



CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY BOARD	AGENDA ITEM No: 1.6
30 SEPTEMBER 2020	PUBLIC REPORT

CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY CONSTITUTION

1.0 PURPOSE

- 1.1 This report presents to the Combined Authority Board a series of proposed changes to the Combined Authority Constitution for review and invites the Board to adopt the recommended changes.

<u>DECISION REQUIRED</u>	
Lead Officer: Robert Parkin, Chief Legal Officer and Monitoring Officer	
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RECOMMENDATIONS: The Combined Authority Board is recommended to: <ol style="list-style-type: none">1. To approve, and adopt the revisions to the Constitution detailed in this report with effect from 1 November 20202. To authorise the Monitoring Officer to update the Constitution with the recommended revisions and to make any consequential amendments.	Voting arrangements A majority of at least two thirds of all Members (or their Substitute Members) present and voting

2.0 BACKGROUND

- 2.1 The Monitoring Officer is required to monitor and review the operation of the Constitution on an annual basis.

- 2.2 The Audit and Governance Committee, which is responsible for keeping under review the governance arrangements of the Combined Authority, such as the Constitution is empowered to make recommendations to the Combined Authority Board. By the time of the Combined Authority Board meeting on 30 September, the Audit and Governance Committee shall have considered the proposed revisions to the Constitution described in this report, and have recommended them to the Combined Authority Board for adoption. Where the Audit and Governance Committee suggests additions or alterations, these will be notified to members as an addendum to this report.
- 2.3 Officers have worked with various stakeholders in preparing these proposed revisions, including the Corporate Management Team of the Combined Authority, a workshop of the Audit and Governance Committee on 17 September, and by way of a comprehensive review of the Constitutions of other Combined Authorities, and a consultation exercise.
- 2.3 The consultation exercise involved the distribution of a questionnaire to officers and members.
- 2.4 While the questionnaire, with a total of 13 questions, was widely distributed and followed up with prompts to participants, the response was low. The following themes and points arose:
- Some level of concern over there being sufficient publicity about the rights of the public to ask questions at the CA Board and Committees and present petitions.
 - The effectiveness of pre-scrutiny was questioned. In particular in relation to whether the right people were in attendance at committee to ask questions which might, ultimately, shape policies and plans
 - There were no concerns expressed over the current meetings procedure rules
 - The Committee system, operating within the Combined Authority, is considered to be effective although inconsistencies in agendas were raised
 - Although it was commented that the distinction between the different roles of the Mayor and the Combined Authority could made clearer it was generally accepted there is enough done to present the understanding of the roles
 - The role of the Business Board within the Combined Authority should be more clearly communicated to ensure that it is understood by the wider community
 - All responding felt that enough is done to promote to the public access to the Forward Plan and Agenda Reports, and to provide information on how to attend meetings and ask questions

- Also, all responding felt that the Combined Authority's key documents are well, and accessibly presented, although they could be made easier to find on the website
- There was a mixed response on whether the Constitution should include a foreword and a longer introduction
- There was unanimity as to the facility of call-in by the Combined Authority Board being necessary.

3.0 MAIN ISSUES

- 3.1 Commentary is presented below on the new and revised documents recommended for adoption, including a description of the principle amendments:

Code of Conduct

- 3.1.1 This is a new document based upon the Local Government Association's draft Model Code of Conduct, which was out to consultation until 17 August 2020. The draft Model Code reflected the recommendations of the Committee on Standards in Public Life (CSPL) and includes content which would require changes in the law. The Code of Conduct recommended to members does not include any elements which would be in conflict with the law as it now stands. The proposed changes in the law include a proposal to have a presumption that members are acting in an official capacity in their public conduct, including on social media. One of the CSPL's main concerns about the current regime for member conduct is the absence of sanctions for misconduct, however it would take a change in primary legislation to provide local government bodies, such as the Combined Authority, with the power to apply sanctions where a breach of the Code of Conduct is found.
- 3.1.2 The proposed Code of Conduct replaces the duty to treat others with respect with duty to treat other members and members of the public with civility, which is defined as "politeness and courtesy in behaviour, speech and in the written word". The recommended Code provides greater clarity on when members with interests should leave the meeting room than that provided by the current Code.
- 3.1.3 The recommendation is to adopt the recommended Code in advance of the outcome of the LGA consultation process with a view to re-visiting the content of the Code as and when the Model Code has been finalised or the changes in the law proposed by the CSPL have been enacted.

