



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

THE CONSTITUTION

MARCH 2023



Version Control

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CHAPTER 1: SUMMARY

1. Introduction

- 1.1 The Cambridgeshire & Peterborough Combined Authority (the Combined Authority) is defined as the area covered by seven Constituent Authorities:
- Cambridge City Council;
 - Cambridgeshire County Council;
 - East Cambridgeshire District Council;
 - Fenland District Council;
 - Huntingdonshire District Council;
 - Peterborough City Council; and
 - South Cambridgeshire District Council
- 1.2 The Combined Authority was established by Order on 3 March 1997 and exists to further the sustainable and inclusive growth of the economy of Cambridgeshire and Peterborough. It builds upon a strong history of collaboration between the Constituent Authorities, the private sector and other partners.
- 1.3 The Combined Authority also incorporates the role and responsibilities of the Business Board for Cambridgeshire & Peterborough (formerly the Local Enterprise Partnership), and various other statutory and non-statutory responsibilities.
- 1.4 This constitution reflects:
- Experience of effective management of collaborative arrangements operating within the constituent authorities for many years
 - The commitments entered into by government and leaders' within the Combined Authority area
 - Constitutional arrangements put in place on the establishment of the Combined Authority in March 2017
 - The statutory framework established by parliament as part of the Combined Authority Order of 2017
- 1.5 This constitution is a living document and shall be amended as the Combined Authority continues to develop. Authority is delegated to the Monitoring Officer, in consultation with the Chief Executive of the Combined Authority, to make consequential amendments to the Constitution, in order to reflect organisational or

legislative changes, or to make any minor textual or grammatical corrections. Any other changes shall be agreed unanimously by the Combined Authority Board.

- 1.6 This Constitution sets out the governance arrangements for the Cambridgeshire & Peterborough Combined Authority, including Mayoral and Non-Mayoral Functions. It sets out how decisions are made and the procedures that are followed to ensure that the Combined Authority operates efficiently, effectively and is transparent and accountable.

Purpose of the Constitution

- 1.7 This Constitution sets out how we work, how we make decisions, and the procedures we follow to make sure our work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones we have chosen to follow.
- 1.8 The Constitution has 19 parts, plus a number of appendices. These are outlined below:
- 1.9 Part 1: Introduction to the Combined Authority and the Combined Authority's Constitution.
- 1.10 Part 2: Membership of the Combined Authority which outlines the establishment of the Combined Authority and the constituent authorities, the Business Board and the Co-opted members.
- 1.11 Part 3: The Mayor of the Combined Authority which sets out the roles and functions reserved to the Mayor. This chapter also sets out the Mayor's general functions and powers.
- 1.12 Part 4: The Combined Authority Functions and Responsibilities setting out who is responsible for exercising each function of the Combined Authority and its decision-makers operate, including:
- formal meetings of the Combined Authority and its committees;
 - how to access information; and
 - procedures relating to finance and contracts.
- 1.13 Part 5: Standing Orders setting out how Combined Authority Board meetings and, subject to certain limitations identified in Chapter 7 [Boards and Committees] of this Constitution, to any committees or sub-committees will proceed.
- 1.14 Part 6: Decision-Making setting out how the Combined Authority's decision makers operate, including:

- key decisions
- The forward plan
- general exception notices
- special urgency decisions
- the recording of decisions
- the budget framework procedure rules
- formal meetings of the Combined Authority and its committees

- 1.15 Part 7: Boards and Committees detailing the Boards and Committees, and sub-committees the Combined Authority has established to discharge its functions. The Combined Authority has established the following Boards and Committees:
- Transport and Infrastructure Committee
 - Skills Committee
 - Housing and Communities Committee
 - Employment Committee
- 1.16 Part 8: Financial Regulations setting out how the Combined Authority's financial affairs are managed.
- 1.17 Part 9: Procurement and Contract Procedure Rules providing an overview.....
- 1.18 Part 10: Access to Information, Information Governance, Data Protection and Complaints setting out the rights of the public, as well as detail on how information is managed.
- 1.19 Part 11: Employment Rules and Regulations setting out how officers are appointed and dismissed and the role that Elected Members have in officer appointments and dismissals.
- 1.20 Part 12: Allowances which outlines the.....
- 1.21 Part 13: Audit & Governance Committee setting out the functions and terms of reference of this statutory committee.
- 1.22 Part 14: Overview & Scrutiny Committee setting out the functions and terms of reference of this statutory committee.
- 1.23 Part 15: Business Board which is the Local Enterprise Partnership for its area and is a non-statutory body. The Business Board is independent of the Combined Authority operating as a private-public sector partnership, focussing on the key business sectors to drive growth in the Cambridgeshire and Peterborough, and wider Local Enterprise area. The Combined Authority is the accountable body for funding awarded to the Local Enterprise Partnership.

- 1.24 Part 16: Members which lays out the Member Code of Conduct; how Members register interests; and how complaints against members can be made and are dealt with.
- 1.25 Part 17: Subsidiary Companies and Shareholder Oversight providing an overview of the Combined Authority trading companies and the Shareholder Board.
- 1.26 Part 18: Officer Schemes of Delegation outlining the Schemes of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.
- 1.27 Part 19: Policies and Protocols which is a section setting out, as annexes, the policies and protocols of the Combined Authority.
- 1.28 Appendices: a number of appendices to the main body of the Constitution.

Monitoring and Reviewing the Constitution

- 1.29 The Monitoring Officer will regularly monitor and review the operation of the Constitution.
- 1.30 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 1.31 It is the responsibility of the Combined Authority Board to review the Constitution on an annual basis.

Changes to the Constitution

- 1.32 The Constitution will be amended as the Combined Authority develops.
- 1.33 Changes to the Constitution will be agreed by the Combined Authority Board in accordance with the voting arrangements as set out in [Chapter 5 – Standing Orders](#) unless in the reasonable opinion of the Monitoring Officer a change is required in the circumstances set out in his/her delegated powers. [Chapter 18 - Officer Scheme of Delegation](#) .

Common Seal of the Combined Authority

- 1.34 The Common Seal of the Combined Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to

the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.

CHAPTER 2: MEMBERSHIP OF THE COMBINED AUTHORITY

2.1 The Establishment of the Combined Authority

- 2.1.1 The Cambridgeshire & Peterborough Combined Authority (Election of Mayor) Order 2017 established the Combined Authority as a Mayoral Combined Authority; and the first Mayor was elected in May 2017 (the second in May 2021). The Mayor is directly elected by the local government electorate of Cambridgeshire and Peterborough and serves a four-year term of office. The Combined Authority Mayor, by virtue of holding office, shall be a Member of, and Chair the Combined Authority Board; with responsibilities, and checks and balances on the exercise of those responsibilities, as set out by this Constitution.
- 2.1.2 The Mayor and the Combined Authority Board, and the Executive Committees will work together in collaboration, in the interests of the people of the Cambridgeshire and Peterborough. This Constitution sets out arrangements to ensure the effective conduct of the Combined Authority's business, in this spirit of collaboration, mutual respect and transparency. All members will strive to work on the basis of consensus, taking decisions through agreement. These principles shall apply irrespective of the statutory basis for the exercise of those powers; whether through the powers and responsibilities of the Mayor, the Combined Authority, or the Business Board. The powers of the Mayor are to be exercised through collaboration within the Combined Authority Board, and in partnership with all relevant stakeholders.

2.2 Constituent Authorities

- 2.2.1 Each of the Constituent Councils shall appoint a Member (usually its Leader) to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member). All appointments shall be for a one-year term.
- 2.2.2 A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.
- 2.2.3 A Member or Substitute Member may resign by giving written notice to the Proper Officer of their Constituent Council, and the resignation takes effect on the receipt of the notice. The relevant Constituent Council shall notify the Combined Authority forthwith of the resignation.

- 2.2.4 Each Constituent Council shall at any time be entitled to terminate the appointment of a Member or Substitute Member appointed to the Combined Authority and replace that Member or Substitute Member.
- 2.2.5 The Constituent Council must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority. The new appointment shall take effect and the previous appointment terminate on receipt of notification.

2.3 Business Board

- 2.3.1 The Business Board will nominate one of its Members, normally the Chair, to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member).
- 2.3.2 The Combined Authority will consider the nomination and appoint the Business Board Member and the Business Board Substitute Member. Each appointment shall be for a one-year term.
- 2.3.3 A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Business Board that nominated them. The Business Board shall appoint or nominate a replacement as soon as possible.
- 2.3.4 A Member or Substitute Member may resign by giving written notice to the Chair or Vice-Chair of the Business Board, and the resignation takes effect on the receipt of the notice. The Business Board shall notify the Combined Authority forthwith of the resignation.
- 2.3.5 Where the Business Board terminates an appointment and nominates another of its Members in that person's place, it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.
- 2.3.6 The Combined Authority must consider the appointment of the nominated Business Board Member at the next meeting of the Combined Authority. The new appointment shall take effect and the previous appointment terminate upon the determination of the appointment by the Combined Authority.

2.4 Co-opted Members

- 2.4.1 The Combined Authority may invite organisations with direct responsibility for functions relevant to the Combined Authority objectives to become Co-opted Members to attend the Combined Authority Board and these Co-opted Members may

take part in the debate. All decisions on Co-opted Members shall be made formally by proposal and report at a Combined Authority Board meeting.

- 2.4.2 A proposal for an authority to be given Co-opted Member status may be made by any Constituent Council Member or the Mayor and must be agreed by a two-thirds majority of those present and voting. Co-opted Member status takes effect upon agreement by the Board.
- 2.4.3 Co-opted Member status confers no legal status and no entitlement to vote and is an informal arrangement to promote a strategic approach to joint working in the development of significant policy issues.
- 2.4.4 A Co-opted member organisation shall be represented at meetings of the Combined Authority Board by a named representative or a named Substitute. Notice of the names of the Co-opted Members' representative or Substitute must be provided to the Monitoring Officer by the Co-opted Member organisation at least two working days prior to attendance at any meeting of the Board.
- 2.4.5 Such representative or substitute may participate in the debate on issues relevant to their organisation and must comply with the terms of the Constitution as they relate to debate, but they will not have entitlement to vote on any issue or agenda item.
- 2.4.6 The Chair of any meeting of the Combined Authority may require the Co-opted Members' named representative or named substitute to absent themselves from any meeting of the Combined Authority at the Chair's discretion.

CHAPTER 3: THE MAYOR OF THE COMBINED AUTHORITY

3.1 Roles and Functions Reserved to the Mayor of the Combined Authority

- 3.1.1 The Mayor and the other Members of the Combined Authority will work closely together. Specifically, the Mayor:
- (a) will provide overall leadership and chair Combined Authority Board meetings;
 - (b) may nominate lead member responsibilities, the membership and chairs of executive committees to each member of the seven Constituent Councils who will act in a supporting and advisory function to the Mayor and Combined Authority for their respective policy areas; and
 - (c) will also be a member of the Business Board recognising the importance of the Business Board's role and the private sector in any growth strategies or delivery for the Combined Authority area.
- 3.1.2 The Mayor must appoint a statutory Deputy Mayor of the Combined Authority. The role of the statutory Deputy Mayor is set out in paragraph 3.6 below. The Mayor may also appoint a non-statutory Deputy Mayor and the role of the non-statutory Deputy Mayor is set out in paragraph 3.6 below.

3.2 General Functions of the Mayor

- 3.2.1 The Mayor will exercise the following general function:
- 3.2.1.1 The Mayor may pay a grant to Cambridgeshire County Council and Peterborough City Council to meet expenditure incurred by them as highways authorities. The Mayor must exercise this function under section 31 Local Government Act 2003 concurrently with a Minister of the Crown.
 - 3.2.1.2 Prior to the payment of the grant the Mayor must consult the Combined Authority.
 - 3.2.1.3 Members and officers of the Combined Authority may assist the Mayor in the exercise of the function to pay a grant.

3.3 Powers of the Mayor

- 3.3.1 The Mayor may exercise a general power of competence (section 1 Localism Act 2011) to do anything that the Combined Authority may do:
- 3.3.1.1 Where the general power of competence:
 - (a) involves the transfer of property, rights or liabilities of the Combined Authority to or from the Constituent Councils, or

- (b) is used to prepare and publish a statement setting out a strategy for spatial development in the Combined Authority area, the Mayor must secure the unanimous consent of all Members of the Combined Authority, or Substitute Members acting in their place.

- 3.3.2 The Mayor may otherwise individually exercise a general power of competence to do anything that the Combined Authority may do subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.
- 3.3.3 The Mayor may exercise their power to ask the Secretary of State for Transport to make regulations under Section 11 of the Automated and Electric Vehicle Act 2018 requiring large fuel retailers and service area operators to provide public charging points and to ensure public charging points are maintained and easily accessible. The power would be limited to large fuel retailers in the area within their authority.

3.4 Nominations to Lead Member Responsibilities and to Executive Committees

- 3.4.1 The Mayor and the Combined Authority Board shall agree lead member responsibilities in respect of the Combined Authority functions.
- 3.4.2 The Mayor shall nominate the agreed lead member responsibilities and membership (including the Chair) of any executive committees to any member of the constituent councils, subject to any rules within the terms of reference of those committees. Board members nominated to an executive committee may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member.
- 3.4.3 The nominations to lead member responsibilities and the nominated membership and chairs of any executive committees shall be reported to the Combined Authority Board for formal approval by a simple majority vote which must include the Mayor.

3.5 Mayor's Budget and Spending Plans

- 3.5.1 The Mayor must also set a budget and consult the Combined Authority Board on their spending plans and draft budget in accordance with the Budget Framework Procedure Rules (see Chapters 6: Decision Making and Chapter 8: Financial Regulations).

- 3.5.2 Any Mayoral budget, strategies and spending plans must be approved by the Combined Authority Board in accordance with the special voting rules (see Chapter 6: Decision-Making).

3.6 Deputy Mayor

- 3.6.1 The Mayor must appoint one Member of the Combined Authority to hold the statutory functions as Deputy Mayor. This statutory Deputy Mayor shall:
- (a) hold office until the end of the term of office of the Mayor;
 - (b) cease to be statutory Deputy Mayor, if at any time the Mayor removes them from office, they resign as Deputy mayor or they cease to be a Member of the Combined Authority;
 - (c) act in the place of the Mayor if for any reason the Mayor is unable to act, or the office of Mayor becomes vacant.
- 3.6.2 If a vacancy arises in the office of statutory Deputy Mayor, the Mayor shall immediately appoint another Member of the Combined Authority to the post of statutory Deputy Mayor.
- 3.6.3 If the Mayor is unable to act or the office of Mayor is vacant; and the statutory Deputy Mayor is unable to act, the Monitoring Officer shall call a meeting of the Combined Authority Board to take decisions, by simple majority, in the absence of the Mayor.
- 3.6.4 For reasons of good governance, the Mayor may appoint a second non- statutory Deputy Mayor from amongst the Constituent Council members as they think appropriate.
- 3.6.5 The non-statutory Deputy Mayor shall preside over any meeting of the Combined Authority called to make decisions in the absence of the Mayor and statutory Deputy Mayor.
- 3.6.6 Should the statutory Deputy Mayor be appointed as Chair of the Combined Authority in the absence of the Mayor, the non-statutory Deputy Mayor shall be appointed as the Vice-Chair.

3.7 Delegation of Functions Reserved to the Mayor

- 3.7.1 The Mayor may arrange for:
- (a) the statutory Deputy Mayor to exercise any general function of the Mayor;

or

(b) another Member or officer of the Combined Authority to exercise any such function.

3.7.2 The Mayor shall produce a scheme of delegation for any delegated functions.

3.7.3 The financing of a Mayoral Combined Authority can be met from precepts by the Combined Authority (section 107G, 2009 Act). However, the Mayor has no power to borrow money (section 107D(8), 2009 Act).

3.8 Mayoral Decisions

3.8.1 Any Mayoral decisions will be made in accordance with the Constitution including the Transparency Rules, Forward Plan and Key Decisions (see Chapter 6: Decision-Making).

CHAPTER 4: THE COMBINED AUTHORITY FUNCTIONS AND RESPONSIBILITIES

4.1 Functions Reserved to the Combined Authority Board

4.1.1 The following functions are reserved to the Combined Authority Board:

Strategies and Plans

4.1.2 The adoption of, and any amendment to or withdrawal of the following plans and strategies:

- (a) The Mayor's growth ambition statement;
- (b) Business Plan;
- (c) Business cases for key priority projects identified in the Business Plan;
- (d) Local Industrial Strategy;
- (e) Local Transport Connectivity Plan;
- (f) Bus Strategy;
- (g) Approval of the key route network;
- (h) Skills Strategy;
- (i) Housing Strategy;
- (j) Investment Strategy;
- (k) Non-Statutory Strategic Spatial Plan;
- (l) Market Town Masterplans for Growth;
- (m) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;
- (n) Other strategies and plans as agreed.

Frameworks

4.1.3 The adoption of, and any amendment to or withdrawal of the following framework documents:

- (a) Assurance Framework;
- (b) Monitoring & Evaluation Framework.

Financial Matters

4.1.4 The adoption of, and any amendment to or withdrawal of the following financial documents:

- (a) The non-mayoral Combined Authority budgets;

- (b) Approval of carry forward of any underspent balances between financial years;
- (c) Annual spending plans for the allocation of transport-related funding;
- (d) Treasury Management Strategy including approval of borrowing limits;
- (e) Medium Term Financial Plan and Capital Programme
- (f) Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.

4.1.5 Consultation on the allocation of Local Highways Maintenance Capital Grant

4.1.6 Approve budget allocations for feasibility work from the non-transport feasibility fund

4.1.7 Approve business cases and loans to third party businesses including wholly owned subsidiaries;

4.1.8 Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.

4.1.9 Approval of virements of £500,000 and over;

4.1.10 In relation to the Mayor's General Budget, and in accordance with the Budget Framework Procedure Rules (see Chapter 8 – Financial Regulations):

(a) The approval of the draft budget (or revised draft budget) or

- (b) The decision to veto the draft budget (or revised draft budget) and approval of the Mayor's draft budget incorporating the Combined Authority Board's recommendation as the relevant amounts and calculations.

4.2 Accountable Body

4.2.1 Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.

4.3 Governance

4.3.1 Decisions related to:

- (a) Adoption and amendment of the Constitution;

- (b) Establishment and membership of Committees and Sub-Committees;
- (c) Establishment and membership of Joint Committees and Commissions;
- (d) Approve the nomination of lead member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;
- (e) Approval of Mayoral Allowance and any other allowance schemes;
- (f) Appointment of an Independent Person of the Audit and Governance Committee;
- (g) Appointment of Statutory Officers;
- (h) Delegation of functions to third parties;
- (i) Establishment of Trading Companies;
- (j) Any other matters reserved to the Board.

4.3.2 The Combined Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and Chief Finance Officer.

4.3.3 The Combined Authority Board shall have the power to reserve decisions to itself which would otherwise be taken by the Executive Committees.

4.4 Membership of the Combined Authority Board

4.4.1 The Combined Authority Board consists of the Members as set out below:

- (a) The Mayor, or Deputy Mayor acting in the Mayor's absence
- (b) An elected Member appointed by each of the Constituent Councils or Substitute Members acting in their place;
- (c) A Representative of the Business Board or Substitute Members acting in their place;
- (d) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.

4.4.2 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to

some reason approved by the authority before the expiry of that period, they cease to be a Member of the Board.

4.5 Functions of the Combined Authority

4.5.1 The functions of the Combined Authority are grouped into lead member responsibilities, allocated to Constituent Council Members of the Combined Authority and include the following responsibilities:

- (a) To lead and champion their allocated lead member functions;
- (b) To act as key spokesperson for the Combined Authority within their respective Constituent Councils
- (c) To chair and lead a committee where established;
- (d) To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board;
- (e) To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;
- (f) To liaise with Members holding similar lead member responsibilities within the Constituent Councils.
- (g) To lead on the development of key strategic documents for approval by the Combined Authority;
- (h) To develop and present investment proposals to the Combined Authority;
- (i) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;
- (j) To input into any future devolution proposals and public sector reform.

4.6 Executive Bodies

4.6.1 The Combined Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

4.7 Working Groups

- 4.7.1 The Combined Authority may establish informal working groups. These groups will be non-decision making groups of Officers and Members.

4.8 Membership

- 4.8.1 The Combined Authority shall appoint the membership of all executive committees, sub-committees, joint committees and working groups, including the appointment of the Chair, Substitute Members and any Co-opted Members. In accordance with Chapter 3, the Mayor shall nominate the membership and chairs of any executive committees to the Board for approval.
- 4.8.2 The political balance rules apply to all committees, sub-committees and joint committees where political groups are formed. Where political groups are not formed the Combined Authority has agreed that at least one member of a party not of the same political affiliation as the Mayor shall be appointed to all committees.
- 4.8.3 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Monitoring Officer.

4.9 Quorum

- 4.9.1 The quorum for all committees, sub-committees and working groups is at least two-thirds of the total number of Members and may be no fewer than three Members.

4.10 Access to Meetings

- 4.10.1 The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees (see Chapters 6: Decisions; and 10: Access to Information, Information Governance, Data Protection and Complaints). These rules do not apply to working groups and commissions.

CHAPTER 5: STANDING ORDERS

5.1 Introduction

- 5.1.1 These rules apply to Combined Authority Board meetings and, subject to the limitations set out in Chapter 7: Boards and Committees of this Constitution to any committees or sub-committees of the Board.

5.2 Types of Meetings

- 5.2.1 There are three types of meeting:

- The Annual Meeting of the Combined Authority;
- Ordinary meetings;
- Extraordinary meetings.

5.3 Annual Meeting

- 5.3.1 The Combined Authority will normally hold an Annual Meeting (between 1 May and 30 June) following Constituent Councils' Annual Meetings.

- 5.3.2 The Annual Meeting will:

- (i) note the appointment of Members of Constituent Councils and the Business Board (and their Substitute Members);
- (ii) receive any declarations of interest from Members;
- (iii) approve minutes of the last meeting;
- (iv) appoint any or Co-opted Members;
- (v) approve lead members responsibilities;
- (vi) appoint such executive Committees as the Combined Authority considers appropriate, their membership and the Chair and Vice-Chair;
- (vii) appoint the Overview and Scrutiny Committee and Audit and Governance Committee (including their terms of reference, size,

the allocation of seats to political parties in accordance with the political balance requirements) in accordance with nominations received from Constituent Councils;

- (viii) appoint the Chair and Vice-Chair of the Audit and Governance Committee;
- (ix) agree the programme of the Ordinary Meetings of the Combined Authority for the forthcoming year, and appropriate advanced notification of other planned meetings of Committees; and
- (x) be followed by an Ordinary Meeting to consider any other business set out in the notice convening the meeting.

5.3.3 The Combined Authority Board may decide at subsequent meetings to dissolve Committees, alter their terms of reference or to appoint new Committees.

5.4 Ordinary Meetings

5.4.1 The Combined Authority Board will decide on the number of Ordinary Meetings to hold in each municipal year in addition to its annual meeting. Each meeting will be held at a time and place as the Combined Authority decides.

5.4.2 Ordinary Meetings will:

- (i) approve the minutes of the last meeting;
- (ii) receive any declarations of interest from Members;
- (iii) receive any announcements from the Mayor;
- (iv) receive questions from, and provide answers to the public in accordance with Standing **Order n** below;
- (v) receive petitions in accordance with Standing **Order n** below;
- (vi) receive and consider reports from its Officers, Committees and Sub- Committees and working groups;
- (vii) deal with any business from the last Combined Authority meeting; and

- (viii) consider motions on notice and any other business specified in the summons to the meeting.

- 5.4.3 Unless otherwise determined by statute, the Chair may vary the order of the agenda at their absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 5.4.4 If any issues arise at a meeting in relation to interpretation of the meeting procedure rules the Chair's decision shall be final.

5.5 Urgency

- 5.5.1 The Chair may determine that an item of business that has not been open to prior public inspection, should be considered at the meeting as a matter of urgency. Any urgent items shall comply with the Transparency Rules, the Forward Plan and Key Decisions (see Chapter 6: Decision Making).

5.6 Extraordinary Meetings

- 5.6.1 An Extraordinary Meeting of the Combined Authority may be called by:
 - (i) the Combined Authority by resolution;
 - (ii) the Chair of the Combined Authority;
 - (iii) the Chief Executive of the Combined Authority;
 - (iv) the Monitoring Officer; or
 - (v) any three Members of the Combined Authority if they have signed a requisition presented to the Chair of the Combined Authority and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 5.6.2 The business to be conducted at an Extraordinary Meeting shall be restricted to the items of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Chair may at their absolute discretion permit other items of business to be added to the agenda for the efficient discharge of the Combined Authority's business.

5.7 Notice of Meetings and Agendas

- 5.7.1 Notice of meetings, agendas and reports will be published in accordance with the Transparency Rules, the Forward Plan and Key Decisions (see Chapter 6: Decision-Making and Chapter 10: Access to Information, Information Governance, Data Protection and Complaints).

5.8 Public Access

- 5.8.1 As set out in Chapter 10: Access to Information, Information Governance, Data Protection and Complaints, every meeting of the Combined Authority shall be open to the public, except where the public are excluded during the whole or part of the proceedings in certain circumstances. Copies of the agenda and any additional papers will be available for the public and media representatives.

5.9 Attendance

- 5.9.1 The Monitoring Officer shall record the attendance of each Member at the meeting.

5.10 Notice of Substitute Members

- 5.10.1 Substitute Members may attend meetings in that capacity only:
- (a) to take the place of the Member for whom they are the designated substitute where the Member will be absent for the whole of the meeting;
 - (b) after they, or the Member they are substituting for, has provided the Monitoring Officer with notice of the substitution before the commencement of the meeting in question;
 - (c) where an adjourned meeting is reconvened, and it is essential for that Substitute Member to continue to attend to comply with good governance.
- 5.10.2 Substitute Members will have all the powers and duties of an ordinary Member of the Combined Authority for the duration of the meeting at which they act as Substitute but will not be able to exercise any other special powers or duties exercisable by the person for whom they are the Substitute.

5.11 Chair and Vice-Chair

- 5.11.1 From the point at which he or she takes office, the Mayor will act as Chair to the Combined Authority. The Mayor shall appoint a statutory Deputy Mayor holding statutory powers as Vice-Chair of the Combined Authority.
- 5.11.2 If the Mayor resigns or the position is vacant, the statutory Deputy Mayor shall chair the Combined Authority Board.
- 5.11.3 Following the appointment of the Deputy Mayor as Chair, the Combined Authority must appoint a Vice-Chair from among its Members and the appointment is to be the first business transacted. If the Mayor has appointed a second Deputy Mayor, he or she shall be the Vice-Chair.
- 5.11.4 A person ceases to be Chair or Vice-Chair of the Combined Authority Board if they cease to be a Member of the Combined Authority.
- 5.11.5 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority Board, or, if that meeting is to be held within 14 days of the vacancy arising, at the following meeting. The appointment of Chair must be the first business transacted. The appointment of the Vice-Chair should be the first business transacted after the appointment of the Chair of the Board.

5.12 Quorum

- 5.12.1 No business shall be transacted at any meeting of the Combined Authority Board unless at least five Members are present at the meeting, including:
 - (a) the Mayor, or the Deputy Mayor acting in place of the Mayor, and
 - (b) at least four other Members appointed by the Constituent Councils, or Substitute Members acting in their place.
- 5.12.2 If the Mayor is not in post, or if for any reason
 - (a) the Mayor is unable to act, or the office of Mayor is vacant, and
 - (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant,no business shall be transacted at any meeting of the Combined Authority Board

unless at least five Members of the Constituent Councils, or their Substitute Members, are present at the meeting.

5.13 Declarations of Interest in Meetings

- 5.13.1 Where a Member attends a meeting of the Combined Authority Board, Committees or Sub-Committees they must declare personal interests and disclosable pecuniary interests not already notified in the register of 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.
- 5.13.2 All Members and their Substitute Members, and Co-opted Members and their Substitute Members shall also complete a Declaration of Interest form.
- 5.13.3 In addition, where in relation to any meeting a Member has declared a disclosable pecuniary interest in a matter, the Member must leave the room for the duration of the discussion on that matter.

5.14 Rules of Debate

- 5.14.1 The Chair will be responsible for the management of the meeting and will introduce each item on the agenda in the order they appear on the agenda or such order as the Chair considers most effective for the conduct of the meeting.
- 5.14.2 The Chair may invite the Mayor (if in attendance) a Member or Officer to present the item for debate. An Officer includes a contractor for services whose work/contract is relevant to the item.
- 5.14.3 The Chair will decide the order in which speakers will be heard and may permit both Members and Officers to speak on the item.
- 5.14.4 Members will remain seated when speaking and must address the Chair.
- 5.14.5 Speeches must be directed to the subject under discussion or to a personal explanation or point of order.
- 5.14.6 The Chair shall at his discretion determine the time permitted for speeches and the number of speeches to be made by any Member or Officer.
- 5.14.7 A Member may move a motion without giving notice as required by paragraph 5.15 below based upon recommendations in a report or may move amended or alternative recommendations.
- 5.14.8 If an amendment is moved the mover of the original motion has the right of reply on the debate concerning the amendment.
- 5.14.9 The mover of the motion has a right of reply at the end of the debate immediately before it is put to the vote.

5.15 Motions Submitted in the Name of a Member

- 5.15.1 Any Member of the Board appointed by a Constituent Council or the Business Board may give notice of a motion for consideration at any ordinary meeting of the Combined Authority.
- 5.15.2 The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers, duties or responsibility, or which affect the area of the Combined Authority or part of it or its citizens. He/she shall keep a record of the date and time at which every motion is delivered to him/her.
- 5.15.3 The motion must not be:
 - (a) illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of Combined Authority or Constituent Council staff;
 - (b) substantially the same as a motion which has been put at a meeting of the Combined Authority in the past year.
- 5.15.4 Unless the Chair of the Combined Authority Board is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority Board shall be delivered to the Monitoring Officer in writing not later than 12:00 on the sixth working day before the day of the Combined Authority meeting, but not including the day of the meeting itself.
- 5.15.5 Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the Member giving notice states that they propose to move it to a later meeting or withdraw it.
- 5.15.6 At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply.
- 5.15.7 Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority, but the motion has not been moved and seconded (for whatever reason) that motion shall lapse.
- 5.15.8 Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority Board or at a later meeting selected by the Member proposing the motion.

5.16 Amendments to Motions

5.16.1 An amendment shall be relevant to the motion and shall either:

- (a) refer the matter to the appropriate body or individual for consideration or reconsideration;
- (b) leave out words; or
- (c) insert or add words, as long as the amendment does not have the effect of negating the motion.

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

5.16.3 However, the Chair may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.

5.16.4 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

5.17 Voting

General Voting

5.17.1 Each voting Member shall have one vote. There shall be no casting vote. A "Member" includes:

- (a) the Mayor;
- (b) a Constituent Council Member or a Substitute Member acting in that Member's place; and
- (c) a Member appointed from the Local Enterprise Partnership.

5.17.2 Except decisions to which special voting arrangements apply, all decisions of the

Board shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.

5.17.3 If a vote is tied it is deemed not to have been carried.

5.17.4 If there is a deadlock, the matter shall be brought back to the next meeting of the Combined Authority Board.

5.17.5 The proceedings of the Combined Authority are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5.17.6 If for any reason:

(a) the Mayor is unable to act, or the office of Mayor is vacant, and

(b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant, the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

Special Voting

5.17.7 A decision on a question relating to:

(a) amendments to the Constitution;

(b) determining a request by an organisation to become a Co-opted Member on the Combined Authority Board;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) present and voting.

5.17.8 A decision on a question relating to:

(a) the Transport Plan;

(b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils present and voting to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

5.18 Voting on the Mayoral Matters

5.18.1 A decision on a question relating to a proposal by the Mayor to exercise the general power of competence which involves:

- (a) property, rights and liabilities passing between the Combined Authority and any Constituent Authorities; or
- (b) the preparation and publication of the Mayor's strategy for spatial development in the Combined Authority area;

requires a unanimous vote by all Members of the Combined Authority appointed by the Constituent Councils (or their Substitute Members).

- (c) A decision to reject the Mayoral budget, Mayoral strategy or Mayoral spending plan requires a vote in favour by at least two-thirds of all Members appointed by Constituent Councils (or their Substitute Members). The two-thirds must be present and voting.

5.19 Recorded Votes

- 5.19.1 A Member may ask prior to the vote or immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.
- 5.19.2 Where Members vote on the budget, the vote will be recorded.
- 5.19.3 On the request of any Member of the Authority, supported by two other Members appointed by separate Constituent Councils before a vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for, abstained or against that question or did not vote

5.20 Voting on Appointments

- 5.20.1 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.

5.21 Minutes

- 5.21.1 The minutes of the proceedings of each meeting of the Combined Authority Board, or

any Committee or Sub-Committee of the Combined Authority Board, shall be retained by the Combined Authority and shall include the names of Members and Substitute Members present at any meeting.

- 5.21.2 The minutes must be signed at the next ordinary meeting of the Combined Authority by the Chair. No discussion shall take place upon the minutes except about their accuracy. Any signed minutes are to be received in evidence without further proof.
- 5.21.3 Until the contrary is proved a meeting of the Combined Authority Board or its Committees or Sub-Committees, a minute of whose proceedings has been signed in accordance with paragraph 5.21.2, is deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting are deemed to have been duly qualified.

5.22 Questions by the Public

- 5.22.1 Members of the public, who are residents of the Combined Authority area or work in the area, may ask questions of a Member of the Combined Authority at Combined Authority Board meetings, including at an Extraordinary Meeting, or at an Executive Committee. For Extraordinary Meetings, the question must relate to the item on the agenda.
- 5.22.2 Where there is an item on the agenda that in the opinion of the Chair has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.
- 5.22.3 The Chair may agree that a member of the public asking a question do so via remote access technology. Where this access fails during a meeting, the Chair may elect to ask an Officer to read the question out, or the question to not be heard and for a written answer to follow.

5.23 Questions by the Members

- 5.23.1 The Overview and Scrutiny Committee has adopted a pre-scrutiny model whereby it meets before every Combined Authority Board meeting to scrutinise the Board's agenda. At this meeting, the Committee shall discuss and formally agree by means of a vote a list of questions to be raised at the next Combined Authority Board meeting following discussion with officers and relevant executive board members. The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting.
- 5.23.2 The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting; the questions must be acknowledged

and the Mayor will deal with the question or statement, or request that an appropriate Member or Officer reply orally. If this is not possible, the Overview and Scrutiny Committee will be provided with a written answer within ten working days.

- 5.23.3 Members of Constituent Councils should submit any questions on items on the Combined Authority Board agenda to the Overview and Scrutiny Committee scrutinising that Board agenda. Requests to speak at meetings of the Combined Authority Board on items on the Board's agenda will then be at the discretion of the Mayor.
- 5.23.4 Members of Constituent Councils may also ask questions of a Member of the Combined Authority at executive committees.
- 5.23.5 Members of Constituent Councils may ask questions of a Member of the Combined Authority at a Combined Authority Board meeting which do not relate to an item on the Combined Authority Board agenda, including at an Extraordinary Meeting, provided the question is not substantially the same as a question which has been put to the Board by the Chair of the Overview and Scrutiny Committee or one of its Executive Committees, and in relation to an Extraordinary Meeting that it relates to an item on the agenda.

5.24 Time Limit

- 5.24.1 The total time allocated for questions by the public and Members shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

5.25 Order of Questions

- 5.25.1 Questions raised by the Chair of Overview and Scrutiny Committee will be taken first at the relevant item followed by questions submitted by the public. Priority will be given to questions on items on the agenda for the meeting, or issues where decisions are expected before the next meeting. Questions will be taken at the meeting in the order in which they were received.

5.26 Notice of Questions

- 5.26.1 A question may only be asked if it has been submitted in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address and contact details of the questioner, the name of the organisation if the question is being asked on their behalf, details of the question to be asked, and the name of the Member of the

Combined Authority Board to whom it is to be put.

5.27 Number of Questions

5.27.1 At any one meeting no person may submit more than one question.

5.28 Scope of Questions

5.28.1 If the Monitoring Officer considers a question:

- (a) is not about a matter for which the Combined Authority has a responsibility, or which affects its area;
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Combined Authority staff;
- (c) is substantially the same as a question which has been put at a meeting of the Combined Authority Board or an executive committee in the past year;
- (d) is substantially the same as a question which has been put at a meeting of the Combined Authority Board by the Chair of the Overview and Scrutiny Committee; or
- (e) requires the disclosure of confidential or exempt information

they will inform the Chair who will then decide whether or not to reject the question.

