



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

## **AUDIT AND GOVERNANCE COMMITTEE**

**Date: Thursday, 30 June 2022**

**Democratic Services**

Robert Parkin Dip. LG.  
Chief Legal Officer and Monitoring Officer

**10:00 AM**

72 Market Street  
Ely  
Cambridgeshire  
CB7 4LS

**Huntingdonshire District Council  
Civic Suite Room A, Pathfinder House, St Mary's Street,  
Huntingdon, PE29 3TN**

## **AGENDA**

**Open to Public and Press**

**1 Apologies for Absence and Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests.

**2 Election of Vice-Chair**

To elect a Vice-Chair of the Committee.

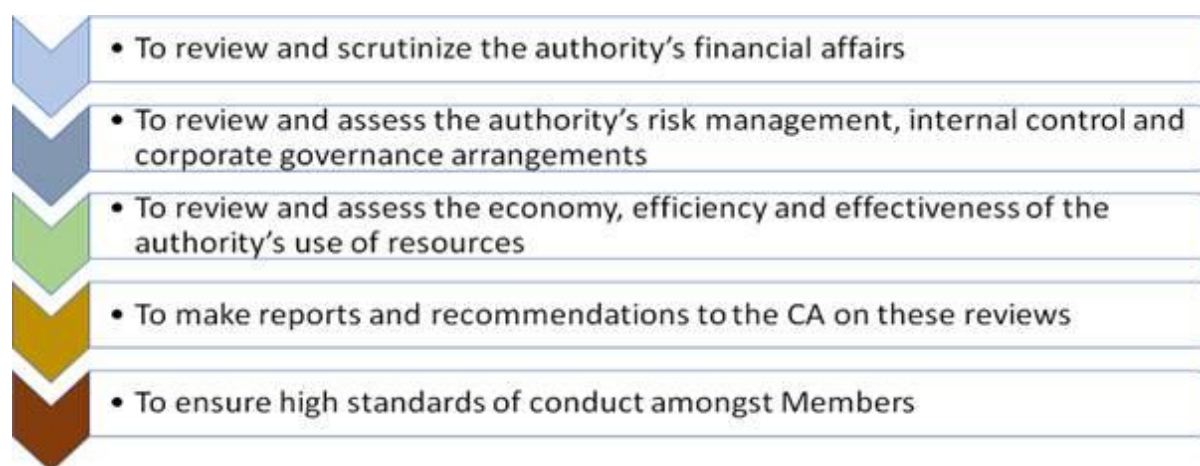
**3 Chair's Announcements**

- 4 Minutes of the Previous Meeting and Action Log**  
To approve the minutes of the meeting held on 11 March 2022  
and to note the Action Log.  
**Minutes of the Previous meeting** **4 - 14**
- 5 Report on EY.DLUHC** **15 - 32**
- 6 Member Officer Protocol Report** **33 - 50**
- 7 Date of next meeting:**  
Friday, 29 July 2022 at 10.00am

The Audit and Governance Committee comprises the following members:

*For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact*

#### **The Audit and Governance Committee Role.**



The Combined Authority is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens.

Councillor David Brown

John Pye

Cllr Imtiaz Ali

Councillor Ian Benney

Councillor Stephen Corney

Cllr Geoff Harvey

Cllr Simon Smith

Councillor Graham Wilson

Clerk Name:	Anne Gardiner
Clerk Telephone:	
Clerk Email:	anne.gardiner@cambridgeshirepeterborough-ca.gov.uk



# **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY – DRAFT MINUTES**

## **AUDIT AND GOVERNANCE COMMITTEE: MINUTES**

**Date: 11 March 2022**

**Time: 10:00**

**Location: South Cambs District Council, Cambourne**

**Present:**

Mr John Pye  
Cllr Jan French  
Cllr Mike Sargeant  
Cllr Graham Wilson  
Cllr Shaz Nawaz  
Cllr David Brown  
Cllr Graham Bull  
Cllr Peter Fane

Chairman  
Fenland District Council  
Cambridge City Council  
Cambridgeshire County Council  
Peterborough City Council  
East Cambridgeshire District Council  
Huntingdonshire District Council  
South Cambridgeshire District Council

**Officers:**

Robert Parkin  
Robert Emery  
Anne Gardiner  
Dan Harris  
Eileen Milner  
Jodie Townsend  
Jon Alsop  
Reena Roojam  
Adrian Cannard  
Mark Hodgson  
Susan Hall  
Robert Fox

Monitoring Officer  
Deputy Chief Finance Officer  
Governance Manager  
RSM (Internal Audit) (remote attendance)  
Chief Executive Officer (remote attendance)  
Interim Head of Governance (remote attendance)  
Chief Finance Officer  
Lawyer (remote attendance)  
Strategic Planning Manager (remote attendance)  
External Auditor (Ernst and Young)  
Governance Officer  
Governance Officer

### **1. Apologies for Absence and Declarations of Interest**

- 1.1 Apologies were received from Cllr Mason who was substituted by Cllr Fane
- 1.2 No disclosable interests were declared.

## **2. Chair's Announcements**

- 2.1 There were no announcements from the Chair.

## **3. Minutes of the last Meeting and Action Log**

- 3.1 A query was raised regarding para 3.2 of the minutes and whether the affordable housing programme was a result of the Housing Infrastructure Fund rather than the original devolution deal. Officers agreed to check and confirm this.

### **3.2 RESOLVED:**

- a) That the minutes of the meeting of 28 January 2022, subject to any amendment as outlined above, be approved.
- b) That the Actions from the previous meeting be noted.

## **4. Combined Authority Board Update**

- 4.1 The Committee received a verbal update from Eileen Milner, Chief Executive Officer (via zoom) with the following areas covered:
- 4.2 The Levelling Up White Paper had announced a £2.6 billion shared prosperity fund. The CPCA would be allocated a significant amount of these funds but it may not be as much as had been hoped for. The collective leadership would therefore have to carefully consider its spending options, taking into account its responsibility to strengthen communities, tackle inequalities and improve skills. The key to success was to be clear on what monies would be spent on and being able to evidence the impact that it was having.
- 4.3 The 68 Bus service in Wisbech would continue to operate until October whilst further research was done on how to achieve a sustainable bus route in that area. Unfortunately funding for bus services did not match aspirations but those who had managed to keep services operating during the pandemic were to be applauded. The new allocation of funding to support bus services had not yet been announced.
- 4.4 In response to a question on the impact of the Greater Manchester decision on franchising, the Chief Executive advised that the Combined Authority (CA) was still pushing ahead with looking at franchising as an option but that further modelling needed to be done to ascertain its affordability.
- 4.5 The University of Peterborough was looking ahead to the Autumn when the first cohort of students would start. A great deal of work was being done for the Board on drawing together what the totality of commitment and ambitions for the University was and that, working with partners, the very best was made of the opportunity.
- 4.6 Work was continuing on improving skills in order to grow the economy of Cambridgeshire and Peterborough; an apprentice training school was opening in Chatteris and the authority was focussed on having a new Skills strategy in place.
- 4.7 The Combined Authority had been without a fixed office base for some time but hopefully by the end of March, the Board would have accepted a recommendation to take on a new permanent office space.
- 4.8 Housing and the creation of affordable homes remained a key focus of the Combined authority. The Chief Executive thanked the team working in this area for the hard work they had put in to collaborating with the individual authorities and getting the final schemes signed off so that monies could be drawn down from the Community Housing Fund.

- 4.9 An internal Performance and Risk Board had been established and part of its ongoing work was a review of the corporate risk register which the Executive team had felt was out of date. A fully refreshed version of the register would be brought to the Committee at its next meeting.
- 4.10 The Committee thanked Eileen for the update.