Gifts and Hospitality Protocol

- 3.1.4 This is a new document which supplements the recommended new Code of Conduct. It seeks to provide clarity to members as to how to deal with offers

of gifts and hospitality. The appropriate treatment of gifts and hospitality is key element in maintaining public confidence in the Combined Authority and in local government generally.

Members' Use of Resources and Code of Recommended Practice on Publicity

- 3.1.5 This is a new document which supplements the recommended new Code of Conduct. It seeks to provide clarity to members as to the use of Combined Authority resources and sets out the requirements of the Code of Recommended Practice on Local Authority Publicity.

Officer Employment Procedure Rules

- 3.1.6 This is a revised version of the current document at chapter 18 of the Constitution. The revisions relate to the following issues:
- To tidy up the procedural requirements for the appointment of senior officers. The requirements included are those set out in the Local Authorities [Standing Orders] Regulations 1993, which do not apply to combined authorities. However, the requirements of the 1993 Regulations are in line with good practice and it is therefore recommended that they continue to be applied by the Combined Authority. This will also have the advantage of keeping the senior officer appointment procedures of the Combined Authority in line with those of its constituent councils.
 - To set out the arrangements for the appointment of senior officers on an interim basis. Any interim appointment extending beyond nine months or which is intended to last more than nine months would require the approval of the Employment Committee, or in the case of the statutory officers, the Combined Authority Board. The intention is to enable senior officers to be recruited at short notice, either to cover the interval between a senior officer leaving the Combined Authority and a permanent replacement being recruited or to cover a period during which a senior officer is unable to perform their duties. All appointments of statutory officers, whether interim or permanent, require the approval of the Combined Authority Board
 - To confirm that the Head of Paid Service [Chief Executive] is to be responsible for all appointments at or below Deputy Chief Officer level
 - To confirm that, as set out above for the Employment Committee, it is recommended that the Combined Authority apply the statutory protections for statutory officers, although it is not a legal requirement for combined authorities. The procedure for dismissal of a statutory officer for disciplinary reasons is set out in Annex 3 to the Rules
 - To confirm that no member who has as made a decision as to the dismissal of a Chief Officer, or a recommendation to the Combined Authority Board as to

the dismissal of a statutory officer, may sit as a member of the Combined Authority Board when it considers such a recommendation or hears an appeal against dismissal by a Chief Officer

Protocol on Appointments within the Mayoral Office [Annex to Officer Employment Procedure Rules]

- 3.1.7 The Protocol, which was adopted by the Combined Authority Board in September 2019, has been amended to provide that posts within the Mayoral Office, with the exception of the Personal Assistant role, are to be subject to political restriction. This follows discussions with the Ministry for Housing, Communities, and Local Government, whose interpretation of the application of political restriction rules was at variance to that provided to the Combined Authority by leading counsel.

Employment Committee

- 3.1.8 This is a revised version of the current chapter 12 of the Constitution. The revisions relate to the following issues:
- The expansion of the membership of Employment Committee to match the membership of the other Executive Committee
 - Clarification of the way in which disciplinary procedures involving the Head of Paid Service, Monitoring Officer and Section 73 Officer are to be handled. The statutory rules providing additional employment protections to these statutory officers, which are set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), do not apply to the Combined Authority. The Committee on Standards in Public Life is supportive of the statutory protections and has recommended that the protections be extended. The recommendation is therefore that the Combined Authority apply the statutory protections notwithstanding that they are not a legal requirement, on the basis that the statutory officer roles at the Combined Authority raise the same issues as the same roles in the Combined Authority as their equivalents in the constituent councils and warrant the same protections. This requires the establishment of a Statutory Officer Investigatory Panel because the statutory protections include recommendations on the dismissal of statutory officers being made by a panel which includes two or more independent persons, so the Employment Committee itself would not be able to make those recommendations
 - To set out the definitions of a Chief Officer, Deputy Chief Officer and disciplinary action which were previously in the Officer Employment Procedure Rules in order to provide a clearer approach to the relationship between these two elements of the Constitution
 - To provide greater clarity about the suspension of senior officers and appeals procedures

