



Report title: Cambridgeshire and Peterborough Combined Authority Constitution

To: Audit and Governance Committee

Meeting Date: 26 November 2021

From: Robert Parkin
Monitoring Officer

Key decision: No

Recommendations: The Audit and Governance Committee is recommended to:

- a) To approve, and recommend the revisions to the Constitution detailed in this report to the Combined Authority Board

Voting arrangements: a simple majority of all Members.

1. Purpose

- 1.1 This report provides the Committee with commentary on the revisions made to the Constitution of the Combined Authority with a view that these be approved and recommended for adoption by the Combined Authority Board at their meeting in January 2022.

2. Background

- 2.1 The Combined Authority is obliged to review its Constitution on an annual basis. Officers have undertaken a process of review, and it is intended to present proposed changes to the Combined Authority Board on date January 2022.
- 2.2 The Audit and Governance Committee is responsible for keeping under review the governance arrangements, such as the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.

- 2.3 Officers have worked with various stakeholders in preparing these proposed revisions, including the Executive Team of the Combined Authority, Leaders' of constituent authorities as well as at a workshop of the Audit and Governance Committee on date October 2021.

3. Main Issues

- 3.1 The table presented below includes a description of the principle amendments. The table does not reference any minor typographical or grammatical amendments made to the document as part of this review. The table is presented for discussion (note: page numbers refer to the tracked-changed version of the Constitution – Appendix 1):

Chapter/Paragraph (page number)	Amendment to:	Commentary
Chapter 1, 2.2 and 2.3 (pages 1 and 2)	Summary	New paragraphs added to state what the Constitution must contain and to add some additional context
Chapter 1, 12.5 (page 6)	Decision Making Structure	The decision-making structure includes the Land Commission. This will be amended prior to being received by the CA Board in January 2022
Chapter 1, 13.4 (page 7)	CPCA Governance Structure	The governance structure is out-of-date. This has not, as yet, been amended. However, this will be amended when received by the CA Board in January 2022
Chapter 2, 2.4 (page 9)	Constituent Councils	Amended paragraph as wording could be seen as ambiguous
Chapters' 3, 5 and 11	Right of Mayor to speak at Executive Committee meetings	To allow the Mayor to formally take up his position as a non-voting member of all committees where he is entitled to do that, and where he is not already a member of that committee as of right AND/OR that Rule 13.4 of Chapter 5 of the Constitution be permitted by the CPCA Board, under paragraph 8.1 of Chapter 11, to apply to Committee meetings as well as to meetings of the Board
Chapter 4, 4.2 (Pages 19/20); also in Appendix 3	Land Commission – absorbed into CA Board activities	All references to the Land Commission removed from the Constitution

Appendix 1 – Lead member responsibilities; and Chapter 1 – Decision Making Structure (to be amended)		
Chapter 4, 4.2 (page 20) and Chapter 11, 4.1 (page 80)	Membership	Reference to appointment of Vice Chair in regard to Executive Committees in Chapter 4 has been removed to align with Chapter 11
Chapter 4, 4.3 (page 20)	Membership	Amended to state executive and statutory committees
Chapter 5, 1.1 (page 21)	Introduction	Removal of Coronavirus Act reference
Chapter 5, 16.11 (page 31)	Recorded Votes	To add that a member can ask for a recorded vote prior to or after a vote is taken
Chapter 5, 18.2 and 18.3 (page 32)	Questions by the Public	Additional two paragraphs clarifying how questions by the public be handled, whether through public attendance or via remote technology
Chapter 5, 18.4 (page 33)	Questions by Members	Amended to state the O&S Committee will be provided with a written answer to any question(s) which cannot be answered at the CA Board on the date asked
Chapter 5, 18.7 (page 34)	Questions by Members	Clarification on questions being asked by Members which are not on the CA Board agenda
Chapter 5, 18.15 Questions from the Public (page 36)	Asking the Question at the meeting	Amended to state: If a questioner who has submitted a written question is then unable to be present, they can ask for a written response <i>or that their question be read out by the clerk</i> .
Chapter 5 (Annex)	Virtual/Hybrid Meeting Protocol	Deleted
Chapter 5 (page 44)	Webcasting Protocol	Amended to Annex 1 following the deletion of the Virtual/Hybrid Meeting Protocol
Chapter 6 (page 50)	General Exception	<p>Page 51 did state “<i>Where publication of the intention to make a key decision is impractical, the decision may still be taken if: ...</i>”</p> <p>Amended to: “<i>Where publication of the intention to make a key decision at least 28 clear days before the date on which it will be taken is impractical, the decision may still be taken if: ...</i>”</p>