## **5. Corporate Risk Register**

- 5.1 Robert Parkin, Monitoring Officer introduced this item. Ordinarily the Committee would take the whole of the risk register with highlights and narrative from senior officers, however, as previously expressed by the Chief Executive in her update, the Executive team had felt that there was little confidence in the current document and therefore it was not presented at this meeting.
- 5.2 RSM, the internal auditors had been instructed to undertake a review to look at how the Combined Authority managed risk and what the appetite was for it; this would report through to the Performance and Risk Board before a revised register was brought before the Committee.
- 5.3 The risk register was 'owned' by the Executive team under the leadership of the Chief Executive. The day-to day management of the register would sit with officers from the Performance and Management Board.
- 5.4 As part of the review, the scoring would be looked at in context of the appetite the Cambridgeshire and Peterborough Combined Authority (CPCA) had towards risk.
- 5.5 The Chair welcomed the review, acknowledging that the Chief Executive was prioritising the risk issue.
- 5.6 RESOLVED:
- That the Committee note the report.
- 5.7 ACTION:
- That an offline briefing session on the new risk register be organised for the Committee prior to its formal presentation at the meeting in June.

## **6. Internal Audit Progress Report**

- 6.1 The Committee received the report from the Internal Auditor, Dan Harris (RSM) which provided an update on the progress being made against the internal audit plan for 2021/22.
- 6.2 The Internal Auditor advised that five reviews had been finalised for the year to date and that four remaining reviews would be undertaken during March. All of the remaining audits had been scoped and resourced and it was expected that final reports would be ready for the June meeting alongside the Auditor's year-end report and opinion, which would then feed into the Annual Governance Statement.
- 6.3 Of the five finalised reviews there had not been any negative opinions but the Auditor would have to reflect on the follow up work done on the IT framework because of its negative opinion the previous year.
- 6.4 In addition, Risk Management had been a partial assurance opinion but given all the information that had been provided in relation to the changes to risk management, it was felt that there was little point bringing that audit forward in March. Instead, the audit on the

Capital Programme, which had been part of the 22/23 programme, had been brought forward.

6.5 As part of the Contract with the CA, the Auditors were required to meet public sector audit standards. This external review of quality was only required once every five years and so was not usually commented on. However, due to the commissioning of an external review in 2021, additional information on what that review entailed had been included with the committee papers.

6.6 Noting the delay to the HR Policies audit, due to the delay in planned externally commissioned work within this area, Members requested an update on this work. The Auditor was unsighted on where this was currently at but the Monitoring Officer would investigate and report back to the Committee.

6.7 The Chair raised the issue of the closure of One Cam and the Audit report that been commissioned by the Committee at the request of two members of the CA Board. The report had been largely positive around the closure process but had identified several learning points in relation to transition. The Committee gave their support to the Chair to forward the report to the CA Board for their information and to draw their attention to the learning opportunities for the future.

6.8 RESOLVED:

a) That the Audit Report on the One Cam closure be referred to the CA Board.

b) That the Committee note the report

6.9 ACTION:

The Monitoring Officer to update the Committee on the progress of the externally commissioned work being carried out on HR Policies.

## **7.0 Internal Audit – Audit Plan 22/23**

7.1 The Internal Auditor, Dan Harris (RSM) introduced the report the purpose of which was for the Committee to consider themes for internal audit coverage for 2022/23 to inform the development of the Combined Authority's audit plan.

7.2 Sitting alongside the audit plan was a wider strategy that was driven by the CA's corporate risk register. As this was being refreshed, a fully drafted plan would not be brought forward until the June meeting so that the new risk register could be taken into consideration. Councillors commented that they hoped that the revised risk register would look more at the effects of the pandemic, emerging inflationary pressures and the impact of the Ukraine conflict.

7.3 Ahead of the next meeting of the Committee the Auditor would get a full briefing on the external commissioning into the review of HR policies. The timing of the introduction of the new policies would dictate when the auditors looked at the compliance of them; whistleblowing could be one of the policies that was looked at as part of an internal audit review.

7.4 At this point the Monitoring Officer made the distinction between an audit that looked at compliance with HR policies, and an analysis of a work culture which might fit better with the work and remit of the Employment Committee.

7.5 The CA was facing a moving agenda with a lot of challenge. Within auditing standards, internal audit could assist and provide ongoing 'live' advice to officers and advisory groups as well as with more formal audit reports which came later in the process.

7.6 When it was better understood what sort of funding would be coming through to the CA, auditors would have a conversation with the Executive Team to discuss the right time for Audit to get involved, possibly when the funding streams for the different areas were announced.

7.7 In response to a question from the Chair in relation to any early 2022/23 Internal Audit work that could commence in Quarter 1, the Auditor confirmed that the audit of the Capital Programme had already been brought forward to the 2021/22 Internal Audit Plan. The Internal Auditor also advised that the review of data protection could commence in Quarter 1 and this was agreed by the Committee.

**RESOLVED:**

7.8

a) That the Committee note the report.

b) That the 2022/23 internal audit of data protection could commence in Quarter 1.

c) That the proposed 22/23 Internal Audit Programme would be brought before the Committee at their meeting in June, allowing time for the revised risk register to be taken into account.

**External Audit – Annual Audit Report**

8.0

8.1 The External Auditor, Mark Hodgson (Ernst & Young) introduced the report. The purpose was for the Audit and Governance Committee to receive and note the External Auditor's final audit results report for 2020/21. The report replaced the Annual Audit Letter that the Committee had received in the past.

8.2 The close of audit had not been certified as the auditors had not yet performed the procedures required by the National Audit Office on the whole of Government Accounts submission. This was because auditors were still waiting for HM Treasury and the National Audit Office to issue their guidance on these procedures.

8.3 In terms of value for money, the auditors did not look for specific causal links but would report by exception if something was out of place so that there would be negative reporting rather than positive affirmation.

8.4 When auditing decisions, auditors did not judge the decision itself but rather how it was arrived at and whether arrangements were in place so that reports had a full fact pattern.

8.5 In contrast to the constituent councils, the CA did not have any funding gaps and did not need to identify savings. This was a result of a 30-year devolution deal which provided £20 million on an annual basis. However, officers were conscious that there was a need to identify other funding streams as the existing schemes, such as the Housing Fund, came to an end.

8.6 Officers reassured members that the CA had a balanced budget but that they were aware of future financial risk.

**RESOLVED:**

8.7

That the Committee receive and note the Audit Results report for 2020/21



## **Assurance Framework**

9. Reena Roojam, Lawyer, introduced the report the purpose of which was for the Committee to approve and recommend the amended draft of the Local Assurance Framework (LAF) to the CA Board and to delegate authority to the Monitoring Officer (in consultation with the Chief Finance Officer and the Chair of Audit and Governance) to make the relevant changes to the Local Assurance Framework.

- 9.2 Due to the extensive revisions that had been made the previous year, amendments this year were very minor and in Reena's opinion did not constitute any material change to the framework. However due to the ongoing Governance and Constitution review and the guidance due following the LEP review, further changes to the assurance framework would be required.

- 9.3 Members expressed concern that the LAF, which concentrated on capital projects business cases and investments, might not be fit for purpose for some of the work the CA was now involved in; for example, a road scheme which had a defined start and finish compared to a bus franchise scheme that ran over 20 or 30 years.

- 9.4 The Chief Finance Officer reminded the Committee of the Monitoring and Evaluation Framework that sat alongside the LAF and which was set up to monitor outcomes of the intended projects and the indicators by which they would be measured.

- 9.5 The Interim Head of Governance would take into account the concerns expressed when undertaking his review of the LAF as part of the Governance review.

### **RESOLVED:**

- 9.6
- a) That the amended draft of the Local Assurance Framework be approved and recommended to the Combined Authority Board.
  - b) That it be noted that the Local Assurance Framework would be presented to the Business Board on 14 March 2022.

## **10. Review of Governance and Ways of Working**

- 10.1 The Committee received the report from the Interim Head of Governance which provided the Committee with an overview of the purpose of the review of governance and ways of working at the Combined Authority, as requested by the Committee at its meeting on 28 January.
- 10.2 A draft of the final report would hopefully be ready for the Leaders Strategy Meeting in April before being presented to the Board. Before then the Interim Head of Governance would have a further conversation with the Chair of the Audit and Governance Committee and as part of that discussion would be exploring whether there was a requirement to engage with the wider Committee regarding some of the elements, such as the potential role of Audit and Governance in oversight of the application of the Assurance Framework.
- 10.3 In response to a question on the extent of the workload involved in the Committee's role in oversight of the Assurance Framework, the Monitoring Officer clarified that the oversight would be of the process and protocol rather than of the projects themselves.
- 10.4 Members were reassured that the proposal to have forums in a trusted and private space would not undermine the principle of decision-making taking place in an open and transparent manner. This type of 'policy space' had been successfully developed in other Combined Authorities and was intended to support strategic development activity.