- To remove the appointment and dismissal of Deputy Chief Officers from the remit of the Employment Committee. The management structure of the Combined Authority, which is flat in comparison to other local authority bodies, brings a significant number of officers within the Deputy Chief Officer designation

Virtual/Hybrid Meetings

- 3.1.9 This is a new document, developed in line with the Government guidance on social-distancing and the Covid-19 virus and it not being possible to hold physical meetings of the Combined Authority Board and the Combined Authority's Executive Committees for the time being. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allows formal local government meetings to be held on a virtual basis, without elected members being physically present together in the same place. Meetings will, therefore, be held on a virtual basis so this protocol sets out the procedures for virtual, and where applicable, hybrid meetings.

Webcasting

- 3.1.10 This is a new document following the agreement of the Combined Authority that meetings of the Combined Authority Board, Executive Committees, Audit & Governance Committee and Overview & Scrutiny Committee can be transmitted live on the internet (webcast), and the recordings made available on the website for 12 months.

Contracts Procedure Rules

- 3.1.11 The Combined Authority is obliged by law to maintain standing order in relation to the appointment of contracts. The revised Contract Procedure Rules, attached, are a re-write of the existing rules, aimed at referencing up to date legislation, and providing clearer process, as well as separating out guidance from the rules themselves.
- 3.1.12 They also introduce a Procurement Gateway Process for higher value or complex procurements in which officer stakeholders with the support of the Legal, Finance, and Procurement teams can agree commissioning and route to market strategy, and monitor the effectiveness of procurement and contracting arrangements.

Other Textual Amendments to the Constitution

- 2.1.16 In addition to consequential amendments in the body of the Constitution to ensure consistency with the above referenced content, the Constitution has been generally reviewed for repetition and clarity. Changes include amendments to ensure the clarification of Standard Orders of Committees. A table with these consequential and minor amendments is below:



Table 1: Table of Consequential and Minor Amendments:

Location in Constitution	Page in Constitution	Description	Current Wording	Proposed Wording	Purpose
Chapter 4 Combined Authority Board Functions	p18	To confirm the power of the Combined Authority Board to reserve to itself decisions which would otherwise be taken by Executive Committees	None	14 The Combined Authority Board shall have the power to reserve decisions to itself which would otherwise be taken by the Executive Committees.	To formalise current arrangements
Chapter 5 Proceedings of Meetings	p21	Arrangements for virtual meetings	1.1 These rules apply to Combined Authority Board meetings and, where appropriate, to any committees or sub-committees of the Board.	1.1 These rules apply to Combined Authority Board meetings and, where appropriate, to any committees or sub-committees of the Board. For as long as the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 or other legal provision having a like effect remain in force the Virtual / Hybrid Meeting Protocol at Annex A to this Chapter shall apply and any conflict between the Protocol and this Chapter shall be resolved in favour of the Protocol.	To align the arrangements for meetings with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales)