5.29 Record of Questions

- 5.29.1 The Monitoring Officer shall record the question and will immediately send a copy to the Member to whom it is to be put. Rejected questions will be recorded including the reasons for rejection.
- 5.29.2 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

5.30 Asking the Question at the Meeting

- 5.30.1 The Chair will invite the questioner to put the question to the Member named in the notice. Up to two minutes are allowed for putting the question. Subject to the exception at 5.22.3 above, if a questioner who has submitted a written question is then unable to be present, they can ask for a written response or that their question be read out by the clerk. No debate will be allowed on the question or response.

5.31 Supplementary Questions

- 5.31.1 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce new material. One minute is allowed for putting the supplementary question.

5.32 Answers

- 5.32.1 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

5.33 Questions by Combined Authority Board Members

On Reports or Minutes of the Combined Authority Board or Committees

- 5.33.1 A member of the Board may ask the Mayor, another Combined Authority Board Member or the Chair of a committee, a question without notice when that item is under consideration by the Combined Authority Board, or upon any minute of a meeting of that forum which has been published since the last meeting of the Board.

Written Questions on Notice at Combined Authority Board

- 5.33.2 Subject to Rule 5.33.5, a member of the Board may ask the Mayor, a member of the Combined Authority Board, The Chair of any committee or sub-committee, Lead Members; or the Chair of (or other member representing) any other forum in relation to which the Combined Authority has powers or duties or which affect the area of the Authority.

Questions Set Out in the Agenda

- 5.33.3 Questions for which notice has been given will be listed on the agenda in the order in which notice was received, unless a member submits more than one question, or the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5.33.4 Where a member submits more than one question, other questions from other members will be asked before their second question.

Notice of Questions

- 5.33.5 A member may only ask a question under 5.33.2 if either:
- They have given at least four clear working days' notice in writing of the question to the Monitoring Officer; or
 - The question relates to urgent matters and they have the consent of the Mayor or the Deputy mayor acting in place of the mayor and the content of the question is given to the Monitoring Officer by 9.00am on the day of the meeting.

Question and Response

- 5.33.6 Each question shall be put and answered in turn without discussion. The question should be put within one minute and the response should not exceed two minutes.
- 5.33.7 A Member may submit no more than two written questions for a meeting. An unanswered question will receive a written answer circulated later to the questioner.
- 5.33.8 An answer may take the form of:
- A direct oral answer;
 - Where the desired information is in a publication of the Combined Authority or other published work, a reference to that publication; or
 - Where the reply cannot be conveniently given orally, a written answer circulated later to the questioner.

Supplementary Question

- 5.33.9 A member asking a question under Rule 5.33.2 may ask one supplementary question without notice of the Member to whom the first question was asked which shall be put and answered without discussion. The supplementary question must

arise directly out of the original question or the reply and can only be asked by the original questioner.

Time Limit

- 5.33.10 The time allocated for questions on notice under Rule 5.33.2 shall be no more than 15 minutes (subject to the Mayor's discretion to extend this period). A question in progress, on reaching the time limit will be permitted to continue at the discretion of the Mayor.

5.34 Petitions from the Public

- 5.34.1 Petitions with at least 500 signatures may be presented to the Combined Authority Board. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Chair will refer the matter to another appropriate body or to the Chief Executive, unless a relevant item appears elsewhere on the agenda.
- 5.34.2 A petition should be received by the Monitoring Officer no later than midday three working days before the day of the meeting.

5.35 Attendance by committee or subcommittee chairs

- 5.35.1 The Chair of any of the Authority's committees or sub-committees may be invited to attend and speak at any meeting of the Authority to:
- present any reports or recommendations of that committee or sub-committee; or
 - answer questions about any matter set out in the minutes of that committee or sub-committee; or
 - contribute to discussion about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are Chair.

5.36 Conduct at Meetings: Member not to be Heard Further

- 5.36.1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

5.37 Conduct at Meetings: Member to Leave the Meeting

- 5.37.1 If the Member continues to behave improperly after such a motion is carried, the Chair or another Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

5.38 Conduct at Meetings: General Disturbance

- 5.38.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he or she thinks necessary.

5.39 Conduct at Meetings: Removal of a Member of the Public

- 5.39.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

5.40 Conduct at Meetings: Clearance of Part of a Meeting Room

- 5.40.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

5.41 Suspension of Procedure Rules

- 5.41.1 All of these procedure rules except those provided for in statute may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting and requires a two-thirds majority of those present and voting.
- 5.41.2 The Protocol on the Webcasting of Meetings which can be found in Chapter 19: Policies and Protocols, Appendix 7 shall apply to the webcasting of the meetings of the Combined Authority and its committees.

5.42 Photography, Audio/Visual Recording of Meetings and Blogging/Tweeting

- 5.42.1 Please see Chapter 10: Access to Information, Information Governance, Data Protection and Complaints.
- 5.42.2 The proceedings of the Authority are not invalidated by any vacancy among its Members or any defect in the appointment or qualifications of any Member.

5.43 Strategic Policy Debates

- 5.43.1 The Mayor, after consultation with the Chair, Board Members, Lead Members, Chairs of the Overview and Scrutiny Committee, Audit and Governance Committee and the Group Leaders, shall identify those issues of strategic policy which shall be the subject of debate by the Combined Authority.
- 5.43.2 A meeting which could also take place remotely can be scheduled to debate these policies.
- 5.43.3 The conduct of strategic policy debates shall be regulated by the Mayor, subject to the following guidelines:
 - 5.43.3.1 The policy must relate to the Authority's powers or duties or be matters that affect its residents.
 - 5.43.3.2 All members will, wherever possible, receive a briefing paper in advance of the meeting on the policy to be subject of debate.
 - 5.43.3.3 (Rules of Debate) shall not apply during strategic policy debates but the time allowed for the debate shall not normally exceed 45 minutes.
 - 5.43.3.4 The Chief Executive, after consultation with the Mayor, shall be authorised to invite representatives of constituent authorities or of partner organisations to participate in the debate, as appropriate.
 - 5.43.3.5 No formal decisions shall be taken upon the matter under consideration but the views and conclusions of the Board upon the matter shall be forwarded to the relevant body responsible for policy development/review, as appropriate.
 - 5.43.3.6 This meeting can take place remotely.

CHAPTER 6: DECISION-MAKING

6.1 Introduction

6.1.1 All decisions of the Authority should be made in accordance with the following principles:

- (i) proportionality (meaning the action must be proportionate to the results to be achieved);
- (ii) due consultation (including the taking of relevant professional advice);
- (iii) respect for human rights;
- (iv) presumption in favour of openness and complete transparency and an expectation that reports will be drafted so that, wherever practicable, any exempt information is extracted and placed in a separate appendix in order that the remainder of the report may be considered in open session;
- (v) clarity of aims and desired outcomes;
- (vi) due consideration to be given to all options to guard against any form of predetermination in any decision-making process; and
- (vii) The public sector equality duty
- (viii) Consideration of the outcome of any consultation;
- (ix) Only relevant matters to be taken into account.
- (x) Due weight to be given to all material considerations;
- (xi) Lawfulness and financial propriety, and
- (xii) All decisions should be evidence-based.

6.2 Scrutiny of Decisions

6.2.1 An Overview and Scrutiny committees has been appointed by the Authority to scrutinise decisions taken by the Executive. The responsibilities and terms of reference of this committees are described in Chapter 14 of the constitution. The Overview and Scrutiny committee will follow the Overview and Scrutiny Procedure Rules set out in Chapter 14.

6.3 Key Decisions

6.3.1 A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:

- (a) result in the Combined Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
- (b) have a significant effect on communities living or working in an area made up of two or more wards or electoral divisions in the area.

6.3.2 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.

6.3.3 A key decision which is considered to have a 'significant' effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:

- (a) the amenity of the community or;
- (b) quality of service provided by the Authority

6.3.4 Subject as below, a key decision may not be taken by the decision maker unless:

- (a) it is in the Forward Plan on the Combined Authority's website;
- (b) at least 28 clear days' notice has been given, or if this is impracticable, the decision has complied with the provisions set out in paragraph 6.3 or 6.4 below as they may apply; and
- (c) notice of the meeting has been given in accordance with these rules.

6.4 The Forward Plan

6.4.1 The Forward Plan will be prepared by the Mayor in consultation with the Chief Executive and published by the Monitoring Officer at least 28 clear days before the date of the meeting to which it refers.

6.4.2 The Forward Plan will include matters which are key decisions to be taken by the

Combined Authority, its Committee or Sub-Committees, the Mayor, an Officer, or a Joint Committee when discharging their functions. It will include in so far as the information is available or might reasonably be obtained:

- (a) that a key decision is to be made on behalf of the Combined Authority;
- (b) the matter about which a decision is to be made; where the decision taker is an individual, his/her name and title, if any; and, where the decision taker is a body, its name and details of its membership;
- (c) the date on which, or period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision maker for consideration about that matter;
- (e) the address from which copies of any document listed is available, subject to any prohibition or restriction on their disclosure;
- (f) that other documents relevant to those matters may be submitted to the decision maker; and
- (g) the procedure for requesting details of those documents (if any) as they become available;
- (h) whether the decision proposed to be taken will include confidential or exempt information and require the meeting to be private to consider the item, either in full or in part, and the relevant exemption category.

6.4.3 Where any matter involves the consideration of exempt information or confidential information (as defined above) or the advice of a political adviser or assistant, a summary of the matter shall be included in the Forward Plan but the exempt or confidential information or the advice, as the case may be, need not be included.

6.5 General Exception

6.5.1 Where publication of the intention to make a key decision is impractical, the decision may still be taken if:

- (a) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee (or if there is no such person, each Member of the Overview and Scrutiny Committee) by written notice of the matter to which the decision is to be made, including why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case;
- (b) the Monitoring Officer has made copies of that notice available to the public at the Combined Authority's office and its website, and
- (c) at least five clear days have elapsed since the Monitoring Officer complied with (a) and (b) above.

6.6 Special Urgency Decision

- 6.6.1 Where the date by which a key decision must be taken means the General Exception rule cannot be followed, then the decision can only be taken where the decision maker has obtained agreement from:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no such person or the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Combined Authority Board; or
- (c) where there is no Chair of either, the Vice-Chair of the Board;

that the making of the decision is urgent and cannot reasonably be deferred.

- 6.6.2 As soon as reasonably practicable after agreement has been given, a notice must be available to the public at the Combined Authority's Offices and on its website, setting out the reasons for urgency and why the decision could not reasonably be deferred.

6.7 Recording of Decisions Made by Officers and the Mayor

- 6.7.1 Where an officer or the Mayor makes a decision, including under specific delegation from a meeting of a decision-making body, the effect of which is:

- (a) to grant a permission or licence;

(b) to affect the rights of an individual; or

(c) to award a contract or incur expenditure which, in either case, materially affects the Combined Authority's financial position,

6.7.2 The decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information:

(a) the date the decision was taken

(b) a record of the decision taken along with reasons for the decision

(c) details of alternative options, if any, considered and rejected; and

(d) where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.

6.7.3 The Combined Authority has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Combined Authority's position is to be £250,000.

6.7.4 The duty imposed by Procedure Rule 6.5.1 above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.

6.7.5 All written records produced in accordance with Procedure Rule 6.5.1 above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:

(a) at all reasonable hours, at the offices of the Combined Authority; and

(b) on the Combined Authority's website.

6.7.6 All written records produced in accordance with Procedure Rule **16.1** above must be

retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

- 6.7.7 Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.
- 6.7.8 Nothing in Procedure Rules 6.5.1 to 6.5.7 requires the disclosure of exempt or confidential information.

6.8 Budget Framework Procedure Rules

Introduction

- 6.8.1 The Budget Framework is the name given to the procedures that must be followed before the budget is finally approved. These rules set out how the Combined Authority will make decisions on the budget.
- 6.8.2 Once the budget is in place it is the responsibility of the Combined Authority Board or the Mayor to implement.
- 6.8.3 The Budget Framework will comprise the following:

Mayor's General Functions Budget

- 6.8.4 The costs of the Mayor that are incurred in, or in connection with, the exercise of Mayoral functions is to be met from precepts issued by the authority under section 40 of the 1992 Act, unless funded from other sources.
- 6.8.5 The Mayor may make a bid for gain share funds as part of his/her proposed budget which may or may not be agreed by the Combined Authority Board.
- 6.8.6 The Mayor must, before 1 February in any financial year, notify the Combined Authority of the Mayor's draft budget in relation to the following financial year.
- 6.8.7 The draft budget must:

- (a) set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayor's general functions; and

- (b) include the relevant amounts and calculations.

- 6.8.8 The Combined Authority Board must review the Mayor's draft budget and may make a report to the Mayor on the draft budget. Any report:

- (a) must set out whether or not the Combined Authority would approve the draft budget in its current form; and
- (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.

- 6.8.9 The Mayor's draft budget shall be deemed to be approved by the Combined Authority unless the Board makes a report to the Mayor before 8 February.
- 6.8.10 Where the Combined Authority Board makes a report, it must specify a period of at least five working days beginning on the day after the day on which the Mayor receives the report within which the Mayor may:
- (a) decide whether or not to make any revisions to the draft budget; and
 - (b) notify the Combined Authority Board of the reasons for that decision and, where revisions are made, the revised draft budget.
- 6.8.11 When the period specified by the Combined Authority Board in paragraph 6.6.10 above has expired the authority must determine whether to:
- (a) Approve the Mayor's draft budget (or revised draft budget); or
 - (b) veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor.
- 6.8.12 The Mayor's draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the period of five working days beginning with the day after the date on which the period specified in 6.6.10 above expires.
- 6.8.13 Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the authority.
- 6.8.14 Where the Mayor has failed to notify the Combined Authority Board of the Mayor's draft budget before the 1 February, then the Combined Authority Board must determine the relevant amounts and calculations that are to be used for the financial year.

- 6.8.15 Any decision under 6.6.14 above must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the Board.
- 6.8.16 Immediately after any vote is taken, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

Mayor's General Fund

- 6.8.17 The Mayor must keep a fund (to be known as the Mayor's general fund) in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's general functions.
- 6.8.18 All of the Mayor's receipts in respect of the exercise of the Mayor's general functions must be paid into the Mayor's general fund.
- 6.8.19 All of the Mayor's expenditure in respect of the exercise of the Mayor's general functions must be paid out of the Mayor's general fund.
- 6.8.20 The Mayor must keep accounts of payments made into or out of the Mayor's general fund.

Combined Authority Budget

- 6.8.21 Each year, the Chief Executive and Chief Finance Officer shall prepare a draft budget for the Combined Authority, consistent with statutory requirements and principles of sound financial management. The draft Budget shall include all aspects of Combined Authority expenditure and income for the forthcoming financial year, irrespective of the source of income, and of the powers under which expenditure is brought forward. The draft Budget shall also be prepared in the context of the Investment Plan.
- 6.8.22 If any part of the draft Budget proposes expenditure incurred in, or in connection with, the exercise of Mayoral functions defined under the [Combined Authorities \(Finance\) Order 2017](#), which cannot be met through other sources, and where this position is confirmed by the Monitoring Officer and Chief Finance Officer, the draft Budget may set out a proposal to precept the constituent authorities, under section 40 of the Local Government Finance Act 1992. Otherwise, the draft Budget shall confirm that a precept is not proposed.
- 6.8.23 The draft Budget shall be submitted to the Combined Authority Board for consideration and approval for consultation purposes only, before the end of December each year. The Combined Authority Board will also agree the timetable for consultation and those to be consulted. The consultation period shall not be less than four weeks, and the consultees shall include Constituent Authorities, the Local

Enterprise Partnership and the Overview and Scrutiny Committee.

- 6.8.24 Before 1 February, having taken into account the draft Budget, the consultation responses, and any other relevant factors, the proposed budget for the following financial year, including the Mayor's budget, shall be submitted to the Combined Authority Board.
- 6.8.25 Within five working days, the Combined Authority Board shall meet to consider the Budget. A report may be agreed by a majority of the Combined Authority to:
- (a) approve the budget as proposed; or
 - (b) propose amendments to the budget; and
 - (c) if amendments are proposed to the Mayor's budget, agree a date, at least five working days from the date the report is published, for a further meeting to re-consider the budget.

Mayor's Consideration of Report

- 6.8.26 If the Board propose changes to the Mayor's budget, the Mayor shall publish a report in advance of the meeting responding to the proposals set out by the Combined Authority Board. The report may support some or all of the proposals made by the Board with reasons why the Mayor supports or rejects those proposals. The draft budget shall be amended to reflect any proposals which are supported by the Mayor.

Combined Authority Board's Decision on Budget

- 6.8.27 The draft Budget shall be further considered at the meeting established under 6.6.25 (c) above. A two-thirds majority of the Members (six Members), or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question may decide to reject the Mayor's budget and approve the draft Budget incorporating the Combined Authority's recommendations contained in the report to the Mayor. Otherwise, the draft budget is approved.
- 6.8.28 Immediately after any vote is taken at a meeting established under 6.6.25 (c), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 6.8.29 A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

Decisions that Contravene the Budget or the Plans or Strategies in the Policy Framework

- 6.8.30 Financial Regulations contain provisions allowing virement. Subject to those provisions, the Mayor, the Combined Authority Board, Committees of the Combined Authority Board and/or any Officers or Joint Committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework set out in [Chapter 4 - Combined Authority Board Functions](#), paragraph 1. Only the Combined Authority Board can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.
- 6.8.31 Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the Combined Authority Board.
- 6.8.32 Decisions of the Combined Authority Board, its Committees, Sub- Committees or a Joint Committee or Officers, must be in line with the policies set by the Combined Authority Board. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:
- (a) where the Combined Authority has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
 - (b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or
 - (c) changes to a policy which would normally be agreed annually or periodically by the Mayor or Combined Authority Board following consultation, but where the existing policy document is silent on the matter under consideration.

CHAPTER 7: BOARDS AND COMMITTEES

7.1 Procedure Rules of Executive Committees

7.1.1 Access to Meetings

- 7.1.1.1 The rules outlined in [Chapter 10 – Access to Information, Information Governance, Data Protection and Complaints](#) apply to all committees, sub-committees and joint committees. -

7.1.2 Membership

- 7.1.2.1 The membership of committees is set out in its terms of reference.
- 7.1.2.2 If a member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the committee, then, subject to certain exceptions, they cease to be a member of the committee.
- 7.1.2.3 A person will cease to be a member or a substitute member of an Executive Committee if they cease to be a Member of the Constituent Council that nominated or appointed them. The Combined Authority Board Member shall appoint or nominate a replacement as soon as possible.
- 7.1.2.4 A member or substitute member may resign by giving written notice to the Monitoring Officer, and the resignation takes effect on the receipt of the notice.
- 7.1.2.5 The relevant Combined Authority Board Member shall at any time be entitled to terminate the appointment of a member or substitute member nominated by them and replace that member or substitute Member.
- 7.1.2.6 The Combined Authority Board Member must give written notice of the new nomination and the termination of the previous nomination to the Monitoring Officer. The termination will take effect immediately.
- 7.1.2.7 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Combined Authority Board Monitoring Officer and shall be reported to the following of the Board for ratification.

7.1.3 Quorum

- 7.1.3.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

7.1.4 Chair and Vice-Chair

- 7.1.4.1 The Combined Authority Board shall appoint the Chair on the recommendation of the Mayor and they shall be the lead member for the functions of the committee. The Chair shall be selected from one of the seven constituent council representatives on the committee or the Mayor. No vice-chair shall be appointed. The committee shall appoint a chair for the meeting when the chair is absent.
- 7.1.4.2 Lead members have a strategic role in leading the development of future policy and budget allocations for approval at the Board or the committee. They work directly with officers to give guidance in the development of future policy. A chair shall fulfil this same role and has an additional responsibility of chairing a committee to operate within the agreed delegations for matters approved by the Board.

7.1.5 General Voting

- 7.1.5.1 Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:
- (a) the Mayor (or deputy Mayor acting in his/her place) where the Mayor has accepted an appointment on the committee; and
 - (b) a Constituent Council Member (or his/her nominee) or a Substitute Member acting in that Member’s place.
- 7.1.5.2 Except decisions to which special voting arrangements apply, all decisions of the committee shall be decided by a majority of voting members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 7.1.5.3 If a vote is tied it is deemed not to have been carried.
- 7.1.5.4 If there is a deadlock, the matter shall be referred up to the next meeting of the Combined Authority Board.
- 7.1.5.5 The proceedings of the committee are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.
- 7.1.5.6 If for any reason:
- (a) the Mayor is unable to act or the office of Mayor is vacant, and

(b) the deputy Mayor is unable to act or the office of deputy Mayor is vacant,

or

(c) the Mayor has decided not to take place on a committee the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

7.1.6 Special Voting

7.1.6.1 Special voting arrangements are set out, Chapter 5 paragraph 5.17.7 – 5.17.8 of the constitution.

7.1.6.2 A decision on a question relating to:

(a) the Transport Plan;

(b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

7.1.7 Recorded Votes

7.1.7.1 A Member may ask immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.

7.1.8 Reference up to the Combined Authority Board

7.1.8.1 Where a majority of members consider appropriate, a matter on the agenda may be referred for decision by the Combined Authority Board. The report together with the committee's recommendations will be placed on the agenda of the next meeting of the Combined Authority Board for decision.

7.1.9 Minutes and Call-in of Committee Decisions

- 7.1.9.1 The Monitoring Officer shall publish details of decisions of the committee on the Combined Authority website and to all Members of the Committee, the Board Members and the Overview and Scrutiny Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 7.1.9.2 Three Members of the Board may call-in a decision of the committee by notifying the Monitoring Officer. The power to call in an executive decision should only be used in exceptional circumstances. The decision will not be implemented and will be referred to the Combined Authority Board for review and decision.
- 7.1.9.3 On receipt of a call-in request, the Monitoring Officer shall:
- (a) notify the Mayor, Members of the Combined Authority Board, Members of the Committee and Members of the Overview and Scrutiny Committee, of the call-in; and
 - (b) either call a meeting of the Board or refer the matter to the next scheduled Board meeting.
- 7.1.9.4 The Overview and Scrutiny Committee shall have five days after publication of the committee's decisions to call-in a key decision, in accordance with the Overview and Scrutiny Committee's call-in arrangements set out in Chapter 14: Overview and Scrutiny Committee.
- 7.1.9.5 An Executive decision (if not yet implemented) is subject to call-in when made by:
- (a) the Board as a whole body;
 - (b) A committee or subcommittee
 - (c) an Officer with delegated authority from the Board;
- and the decision has been published on the Combined Authority's website and made available at the main offices of the Combined Authority. The Record of Decision will bear the date on which it is published and, subject to general exceptions, will specify the date on which the decision will come into force, and may then be implemented unless the decision is called in.

7.1.9.5 During the period between the decision being made and coming into force, any request for the call-in must include the detailed reasons/grounds for the Call-In. The member will provide:

- Details of the decision to be called in
- Which of the principles of decision making have not been followed and in what way(s)
- The names of the councillors requesting the call-in
- The action already taken to resolve the matter, including representations made to the decision maker

7.1.9.6 The grounds in support of a request for 'call in' are:

- a) Inadequate consultation
- b) Inadequate evidence
 - c) Decision outside the Budget and Policy Framework
- d) Decision not proportionate to the desired outcome
 - e) Decision open to challenge on human rights
 - f) Insufficient Legal, governance and financial consideration
 - g) Decision not within the power of the Decision maker
- h) The 'call in' request would need to demonstrate that it is reasonable to 'call in' the decision and it is for the Chairman of Overview and Scrutiny to assess what is reasonable.
- i) The member must confirm that they have considered the principles of decision making in the constitution

7.1.9.7 Upon receipt of the call-in request, the Monitoring Officer shall consult with the Chair, or Vice Chair of the Overview and Scrutiny Officer in their absence and shall determine whether or not the call-in is in accordance with the requirement of these rules.

7.1.9.8 If the call-in is accepted, the decision will be put on hold pending a decision of the Board.

7.1.9.9 If the call-in is not accepted, the Monitoring officer will provide reasons for the refusal to the member(s) requesting the call-in.

- 7.1.9.10 The Monitoring Officer will provide a report for the meeting in respect of the call-in which will include the procedure for the call-In hearing.

Exemption from Call-in

- 7.1.9.11 A matter may not be Called-in if it has already been considered by the Scrutiny Committee or if the decision is urgent and any delay would prejudice the interest of the council or the public in the opinion of the Monitoring Officer.
- 7.1.9.12 A decision will relate to a matter which is urgent if any delay caused by the Call-In process would:
- (a) be highly likely to result in the Council incurring significant additional expenditure or loss of significant additional income; or
 - (b) be highly likely to result in significant damage to the Council's reputation; or
 - (c) prevent the Council from meeting its legal obligations.
- 7.1.9.13 The Overview and Scrutiny Committee will take precedence over the Board in the matter of a call-in. The Overview and Scrutiny Committee is the committee statutorily responsible to Review or scrutinise actions taken or decisions made by the authority.

7.1.10 Application of Chapter 5 [Standing Orders] to Executive Committees

- 7.1.10.1 The following rules from Chapter 5 [Standing Orders] shall apply to the meetings of Executive Committees with any necessary modification - Rule 5.4 [Ordinary Meetings and Urgency], Rule 5.7 [Notice of Meetings and Agendas], Rule 5.8 [Public Access], Rule 5.9 [Attendance], Rule 5.10 [Notice of Substitute Members], Rule 5.13 [Declaration of Interests], Rule 5.14 [Rules of Debate], Rule 5.21 [Minutes], Rule 5.22 [Questions by the Public] [not including rules on Petitions from the public], Rule 5.23 [Questions by Members], Rule 5.34-5.38 [Conduct at Meetings] and Rule 5.40 [Photography, Audio/Visual recording of Meetings and Blogging/Tweeting].

7.2 Transport and Infrastructure Committee

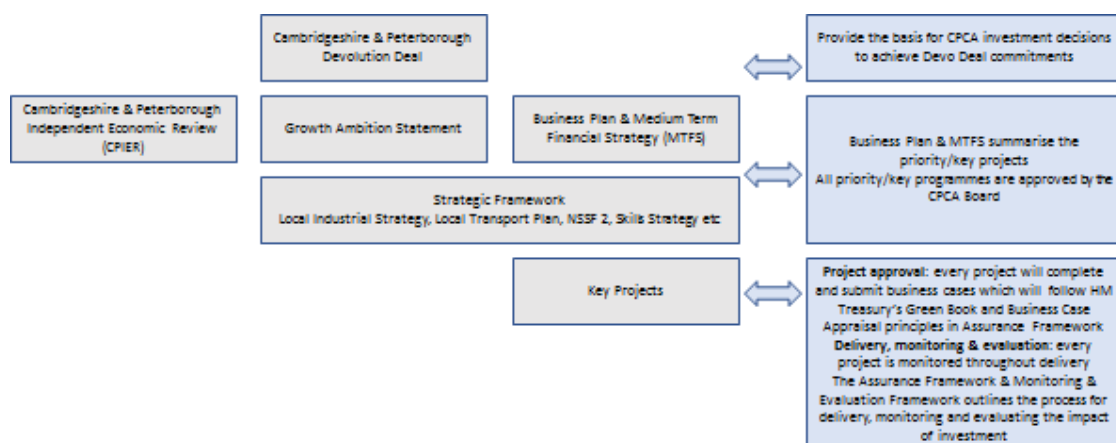
7.2.1 Governance

- 7.2.1.1 The Combined Authority has appointed a Transport and Infrastructure Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and

budgetary framework agreed by the Combined Authority Board.

7.2.2 Introduction

- 7.2.2.1 The Transport and Infrastructure Committee operates within the terms agreed by the Combined Authority Board.
- 7.2.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy Local Transport Plan and Bus Strategy). These are known as 'reserved matters' or "the budget and policy framework".
- 7.2.2.3 The committee has responsibility for agreeing transport and infrastructure programmes and projects within the budget and policy framework.
- 7.2.2.4 The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.2.2.5 The committee can initiate proposals for the Combined Authority Board to consider.
- 7.2.2.6 The committee shall apply the weighted voting rights that the Combined Authority Board applies to transport matters as set out in the committee procedure rules.
- 7.2.2.7 The budget and policy framework is summarised below:



7.2.3 Terms of Reference

Functions

- 7.2.3.1 The Transport and Infrastructure Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) The Local Transport Plan
- (2) Bus Strategy
- (3) Transport budget, including any transport levy
- (4) Annual programme of strategic transport projects
- (5) Creation of the key route network
- (6) Delegation of passenger transport functions to delivery partners,
- (7) Business Cases for key priority projects identified in the Business Plan, or
- (8) Any other matters reserved to the Combined Authority Board

7.2.3.2 The committee shall exercise the Combined Authority's functions for the following:

- 7.2.3.2.1 Oversee the development and maintenance of the Local Transport Plan and Bus Strategy and any other key strategies reserved to the Combined Authority Board, including overseeing consultation and engagement processes, and making recommendations to the Board.
- 7.2.3.2.2 Oversee the development of all business cases for key priority projects as identified in the Business Plan. All business cases for priority projects require Cambridgeshire and Peterborough Combined Authority Board approval.
- 7.2.3.2.3 Approve the commissioning of feasibility studies to be funded from the transport feasibility study fund. This is unallocated budget for in- year determination of spend.
- 7.2.3.2.4 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 7.2.3.2.5 Oversee the development and approve transport policies and programmes not reserved to the Combined Authority Board.
- 7.2.3.2.6 When appropriate, ensure effective engagement and consultation is in place and can be evidenced.
- 7.2.3.2.7 Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for transport and infrastructure projects in the Business Plan and funded from allocation within the Medium Term Financial Plan.
- 7.2.3.2.8 Monitor the delegation of passenger transport functions to delivery partners.
- 7.2.3.2.9 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.
- 7.2.3.2.10 Monitor agreements with the Minister or strategic highways

companies for the exercise of functions relating to the strategic network.

7.2.3.2.11 Oversee strategic relationships with national bodies (Network Rail), utility providers and other key stakeholders.

7.2.3.2.12 Matters initiated by the committee can be referred up to the Board for decision.

7.2.3.2.13 The Combined Authority Board may decide to refer further individual matters to the committee.

7.2.4 Strategic and Budget Framework

7.2.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

7.2.5 Accountability

7.2.5.1 The Committee is accountable to the Combined Authority Board.

7.2.6 Membership

7.2.6.1 The Transport and Infrastructure Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.

7.2.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.

7.2.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Boards and Committees, paragraph 7.1.

7.2.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting,

they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.

7.2.7 Voting

7.2.7.1 Weighted voting rights apply to all transport related decisions and transport funding as set out in Chapter 7: Boards and Committees, paragraph 7.1.5.

7.2.8 Lead Director

7.2.8.1 The Lead Director for the Committee is the Director Delivery & Strategy

7.2.8 Working Groups

7.2.9.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.

7.2.9.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.

7.3 Skills Committee

7.3.1 Governance

7.3.1.1 The Combined Authority has appointed a Skills Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

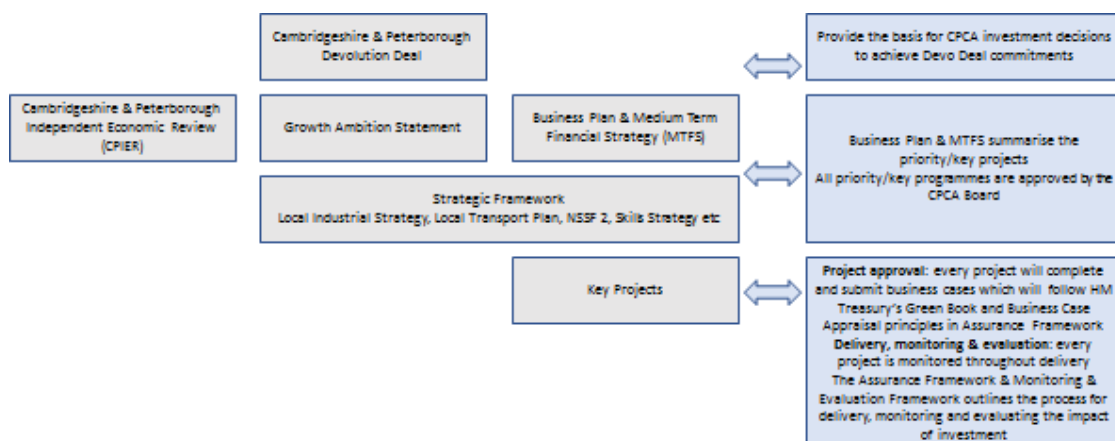
7.3.2 Introduction

7.3.2.1 The Skills Committee operates within the terms agreed by the Combined Authority Board.

7.3.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial

Strategy and Skills Strategy). These are known as 'reserved matters' or "the budget and policy framework".

- 7.3.2.3 The committee has responsibility for agreeing education and skills programmes and projects within the budget and policy framework.
- 7.3.2.4 The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.3.2.5 The committee can initiate proposals for the Combined Authority Board to approve.
- 7.3.2.6 The committee is responsible for overseeing the work of the Employment and Skills Board, an advisory panel of the Skills Committee, and any sub-groups set up by the Board.
- 7.3.2.7 The budget and policy framework is summarised below:



7.3.3 Terms of Reference

Functions

- 7.3.3.1 The Skills Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) Skills Strategy
- (2) Projects to be included in the Business Plan and Medium Term Financial Plan
- (3) Business cases for key priority projects identified in the Business Plan, or
- (4) Any other matters reserved to the Combined Authority Board

7.3.3.2 The Skills Committee shall exercise the Combined Authority's functions for the following:

7.3.3.2.1 Oversee the development and maintenance of the Skills Strategy and any other strategies reserved to the Combined Authority Board, including overseeing consultation processes, and making recommendations to the Board.

7.3.3.2.2 Oversee the development of all business cases for key priority projects identified in the Business Plan.

7.3.3.2.3 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.

7.3.3.2.4 Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for education and skills projects in the Business Plan and funded from Medium Term Financial Plan.

7.3.3.2.5 Oversee the development and approve all other education and skills programmes and projects not reserved to the Combined Authority Board.

7.3.3.2.6 Ensure effective engagement and consultation is in place and can be evidenced.

7.3.3.2.7 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.

7.3.3.2.8 Oversee coordination with:

(a) Department of Work and Pensions on the Work and Health Programme, and

(b) Department for Education on the Opportunity Area programme.

7.3.3.2.9 Oversee the delivery of the Health and Care Sector Work Academy (Innovation Pilot)

7.3.3.2.10 Matters initiated by the committee can be referred up to the Board for decision.

7.3.3.2.11 The Combined Authority Board may decide to refer further individual matters to the committee.

7.3.4 Strategic and Budget Framework

- 7.3.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

7.3.5 Accountability

- 7.3.5.1 The Committee is accountable to the Combined Authority Board.

7.3.6 Membership

- 7.3.6.1 The Skills Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.3.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 7.3.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Board and Committees, paragraph 7.1.
- 7.3.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.

7.3.7 Lead Director

- 7.3.7.1 The Lead Director for the Committee is Director Business and Skills

7.3.8 Working Groups

- 7.3.8.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.
- 7.3.8.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.
- 7.3.8.3 The following group has been established with the terms of reference set out below:

(a) Employment and Skills Board

7.3.9 Employment and Skills Board

7.3.9.1 Governance

- 7.3.9.1.1 The Combined Authority has appointed an Employment and Skills Board. The Board is an advisory board to the Skills Committee and is the Skills Advisory Panel for the purposes of the governance arrangements for the devolution of the Adult Education Budget. This reflects the requirement to provide an inclusive, advisory role for the Combined Authority, Employers, Providers and Customers.

7.3.10 Terms of Reference

- 7.3.10.1 Provide strong leadership on skills in the local area, engaging with employers and providers and providing skills advice to the accountable board of the Combined Authority's Skills Committee.
- 7.3.10.2 Advise on the strategic direction, determine priorities and monitor progress of the devolved Adult Education Budget.
- 7.3.10.3 Develop a clear understanding of current and future local skills needs and the local labour market as well as the present skills and employment support provision in the local area.
- 7.3.10.4 Focus on the needs of future learners and employers which have been identified by local partners, including colleges, university providers and employers.
- 7.3.10.5 Establish systems to ensure the student voice is heard.
- 7.3.10.6 Raise the profile of apprenticeships with local employers and providers.
- 7.3.10.7 Work closely with careers advisory services to ensure that learners are informed about potential career routes within a local area, and that all careers information and guidance is informed by up-to-date local labour market information.

- 7.3.10.8 Be underpinned by a stakeholder group including all providers.
- 7.3.10.9 Produce robust, authoritative evidence-based skills & labour market analysis and skills provision in Cambridgeshire & Peterborough.
- 7.3.10.10 Build knowledge of the range of both local, regional and national employment provision that exists or is planned.
- 7.3.10.11 Present data analysis and share it with the wider employer and provider communities to ensure that their perspective on the local labour market and local employment and skills system is reflected.
- 7.3.10.12 Provide analysis to inform the development and the implementation of the 'People' element of the Local Industrial Strategy.