- 10.5 The Interim Head of Governance advised that there had been a positive conversation with the Chief Executive of the Greater Cambridgeshire Partnership (GCP) around what each organisation could do to support each other's executive and governance arrangements so that they could work together more positively.

10.6 RESOLVED:

That the Committee note the progress made in the review since January 2022.

**11. Terms of Reference – Climate Change Working Group**

- 11.1 Adrian Cannard, Strategic Planning Manager introduced the report the purpose of which was for the Audit and Governance Committee to note the Terms of Reference of the Climate Working Group.

- 11.2 In response to a question on how to ensure that there was a commonality of approach across the Combined Authority area, the Committee were advised that there was a senior officer Climate Working Group that supported the councils and authorities, and which promoted the sharing of best practice.

- 11.3 All reports, where relevant, would report the climate implications.

- 11.4 Collaboration between the Councils on this issue would be seen through the Board's decision making. One of the key discussions at present was around people's ability to pay for home adaptation measures and the fact that implementation of these measures would vary between rural and urban areas.

- 11.5 The Chair requested that the Committee receive a report in six months' time outlining progress against the Plan with a focus on the Governance process and how it was operating.

11.6 RESOLVED:

That the Committee note the report.

11.7 ACTION:

That a further update report be scheduled for six months' time.

**12. Financial Strategies**

- 12.1 Robert Emery, Chief Accountant and Deputy S73 Officer introduced the report the purpose of which was for the Committee to review and comment on the proposed Investment Strategy for 2022/23 and to review the in-year actual performance to 31<sup>st</sup> January 2022 against the prudential indicators included within the Treasury Management and Capital Strategies.

- 12.2 The Chief Accountant advised the Committee that although there was a better understanding of operational cashflows than five years ago, the CA was still undergoing change and therefore in order to ride out any bumps in the road the Treasury Management strategy was still very prudent.

- 12.3 There were statutory obligations that required the CA to keep a certain level of liquidity which meant that the Treasury Management Strategy was usually very low risk so that it was not forced to draw down at a very inopportune moment. In contrast, Service investments covered by the Investment Strategy, where the primary goal was to deliver growth and jobs, were normally higher risk.

- 12.4 Mr Emery discussed the second element of the report which looked at performance against the indicators set and highlighted the two areas of non-compliance both of which related to the Green Homes Energy Grant. The first was a breach of the Interest Rate Risk Exposure because there were higher levels of liquid funds than were needed being held. This was due to a delay in expenditure of the £79m Green Homes Grant. The second indicator involved individual limits with counter parties which was normally set at £25m. On one week-end in December this was £125m because the grant from central government had been received on a Friday, after the 3pm cut off, which meant that monies could not be invested until the Monday. Both of these areas of non-compliance were not seen as an on-going risk.
- 12.5 The Chair proposed that the Committee have a development session early on in the next municipal year to better understand the principles of the different financial strategies so that the Committee could add more value to the discussion.
- 12.6 RESOLVED:
- That the Committee note the report.
- 12.7 ACTION:
- That a development session on Financial Strategies be arranged for the Committee in the next municipal year.

### **13. Information Governance Update**

- 13.1 Susan Hall, Governance Officer introduced the report which updated the Committee on the current position with regards to Information Governance, and provided data on the number of corporate complaints and Freedom of Information requests for the period of 1 September 2021 to 28 February 2022.
- 13.2 The Committee were advised that all the policies had now been updated and that all new members of staff had to undergo mandatory on-line GDPR training.
- 13.3 In response to a question about the ongoing whistle blower case, the Monitoring Officer advised that there was protection around the case while the process was in train as it was extremely important that it remained confidential. Once completed however a report would come through to the Committee.
- 13.4 Councillors commented that the damage device policy seemed somewhat excessive but as there had been some significant damage to equipment of late it was felt that it acted as a positive reminder to staff to treat devices with care.
- 13.5 Any requests for information were treated appropriately as a Freedom of Information (FOI) request. An Environmental Information Regulation request only differed in regard to the subject matter that it touched on i.e. issues relating to the environment such as air, water and habitat.
- 13.6 RESOLVED:
- That the Committee note the report.

### **14. Draft Annual Report**

- 14.1 The Chair introduced the report and asked for comments from the Committee.

14.2 Councillor Bull commented that although a committee member he still felt somewhat detached from the CPCA. The Chair agreed that because of the nature of the CA it could sometimes be difficult for Members to fully engage with the organisation, and he would add an extra point into the report to encapsulate this.

14.3 Over the next twelve months and in future conversations with the Interim Director of Governance the Chair would look for more opportunities for engagement.

14.4 RESOLVED:

That the draft report, subject to the changes identified above, be agreed

14.5 ACTION:

That the Committee reviews its work in six months' time to reflect on its integration with the CPCA.

## **15. Work Programme**

15.1 The two development sessions that had been identified in the meeting would be added to the future work plan.

15.2 With the additions above the work programme was noted.

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As this was Councillor Graham Bull's last meeting, the Chair took the opportunity at the end of the meeting to thank him for his service on the Committee.

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## **16. Date and Time of Next Meeting**

10.1 The Committee would next meet on Friday, 10 June 2022 at 10:00 at a venue to be confirmed.

Meeting Closed: 12.33pm



## Audit and Governance Committee Action Log

Purpose: The action log records actions recorded in the minutes of Audit and Governance Committee meetings and provides an update on officer responses.

### Minutes of the meeting 11 March 2022

Minute	Report title	Lead officer	Action	Response	Status
5.7	Corporate Risk Register	Rob Parkin/ Anne Gardiner	An offline briefing session on the new risk register to be organised for the Committee prior to its formal presentation at the meeting in June	Scheduled for July	Open
6.9	Internal Audit Progress Report	Rob Parkin	The Monitoring Officer to update the Committee on the progress of the externally commissioned work being carried out on HR Policies	Scheduled for July	Open
11.7	Terms of Reference – Climate Change Working Group	Adrian Cannard /Anne Gardiner	That a further update report be scheduled for six months' time.	Scheduled for September	Open
12.7	Financial Strategies	Robert Emery / Anne Gardiner	That a development session on Financial Strategies be arranged for the Committee at the beginning of the next municipal year.	Scheduled for September	Open
14.5	Draft Annual Report	Anne Gardiner	That the Committee reviews its work in six months' time to reflect on its integration with the CPCA.	Scheduled for December	Open

Minutes of the meeting 28<sup>th</sup> January 2022

Minute	Report title	Lead officer	Action	Response	Status
2.2	Chair's Announcements	Chris Bolton/Anne Gardiner	Committee requested that they receive a further development session on project management which would report on value for money, provide hard numbers and qualitative aspects for the members to consider.	To be arranged prior to September's meeting	Open
9.2	Work Programme	Robert Parkin/Anne Gardiner	Committee requested that as part of the risk register report for the next meeting that further detail on the Covid impact be provided.	Agreed	Closed



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No: 5

## Engagement with Department for Levelling Up, Housing and Communities (DLUHC) on Auditors' value for money(vfm) risk letter

To:	Audit and Governance Committee
Meeting Date:	30 June 2022
Public report:	Yes
Lead Member:	Chair of the Audit and Governance Committee
From:	Paul Raynes, acting Chief Executive
Key decision:	No
Forward Plan ref:	n/a
Recommendations:	<p>The Committee is recommended to:</p> <ul style="list-style-type: none"> <li>a) consider the external auditors' letter of 1 June and the update provided in this paper</li> <li>b) discuss potential further improvement actions in the light of the issues identified in the auditors' letter</li> <li>c) consider whether to make a recommendation to the Combined Authority Board on future improvement activity.</li> </ul>
Voting arrangements:	A simple majority of all Members present and voting.

