



Audit & Governance Committee

09 June 2023

Agenda Item

12

Title:	Establishment of a sub-committee
Report of:	Edwina Adefehinti
Lead Member:	Cllr Edna Murphy - Governance
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	Majority

Recommendations:

A	The Audit & Governance Sub-committee be established to discharge any of the functions of the parent Audit & Governance committee including forming a hearings panel.
B	The Audit & Governance Sub-committee hearing panel be established consisting of at least four members of the Audit and Governance committee to include an independent person who may be best suited to chair the meetings to ensure neutrality and remove any appearance of bias or predetermination.
C	The Monitoring Officer be authorised as proper officer to accept changes to membership of the sub-committees, such change to be notified before the start of a meeting. Those Members will be appointed with effect from the date at which the Monitoring officer is advised of the names of such Members.

Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

	The establishment of a standing sub-committee and hearings panel will enable improvements to the Combined Authority's governance as observed in DLUHC's the best value notice.
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1. Purpose

1.1	The Constitution as approved by the Combined Authority Board enables this committee to establish subcommittees to discharge of any of its functions by any such sub-committee and a hearings panel to hear any complaints where a Member is alleged to have breached the Code of Conduct.
1.2	The committee is asked to establish a subcommittee and a hearings panel, to enable the subcommittee to carry out any functions of this committee and to schedule a code of conduct hearing, if required within reasonable time

2. Proposal

2.1	A standing subcommittee is established with members appointed for a municipal year or until they are no longer members of the parent Audit & Governance committee or until they resign or are removed or can no longer act for any reason.
2.2	A standing sub-committee and hearings panel will ensure that the combined authority is able to discharge its functions effectively. The subcommittee can develop recommendations and/or investigate issues of interest or concern.

3. Background

3.1	The Combined Authority received a best value notice dated 24/01/2023 following concerns raised within the Authority in respect of code of conduct investigations.
3.2	<p>It is good practice for a local authority, which the CPCA is, to establish sub-committees to deal with specific issues on behalf of its parent committee. This allows flexibility and effectiveness, promoting good governance. The subcommittee consisting of some members of the parent committee are able to meet in a more flexible manner and are able to look into more depth at issues.</p> <p>In addition, the constitution of the combined authority permits the establishment of a sub-committee which this committee has so far not done.</p> <p>Finally, a hearing panel is required in light of government's interest and the EY letter regarding the Combined authority's need to improve its governance. A hearing panel signals to stakeholders that governance is being strengthened and that this committee is capable and available to deal with matters within reasonable time avoiding any delays.</p>
3.3	<p>Alternative options considered:</p> <ol style="list-style-type: none">1. Do nothing – this would not be in the best interest of the Combined Authority and does not foster good governance and best value.2. Wait – this would not be in the best interest of the Combined Authority as the Best Value notice expects the Combined Authority to "<i>Continue in its efforts to conduct investigations at pace and to implement cultural change.</i>"

4. Appendices

4.1	Appendix 1 – Best Value Notice
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5. Implications

Financial Implications

5.1	There are no direct financial implications from this proposal.
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Legal Implications

6.1	Chapter 13 of the Combined Authority's constitution enables this committee to approve the recommendations: 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.
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	<p>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.</p> <p>13.7 Hearing Panel (Sub-Committee to the Audit & Governance Committee)</p> <p>13.7.1 The Hearings Panel is a Sub-Committee of the Audit and Governance Committee.</p> <p>13.7.2 The Panel has the following functions:</p> <ul style="list-style-type: none"> a) When matters are referred by the Monitoring Officer granting dispensations to Members and Co-opted Members allowing them to: <ul style="list-style-type: none"> 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.
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Public Health Implications

7.1 None

Environmental & Climate Change Implications

8.1 None

Other Significant Implications

9.1 None

Background Papers

10.1 None