7.3.11 Task & Finish Groups

- 7.3.11.1 From time to time it may be necessary to establish a skills task and finish group, and other skills specialists may be invited to join these meetings. Any group would need to be sponsored by an Employment and Skills Board member, who may or may not chair the group, depending on the issues under consideration. Any discussions or agreed actions will be reported back to the Employment and Skills Board.

7.3.12 Membership

- 7.3.12.1 There will be a maximum of 20 members including the Chair. The Chair shall be a private sector member of the Cambridgeshire and Peterborough Combined Authority Business Board or a member of the Skills Committee.
- 7.3.12.2 The Board will comprise of at least 10 business people from across the Cambridgeshire and Peterborough Combined Authority area who between them will represent a variety industry sectors, different sizes of businesses, profit, and social enterprise businesses, The Board shall consist of
 - (a) employers, those with knowledge and experience of skills and education, and Cambridgeshire & Peterborough representatives;
 - (b) at least three to represent the publicly funded sector of the economy including but not limited to government, NHS, education and training and skills providers;
 - (c) One position will be retained for the Community and Voluntary sector.

7.3.12.3 When a member is unable to attend a meeting, they may provide a substitute, provided such substitute has delegated authority to represent their organisation. Members are expected to attend at least 70% of meetings.

7.3.13 Role of Employment and Skills Board Members

7.3.13.1 The specific role of a Board Member is to:

- (a) use their experience and knowledge to help shape strategy and policy on learning and skills development;
- (b) influence the prioritisation, planning and investment in skills supply and the shape of delivery;
- (c) support the strategic aims of the Cambridgeshire and Peterborough Business Board;
- (d) represent a range of people, organisations or views, not just their own or that of their organisation.

7.3.13.2 The Board will adopt good practise and its members will act within the General Duties and Obligations set out in its terms of reference and adopt the following values:

- (a) championing to influence and lead by example;
- (b) developing enterprising solutions that are creative;
- (c) Partnership working across the private, public and third sector;
- (d) sharing best practise;
- (e) being inclusive of each locality and community across Cambridgeshire and Peterborough.

7.3.13.3 All board members and observers shall be required to comply with the Combined Authority's Code of Conduct and all members and substitute members shall also be required to complete a Declaration of Interest form.

7.3.14 Observers

7.3.14.1 Specialists may be invited by the Chair to attend specific Board meetings or Agenda items where expertise is required.

7.3.14.2 Occasional observers may request to attend a meeting through the Chair.

7.3.15 Specialist Forums and Groups

7.3.15.1 The Cambridgeshire & Peterborough Education and Skills Board has a number of specialist advisory groups that will feed into the decision-making processes. These Forums will be working groups of the Cambridgeshire & Peterborough Education and Skills Board. These forums are advisory and non-decision making. These include:

- (a) **Existing Provider Forums**; there are a number of existing forums operating within the Cambridgeshire & Peterborough Combined Authority area, and these can be supported to articulate a voice on skills to the Employment and Skills Board.
- (b) **An Adult Education Budget Skills Group**; a specialist group for Adult Education Budget funding only with the twelve identified grant funded institutions indigenous or contiguous to the Cambridgeshire & Peterborough Combined Authority area.
- (c) **A Data Analysis Group**; formed to provide an analysis of the local skills and labour markets to develop robust Labour Market Intelligence.

7.3.15.2 The Forum(s) will:

- (a) Provide a voice about the Skills Funding system.
- (b) Advise the Education and Skills Board on matters of vocational training and employment scheme delivery.

- (c) Advise the Employment and Skills Board on short, medium and long- term strategies associated with skills funding.
- (d) Identify freedoms, flexibilities, and improvements that could be made to government and local funded training provision so that the Employment and Skills Board can promote changes that will improve local provision.

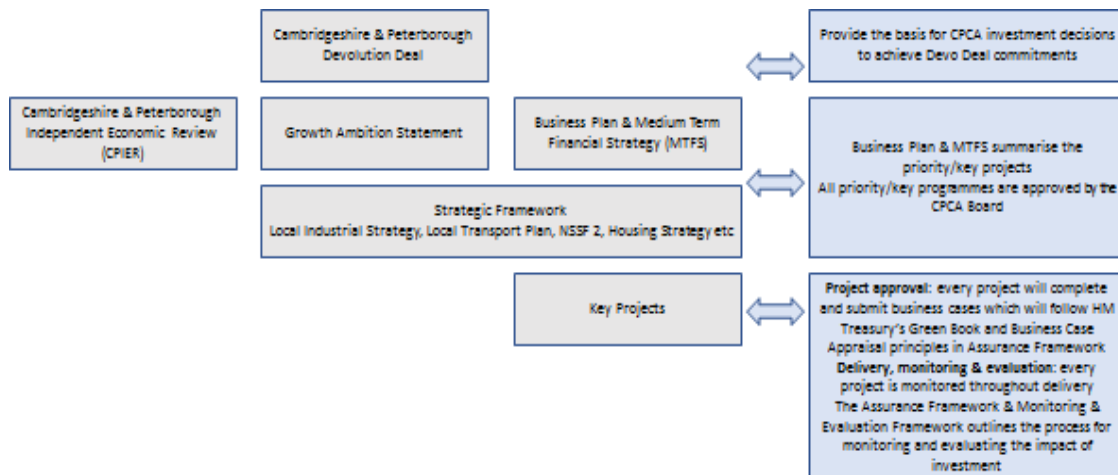
7.4 Housing and Communities Committee

7.4.1 Governance

- 7.4.1.1 The Combined Authority has appointed a Housing and Communities Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

7.4.2 Introduction

- 7.4.2.1 The Housing and Communities Committee operates within the terms agreed by the Combined Authority Board.
- 7.4.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priority projects and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and the Housing Strategy). These are known as 'reserved matters' or “the budget and policy framework”.
- 7.4.2.3 The Committee has responsibility for agreeing housing and community policies and projects within the budget and policy framework set by the Combined Authority Board.
- 7.4.2.4 The Committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.4.2.5 The Committee can initiate proposals for the Combined Authority Board to consider.
- 7.4.2.6 The budget and policy framework is summarised below:



7.4.3 Terms of Reference

Functions

7.4.3.1 The Housing and Communities Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) Housing Strategy
- (2) Any other matters reserved to the Combined Authority Board.

7.4.3.2 The committee shall exercise the Combined Authority's functions for the following:

7.4.3.2.1 Oversee the development and management of the Housing Strategy and any other key strategies reserved to the Combined Authority Board, including consultation and engagement processes, and making recommendations to the Board.

7.4.3.2.2 Oversee the development of, and approve all policies arising from the Housing Strategy.

7.4.3.2.3 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.

7.4.3.2.4 Ensure effective engagement and consultation is in place and can be evidenced.

7.4.3.2.5 Approve the commissioning of delivery partners where this is required.

7.4.3.2.6 Authorise the staged release of budget for housing projects to be funded from:

(a) £100m Affordable Housing Programme, allocated for affordable housing within the Cambridgeshire and Peterborough Combined Authority area to include:

- £60m grant funding
- £40m revolving funding, allocated to the Housing Company

(b) £70m Affordable Housing Programme allocated to Cambridge City Council.

7.4.3.2.7 Act as Accountable Body for the release of the Housing Infrastructure Funding for the Cambridge Northern Fringe East housing project.

7.4.3.2.8 Consider the Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Development Company and make recommendations to the Combined Authority Board.

7.4.3.2.9 Oversee the development and approve all other housing and community programmes and projects not reserved to the Combined Authority Board including but not limited to those relating to:

(a) Culture and Tourism

(b) Oversee delivery of the Connecting Cambridgeshire Project by Cambridgeshire County Council

7.4.3.2.10 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.

7.4.3.2.11 Matters initiated by the committee can be referred to the Board.

7.4.3.2.12 The Combined Authority Board may decide to refer further individual matters to the committee.

7.4.4 Strategic and Budget Framework

7.4.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

7.4.5 Accountability

- 7.4.5.1 The committee is accountable to the Combined Authority Board.

7.4.6 Membership

- 7.4.6.1 The Housing and Communities Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.4.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 7.4.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Boards and Committees, paragraph 7.1 and Chapter 4: Combined Authority Functions and Responsibilities, paragraph 4.4.
- 7.4.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.

7.4.7 Lead Director

- 7.4.7.1 The Lead Director for the Committee is Director Housing.

7.4.8 Working Groups

- 7.4.8.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Members of the Committee and officers.

- 7.4.8.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.

7.5 Employment Committee

7.5.1 Governance

- 7.5.1.1 The Combined Authority has appointed an Employment Committee. The committee is an executive committee of the Combined Authority Board.

7.5.2 Terms of Reference

- 7.5.2.1 The functions of the Employment Committee are:

- 7.5.2.1.1 To make recommendations to Combined Authority Board on the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (“the statutory officers”).
- 7.5.2.1.2 To appoint chief officers.
- 7.5.2.1.3 To establish, as required, a Statutory Officer Investigatory Panel with authority to make recommendations to the Combined Authority as to the dismissal arising from disciplinary action [as defined at paragraph 2.2 below] of any of the statutory officers. The membership of this Panel shall be as set out in the Officer Employment Procedure Rules.
- 7.5.2.1.4 To take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 7.5.2.1.5 To take disciplinary action against Chief Officers in circumstances capable of resulting in the dismissal of those officers and to suspend and keep under review any suspension of those officers.
- 7.5.2.1.6 To determine appeals by Chief Officers against decisions made in relation to grievance proceedings.
- 7.5.2.1.7 To determine employment procedures for the officers of the Combined Authority, including dismissal procedures.
- 7.5.2.1.8 To determine local terms and conditions of employment for officers of the Combined Authority.
- 7.5.2.1.9 To consider, and recommend appropriate actions where necessary, in response to proposals relating to changes within a Department’s /Division’s structure which involve substantial changes in the responsibilities of the Head of Paid Service [Chief Executive]

and Chief Officers.

7.5.2.1.10 To promote and pursue a policy of equal opportunities in employment.

7.5.2.1.11 To determine policies relating to local government pensions and discretionary compensation for early termination of employment. Upon the commencement of the Restriction of Public Sector Exit Payments Regulations to approve applications for waivers under the Regulations.

7.5.2.2 For the purposes of paragraph 7.5.2.1:

“Chief Officer” means:

(a) a person for whom the head of the authority's paid service (Chief Executive) is directly responsible;

(b) A person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service (Chief Executive);

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Chief Officer.

“Deputy Chief Officer” means:

“a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.”

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Deputy Chief Officer.

“Disciplinary Action” means:

“any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Combined Authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Combined Authority has undertaken to renew

such a contract”

7.5.3 Membership

- 7.5.3.1 The Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.5.3.2 The Combined Authority Board shall appoint the members of the Committee, and their substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the Committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to the Committee or the Sub-Committees.
- 7.5.3.3 The Procedure Rules of Executive Committee Meetings at Chapter 7: Boards and Committees of this Constitution shall apply to the proceedings of the Committee.

CHAPTER 8: FINANCIAL REGULATIONS

8.1 Introduction: Financial Regulations Background and Purpose

- 8.1.1 The Combined Authority is a local authority for the purposes of the Local Government Act 1972. The Combined Authority will appoint Officers to undertake the statutory Head of Paid Service (Chief Executive), Chief Finance Officer and Monitoring Officer roles.
- 8.1.2 These regulations shall be read in conjunction with the Assurance Framework, [Chapter 4 - Combined Authority Functions and Responsibilities](#) , [Chapter 3 - The Mayor of the Combined Authority](#), Chapter 6 – Decision Making: Budget Framework Procedure Rules, [Chapter 9 – Procurement and Contract Procedure Rules](#), and the [Chapter 18 - Officer Scheme of Delegation](#).
- 8.1.3 These regulations lay down for the guidance of Members and Officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years. It is not expected that all aspects of these financial regulations will be required from day one, but to be in place to support the Combined Authority over time.
- 8.1.4 The Chief Finance Officer, as the Officer responsible for the proper administration of the Combined Authority's financial affairs, shall report to the Combined Authority Board any significant failure to comply with these regulations which comes to his/her attention.
- 8.1.5 The Head of Paid Service and the Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 8.1.6 For the purposes of complying with these regulations, the Chief Finance Officer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 8.1.7 Whenever any matter arises which may involve financial irregularity the Chief Finance Officer and the Monitoring Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Chief Finance Officer and after consultation with the Head of Paid Service, be referred by them to the Combined Authority Board.
- 8.1.8 Further, in a case where the Head of Paid Service advises that there is *prima facie* evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.
- 8.1.9 The Combined Authority's financial transactions are governed by the Local

Government Act 2003 and the Accounts and Audit Regulations 2015 as amended.

8.1.10 Officers and Members of the Board will maintain the confidentiality of the Combined Authority's business and will not reveal confidential information about the Combined Authority or its finances.

8.2 Chief Finance Officer's Duties

8.2.1 The Chief Finance Officer's statutory duties are to:

- (a) provide financial advice to the Combined Authority on all aspects of its activity, including budgets (which shall include the budget for the Office of the Mayor), strategic planning and policymaking to ensure the effective and efficient use of resources;
- (b) advise on the security of assets;
- (c) secure the Combined Authority's banking arrangements;
- (d) provide a treasury management function, including loans and investments, in accordance with the Combined Authority's policy;
- (e) ensure the Mayor and the Combined Authority follows guidelines contained within relevant manuals, instructions, and policies;
- (f) produce the Annual Statement of Accounts in accordance with the latest statutory requirements and best practice.

8.2.2 The responsibilities of the Chief Finance Officer include:

- (a) Making arrangements for the proper administration of the financial affairs of the Office of the Mayor and the Combined Authority;
- (b) ensuring, in consultation with the Monitoring Officer, lawfulness and financial prudence;
- (c) ensuring a balanced budget;

- (d) ensuring effective systems of internal control;
- (e) advising on anti-fraud and anti-corruption strategies;
- (f) acting as the Combined Authority's Money Laundering Reporting Officer in accordance with good practice;
- (g) ensuring that statutory and other accounts fairly present the financial position;
- (h) maintaining a continuous review of the financial framework;
- (i) establishing suitable accounting policies and ensuring that they are applied consistently in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom;
- (j) ensuring that budget provision is identified and exists for all existing and new employees.

8.2.3 All Officers must consult and seek approval of the Chief Finance Officer before introducing or amending any records, forms or procedures relating to income and expenditure. The Chief Finance Officer will see that uniform systems are adopted throughout the Combined Authority to ensure that opportunities for fraud and corruption are minimised.

8.2.4 Failure to comply with these regulations may constitute misconduct.

REMAINDER TO BE UPDATED APRIL 2023

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CHAPTER 9: PROCUREMENT AND CONTRACT PROCEDURE RULES

9.1 Procurement Overview

9.1.1 Procurement Definition

- 9.1.1.1 Public Sector procurement is the process of acquiring goods, services and works for the delivery of an Authority's obligation to its residents and regional visitor. The process must be carried out within a specific legal framework and based on principles of equal treatment, transparency and non-discrimination such that for contracts over a specified value or specific social interest may be tendered for by any interested and appropriately qualified organisation. This is to ultimately achieve the optimal solution that also provides value for money across the whole-life of the process and contract.

9.1.2 Governing Legislation

- 9.1.2.1 The Local Government Act 1972 section 135 requires Public Bodies to have standing orders for how it enters into contracts. These Contract Procedure Rules ("Rules") set out how the Combined Authority will deliver against this obligation.
- 9.1.2.2 All Procurements for Contracts, by Combined Authority staff or members (including where managed by an external organisation or public body on the Authority's behalf), MUST comply with these Rules, the Combined Authority's Financial Regulations and all applicable and UK Legislation; specifically (but not limited to):
- a. The Local Government Act 1972
 - b. Public Contract Regulations 2015 (PCRs)
 - c. Concession Contracts Regulation 2016 (CCRs)
 - d. Equality Act 2010
 - e. Bribery Act 2010
 - f. Localism Act 2011
 - g. Social Value Act 2012
 - h. Modern Slavery Act 2015
 - i. General Data Protection Regulation 2016 (SI 2016\679)
 - j. Freedom of Information Act 2000
 - k. Transparency Code 2015
 - l. National Procurement Policy Statement 2021
- 9.1.2.3 Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.

- 9.1.2.4 Where there is a conflict between the procurement legislation and any other relevant legislation as listed above (or otherwise identified during the process) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
- 9.1.2.5 Central Government guidance (Procurement Policy Notes (PPNs)) should be considered for best practice but do not override these rules or legislation.
- 9.1.2.6 Government has issued a procurement policy note (05/21) requiring that contracting authorities familiarise themselves with the contents of the National Procurement Policy Statement. The Statement advises that contracting authorities should have regard to the following national priorities in their procurement where it is relevant to the subject matter of the contract, and it is proportionate to do so:
- creating new businesses, new jobs and new skills
 - tackling climate change and reducing waste, and
 - improving supplier diversity, innovation and resilience
- 9.1.2.7 The National Procurement Policy Statement affirms the requirement to comply with legal obligations including those in the UK-EU Trade and Cooperation Agreement, and these obligations include the binding commitment to fair and open competition which is assured by the Public Contracts Regulations.
- 9.1.2.8 The procurement policy note also advises that contracting authorities should consider whether they have the right policies and processes in place to manage the key stages of commercial delivery identified in this statement where they are relevant to their procurement portfolio. They should consider whether they have the right organisational capability and capacity with regard to the procurement skills and resources required to deliver value for money.
- 9.1.29 Non-compliance with any of these rules may constitute grounds for disciplinary action.

9.1.3 Application of the Rules

These rules govern

- 9.1.3.1 ALL purchases of works, goods and services (including consultancy requirements and equipment hire or lease through rental agreements) across the whole Combined Authority, regardless of value, as covered by Chapter 1 and 2 of the PCRs and not excluded by Regulation 10, PCRs.
- 9.1.3.2 The use of external frameworks and Dynamic Purchasing Systems.
- 9.1.3.3 Procurements under the Light Touch Regime Procurements, as covered by Chapter 3 of the PCRs.
- 9.1.3.4 Below threshold procurements under Chapter 8 of the PCRs.

9.1.3.5 The procurement of Concession contracts as set out in the CCRs.

9.1.3.6 ALL collaborative procurements with other public bodies.

9.1.3.7 The Disposal of Assets or goods by the Combined Authority.

They DO NOT apply to:

9.1.3.8 Supply of works, goods and services by the Authority to another authority, subject to the agreement of the Procurement and Contracting Manager.

9.1.3.9 Purchases through local authorities, government bodies or public agencies, (eg police, health or other similar authorities) where the procurement rules of that organisation have been approved by the Procurement and Contracting Manager as complying with these Rules, or the contract is agreed in cooperation or partnership eg section 75 agreements.

9.1.3.10 Public body to public body co-operation - contracts with other public bodies where the parties come together to deliver a public service, under the following conditions:

(a) achieve objectives which are common to both parties; and

(b) the arrangement is solely for the public interest; and

(c) the parties perform less than 20% of the services covered by the arrangement on the open market.

9.1.3.11 In-house awards (this is where the Combined Authority awards a contract to an entity it controls or controls jointly with other contracting authorities) as prescribed in regulation 12 PCRs. This exemption will only apply if all of the following conditions are met:

(a) The Combined Authority exercises a similar control or joint control with other contracting authorities on the entity as it does with its own departments;

(b) The entity carries out more that 80% of its activities for the controlling authorities;

(c) There is no private sector money in the entity.

9.1.3.12 Employment contracts.

9.1.3.13 Purchases made at public auction or of goods sold due to insolvency.

9.1.3.14 Land contracts (including leases, licences and transfers).

9.1.3.15 Grants of money, these cannot be contracts as there is no consideration and they

are not services required to be delivered by the Authority.

9.1.3.16 Funding or financing arrangements.

9.1.3.17 Any other arrangements excluded by the PCRs.

9.1.4 Services Excluded under Regulation 10 PCRs

9.1.4.1 The services excluded under Regulation 10 PCRs:

- (a) Legal advice that may lead to or is in preparation for Judicial Proceeding, or representation at judicial proceedings;
- (b) Arbitration or conciliation;
- (c) the purchase or sale of any interest in land, (including leasehold interests);
- (d) Financial advice for the sale, purchase or transfer of sureties;
- (e) Audio-visual/radio broadcasts;
- (f) Arbitration/legal advice for either the preparation or representation in legal proceedings that may result in a court hearing;
- (g) Loans;
- (h) Employment contracts between an individual and the Combined Authority;
- (i) Public transport by rail or metro;
- (j) Political campaigns;
- (k) Civil Defence

9.1.4.2 Where there is any doubt as to whether the procurement is covered by these rules, officers are required to seek advice from the Procurement and Contracting Manager.

9.2 Procurement Objectives

9.2.1 The Combined Authority seeks to achieve more than just the practical element of the contract from the procurement process; as such, every contract must be let in consideration of the following objectives:

- (a) Regulatory Compliance (open markets and equal opportunity for all providers, fair & transparent process in accordance with the procurement principles in Regulation 18 PCRs);
- (b) Accountability;
- (c) Value for Money (proportionality, efficiency and economy);
- (d) Efficient Procurement Process;
- (e) Support of Horizontal Policies such as implementing social, environmental and industrial commitments, at a proportionate level, in accordance with the Combined Authority's Policies and Procurement Guidance Document.

9.2.2 Excluding item 1 – the level of priority of each of the other objectives is to be set by the Combined Authority, as detailed in this document.

9.2.3 Roles and Responsibilities

9.2.3.1 The following lists detail the various procurement activities and where the responsibilities for each sit.

Procurement and Contracting Manager (directly or through delegation)

- (a) Responsibility for the Rules, guidance documents and procurement templates.
- (b) Design, implementation and management of a Procurement Gateway Process.
- (c) Provision of Procurement Advice and assistance on all expenditure, including route to market and contract choice.
- (d) Overview and management of any frameworks and corporate contracts.

- (e) Oversee all exemptions to the PCRs and these rules.
- (f) Organising and running market engagement events.
- (g) Provision of advice on commercial structure and evaluation methodology.
- (h) Appointment of external legal support for complex procurements.
- (i) Management of the e-tendering portal.
- (j) Tender Moderation.
- (k) Signing off All Regulation 84 Tender Reports for process compliance.
- (l) All formal Procurement correspondence.
- (m) Collating/populating all Contract Documents and ensuring signature
- (n) Oversee contract monitoring and all contract variations.
- (o) Attendance at bi-annual contract management meetings.
- (p) Management and monitoring the Contract Register.
- (q) Forward Planning of cyclical requirements.

Chief Finance Officer (directly or through delegation)

- (a) Development and implementation of the Financial Regulations.
- (b) Approving budgets for procurement of contracts.
- (c) Signing of All Regulation 84 Tender Reports for budgetary compliance.

Monitoring Officer (directly or through delegation)

- (a) General advice as required.
- (b) Lawfulness and governance of complex procurement decisions taken.

- (c) Provision of any legal document requirements and support managing external legal services.
- (d) Signing of All Regulation 84 Tender Reports for governance compliance.
- (e) Approval of all contract documents before signature.
- (f) Approval of all waivers to these rules.
- (g) Approval of any contracts awarded under Regulation 32.

Directors

- (a) Project approval and authority to proceed.
- (b) Signing of All Regulation 84 Tender Reports for Award Approval.

Contract Managers

- (a) To following the instructions of the Procurement and Contracting Manager and Monitoring Officer.
- (b) Development of Project Initiation Documents and Gateway reports.
- (c) Confirmation of Project Budget & Authorisation to Procure.
- (d) Creation of Contract Specification and Contract Management requirements.
- (e) Managing any technical enquiries during a procurement process.
- (f) Evaluation of tender returns.
- (g) Complete the tender report.
- (h) Manage the delivery of the contract in accordance with the specification, tender return and the contract management processes included in the contract.

All Officers Must:

- (a) Comply with the Combined Authority's Financial Regulations.

- (b) Declare any gifts or hospitality received either before, during or after the procurement to the Head of Procurement.
- (c) Not disclose any confidential information to unauthorised persons.
- (d) Conduct the procurement process in a fair, open and transparent manner.
- (e) Ensure the process delivers value for money.

9.2.4 Use of Consultants

9.2.4.1 Where the Combined Authority requires the technical input of industry experts/ consultants to either resource and/or manage a procurement or inform a specification, or deliver a particular process; officers are required to ensure the following is applied:

- (a) The service is for a discrete (or multiple discrete) pieces of work and/or is not backfilling a Combined Authority post.
- (b) The consultants are procured in accordance with these Rules.
- (c) The Consultant is experienced in and fully understands all Public Procurement Legislations and agrees to be bound by them.

There is a clear specification of requirements and responsibilities set out in their appointment, including adherence to these rules and that this is documented in the form of contract used.

9.2.5 Procurement Process Planning

9.2.5.1 As part of the initial procurement planning process, officers are required to consider the impact of legislation, financial and time constraints along with any of project specific requirements.

1. Category of Spend

9.2.5.2 The procurement process to be applied is firstly determined by the category of spend and then the contract value, such that before beginning the process this needs to be ascertained.

9.2.5.3 The categories of spend are

- (a) Goods (supplies or products);
- (b) Services (labour, consultants or technical resources);
- (c) Works (Construction Projects);
- (d) Light Touch Regime Services (Hospitality/ Catering, Education/ Training, Security, Legal Services);
- (e) Concession Contracts (contracts where the supplier's revenue is through the exploitation of an asset e.g. running a café owned by the authority);
- (f) Regulation 32 PCRs (Non-competitive Direct Awards);
- (g) Regulation 10 PCRs Excluded Contracts;
- (h) Regulation 14 PCRs Research & Development.

9.3 Contract Value Estimation

9.3.1 The estimated value of a contract is based on either; the money to be paid by the Authority to the successful tenderer (Regulation 6 PCRs) or the value to the market (Regulation 8 CCRs) of the contract.

9.3.2 A contract value should be calculated as follows:

- (a) A lump sum contract – this is a one-off, capital project, only used by one project/team where the contract value is the total budget available (including any contingency).
- (b) A periodic contract – this is where there is an annual, regular, potentially on-going requirement, by the authority – the contract value is the potential annual spend (across the whole Authority) multiplied by the number of years the contract is to run (including any extensions).
- (c) A concession contract – this is a term contract over a number of years whereby the revenue is paid based on usage levels, and usually by the service users, without any guarantee of full recompense or profit.

9.3.3. The value of any contract is the TOTAL maximum, potential or reasonably foreseeable spend over the whole duration of the contract (including extensions) for

a given requirement.

- 9.3.4 The Authority MUST NOT disaggregate or sub-divide like or similar requirements for the purpose of avoiding the procurement from being regulated. (Regulation 5, PCRs or Regulation 7, CCRs). Procurements below these thresholds are still subject to delivering value for money but the nature of the procurement process may be defined by the authority and needs to be proportionate to the value, effort and market interest in consideration to the nature of the purchase.
- (a) **See Schedule 1 for current thresholds across all relevant legislations**

9.4 Partnership Arrangements

- 9.4.1 The authority has entered into a number of arrangements with partner authorities for the purchase of various back office services; officers are required to liaise with procurement before commencing an external procurement to ensure that those arrangements are not breached or cause relationship problems across the authority's partners.

9.5 Procurement Gateway Process

- 9.5.1 The Procurement and Contracting Manager in consultation with the Monitoring Officer, shall publish and oversee a gateway process that reviews and approves the approach to procurement and ensures that these rules, legislation and best practice are adhered to along with monitoring the delivery of value for money and social obligations. This process to be monitored by an officer board based on value and/ or complexity. The details of the Procurement Gateway Process will be maintained on the Combined Authority internal website.

Pre- Procurement Contract Approvals

- 9.5.2 Where the procurement is not required to be monitored under the gateway process the project officer must still provide evidence to the Procurement and Contracting Manager that they have the necessary director, committee or board approvals to procure and subsequently award a contract based on specified value.
- 9.5.3 The Project Officer must also liaise with the Governance team to ascertain if the procurement is a Key decision and based on this, place the contract on the Forward Plan in accordance with the Authority's Constitution.

9.6 Procurement Timescales

- 9.6.1 Officers should allow the following minimum timescales for each of the identified routes:

- (a) Single quote - approximately two weeks
- (b) Three quotes - approximately six weeks
- (c) Below FTS threshold tender - approximately 10 weeks
- (d) Above FTS threshold tenders - OPEN procedure – approximately 14 weeks
- (e) Negotiated Procurement - at least 26 weeks

9.7 Application of Non-Procurement Legislation

- 9.7.1 Officers are required to consider whether the procurement process and decisions are affected by other relevant legislation. A list of the more obvious ones to be considered and their impact on procurement are available in the procurement guidance documents and will need to have been considered as part of the Gateway process to ensure a holistic approach is adopted and transparently procured.

9.8 Conflicts of Interest (Regulation 24 PCRs)

- 9.8.1 The Public Procurement Legislations are designed to prevent corrupt practices and the application of any preferential treatment or discrimination of any suppliers. As such the following rules apply:

All members, officers, contract managers or organisations procuring on behalf of the Combined Authority must avoid any potential conflict between their own (or family/ friends) interests and the interests of the Combined Authority as detailed in the Combined Authority's Code of Conduct.

- 9.8.2 Where an interest (financial or personal) is identified this must be reported to the Procurement & Contracting Manager such that any identified risks can be minimized. Where such a conflict is identified and cannot be suitably mitigated to the Procurement & Contracting Manager's satisfaction, that person may not participate in the procurement or evaluation process.

9.9 Separation of Duties

- 9.9.1 A procurement, contract, purchase order or waiver cannot be raised and approved by the same person.
- 9.9.2 Where a contract manager completes the practical element of a procurement process, a procurement form or makes another recommendation, the award must be

agreed by a Director.

9.10 Risk Assessment

- 9.10.1 Officers are required to complete a risk assessment for approval by finance and legal on all procurements that are deemed high risk based on the following:
- (a) Is of political or public interest;
 - (b) Is over FTS threshold;
 - (c) Is being awarded under Regulation 32 PCRs; or
 - (d) Is being varied/extended under Regulation 72 PCRs;
 - (e) Includes the setting up of a Special Purpose Vehicle;
 - (f) Includes a lease arrangement, advance payment or holding funds on behalf of another entity;
 - (g) Is for a duration over five years;
 - (h) Includes design liability, intellectual property rights or a requirement for collateral warranties.
- 9.10.2 Officers should use the Combined Authority's standard templates and ensure they are added to the corporate risk register before the procurement commences and then monitored throughout the process and life of the contract.

9.11 Bonds and Parent Company Guarantees

- 9.11.1 The requirement for a bond or parent company guarantee (and its value) is at the discretion of the relevant Director.
- 9.11.2 An optional requirement for a Bond or Parent Company Guarantee should be included as part of all procurements over £250k such that it creates both; a means to assess the financial stability of a tenderer and an option to mitigate any identified performance risks of the preferred supplier. Evidence of the bond's availability (even if not required) should be obtained before award.
- 9.11.3 Where the project or a contractor is deemed as a high risk for failure (likelihood and/or impacts), advice should be sought from Procurement, Finance and

Governance in deciding if the provision of the bond is required.

- 9.11.4 Where a bond or parent company guarantee is deemed necessary – this should be in a form acceptable to the Combined Authority and in consideration of the form of contract being used.

9.12 Routes to Market

- 9.12.1 The route to market is selected based on a number of considerations as set out below.

Where possible, **Officers are recommended to consider whether to use either an existing framework (or one procured by a partner authority) so as to minimise procurement costs and process time.**

Where the value is below FTS threshold or it has been agreed with procurement that the requirement is non-standard, or a framework may not deliver the optimal solution, be that because the supplier base is unsuitable or too limited, framework rates do not offer value for money or the requirement requires an ability to negotiate, then alternative routes should be considered in conjunction with procurement and legal or through the 'gateway' process.

These processes available are as set out below.

9.13 Process Types

- 9.13.1 Procurements can be split into two categories; regulated and non-regulated.

Non-Regulated (below FTS Threshold) Procurements

- 9.13.1.1 These can, in addition to using the regulated routes, be used based on value:

Direct Award – a single supplier quote from a local/SME supplier who is selected based on previous knowledge, a recommendation or a local supplier list (where one exists).

Quotes Process – between three and five suppliers are selected to provide a quote detailing how they will deliver a project and the costs. Suppliers to be selected based on being local/ SMEs with either previous knowledge, on a recommendation or from a local supplier list (where one exists).

Regulated (above FTS Threshold) Procurements

OPEN Tender (Regulation 27 PCRs) – DEFAULT ROUTE - single stage, advertised process. This route is for standard purchases where the requirements are

clear – it does **not** include any scope for negotiation of any of the element of the tendered information. All compliant submissions must be evaluated.

RESTRICTED Process (Regulation 28 PCRs) – two stages, advertised process.

This route is for standard purchases where the requirements are clear – it does **not** include any scope for negotiation of any of the element of the tendered information. Suppliers are shortlisted to tender following an initial supplier qualification process. This route is most suited to extensive markets to ensure proportionality of process and cost.

COMPETITIVE PROCESS with NEGOTIATION (Regulation 29 PCRs) – multi-stage, advertised process. Includes the ability to negotiate on predefined elements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of negotiations based on the predefined scoring criteria. This is used where the desired outcome of the procurement is known but how it is to be achieved is less clear.

COMPETITIVE DIALOGUE (Regulation 30 PCRs) – multi-stage, Advertised process. Includes the ability to discuss and define any unknown requirements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of dialogue based on the predefined scoring criteria. This is used where the desired outcome of the procurement is unclear as is how it is to be achieved.

INNOVATIVE PARTNERSHIP (Regulation 31 PCRs) – multi-stage this is used where you want to purchase something that isn't already available in the market and needs to be created. The procurement process is based on a set of minimum requirements and desirable outcomes – the process can only be used with the approval of Procurement.

FRAMEWORK (Regulation 33 PCRs) – This can be procured through any on the procedures in this list and is an arrangement with one or more suppliers to provide the requirements on an as required basis with no fixed commitment. The Framework has a maximum duration of four years and subsequent awards can be made either by a direct award based on the framework prices or through further competition and evaluation – depending what has been specified in the Framework Agreement. Contracts awarded under the framework can run past the framework end date where set up to facilitate this.

DYNAMIC PURCHASING SYSTEM (DPS) (Regulation 34 PCRs) - this is an approved list, on to which suppliers can be added at pre agreed intervals. Suppliers are added based the completion of the first stage of a RESTRICTED procedure and their demonstration of technical ability and previous experience. All subsequent awards must be through further

competition and price/ quality evaluation.

FURTHER COMPETITION (from an existing framework) – this is where you are inviting the suppliers already on a compliantly procured framework or DPS to submit a qualitative proposal and price for your specific requirements. (where this is from a framework the prices/rates are capped at the framework prices.

BESPOKE COMPETITIVE PROCESS – this can only be used under the Light Touch Regime and will be defined and managed by procurement. (**Regulation 76, PCR or Regulation 36 CCR**).

DESIGN COMPETITION (Regulation 80 PCRs) - These are for the design of unique construction projects.

NEGOTIATED PROCEDURE WITHOUT ADVERTISEMENT – (Regulation 32 PCRs) – this route can only be used in exceptional circumstances and must be agreed by Procurement and the Monitoring Officer and documented on a waiver. Potential for use include: lack of competition, urgency or exclusive rights.

9.14 Below FTS Threshold Requirements

- 9.14.1 The procurement process is to be selected based on its category and its value, this is to ensure that the process is proportionate, transparent and can demonstrate value for money in consideration of the project requirements and other constraints such as urgency or protected rights.

Goods and Services Contracts

- (a) Single quote up to £9,999
- (b) Three quotes between £10,000 and £49,999 (RFQ process)
- (c) Advertise on Contracts Finder between £50,000 and the FTS threshold (Tender Process)

Recruitment Consultant Appointments

- (a) Single quote up to £24,999
- (b) Three quotes between £25,000 and £99,999 (RFQ process)
- (c) Advertise on Contracts Finder between £100,000 and threshold (Tender Process)

Works and Concession Contracts

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £499,999 (RFQ process)
- (c) Advertise on Contracts Finder between £500,000 and above FTS

threshold (Tender Process)

Light Touch Regime (including training and legal requirements)

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £199,999 (RFQ process)
- (c) Advertise on Contracts Finder between £200,000 and above FTS threshold (Tender Process)

Quotes Process

- 9.14.2 Where requests for quotations are made, these should be from local suppliers where possible and where permissible under the law, either from a known local list or identified through the e-tendering portal of registered suppliers. Where none are known, the opportunity may be advertised at the officer's discretion.