### 1. Purpose

- 1.1 This report is intended to support the Committee in considering the issues identified in the external auditors' letter of 1 June addressed to the Chair of the Committee.

## 2. Background

### Auditors' letter

2.1 The Chair of the Committee received a letter from EY, the Authority's external auditors, on 1 June which notified him of their judgement that a value for money risk exists in the form of significant weakness in Cambridgeshire & Peterborough Combined Authority's governance arrangements. A copy of the letter is attached at Appendix A.

2.2 This judgement, according to the letter, is based on the following reasons:

- "Investigations into key individuals in the Mayor's office following a whistle-blower notification.
- Increased number of employment related claims against the Authority.
- Current vacancies in the Authority's senior management team, particularly at Chief Executive level, and the prospect that this could increase further from July 2022.
- Weaknesses we have observed in how the extraordinary meeting of the Authority Board makes informed decisions; and
- That the nature of the whistle-blower allegations and initial findings of independent investigation reports raises significant questions on the culture, behaviour and integrity of key individuals in the Mayor's office"

and leads the auditors to a concern "that the Authority has insufficient capacity, capability and an inappropriate culture to support the effective governance and operation of the organisation and how it discharges its statutory services".

2.3 EY's letter identified actions for the Authority to take. It recommended that

- (i) ensuring the safeguarding of the Authority's staff was "of paramount importance";
- (ii) the Authority urgently ensure that it has sufficient appropriate leadership capacity to be able to deliver its objectives and statutory responsibilities.
- (iii) more formal intervention is required, and expeditious discussions with the Authority's sponsoring department to this end are time critical.

In line with the third point, EY also copied their letter to key officials at the Department for Levelling Up, Housing and Communities "to allow them to discharge their own responsibilities".

2.4 The Chair of the Committee forwarded this letter to the Mayor and other Combined Authority Board Members on 7 June. In that letter, he indicated that he would be postponing the next meeting of the Committee to allow initial engagement with DLUHC to take place and recommended that the Mayor also postpone the Board's AGM due on 8 June, for the same reason. The Mayor agreed to postpone all but the formal business of the AGM. The Board is due to reconvene on 27 June and take an update on engagement with DLUHC similar to that included in this paper.

2.5 On 8 June, the Board's AGM was preceded by a reconvened Extraordinary Meeting of the Board which had initially met on 20 May to consider the arrangements for the former chief executive's departure. The reconvened EGM resolved that the acting Chief Executive and the S.73 officer, together with colleagues including chief executives of constituent authorities, should engage with DLUHC to pursue the issues identified in the EY letter.



## Engagement with DLUHC

- 2.6 Officers met DLUHC officials on 8 June and agreed an approach to taking that engagement forward. DLUHC officials drew officers' attention to the DLUHC guidance note of June 2020 *Addressing cultural and governance failings in local authorities: lessons from recent interventions* and requested an evidence paper reflecting the guidance. Evidence was submitted and an initial review discussion was held with DLUHC officials on 17 June. Further evidence has been submitted since. At the time of drafting this paper, a formal discussion at senior official level is still due to take place. This meeting will aim to sketch out a way forward. Officers will update on these conversations in person at the Committee's meeting.

## The framework

- 2.7 DLUHC's guidance note sets out six *Indicators of poor culture and weak governance*. They are:

- a lack of effective political and/or corporate leadership, including an overreliance on interim statutory officers
- a lack of corporate capacity, resulting in a lack of strategic vision and direction, and inadequate internal processes
- poor and inappropriate councillor conduct
- conflict and distrust among and between councillors and senior officers
- the absence of effective scrutiny, transparency and public consultation, including inadequate protections for whistle-blowers
- a lack of awareness and acceptance of the need for improvement; and insufficient capacity to achieve the change required.

- 2.8 The primary regulator of democratic local government is the ballot box. The Secretary of State has powers of intervention, however, under the Best Value legislation, where he has evidence which leads him to conclude that value for money is at risk. The letter from EY is one form of such evidence. There is a range of other possibilities for non-statutory intervention, either led by DLUHC itself, or from within the local government sector. The slides at Appendix B give a high-level summary of the range of intervention options and set out the steps in the statutory process for intervention by the Secretary of State.

- 2.9 The Board received an officer paper at its Extraordinary Meeting of 20 May which proposed a locally led Improvement Board under independent chairmanship; this predated the letter from EY which was sent following our auditor's attendance at that EGM. An extract from the Board paper is attached at Appendix C. The Board was unable to consider this outline proposal at the time and, rather than discuss it on 8 June, asked officers to take it into their conversations with DLUHC.

## Improvement action already under way

- 2.10 Under the previous chief executive, a number of improvement actions aimed at better supporting the Board's decision-making and the effectiveness of CPCA overall have been set in train. These include:

- launching the "Even Better" transformation programme.
- introducing a Performance and Risk Committee to improve risk management and

reporting and add further discipline to project management gateways and performance reporting.

- supporting the Board in a series of awayday discussions as a result of which the Board adopted a Purpose Statement highlighting its role in giving collective leadership to the area.

- 2.11 More recently, the Board on 8 June provisionally adopted a Member-Officer protocol to improve working practices. Short-term solutions have also been put in place to ensure there is capacity in key senior officer roles, including statutory officer roles, following a review by the acting Chief Executive and other Executive Team members. A new formal Combined Authority chief executives' group has been established by the acting Chief Executive; this will be integrally involved in the Authority's meeting cycle and the preparation of advice to the Board.

#### Next steps

- 2.12 The evidence provided to DLUHC to date identifies a consensus among CA officers, constituent authority chief executives, and the Mayor and his statutory deputy that there is a need for external intervention to support the Combined Authority in addressing the value for money risk around governance which the EY letter has identified.
- 2.13 To date, the Board has not taken a collective view on the need for intervention, nor on what form any intervention ought to take.
- 2.14 Absent a specific request from the Combined Authority Board for support, we can expect that the Secretary of State and his officials may take a view on the need or otherwise for intervention on the basis of the evidence they have available. To improve the evidence, a first step could be to commission an independent review, which might potentially take the form of a Best Value Inspection under the relevant legislation. Equally, the Authority might seek to commission its own independent review with DLUHC/LGA support.
- 2.15 The Committee will wish to consider whether to make a recommendation to the Board on the kind of external intervention, if any, the Board may need to support it in addressing the issues identified in the EY letter.
- 2.16 The Committee may also wish to make recommendations about internal action the Authority should be taking, without waiting for external intervention, to address those issues.
- 2.17 Examples of other possible types of statutory and non-statutory intervention are set out in the DLUHC guidance paper referred to above. A link to that is in the Background Papers section below. More recent case studies which may be informative include that of Sandwell Council.

### **3. Financial Implications**

- 3.1 None at this point. The EY letter highlights a significant risk to the Combined Authority's future funding if vfm risks are not resolved.

## 4. Legal Implications

4.1 The NAO Code of Audit Practice (the 2020 Code) sets out how auditors are expected to approach and report their work on Value for Money (VFM) arrangements, which applies to audits from 2020/21 financial statements onwards.

4.2 Section 24 of the Local Audit and Accountability Act 2014 refers to Schedule 7, paragraph 2(1) of The Act under which the auditor can make written recommendations to the Authority: “A local auditor of the accounts of a relevant authority may make a written recommendation to the authority relating to the authority or an entity connected with it, so that the recommendation can be considered under this Schedule.”

Schedule 7, paragraph 5(6) sets out how the Authority must decide on the recommendations: “At that meeting the relevant authority must decide —

a) whether the report requires the authority to take any action or whether the recommendation is to be accepted, and

b) (b) what, if any, action to take in response to the report or recommendation.”

