



Report title: Revisions to the Cambridgeshire and Peterborough Combined Authority Constitution

To: Audit and Governance Committee

Meeting Date: 27 January 2023

From: Edwina Adefehinti
Chief Legal Officer and Monitoring Officer (Interim)

Key decision: No

Recommendations: The Audit and Governance Committee is recommended to:

- a) To support, and recommend the revisions to the Constitution detailed in this report to the next meeting of the Combined Authority Board

Voting arrangements: a simple majority of all Members.

1. Purpose

- 1.1 This report provides the Committee with commentary on the revisions made to the Constitution of the Combined Authority with a view that these be approved and recommended for adoption by the Combined Authority Board at their next meeting.

2. Background

- 2.1 The Combined Authority is obliged to review its Constitution on an annual basis. Officers have been undertaking a process of review, and changes recommended by this Committee on 13 January 2023 are being considered by the Combined Authority Board on 25 January 2023.
- 2.2 This review of the Constitution is an iterative process and the Audit & Governance Committee will be receiving amendments for consideration to approve and recommend revisions to the document to the Combined Authority Board until the end of this municipal year.

- 2.3 The Audit and Governance Committee is responsible for keeping under review the governance arrangements, such as the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.
- 2.4 Officers have worked with various stakeholders in preparing these proposed revisions, including the Executive Team of the Combined Authority and the Lead Member for Governance, Councillor Edna Murphy.

3. Main Issues

- 3.1 Appendix 1 of this report is the current version of the Financial Management Procedure Rules with track-changes to indicate the amendments made to the current regulations. Appendix 2 is the 'clean' version of the suggested amendments to the Financial Management Procedure Rules.
- 3.2 Attached as Appendices 3, 4 and 5 are the following protocols to be added to Chapter 19 of the revised Constitution: Policies and Protocols:
- Social Media Protocol (Appendix 3)
 - Monitoring Officer Protocol (Appendix 4)
 - Standards Committee Hearings Protocol (Appendix 5)

Social Media Protocol

- 3.2.1 The Committee will find attached a Social Media Protocol. Social Media is a key communication tool used by the Authority and many Councillors; it is also used by service users and key stakeholders. It has a significant role in the reputational management of the Authority and the personal reputation of Members. The Authority has developed and adopted a suite of documents giving guidance to staff and Councillors which the Committee has asked to review.

Monitoring Officer Protocol

- 3.2.2 The Protocol is to further explain the role and functions of the Monitoring Officer and to support the overview and implementation of effective governance arrangements for the Combined Authority. It supplements the roles and functions already detailed in the Authority's Constitution.
- 3.2.3 Under section 5 Local Government and Housing Act 1989 the Authority is required to appoint an officer to act as the Monitoring Officer who is responsible for reporting to the Authority any matters which are unlawful, amount to maladministration or create injustice. The Monitoring Officer also has further statutory responsibilities, most notably in relation to standards and ethics.
- 3.2.4 Although there are many individual functions and responsibilities assigned to the Monitoring Officer, both via legislation and the Constitution, they mainly centre around governance, ethics and standards. This Committee has responsibility for supporting the Monitoring Officer in discharging her role in respect of standards of conduct and behaviour, and to receive reports relating to maladministration causing injustice. It is considered that the Committee is

the appropriate body to support and recommend the Protocol to the Combined Authority Board.

- 3.2.5 The Protocol sets out operational arrangements and understandings which are intended to support working relations and the flow of information.

4. Financial Implications

- 4.1 The proposals contain no financial implications.

5. Legal Implications

- 5.1 The Combined Authority is obliged to adopt and maintain a constitution and standing orders.
- 5.2 The use of social media can have legal ramifications if it is used inappropriately or misused. Councillors can face allegations that they have breached the Code of Conduct and can face sanctions as a consequence. Clear guidance is important in ensuring that Members can use social media safely and effectively.

6. Appendices

Appendix 1: Current Constitution version of the Financial Management Procedure Rules (to follow)

Appendix 2: Amended Constitution version of the Financial Management Procedure Rules – January 2023 (to follow)

Appendix 3 - Social Media Protocol

Appendix 4 - Monitoring Officer Protocol

Appendix 5 - Standards Committee Hearings Protocol