Contracts Finder (Tender Process)

- 9.14.3 Where an opportunity is to be advertised based on the above, or is published in any other way (eg on the e-tendering portal, through an industry magazine or some form of social media) it must also be advertised on Contracts Finder. Any advertised, below FTS threshold procurement, must follow that of a single stage/open tender with no option for shortlisting.

Waivers

- 9.14.4 Where a below FTS threshold contract, based on value, requires a competitive process and there is an urgency, protected right, technical expertise or other reason that is accepted by the Monitoring Officer and Chief Finance Officer as delivering best value to the authority, a waiver may be used to enable the officer to seek a single quote and carry out a direct award to that organisation. This process is set out in the procurement guidance documents.

9.15 Above FTS Threshold Requirements

- 9.15.1 All Above FTS threshold procurements must be advertised (unless procured under Regulation 32 PCRs) on the e-tendering portal, Contracts Finder and Find A Tender Service (FTS).
- 9.15.2 The choice of which route to market should apply depends on the likely number of interested participants, the contract requirements and complexity and the need to negotiate, in accordance with Regulation 26. Further information is available in the procurement guidance documents and above at 9.13.1.

9.16 Use of Frameworks

- 9.16.1 Where the decision is to utilise an existing Framework for the appointment of consultants or routine requirements, the choice of methodology should be based on the rules of the framework and compliance with PCRs.

9.17 Advertisement (Regulations 48, 49, 52 and 106 PCRs)

- 9.17.1 Where a direct award/or quotes process is not permitted by these rules or by exception under either these rules or the Regulations; and where the award is not via an approved framework, the procurement opportunity must be advertised as follow:

- (a) Contracts Finder (**Regulations 52 & 106 PCRs**) - where specified in this document or where they are regulated under any of the public procurement legislations
- (b) FTS – where they are regulates/ value exceed the values as set out in Schedule 1
- (c) Authority e-tendering portal – where an advert is placed under one of the above requirements it must also be advertised on the e-tendering portal
- (d) Additional adverts – where the opportunity is advertised, officers may also place adverts on the Authority website, trade publications or social media.

9.18 Market Engagement (Regulation 40 PCRs)

- 9.18.1 Where an advertised process is to be used, and before commencing a process, it is essential to understand the market make up and possible supply options, specifically:

- (a) Is the Market a Monopoly or is it saturated?
- (b) Is the requirement able to be delivered by a single supplier or does it require sub-contracting?
- (c) Can the contract requirements be met by local SMEs?
- (d) Is the contract suitable for a consortia solution?

- 9.18.2 All engagement must be overseen by Procurement and participants should be invited through an advertisement on the e-tendering portal and carried out in a transparent manner (eg supplier days) that treats all possible procurement participants equally and

without discrimination such that the activity is artificially restricts or impairs competition.

9.19 Procurement Processes

- 9.19.1 All procurements are to be issued using either the authority's standard templates or the templates provided by the framework's owner as applicable.

Additional information on the following processes and documents is available within the procurement templates, policy documents and through the procurement guidance documents.

9.20 Direct Award

- 9.20.1 This option does not require officers to create a set of tender documents; instead, they should discuss their requirements with the selected organisation and these should then be written up, priced and submitted by that organisation to the authority for approval. Once agreed, they should then be attached to the authority's standard Purchase order or Service terms and conditions and awarded as set out below.

9.21 Request for Quotation (RFQ)

- 9.21.1 This option uses a single procurement document to set out the contract and specification requirements along with how the submission will be qualitatively and financially assessed. This to be requested from the three selected companies. The submissions should be evaluated in accordance with this document and then a contract concluded with the successful organisation using the terms and conditions attached to the RFQ in accordance with the award process below.

9.22 Advertised Tender

- 9.22.1 The documents needed for an advertised procurement will depend on the contract value and the selected route to market; the tender pack will include some or all of the following:

9.23 Due Diligence Document

- 9.23.1 Where a tender is unregulated and thus an SSQ is not used, the due diligence (financial and company status) checks must be used to ensure that the successful tenderer is commercially capable and stable to deliver the contract.

(a) Standard Selection Questionnaire (SSQ)

- 9.23.2 This document is to be used for above FTS threshold tenders and has three parts;

Parts 1 and 2 are set down by central government and cannot be amended. Part 3 can be populated with the qualitative requirements of the project and used as a mechanism to shortlist in a multi staged process (Regulations 57, 58 and 65 PCRs).

(b) Invitation to Tender (ITT) (or ITN or ITN Final) (Regulation 54 PCRs)

- 9.23.3 This document sets out the details of the procurement process and the process requirements along with the rules that interested (or shortlisted) tenderers must follow to ensure that their bid is compliant. Further guidance and adaptation of the standard template should be sought from procurement.

(c) Specification (Regulation 42 PCRs)

- 9.23.4 This document must clearly and concisely set out the Authority's specific contract requirements and depending on the whether these are input, output or outcome based, the details by which these may be deemed to be achieved or demonstrated.
- 9.23.5 When using an input specification, officers should ensure that they are suitably up to date with current technology and developments. Specifications should be based on performance or industry standards and only use a brand, model or part number where it is impossible to sufficiently define the requirement any other way. Where this is relied on the specification must state 'or equally approved'.
- 9.23.6 Where the technical expertise is absent or dated, an output or outcome specifications should be used to ensure that an up to date solution is achieved along with value for money.
- 9.23.7 Where social or other policies are to be considered, these must be clearly specified and where possible, hyperlinks to their location included in the procurement documents.

(d) Terms of Business/Contracts

- 9.23.8 The choice of contract shall be in a form approved by the Legal team and will be based on the nature of the spend and the project complexity along with the route to market, officers must engage with the Legal team at the concept of the procurement to enable sufficient time for consideration and drafting.
- 9.23.9 Where the selected procurement process does not allow for negotiations, officers are advised to ensure that the requirements identified to Legal are not prohibitive or anti-competitive such that they may limit competition and the ability to achieve a successful, value for money outcome.

(e) Tender Submission Document

- 9.23.10 ALL Tenders MUST be evaluated using the principle of Most Economically

Advantageous Tender (MEAT).

(f) Quality Requirements – Method Statements (Regulation 67 PCRs)

- 9.23.11 Officers are recommended to use a split of 60% price and 40% quality. Where this is not felt to be the best means by which to select the most suitable supplier, this may be adjusted to an 80:20 split in either direction following a discussion with Procurement.
- 9.23.12 Method Statement Questions should be drafted to elicit responses that supplement the specification and in consideration that the responses become part of the contract and performance requirements.
- 9.23.13 The weighting (importance) of each method statement question must be clearly set out as must the requirements of the scoring criteria.
- 9.23.14 The questions, as a minimum should seek to understand the skills of the delivery team, the timescales for delivery, any quality or health and safety considerations and how the contract can be used to support the local economy, protect the environment or deliver other social benefits.

(g) Pricing Requirements

- 9.23.15 The tender documents must set out how the price should be calculated and evaluated. This could be a lump sum or a schedule of requirements/ bill of quantities. Where a schedule is used and exact quantities are unknown the document must include details of estimated quantities (unless part of the submission is for them to quantify a resource) to ensure that the evaluation is fair and transparent. Where a schedule of pricing is used, officers may weight particular elements if they are more significant to the success and delivery of the project; where this is required officers must liaise with procurement and finance to ensure the pricing model is fair and representative of the contract requirements.

(h) Form of Tender

- 9.23.16 Along with the method statement and pricing submission, tenderers are required to confirm that they have no conflicts of interest with the authority and that they have not colluded or otherwise engaged in unethical or illegal practices in order to collate their submission.

9.24 Use of/Reliance on Subcontractors (Regulations 63 and 71 PCRs)

- 9.24.1 The authority must allow a tenderer to rely on subcontractors for economic or technical capacity, experience or professional qualifications unless the task that they seek to subcontract is deemed a critical task; specifically where this would dilute accountability or the performance management of essential elements of the contract.
- 9.24.2 The authority, when setting out its procurement requirements, may stipulate that

where subcontracting is relied on that the tenderers sets out the share of the contract to be subcontracted and where they are to be relied upon, may insist that all such subcontractors complete an SSQ or the authority's Due Diligence document (where applicable) to enable the authority to assess their suitability to deliver an Authority contract.

9.25 Tender Communications (Regulations 22 and 51 PCRs)

- 9.25.1 All procurement processes (except for direct awards) must be managed electronically through the authority's e-tendering portal. All notices, tender documentation and awards must be published through the portal and all communications (Q&A) must be published openly unless deemed commercially sensitive.

(i) Evaluation Process and Clarifications (Regulation 56 PCRs)

Due Diligence

- 9.26 These checks should be completed before the price and quality evaluation process as they assess the financial stability of a tenderer. Where a concern is identified this should be referred to finance and legal for consideration and a decision made as to whether they should be disqualified to protect the successful performance of the contract.

Standard Selection Questionnaires (Regulations 57 and 58 PCRs)

- 9.27 Where this is provided in a single stage process this should be assessed before the qualitative or pricing submission. Any concerns identified should be clarified with the tenderer before deciding if they should be disqualified.
- 9.28 Where this document is used to shortlist in a two or multi-stage process the Part 1 & 2 elements should be assessed first and any concerns identified should be clarified with the tenderer before evaluating part 3 and shortlisting

Quality Submissions

- 9.29 These must be evaluated by at least three, suitably skilled individuals using the predefined criteria and the specification.
- 9.30 Evaluators must make notes as to the rationale for each individual score and provide question specific feedback to be used in the moderation process and ultimately shared with the unsuccessful tenderer.
- 9.31 Where the information is unclear or incomplete a clarification process must be carried out.

Pricing Submissions

- 9.32 This must be carried out separately to the quality evaluation, in accordance with the process set out in the tender documentation and must be verified by the relevant member of the finance team to validate its accuracy.
- 9.33 Where the pricing is incomplete or excessively low, a clarification process must be completed with the support of procurement.

Post-tender Clarifications

- 9.34 Submitted information may be clarified or explained but not amended or supplemented.

(j) Missing Information

- 9.35 Where information is missing, this may be confirmed to the tenderer but may not be supplied by them. Where this has an impact on the total price, tenderers must either honour the total price submitted or withdraw.

(k) Price Calculation Errors

- 9.36 Where an arithmetical error is identified and can be corrected without the need to seek clarity or additional information, this should be done and advised to the tenderer for agreement. Where this has an impact of increasing the total price, tenderers must either honour the initial total price submitted or withdraw their offer.

(l) Abnormally Low Pricing (Regulation 69 PCRs)

- 9.37 Where a tenderer's price is significantly lower than anticipated by the authority or in comparison with other tenders received; the authority must seek clarity from the tenderer on how they have priced the tender at this level and demonstrate that it is commercially viable and sustainable. Where such assurances are either not provided or not plausible then the authority should disqualify the submission.

(m) Post-tender Negotiations

- 9.38 Post Tender Negotiations shall not be used to degrade the original tender requirements or price unless:
- (a) ALL the received tenders came in over budget
 - (b) Other special circumstances

- 9.39 In these circumstances, all tenderers that have submitted a tender shall be given the opportunity to resubmit against a revised or reduced specification.
- 9.40 All other negotiations shall only be undertaken in accordance with Law and in agreement with Procurement and Legal.

(n) Moderation

- 9.41 Following the individual scoring of the quality method statement responses, the evaluation panel, overseen by procurement, must meet and agree a common score for each question along with an agreed justification for the scores and question specific feedback for the tenderer.

(o) AWARD Process

- 9.42 Where a formal gateway process has been used to commence and decide on the procurement process, a further review should be completed before the decision to award. In all case, the following stages must be completed.

9.43 Tender Report (Regulation 84 PCRs)

- 9.43.1 All advertised tenders must, before award, have a completed tender report approved by procurement, legal and finance before any notifications are sent or contracts collated.

9.44 Notifications (Regulations 55 and 86 PCRs) & Standstill (Regulation 87 PCRs)

- 9.44.1 All notification or outcome letters must be approved by procurement and signed by the Procurement and Contracting Manager.
- 9.44.2 All tenderers (successful and unsuccessful) must be notified, in writing, of the outcome of the evaluation process at the same time. Unsuccessful tenderers must be provided with feedback which details the relative advantages of the successful tenderer.
- 9.44.3 Where the procurement is regulated (and even on below FTS threshold processes where advised by procurement) the authority must issue and apply a standstill period with the award letters not being issued until after this period has expired.

9.45 Supplier De-briefing

- 9.45.1 Following the notification of the procurement outcome, unsuccessful tenderers may request feedback in addition to that provided in the letters; this must be agreed and supported by procurement to ensure that only allowed information is shared and that it is done so in a non-discriminatory manner.

9.46 Letters of Intent

- 9.46.1 Letters of intent give the contractor the authority to proceed prior to the execution and dating of contract; however, they should only be used where there is a genuine need and genuine benefit to the Authority, such as to:
- (a) facilitating the ordering of goods where there are long lead times;
 - (b) enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements;
 - (c) facilitate TUPE requirement.
- 9.46.2 All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason, it must be agreed by the Monitoring Officer.
- 9.46.3 Where a letter of intent is issued it must specify its intent and include a maximum liability, which cannot exceed £100,000 unless otherwise agreed by the Monitoring Officer.

9.47 Contract Award

- 9.47.1 All tender processes must be concluded by way of a duly signed or executed document.
- 9.47.2 Contracts MUST not be awarded until all checks have been completed and evidence of any qualifications and certificates provided.
- 9.47.3 The award must be as per the specification issued and the tender received (including any clarifications) and not a conditional or counteroffer.

9.48 Contract Approval

- 9.48.1 Contracts must be executed by signature or as a deed as follows, following consultation and approval from the Chief Finance Officer and Monitoring Officer:

Goods & Service:

- (a) Up to £25k – Responsible Officer
 - (b) Up to £100k – Finance
 - (c) Up to £250k – Project Director
 - (d) Up to £500k – Monitoring Officer, Chief Finance Officer, Chief Executive
- 9.48.2 All works contract to be executed as a deed to ensure a 12-year latent defect period

is applied.

- 9.48.3 Copies of all executed contracts must be provided to the Procurement and Contracting Manager for inclusion in the contracts register

9.49 Contract Award Notices (Regulation 50 PCRs)

- 9.49.1 Award Notices must be published in accordance with the following decisions.

- (a) Where a new Framework or Contract is let and it is over the FTS threshold – in FTS and on Contracts Finder.
- (b) Where the procurement is via a mini competition from a framework and is over £30,000 – on Contracts Finder
- (c) Where the contract value is over £30,000 but under the FTS threshold – on Contracts Finder.

Contract Register & Transparency Code

- 9.49.2 All contracts over £5,000 must be published on the Authority's contract register, this to include a scanned copy of the completed contract and any waiver/ decision or process approval documentation.

9.50 Document Retention

- 9.50.1 All documents issued and received via the e-tendering portal will be stored indefinitely on the portal.
- 9.50.2 Any other information not held on the portal will be in accordance with the Authority's retention policy.

(p) 9.51 Contract Management

- 9.51 The Authority is committed to ensuring that in addition to procuring its contracts compliantly, effectively, economically and in consideration of the community it serves; that they will be appropriately performance managed to ensure the intention and benefits promised are delivered and within the contracted value.

9.52 Contract Performance Management

- 9.52.1 The Contract owner must ensure that performance management meetings are held at appropriate intervals and that these meetings and any decisions made

are properly documented and formally recorded such that they can be relied on.

9.53 Supplier Payment Generally

- 9.53.1 As a responsible authority, payments against contracts should be managed efficiently and without detriment to the suppliers and at most, within 30 days on receipt of the invoice in accordance with government guidance

(q) Construction Contracts

- 9.54 Payments on construction contracts must comply with the form of contract used and where practical, should comply with the Construction Supply Chain Partner as far as reasonable possible to do so.

(r) Late Payments

- 9.55 Where payments are late, suppliers are entitled to claim statutory late payment interest unless otherwise documented in the contract.

9.56 Contract Review

- 9.56.1 Where a formal gateway process has been used in the initial decision making and subsequent award decision, a further review should be carried out to consider contract performance against the initial advertised requirements and budget and to monitor ongoing compliance with these rules and legislation.

9.57 Performance Failures

- 9.57.1 Where a Performance failure is identified the following must be applied:

- (a) Legal are consulted as to permissible measures under the contract.
- (b) Management meetings are held more frequently with the interval being based on the severity of the failure.
- (c) A remedial plan is agreed and signed.
- (d) Revised, intermediate performance targets are set out and monitored to ensure improvement and performance failure resolution within the agreed timescales.

- 9.57.2 Where the above measures do not deliver the required improvements within the required timescales, legal should be consulted to escalate the remedial requirements

or initiate the termination of the contract.

9.58 Contract Termination for Performance

- 9.58.1 Where performance failure under the contract cannot be remedied or where there has been a case of insolvency or other organisation failure, the officer should seek advice from legal and agreement by the Monitoring officer to terminate the contract.

9.59 Contract Variations/Extensions (Regulation 72 PCRs)

- 9.59.1 A Contract should only be extended or varied in accordance with any options specifically included in the original procurement documentation.
- 9.59.2 Where no such provision exists; a contract can only be extended or varied with the agreement of the Director and/or Monitoring Officer (depending on value) and documented through the approval of a waiver, as follows:

- (a) The additional requirement is still in scope of the original specification and does not equate to a new requirement or something that is materially different to that advertised such that it requires a new process.
- (b) The extension or variation does not present an unacceptable risk to the authority eg had the changes been known, others would have participated in the opportunity or a better price could have been achieved.
- (c) The additional requirement does not take it over the FTS threshold when it was procured using a below FTS process.
- (d) The additional value does not exceed more than 10% if goods & services or 15% if works of the original, advertised value (This can be approved by the Director subject to available funds).
- (e) The additional value of any extension or variation is not a material change, the need was unforeseeable, there is a proprietary right or there is urgency and the change does not exceed more than 50% of the original, advertised value (Monitoring Officer).

- 9.59.3 The application of any extension or variation:

- (a) must be in the Authority's best interest;

- (b) must demonstrate value for money;
- (c) cannot be until after a new Due Diligence Check has been completed.

9.59.4 Once approved, Legal must be engaged to provide the necessary legal documentation to record the variation or extension and then the signed version of this and the waiver must be added to the contract register.

9.60 Lessons Learned

9.60.1 At the close of the contract, the gateway process must be concluded with a lessons learned exercise and this information should be shared to ensure ongoing process improvements and best practice.

(s) Other Procurement Considerations

9.61 Procurement on Behalf of Partner Authorities

- 9.61.1 Where the authority is required under its own powers or at the request of a partner authority to procure on its behalf, those procurements must comply with legislation, these rules and the other authority's rules.
- 9.61.2 Where there is a conflict between these rules and the other authority's rules then the following apply:
- (a) Financial, procurement or other approvals to procure or award must be the those of the authority for which the contract is let
 - (b) Contract signatory requirements to be those of the authority signing the contract
 - (c) Procurement Process to be followed will be these in compliance with the relevant legislation

9.62 Purchase Cards

- 9.62.1 The authority operates a purchase card facility; these are available, with the approval of Finance.
- 9.62.2 Purchase cards are to be used for low value or one-off incidental spend where it is not efficient to carry out a competitive process. Purchase cards **MUST NOT** be used to bypass corporate contracts or these rules without the express permission of Procurement and the appropriate Director.
- 9.62.3 The principle of disaggregation applies to spend on purchase cards both in relation to

the individual and the Authority as a whole.

9.63 Grants (Law)

- 9.63.1 Where a grant is issued, it must be awarded in accordance with the authority's process for advertising, selecting, awarding and monitoring grants.
- 9.63.2 All grants over £25,000 MUST be executed as a Deed.

9.64 Community Right of Challenge

- 9.64.1 Section 81 of the Localism Act 2011 permits relevant bodies (charities, community bodies, town and parish Authority Services and Staff) to submit Expressions of Interest to provide Authority Services. Corporate Services shall maintain and publish a timetable for the submission of interest. Any such expressions shall be forwarded to the Transformation Team.

9.65 Disposal of Goods and Assets (Authority Requirement)

- 9.65.1 Where the Authority has goods or assets that are no-longer required these are to be disposed of through a closed-bid auction process. The Authority has an eBay account for this purpose and any department wishing to use it needs to do so through the Procurement team.

9.66 Procurement Schedules

- 9.66.1 Please see schedule 1 for threshold by procurement category.
- 9.66.2 Please see Schedule 2 for a summary table of procurement rules by category and value.

(t) Waivers

- 9.67 Where an officer seeks to deviate from the requirements of this document a waiver must be completed and approved in accordance with the following rules:

1. Exemptions to the Requirement to Carry-out a Quotes Process

This must be drafted by the responsible officer and agreed by procurement and legal.

2. Exemptions to the Requirement to Advertise on Contracts Finder

This must be drafted by the responsible officer and be approved by procurement, legal and Director with budget responsibility.

3. Exemptions to the Requirement to Carry-out an Advertised Process

This must be drafted by the responsible officer and be approved by procurement,

the relevant Director and the Monitoring Officer.

4. Requests to Vary a Contract in Value or Time

This must be drafted by the responsible officer and be approved by procurement, the relevant Director, the Chief Finance Officer and the Monitoring Officer.

5. Waiver Contract Documents

Once a waiver has been agreed, a formal contract or variation instruction completed and signed/executed. The completed documents must be added to the contract register.

9.68 Procurement Policy

- 9.68.1 Best practice dictates that organisations should have an overarching Procurement Policy in place to offer clear guidance to officers when procuring goods and services, whilst at the same time supporting the organisations' priorities and strategic themes; otherwise there is a risk that officers do not have guidelines to follow to ensure that the Combined Authority is not open to challenge because of its procurement activities.
- 9.68.2 The Combined Authority Procurement Policy at Chapter 19: Policies and Protocols, Appendix 10 offers clear guidance to ensure that procurements comply with both statutory requirements and the Combined Authority's own constitutional requirements.
- 9.68.3 The Policy ensures the Combined Authority is better placed to reduce the likelihood of subsequent challenges to non-compliant procurements.
- 9.68.4 Responsible procurement is defined as "the process whereby organisations meet their needs for goods, services and works in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment". The Public Services (Social Value) Act 2012 provides the relevant legislative framework and requires local authorities to consider these wider benefits when procuring and entering into contracts. The Act applies to public services contracts and framework agreements to which the Public Contracts Regulations 2015 apply and aims to provide a tool to assist commissioners to get more value for money out of procurement.
- 9.68.5 Under the Public Services (Social Value) Act 2012, the CA must consider before starting the process of procurement of services how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant

area, and how, in conducting the process of procurement, it might act with a view to securing that improvement.

- 9.68.6 This social value duty is balanced by obligations to ensure fair and open competition as set out in the Public Contracts Regulations 2015 which state, *inter alia*, that award criteria must be 'linked to the subject matter' of the contract in question and must be contract-specific and not aimed at assessing the business or corporate policies of the tenderer.
- 9.68.7 Contracting authorities are entitled to decide not to award a contract to the tenderer submitting the most economically advantageous tender where they have established that the tender does not comply with applicable obligations in the fields of environmental, social and labour law established by retained laws in the UK-EU Trade and Cooperation Agreement, national law, or collective agreements. The list of such obligations is prescribed and must be strictly construed. If the tenderer is not in breach of any of those obligations the contracting authority is bound to select its bid if it is the most economically advantageous tender.

CHAPTER 10: ACCESS TO INFORMATION, INFORMATION GOVERNANCE, DATA PROTECTION AND COMPLAINTS

Access to Information

10.1 Access to Information Procedure Rules

- 10.1.1 These rules are a summary of rights to attend meetings of the Authority its Boards, Committees and Sub-Committees, and of access to documents held by the Authority and the elected Mayor for the Cambridgeshire & Peterborough Combined Authority. The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's and the Mayor's possession, conferred by the Local Government Act 1972 and by some other legislation.

10.2 Access to Meetings

- 10.2.1 A meeting of the Authority (including meetings of its Board, Committees and Sub-Committees) is open to the public, except as stated in the rules within this section (10.2) and 10.3 below.
- 10.2.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
- 10.2.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, and of the Authority itself, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.
- 10.2.4 Attendance does not provide an automatic or guaranteed right to speak at meetings.
- 10.2.5 Public meetings may be filmed or recorded in accordance with this Chapter 5: Standing Orders, paragraph 5.40.

10.3 Access to Agenda and Connected Papers

- 10.3.1 Copies of the agenda and reports for a meeting of the Authority or of any of its Boards, Committees or Sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The agendas and reports will be published on the Authority's website.
- 10.3.2 The agendas and reports will be made available to members of the public present at a meeting; and will be made available, on request, to the media.

10.4 Inspection of Minutes

- 10.4.1 After a meeting and once the minutes have been signed, a copy of the minutes (or if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection by being published on the Authority's website.

10.5 Inspection of Background Papers

- 10.5.1 Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.
- 10.5.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request. Where reasonably practicable, a link to the background papers will be published on the Authority's website.

10.6 Additional Access for Members of the Authority

- 10.6.1 Any document in the possession or under the control of the Mayor or the Authority which contains material relating to any business to be transacted at a meeting is

open to inspection by a Member (subject to Rule 10.13 below) and must be available for inspection for at least five clear days before the meeting except:

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda

10.6.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by the Mayor or a Member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

10.6.3 Where it appears to the proper Officer that compliance with Rule 10.13 below, in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.

10.7 Additional Rights of Access to Documents for Members of the Overview & Scrutiny Committee

10.7.1 Subject to Rule 10.7.3 below, a Member of the Overview & Scrutiny Committee of the Authority is entitled to a copy of any document which:

- (a) is in the possession or under the control of the Mayor or the Authority; and

- (b) contains material relating to:

- (i) any business that has been transacted at a meeting of a decision-making body of the authority;

- (ii) any decision that has been made by the Mayor under the authority granted to him by statute, regulation, order, directive or the Authority;

- (iii) any decision that has been made by an officer of the authority for which he is responsible to the Mayor or the Authority.

10.7.2 Subject to Rule 10.7.3 below, where a member of an overview and scrutiny committee requests a document which falls within Rule 10.7.1 above, the Mayor

and/or the Authority must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request is received.

- 10.7.3 No Member of the Overview & Scrutiny Committee is entitled to a copy of any document or part of a document or part of a document that contains exempt or confidential information unless the Monitoring Officer considers it is relevant to an action or decision that that member is reviewing or scrutinising or any review contained in any programme of work of a scrutiny committee or sub-committee which he is a member of; or which contains advice provided by a political adviser or assistant.
- 10.7.4 Where the Mayor or the Authority determines that a member of the Overview & Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in Rule 10.7.3 above, it must provide the Overview & Scrutiny Committee with a written statement setting out its reasons for that decision.

10.8 Publication of Additional Information

- 10.8.1 The Authority must maintain a register stating the name of the Mayor, every Member and their appointing council or the Business Board. The register is published on the website and is also open to inspection by the public at the offices of the Authority at 2nd Floor Pathfinder House, St. Mary's Street, Huntingdon, Cambridgeshire, PE29 3TN between the hours of 09:00 and 16:30 on working days.
- 10.8.2 The Authority will maintain a list specifying the powers delegated by it or by the Mayor to its Officers and stating the title of the Officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection but excludes delegations of less than six months' duration.

10.9 Financial Documents

- 10.9.1 The Mayor or a Member of the Authority has a right to inspect the Authority's accounts.
- 10.9.2 Any local government elector for the district of a constituent Council or a non-constituent Council has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2015 (as amended).
- 10.9.3 At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them except that no personal information

about a member of the Authority's staff or any other identifiable person is required to be disclosed.

10.10 Documents Deposited with the Combined Authority

- 10.10.1 Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

10.11 Other Documents

- 10.11.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
- 10.11.2 Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
- 10.11.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public.

10.12 Fees

- 10.12.1 No fee will be charged for providing the facility of inspecting background papers.
- 10.12.2 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

10.13 Meaning of Exempt Information

- 10.13.1 Exempt information means information falling within the following seven categories and within schedule 12A of the Local Government Act 1972, subject to the qualifications listed below:

CATEGORY	
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations; or negotiations, or contemplated consultations; or negotiations, in connection with any labour relations matter arising between the authority; or a Minister of the Crown and employees of; or office holders under the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

QUALIFICATIONS
<p>Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974 and 1992; (c) the Industrial and Provident Societies Acts 1965 to 1978; (d) the Building Societies Act 1986; or (e) the Charities Act 1993. <p>Information is exempt if and in so long as in all circumstances of the case, the public interest</p>

in maintaining the exemption outweighs the public interest in disclosing the information.

10.14 Procedure Before Taking a Key Decision

10.14.1 Subject to Rule 6.3 (general exceptions) and Rule 6.4 (special urgency) a Key Decision may not be taken unless:

(a) a notice (called here a Forward Plan) has been published in connection with the matter in question at the offices of the Authority and on its website;

(b) where the decision is to be taken at a meeting of the Authority or one of its committees/sub-committees, notice of the meeting has been given in accordance with the rules regarding the notice for meetings.

10.14.2 Where a decision has been made by the Mayor, the Authority or an Officer and was not treated as being a Key Decision and the Overview & Scrutiny committee is of the opinion that the decision should have been treated as a Key Decision, that Overview & Scrutiny committee may require the decision maker to submit a report to the authority within such reasonable period as the committee may specify.

10.14.3 A report under Rule 10.14.2 must include details of the decision and the reasons for the decision; the decision maker; and the reason the decision maker is of the opinion that the decision was not a Key Decision.

Information Governance

10.15 Why the Combined Authority collects information about individuals (or groups)

10.15.1 The Combined Authority collects and processes various categories of personal information at the start of, and for the duration of an individual (or groups) relationship with it. The Combined Authority will limit the collection and processing of information to what is necessary to achieve one or more legitimate purposes as identified below. The Combined Authority uses personal information for a limited number of purposes and always in line with its responsibilities, and where reasonable the wishes of the individual (or group), where there is a legal basis to use personal information and in relation to the rights of the individual (or group).

10.15.2 The Combined Authority processes personal information:

- For the purpose for which information was provided, for example services the Combined Authority has/is providing in relation to transport, public service reform, business and skills, and housing
- To enable the Combined Authority to communicate with the individual (or group) and for the provision of services therein
- To monitor the Combined Authority's performance in providing services; to gather statistical information to allow the Combined Authority to plan future provision of services; and to obtain opinion about our services
- To meet various legal requirements
- For the prevention and/or detection of crime
- To process financial transactions including grants and payments directly involving the Combined Authority or where it is acting on behalf of other government bodies
- For general processing where the individual (or group) has given consent for the Combined Authority to do so
- Where it is permitted under the Data Protection Act, for example, to comply with legal obligations, or for the Combined Authority to seek legal advice or undertake legal proceedings
- For marketing purposes to keep the individual (or group) updated on the latest news and services

10.16 Ways in which the Combined Authority collects information

Face-to-Face

- 10.16.1 The Combined Authority may keep a record of an individual (or groups) visit to it to assist in the delivery and improvement of the services that it provides. Any such records that include personal information will be kept securely.

Telephone calls

- 10.16.2 Ordinarily, the Combined Authority will inform an individual (or group) if it records or monitors any telephone calls made to it. The Combined Authority may do this to increase the security of an individual (or group) so that it has a record of a call taking place and/or for training and quality purposes.

Emails

- 10.16.3 If you email us, we may keep your email as record that you have made contact. This includes your email address. We will not include any personal or otherwise confidential information in any email we send to you unless it is sent securely or you

have agreed to us contacting you with this information. We would also recommend that you keep the amount of personal or confidential information you send to us via email to a minimum.

Online

- 10.16.4 On the Combined Authority's website there will be links to other external websites which are provided for the information and convenience of visitors. The data protection policy (see Chapter 19 – Policies and Protocols: Appendix 10) applies solely to the Cambridgeshire and Peterborough Combined Authority. The Combined Authority is not responsible for the content of external websites. It is recommended that when visiting external websites time is taken to read the privacy notices provided by them.

10.17 What the Combined Authority does with the information from individuals (or groups)

- 10.17.1 When deciding what personal information to collect, use and hold, the Combined Authority is committed to making sure that it:
- Only collects, holds and uses personal information where it is necessary and fair to do so
 - Keeps personal information secure and safe
 - Securely disposes of any personal information when it is no longer required
 - Is open with the individual (or group) on how it uses information and who it shares it with
 - Adopts and maintains high standards in handling any personal information
- 10.17.2 The Combined Authority may disclose personal information to a third party, but only where this is required by law, where that third party needs that information to provide a service on behalf of the Authority, or where it is otherwise allowed under the Data Protection Act. The Combined Authority will strive to make sure that the third party has sufficiently robust systems and procedures in place to protect personal information

10.18 Who the Combined Authority may share information with

- 10.18.1 The Combined Authority will not share information outside of the Cambridgeshire and Peterborough Combined Authority except:

- (a) Where the Combined Authority has the permission of the individual (or group)
- (b) Where required for the service the Combined Authority is providing
- (c) Where the Combined Authority is required by law and by law enforcement agencies, judicial bodies, government, tax authorities or other regulatory bodies
- (d) With third parties, external partners, and agencies assisting the Combined Authority in delivering a service to the individual (or group)
- (e) With external partners to improve, and advance the service the Combined Authority provides to the individual (or group)

Data Protection

- 10.19.1 The Cambridgeshire and Peterborough Combined Authority is a controller for the purposes of the Data Protection Act 2018. The Authority collects, processes and stores a wide range of information, including personal information to deliver services efficiently. The Combined Authority is responsible for managing the information that it holds and recognises this is important information to residents. The Combined Authority takes its responsibilities seriously and uses personal information fairly, correctly and safely in line with the UK's data protection laws.
- 10.19.2 The Combined Authority Data Protection Policy is set out in Chapter 19 – Policies, Procedures and Protocols, appendix 10.

Complaints

- 10.20.1 The Combined Authority is committed to providing high-quality services for all members of the public, businesses and organisations. The Combined Authority welcomes customers' views and uses them to improve services.
- 10.20.2 The Combined Authority has a two-stage policy:

Informal Complaint

- 10.20.3 The Combined Authority will always wish to deal with a complaint as quickly and efficiently as possible. Therefore, the Combined Authority will always try to deal with a complaint informally. Staff at the Combined Authority will do their absolute best to settle the complaint without the complainant needing to do anything else.

Formal Complaint

- 10.20.4 If the complainant has spoken to Combined Authority staff about their complaint but they have not been able to put things right, or they are not happy with the outcome, the next step is to make a formal complaint in writing to the Monitoring Officer.
- 10.20.5 The Complaints Policy describes how the Combined Authority deals with complaints and the role of the Local Government and Social Care Ombudsman. This can be found at Chapter 19 – Policies and Protocols, Appendix 11.

CHAPTER 11: EMPLOYMENT RULES AND REGULATIONS

11.1 Introduction

- 11.1.1 These rules set out how officers are appointed and dismissed and the role that Elected Members have in officer appointments and dismissals.

11.2 Definitions

- 11.2.1 For the purpose of these rules the definitions of “Chief Officer”, “Deputy Chief Officer”, and “Disciplinary Action” are as set out in Chapter 7: Boards and Committees of this Constitution relating to the Employment Committee.

11.3 Appointment of Head of Paid Service, Monitoring Officer, Section 73 Officer and Chief Officers

- 11.3.1 Where the Combined Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73(1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer the Employment Committee will draw up a statement specifying:

- (a) the duties of the Officer concerned; and
- (b) any qualifications or qualities to be sought in the person to be appointed.

Where it is not proposed that the appointment be made exclusively from among the Combined Authority’s existing officers the Committee will make arrangements for:

- (c) the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (d) for a copy of the statement referred to above to be sent to any person on request

Where a post has been advertised in accordance with paragraph (c) above the Committee will:

- (e) interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied the Committee will:

- (f) make further arrangements for advertisement in accordance with paragraph (c) above.

- 11.3.2 The Combined Authority Board will approve the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and the officer with the responsibilities set out in section 73(1) of the Local Government Act 1985 (Chief Finance Officer) (“the statutory officers”) following the recommendation of the Committee.
- 11.3.3 Appointments of Chief Officers will be made by the Committee.
- 11.3.4 All decisions on the appointment of Chief Officers, or decisions on recommendations to the Combined Authority Board on the appointment of statutory officers, made by the Committee shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 11.3.5 Where it is necessary to appoint an interim Head of Paid Service [Chief Executive], Monitoring Officer, or Section 73 Officer [Chief Finance Officer] on an urgent basis that appointment shall be made by the Employment Committee.
- 11.3.6 When making decisions as to the appointment or dismissal of statutory officers and Chief Officers the Employment Committee shall include the Mayor or Deputy Mayor in their place.
- 11.3.7 The appointment of officers at or below Deputy Chief Officer level shall be the responsibility of the Chief Executive or of any officer nominated by them in relation to a particular appointment.