Chapter 8, 7.1 (page 64)	Voting	"Special voting" rights replaces "Weighted voting"
Chapter 8, 9.3 (page 64)	Working Groups	Paragraph removed
Chapter 9, 8.3 (page 69)	Working Groups	Employment & Skills Board added
Chapter 10, 3.2.6(b) (page 76) also in Appendix 1: Lead Member Responsibilities (page 213)	Housing and Communities Committee, Terms of Reference	All references to the £70k Housing fund for City Council have been removed.
Chapter 11, 8.1	Rule numbers	Amendments to ensure rule numbers are correct in terms of the chapters and paragraphs listed
Chapter 13, 4.2 (page 90)	Voting	Additional sentence added around deadlocked decisions of the committee not being referred to the CA Board
Chapter 13, 4.3 (page 90)	Voting	Paragraph 4.3 added following the tied vote for Chair in May 2021
Chapter 14, 8 and 9 (page 104)	Requests to Audit & Governance; and Reference of Matters to Committees	Addition of new terms of reference approved by the A&G Committee in September 2022 with regard to the process of referrals to the Committee
Chapter 16, 36.2 (page 146)	Letters of Intent	Updated and amended paragraph
Chapter 16, 38.1, 38.2 and 38.3 (page 146)	Contract Approval	Updated and amended paragraphs
Chapter 16, 50.2 (page 151)	Grants (law)	Updated and amended paragraph
Chapter 17, 1.4 (c)	Introduction	Amended to coincide with new Chapter numbers
Chapter 17, 5.3 (page 156)	Delegations to the Chief Finance Officer	Addition of explicit reporting duty of the CFO, under s.114 of the Local Government Finance Act 1988
Chapter 18, 18.1 and 18.2 (page 164)	Officer Employment Procedure Rules Definitions and Introduction	Definitions and Introduction re-ordered
Chapters 18 and 19	Gifts and Hospitality	The previous version of the Constitution stated two different amounts for the declaration of gifts and hospitality (it stated anything over £25 and also anything over £50). Amended to £50 throughout

Chapter 19 (from page 177)	Code of Conduct	The word “civility” removed and changed to the new LGA standard: “Integrity and honesty”
Appendix 1 (pages 209-214)	Portfolio amendments	Reflects changed portfolios and newly established ones
Appendix 4 (now Appendix 3) (page 218)	Public Services Reform and Innovation Commission: Members Allowance Scheme	Date amended in Terms of Reference to reflect when the Commission was established by a decision of the CA Board
Appendix 5 (now Appendix 4) (pages 221-253)	Business Board	Previous Appendix replaced by a new one, with rewrite reflecting the Assurance Framework.

3.2 The Combined Authority is currently undertaking a governance review, and it is likely there will be an impact from this on the Constitution review in 2022, A number of areas have already been highlighted which might need a refresh next year. These will be discussed with the Leaders of the constituent councils and are highlighted below:

- Implementation of the recommendation of the Centre for Governance and Scrutiny to the CA Overview & Scrutiny Committee
- The Statutory Committee terms of reference in relation to the Combined Authority trading companies
- Responsibilities of the Executive Committees and the impact on effective decision-making
- Member/Officer protocol to bring it in line with constituent authorities
- Decision-making following the governance review
- Conflicts of interest protocol for statutory committees
- Level of detail and repetition within the Constitution picking up the format of future documents and the development of key principles for Constitution development

4. Financial Implications

4.1 The proposals contain no financial implications.

5. Legal Implications

5.1 The Combined Authority is obliged to adopt and maintain a constitution and standing orders.

6. Appendices

Appendix 1: Amended Constitution – November 2021 (Tracked-Changes version)

Appendix 2: Amended Constitution – November 2021 (Clean version)