes except upon their accuracy. At each meeting of the Authority, the minutes of the previous meeting if agreed will be signed by the Chair.

14. DISCUSSION AFFECTING PERSONS EMPLOYED BY THE JOINT AUTHORITY

If any question arises at a meeting of the Joint Authority as to the appointment, promotion, dismissal, salary, pension or conditions of service, or as to the conduct of any officer of the Joint Authority, such question shall not be the subject of discussion until the Joint Authority has decided whether or not the power of exclusion of the public under Schedule 12A to the Local Government Act 1972 shall be exercised.

15. VOTING

- (1) The mode of voting at meetings of the Joint Authority shall be by show of hands unless the Joint Authority decide in any particular case to vote by ballot.
- (2) In the case of an equality of votes the Chair of the meeting of the Joint Authority shall have a casting vote in addition to any other vote he/she may have.
- (3) Where more than two persons are nominated for any appointment to be filled by the Joint Authority and of the votes given there is not an overall majority in favour of one person the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- (4) Any Member not supporting a resolution may request that his/her dissent be recorded.

16. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- (1) All members of the Joint Authority shall comply with the requirements of the Joint Authority's Code of Conduct for Members in respect of the registration of Personal Interests and the provisions relating to declaring the same and withdrawing from meetings.

17. INTEREST OF OFFICERS IN CONTRACTS

The Clerk shall keep a record of particulars of any notice given by an officer of the Joint Authority under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, which record shall be open during office hours for inspection by any member of the Joint Authority and shall otherwise comply with the requirements of the Joint Authority's Code of Conduct for Officers.

18. CANVASSING OF AND RECOMMENDATION BY MEMBERS

- (1) Canvassing of members of the Joint Authority directly or indirectly for any appointment under the control of the Joint Authority shall disqualify the candidate concerned for the appointment.
- (2) A member of the Joint Authority shall not solicit for any person any appointment under the control of the Joint Authority but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Joint Authority with an application for employment.

19. RELATIVES OF MEMBERS OR OFFICERS

A candidate for any appointment under the control of the Joint Authority who knows that he/she is related to any member or officer of the Joint Authority shall when making application, disclose that relationship to the officer to whom the application for appointment is required to be submitted. A candidate who fails to disclose such relationship will be disqualified from the appointment and if appointed, shall be liable to dismissal without notice. Every member or officer of the Joint Authority shall disclose to the officer concerned any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for appointment with the Joint Authority. The officer concerned shall report to the Joint Authority any such disclosures made to him/her.

20. APPEALS AND DISCIPLINARY HEARINGS

An officer shall not be represented by a member of the Joint Authority at any staff appeal or disciplinary hearing.

21. INSPECTION OF MINUTES AND DOCUMENTS

Without prejudice to any rights which arise as an elector or member of the public a member of the Joint Authority may, for the purpose of his/her duty as such member, but not otherwise, on application to the Clerk, inspect the minutes of the Joint Authority and any document which has been considered by the Joint Authority, and shall on request be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly call for a copy of any document relating to a matter in which he/she has a Personal Interest as defined in the Joint Authority's Code of Conduct for Members, and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

22. DISTURBANCES AT MEETINGS

- (1) If a member of the public interrupts the proceedings of any meeting, the Chair shall warn that person. If the interruption continues, the Chair shall order the person's removal from the meeting room. In the case of a general disturbance in any part of the meeting room open to the public, the Chair shall order that part to be cleared.
- (2) If at any meeting any member, in the opinion of the Chair, indulges in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, offensively, or by willfully obstructing the business of the Joint Authority, the Chair or any other member may move "That the member named be not further heard" and the motion, if seconded, will be put and voted upon without discussion.
- (3) If the member named continues the misconduct after a motion under paragraph (2) has been carried, the Chair shall either move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting for such period as the Chair shall consider expedient.