11.4 Avoiding Conflicts of Interest in the Appointment Process

- 11.4.1 Any person seeking appointment as an Officer of the Combined Authority shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece (“relative”) of an existing Member or Officer or the partner of such persons.
- 11.4.2 No candidate related to a Member or Officer as described above will be appointed as Head of Paid Service or as a Chief Officer without the agreement of the Mayor.
- 11.4.3 An Officer or Member must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of an officer, or prospective officer who is a relative, partner, partner of a relative or friend. Friendship connotes a relationship going beyond regular contact with colleagues in the course of

employment.

- 11.4.4 Any applicant who directly or indirectly seeks the support of any Member for any appointment within the Combined Authority will be disqualified from the recruitment process.
- 11.4.5 No Member of the Combined Authority shall seek support for any person for appointment with the Combined Authority. This shall not be interpreted to mean that Members and officers are precluded from giving a written reference for a candidate for submission with an application for employment as appropriate.

11.5 Dismissals and Disciplinary Action

- 11.5.1 Only the Combined Authority Board may dismiss the Head of Paid Service (Chief Executive), the Section 73 Officer (Chief Finance Officer) or the Monitoring Officer (“the statutory officers”) as a result of disciplinary action following the recommendations of the Statutory Officer Investigatory Panel.
- 11.5.2 A statutory officer may not be dismissed by the Combined Authority unless the relevant procedures set out in these Rules have been complied with.
- 11.5.3 The Statutory Officer Investigatory Panel shall have authority to take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 11.5.4 The Employment Committee will have authority to dismiss Chief Officers. Any Chief Officer so dismissed shall have a right of appeal to the Combined Authority Board in accordance with the Authority’s Appeals Procedures.
- 11.5.5 The Mayor or the Deputy Mayor in their place shall be a member of the Statutory Officer Investigatory Panel which meets to consider a dismissal or recommendation for dismissal under paragraph 11.5.1 or 11.5.3.
- 11.5.6 Members will not be involved in the dismissal of any officer at or below Deputy Chief Officer level except where such involvement is necessary for the investigation or inquiry into alleged misconduct through the Combined Authority’s disciplinary procedures as adopted from time to time.

11.6 Avoiding Conflicts of Interest in Dismissals and Disciplinary Action

- 11.6.1 No member or substitute member who has sat as a member of the Statutory Officer Investigatory Committee or Employment Committee when a recommendation or decision has been made as to the dismissal or disciplining of an officer under Section 5 above shall sit as a member of the Combined Authority Board when it considers any such recommendation or an appeal by the officer against any such decision.

11.7 Employee Code of Conduct

- 11.7.1 All officers are required to sign an agreement to be bound by the Employee Code of Conduct and all Chief Officers and Deputy Chief Officers are required to complete a register of interests form in accordance with the Code.

11.8 Officer Appointments to the Mayoral Office

- 11.8.1 Certain designated posts within the Mayoral office will be subject to the protocol at Chapter 19: Policies and Protocols, appendix 12. These posts are:
- (a) Chief of Staff
 - (b) Mayoral Adviser, and
 - (c) Senior Policy Adviser.

11.9 Politically Restricted Posts

- 11.9.1 Certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act 1989. The Protocol on Political Restriction at Chapter 19: Policies and Protocols, appendix 5 sets out the rules which apply to such posts.

CHAPTER 12: ALLOWANCES

THIS CHAPTER WILL BE PRODUCED BY MAY 2023

CHAPTER 13: THE AUDIT & GOVERNANCE COMMITTEE

13.1 Governance

- 13.1.1 The Combined Authority has appointed an Audit and Governance Committee. The committee is a statutory, non-executive committee.

13.2 Functions

- 13.2.1 The Audit and Governance Committee shall have the following statutory powers to:

- (a) review and scrutinise the authority's financial affairs;
- (b) review and assess the authority's risk management, internal control and corporate governance arrangements;
- (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
- (d) make reports and recommendations to the Combined Authority in relation to reviews conducted under paragraphs (a) (b) and (c);
- (e) implement the obligation to ensure high standards of conduct amongst Members.

13.3 Terms of Reference

- 13.3.1 The Audit and Governance Committee shall undertake the following for both the Combined Authority and the Business Board:

Accounts

- 13.3.2 Approve the annual statement of accounts.

Governance

- 13.3.3 Review corporate governance arrangements against the good governance framework.
- 13.3.4 Review the Annual Governance Statement prior to approval to ensure it properly

reflects the risk environment and supporting assurances.

- 13.3.5 Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships.
- 13.3.6 Monitor the Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances.
- 13.3.7 Monitor the anti-fraud and whistle blowing policies and the complaint process.

Internal Audit

- 13.3.8 Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners.
- 13.3.9 Review internal audit requirements undertaken by the Combined Authority.
- 13.3.10 Approve the internal audit plan.
- 13.3.11 Consider reports and assurances from the Chief Finance Officer in relation to:
 - (a) Internal Audit performance;
 - (b) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
 - (c) Risk management and assurance mapping arrangement;
 - (d) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

External Audit

- 13.3.12 Review the annual accounts.
- 13.3.13 Consider the annual external audit of the Combined Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns.

Financial Reporting

- 13.3.14 Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined Authority Board.
- 13.3.15 Consider any issues arising from External Auditor's audit of the account.
- 13.3.16 Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice.
- 13.3.17 Maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to

the Chief Finance Officer and Monitoring Officer where necessary.

Code of Conduct

- 13.3.18 Ensure the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- 13.3.19 Assisting the Members and Co-opted Members to observe the Code of Conduct.
- 13.3.20 Advising the Combined Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- 13.3.21 Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct.

Subsidiary Companies of the Combined Authority

- 13.3.22 Assisting the Combined Authority in fulfilling its oversight responsibilities in relation to reviewing and monitoring activity of the trading companies.
- 13.3.23 Advising the Combined Authority Board on any matters within the Committee's powers pertaining to the trading companies.
- 13.3.24 Providing appropriate review and challenge of the Combined Authority's governance arrangements of its trading companies and its appointments to the boards of the companies.
- 13.3.25 Providing appropriate review and challenge on the financial information provided to the Combined Authority by the trading companies.
- 13.3.26 Commissioning, where appropriate, the Combined Authority's internal audit function to undertake discrete activity relating to the Authority's governance of its trading companies.

General

- 13.3.27 To review any issue referred to the Committee by the Chief Executive, Directors, s73 Officer, Monitoring Officer or any Combined Authority Member. An issue may be referred to the Audit and Governance Committee by notifying the Monitoring Officer at least seven working days before an Audit & Governance meeting. The Chair of the Audit & Governance committee will be informed of the referral following which the Chair would decide whether the issue falls within the remit of the Audit & Governance Committee and additionally decide at which meeting the issue will be discussed.
- 13.3.28 Report and make recommendations to the Combined Authority in relation to the above.

13.4 Membership

- 13.4.1 The Combined Authority Board shall decide the size and membership of the Audit

and Governance Committee and shall include one Independent Person.

- 13.4.2 In appointing Members to the Committee, the Combined Authority Board must ensure that the Members of the Committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils when taken together.
- 13.4.3 The Committee may not include any Officer of the Combined Authority or of a constituent council.
- 13.4.4 The Combined Authority Board shall appoint at least one Substitute Member from each constituent council.
- 13.4.5 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

13.5 Chair and Vice-Chair

- 13.5.1 The Combined Authority Board shall appoint the Chair and Vice-Chair.
- 13.5.2 The Independent Member should be designated as Chair of the Audit and Governance Committee.
- 13.5.3 The Vice-Chair of the Committee should be chosen by the Committee, at its first meeting each Civic Year.

13.6 Sub-Committees

- 13.6.1 The Committee may appoint one or more sub-committees and arrange for the discharge of any of its functions by any such sub-committee.
- 13.6.2 The Committee shall appoint a hearings panel to hear any complaints where the Member is alleged to have breached the Code of Conduct.

13.7 Hearing Panel (Sub-Committee to the Audit & Governance Committee)

- 13.7.1 The Hearings Panel is a Sub-Committee of the Audit and Governance Committee.
- 13.7.2 The Panel has the following functions:

- (a) When matters are referred by the Monitoring Officer granting dispensations to Members and Co-opted Members allowing them to:

- (i) participate in the debate; and/or

- (ii) vote on any matter in which they have a disclosable pecuniary

interest;

- (b) On matters being referred by the Monitoring Officer deciding whether complaints concerning Members should be investigated;
- (c) Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure;
- (d) The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution.

13.8 Requests to Audit & Governance

- 13.8.1 The Mayor or the Combined Authority Board may resolve to ask the Committee to review any of its functions including:
- (a) The authority's financial affairs;
 - (b) The authority's risk management, internal control and corporate governance arrangements;
 - (c) The economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions.

13.9 Reference of Matters to Committees

- 13.9.1 Any of the following may request a matter to be included on the agenda of the Audit and Governance Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:
- (a) any Member of the Audit and Governance Committee;
 - (c) any Member of the Combined Authority; and
 - (c) any Member of a Constituent Council of the Combined Authority.
- 13.9.2 An "excluded matter" means any matter which is a local crime and disorder matter.
- 13.9.3 Any request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must

have regard to these reasons. The request must be submitted to the Monitoring Officer who will arrange for the Chair of the Committee to determine whether the item should be placed on the agenda of the next available meeting.

- 13.9.4 If the Committee decides not to exercise any of its powers in relation to the request it must notify the referring Member of its decision; and the reasons for it.
- 13.9.5 The Committee shall provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

13.10 Procedure Rules: Access to Meetings

- 13.10.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency Rules, Forward Plan and Key Decisions in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints](#)

13.11 Procedure Rules: Meetings

- 13.11.1 The Committee will meet at least once a year.
- 13.11.2 An extraordinary meeting of an Audit and Governance Committee may be called by:
 - (a) the Chair of the Committee; or
 - (b) the Head of Paid Service.

13.12 Procedure Rules: Quorum

- 13.12.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

13.13 Procedure Rules: Voting

- 13.13.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 13.13.2 Members of the Committee who are appointed other than from the Constituent Councils shall be non-voting Members of the Committee but may be given voting rights by resolution of the Combined Authority.
- 13.13.3 Any questions that are to be decided by the Committee are to be decided by a simple

majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried. No deadlocked decisions of the Committee shall be referred to the Combined Authority Board.

13.14 Procedure Rules: Conflicts of Interest

13.14.1 Members must comply with the Member Code of Conduct.

13.14.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.

13.14.3 Such a Member may only attend the Committee to:

- (a) make representations;
- (b) answer questions; or
- (c) give evidence about the decision.

13.15 Appointment of Independent Person

13.15.1 The Committee must have at least one independent person. The appointment must be made by the Combined Authority Board.

13.15.2 A person is independent if the person:

- (a) is not a Member, Co-opted Member or Officer of the authority;
- (b) is not a Member, Co-opted Member or Officer of a parish council for which the authority is the principal authority;
- (c) is not a relative, or close friend, of a person within sub-paragraph (a) or; and
- (d) was not at any time during the past five years been:
 - (i) a Member, Co-opted Member or Officer of the authority; or
 - (ii) a Member, Co-opted Member or Officer of a parish council for which the Authority is the principal Authority.

13.16 Term of Office of the Independent Person

- 13.16.1 Each independent person will serve a term of four years, which may be renewed up to a maximum of one further term (ie total maximum eight years).

13.17 Appointments Process for the Independent Person

- 13.17.1 The vacancy for the Independent Person must be advertised in such manner as the Combined Authority considers is likely to bring it to the attention of the public. The person must submit to the Combined Authority an application to fill the vacancy, and the person's appointment has been approved by a majority of the Members of the Combined Authority Board.
- 13.17.2 The position of Independent Person shall be advertised on the Combined Authority's website, along with the website of each constituent authority.

13.18 Procedures at Meetings

- 13.18.1 The Combined Authority Standing Orders at Chapter 5 will apply.

Annex 1

The current membership of the Audit and Governance Committee is one member from each constituent council and one independent person (eight members). The quorum is six members.

CHAPTER 14: THE OVERVIEW & SCRUTINY COMMITTEE

14.1 Governance

- 14.1.1 The Combined Authority Board has appointed an Overview and Scrutiny Committee. The committee is a statutory, non-executive committee.

14.2 Functions

- 14.2.1 The Committee shall have the power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with:
- (b) the discharge of any functions which are the responsibility of the Combined Authority;
- (c) the discharge by the Mayor of any general functions;
- (d) any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- (e) make reports or recommendations to the Combined Authority Board:
 - (i) with respect to the discharge of any functions that are the responsibility of the authority;
 - (ii) on matters that affect the authority's area or the inhabitants of the area;
 - (iii) make reports or recommendations to the Mayor;
 - (iv) with respect to the discharge of any general functions;
 - (v) on matters that affect the authority's area or the inhabitants of the area.

14.2.2 The power of the Committee under paragraph 14.2.1(a) – (e) includes the power to review or scrutinise a key decision made but not implemented and to:

(a) direct that a decision is not to be implemented while it is under review by the Committee, and

(b) recommend that the decision be reconsidered.

14.2.3 In the exercise of its functions set out in the Constitution, the power of the Committee shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.

14.3 Membership

14.3.2 The Combined Authority must appoint at least one Member from each of the Constituent Councils to the Committee. The membership of the Committee taken as a whole shall reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils collectively.

14.3.3 The Combined Authority may appoint at least one Substitute Member from each Constituent Council. The Substitute Members shall be from the same political party as the Member being substituted to maintain the political balance.

14.3.4 A change in the party-political composition of any of the Constituent Councils, shall require a review of the membership of the Committee in order to determine whether any amendment to its membership is required. If the review requires a change in membership, Constituent Councils will be advised of any changes they will need to make to their appointments at the earliest opportunity.

14.3.5 The Overview and Scrutiny Committee may not include any Member or Substitute Member of the Combined Authority including the Mayor nor any Officer of the Combined Authority or of any of the Constituent Councils.

14.3.6 Within the period of 28 days of the appointment being made to the Committee, the Combined Authority shall publish a notice on its website which:

(a) states that it has made an appointment;

(b) identifies each Member of the Committee who has been appointed

and any Substitute Members; and

(i) specifies the term of office of those appointed.

(c) The term of office shall be one year from the date of the Annual Meeting of the Constituent Councils that appointed them to the Committee unless:

(i) they cease to be an elected Member of the Constituent Councils that appointed them;

(ii) they no longer wish to participate in the scrutiny arrangements and communicate this in writing to the Proper Officer of their Constituent Councils; or

(iii) the Combined Authority is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Committee.

14.3.6 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

14.4 Chair and Vice-Chair

14.4.2 The Committee shall appoint the Chair and Vice-Chair of the Committee and the Chair and Vice-Chair will be elected Members of one of the Constituent Councils.

14.4.3 The Committee must ensure that the person appointed as the Chair is an “appropriate person” who is an elected Member of one of the Constituent Councils but is not a Member of the registered political party of which the Mayor is a member.

14.4.4 Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is:

(a) a member of the registered political party which has the most representatives among the Members of the Constituent Councils on the Combined Authority, or

(b) where two or more parties have the same number of representatives, a Member of any of those parties.

14.5 Working Groups

- 14.5.2 The Committee may appoint informal non-decision making working groups to contribute to and inform the scrutiny process.

14.6 Procedure Rules: Access to Meetings

- 14.6.2 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency rules in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints](#).

14.7 Procedure Rules: Meetings

- 14.7.2 The Committee shall meet at least once a year.
- 14.7.3 An extraordinary meeting of the Committee may be called by:
- (a) the Chair of the Committee; or
 - (b) any five Members of the Committee; or
 - (c) the Chief Executive of the Combined Authority.

14.8 Procedure Rules: Quorum

- 14.8.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

14.9 Procedure Rules: Voting

- 14.9.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 14.9.2 Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried. No deadlocked decisions of the Committee shall be referred to the Combined Authority Board.
- 14.9.3 In the sole instance of a tied vote on the matter of the election of a Chair the matter shall be resolved by a coin toss, conducted by an officer of the Combined Authority.

14.10 Procedure Rules: Conflicts of Interest

- 14.10.1 Members must comply with the Member Code of Conduct within this Constitution.
- 14.10.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.
- 14.10.3 Such a Member may only attend the Committee to:
 - (a) make representations;
 - (b) answer questions; or
 - (c) give evidence about the decision.

14.11 Work Programme

- 14.11.1 The Committee will set its own work programme.

14.12 Requests to Overview & Scrutiny

- 14.12.1 The Mayor or Combined Authority Board may ask the Committee to review any of its functions or assist in developing budget and policy proposals.

14.13 Reference of Matters to Committees

- 14.13.1 Any of the following may request a matter to be included on the agenda of the Overview and Scrutiny Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:
 - (a) any Member of the Overview and Scrutiny Committee;
 - (b) any Member of the Combined Authority; and
 - (c) any Member of a Constituent Council of the Combined Authority.
- 14.13.2 An “excluded matter” means any matter which is a local crime and disorder matter.
- 14.13.3 The request must be submitted to the Monitoring Officer who will arrange for the item to be placed on the agenda of the next available meeting. The request should state why the Member considers it appropriate for the Committee to exercise any of these

powers in relation to the matter and the Committee must have regard to these reasons.

14.13.4 If the Committee decides not to exercise any of its powers to review or scrutinise decisions made, or other action taken, in connection with:

- (a) the discharge of any functions which are the responsibility of the authority;
- (b) in connection with the discharge by the Mayor of any general functions; it must notify the Member of its decision; and the reasons for it.

14.13.5 The Committee must provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

14.14 Attendees

14.14.1 The Committee shall have the power to:

- (a) require Members (including the Mayor and Deputy Mayor), members of an executive committee or Officers of the Combined Authority to attend before it to answer questions, or provide information about any matter within its terms of reference;
- (b) request any Business Board member to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee;
- (c) invite other people, including members of the public, to attend meetings of the Committee to give evidence.

14.14.2 Where the Committee requires a Member, Officer or others to attend, the Monitoring Officer shall inform them in writing giving at least five clear working days' notice of the meeting. The notice will state:

- (a) the date of the meeting they are required to attend;
- (b) the nature of the item; and

(c) whether they must produce any papers for the Committee.

14.14.3 A Member or Officer must comply with any notice they are given.

14.14.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Committee shall consult with the Member or Officer to arrange an alternative date.

14.14.5 A person is not obliged to answer any question which he or she would be entitled to refuse to answer in relation to court proceedings.

14.15 Publishing Reports or Recommendations

14.15.1 The Committee may publish any report or recommendations but:

(a) must exclude any confidential information; and

(b) may exclude any relevant exempt information.

14.15.2 Where information is excluded, the Committee:

(a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and

(b) must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

14.16 Notice

14.16.1 The Committee may by notice require the Combined Authority or the Mayor within two months of receiving any report or recommendations, to:

(a) consider the report or recommendations;

(b) respond to the Committee indicating what (if any) action the Combined Authority or the Mayor proposes to take;

(c) publish the response, if the Overview and Scrutiny Committee has published the report or recommendations.

14.16.2 The Combined Authority or the Mayor shall comply with any notice given.

14.17 Publishing a Response

14.17.1 In publishing the response, the Combined Authority or the Mayor:

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

14.17.2 Where information is excluded, the Combined Authority or the Mayor:

- (a) may replace so much of the document as is necessary to exclude the exempt or confidential information with a summary which does not disclose that information; and
- (b) if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

14.18 Publication of Decisions

14.18.1 The Monitoring Officer shall publish details of key decisions of the Mayor, the Combined Authority Board, an executive committee and Officers on the Combined Authority website and to all Members of the Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.

14.19 Call-in of Combined Authority and Mayoral Decisions

14.19.1 The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:

- (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued; and
- (b) the power to recommend that the decision be reconsidered.

- 14.19.2 Subject to the consent of the Combined Authority to the proposals and arrangements, the Committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of key decisions made but not yet implemented and its arrangements in connection with those powers.
- 14.19.3 A decision on a matter dealt with under the urgency provisions set out in Chapter 6: Decisions may be implemented immediately.
- 14.19.4 Any other key decision of the Mayor, Combined Authority Board, executive committees or an Officer may be implemented after 5.00pm of the fifth clear working day after the publication of the decision, unless it is called-in.
- 14.19.5 If a key decision of an executive committee is called in by the Combined Authority Board, the call in arrangements for overview and scrutiny shall be suspended until the Board have met. In accordance with these rules the Board's decision will be published and any key decisions will be subject to call-in.

14.20 Process for Call-in of Combined Authority or Mayoral Decisions

- 14.20.1 Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, an executive committee or an Officer for scrutiny by notifying the Monitoring Officer.
- 14.20.2 On receipt of a call-in request, the Monitoring Officer shall:
 - (a) notify the Mayor, Members of the Combined Authority, members of the executive committee or Officer of the call-in; and
 - (b) call a meeting of the Overview and Scrutiny Committee to scrutinise the decision.

14.21 Call-in: Scrutinising the Decision

- 14.21.1 The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.
- 14.21.2 Where the Committee has scrutinised a decision, it may:
 - (a) endorse the decision; or
 - (b) refer the decision back to the Mayor, Combined Authority Board, the executive committee or the Officer for

reconsideration, setting out, in writing the nature of its concerns.

- 14.21.3 A decision which has been endorsed by the Committee may be implemented immediately.
- 14.21.4 Where a decision has been referred back, the Mayor, the Combined Authority Board, the executive committee or Officer shall hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Committee were received by the Combined Authority unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent.
- 14.21.5 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Combined Authority's, Constituent Councils' or the public's interests. Otherwise, a decision which has been recommended for re-consideration may not be implemented.

14.22 Call-in: Reconsidering the Decision

- 14.22.1 The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 14.22.2 The Mayor, Combined Authority, the executive committee or the Officer may confirm, amend or rescind the decision.
- 14.22.3 A decision which has been confirmed or amended may be implemented immediately.

14.23 Linking Sub-Regional Scrutiny with Local Scrutiny

- 14.23.1 Where a constituent council has scrutiny arrangements, The Scrutiny Officer of each Constituent Council will ensure that the work programme and minutes relating to the work carried out by the Combined Authority's Overview and Scrutiny Committee are circulated appropriately within their own Constituent Councils' scrutiny arrangements.

14.24 Additional Rights of Access to Documents for Members of the Overview & Scrutiny Committee

- 14.24.1 Additional rights of access to documents for Members of the Overview and Scrutiny Committee are set out in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints.](#)

14.25 Scrutiny Officer

14.25.1 The Combined Authority shall appoint a “Scrutiny Officer” to

(a) promoting the role of the Committee; and

(b) providing support and guidance:

(i) to the Committee, its Working Groups and its Members, and

(ii) to Members of the Combined Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.

14.25.2 The Combined Authority may not designate as the Scrutiny Officer any Officer of a constituent council of the Combined Authority.

14.26 Questions by the Public

14.26.1 Councillors of Constituent Authorities and members of the public who are residents of the Combined Authority area or work in the area may ask questions to the Overview and Scrutiny Committee, including at an Extraordinary Meeting. For Extraordinary Meetings, the question must relate to the item on the agenda.

14.26.2 The total time allocated for questions by the public shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

14.26.3 Where there is an item on the agenda that has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.

14.27 Order of Questions

14.27.1 The order in which first these and then other questions shall be presented to the meeting shall be determined by a draw. The draw shall be conducted by the Monitoring Officer prior to the meeting.

14.28 Notice of Questions

14.28.1 A question may only be asked if notice has been given in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of

the meeting. Each question must give the name and address of the questioner.

14.29 Number of Questions

14.29.1 At any one meeting, no person may submit more than one question.

14.30 Scope of Questions

14.30.1 If the Monitoring Officer considers a question submitted:

- (a) does not relate to the Committee's role and responsibilities or related to an item that the committee is scrutinising;
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Constituent Authority staff;
- (c) is a question that should more appropriately be addressed to another party such as the Combined Authority Board or the Mayor;
- (d) is substantially the same as a question which has been put at a meeting of the Overview and Scrutiny Committee in the past year;
- (e) requires the disclosure of confidential or exempt information.

14.30.2 The Monitoring Officer will inform the Chair who will then decide whether to reject the question, or if (c) applies, to refer it to the Board.

14.31 Record of Questions

- 14.31.1 The Monitoring Officer shall record the question and will immediately send a copy to the Chair and relevant shadow **lead member**. Rejected questions will be recorded including the reasons for rejection.
- 14.31.2 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

14.32 Asking the Question at the Meeting

- 14.32.1 The Chair will invite the questioner to put the question to the Committee. Up to two minutes are allowed for putting the question. If a questioner who has submitted a written question is then unable to be present, they can ask for a written response. No debate will be allowed on the question or response.

14.33 Supplementary Questions

- 14.33.1 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the committee. A supplementary question must arise directly out of the original question or the reply. One minute is allowed for putting the supplementary question.

14.34 Answers

- 14.34.1 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

Annex 1

The current membership of the Overview and Scrutiny Committee is two Members from each constituent Council (14 Members). The quorum is 10 members.

CHAPTER 15: THE BUSINESS BOARD

15.1 TO BE UPDATED FOLLOWING THE REVIEW OF THE BUSINESS BOARD.

CHAPTER TO BE COMPLETED APRIL 2023

CHAPTER 16: MEMBERS

16.1 Principles of Public Life

- 16.1.1 The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-opted Members of the Combined Authority, including Members of the Business Board.
- 16.1.2 The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

i. **Selflessness**

Holders of public office should act solely in terms of the public interest.

ii. **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

iii. **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

iv. **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

v. **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

vi. **Honesty**

Holders of public office should be truthful.

vii. **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

16.2 Member Code of Conduct and Protocols

- 16.2.1 The Member Code of Conduct forms Annex 1 to this Chapter.
- 16.2.2 The Protocol on Gifts and Hospitality forms Annex 2 in Chapter 19: Policies and Protocols.
- 16.2.3 The Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity forms Annex 1 in Chapter 19: Policies and Protocols.

16.3 Complaints Against Members of the Combined Authority

- 16.3.1 As a Member or Co-opted Member of the Combined Authority or Business Board, and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 16.3.2 Accordingly, when acting in your capacity as a Member or Co-opted Member:-
 - (a) You must act in a manner consistent with the Board's diversity statement and treat your fellow Board Members, members of staff and others you come into contact with when working in their role with respect and courtesy at all times.
 - (b) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (c) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (d) When carrying out your public duties or Business Board duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, on evidence.

- (e) You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office or position.
- (f) You must be as open as possible about your decisions and actions and the decisions and actions of your authority or Business Board in addition, you should be prepared to give reasons for those decisions and actions.
- (g) You must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relate to your public or Business Board duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest. This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests', see 16.4, below.
- (h) You must, when using or authorising the use by others of the resources of your authority or Business Board, ensure that such resources are not used improperly for political purposes or personal purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (i) You must promote and support high standards of conduct when serving in your public post or Business Board post, in particular as characterised by the above requirements, by leadership and example.

16.4 Registering and Declaring Pecuniary and Non-pecuniary Interests

- 16.4.1 You must, within 28 days of taking office as a Member or Co-opted Member, notify your authority's Monitoring Officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 16.4.2 In addition, you must, within 28 days of taking office as a Member, Co-opted Member or Business Board member, notify your authority's Monitoring Officer of any non-

pecuniary interest which your Authority or Business Board has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

- 16.4.3 Members should review their individual register of interest before each board meeting and decision-making committee meeting. They must declare any relevant interest(s) at the start of the meeting.
- 16.4.4 If an interest has not been entered onto the authority's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.
- 16.4.5 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 16.4.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your authority or Business Board places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.
- 16.4.7 You are required to sign a document stating that you have read, understood and agree to abide with the requirements set out in part 1 of the Code of Conduct outlined above.

16.5 Interests

16.5.1 Disclosable Pecuniary Interests

16.5.1.1 Disclosable pecuniary interests are specified in the table below:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, , profession	Any employment, office, business, trade, profession or vocation carried on for profit or gain. For the Business Board, this should include remunerated public sector roles such as councillors.

or voca tion	
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from Combined Authority/Business Board) which is paid as a result of carrying out your duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract with the Combined Authority/Business Board:</p> <p>(a) for goods, works or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> <p>This includes a contract between the Combined Authority/Business Board and any organisation in which you, or a person specified in paragraph 1.2 below, has a beneficial interest.</p> <p>For Business Board Members only</p> <p>Your declaration should include any contracts by any organisation named in 1 above.</p> <p>Any contract for goods, works or services entered into by any organisation named at 1. where either party is likely to have a commercial interest in the outcome of business being decided by the Business Board.</p>

	<p>Any beneficial interest in land which is within the area of combined authority.</p> <p>For Business Board Members only</p> <p>Any beneficial interest you or any organisation listed in 1 may have in land or property which is within the Business Board area which is likely to be affected by a decision made by the Business Board.</p>
Licences	Any licence (alone or jointly with others) to occupy land in the Combined Authority's area (or Business Board's area for Business Board Members) for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority or Business Board; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 1.2 below, has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of an organisation under 1 where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the Combined Authority's area (or Business Board's area for Business Board Members); and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the</p>

	shares of any one class in which the person in paragraph 1.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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16.5.1.2 You must declare an interest if:

It is your interest, or it is an interest of:

- (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners.
- and you are aware that that other person has the interest.

16.5.2 Other Disclosable Interests

16.5.2.1 You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

16.5.2.2 You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

16.5.3 Registration of Disclosable Pecuniary Interests and Other Interests

16.5.3.1 Subject to paragraph 16.5.5 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Combined Authority/Business Board; or
- (b) your election or appointment (where that is later) notify the Monitoring Officer in writing of any disclosable pecuniary interests and other interests you have at that time.

16.5.3.2 Subject to paragraph 16.5.5 (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer in writing of that new pecuniary interest or change.

16.5.4 Disclosable Pecuniary Interests in Matters Considered at Meetings or by a Single Member

16.5.4.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:

- (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter;
- (b) if you have not already done so, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure;
- (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting;
- (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit and Governance Committee participate in any vote, or further vote, taken on the matter at the meeting.

16.5.5 Sensitive Interests

16.5.5.1 Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code and the details of the sensitive interest do not need **to be disclosed to a meeting**, although the fact that you have a sensitive interest must be disclosed.

16.6 Related Documents

- 16.6.1 The following documents also provide guidance on the Standards of Conduct expected of Members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Combined Authority's Constitution.
- 16.6.2 The Audit and Governance Committee (see Chapter 13) Rules of Procedure set out

the arrangements for dealing with an alleged breach of this Code.

16.7 Complaints against Members of the Combined Authority

16.7.1 Introduction

16.7.1.1 The Combined Authority has adopted a Member Code of Conduct which applies to:

- (a) all members of the combined authority, and co-opted members;
- (b) all members of its committees or sub-committees.

16.7.1.2 The code sets out how members will conduct themselves when carrying out Combined Authority business. All members must adhere to the code.

16.7.2 Making a Complaint

16.7.2.1 A complainant alleging a failure to comply with the Code should submit their complaint in writing to the Legal Counsel and Monitoring Officer for initial assessment.

16.7.2.2 The complaint must set out:

- (i) who was involved;
 - (ii) the alleged misconduct;
 - (iii) when and where it occurred; and
 - (iv) how the complainant wants the complaint resolved.
- also
- (v) the name and a contact address or email address of the complainant.

16.7.2.3 The complainant should complete a complaint form available from the Combined Authority's website. Complaints can be made in writing without completing the form, but if information is missing, the complainant might be asked to resubmit the complaint by completing a form.

16.7.2.4 The Combined Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

16.7.2.5 Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked for confidentiality the Monitoring Officer will not disclose their name and address to the

member complained about without prior consent.

- 16.7.2.6 Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the complainant agreeing to give evidence at the hearing.

16.8 Stage 1: Initial Assessment of Complaint(s) Received

- 16.8.1 The Monitoring Officer will:

16.8.1.1 acknowledge the complaint within five working days of receiving it;

16.8.1.2 notify a member about any complaint against them;

16.8.1.3 undertake an initial assessment of the complaint to determine whether the complaint should be investigated.

- 16.8.2 Where a complaint may relate to a member in their capacity as a Member of a constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.

- 16.8.3 Any complaints about the Police and Crime Commissioner or his/her substitute will be referred to the Police and Crime Panel.

- 16.8.4 The Monitoring Officer may decide to consult the Independent Person.

- 16.8.5 The Monitoring Officer will decide the complaint should be dealt with under stage 2 of the procedure – informal resolution. (Stage 2) or whether to proceed to a matter for formal investigation (Stage 3). The Monitoring Officer will have regard to a range of factors including:

16.8.5.1 whether there is sufficient information upon which to base a decision;

16.8.5.2 how serious the alleged action is;

16.8.5.3 is the complaint politically motivated, vexatious or tit for tat?

16.8.5.4 has there been any delay between the action complained of and the complaint?

16.8.5.6 do the allegations relate to actions occurring whilst the subject member was acting in their official capacity?

16.8.5.7 the opinion of the elected member regarding the complaint.

- 16.8.6 The initial assessment will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.

- 16.8.7 Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.
- 16.8.8 Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.
- 16.8.9 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

16.9 Stage 2: Informal Resolution

- 16.9.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may include:
 - 16.9.1.1 an **explanation** by the member of the circumstances surrounding the complaint;
 - 16.9.1.2 an **apology** from the member;
 - 16.9.1.3 an agreement from the member to attend relevant **training** or take part in a **mentoring** process;
 - 16.9.1.4 an offer of **mediation or conciliation** between the member and the complainant; or
 - 16.9.1.5 **any other action** capable of resolving the complaint.

16.10 Stage 3: Formal Investigation

- 16.10.1 If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.
- 16.10.2 The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.
- 16.10.3 The investigating officer would normally:
 - 16.10.3.1 write to the member complained of;

- 16.10.3.2 provide them with a copy of the complaint;
 - 16.10.3.3 ask the member to provide their explanation of events;
 - 16.10.3.4 identify what documents they need to see; and
 - 16.10.3.5 make a list of interviewees.
- 16.10.4 In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay notifying the member until the investigation has progressed sufficiently.
- 16.10.5 At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.
- 16.10.6 Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the Monitoring Officer. The Combined Authority aims to conclude the investigation stage within three months of a complaint being received.
- 16.10.7 The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report.
- 16.10.8 If the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will either:
- 16.10.8.1 seek a local resolution; or
 - 16.10.8.2 send the matter for local hearing before the Hearings Panel.

16.11 Local Resolution

- 16.11.1 The Monitoring Officer may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action agreed. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit and Governance Committee for information but will take no further action.

16.12 Local Hearing

- 16.12.1 The Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Audit and Governance Committee, which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.
- 16.12.2 The Hearings Panel is a Sub-Committee of the Combined Authority's Audit and Governance Committee and will consist of at least three members of the Committee.
- 16.12.3 The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairperson of the Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.
- 16.12.4 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel.
- 16.12.5 The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- 16.12.6 The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 16.12.7 Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairperson will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

16.13 Actions Hearing Panel can take for Failure to Comply with the Code

- 16.13.1 The Combined Authority has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may:

- (a) publish its findings in respect of the member's conduct;
- (b) report its findings to Combined Authority for information;
- (c) recommend to the Constituent Council or to the Combined Authority that they be removed from any or all Committees or Sub-Committees of the Combined Authority;
- (d) recommend to the Mayor that the member be removed from particular lead member responsibilities;
- (e) recommend to the Combined Authority to remove the member from any or all outside appointments to which they have been appointed or nominated by the authority;
- (f) recommend to Combined Authority that it restricts the member from contacting specified Combined Authority's officers.

16.13.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.

16.13.3 At the end of the hearing, the Chairperson will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.

16.13.4 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the Hearings Panel and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Combined Authority meeting.

16.14 Independent Person

16.14.1 The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.

16.14.2 The Independent Person is a person appointed by a positive vote from a majority of

all the members of Combined Authority. A person cannot be “independent” if they –

- i. are, or have been within the past five years, a member, co-opted member or officer of the combined authority, constituent council or any parish council within the Combined Authority area;
- ii. are a relative or close friend, of a person within paragraph (a) above. For this purpose, “relative” means:
 - spouse or civil partner;
 - living with the other person as husband and wife or as if they were civil partners;
 - grandparent of the other person;
 - a lineal descendent of a grandparent of the other person;
 - a parent, sibling or child of a person within i or ii;
 - a spouse or civil partner of a person within paragraphs iii, iv or v; or
 - living with a person within paragraphs iii, iv or v as husband and wife; or as if they were civil partners.