## 5. Public Health Implications

5.1 The EY letter makes clear that failure to safeguard staff has an implication for their health and wellbeing.

## 6. Environmental and Climate Change Implications

6.1 Neutral.

## 7. Other Significant Implications

7.1 None not already addressed.

## 8. Appendices

8.1 Appendix A - EY letter of 1 June to John Pye

8.2 Appendix B - Improvement and Intervention summary slide pack

8.3 Appendix C – Extract from 20 May EGM Board paper

## 9. Background Papers

9.1 [Addressing cultural and governance failings in local authorities: lessons from recent interventions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684441/Addressing_cultural_and_governance_failings_in_local_authorities_lessons_from_recent_interventions_-_GOV.UK.pdf)

John Pye - Independent Chair of Audit & Governance Committee  
Cambridgeshire & Peterborough Combined Authority  
The Mayor's Office,  
72 Market Street,  
Ely,  
CB7 4LS.

1 June 2022

Ref:  
Your ref:

Direct line: 01223 394547

Email: MHodgson@uk.ey.com

Dear John,

### **Our responsibilities under the National Audit Office (NAO) 2020 Code of Audit Practice**

The NAO Code of Audit Practice (the 2020 Code) sets out how auditors are expected to approach and report their work on Value for Money (VFM) arrangements, which applies to audits from 2020/21 financial statements onwards.

Auditor Guidance Notes (AGNs) are prepared and published by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (C&AG) who has power to issue guidance to auditors under Schedule 6 paragraph 9 of the Local Audit and Accountability Act 2014 (the Act).

AGNs set out guidance to which local auditors must have regard under Section 20(6) of the Act. The guidance in AGNs supports auditors in meeting their requirements under the Act and the Code of Audit Practice published by the NAO on behalf of the C&AG. AGN03 covers our responsibilities to review and report on VFM arrangements.

In accordance with the NAO's 2020 Code and supporting AGN03, we are required to consider and report a VFM commentary against three specified reporting criteria:

1. Financial sustainability  
How the Authority plans and manages its resources to ensure it can continue to deliver its services;
2. Governance  
How the Authority ensures that it makes informed decisions and properly manages its risks; and
3. Improving economy, efficiency and effectiveness:  
How the Authority uses information about its costs and performance to improve the way it manages and delivers its services.

Paragraph 3.14 of the 2020 Code requires that where the auditor has concluded that there is a significant weakness in a body's arrangements, it should be reported to this body as soon as practicable, supported with recommendations for improvement.

We have commenced our audit work for the financial year ended 31 March 2022 and have identified a significant weakness in Cambridgeshire & Peterborough Combined Authority's (the Authority) governance arrangements. We believe this weakness is pervasive as it could lead to a significant impact on the quality or effectiveness of services or on its reputation and could expose the Authority to financial risk or loss.

**Governance – How the Authority ensures that it makes informed decisions and properly manages its risks**

*Judgement on the nature of the significant weakness identified*

We consider that there are significant weaknesses in the Authority's governance arrangements for the specific reasons set out below. As a result of these weaknesses, we are concerned that the Authority has insufficient capacity, capability and an inappropriate culture to support the effective governance and operation of the organisation and how it discharges its statutory services

Our concerns are as follows:

- Investigations into key individuals in the Mayor's office following a whistleblower notification;
- Increased number of employment related claims against the Authority;
- Current vacancies in the Authority's senior management team, particularly at Chief Executive level, and the prospect that this could increase further from July 2022;
- Weaknesses we have observed in how the extraordinary meeting of the Authority Board makes informed decisions; and
- That the nature of the whistleblower allegations and initial findings of independent investigation reports raises significant questions on the culture, behaviour and integrity of key individuals in the Mayor's office.

*The evidence reviewed on which our view is based*

As part of our audit procedures performed to date, we have held discussions with management, attended the Extraordinary Meeting of the Authority Board (both public and private session elements) and reviewed the following relevant documentation:

- Whistleblowing investigation UPDATED REPORT FOR SHARING WITH CPCA BOARD FINAL FOR RELEASE - SUPPLEMENTED;
- APPENDIX A - Original Complaint;
- APPENDIX B - Whistleblowing investigation\_Redacted;
- APPENDIX D - Investigators report redacted\_Redacted; and
- Claims update for external auditor FINAL 26052022.

*The possible future impact on the Authority*

The Authority is responsible for discharging the devolution deal, which was the award of a single pot of investment. This single pot for the Authority initially comprised of a devolved, multi-year transport settlement and an additional long-term investment fund grant, worth up to £600 million over 30 years. Other funding streams have since been secured, linking through to the overall strategic objectives make the Authority area a leading place in the world to live, learn and work.

The Authority Board has considered and agreed a settlement package for the current Chief Executive, who is expected to leave her post on the 31 May 2022.

There is the potential for further employment related risks against the Authority, which pose a significant financial risk, given the specific project-based funding nature of the Authority's business, and its ability to service any revenue based financial obligations outside of these projects.

These risks equally have the potential to significantly impact the Authority's senior leadership capacity, which is already undermined by previous resignations and unfilled vacancies at Management Team Level. The Authority could find itself without incumbents to statutory officer posts as from the 1 July 2022, without immediate and urgent action, and even with such action, one would have to question the nature of such appointments at short notice.

Without appropriate leadership capacity with the requisite skills, knowledge and experience, there is significant doubt as to the Authority's ability to discharge its statutory obligations as set out in The Cambridgeshire and Peterborough Combined Authority Order 2017, Local Government Act 1999 and other relevant pertinent legislation.

*The action required by the Authority to address the significant governance weakness*

Addressing the significant employee related matters emanating from the whistleblowing notification and ensuring that all Authority employees are appropriately safeguarded is of paramount importance. The Authority also needs to be mindful of the impact that implementing these safeguarding actions has on the Senior Management employees taking those actions.

However, the Authority needs to urgently ensure that it has sufficient appropriate leadership capacity to be able to deliver its objectives and statutory responsibilities. In order to do so, we believe more formal intervention is required, and expeditious discussions with the Authority's sponsoring department to this end are time critical.

These actions would support the Authority in achieving value for money through appropriate governance arrangements and safeguard the future delivery of services.

*Other audit reporting considerations*

Without fettering our future discretion, we will, alongside our work on VFM arrangements, continue to review how the Authority responds to our concerns and the significant weaknesses set out in this letter. Depending on the action taken by the Authority to address our concerns, we may consider the need for us to discharge our other statutory responsibilities in relation to:

1. Section 24 and Schedule 7 of the 2014 Act which provide that a local auditor should consider whether, in the public interest, they should report on any matter that comes to their notice during the course of the audit, so that it may be formally considered by the body concerned or brought to the public's attention.
2. Written recommendations – the auditor should consider whether to use the powers Schedule 7 of the Act provides to make written recommendations to the audited body which need to be considered by the body and responded to publicly.

We have copied this letter to those set out below, to allow them to discharge their own responsibilities, where applicable, and for them to be fully aware of our concerns at this stage.

Yours faithfully,



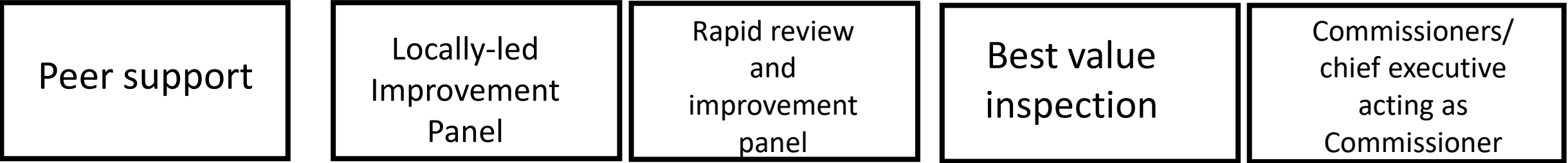
Mark Hodgson  
Associate Partner  
For and on behalf of Ernst & Young LLP (Local Auditor)

cc     Jon Alsop – Chief Finance Officer, Cambridgeshire & Peterborough Combined Authority  
       Rowena Limb – Interim Director – Areas and Analysis | Cities and Local Growth Unit  
       Kate Hallett - Assistant Director & Area Lead, Cities and Local Growth Unit: Government's Local  
       Growth Team