23. VARIATION AND REVOCATION OF STANDING ORDERS

No addition, variation or revocation of these Standing Orders shall be approved unless it is in accordance with recommendations made by the Joint Authority's Audit and Governance Committee.

24. SUSPENSION OF STANDING ORDERS

Any Standing Order may be suspended at a meeting of the Joint Authority where such suspension is moved as regards any business at the meeting and approved by a majority of the members of the Joint Authority at the meeting.

25. DELEGATION TO CERTAIN MEMBERS OF THE AUTHORITY TO TAKE ACTION OF AN URGENT NATURE ON ITS BEHALF

- (1) For the purposes of dealing with any matter deemed to be of an urgent nature by the Chair, or in his absence the Deputy Chair, there shall be established an Appointed Members Working Group.
- (2) The Appointed Members Working Group shall comprise the Chair or in his or her absence the Deputy Chair of the Joint Authority, together with two other Members of the Authority determined in accordance with the political balance requirements of the Local Government and Housing Act 1989, and may take action on behalf of the Joint Authority that will not admit of delay.
- (3) Any Member of the Appointed Members Working Group may appoint any other Member of the Authority to attend and act on their behalf at a

meeting of the Appointed Members Working Group that they are unable to attend and shall have notified the Clerk accordingly before the relevant meeting.

- (4) The Chair of the Joint Authority or in his absence the Deputy Chair shall chair meetings of the Appointed Members Working Group held pursuant to this Standing Order.
- (5) The quorum for such meetings shall be two Members.
- (6) In the case of an equality of votes, the Member chairing the meeting shall have a casting vote; and
- (7) The decisions taken shall be reported to the next meeting of the Joint Authority.

26. STANDARDS COMMITTEE

- (1) Pursuant to Part III of the Local Government Act 2000, the Joint Authority shall, at each Annual Meeting, appoint a Standards Committee comprising three members of the Joint Authority and one independent member. The independent member shall act as Chair at all meetings of the Committee.
- (2) The general functions of the Committee shall be:
 - (i) promoting and maintaining high standards of conduct by the members and any co-opted members of the Joint Authority, and
 - (ii) assisting members and co-opted members of the Joint Authority to observe the Joint Authority's code of conduct.
- (3) The Committee shall also have the following specific functions:
 - (i) advising the Joint Authority on the adoption or revision of a code of conduct
 - (ii) monitoring the operation of the Joint Authority's code of conduct
 - (iii) advising, training or arranging to train members and co-opted members of the Joint Authority on matters relating to the Joint Authority's code of conduct
 - (iv) such other functions as shall be determined by the Joint Authority at its Annual Meeting.
- (4) The Committee shall meet at least once in each year and otherwise when requested by the independent member.
- (5) The quorum for such meetings shall be the independent Member plus two Members.

- (6) Any Member of the Standards Committee, other than the Independent Member, may appoint any other Member of the Authority to attend and act on their behalf at a meeting of the Standards Committee which they are unable to attend and shall have notified the Clerk accordingly before the relevant meeting.
- (7) The Minutes shall be reported, for specific approval of the Committee's decisions, to the next meeting of the Authority.