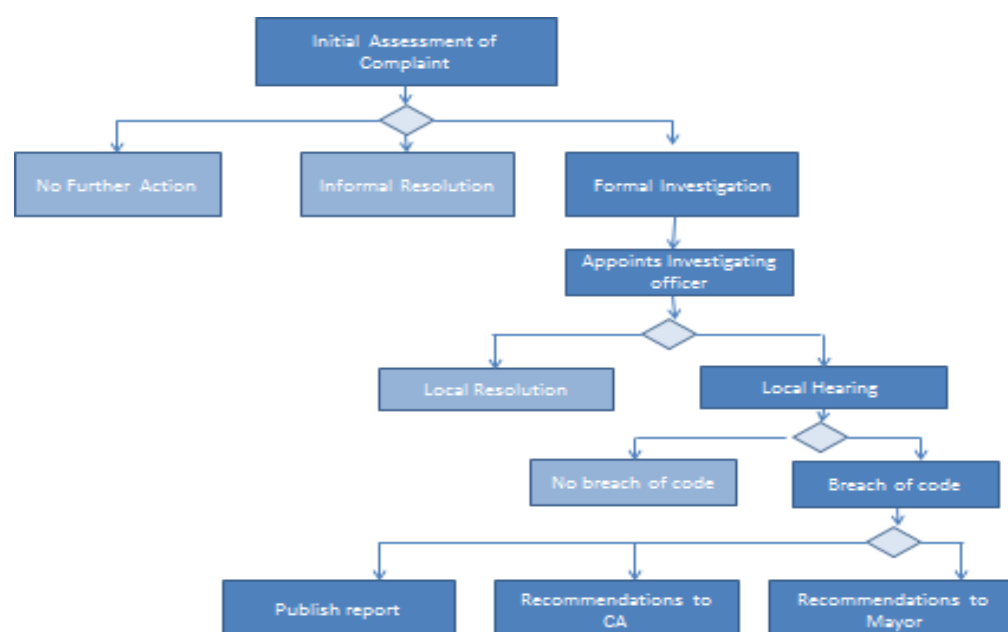
16.15 Revision of these Arrangements

16.15.1 The Combined Authority may, by resolution, agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

16.16 Appeals

16.16.1 There is no right of appeal for a complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

16.16.2 If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.



Annex 1: Code of Conduct

Purpose

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow members, Authority officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting in your capacity as a member, co-opted member, member of the Business Board or representative of your Authority, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media. Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The Seven Principles of Public Life

Everyone in public office at all levels – ministers, civil servants, members, Authority officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model Member Conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of member

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community

- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific Obligations of General Conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act as a member, including representing your Authority on official business and when using social media

As a member I commit to:

Civility

- 1. Treating other members and members of the public with civility.**
- 2. Treating Authority employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the Authority, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and Harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting

behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as '*unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of Officers of the Authority

4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.

Officers work for the Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and Access to Information

5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.

6. Not preventing anyone getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or Authority into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other members and/or your Authority.

Your Position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the Authority provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of Authority Resources and Facilities

9. Not misusing Authority resources.

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, Authority employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer and more detail is set out in appendix B.

Gifts and Hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you may think may have been offered to influence you. You should familiarise yourself with the Authority's Protocol on Gifts and Hospitality.

Breaches of the Code of Conduct

Most members conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any members who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Code Appendix A

The seven principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Honesty Holders of public office should be truthful.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the Authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - (a) your own financial interest or well-being;
 - (b) a financial interest or well-being of a friend, relative, close associate; or
 - (c) a body covered by table 1 belowyou must disclose the interest.

Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Authority) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Authority —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p>

	(b) which has not been fully discharged
Land and Property	Any beneficial interest in land which is within the area of the Authority. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer
Corporate Tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Authority; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Authority; and (b) either: (i) the total nominal value of the securities* exceeds or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial

	interest exceeds one hundredth of the total issued share capital of that
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*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

- Anybody -
- (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

CHAPTER 17: SUBSIDIARY COMPANIES AND SHAREHOLDER OVERSIGHT

17.1 Introduction

- 17.1.1 The Combined Authority currently has the following subsidiary companies registered with Companies House:

Angle Holdings Limited: Incorporated in September 2019, Angle Holdings was originally set up to be a holding company for all CPCA companies. It is, however, the holding company for Angle Developments (East) Limited only.
[ANGLE HOLDINGS LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

Angle Developments (East) Limited: A housing development company incorporated in September 2019 and owned in the main by Angle Holdings. It was incorporated with the intention of delivering affordable housing schemes and forming joint ventures with local developers in order to contribute to the housing element of the 2017 devolution deal for Cambridgeshire and Peterborough.
[ANGLE DEVELOPMENTS \(EAST\) LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

Cambridgeshire & Peterborough Business Growth Service Limited: Incorporated in August 2020 to act as a fund management and contracting vehicle to procure the private sector to deliver growth coaching, skills brokering and inward investment promotion. The *GrowthCo* was also established to enable the management of an allocated amount of Local Growth Fund finance to be used as grant or equity investment in businesses in the area. The company has three major services reflecting the initial aims. These are:

The Business Growth Service: targeting places and companies that will have the most impact on our goal to shift to a more inclusive growth dynamic across sub-economies;

The Inward Investment Service: for a new all-economy foreign direct investment and capital investment promotion service for the promotion of

employment space and employment property development opportunities to investors and companies from the UK and overseas; and,

The Skills Service: a digital and physical service connecting business with skills providers and talent, including targeted support to double the number of apprenticeships over five years.

[CAMBRIDGESHIRE AND PETERBOROUGH BUSINESS GROWTH COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

One CAM Limited: Incorporated in September 2020 and established as a special purpose vehicle, as a necessary and best-practice step for delivering the infrastructure intended as part of the Cambridgeshire Automated Metro. This company was placed into dormancy, following its final Board meeting in December 2021, and will be formally struck-off the register at Companies House in the near future.

Peterborough HE Property Company Limited: Incorporated in June 2020 the *Propco1* is a special purpose vehicle to deliver the new University on the embankment site in Peterborough. The Propco1 is the SPV for phase 1 of the programme and comprises of the Combined Authority, Peterborough City Council and the academic delivery partner, Anglia Ruskin University.

[PETERBOROUGH HE PROPERTY COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

Peterborough R&D Property Company Limited: Incorporated in November 2020 for the construction of a Research & Development building which will deliver an Advanced Manufacturing Innovation Eco-System for Peterborough. *Propco2* is a joint venture between the Combined Authority and Photocentric Limited.

[PETERBOROUGH R&D PROPERTY COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

17.2 The Shareholder Board

- 17.2.1 The Combined Authority has appointed a Shareholder Board. It should meet at least once every municipal year.
- 17.2.2 The Shareholder Board operates within the terms agreed by the Combined Authority Board.

17.3 The Shareholder Board Terms of Reference

- 17.3.1 The Shareholder Board forms part of the overall governance arrangements for the Authority in relation to companies and other legal entities which are wholly or partly owned or controlled by the Authority (including where such control comes about indirectly, such as via a loan agreement) (each a “Subsidiary” and together the “Subsidiaries”).
- 17.3.2 The Purpose of the Shareholder Board is to advise the mayor in the exercise of his/her responsibility for the authority’s functions corporate shareholder of a company or group of companies and in their role to represent the interest of the Authority as Shareholder Representative at meetings of a company.

Membership and Arrangements

- 17.3.3 The members of the Shareholder Board will be set to the mayor and three members of the Combined Authority consisting of:
- One member of the Conservative party
 - One member of the Labour party
 - One member of the Liberal Democrat party
 - At least one but no more than two co-opted members who will be independent persons providing relevant expertise and appointed on merit
 - The Chair or representative of the Overview and Scrutiny committee to act in the capacity of an observer
 - The Chair or representative of the Audit Governance committee to act in the capacity of an observer
 - The Chair or representative of the Business Board to act in the capacity of an observer
 - The Chief Executive Officer or their representative
- 17.3.4 Each Shareholder Board member may nominate a substitute to attend a meeting in their place.
- 17.3.5 The Shareholder Board will be supported by officers as advisors primarily consisting of:
- Chief Finance Officer or representative
 - Chief Legal Officer or representative
 - An officer with experience relevant to the business of the company

- Other officers as may be required or suitably experienced non-Executive Director

- 17.3.6 Board advisory officers may nominate an alternate officer to attend a meeting in their place.
- 17.3.7 The Shareholder Board will appoint the Mayor as Chair of the Shareholder Board and the shareholder representative of the authority. If the Chair is not present at the start of a meeting of the Shareholder Board, those members present will appoint one of the members present to chair that meeting.
- 17.3.8 Additional advisors, who do not need to be officers or members of the Authority, may be invited to attend the Shareholder Board as required but will not have voting rights.
- 17.3.9 The Board will need to follow and have regard to the rules set out in the Constitution including the finance procedure rules.

Role of the Shareholder Board

- 17.3.10 The Shareholder Board will have a role in ensuring proper governance of the Authority's Subsidiaries, such role to include:
- 17.3.11 Monitoring performance and information from each Subsidiary, in particular on financial and other risks and escalating such risks within the Authority as appropriate.
- 17.3.12 Exercising decisions relating to the authority's role as shareholder, member, owner, lender, or other position of significant control over the Subsidiary, where those decisions have been delegated to the Shareholder Board.
- 17.3.13 Making reports and recommendations to the Combined Authority Board on areas outside of the Shareholder Board's delegated authority.
- 17.3.14 Agreeing and entering into a Shareholder Agreement with each of the Authority's Subsidiaries.
- 17.3.15 The necessary oversight, from a shareholder's perspective, that the parameters, policies, and boundaries, that the Authority has established are being adhered to including a regular review of whether the Subsidiary provides the most effective vehicle to deliver the outcomes it requires and whether there are viable alternative models which might offer a more effective means of delivering its priorities.
- 17.3.16 An articulation of what success looks like in terms of delivery models to meet objectives such as achieving social outcomes and/or a return on investment.

- 17.3.17 Agree a mechanism to communicate the shareholder's views to the Subsidiary by effecting systematic engagement between the Chair/Chief Executive Officer and shareholder role to assure effective performance against strategy and governance.
- 17.3.18 Provide a holistic review of risk to the authority offered by all active Subsidiaries.
- 17.3.19 Consider and advise on the duties and if any, the training needs of potential Directors to allow them to competently assume this role.
- 17.3.20 Making representations to the Directors on the Business Plans of the Subsidiary Companies or other organisations set out in this report.
- 17.3.21 Receiving reports from the Directors where appropriate, on the progress and conduct of business in accordance with the approved Business Plan.
- 17.3.22 Reporting to the Board on the performance of the Subsidiary Companies.
- 17.3.23 Undertaking due diligence on the various Subsidiary Companies to ensure liabilities are known and accounted for within the authority.
- 17.3.24 Deciding whether a particular Subsidiary needs to be under the oversight of a specific service area.
- 17.3.25 In the case of forming a new Subsidiary, the Board will first scrutinise the business case for forming the Subsidiary to clarify the service components to be delivered, outcomes sought and options for how these may be delivered and undergo an effective comparison of alternative delivery models to ensure that the objectives, timescales, and drivers of forming the Subsidiary is the optimum approach and an advisory paper will be submitted to Board for a decision.
- 17.3.26 It is expected that each Subsidiary will enter into a form of agreement with the Authority (whether as owner, controller or lender) setting out the basis of the relationship between them (each a "Shareholder Agreement").
- 17.3.27 A detailed description of the Shareholder Board's role in relation to each Subsidiary will be set out in the relevant Shareholder Agreement.
- 17.3.28 Authority to make decisions on behalf of the Authority is delegated to the Shareholder Board for each Subsidiary as follows:
- 17.3.29 Oversight of any decisions that can only be made by the shareholder, (whether as "reserved matters" under the Shareholder Agreement and Articles of Association or pursuant to the relevant legislation applicable to that Subsidiary) such as:

- (a) approval of Shareholder Agreement with each Subsidiary.
- (b) approval of annual Business Plan and deviations from Business Plan.
- (c) approval of key appointments (including appointment, removal and or replacement of Directors) and ensuring that the Authority appointments to the board of a Subsidiary comply with the Authority's constitution.
- (d) borrowing money, granting security and giving of guarantees.
- (e) issuing Legal proceedings outside of ordinary business.
- (f) altering in any respect the articles of association of a Subsidiary or any other governing document.
- (g) altering the rights attached to any of the shares in a Subsidiary.
- (h) approving the registration of any person as a shareholder or member of a Subsidiary
- (i) ensuring that subsidiaries or the subsidiaries interests are not competing against or conflicting with, other subsidiaries or their interests
- (j) entering contracts that have a material effect on business of the CA, are outside of the business plan or significant in relation to the size of the business and/or the business plan.
- (k) establishing proper arrangements to manage potential conflicts of interest in respect of Officers and/or members appointed to the board of a Subsidiary.
- (l) approval of pay and pension arrangements in respect of both key employees of the Subsidiary and CPCA Officers appointed to the board of a Subsidiary and ensure that decisions made to make termination payments are in line with the law and the Subsidiary's controlling documents.
- (m) varying ownership and the amount of a Subsidiary's issued share capital and winding up of Subsidiary.
- (n) altering the name of any Subsidiary.

Decision-making

- 17.3.30 The Mayor or nominee of the mayor may make decisions concerning companies in which the Authority is or proposed to become shareholder either:
- (a) in a Combined Authority Board meeting, or
 - (b) in a meeting of the Shareholder Board

Meetings

- 17.3.31 The Shareholder board shall meet on a basis agreed by itself and its meetings will be held in private.
- 17.3.32 The quorum shall be the Mayor, one member of the Combined Authority Board, one independent co-opted member and one officer of the Combined Authority.

Interactions

- 17.3.33 The Shareholder Board as it considers appropriate, may:
- (a) Report and make formal recommendations to the mayor directly or to the Combined Authority Board;
 - (b) Make reports to and consult the Overview and Scrutiny Committee;
 - (c) Make reports to and consult the Audit and Governance Committee.

CHAPTER 18: OFFICER SCHEMES OF DELEGATION

18.1 PART 1: Officer Scheme of Delegations

18.1.2 Introduction

18.1.2.1 The Combined Authority has a Scheme of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.

18.1.2.2 A Chief Officer in the context of this Constitution means

- Chief Executive of Combined Authority and Business Board, and Head of Paid Service
- Chief Finance Officer, and
- Monitoring Officer
- Corporate Directors
- any other posts defined as Chief Officer in the Employment Procedure rules

18.1.2.3 Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority or constituent councils if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced.

18.1.2.4 Any decisions or actions taken by a Chief Officer or other person on behalf of a Chief Officer, must be in accordance with:

- (a) the provisions of the Openness of Local Government Bodies Regulations 2014;
- (b) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and codes of practice;
- (c) the Constitution, including the Combined Authority [Chapter 9: Contract Procedure Rules](#), assurance framework, monitoring and evaluation framework, [Chapter 9: Contract Procedure Rules](#) and [Chapter 8: Financial Management Procedure Rules](#), and [Chapter 6: Decision Making](#);
- (d) the revenue and capital budgets of the Combined Authority,

subject to any variation which is permitted by the Financial Regulations; and

- (e) any policy or direction of the Combined Authority or any Committee acting in exercise of powers delegated to that Committee by the Combined Authority.

18.1.2.5 Officers may exercise delegated powers to take any decision in relation to the functions of the Combined Authority including Mayoral functions except where:

- (a) the matter is reserved to the Combined Authority or the Mayor by law or by the Constitution;
- (b) the matter is a function which cannot by law be discharged by an Officer;
- (c) the Combined Authority or a Committee, Sub-Committee or Joint Committee to which the Combined Authority is a party, or in the case of a mayoral function, the Mayor has agreed that the matter should be discharged otherwise than by an Officer;
- (d) the Head of Paid Service has directed that the Officer concerned should not exercise a delegated function;
- (e) any other limitation of the exercise of delegated authority is set out in this Constitution or is specifically restricted in any decision of the Combined Authority.

18.1.2.6 Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.

18.1.3 General Delegations to all Chief Officers

18.1.3.1 Chief Officers will be responsible for the following within their areas of responsibility:

- (a) the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits;
- (b) day to day management of staff in accordance agreed human

resource policies and procedures;

(c) acting on behalf of and in the name of the Combined Authority, where necessary in consultation with the Mayor, relevant **Lead Member** or Chief Executive and/or other appropriate Officers;

(d) dealing with press enquiries and issuing press releases;

(e) investigative contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.

18.2 Contracts and Accounts

- 18.2.1 All contracts shall be dealt in accordance with Contract Procedure Rules and Financial Regulations as may be agreed from time to time by the Combined Authority.
- 18.2.2 Contracts below £5,000: The decision to award the contract and any written terms must be agreed in writing by a Chief Officer unless they have delegated that authority.
- 18.2.3 Contracts between £5,000 and £50,000: The Chief Officer can award a contract up to £50,000 in value.
- 18.2.4 Contracts between £50,000 and EU thresholds: A report to authorise the award of the contract must be sent to Legal Services, and the Finance Officer for approval by the Chief Finance Officer or Monitoring Officer.
- 18.2.5 Contracts within EU thresholds up to £500,000: The Chief Finance Officer or Monitoring Officer can award a contract up to £500,000 in value upon receipt of a contract award report. An award report to authorise the award of the contract must be sent to Legal Services and the Finance Officer for approval by the Chief Finance Officer.
- 18.2.6 Contracts above £500,000: Requires a Combined Authority Board decision or the Mayor for mayoral functions before award of the contract.
- 18.2.7 Contract rule exemptions: Granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer.
- 18.2.8 Assigning and novating contracts: Needs approval of the relevant Chief Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

- 18.2.9 Terminating Contracts: Needs approval of the Chief Finance Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

18.3 Delegations to the Chief Executive

- 18.3.1 To exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 18.3.2 To be responsible for the coordination of the Combined Authority's functions including mayoral functions.
- 18.3.3 To provide a comprehensive policy advice service and in particular to advise on the Combined Authority's plans and strategies.
- 18.3.4 To be responsible for the appointment, and grading, and dismissal of staff up to and including Deputy Chief Officer level.
- 18.3.5 To be responsible for the organisation and proper management of the Combined Authority's staff including proposing changes to the management structure and the number and grades of staff required.
- 18.3.6 To authorise a Chief Officer to act in his/her absence on any matter within his/her authority.
- 18.3.7 To discharge any function of the Combined Authority which:
 - (a) has not been specifically delegated to another Officer, Committee or reserved to the Mayor or the Combined Authority Board;
 - (b) has been delegated to another Officer where that Officer is absent or otherwise unable to act (excluding the statutory functions of the Monitoring Officer and Chief Finance Officer).
 - (c) To take any action which is required as a matter of urgency in consultation (where practicable) with the Mayor, the Monitoring Officer and the Chief Finance Officer, and in accordance with the Transparency Rules, Forward Plan and Key Decisions ([Chapter 6: Decision Making](#)).
 - (d) To provide any response to any Government consultation, subject to consultation with the Mayor of the Combined Authority and the relevant Lead Member.

- (e) To co-ordinate public relations for the Authority, including the approval of press releases on behalf of the Authority having consulted where appropriate the Mayor or relevant Lead Member as necessary.
- (f) Nominate, appoint and remove, in consultation with the Mayor (as Chair) and the Vice-Chair of the Combined Authority Board, representatives on the board of companies, trusts and other bodies, of which the Combined Authority is a member, and to agree Constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within their Constitutions.
- (g) To exercise the general power of competence on behalf of the Combined Authority in the absence of any specific delegation acting in the best interests of the Combined Authority, subject to:
 - i. consultation with the Monitoring Officer and the Chief Finance Officer; and
 - ii. reporting to the next meeting of the Combined Authority Board on the exercise of that power.
- (h) To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

18.4 Delegations to the Chief Finance Officer

- 18.4.1 The Chief Finance Officer shall be the designated the Proper Officer under section 73 of the Local Government Act 1985.
- 18.4.2 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control.
- 18.4.3 To take all actions required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and Combined Authority of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 18.4.4 To effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.

- 18.4.5 To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.
- 18.4.6 To submit all claims for grant to the UK Government or the European Community (EC).
- 18.4.7 To set up and operate such bank accounts as are considered appropriate and make all necessary banking arrangements on behalf of the Combined Authority.
- 18.4.8 To consider reports of Officers on any likely overspending in relation to revenue expenditure, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 18.4.9 To send out all accounts for income due to the Combined Authority.
- 18.4.10 To authorise electronic payments.
- 18.4.11 To collect all money due to the Authority and write-off bad debts in accordance with the Financial Procedure Rules. Legal action should be undertaken in consultation with the Monitoring Officer.
- 18.4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 18.4.13 To administer the scheme of Members' allowances.
- 18.4.14 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011.
- 18.4.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 18.4.16 To be the Officer nominated, or to nominate in writing another Officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made under that Act.
- 18.4.17 To exercise the responsibilities assigned to the Chief Finance Officer in this Constitution, including Financial Regulations and the Contract Procedure Rules.
- 18.4.18 To incur expenditure, within the revenue budget, in accordance with the approved budget limits and Financial Regulations.
- 18.4.19 To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.
- 18.4.20 Approve applications to bid for external funding where there are no wider budgetary implications or the bid relates to a matter within the strategic framework.
- 18.4.21 To arrange internal audit in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance.
- 18.4.22 Internal Audit Officers on producing appropriate identification shall have authority to:
 - (a) enter at all reasonable times on any land, premises or other assets of the Combined Authority;

- (b) obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;
- (c) require and receive such explanations as are necessary concerning any matters under examination;
- (d) require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control.

18.5 Delegations to the Monitoring Officer

- 18.5.1 Under section 5 of the Local Government and Housing Act 1989, the Combined Authority shall appoint a Monitoring Officer.
- 18.5.2 To provide advice on the scope of powers and authority to take decisions.
- 18.5.3 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority has given rise to or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Combined Authority with respect to that proposal, decision or omission.
- 18.5.4 To monitor and review the operation of the Constitution on an annual basis, and to make changes to the Constitution in the circumstances set out below:
 - (a) a legislative requirement;
 - (b) a minor variation which is of a non-substantive nature to enable them to be kept up to date and in order;
 - (c) required to be made to remove any inconsistency or ambiguity; or
 - (d) required to be made so as to put into effect any decision of the Combined Authority or its committees or any organisational changes.
- 18.5.5 Any such change made by the Monitoring Officer to this Constitution shall come into force with immediate effect. The Monitoring Officer will report any changes made to the Combined Authority Board as soon as is reasonably possible.

Member Code of Conduct

- 18.5.6 To deal with matters of conduct and ethical standards in accordance with the

requirements of the Localism Act 2011.

- 18.5.7 To support the Audit and Governance Committee in promoting high standards of conduct.
- 18.5.8 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.
- 18.5.9 To determine, after consultation with the Independent Person, whether to reject, informally resolve or investigate any complaint received, and to take such action as is necessary to implement that determination in accordance with the complaints procedure.
- 18.5.10 To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation.
- 18.5.11 To prepare and maintain the Authority's Register of Members' Interests and ensure it is available for inspection and published on the Combined Authority's website as required by the Localism Act 2011.
- 18.5.12 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer considers that:
 - 18.5.13 without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - 18.5.14 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - 18.5.15 granting the dispensation is in the interests of persons living in the Combined Authority's area; or
 - 18.5.16 it is otherwise appropriate to grant a dispensation.
- 18.5.17 To keep a register of gifts and hospitality in accordance with the Protocol on Gifts and Hospitality and to arrange for its publication on the Authority's website.

Legal Matters

- 18.5.18 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Combined Authority, as may be necessary to protect and promote the Combined Authority's interests.
- 18.5.19 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.
- 18.5.20 To instruct Counsel and professional advisers, where appropriate.
- 18.5.21 To supervise the preparation of legal documents.
- 18.5.22 To execute documents whether by hand or under seal, and to authorise other Officers to execute documents whether by hand or under seal.
- 18.5.23 To complete all property transactions and contractual arrangements where terms have been agreed by the Combined Authority, a Committee or Chief Officer acting under delegated authority.
- 18.5.24 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.
- 18.5.25 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 18.5.26 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.
- 18.5.27 Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Combined Authority.
- 18.5.28 To agree the terms for placing an officer at the disposal of another local authority.
- 18.5.29 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.

18.6 PART 2: Schedules of Proper Officers

18.6.1 Introduction

- 18.6.1.1 There are a number of specific references in the 1972 and 1985 Local Government Acts, which call for functions to be undertaken by what is termed the "Proper Officer". The following Schedules list such references and identify the Chief Officers responsible for their discharge:

18.6.2 Head of Paid Service

- 18.6.2.1 The Head of Paid Service is appointed the Proper Officer for the purpose of

any enactment unless this Constitution has designed another Officer as Proper Officer.

18.6.3 Chief Finance Officer

18.6.3.1 The Chief Finance Officer is appointed the Proper Officer in relation to the following:

To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

Local Government Act 1972

Receipt of money due from Officers	Section 115 (2)
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Local Government Act 1985

Proper Administration of the financial affairs of the Combined Authority	Section 73
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Local Government Finance Act 1988

To report in consultation with the Monitoring Officer if there is or is likely to be unlawful expenditure or an unbalanced budget.	Section 114
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18.6.4 Monitoring Officer

18.6.4.1 The Monitoring Officer is appointed the Proper Officer in relation to the following:

Local Government Act 1972

tion and Certificates with regard to securities	146 (1) (a) and (b)
of Documents	225 (1)
tions of photographic copies of documents	229 (5)
and signing of formal notices	234 (1) and (2)

ation of those reports which should be available for public inspection prior to a meeting of the Combined Authority, and its Committees and those which are likely to be heard in private and consequently which should not be released to the public.	100B (2)
n of documents to the press, additional to Committee reports	100B (7)
g written summaries of proceedings	100C (2)
arrangements for list of, and background papers to reports, to be made available for public inspection.	100D (1)
nation of documents disclosing exempt information which may not be inspected by Members	100F (2)
re of Summonses to Combined Authority meetings	e 12 para 4 (2) (b)
of notices regarding address to which Summons to meetings of the Combined Authority is to be sent.	e 12 para 4 (3)

18.6.5 General

- 18.6.5.1 All Officers in whose name reports are submitted to the Combined Authority are appointed the Proper Officers in relation to the following:

Local Government Act 1972

tion and retention of lists of background papers and copies of the relevant documents and reports; and	100
ng and determining what are background papers	100

19.1 Introduction

19.1.1 This Chapter provides, as a series of annexes, the policies and protocols of the Combined Authority, as follows:

- Annex 1: Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity
- Annex 2: Gifts and Hospitality Protocol
- Annex 3: Protocol on Member-Officer Relations
- Annex 4: Guidance for Members and Officers on Publicity During the Pre-election Period
- Annex 5: Politically Restricted Posts Protocol
- Annex 6: Social Media Protocol
- Annex 7: Webcasting of Meetings Procedure
- Annex 8: Monitoring Officer Protocol
- Annex 9: Procurement Policy
- Annex 10: Data Protection Policy
- Annex 11: Complaints Procedure
- Annex 12: Protocol on Appointments to the Office of the Mayor
- Annex 13: Standards Committee Hearings Protocol

Annex 1: Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity

a) Introduction

The Combined Authority provides resources to its elected members and to members of the Business Board in order to assist them in performing their duties. These resources include:

- i. Office Premises
- ii. Stationery, postage, telephones, copying facilities
- iii. Administrative and Secretarial Support
- iv. Laptops
- v. Email accounts

The Combined Authority's Member Code of Conduct includes the following on use of the Authority's resources:

19 As a member I commit to:

9. Not misusing Authority resources.

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.

Any breach of the requirements of this protocol will be deemed to be a breach of the Member code of Conduct. If any elected member wishes to have advice on the use of the Authority's resources they should contact the Authority's Monitoring Officer.

(b) Use of Information and Communications Technology

- a. All use of ICT by elected members is subject to the Authority's ICT policies which govern the use of laptops, the Authority's networks and mobile devices provided by the Authority. These policies also apply to the Authority's officers.

(c) The Code of Recommended Practice on Local Authority Publicity

- a. Section 2 of the Local Government Act 1986 states:

2.— Prohibition of political publicity.

(d) A local authority shall not publish [, or arrange for the publication of,] any material which, in whole or in part, appears to be designed to affect public support for a political party.

(e) *In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—*

- *whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*
- *where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.*

(f) *A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.*

This prohibition applies to all publicity produced by the Authority but is of particular importance during the period before elections.

- b. This prohibition applies to the Authority and the government has issued the Code of Recommended Practice on Local Authority Publicity under section 4 of the 1986 Act. Section 6 of the 1986 Act defines “publicity” as:

“any communication in whatever form, addressed to the public at large or a section of the public”

And the Code confirms that this will include paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material which is created by third parties.

- c. The Code states that local authority publicity should:
- i. be lawful
 - ii. be cost effective
 - iii. be objective
 - iv. be even-handed

- v. be appropriate
- vi. have regard to equality and diversity
- vii. be issued with care during periods of heightened sensitivity

The Code confirms that, except during periods of heightened sensitivity, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. However, publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

- d. The Code refers to periods of heightened sensitivity before elections and referendums and requires local authorities to pay particular regard to the legislation on publicity during such periods. The Code states:

During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

- e. It is, therefore, not permitted for members to use the Authority's resources for political purposes such as promoting a particular candidate or political party in an election or a particular outcome in a referendum.

(d) Personal Use of the Authority's Resources

- a. Personal use of ICT equipment and resources is covered by the policies referred to at paragraph 2.1 above.
- b. As above at paragraph 1.2, the Member Code of Conduct reminds members that resources and facilities provided to them by the Authority are provided to help them carry out their roles as members more effectively and not to benefit them personally.

Annex 2: Gifts and Hospitality Protocol

1 Introduction

- 1.1 This protocol applies to the Mayor, Combined Authority Board Members, Business Board Members and Members of the Combined Authority's Committees and Boards when they act in that capacity. It also applies to co-opted members of the Combined Authority's Committees who are not elected members of the Combined Authority's constituent councils. It should be read in conjunction with the Member Code of Conduct. For the purpose of dealing with any complaints about the conduct of Members this Protocol is deemed to form part of the Member Code of Conduct. The Code of Conduct for the officers of the Combined Authority also imposes obligations on officers in relation to the declaration of gifts and hospitality.

2 Gifts and Hospitality

- 2.1 Gifts and Hospitality will include any gift, hospitality, offer or favour which is offered to a Member personally, whether or not the gift or hospitality is accepted. The definition includes gifts and hospitality offered to either a Member or to the family and friends of Members which arise from the position of the Member and common examples would be:
- Any offer of a gift of goods or services without payment;
 - Any offer of goods or services at a discount not available to the public;
 - Any offer of food, drink, travel or accommodation;
 - Any invitation to attend a cultural or sporting event without payment or at a discounted rate;
- 2.2 If you accept gifts and hospitality when it is not appropriate to do so it can damage both your own reputation and the reputations of the Combined Authority and any constituent council of which you are a member. In some circumstances, as set out in paragraph 3 below you may commit a criminal offence by accepting gifts or hospitality. As set out in the Member Code of Conduct, you should avoid placing yourself under any obligation to people or organisations that might try to influence you inappropriately in your work for the Combined Authority.
- 2.3 The decision on whether to accept a particular offer of a gift or hospitality is a matter for you. Whether you should accept a gift or hospitality will depend upon all the circumstances in which the offer is made but you should also

consider how the acceptance of the gift or hospitality will be perceived by others. If in doubt you should always seek advice from the Combined Authority's Monitoring Officer or the Chair of the Combined Authority's Audit & Governance Committee.

2.4 The kind of gifts or hospitality it may be appropriate to accept would include:

- Gifts worth less than £25 such as calendars, diaries, pens and flowers;
- Gift and hospitality provided by a public body;
- Simple refreshment provided at a meeting such as tea, coffee and biscuits;
- A simple working meal at which business is discussed;

But whether an individual offer should be accepted will always depend on all the circumstances and you should note the rules set out in paragraph 4 below about registration of gifts and hospitality. You must never solicit any gift or hospitality as a Member.

2.5 The kind of gifts it would not be appropriate to accept would include:

- Any gift in the form of cash or another form of direct payment;
- Any gifts in the form of holidays, including accommodation or travel arrangements;
- Any gift or hospitality intended to influence what you do as a Member or to put you under an obligation to the donor. In particular you should not accept any offer from a person or organisation which is involved in, or which may become involved in the future in
 - Any procurement exercise being run by the Combined Authority;
 - Any application for a grant, loan or other financial assistance from the Combined Authority;
 - Any legal dispute with the Combined Authority;
- Any gift or hospitality that is of significant value or where the value is disproportionate in the circumstances;

2.6 If you suspect that the motive behind an offer of a gift or hospitality is an inducement for you to make a particular decision or a reward for doing so you must decline it. Similarly, if accepting a gift or hospitality would be open to misinterpretation you should decline it.

2.7 This protocol only applies to gifts and hospitality you may receive in your capacity as a Member of the Combined Authority and does not apply to gifts and that are not related to your position as a Member, such as birthday or

Christmas gifts from family and friends. If you are also an elected member of one of the Combined Authority's constituent councils you will also be subject to your council's Code of Conduct and rules on gifts and hospitality.

3 The Criminal Law

- 3.1 Under the Bribery Act 2010 it is a criminal offence to request, agree to receive or accept a financial or other advantage as a reward for the improper performance of any function of a public nature.
- 3.2 If you believe a person or organisation may have been offered a bribe, you should immediately report the matter to the Combined Authority's Monitoring Officer or to the Police.

4 Registration of Gifts and Hospitality

- 4.1 You must register any offer of a gift or hospitality with an estimated value of at least £25 with the Combined Authority's Monitoring Officer within 28 days of its receipt. The registration must include details of the source of the gift or hospitality, a description, its estimated value, whether the gift or hospitality was accepted and what the Member has done with a gift.
- 4.2 If you are offered gifts or hospitality with a total value of at least £100 from the same source over a twelve month period you should register them with the Monitoring Officer regardless of whether any individual offer had an estimated value of at least £25.
- 4.3 If you are not sure of the value of the gift or hospitality it is good practice to register it anyway.
- 4.4 The Register of Gifts and Hospitality will be published on the Combined Authority's website.

5 Breaches of this Protocol

- 5.1 Breaches of this Protocol will be dealt with as breaches of the Member Code of Conduct. The Audit & Governance Committee has oversight of the Member Code of Conduct and responsibility for hearing complaints about Member conduct which have been referred to them by the Combined Authority's Monitoring Officer.
- 5.2 Allegations of any breach of this Protocol should be made in writing to the Combined Authority's Monitoring Officer.

6 Advice and Support

You should seek advice from the Combined Authority's Monitoring Officer or the Chair of the Audit & Governance Committee if you are uncertain how to deal with an offer of a gift or hospitality.

Annex 3: Protocol on Member/Officer Relations

The purpose of this Protocol is to guide Members and officers of the Combined Authority in their relations with one another.

Introduction

- 1.1 The Member Officer protocol is designed to provide a guide to good working relations between Combined Authority Members, including the Mayor, and officers, to define their respective roles and provide principles governing conduct. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.2 The protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
- 1.3 This protocol will also apply to co-opted members of committees/boards.
- 1.4 Members and Officers are all public servants who depend on each other in carrying out their work. Members are responsible to the people of the Combined Area who they serve for as long as their term of office lasts, while Officers are responsible to the Authority. Their job is to give impartial advice to the Cabinet and to the Authority's committees and subcommittees as well as individual Members, and to carry out the Authority's work.
- 1.5 Mutual respect between Members and Officers is essential to good local government. Mutual respect and courtesy should prevail in all meetings and contacts

(both formal and informal) between Members and Officers. To be most effective Members and Officers will work closely and cohesively together.

- 1.6 The relationship has to operate without any risk of compromising the ultimate responsibilities of Officers to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members.

Roles

- 2.1 Role of Members: Members have many different roles:

- a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
- b) Developing and reviewing policy and strategy.
- c) Monitoring and reviewing policy implementation and service quality.
- d) Members express political values and support the policies of the political party or group to which they belong (if any).
- e) Representing their communities and bringing their views into the Authority's decision-making processes, thus becoming advocates for their communities.
- f) Being involved in partnerships with other organisations as community leaders.
- g) Representing the Authority on other bodies and acting as ambassadors for the Authority.
- h) Members may have roles relating to their position as members of the Board or Overview and Scrutiny Committee or other committees and sub committees of the Authority.

- 2.2 Roles of Officers: Officers' main roles are as follows:

- a) Providing advice to the Board, to the Authority's committees and subcommittees and Members to enable them to fulfil their roles.
- b) Managing and providing services for which they are responsible.
- c) Being accountable for ensuring those services are efficient and effective.
- d) Advising the Board, the Authority's committees and subcommittees and Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.

h) Representing the Authority on external organisations.