# Improvement and intervention



# Spectrum of intervention



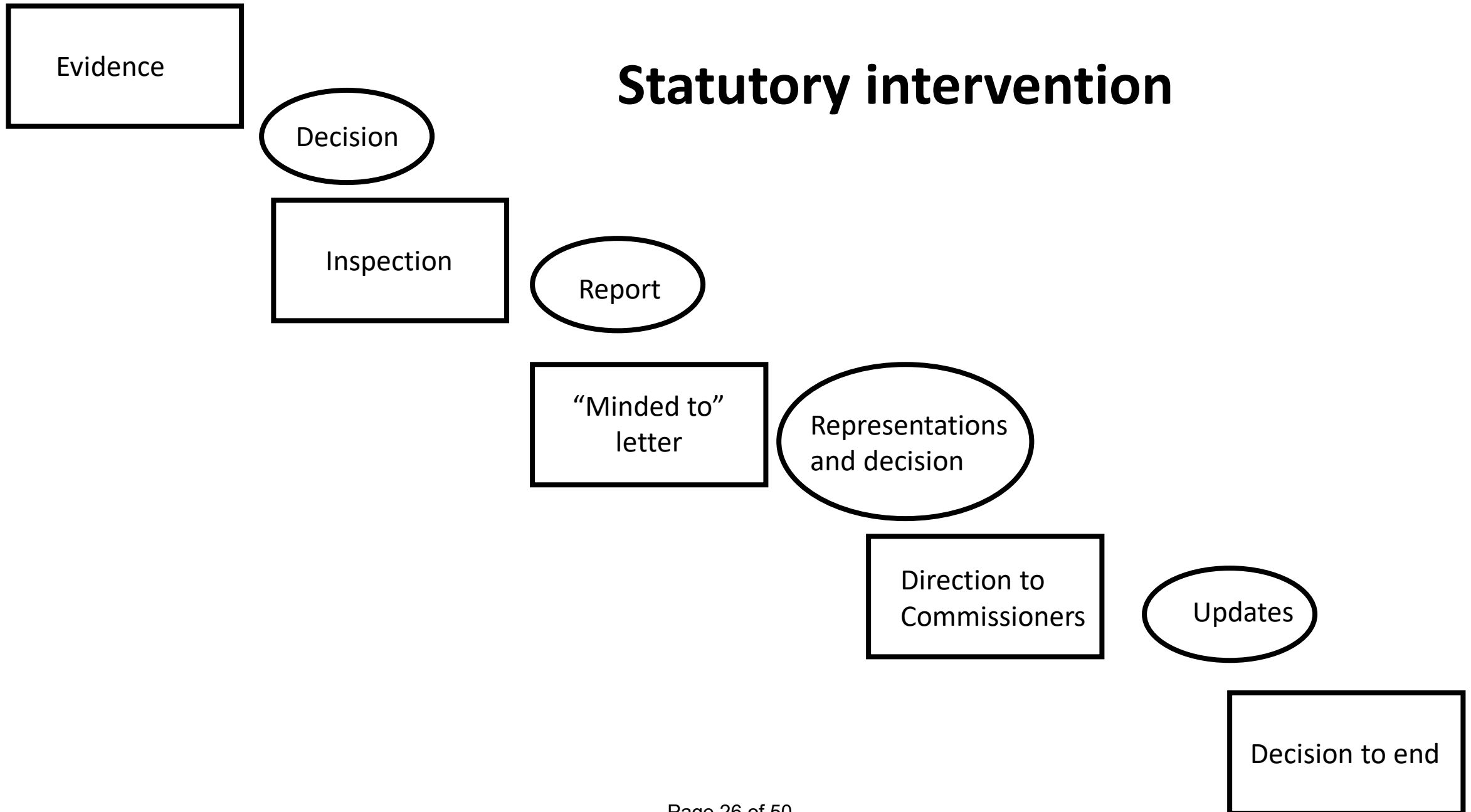
-----Non-statutory-----

-----Statutory-----

.....DLUHC.....

.....LGA.....

# Statutory intervention



## Indicators of poor culture and weak governance

- A lack of effective political and/or corporate leadership, including an overreliance on interim statutory officers
- a lack of corporate capacity, resulting in a lack of strategic vision and direction, and inadequate internal processes
- poor and inappropriate councillor conduct
- conflict and distrust among and between councillors and senior officers
- the absence of effective scrutiny, transparency and public consultation, including inadequate protections for whistle-blowers
- a lack of awareness and acceptance of the need for improvement; and insufficient capacity to achieve the change required.

*Source: DLUHC guidance June 2020*

# Interventions since 2010

## Statutory

Doncaster 2010-14

Tower Hamlets 2014-18

Rotherham 2015-19

Northamptonshire 2018-21

Liverpool 2021-

Slough 2021-

Sandwell 2022-

## Non-statutory

Birmingham 2015-19

Kensington and Chelsea 2017-20

Croydon 2020-

Nottingham 2021-



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

## **INTERIM ARRANGEMENTS – IMPROVEMENT BOARD**

### **9.1 INTRODUCTION**

- 9.1.1 The departure of EM, the fact of a code of conduct investigation into the Mayor, an ongoing Even Better (Transformation Programme) and the recent White paper on Levelling Up provides an opportunity for CPCA Board to consider a range of options that will support the stabilisation of CPCA after a period of significant uncertainty.
- 9.1.2 With this in mind, Chief Officers (with the agreement of Mayor) have been speaking to DLUHC and LGA to identify reasonable options for CPCA Board to consider.
- 9.1.3 The remaining sections of this report set out a range of options and focuses on one specific recommendation.

### **9.2 BACKGROUND**

- 9.2.1 CPCA is a Best Value authority and there is a spectrum of intervention that DLUHC could reasonably make if, based on current circumstances, it was minded to. DLUHC identifies 3 levels of local government intervention ranging from an informal (non-statutory) review, to a locally owned improvement board, to a formal intervention under the best value regime which might for example involve appointing Commissioners to discharge some or all of the Authority's decision-making responsibilities.
- 9.2.2 In early discussions with our external auditor following their receipt of the Whistleblowing report (which was set out as an onward action in section x of the Whistleblowing report), Officers were advised that on a face review of the report, the External Auditors view is that officers have discharged their responsibilities within the constitution, that internal controls have been operating appropriately, and that the framework for the governance of HR issues and member conduct processes has been correctly applied once issues have been identified. External auditors do not, therefore, consider there to be an issue relating to an officer failure to comply with laws and regulations. Rather, the indications are that we face questions about the overall governance and conduct of the Authority.
- 9.2.3 The external auditor is expected, however, to allude to a specific concern in the annual accounts about one non-material but potentially controversial element of expenditure and work will need to be undertaken on the narrative statement which accompanies the accounts. Jon Alsop, Chief Financial Officer is engaged on this item.

- 9.2.4 The Government has a track record of intervention in local government organisations that are not performing for a range of reasons. At the same time, Government's preference is to encourage the sector to own activities that will enable improvement. So far as we can establish, this is Ministers' current preference in the case of CPCA. There exists, therefore, an opportunity for the Board to demonstrate a wish to take responsibility for the Authority's own improvement.