27. WORKING GROUPS OF THE JOINT AUTHORITY

- (1) The Joint Authority shall, at its Annual Meeting, appoint the Chairs of, and approve terms of reference for, such Working Groups as are deemed necessary to conduct the business of the Authority in the forthcoming year ensuring the membership is determined in accordance with the rules of political balance contained in the Local Government and Housing Act 1989.
- (2) Where a new Working Group is established during the year, or a casual vacancy occurs in the position of Chair of a Working Group, the meeting of the Authority that establishes the new Working Group, or the meeting of the Authority following the vacancy occurring (as the case may be), shall appoint the Chair of the Working Group.
- (3) Each Working Group shall act as an advisory body to the Joint Authority and its decisions, unless otherwise provided for in its terms of reference, shall have no effect until those decisions are subsequently approved by the Joint Authority.
- (4) For the avoidance of doubt no Working Group of the Joint Authority, other than the Appointed Members Working Group, shall have any power to take financial decisions on behalf of the Joint Authority.
- (5) The Chair of the Authority shall be notified of, and be entitled to be present at, but not vote at, any Working Group meetings that are called, of which he/she is not already a Member.
- (6) The quorum of all Working Groups shall be half of their approved membership.
- (7) Any Member of a Working Group may appoint any other Member of the Authority to attend and act on their behalf at a meeting of that Working Group which they are unable to attend and shall have notified the Clerk accordingly before the relevant meeting.
- (8) These Standing Orders, with the exception of Standing Order numbers 3, 5, 6, 8(1), 9(5), 23, 25 and 26 shall apply to all Working Groups of the Joint Authority.

GUIDANCE NOTE RE AUTHORITY AND WORKING GROUP MINUTES

1. Authority Minutes

- At each meeting of the Authority, the minutes of the Authority's previous meeting shall be signed by the Chair (or in his absence, the Deputy Chair), provided he is satisfied as to their accuracy.

2. Minutes of Appointed Members, Audit and Governance Committee and Staffing Working Group

- The above committees have authority to take decisions within their terms of reference that can be acted upon without ratification by the Authority.
- The minutes of both the Audit and Governance Committee and the Staffing Standing Group are taken to the next meeting of the Authority for information. Approval to and signing of the minutes takes place at the next Working Group meeting.
- The Appointed Members are actually acting on behalf of the Authority thus their minutes are never separately signed but form part of the Authority's minutes of the meeting they are reported to.
- At the Authority meeting, Members can ask questions arising from these minutes but cannot amend any decisions. In order to amend a decision the procedure is set out in 4 below.

3. Minutes of all other Working Groups

- The role of other Working Groups is to consider reports and make recommendations to the Authority within the scope of their Terms of Reference. They have no power to take decisions and until the Authority's approval is obtained their recommendations cannot be acted upon.
- Minutes of Working Groups are taken to the next meeting of the Authority in order to obtain such approval. Approval to and signing of the minutes takes place at the next meeting of the Working Group.
- The purpose of taking the minutes of working groups to the Authority is to inform all Members of the activities of the Authority and the decisions being taken on their behalf. It is appropriate for:-
 - The Chair to present the minutes and highlight any matter he/she wishes to bring to the attention of other Members.

- Any Member to seek and obtain clarification of any item contained in the minutes.
- A brief discussion to be held on any minute. It is recognised that clarification can lead to a brief discussion but the extent of the discussion will be limited since Members cannot have a full discussion without the full facts being before them.

4. Amendment of decisions of a Working Group

- In general, working groups have delegated authority to shape and advise on policy decisions except in those areas specifically restricted by standing orders (eg finance matters).
- If any Member, at a meeting of the full Authority, is unhappy about any decision taken by a working group or any matter appearing in their minutes he/she is entitled to ask for:-
 - the matter to be reconsidered by the working group or
 - to request that a full report be brought to the next meeting of the Authority so that a full debate can be held.

5. Reasons for restricting debates on minutes

- The working groups have been set up to ensure Members become more closely involved with various policy elements and the workings of the Authority and Metro. It therefore allows Members to develop expertise in various areas and it is inappropriate, and will waste Members time, to become involved in the detail of all decisions.
- Where a contentious matter arises in working group minutes it is entirely appropriate for Members to consider it. However, the working group decision will have been taken in the context of a full debate and with a report and full information available to the Members concerned.
- It is not appropriate to reconsider the matter without a report and full information available to all Members and to do so would leave the Authority open to challenge by auditors, the electorate of West Yorkshire and others that any subsequent decision was either ill informed, biased or otherwise unfair.
- There is a method of changing/challenging working group decisions and this is set out in paragraph 4 above.