3. Principles of Behaviour

- 3.1 Respect and Courtesy: An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public and partners.
- 3.2 The relationship between officers and Board Members should be characterised by mutual respect and courtesy and recognition of each other's roles and responsibilities. Board Members have the right to challenge officers' reports and actions, but they should avoid personal and or/public attacks, and ensure their criticism is fair and constructive.
- 3.3 Officers should not publicly criticise Authority decisions even if they do not personally agree with those decisions.
- 3.4 The Authority's Reputation: Members and Officers both have an important role in engendering a good reputation of the Authority. In particular they should:
- 1) protect and promote the legitimacy of democratic local government;
 - 2) promote a positive relationship between Members and Officers and be careful not to undermine it;
 - 3) avoid criticism of the Authority when formally representing it; and
 - 4) avoid personal criticism of other Members and Officers.
- 3.3 Undue Pressure: It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office.
- 3.4 Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles which Members must understand and respect. Members should have particular regard to any advice given by them.
- 3.5 A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined Authority property and services.

- 3.6 Members should always direct requests for information/ advice through the Chief Officers. They should never go directly to Junior Officers as this can put undue pressure on individuals.
- 3.7 To assist Members in decision making they should be informed of all legal and financial considerations, and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Authority decision, the Member concerned should draw this to the attention of the Head of Paid Service.
- 3.8 Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.
- 3.9 Personal/ Business Relationships: It is important not to allow any personal or business connection or relationship with any other Member or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.
- 3.4 Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.
- 4. Member Officer Working**
- 4.1 Advice: Members are entitled to ask the Chief Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the Authority. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.
- 4.2 It is important for the Chief Officers to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their constituent council areas and be invited to Authority initiated events within or affecting their constituent council areas.
- 4.3 Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources.
- 4.4 Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority and when implementing its lawful decisions, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions.

- 4.6 Officers can advise Members on matters relating to the Authority's business. When seeking advice the Members should approach the Chief Officers in the first instance. They will direct the Members to the appropriate lead officer who will normally be at Director/ Head of Service level.
- 4.7 Junior Officers should not be approached directly with requests for information or advice, in such a circumstance the Officer should inform his or her manager about the request(s) in order to enable a matter to be properly dealt with.
- 4.8 Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Member of the Board) cannot be used when acting in a different capacity (for example, when representing his/her ward).
- 4.8 Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others. Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled in the Constitution.
- 4.9 Working relationship: Officers work to the instructions of their managers not individual Board Members.
- 4.10 Board Members must not require officers to change their professional advice or take any action which the officer considers unlawful or illegal or which would amount to a breach of officers roles and responsibilities, maladministration or breach of a statutory duty.
- 4.11 Board Members should not raise matters relating to the conduct or capability of an officer or of officers collectively at meetings held in public or in the press. Any concerns should be raised using the appropriate procedure.
- 4.12 The Authority has a statutory duty to positively promote equality. Members and officers should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and the protected characteristics set out in The Equality Act 2010.
- 4.13 Briefings: Any Board Member may request a private and confidential briefing from an Chief Officer on matters of policy which have already been or may be discussed by the Authority or within its decision-making or advisory process. All requests should be made to the appropriate Chief Officer..
- 4.14 Briefings shall remain strictly confidential and are not to be shared with other members of the Authority unless so permitted by the relevant member.

- 4.15 Any official information provided to a member must only be used by the Board Member solely for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the Council).

5. Confidentiality

- 5.1 Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules in the Constitution, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information and exempt information.
- 5.2 Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-
- ☐ they have the consent of a person authorised to give it,
 - ☐ they are required by law to do so,
 - ☐ the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
 - ☐ the disclosure is reasonable and in the public interest, and made in good faith and in compliance with the reasonable requirements of the authority.
- 5.3 Board/Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant board/ committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the board/ committee.
- ## **6. Political Activity**
- 6.1 There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:
- a) being a Member of Parliament, a Member of the European Parliament or a local authority member;
 - b) acting as an election agent or sub agent for a candidate for any of those bodies;

- c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
- d) canvassing on behalf of a political party or an election candidate;
- e) speaking in public in support of a political party; and
- f) publishing written or artistic works affecting support for a political party.

7. Media

- 7.1 All relations with the media must be conducted in accordance with the Authority's agreed procedures and the law on Local Authority publicity. Media inquiries relating to official business should be referred to the Communication Team.
- 7.2 Officers will make every effort to keep Board Members informed of media interest in Authority activities relevant to their responsibilities especially regarding strategic or contentious matters.
- 7.3 Any officer assisting a member with media relations must act at all times in the interests of the whole Authority and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Authority.

8. Social Media

- 8.1 The Combined Authority supports and encourages the use of social media. Social media has become an every-day communications tool for Members and the people they represent, and the potential for using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.
- 8.2 Social Media use must be in line with the Combined Authority's Social Media Protocol [currently in development]
- 8.3 The Communications Team can provide useful assistance and guidance on the use of social media for both Members and Officers.

9. Support services to Members

- 9.1 Board Members are provided with access to ICT (information and communication technology) systems and to support services (e.g. diary management, correspondence handling, typing, printing, photocopying etc.) to enable them to better perform their role as Board Members.
- 9.2 Members should not use – and officers should not provide – such access and support services in connection with party political or campaigning activity or for purposes not related to Combined Authority business, except that ICT access may

be used for non-commercial purposes provided it does not cause a conflict with, or risk to, the Authority's systems, or increase the support required from officers.

10. Member Training

- 10.1 Board Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes, but is not limited to, the necessary skills to take advantage of the ICT facilities made available to them.

11. Complaints and Concerns

- 11.1 Procedure for Members: If a Board Member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Executive Director or Director. If their concerns relate to an Executive Director or Director the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer. Where necessary, internal HR processes will be undertaken.
- 11.2 Procedure for Officers: If an officer is unhappy with the conduct or behaviour of a Board Member they should seek to resolve the matter by appropriate discussion and involvement of their Executive Director or Director.
- 11.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.
- 11.4 Arbitration: When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer, who may also involve the head of HR where s/he judges that appropriate.

Annex 4: Guidance for Members and Officers on Publicity During the Pre-election Period

Annex 5: Politically Restricted Posts Protocol

1.0 INTRODUCTION

- 1.1 The Combined Authority Constitution outlines the delegations to the Monitoring Officer one of which states they are responsible for determinations in relation to, and maintenance of, the list of politically restricted posts. Political restriction means that certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act, 1989 and the Local Government Officers (Political Restrictions) Regulations, 1990 is applied to Combined authorities by section 21(1)(b) of the Act meaning the Combined Authority is subject to the same rules on political restriction as its constituent councils.

2.0 THE EFFECT OF POLITICALLY RESTRICTED ROLES

- 2.1 The 1989 Act sets out the posts which are to be politically restricted within a local authority. The effect of political restriction is to prevent the postholder from:
- (1) Being elected or appointed as a member of a local authority [this does not apply to membership of a parish council];
 - (2) Announcing or allowing anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, Scottish Parliament, Welsh Assembly or a local authority (as above);
 - (3) Continuing in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons;
 - (4) Acting as an election agent or sub-agent for a candidate for election to one of the bodies above;
 - (5) Being an officer of a political party or any branch of such a party or a member of any committee or sub-committee of such a party or branch if such duties require participation in the general management of the party or branch acting on behalf of the party or branch in dealings with people other than members of the party or associated political party;
 - (6) Canvassing on behalf of a political party or on behalf of a candidate for election to any of the bodies above;
 - (7) Speaking to the public at large or to a section of the public with the apparent intention of affecting public support for a political party;
 - (8) Publishing any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted in an editorial capacity or permitting anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded

from this restriction is the display by a politically restricted post holder of a poster or other document on property occupied as a home or on a vehicle or article used by the post holder.

- 2.2 The restrictions on public speaking and publishing written or artistic works at (7) and (8) do not preclude a politically restricted postholder from engaging in those activities to the extent it is necessary of the proper performance of their official duties.
- 2.3 Where a post is politically restricted the terms and condition of appointment or employment for the postholder are deemed to incorporate these restrictions.

3.0 POLITICALLY RESTRICTED POSTS

- 3.1 The 1989 Act sets out those posts which are politically restricted, for the purposes of the Combined Authority these fall into five categories:

- (a) Statutory Officers

[for the Combined Authority these are the Head of Paid Service [the Chief Executive], Monitoring Officer and section 73 Officer]

- (b) Non-statutory Chief Officers

[These are officers for whom the head of the authority's paid service is directly responsible, who report to directly or who are directly accountable to the head of paid service but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]

- (c) Deputy Chief Officers

[These are officers who are required to report directly or who are directly accountable to one or more of the Chief Officers but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]

- (d) Political assistants appointed under section 9 of the Act

- (e) Other postholders whose posts are included in a list of posts where the duties of the post consist in or involve one or both of giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or speaking on behalf of the authority on a regular basis to journalists or broadcasters.

- 3.2 Postholders whose posts are politically restricted on the basis that their duties involve advising the Combined Authority or its committees or sub-committees, or due to their duties involving speaking to journalists or broadcasters may apply to the Head of Paid Service for exemption from political restriction. An exemption may be granted if the

Head of Paid Service is satisfied that the duties of the post do not involve those activities.

- 3.3 Table 1, below, contains the roles that are automatically politically restricted under section 2 of the Local Government and Housing Act 1989 and the Local Democracy, Economic Development and Construction Act, 2009. The table contains posts formerly filled by colleagues no longer working for the Combined Authority but who were included in the last audit of politically restricted posts undertaken by the Combined Authority. For the purpose of this undertaking these roles are retained in the table as they may have been filled.

Table 1

Annex 6: Social Media Protocol

SOCIAL MEDIA PROTOCOL FOR MEMBERS

1. This Protocol applies to Combined Authority Members and Co-opted members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The Combined Authority encourages Members' use of new technology, including social media. This protocol is intended to help with use of social media in a way that avoids legal and reputational risk. This protocol sets out what is and is not acceptable usage of social media and complements the general rules under the Code of Conduct for Members. The Monitoring Officer and the Communications team are happy to help Members by providing additional advice and guidance as appropriate. Training could also be provided to individual Members or Groups if required.
2. **What is social media?**
 - Social media describes a range of website and online tools which allow people to interact. This includes blogs and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Instagram, TikTok and Snapchat.
 - Social media is all about sharing information and people use social media platforms to give opinions, create interest groups and build online communities and networks which encourage participation and engagement.
3. It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their role as a councillor. Social media can help you to:
 - increase your local profile as an active and engaged councillor
 - perform better as a community leader by reaching out to local residents
 - keep in touch with or obtain local views and opinion
 - be more approachable

- campaign on local issues
4. A useful rule of thumb when using social media is that if you would not give out a piece of information or make a comment to a room full of people, then don't say it on social media.
 5. Remember that, whenever you act or appear to act in your official capacity on social media, you must comply with the Combined Authority Members' Code of Conduct. The overarching rules are that you should not bring the Combined Authority into disrepute and must respect confidentiality. If you have any questions or concerns, you should speak to the Communications team in the first instance.

6. Things to bear in mind:

- Any communication is capable of being misinterpreted and this includes social media. There is something about the immediacy of social media and the lack of face-to-face contact which seems to magnify the problem.
 - Things happen quickly on social media and sometimes people express emotional reactions without careful consideration.
7. Comments can be misinterpreted or misrepresented particularly with regard to something that might be perceived as being more controversial than it was expected to be:
 - Remember that information and comments that you and others make can be broadcast to a large number of people more quickly than other media, which is a double-edged sword.
 - Even if you withdraw a comment, someone may have taken a screenshot.
 - The same rules apply to social media that govern the rest of your behaviour as a councillor, but you need to take extra care given their immediacy and ease of dissemination on social media.
 - Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've said on the web is recorded and it is permanent so make sure that your online content and comment is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word.
 - This doesn't mean that Members cannot, in the appropriate context, communicate politically but you should be careful not to say anything that you wouldn't be prepared to stand by under scrutiny or that you would not feel comfortable repeating or justifying, for example, at a public meeting.
 - Be clear if you are expressing personal views. Consider adding this in your profile description.

8. Risks

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Authority's reputation.
- Social engineering attacks (also known as 'phishing').
- Bullying or "trolling". An internet "troll" is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

9. In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Authority, its employees, councillors, partners and the people it serves. As such this policy aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Authority information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- The Authority's reputation is not damaged or adversely affected without just cause.

10. Some legal issues:

- Libel – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages against you.
- Copyright – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- Data Protection – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

- Bias and Predetermination – if you are involved in making decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Authority for damages.

11. Social Media and the Code of Conduct for Members generally:

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. It is therefore advisable that you make it clear that any views expressed are your personal view. However, in some instances you may still be deemed as acting in your capacity as a councillor depending on the circumstances.
- Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others, so to avoid doubt, it is better to spell out clearly whether you are stating personal, party or the Combined Authority corporate positions or views.
- One way of avoiding any confusion and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. You should include this information in your profile. This is an individual decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts.

12. Principles of the Members' Code of Conduct that may apply:

- Treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- Comply with equality laws – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- Never bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- Do not bring the Combined Authority into disrepute – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Combined Authority.
- Do not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be

aware, is of a confidential nature. Apply exactly the same standards to your social media communications as you would to statements made in a more formal context.

13. Staying out of Trouble - Some Do's and Don'ts

Do:

- set and check you have the appropriate privacy settings for your blog or networking site –especially if you have a private, non-political blog. Do you want anyone to see it, or selected people? Remember that sites like Facebook often change the parameters of settings.
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- consider keeping your personal and elected member profile on social networking sites separate.
- maintain appropriate professional boundaries.
- ensure you use the Authority's facilities appropriately; if you use an Authority provided blog site or social networking area, any posts you make will be viewed as being made in your official capacity.
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- feel able to make political points but be careful about being too specific or personal if referring to individuals. General comments about another party or comments on policy or position are less likely to be viewed as a personal attack.

Don't:

- post social media content in haste, particularly in circumstances where your judgement might be impaired; for example, if you are angered by a comment, tired or have consumed alcohol.
- never post comments that you would not be prepared to make on paper or face to face.
- use council facilities for personal or political blogs.
- request or accept a Combined Authority employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association.
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Authority.
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, authority staff as well as information related to the Authority.

- represent your personal views, or those of any political party or interest group you belong to, as being those of the Authority, on any social medium.
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- make conspicuous or excessive use of social media technology during the course of an Authority committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

14. Members have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow members, where action could then be taken under the Councillor Code of Conduct, and the Combined Authority employees, where concerns should be raised in line with the Combined Authority member- officer protocol.

15. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

Annex 7: Webcasting of Meetings Procedure

General

- 1.1. The Combined Authority has agreed that meetings of the Combined Authority Board, Executive Committees, Audit & Governance Committee and Overview & Scrutiny Committee can be transmitted live on the internet (webcast), and the recordings made available on the website for 12 months.
- 1.2. Other meetings may also be webcast, as and when required, subject to the approval of the Chairman and members present. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Combined Authority is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly, the following will apply to all meetings to be webcast by the Council:
 - 1.2.1. The Mayor/Chairman of the meeting has absolute discretion to terminate or suspend the webcast at any time and for any reason which the Mayor/Chairman deems reasonable. This may include public disturbance or other disruption of the meeting.
 - 1.2.2. No exempt or confidential agenda items shall be webcast and no part of any meeting will be webcast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
 - 1.2.3. Subject to (d) below, all archived webcasts will be available to view on the Council's website for a period of 12 months.
 - 1.2.4. Archived webcasts or parts of webcasts may be removed from the Council's website if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Council's or the public's interests. Content may also be removed if the Monitoring Officer considers it necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

- 1.2.5. If the Monitoring Officer has decided to take such action he/she/they must notify all elected Members in writing as soon as possible of his/her decision and the reasons for it. Council anticipates that the need to exercise this power will occur only on an exceptional basis.
- 1.2.6. Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.
- 1.2.7. At the start of each meeting to be recorded, an announcement will be made to the effect that the meeting will be webcast and the Mayor/Chairman will make the following statement: 'May I remind everyone present that this meeting will be broadcast live via the internet and the record will be archived for future viewing.'
- 1.2.8. As part of the process for asking public questions residents will be advised that the meeting will be streamed on the internet and a copy of the meeting retained on the website. If an attendee (other than an elected member of the Council) does not wish to be filmed whilst addressing the meeting (unless they are included in the proceedings) ordinarily if members of the public are participating the meeting Clerk will provide advice on the best place to position themselves to ensure no image of the attendee is taken and the webcast operator will focus the camera on the Mayor/Chairman.
- 1.2.9. At the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-
WEBCASTING NOTICE Please note: this meeting may be filmed for live broadcast via the Combined Authority's website with recorded content available to view on its website for a period of 12 months.
- 1.3. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should notify the Mayor/Chairman at the start of the meeting and sit out of range of the cameras.

- 1.4. Any queries regarding the webcasting of meetings should be referred to the Monitoring Officer.

Members of the public are permitted to film or record Councillors and officers at any Council meetings that are open to the public and press. The Combined Authority permits photography and social media reporting of all its public

Annex 8: Disciplinary Procedures in Relation to the Head of Paid Service, Monitoring Officer and Section 73 Officer

- (a) The procedures for disciplinary action and dismissal of the Head of Paid Service [Chief Executive], Monitoring Officer and Section 73 Officer [“the statutory officers”] match the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended] which apply to the Combined Authority’s constituent councils.
- (b) Only the Combined Authority Board may dismiss the statutory officers following the procedure set out in this Annex and following the recommendation of a Statutory Officer Investigatory Panel constituted as set out below.
- (c) In any case where disciplinary action, as defined in Chapter 12 of the Constitution (Employment Committee) is to be taken against one of the statutory officers the Employment Committee shall establish a Statutory Officer Investigatory Panel to deal with the matter. The Panel shall have the authority to take disciplinary action short of dismissal against a statutory officer and to recommend to the Combined Authority Board that a statutory officer be dismissed.

- (d) The Statutory Officer Disciplinary Panel shall be made up of all the members of the Employment Committee or their substitute members, including the Mayor or Deputy Mayor acting in their place, together with at least two independent persons appointed by the Combined Authority or by other local authorities in England under section 28(7) of the Localism Act 2011 subject to the rules on appointment of independent persons to the Panel set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended].
- (e) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Combined Authority Board must take into account, in particular
- any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the relevant officer.
- (f) Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the 2011 Act.
- (g) The Panel must be appointed at least 20 working days before a meeting of the Combined Authority Board to consider whether or not to approve a proposal to dismiss a statutory officer.

Annex 9: Monitoring Officer Protocol

MONITORING OFFICER PROTOCOL

1.0 Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out his/her functions.
- 1.2 The Monitoring Officer is responsible for ensuring that the Authority and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Combined Authority's primary source of advice on all legal issues, and to Members on their legal obligations, but he/she also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality.
- 1.3 The Combined Authority recognises that an effective Monitoring Officer, positively engaged in the discharge of the Authority's business, is essential to the effective running and sound corporate governance of the Council.
- 1.4 Section 5(1) Local Government and Housing Act 1989 requires the Combined Authority to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility:
 - to report on actual, and anticipated, illegality within the Authority
 - to report cases where the Ombudsman has found maladministration on the part of the Authority
 - to maintain the Register of Members' Interests; and
 - to administer, assess and investigate complaints of Members' misconduct.

2.0 Working Arrangements

- 2.1 The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the way the Combined Authority expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer to enable him/her to discharge these functions effectively.

- 2.2 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on the Mayor, Members and Officers:
- complying with all the relevant law and any relevant codes of conduct.
 - complying with any general guidance and advice provided from time to time, by the Monitoring Officer.
 - making lawful and proportionate decisions; and
 - generally not taking action that would bring the Combined Authority, their Offices or professions into disrepute.
- 2.3 The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Combined Authority. In doing so, they will also safeguard, so far as is possible, the Mayor, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 2.4. Having excellent working relations with the Mayor, Members and Officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Combined Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Mayor or the Combined Authority) will assist in fulfilling those responsibilities. The Mayor, Members and Officers must, therefore, work with the Monitoring Officer in discharging these responsibilities.
- 2.5 The Monitoring Officer issues guidance to Officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all Officers. This protocol also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual / potential transgression by the Mayor and/or the Combined Authority.
- 2.6 The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for Officers, the Mayor and Members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the Mayor and/or the Combined Authority to consider issues they/it might not wish to.
- 2.7 The Monitoring Officer and the Mayor and/or the Combined Authority should co-operate in every way possible so as to reduce the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Democratic Services, but particularly those in the Legal Services team who will, in providing corporate legal advice do so in an

enabling manner, but also identify areas of particular risk and concern, assisting Officers, the Mayor and Members to achieve their objectives, but ultimately in a lawful and proper manner.

2.8 The following arrangements and understandings between the Monitoring Officer, the Mayor, Members and Chief Officers are designed to ensure the effective discharge of the Combined Authority's business and functions.

2.9 The Monitoring Officer will:

- be alerted by the Mayor, or by Members or by Officers to any issue(s) that may become of concern to the Combined Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise.
- have advance notice of at least five working days (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Combined Authority at which a binding decision of the Combined Authority may be made) at or before the Combined Authority's meetings or any binding decision to be made by the Mayor, including in both cases, a failure to take a decision where one should have been taken.
- have the right to attend any meeting of the Combined Authority before any binding decision is taken by the Combined Authority or to be notified and where necessary meet with the Mayor before he/she makes any binding decision, including in both cases, a failure to take a decision where one should have been taken)
- in carrying out any investigation have unqualified access to any information held by the Mayor and/or the Combined Authority and to any Officer who can assist in the discharge of these functions.
- ensure the other statutory Officers are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise.
- report to the Combined Authority, from time to time, on the Constitution and any necessary or desirable changes.
- as per the statutory requirements, make a report to the Combined Authority, as necessary on the staff, accommodation, and resources they require to discharge their statutory functions
- have a special relationship of respect and trust with the Mayor, and chairs of the Combined Authority's committees, sub-committees and working groups

with a view to ensuring the effective and efficient discharge of Mayoral and/or Combined Authority business

- develop effective working liaison and relationship with the Internal and External Auditor, BEIS, DLHUC and the Local Government Ombudsman (including having the authority, on behalf of the Mayor or the Combined Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary)
- maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality.
- give informal advice and undertake relevant enquiries into allegations of misconduct; defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved
- have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions
- be responsible for preparing any training programme for Members on ethical standards, Code of Conduct issues, data protection, confidentiality, and general governance of the Combined Authority.
- ensure that the Mayor and Members and Officers of the Combined Authority are fully aware of their obligations in relation to probity.

2.9 To ensure the effective and efficient discharge of these arrangements, the Mayor, Members and officers will report any breaches of statutory duty or Combined Authority policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.10 The Monitoring Officer is also available for the Mayor, Members and Officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements. Monitoring the Protocol

3. Monitoring the Protocol

3.1 The Monitoring Officer will report to the Combined Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.

4. Conflicts and Interpretation

4.1 Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which

they have previously advised the Mayor and/or the Combined Authority, they shall consult the Head of Paid Service who may then either:

- i. refer the matter to another Officer for investigation and report to the Head of Paid Service; or
- ii. ask another authority to make their Monitoring Officer available to investigate the matter and report to the Head of Paid Service and/or the Combined Authority as appropriate; or
- iii. instruct another qualified person to undertake the investigation and report to the Head of Paid Service and / or the Combined Authority as appropriate.

4.2 Questions of interpretation of this guidance will be determined by the Monitoring Officer.

Annex 10: Procurement Policy



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY

PROCUREMENT POLICY

November 2022

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1. Introduction

This document sets out the procurement approach to be applied by any person purchasing Goods, Services or Works on behalf of the Cambridgeshire and Peterborough Combined Authority (CPCA). It is complementary to Chapter 16 – Contract Procedure Rules of CPCA’s Constitution and it is designed to detail the overarching approach to public spending and the strategy by which best value and compliance is to be achieved.

2. Organisation Classification

The Cambridgeshire and Peterborough Combined Authority is classified as a Contracting Authority as defined in Regulation 2(1) of the Public Contract Regulations 2015.

3. Applicable Legislation & Policy

The CPCA is required to operate in accordance with the following Legislation

- The Local Government Act 1972
- TFEU principles and precedence (specifically the Treaty of Rome and the European Union Laws)
- Public Contract Regulations 2015 (PCR2015) as amended from time to time including by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021
- Concession Contracts Regulation 2016
- Bribery Act 2010
- Equalities Act 2010
- Localism Act 2011
- Social Value Act 2012
- Modern Slavery Act 2015
- General Data Protection Regulation 2018
- Transparency Code 2015
- Public Procurement Policy Notes

The first item in the above list requires the authority to publish its Standing Orders on how it manages its contracting requirements (Chapter 16 - Contract Procedure Rules) as part of its Constitution; this being available at the following link - [Contract Procedure Rules](#) The CPCA, as part of this section of the Constitution, sets out a basic workflow and series of decisions regarding; budget, conventional route to market options, practical processes, approval requirements and final

award, and is based on the minimum and most commonly applied requirements, as directed by the PCR2015.

The remainder of how the above requirements in legislation and Policy are to be achieved are detailed below.

4. Policy Requirements

This Policy document must be read in conjunction with the Constitution and strictly applied to ensure both:

- 1) the application of the following Treaty Principles;
 - a) equality of treatment
 - b) transparency
 - c) mutual recognition
 - d) proportionality
- 2) evidence of compliance with the Public Contract Regulation 2015 and the Concession Contract Regulations 2016;
- 3) an efficient, effective and economic outcome from every procurement;
- 4) a proportionate procurement process that balances procurement costs and delivery savings;
- 5) support and push for the socio-economic commitments of the area, Authority and its members where possible and to the largest extent permitted by law, including:
 - Net Zero policies and outcomes by all contractors, suppliers and in works contracts, promoting
 - Real Living Wage to all directly employed staff, (individuals) contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- 6) The above are to be achieved through the adherence to the following processes, decisions, actions and documentation.

5. Reasons for Compliance

Officers are required to comply with the Contract Procedure Rules and this Policy

- To ensure that the Authority obtains best value when it buys works, goods or services
- To demonstrate true and fair competition and public accountability
- To ensure consistency
- To prevent bribery and corruption, whilst ensuring probity
- To ensure a full audit trail and transparency
- To protect the interests of the Authority, its officers, elected Members, tax payer funds and the public.

- To abide by legislation, government guidance and policy and the Authority's socio-economic commitments.
- To minimise the risk of challenge, project a project from delay and prevent the likelihood of incurring additional costs or paying damages

6. Procurement Planning

Officers need to plan ahead for their required purchases, this to include the following stages

- Financial Approvals – this to include the initial budget allocation and any delegated authorities to award
- Project team – who will support the process from a financial, procurement, legal and a sponsor perspective
- Documentation requirements – internal or external templates
- Process approvals – internal or external panels or boards or funding requirements
- Process durations (excluding any approvals)
 - Single quote - approximately two weeks
 - Three quotes - approximately six weeks
 - Below threshold tender - approximately 10 weeks
 - Above threshold tenders - OPEN procedure – approximately 14 weeks
 - Negotiated Procurement - at least 26 weeks
- Award requirements – this to include the completion of the Officer Decision Notice, approval by the Chief Executive and the (CA Board or Mayoral Decision) if over £500,000 and any Standstill requirements where applicable (The above requirement includes contracts of the same value being novated or assigned).

The Find a Tender Service (“FTS”) threshold is currently at £189,330+VAT and £4,733,252+VAT for services and works respectively but these will change after the 31/12/2021 to £213,477 **including** VAT and £5,336,937 **including** VAT respectively.

7. Procurement Documents

All procurements must include the following information, where practical, using the CPCA standard templates and requirements (to be supplied as templates by the procurement team where necessary).

- Either a **Request for Quotations** (“RFQ”) or **Invitation to Tender** (“ITT”) document that details the process to be followed, the rules of participation and the method by which the procurement will be managed, evaluated and awarded.
- A **Contract Specification** or set of **Employers Requirements– Included in the ITT**
- A **Standard Selection Questionnaire (“SSQ”)** document (may only be used on above EU threshold processes) used to assess mandatory and discretionary disqualifications and a supplier’s overall suitability to contract with the CPCA. – Included in the ITT for open procurement process only or a separate document for other processes.
- A **Due Diligence Information Document** that enables the CPCA to assess the stability and commercial suitability of the organisation to deliver the contract – Included in the ITT
- A Set of **Method Statement Questions** that direct the supplier to specify and explain how they will deliver the specifics of the project’s requirements. – Included in the ITT
- A **Pricing Document** to be completed – To be attached to the ITT as part of the tender documents
- The **Contract Terms and Conditions**– To be attached to the ITT as part of the tender documents
- Any additional, supporting; charts, drawings, data sheets, explanatory notes etc.

8. Tender Specifications (law & CPCA requirements)

The tender specification needs to adequately define the CPCAs requirements; this could be as an input, output or outcome spec.

When using an input specification, officers cannot name a manufacturer, brand, model or part number; the requirement needs to be defined by its functionality and performance. Where it is impossible to define a requirement without naming a product; the specification must state, ‘or equally approved’.

The specifications must be relevant to the subject matter of the procurement and they must not be drafted so as to narrow competition artificially.

Officers defining the contract requirements must therefore be suitably experienced (and for an input specification; up-to-date with current standards, technology and trends) such that the tender documentation will facilitate a suitable offering and a manageable contract.

9. Procurement Route Decisions

Officers are required to consider their route to market based on the nature of the purchase, whether the total contract value exceeds a requirement to advertise (over £25k) and the FTS threshold, and under which of the following categories that spend falls;

- **Category 1 - Public Contracts** - Works, Goods or Services contracts where there is a definitive requirement with certainty of profit
- **Category 2 - Concession Contracts** – where there is an investment or risk on return by the supplier such that there is no certainty of profit; e.g. café services
- **Category 3 - Light Touch Regime Contracts** – where the cross-border markets are limited as suppliers are usually required to be locally based and knowledgeable; e.g. legal services, education, catering

Each of these Categories has an FTS threshold for advertising and as such two different strategies by which to engage with the market. The Current FTS thresholds are available at the following link - [Public Procurement thresholds 2020/2021 – Tenders Direct Blog](#)

In selecting the optimal route to market, officers are required to demonstrate that their selected route achieves primarily value for money and secondly promotes the Authority's commitments; generally this will require evidence of the supplier having been selected through a competitive procedure be that in the establishment of a competitively procured corporate contract or framework (by the CPCA or another approved organisation), or through a project specific competition. The level of competition required is set out below.

When awarding/signing Contracts following a procurement route, the officers are required to fill in the relevant form to each route (as described in the [Decision Matrix spreadsheet](#)) and obtain necessary approvals as indicated within the relevant form used. Templates of the relevant forms can be found [HERE](#).

9.1. Below threshold – all categories

(Supplemental to paragraph 18.1 of Chapter 16 of the CPCA's Constitution)

- under £50,000 officers are required to seek three local quotes where available as a preference unless the technicality of the requirement is so specialist that this overrides the socio-economic commitments of the CPCA in which case an advert may be required to seek interest from appropriately qualified organisations

- over £50,000 officer are required to either utilise a corporate contract or an existing framework, wherever possible (as listed below), or to place an advertisement and invite tenders using the CPCA standard templates above and procurement process detailed below.

9.2. Above threshold – Category 1

Over the FTS threshold officers are **required to consult with procurement** and to carry out an [options appraisal](#) (using the CPCA standard form) in consideration of the following

- consider and evaluate the use of existing frameworks; specifically
 - Crown Commercial Services Frameworks
 - Eastern Shires Purchasing Organisation Frameworks
 - Homes England Frameworks
 - Highways England Frameworks
 - National LGPS Frameworks
 - Any other framework in which we have been explicitly named and financially accounted for.

Where a framework is used, the officer must comply with the processes as set out in the original procurement.

Where there is an option for either direct award or mini competition, officers must consider the following.

- Where the contract value is over the FTS Threshold, a mini competition must be applied
- Where the contract value is under the FTS Threshold, and the framework allows for direct awards for such values, the officer may apply either option (subject to the advice by the procurement department, and) depending on
 - The technical requirements of the contract
 - The suitability of the suppliers on the framework
 - Any conflicts between this appointment and other project related contracts
 - Criticality of timescales
 - Historic project knowledge where the initial appointment was suitable procured.

Where a framework is not available or they are deemed unsuitable, and in considerations of the requirements of the category, officers must advertise the opportunity and select the route based on the following options listed below:

Single Appointment Requirements

- OPEN tendering must be the default option – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process; however

- RESTRICTED tendering may be used where the market is extensive and the cost to the CPCA and the market against the process is disproportionate to the value of the contract such that a short-listing stage is advantage to all parties. EVERYTHING must still all be disclosed upfront
- COMPETITIVE PROCEDURE WITH NEGOTIATION tendering may be used where EVERYTHING is not known upfront as how the outcomes are to be achieved need market involvement.

Multiple Appointment Requirements

- FRAMEWORK AGREEMENT - these are procured in accordance with any of the routes above and can include single or multiple requirements (LOTS), single or multiple suppliers and single or multiple awards. It is a closed list once awarded and has a maximum duration of 4 years. The initial process and any subsequent awards must comply with the principles of equal treatment and transparency and comply with both the PCR 2015 and the processes defined in the framework documents.
- DYNAMIC PURCHASING SYSTEMS these are open lists, they are established using the SSQ and a minimum level of quality and previous experience requirements; suppliers are added to categories if approved and any award under the DPS must be by way of a mini competition which evaluates price and quality.

9.3. Above threshold – Category 2

- OPEN tendering must be applied – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process

9.4. Above threshold – Category 3

- There are no prescribed routes to market, the process must be defined on a project by project basis and must comply with the TFEU principles of equality, transparency fair treatment of suppliers and proportionality.

10. Tender Process & Communication – Category 1 & 2

All Procurement information and tender requirements MUST be shared equally with ALL interested parties; to facilitate this, the following rules regarding information distribution, communications and storage, must be followed.

ALL information must be shared and managed **ELECTRONICALLY**, and where specified below, **managed through the CPCA e-tendering portal**

10.1. Under £10k – quotes

Single quotes must be obtained by email and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

10.2. Non-advertised (three) quotes - £10k - £50k

Where three quotes are obtained directly from three local suppliers, these can be requested by email. Once evaluated the selected supplier's quote must be and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

10.3. Advertised quotes - £25k - £50k

Where an officer cannot identify 3 local suppliers from whom to obtain quotes, the opportunity must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

10.4. Advertised Tenders – over £50k

Where a contract has a value that exceeds £50k and the opportunity cannot be awarded through an existing framework then it must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. These processes are to be loaded and overseen by procurement.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

10.5. Regulation compliant Tenders

Above FTS threshold tenders must be both advertised on Contract Finder and in the Find a tender Service (FTS)(via the e-tendering portal – currently Proactis) and an appropriate set of procurement

documents collated so as to clearly and transparently define the procurement process to be followed along with the all project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

10.6. Mini Competition from a Framework

Where the CPCA are utilising an existing Framework under which they intend to carry out a further competition to obtain a competitive quote from interested parties, the process and all the tender documentation and correspondence must be managed through the CPCA e-tendering portal. The project officer must utilise the framework templates where stipulated (ours where not) to clearly and transparently communicate all of the project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

10.7. Direct Award from a Framework

Where a framework includes an option to award directly the officer must first identify which supplier best matches their requirements in consideration of performance ability, delivery timescales, cost, experience, ability to resource, conflicts of interest and any other requirements that are particular to the project that demonstrate a justifiable reason for using that supplier over another – this decision making process must be agreed with procurement and documented by way of an email that can be attached to the contract register when the contract is added.

10.8. Direct Award without advertisement

In some circumstances there may be a justification to award without advertisement or competition; in either and/ or both cases a [Direct Award Template.docx \(sharepoint.com\)](#) must be completed to document and justify this decision and this must be signed in accordance with the requirements of the form.

- Direct Award instead of seeking three quotes below for below FTS Threshold

- Direct award without advertisement or competition for above FTS Threshold- this is covered in Regulation 32 of the Public Contract Regulations 2015 for which exemptions there are certain criteria
 - Monopoly – this must be demonstrated through a single response to an expression of interest published on Contracts Finder (Below threshold) or on the FTS
 - Urgency – This is where the requirement must be addressed sooner than the time required for Threshold procurement – however – the urgency must not be of the CPCA’s making e.g. poor planning.
 - In response to a procurement having been completed in a compliant manner and the outcome not achieving the requirement of the tender documents – in this case a single supplier can be selected to negotiate with.

All decisions regarding this must be agreed with legal and procurement and recorded in the Direct Award Template.