## **10. OPTIONS AND RECOMMENDATIONS**

- 10.1 Following conversation with our external auditor and informal discussions with DLUHC and LGA, officers sought confirmation from mayor that they should speak to DLUHC and LGA on a more formal basis to identify options that we could consider which would enable a best recommendation to Board.
- 10.2 Early discussions identified that an approach that would have the support of DLUHC and which would attract the assistance of the LGA is a locally owned Improvement Board. Given that the events currently in progress at CPCA are generating considerable interest from a range of external stakeholders, this is an important consideration.
- 10.3 Senior officers have been meeting regularly with DLUHC and LGA representatives to discuss ideas and keep colleagues apprised of progress. We have drafted an outline terms of reference for Board Members to review, recognising that this is an illustration of how an Improvement Board might be constituted as an initial basis for discussion. Were the Board to be minded to pursue this option, further urgent discussion would need to take place over the coming days with local and national stakeholders, including constituent authority chief executives, to refine this initial draft into a form which could be endorsed and taken forward. One key purpose of that broader engagement would be to ensure that the Improvement Board has buy-in and authority from both national and local stakeholders, and can be appropriately funded and resourced; and that it is established with clear outcomes that give confidence that those outcomes can be met.
- 10.4 There are, broadly, two alternatives to this course of action. The first is to continue without further attempts at improvement activity and to continue to attempt to make a success of the existing operation at Board and officer level. It is unlikely in the extreme that this would persuade external stakeholders that anything has been learned from the Authority's difficulties over the last four years. The Board will wish to consider whether this is a sustainable or credible position to take, and indeed whether it would be distinguishable in practice from the second option. That second option would be for the Board to decide that it, and the wider local government ecosystem in Cambridgeshire which it represents, does not have the capacity to own the CPCA's future improvement journey, and therefore invite Ministers to directly intervene. The risks to the Board, the Authority, and the constituent authorities of this option do not need spelling out.
- 10.5 We therefore recommend that CPCA Board:
- agrees in principle to the establishment of an Improvement Board
  - authorises Officers to work further with DLUHC and LGA to make necessary arrangements to convene a Board, building on the draft ToR below;
  - invite Officers to provide a further update on this matter to members.

## **11. PROPOSED TERMS OF REFERENCE**

Please note that these terms of reference (TOR) are a proposal and subject to further discussion with key stakeholders.

### **11.1 Overview**

11.1.1 The Cambridgeshire and Peterborough Combined Authority Improvement Board has been established by the Combined Authority Board to take forward the work the Board initiated on developing its collective purpose and leadership role, and to respond to the issues identified in the report made to Board on 19 April 2022 and issues that the Improvement Board may identify through a baselining exercise.

### **11.2 Remit**

11.2.1 To support the CPCA Board in a locally-led improvement programme aimed at improving its effectiveness as collective leadership for the region. In particular to help with the development and implementation of an improvement plan which will:

- a) Re-examine the rule set, both in the CA Regulation and the Constitution, that structures decision-making around the CA Board table; this might look in particular at veto rights and other voting rules;
- b) Consider other incentives, internal and external, that would improve the effectiveness of strategic decision-making at Board level; this might include strengthening the voice of non-political participants;
- c) Reconsider informal structures and working methods convened by CPCA and other partners to explore the scope for making it much clearer that the CA is a form of collective action by its members; this might include models for more dispersed officer leadership of strategies and projects;
- d) Ensure that internal structures and processes, especially the office of the Mayor, are designed to foster collective working both across the CA and within the core officer structure
- e) Support the chief executive in implementing the “Even Better” transformation programme.

11.2.2 This work to be carried out through an initial review and baselining of these issues; advising on the Authority’s improvement proposals; and through an interim and a final report which may make recommendations to the CPCA Board, but also to its constituent councils and to DLUHC.

### **11.3 Timescale**

11.3.1 Initially, to work for six months, meeting monthly, to make an initial report on issues after a month, agree the Board’s improvement plan with actions after two months, and report with an assessment of implementation after six months.

### **11.4 Composition**

11.4.1 The improvement board would comprise 11 members and could include a combination of:

- An Independent chair (potentially facilitated by DLUHC)
- CPCA: Board members and Constituent Authority Chief Executives
- LGA: 3 member peers, 3 officer peers.

11.4.2 Mayor could consider that given the circumstances of an ongoing code of conduct complaint that he does not sit on the Improvement Board, but rather invites the board to provide regular updates to him.

## **11.5 Working arrangements**

11.5.1 Any costs associated with the Improvement Board will be met by CPCA.

The Panel will be supported by a programme office to ensure that the overall programme plan is proactively tracked, kept up to date and that issues and risks are managed on a day to day basis through officers.

11.5.2 Anticipated costs are as yet unknown but will be reported back to the Board at the earliest opportunity following approval to proceed.

Significant Implications

## **12. Financial Implications**

12.1 Financial costs associated with this matter where known are included in the body of this report.

## **13. Legal Implications**

13.1 Legal implications are set out in the body of the report.

## **14. Public Health Implications**

14.1 There are no direct public health implications arising from the matters described in this report.

## **15. Environmental and Climate Change Implications**

15.1 There are no direct environment and climate change implications arising from the matters described in this report.

## **16. Appendices**

16.1 Exempt Appendix A – Options available in filling the role of Chief Executive and Director of Corporate Services

16.2 Exempt Appendix B – Transition Arrangements, including recruitment of a new CEX

## **17. Background papers**

17.1 None





**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No:

## MEMBER OFFICER PROTOCOL

To: Audit and Governance Committee

Meeting Date: 30 June 2022

Public report: Yes

Lead Member: Not applicable

From: Jodie Townsend  
Interim Head of Governance

Key decision: No

Recommendations: The Audit and Governance Committee is recommended to:

- a) Agree the content for inclusion in a Member Officer Protocol for recommendation to the Combined Authority Board**
- b) Request that the Combined Authority Board consider a recommended Member Officer Protocol at the earliest opportunity, for adoption into the constitution in support of relevant Codes of Conduct**
- c) Instruct Officers to develop a social media protocol for Members and Officers at the earliest opportunity.**
- d) Agree to undertake an annual review of the Member Officer protocol to ensure that it remains fit for purpose**

Voting arrangements: A simple majority of all Members present and voting

### 1. Purpose

- 1.1 At the request of the Combined Authority Board the Audit and Governance Committee is asked to consider and agree the content for inclusion in a Member Officer protocol for recommendation back to the Combined Authority Board.

## 2. Background

- 2.1 The Combined Authority Board received a report at its reconvened 20 May 2022 extraordinary meeting, which took place on 8 June 2022, that set out a draft Member Officer Protocol.
- 2.2 The draft protocol was introduced as an urgent item in response to concerns raised by the External Auditors regarding the effective governance of the Combined Authority. The External Auditors wrote to the Chair of the Audit and Governance Committee on 1 June 2022 to identify a significant weakness in the Combined Authority's governance arrangements.
- 2.3 The Combined Authority Board agreed to follow the principles set out in the draft Member Officer Protocol pending formal adoption following review by the Audit & Governance Committee. They further agreed to request that the Audit & Governance Committee review the draft Member Officer Protocol and make recommendations on its content to the Board for consideration at the earliest opportunity.
- 2.4 The draft Member Officer Protocol considered by the Combined Authority Board is attached at [Appendix 1](#).

## 3. A Member Officer Protocol

- 3.1 A member Officer protocol will seek to provide general guidance for both Members and Officers in their relations with one another, the provisions of a protocol would apply to all members which includes the Mayor, Board and Committee Members.
- 3.2 A protocol should reflect the basic principles that sit beneath the respective rules of conduct that apply to Members and Officers to offer guidance on some of the issues that may commonly arise. A protocol can also provide clarity on roles and direction on accepted practice.
- 3.3 A protocol will provide clarity on process and parameters in support of the codes of conduct, it can provide additional support for both Members and Officers so that both can effectively deliver their roles in a safe environment of respect and courtesy.
- 3.4 The conduct of the Mayor and elected Members is governed by the provisions of the Member Code of Conduct whilst the conduct of officers is governed by the provisions of the Employee Code of Conduct and a disciplinary regime forms part of that Code for officers.
- 3.5 A protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol is likely to constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.
- 3.6 There is no statutory requirement for the Combined Authority to have such a protocol, however, it is considered good practice to do so. Such a protocol is beneficial as it sets out the respective expectations of Members and Officers.
- 3.7 The Audit and Governance Committee is asked to consider the content for inclusion within a Member Officer protocol and make a recommendation to the Combined Authority Board for the adoption of a protocol in support of the relevant Codes of Conduct.

## 4. Issues for consideration

4.1 Following consideration by Combined Authority Board an engagement exercise was undertaken with CPCA staff to provide guidance and improve understanding on the content of a Member Officer protocol and staff responsibilities through a lunch and learn training session. That session produced feedback for the Committee to consider regarding content of such a protocol, the feedback was:

- ☐ Important the protocol covers concerns regarding power balance
- ☐ Social media use should be included for both Officers and Members
- ☐ Impact on a complainant should be a consideration
- ☐ It is very wordy which could lead to misinterpretation

4.2 The Combined Authority does not at this time have a social media protocol which again is considered to be best practice across Local Authorities. The Committee may consider that social media guidance should be incorporated into the Member Officer Protocol or that a separate protocol is required.

4.3 The issue of personal email use by Members has also been raised as a concern. In June 2021 the Monitoring Officer advised Members that following a security and GDPR review with the Combined Authority ICT provider Members are asked to:

- **CPCA Account:** Members are able to opt to use a CPCA account. The CPCA's ICT provider will create accounts, providing details of how to access and login. The ICT provider will also liaise with the ICT providers at Members authorities or organisations to enable access within their local Outlook system. This would be by way of an additional folder/inbox within the Outlook system.
- **Non-CPCA Account:** Council or Business - Members are able to opt to use a non-CPCA account, whether this is within a Council or a business – subject to that system meeting the baseline security requirements of the CPCA. This will allow members to use their current email accounts to access CPCA information securely both on teams, and SharePoint. If you wish to use this option the CPCA IT provider will contact you to carry out a quick 10 minute assessment to confirm the necessary security standards are in place.

4.4 It would seem prudent to seek to clarify matters regarding the use of personal email addresses in a Member Officer protocol.

4.5 Attached at Appendix 2 is a proposed alternative Member Officer protocol that seeks to build upon the draft protocol considered at Board, that takes into account the matters raised above and seeks to provide a more concise and understandable protocol.

4.6 Appendix 2 makes reference to a Social Media protocol, this has not yet been developed. Approval is sought from the Committee for the development of such a protocol at the earliest opportunity.

## 5. Financial Implications

5.1 There are no financial implications to this report

## 6. Legal Implications

- 6.1 There is no statutory requirement for Councils to adopt a Protocol on Member Officer Relations but it is good practice to do so.
- 6.2 The link created between a newly adopted Protocol, and other Codes and Protocols, will help to ensure that the Constitution remains legally up to date.
- 6.3 Breaches of the Member/Officer Protocol could be used as evidence in a disciplinary hearing for Officers or an investigation under the Code of Conduct for members

## 7. Public Health Implications

- 7.1 There are no public health implications to this report.

## 8. Environmental and Climate Change Implications

- 8.1 There are no environmental and climate change implications to this report.

## 9. Other Significant Implications

- 9.1 There are no other implications to this report.

## 10. Appendices

- 10.1 Appendix 1 – Draft Member Officer Protocol (as considered by Board 8 June 2022)
- 10.2 Appendix 2 – Proposed Member Officer Protocol

## 11. Background Papers

- 11.1 No background papers are identified for this report.

# Appendix 1: Protocol on Member/Officer Relations

## 1. Introduction

- 1.1 The protocol is designed to provide a guide to good working relations between Combined Authority Board Members, including the Mayor, and officers, to define their respective roles and provide some 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. However, close personal familiarity between individual Members and Officers can damage this important relationship.
- 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.
- 1.7 It is clearly important that there should be a close working relationship between Board members, committee chairs, and the relevant chief officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

## 2. Members' Role and Individual Officers

- 2.1 A Board member who is also an elected member of a constituent authority may be asked for advice and support by an officer who is one of their constituents. Officers are entitled to seek such assistance in the same way as any other member of the public. However, members should be aware of the wider provisions of the constitution and be careful not to prejudice the Authority's position in relation to disciplinary procedures or employment matters in respect of an officer.
- 2.2 A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

## Protocol on Member/Officer Relations

- 2.3 An officer should treat a Member as they would a member of the public in relation to the limited situations where they may be in personal receipt of services provided by authority.

### **Roles of Members**

- 2.4 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.

### **Roles of Officers**

- 2.5 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.

### **Respect and Courtesy**

- 2.6 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.

### **The Authority's Reputation**

- 2.7 Members and Officers both have an important role in engendering a good reputation or 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.

# Protocol on Member/Officer Relations

## **Undue pressure**

- 2.8 In any dealings between Members and Officers neither should try to take advantage of their position or place undue pressure on junior staff.
- 2.9 Members and Officers must always be mutually respectful, regardless of their role within the Authority. Members must not pressurise any Officer to do things s/he has no power to do, or to work outside of normal duties or hours.
- 2.10 Apart from decisions that are clearly illegal, Officers should usually carry out decisions of the Authority. However, instructions should never be given to Officers to act in a way that is unlawful. Officers have a duty to express their reservations in this sort of situation, and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible.
- 2.11 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.
- 2.12 In similar terms, Officers should not use undue influence to pressurise an individual Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.
- 2.13 The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistleblowing Policy.
- 2.14 Members should not seek to place undue pressure on junior officers through direct requests for information/advice.
- 2.15 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.
- 2.16 As mentioned above, the Authority has adopted separate Codes of Conduct for Members and Officers. The codes aim to improve and maintain the Authority's reputation as well as protect both Mayor/ Members and Officers and so they demand very high standards of conduct.

## **3. Personal and Business Relationships**

- 3.1 Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.
- 3.2 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.
- 3.3 Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.

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- 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. It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

### **4. Officers' Advice to Members**

- 4.1 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. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of senior Officers. All senior posts are 'politically restricted', which means that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However, they can speak or write in a way which is necessary in order to perform their duties properly.
- 4.5 If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Head of Paid Service. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.
- 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).



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- 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 Members' rights to inspect documents are contained partly in legislation and partly at common law.
- 4.10 Officers are required to serve the Authority as a whole. They are responsible to the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, and not to individual Members whatever office they may hold.

### **5. Support Services to Board Members**

- 5.1 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.
- 5.2 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.

### **6. Member/Officer Working**

- 6.1 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.
- 6.2 Officers should not publicly criticise Authority decisions even if they do not personally agree with those decisions.
- 6.3 Collaborative working between Members and officers is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and officers should inform the Monitoring Officer of any relationship either personal or family, or business connection which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will consider what action, if any, should be taken.
- 6.4 Officers work to the instructions of their managers not individual Board Members.
- 6.5 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.
- 6.6 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.

# Protocol on Member/Officer Relations

- 6.7 The advice provided and actions taken by officers should be sensitive to the political nature of the organisation, but their advice should always be independent and unbiased.
- 6.8 Board Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration and financial impropriety and if they have doubts as to whether a particular decision is or is likely to be contrary to the policy framework or budget.
- 6.9 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.

## 7. Officers and Individual Members

- 7.1 Any Board Member may request a private and confidential briefing from an Executive Director or Director 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 Executive Director or Director.
- 7.2 Briefings shall remain strictly confidential and are not to be shared with other members of the Authority unless so permitted by the relevant member.
- 7.3 Confidential information relating, for instance, to a Board member's ward/divisional cases should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Executive Director or Director and follow appropriate guidance.
- 7.5 Finally, 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).
- 7.6 The point is emphasised in the Code of Conduct.

## 8. Politically Restricted Posts

- 8.1 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.

## 9. Officers and Elected Representatives from other bodies

- 9.1 Officers may be requested to meet with Councillors or elected representatives from constituent Councils or partner organisations to provide briefings and/or policy advice.

## Protocol on Member/Officer Relations

- 9.2 Any officer requested to attend a meeting of this nature which is not held on a cross-political party basis must obtain the prior authorisation of the Chief Executive

### 10. Media Relations

- 10.1 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.
- 10.2 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.
- 10.3 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.

### 11. Member Training

- 11.1 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.

### 12. Complaints/Concerns

#### Procedure for Members

- 12.1 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.

#### Procedure for Officers

- 12.2 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.
- 12.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

### 13. Arbitration

- 13.1 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.

## Appendix 2: 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.

## Protocol on Member/Officer Relations

- 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 for 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.

## Protocol on Member/Officer Relations

- 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

## Protocol on Member/Officer Relations

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).

# Protocol on Member/Officer Relations

## 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.



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- 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.

## Protocol on Member/Officer Relations

- 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.