11. Tender Process & Communication – Category 3

11.1. Below Light touch regime threshold

There are no requirements to advertise below Light Touch Regime threshold – however, the CPCA are still required to ensure that the expenditure demonstrates value for money. Officers are also required to ensure they have approval to spend the funds and this and the choice of suppliers should be agreed by the budget holder and the email evidencing this attached to the relative entry on the contract register.

This specifically applies to contentious legal, education, training, catering services procurement processes for the CPCA and others which are included under Section 3 or the PCR2015.

11.2. Above Light touch regime threshold

The practical process for this type of procedure must follow 10.5 above and the details of the process as set out in the Invitation to Tender.

12. Advertising Opportunities and Awards

- Framework Award Notices –
 - Over the FTS threshold, an award notice should be published in the FTS and on Contracts Finder within 30 days from award of contract.

- Under the FTS threshold - and over £25k an award notice must be published on Contracts Finder within 30 days from award of contract.
- **Advertised Opportunities & their Award Notices –**
 - Above FTS Level - Any contract that exceeds the FTS threshold must have both the opportunity published in the FTS in accordance with the selected route to market and then , also published on Contracts Finder within 30 days from award of contract.
 - Below the FTS threshold – where the opportunity has been advertised an award notice must also be published using the same mechanisms
- **Not-advertised Opportunities & their Award Notices –**
 - Three Quotes – where the value exceeds £25k an award notice must be published on Contracts Finder
 - Single Source – where the value exceeds £25k an award notice must be published on contracts finder and where the value exceeds the FTS threshold and is awarded subject to Regulation 32 and VEAT notice must be published and a 10 day stand still period applied.
 - Light Touch Regime below FTS procurements do not need the opportunity advertised but where over £25k, the award must be notified on Contracts Finder

13. Tender Evaluation Approach

13.1. Single quote

Purchases made using a single quote are only evaluated for compliance with request and budget.

13.2. Three Quotes

Purchase made after seeking three quotes (that have not been advertised should be made to the lowest priced suppliers.

13.3. Advertised Tender Processes

Tenders that are advertised must be evaluated for the on the Most Economical and Advantageous Tender where both quality and price are considered.

The default split for evaluation is 60% quality and 40% price but this can be adjusted to a split of 70:30 or 80:20 to reflect the requirements of the contract.

13.4. Mini Competition FW

Mini competitions must be evaluated using the process detailed in the framework documents.

13.5. Direct Award FW

Where a framework enables a direct award process to be applied then procuring officer must document the rationale for how MEAT has been applied in accordance with the framework evaluation criteria and this should be agreed with procurement before the award is made.

13.6. Direct Award without Competition

The process of selecting the supplier to whom the CPCA will direct award will need to provide evidence of some form of evaluation criteria (such as size, experience, references, previous experience by the CPCA or another known Local Authority) as the requirements and pricing that establish the contract will be part of a negotiation process post selection.

14. Tender Evaluation Process

The Treaty Principles are paramount during this stage of the process – failure to apply the specified criteria exactly or fairly is the greatest risk of process failure and Challenge.

The scoring allocation for each section of the criteria must be evaluated from an absolute perspective using a predefined scale and must not include comparison of one supplier against another such that, in theory, a supplier can calculate their own score before they submit their tender.

The recommended approach is set out in the CPCA standard Invitation to Tender (ITT) and should only be amended with agreement from procurement.

The Evaluation Process should address the following three main headings with recommended sub-headings as listed below

14.1. Price

- A Schedule of Rates or Basket Price
- A Lump sum fixed price
- A sufficiency Ratio

14.2. Quality

- Contract delivery processes and Mechanisms
- Resources and technical ability required to deliver the contract
- Timescales and critical path

- Risks & mitigations
- Quality Control
- Health & Safety including Safeguarding, environmental protection,

14.3. Social, economic and environmental requirements

- Putting the Mayor's values at the heart of public procurement, namely
 - Compassion
 - Co-operation
 - Community

as described in more detail in the [Combined Authority's Sustainable Growth Statement](#) . Real Living Wage to all self-employed, contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.

- Local jobs, staff training, apprenticeships and work experience etc.
- Volunteering to support local projects
- Net Zero carbon footprint policies and outcomes by all contractors, suppliers and in works contracts, promoting
- Other Environmental protection matters such as; protection of wildlife, product specification, whole life costing, recycling and waste minimisation etc.
- Local spend, local supply chain, local investment

Subject to all requirements in Chapter 16, paragraph 25 of the CPCA Constitution and in the spirit of recent drive of the UK government for environmental protection as an increasingly important criterion for public procurements, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2021):

- a) a criterion regarding Net Zero compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

Additionally, and in line with the Authority's commitments for accreditation as a Living Wage Employer by the Living Wage Foundation, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2021):

- b) a criterion regarding Real Living Wage compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

The content of this paragraph 14.3 will be reviewed and updated to increase the weighting received by Net Zero considerations, subject to and in accordance with new impending legislation on the back of the results of the consultation: [Green Paper: Transforming public procurement](#).

Definitions:

“Net Zero” above means a policy and all the practical measures taken by a potential bidder in a procurement by which this bidder ensures and achieves zero balance between the amount of greenhouse gas produced and the amount removed from the atmosphere in its operations.

“Real Living Wage” is the hourly rate payable by organisations to their employees and contractors as this is set by the Living Wage Foundation, which corresponds to the hourly rate working people need to afford a minimum ‘decent’ standard of living.

14.4. Other Considerations

- Business Continuity Plans
- ISO accreditations
- GDPR processes
- Policies and commitments

15. Post Tender Clarifications

Where, as part of the evaluation process, there are areas of uncertainty, these may be clarified by way of the Q&A process available through the portal.

Any Information received via the Q&A process can only be used to ensure an accurate understanding of the submission and that a fair score has being applied. No new or additional information can be considered or used to re-determine the scores.

Where the intended clarification process is to be managed by way of a meeting, the process for how the responses to questions are to be evaluated and contribute to the final score must be clearly defined within the tender documents and must represent a fair and transparent process. Where such information results in the scores being adjusted, this must be clearly documented on the tender score sheets and in the Tender Report.

Where the clarification relates to price, officers may seek an explanation regarding any anomalies or omissions, but the prices CANNOT be changed. If an item has not been priced individually it is assumed to be provided at no extra costs; if this principle would make the overall contract delivery unsustainable as per above, then the tender may need to be discounted. This can only

happen following a clarification process and MUST be reviewed by Procurement before such a decision is made.

Where an arithmetical error is identified, this can be corrected by the CPCA but the error must be confirmed by an independent party (ideally Internal Audit) and confirmed as acceptable by the Tenderer before any further consideration is given to the tender. If the corrected price is considered undeliverable by either the Tenderer or the CPCA then the submission may need to be discounted.

16. Abnormally Low Tenders

Where the evaluator identifies a concern as to the accuracy or deliverability of the submitted prices or a conflict between the pricing and the commitment in the method statements, or there is concern that they have been calculated to distort or manipulate the evaluation process, Officers are advised to liaise with Procurement to carry out a review (in accordance with the PCR2015) to ascertain if the submission is sustainable or if it should be dismissed from further evaluation. Any decision must be agreed by Procurement and the Project Sponsor and be appropriately documented.

17. Tender Report

Following any competitive procurement being completed and the Most Economical and Advantageous Tender identified, over the value of £25,000, the responsible officer must complete a Regulation 84 compliant Tender report [Tender Award Report Template.docx \(sharepoint.com\)](#) (as per CPCA template) which must be signed by the person with authority to agree the expenditure and sign the contract.

A copy of the completed Report (and any supporting documents) must be stored against the project on the Contract register as a private attachment and made available to Central Government upon request.

18. Tender Award & Standstill

Once approval to award has been received, ALL suppliers must be notified at the same time with their correspondence being issued to them through the e-tendering portal.

Standstill is a 10 calendar day waiting period between the notification of an intention to award and the actual award; it is there to enable disappointed or disgruntled suppliers to question or challenge

the decision before the contracts are practically awarded and once past, the process protects the CPCA from a claim of ineffectiveness

Although the requirements for Standstill is only mandatory on above FTS threshold advertised procurements, the CPCA policy is to apply a standstill period of 10 days in the following situations

- Above FTS threshold competitions
- Below FTS threshold procurements that have been advertised on Contracts Finder
- All contracts awarded from a framework using a mini competition over £25k where an award notice is published
- All Direct Awards without Competition where a VEAT notice is published.

The use of a standstill period will protect the CPCA from an awarded contract being made ineffective but cannot protect against damages.

19. Tender Feedback

ALL participants in a procurement process are entitled to receive feedback on their tender submission and their performance compared to the successful supplier.

Officers are required to record the justification for their scores as part of the evaluation process and it the collated and moderated comments that must be provided to the supplier as part of the notification correspondence

Officers are advised to agree this feedback with procurement before issuing to ensure it is both sufficient to comply with the PCR2015 and does not breach the requirement to protect commercially sensitive information or personal data which would be a breach of other Public Sector obligations.

20. Contract Documents

All contracts must be in writing, must be collated and signed in accordance with the constitution and must clearly specify the goods, works or services to be provided, including a programme of delivery, the specification and the tender response (including pricing and method statements), terms of payment, and any other terms and conditions agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations, as a minimum and then an electronic copy stored on the contract register.

21. Contract Register

All contracts over £5,000 in value MUST be included on the e-tendering contract register. Where the procurement process has been managed through the e-tendering portal all of the required information can be migrated to the register as part of the procurement workflow within the system.

Where a contract has been awarded through either a waiver, quotes process or a direct award mechanism, these MUST be manually added and all the supporting documentation appended to ensure a full audit trail of the decision processes. The Waiver and Direct Award forms all include a section at the end of each form labelled 'Contract Register Information' which will need to be completed by the instructing officer and sent to the Procurement inbox, along with the signed contract.

This list of contracts held must be available to the public and the supporting documents must be available on request by Central Government or to facilitate a response to an FOI if received.

22. Other Governance Requirements

22.1. Freedom of Information

In addition to suppliers being entitled to be advised on the outcome and administration of a procurement process, other interested parties may also wish to have access to that information.

Officers should seek guidance from the Governance team and Procurement before disclosing any information to ensure confidential personal data and commercially sensitive financial constructs, trade secrets and intellectual property are suitably redacted before any documents are shared.

22.2. Conflicts of Interest

The Public Contract Regulations and overarching legislation is designed to prevent corrupt practices and any preferential treatment or discrimination of any UK or EU supplier. As such the following rules apply:

All members, officers, senior managers or organisations procuring on behalf of the CPCA must avoid any potential conflict between their own interests and the interests of the CPCA as detailed in the CPCA's Code of Conduct.

Where an interest (financial or personal) is identified this must be reported to the relevant Head of Service (as this is defined in the Constitution) and Procurement such that any identified risks can be

minimalized. Where such a conflict is identified that person may not participate in the procurement or evaluation process. Where this is not practical, mitigation steps must be agreed with Procurement and Audit.

22.3. Prevention of Bribery and Corruption

Officers, members and consultants working on behalf of the CPCA are not permitted to request or accept any form of gratuity from any suppliers.

Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the CPCA arising from the termination recovered from the supplier.

Any elected Member of the CPCA, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts must report that to the Monitoring Officer.

22.4. Prevention of Organised Crime & Modern Slavery (law)

Organised crime includes involvement in: illegal drugs, fire arms, fraud and financial crimes, money laundering, child sexual exploitations, organised immigration and human trafficking, cyber-crime and organised acquisitive crime.

Officers are required to complete a due diligence process, before awarding a contract, to ensure that the CPCA is not party to any such illegal or immoral behaviour. This must continue to be monitored throughout the life of the contract.

22.5. Late Tenders

Late tenders can only be accepted as follows

- There has only been one return
- It is less than 5 minutes late
- The other tenders have not been issued to the project officer
- The Project Manager has agreed their inclusion to facilitate competition (under £100,000)
- The relevant Director has agreed their inclusion to facilitate competition (over £100,000)

22.6. Letters of Intent

Letters of intent give the contractor the authority to proceed prior to the execution and dating of the contract. However, they should only be used where there is a genuine need and benefit to the CPCA such as to:

- facilitating the ordering of goods where there are long lead times
- enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements
- Other project constraints that put the delivery at risk

All letters that fall under the points above must be agreed with legal and signed by the relevant Director.

Where a letter of intent is required for any other reason it must be agreed by the relevant Director prior to issue.

Where a letter of intent is issued it must include a maximum liability of £100,000 unless otherwise agreed by the Chief Executive.

22.7. Extensions or Variations to a Contract

A Contract should only be extended or varied in accordance with any such options included in the original procurement and contract.

Where no such provision exists; a contract can only be extended or varied as follows

- The additional requirement is still in scope of the original specification and does not equate to a new requirement which should have a new process
- The extension or variation does not present an unacceptable risk to the Authority; e.g. had the changes been known, others would have participated in the opportunity or a better price could have been achieved
- The additional requirement does not take it over the FTS threshold when it was procured using a below FTS process
- The additional value does not exceed more than 10% of the original advertised value, or more than 50% if certain requirements are satisfied (as per legal and procurement department's instructions).
- The length of the extension is only 'sufficient for a new procurement and market conditions'.

The application of any extension or variation

- must be in the council's best interest ;
- must demonstrate value for money;
- must be after a new Due Diligence Check has been completed.

The approval must be in consideration of the Authority's requirements above and be based on the total of both the original and all extension values.

22.8. Contract Management

- 22.9 The CPCA is committed to ensuring that in addition to procuring its contracts effectively and economically, that they will be efficiently managed to ensure the benefits promised are delivered. In addition, any documents appertaining to amendments or additions to the contract must be added to the contract register and any duration there listed amended accordingly.
- 22.10 All contracts must have a nominated officer to act as contract manager for the whole contract.
- 22.11 All contracts which exceed the EU threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.
- 22.12 Officers must not terminate a contract prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.
- 22.13 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.
- 22.14 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

23. Urgent decisions outside the budget or policy framework

- 23.1 Officers discharging executive functions may need to take a decision which is contrary to the Council's policy framework or contrary to or not in accordance with the budget approved by the CA Board if the decision is a matter of urgency. This may include a situation where services are stopped abruptly and if not re-procured as soon as possible, will cause disruption to services to residents and/or functions of the CA. However, such a decision may only be taken: -
- 23.2 If it is not practical to convene a quorate meeting of the CA Board urgently; and
- 23.3 If the Chair of overview and scrutiny committee agrees that the decision is a matter of urgency.
- 23.4 If the Mayor and/or the relevant lead members agrees that it is urgent.
- 23.5 If the approval of the Chief Executive officer, Chief Finance Officer and Monitoring Officer is obtained.
- 23.6 If the reasons why it is not practical to convene a quorate meeting of the CA Board and the consent of the Chair of Overview and Scrutiny and Mayor's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 23.7 In the absence of the Chair of the Overview and scrutiny committee, the consent of the Vice-Chair of the overview and scrutiny committee will be obtained.
- 23.8 In the absence of the Mayor, the consent of the Deputy Mayor will be obtained.
- 23.9 In the absence of both the Chair and Vice Chair of the Overview and Scrutiny committee, the consent of the Mayor or Deputy Mayor will be sufficient.
- 23.10 Following the decision, the decision taker will provide a full report to the next available CA Board explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 23.11 The decision maker will have regard to the decision-making principles and the CA's Financial management Procedure rules in the constitution.

23.12 Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions to implement the CA's policy will not exceed budgets allocated and grants available.

24. Responsibilities

24.1 Responsibility of Directors - Directors have a duty to ensure that officers dealing with contracts have written authority to do so and comply with all appropriate rules.

24.2 Responsibilities of Officers- Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.

Annex 10: Data Protection Policy

<https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/governance/transparency/codes-ofconduct-and-policies/Data-Protection-Policy.pdf>

Annex 11: Complaints Procedure

Annex 12: Protocol on Appointments to the Office of the Mayor

1. General

1.1. There are three posts within the Mayoral Office which are appointed on a different basis to other Combined Authority posts. In particular:

- (a) The contracts of employment for these posts automatically end on the expiry of the Mayor's term of office;
- (b) The individuals are accountable for their performance of their duties to the Mayor;
- (c) The individuals are subject to additional requirements as to their conduct, as set out below, which do not apply to other Combined Authority officers.

2. The Legal Basis of Mayoral Appointments

2.1. Political assistants are an established part of the local government landscape and are provided for in legislation including:

- Section 9 of the Local Government and Housing Act 1989;
- The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002; and
- The West of England Combined Authority Order 2017

2.2. There is no specific statutory authority for the appointment of political assistants in the Combined Authority. These posts within the Mayoral Office are appointed by the Mayor using the general power of competence conferred

on him by Article 12 of the Cambridgeshire and Peterborough Combined Authority Order 2017.

- 2.3. The posts are subject to political restriction on the basis that the duties of the postholders consist in or involve giving advice on a regular basis to the Mayor themselves. The statutory provision at section 2(3) of the Local Government and Housing Act 1989 refers to giving advice to the “authority” and does not refer to advising a Mayor, but in the context of a Mayoral Combined Authority the reference to the “authority” can be taken to include the Mayor.
- 2.4. These posts are subject to additional restrictions as to the conduct of the postholders over and above those which apply to officers of the Combined Authority whose posts are politically restricted. The purpose of these additional restrictions is to ensure that any potential conflict between the postholders being paid from public funds and having access to public resources and with their participation in party politics is managed.
- 2.5. Provided appropriate safeguards are in place the appointment of these officers is a legitimate and lawful use of the general power. These officers perform a valuable role in allowing the Mayor to obtain political advice without compromising the impartiality of other officers.

3. Duties

3.1. These postholders’ duties include the following:

- (a) Reviewing papers going to the Mayor, drawing attention to any aspect which they think has particular implications for the Mayoralty;
- (b) Ensuring that sensitive political points are handled properly;
- (c) Giving policy guidance on behalf of the Mayor on any aspect of the Combined Authority’s business relating to their job description and give advice to the Mayor accordingly;
- (d) Asking questions of relevant officers, probing, checking facts and

research findings;

- (e) Preparing policy papers which can generate long-term policy thinking within the Combined Authority;
- (f) Contributing to policy planning within the Combined Authority, including ideas which extend the existing range of options available to the Mayor with a political viewpoint in mind;
- (g) Helping to brief Members of the Board, MPs and external officials on issues of Mayoral policy; liaising with outside interest groups; representing the Mayor at meetings and elsewhere;
- (h) Speechwriting and related research, including adding a greater degree of political content to material prepared by other Combined Authority officers;
- (i) Representing the views of the Mayor to the media, only where they have been authorised by the Mayor to do so (NB for the sake of clarity this means that these officers may not speak on behalf of the authority or the Mayor to journalists or broadcasters, except in exceptional circumstances);
- (j) Managing other mayoral appointees and Combined Authority staff appointed by the Chief Executive who provide administrative or clerical support to the Mayoral Office but the dismissal of staff, determining grievances raised by them or altering their terms and conditions of employment are the responsibility of the Chief Executive.
- (k) Attending interview panels for senior Combined Authority staff, as observers, but decisions to appoint rest with the Chief Executive or the Director for that employee. Such attendance to be with the consent of the Chair of the Employment Committee.

4. Additional Requirements as to Conduct

- 4.1. These postholders are subject to all codes, protocols, guidance and agreements which apply to the conduct of officers of the Combined Authority

and the restrictions which apply to politically restricted posts. In addition, they are subject to the following requirements:

- (a) Officers appointed directly by the Mayor should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Mayor, the Board, other officers or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence or received in confidence from others.
- (b) All officers appointed directly by the Mayor should not use Combined Authority resources for party political activity. They are employed to serve the objectives of the Authority; it is this which justifies their being paid from public funds and being able to use public resources and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of public servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes.
- (c) In order to provide effective assistance to the Mayor, officers appointed directly by the Mayor should work closely with the senior managers in the Authority and establish relationships of confidence and trust, and should develop effective professional relationships with Members of the Combined Authority Board.
- (d) Any individual terms and conditions agreed as part of the interview process cannot amend or preclude these terms and conditions but additional terms and conditions may be agreed between the Mayor and the prospective employee, subject to consultation and agreement with the Chief Executive.
- (e) Following receipt of any item or hospitality of a value of £25 or more, all Mayoral appointees should, within 28 days, update the register of gifts and hospitality accordingly. The register will be placed on the CPCA website. The

Audit & Governance Committee is responsible for monitoring and reviewing the register through the Annual Governance Statement.

- (f) In advising the Mayor on issues in relation to a particular functional body, Mayoral appointees should be mindful of potential conflicts of interest and the need to register and declare any and all relevant interests.

5. Process for Mayoral appointments

5.1. The following sets out the process which will be applied to the appointment of officers within the Mayoral team:

- (a) Appointments must be made on merit. Recruitment to these posts must be by way of public advertisement and interview.
- (b) The process for selection of suitable candidates must be clear and test that an individual's knowledge, skills, experience and attributes meet the requirements of the role. In order to do this, a job description and person specification will be prepared for each role. An interview process to assess candidates' suitability for the role is required and each candidate must be assessed against the job description and person specification.
- (c) The Mayor should be satisfied that the individual is competent to perform the required role, based on the contents of the job description and on an assessment of candidates' skills and experience.
- (d) All job descriptions will be evaluated to independently assess the salary level for the role.
- (e) Guidance will be given to candidates during the recruitment and appointment process, and to appointees following their appointment, explaining the implications of these political restrictions.
- (f) Offers of employment will be subject to the standard employment checks.

- (g) The Mayor must report the appointments to the Board at the next scheduled meeting (this has historically been done through a Mayoral announcement at the beginning of the meeting).
- (h) In all other regards, appointees will have the same basic terms and conditions of employment as CPCA staff appointed by the Head of Paid Service.
- (i) In the event that any grievance or disciplinary issue arises in respect of Mayoral appointees this will be considered and, as necessary, investigated through arrangements decided by the Chief Executive, who is responsible for taking any further action as he / she deems necessary.

Annex 13: Standard Committee Hearings Protocol



STANDARDS COMMITTEE HEARINGS PROTOCOL

1. This Hearing Procedure sets out how the Combined Authority("CA") deals with Sub-Committee hearings.
2. There is specific terminology used in relation to this CA function and therefore **Appendix A** gives definitions of the main terminology used in the procedure.

3. Both the member who is the subject of a complaint, and the person making the complaint will have been informed if it has been decided that the complaint should be investigated.
4. Once the Investigating Officer has carried out their investigation, the subject of the complaint and the complainant will receive a copy of the draft report and will have the opportunity to make comments. The Investigating Officer will update their report accordingly and issue the final report. The Investigator's Report may find that:
 - There has been a breach of the Code of Conduct.
 - There has been no breach of the Code of Conduct.
5. The Monitoring Officer will receive the Investigating Officer's draft report along with the subject of the complaint and the complainant to ensure that all issues have been investigated as the duty to maintain standards rests with the Monitoring officer.
6. The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report. If the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will either:
 - (a) seek a local resolution; or
 - (b) send the matter for local hearing before the Hearings Panel
7. The Monitoring Officer will also seek the view of the Independent Personal before making a decision.
8. If the Monitoring Officer decides that the matter should go to a hearing, then the pre-hearing process is started.

Pre-Hearing Process

9. This process is designed to ensure that matters at the hearing are dealt with fairly and efficiently. A letter will be sent to the subject of the complaint, proposing an initial date for the hearing.
10. The Subject Member is asked to indicate any needs they may have on the day of the hearing, whether they would wish to have the matter heard in private and how many witnesses they would like to call.
11. The pre-hearing process is also used to identify disagreements in the evidence presented in the Investigating Officers report, any other evidence the Subject Member wishes the Sub-Committee to take into account and any factors that the Subject Member believes should be taken into account as mitigation, if they are found to have breached the Code.
12. A meeting may then be convened with the Chair of the Sub-Committee. At this stage, information from both the Subject Member and the Investigating Officer are considered. The Chair will make decision as to the witnesses to be called, the administrative arrangements to be made and the date of the final hearing.
13. All of the information submitted during this process assists the formulation of the agenda for the hearing. This agenda and the covering letter are then sent to the Subject Member, the complainant and the witnesses.
14. At this stage the hearing agenda is confidential. The Sub-Committee will then make a decision on the day of the hearing as to whether the hearing should be carried out in public or in private. If the hearing is carried out in public, the papers will be made openly available at this stage.

Standards Committee Hearings

15. The purpose of the Standards Sub-Committee is to allow the Sub-Committee to consider the evidence supplied by both the Subject Member and the Investigating Officer and make a decision as to:
 - The findings of fact.
 - Whether the Subject Member has breached the Code of Conduct; and
 - Any sanction if it is found that the Subject Member has breached the Code of Conduct.

16. To hear the matter, a Sub-Committee is formed. The Sub-Committee will comprise of three members.

17. **Agenda**

i. Preliminary Items - Opening the Meeting of the Sub-Committee

There are a number of preliminary items which will be considered when the meeting is opened. Some of these items are standard items which are found on Sub-Committee agendas and some are unique to the hearing process.

ii. Apologies and Disclosures of Interest

At the beginning of the meeting the Chair of the Sub-Committee will ask for any apologies and will ask members of the Sub-Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the case, and to withdraw from consideration of the case if so required.

iii. Quorum

The Chair will then check that the meeting is quorate to ensure that the correct members are sitting on the Sub-Committee before the hearing is commenced.

iv. Introductions

- At the start of the hearing, the Chair will introduce each of the members of the Sub-Committee, the Member, the Independent Person, the Investigator, the Legal Advisor, the Committee Support Officer and any other officers present.
- The Investigating Officer or the Subject Member may choose to be represented by a solicitor or barrister during the hearing, or with the permission of the Sub-Committee, another person. It must be noted that the Member must bear the cost of such representation.

v. The Role of the Legal Advisor

The Chair will then explain the role of the Legal Advisor. The Sub-Committee may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the matters put before them in private. The substance of any legal advice given to the Sub-Committee at any stage in the proceedings will be shared with the parties present.

vi. Outline of the Hearing Procedure

- The Chair will confirm that all present know the procedure which the Sub-Committee will follow in determining the case. The Chair will remind the Sub-Committee that although this is a formal meeting, it is not judicial and evidence is not given under oath. The standard of proof to be met is on the 'balance of probabilities', as in civil proceedings and not 'beyond all reasonable doubt', as in criminal proceedings. The Chair will then ask the hearing if there are any questions, before continuing.
- At this stage the Sub-Committee will resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.
- The Chair will consider whether or not there are opportunities for conciliation that would be beneficial to the process. The Chair may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.
- If the Subject Member is not present at the start of the hearing and has not indicated his/her wish to proceed regardless:
 - (a) The Chair will ask the Legal advisor whether the Member has indicated his/her intention not to attend the hearing.
 - (b) The Sub-Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for a failure to attend.
 - (c) If the Sub-Committee is satisfied with the reasons it will adjourn the hearing to another date.
 - (d) If the Sub-Committee is not satisfied with the reasons, or if the Subject Member has not given any reasons, the Sub-Committee will decide whether to

consider the case and make a determination in the absence of the Subject Member or adjourn the hearing to another date.

vii. Exclusion of the Press and Public

The Chair will ask the Member, the Investigator and the Legal advisor to the Sub-Committee whether they wish to ask the Sub-Committee to exclude the press or public from all or any part of the hearing. If any of them do so request, the Chair will ask them to put forward reasons for so doing and ask for responses from the others and the Sub-Committee will then determine whether to exclude the press and public from all or any part of the hearing. Further details are set out at **Appendix B**.

vii. Presentation of the Monitoring Officer's Report

At the end of the preliminary matters, the Monitoring Officer (usually also acting as the Legal Advisor to the hearing) will present their report. This report will summarise the pre-hearing process which has taken place, and outline whether or not the Subject Member has disagreed with any of the findings of fact in the Investigating Officer's report.

- (a) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigator's report, the Sub-Committee may then make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigator's report and proceed directly to consider whether any action should be taken.
- (b) If the Member identifies additional points of difference, the Chair will ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she will then ask the Investigator (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Sub-Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing

process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigator's report but which the Member did not identify as a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.

The Monitoring Officer will then ask the Sub-Committee to endorse the pre-hearing directions.

CONDUCTING THE HEARING

18. Findings of Fact - Are there Disputes?

Introduction

This section is concerned with agreeing the findings of fact. Any facts which are disputed by the Subject Member must normally have been stated during the pre-hearing process.

- (i) If the Subject Member disagrees with any relevant fact in the Investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence. After considering the member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:
 - (a) Disagree with the Subject Members explanation, accept the facts as they are presented in the Investigating Officer's report and continue with step three of the hearing.
 - (b) allow the Subject Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary.
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigator to be present if they are not already.
- (ii) If there is no disagreement about the facts, the Sub-Committee can move on to the next stage of the hearing;

- (iii) On the facts, has the Code been breached?
- (iv) **Investigator's Representations (and witnesses, if appropriate)**
 - (a) If there is a disagreement on the findings of fact the Investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence.
 - (b) The Sub-Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator. If the Subject Member disagrees with most of the facts, it may be sensible for the Investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
- (v) **Subject Member's Representations (and witnesses if appropriate)**
 - The Subject Member should then have the opportunity to make representations to support their version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.
- (vi) Both the Subject Member and Investigating Officer will then have an opportunity to 'sum-up' the main points of the argument.
- (vii) At any time, the Sub-Committee may question any of the people involved or any witnesses. The Investigator may be given an opportunity to challenge any evidence put forward by witnesses called by the Subject Member.

19 Decision

- (i) The Sub-Committee will usually move to another room or ask all the attendees apart from the Legal Adviser to vacate the room to consider the representations and evidence in private. On their return, the Chair will announce the Hearing Sub-Committee's findings of fact.
- (ii) The Sub-Committee will take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (iii) The Sub-Committee's function is to make a determination on the findings of fact. It will do this by way of majority voting. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a

witness, or to seek the legal advice from or on behalf of the Legal Advisor. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Sub-Committee.

20. On the Facts, has the Code been Breached?

Introduction

- (i) The Sub-Committee then needs to consider whether, based on the facts it has found, the Subject Member has failed to follow the Code. The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
- (ii) **Investigator's Representations (and witnesses, if appropriate)**
 - (a) The Sub-Committee should then consider any representations on whether the Code has been breached from the Investigator.
 - (b) The Investigating Officer may also, at this point, call witnesses if permission is granted by the Sub-Committee.
 - (c) The Subject Member may be given an opportunity to challenge any evidence put forward by any witness called by the Investigator.
- (iii) **Subject Member's Representations (and witnesses, if appropriate)**
 - (a) The Subject Member will be invited by the Chair to give relevant reasons why the Sub-Committee should decide that they have not failed to follow the Code.
 - (b) The Subject Member may, at this point also call witnesses if permission is granted by the Sub-Committee. The Investigator may be given an opportunity to challenge any evidence put forward by witnesses called by the Subject Member
 - (c) Both the Subject Member and the Investigating Officer will then have an opportunity to 'sum up' the main points of the argument.
- (iv) **Sub-Committee's Decision**
 - (a) At the conclusion of the Member's response, the Chair will ensure that each member of the Sub-Committee is satisfied that he/she has sufficient information to enable

him/her to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigator's report.

- (b) The Sub-Committee will then move to another room to consider the representations. On their return, the Chair will announce the Sub-Committee's decision as to whether the Subject Member has failed to follow the Code.
- (c) The Sub-Committee will take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (d) The Sub-Committee's function is to make a determination on whether the Member has breached the Code of Conduct. It will do this by way of majority voting. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Legal Advisor. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Sub-Committee.
- (e) If the Sub-Committee decides that the Code has not been breached, it will inform the Subject Member and the Sub-Committee will dismiss the complaint.

21. Sanctions

(i) Introduction

- (a) If the Sub-Committee decide that there has been a breach of the Code of Conduct by the Member concerned, they will then go on to consider sanctions. The sanctions available to the Sub-Committee can be found at **Appendix C**.
- (b) Factors to be taken into account when considering what sanction may be applicable are set out at **Appendix D**.
- (c) Mitigating factors are set out at **Appendix E**.

(ii) Investigator's Representations

- (a) The Sub-Committee will consider any verbal or written representations from the Investigating Officer as to:
 - whether the Hearing Sub-Committee should apply a sanction; or
 - what form any sanction should take.

(iii) Subject Member's Representations (and character witnesses, if appropriate)

- (a) The Subject Member may introduce agreed character witnesses to make a statement in support of the Subject Member.
- (b) The Sub-Committee will consider any verbal or written representations from the Subject Member as to:
 - whether the Sub-Committee should apply a sanction; or
 - what form any sanction should take

(c) Both the Subject Member and the Investigating Officer will then have an opportunity to 'sum up' the main points of the argument.

iv. Sub-Committee's Decision

- (a) The Sub-Committee may question the Investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
- (b) The Sub-Committee will then deliberate in private to consider whether to impose a sanction on the Subject Member and, if so, what sanction it should be.
- (c) On their return, the chair will announce the Sub-Committee's decision as to the sanction that the Sub-Committee will recommend.

22. Recommendations to the Authority

- (i) Regardless of whether or not the Sub-Committee find that Subject Member has breached the Code of Conduct, the Sub-Committee may make recommendations to the authority, with a view to promoting high standards of conduct among Members.

23. Close of the Meeting

- (a) The Chair will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.
- (b) A short written decision will be agreed by the Sub-Committee and made available on the day of the Sub-Committee.

- 24.** The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the Hearings Panel and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Combined Authority meeting.
- 25.** There is no right of appeal for a complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel. If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.

APPENDIX A

Terminology

- (a) 'Subject Member' means the member of the authority who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer and his or her nominated representative).
- (c) "The Case" is the subject case of the Investigator's report.
- (d) "The Sub-Committee Support Officer" means an officer of the authority responsible for supporting the Sub-Committee's discharge of its functions and recording the decisions of the Sub-Committee.
- (e) "The Chair" refers to the person presiding at the hearing.
- (f) "The Sub-Committee" means a Sub-Committee of the Combined Authority's Audit and Governance Committee appointed to hear the matter.
- (g) 'Legal Advisor' means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

APPENDIX B

Access to Standards Committee Hearings and Exempt Information

1. At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing.
2. The Sub-Committee has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The committee should take into account Article 6 of the *European Convention on Human Rights*. The Sub-Committee also has a duty to act fairly and within the rules of natural justice. There is a clear public interest in promoting public confidence in the integrity and honesty of public authorities. Therefore, the hearing should be held in public unless the Sub-Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

APPENDIX C

Sanctions Available to the Sub-Committee

The sanctions which are available are any, or any combination, of the following:

- (a) publish its findings in respect of the member's conduct;
- (b) report its findings to Combined Authority for information;
- (c) recommend to the Constituent Council or to the Combined Authority that they be removed from any or all Committees or Sub-Committees of the Combined Authority;
- (d) recommend to the Mayor that the member be removed from particular lead member responsibilities;
- (e) recommend to the Combined Authority to remove the member from any or all outside appointments to which they have been appointed or nominated by the authority;
- (f) recommend to Combined Authority that it restricts the member from contacting specified Combined Authority's officers.

APPENDIX D

Factors to be taken into Account

In considering the sanction the Sub-Committee may take into account the following factors, along with any relevant circumstances:

- (a) What was the Subject Member's intention?
- (b) Did the Subject Member know that they were failing to follow the Code of Conduct?
- (c) Did the Subject Member get advice from officers before the incident?
Was that advice acted on or ignored in good faith?
- (d) Has there been a breach of trust?
- (e) Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- (f) What was the result of failing to follow the Code of Conduct?
- (g) What were the potential results of the failure to follow the Code of Conduct?
- (h) How serious was the incident?
- (i) Does the Subject Member accept they were at fault?

- (j) Did the Subject Member apologise to the relevant people?
- (k) Has the Subject Member previously been warned or reprimanded for similar misconduct?
- (l) Has the Subject Member failed to follow the Code of Conduct before?
- (m) How will the sanction be carried out? For example, who will provide the training or mediation?
- (n) Are there any resources or funding implications?


APPENDIX E

Mitigating and Aggravating Factors

Aggravating Factors

- (a) Dishonesty.
- (b) Continuing to deny the facts despite clear contrary evidence.
- (c) Seeking unfairly to blame other people.
- (d) Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- (e) Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.
- (f) Failing to heed appropriate advice or warnings of Officers of the Combined Authority.

Mitigating Factors

- (a) An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
 - (b) A Member's previous record of good service.
 - (c) Substantiated evidence that the member's actions have been affected by ill-health.
 - (d) Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the Member.
 - (e) Compliance with the Code since the events giving rise to the determination.
 - (f) Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.
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APPENDICES TO THE CONSTITUTION	TO BE PRESENTED BETWEEN JANUARY – APRIL 2023