					Regulations 2020
Chapter 5 Proceedings of Meetings and Chapter 11 Procedure Rules of Executive Committees	p21 and p75	Application of standing orders to executive committees	Chapter 5 1 Introduction 1.1. These rules apply to Combined Authority Board meetings and, where appropriate, to any committees or sub-committees of the Board.	Chapter 5 Replace paragraph 1.1 with: 1.1. These rules apply to Combined Authority Board meetings and, subject to the limitations set out in section 8 of Chapter 11 of this Constitution [Procedure Rules of Executive Committees], to any committees or sub-committees of the Board. Chapter 11 Add: 8 Application of Chapter 5 [Proceedings of Meetings] to Executive Committees 8.1 The following rules from Chapter 5 [Proceedings of Meetings] shall apply to the meetings of Executive Committees with any necessary modification - Rule 4 [Ordinary Meetings and Urgency], Rule 6 [Notice of Meetings and Agendas], Rule 7 [Public Access], Rule 8 [Attendance], Rule 9 [Notice of Substitute Members], Rule 12 [Declaration of Interests], Rule 13 [Rules of Debate], , Rule 17 [Minutes], Rule 18 [Questions by the Public and Questions by Members] [not including rules on Petitions from the public], Rule 19 [Conduct at	To clarify the application of standing orders to Executive Committees

				Meetings] and Rule 21 [Photography, Audio/Visual recording of Meetings and Blogging/Tweeting]	
Chapter 5 Proceedings of Meetings	p35	Arrangements for webcasting meetings	<p>21. Photography, Audio/Visual recording of Meetings and Blogging/Tweeting</p> <p>21.1. Please see Transparency Rules Forward Plan and Key Decisions (see Chapter 6 - Transparency Rules, Forward Plan and Key Decisions)</p>	<p>Add:</p> <p>21.2 The Protocol on the Webcasting of Meetings which forms Annex B to this Chapter shall apply to the webcasting of the meetings of the Combined Authority and its committees.</p>	To introduce the new revised Protocol on the Webcasting of Meetings
Chapter 14 Audit and Governance Committee	pp94-95	Responsibility for the grant of dispensations under the Localism Act 2011	7.2.1. When matters are referred by the Monitoring Officer granting dispensations to Members and Co-opted Members allowing them to: (a) participate in the debate; and/or (b) vote on any matter in which they have a disclosable pecuniary interest;	Delete paragraph 7.2.1 and renumber following paragraphs accordingly.	To resolve a conflict between the power to grant dispensations delegated to the Monitoring Officer and wording on the functions of the Audit & Governance Committee's Hearing Panel

Chapter 17 Officer Scheme of Delegation and Proper Officers	p162	Delegation of staffing functions to Chief Executive. To make the Chief Executive responsible for staffing decisions in relation to Deputy Chief Officers	4.4 To be responsible for the appointment and grading of staff up to Deputy Chief Officer level.	4.4 To be responsible for the appointment, and grading and dismissal of staff up to and including Deputy Chief Officer level.	To align with revised Officer Employment Procedure Rules
Chapter 17 Officer Scheme of Delegation and Proper Officers	p167	To require the Monitoring Officer to keep a register of gifts and hospitality	None	6.13 To keep a register of gifts and hospitality in accordance with the Protocol on Gifts and Hospitality and to arrange for its publication on the Authority's website.	To align with new Protocol on Gifts and Hospitality
Chapter 19 Member Code of Conduct and Complaints Procedure	p182ff	To make provision for the revised Member Code of Conduct, the new Protocol on Gifts and Hospitality and the new Protocol on Member Use of Resources and the Code of Recommended Practice on	Parts 1 to 3 of Chapter 19 set out the current Member Code of Conduct	To delete Parts 1 to 3 and replace with: "Part 1 Member Code of Conduct and Protocols 1.1 The Member Code of Conduct forms Annex 1 to this Chapter 1.2 The Protocol on Gifts and Hospitality forms Annex 2 to this Chapter 1.3 The Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity forms Annex 3 to this Chapter"	To introduce the revised Code of Conduct and new Protocols

		Local Authority Publicity		And to renumber Part 4 [Complaints Against Members of the Combined Authority] as Part 2	
Appendix 7 Glossary	P259ff	To delete the Glossary	The Glossary is at pp259 to 261 of the Constitution	To delete the Glossary	To make the Constitution more self- explanatory with each element comprehensible on its own terms.



3.2 The content below is presented in revised form as Appendices 1-9:

- Code of Conduct
- Gifts and Hospitality
- Members use of Resources and Code of Recommended Practice on Publicity
- Officer Employment Procedure Rules which includes and Annex on the Protocols on appointments within the Mayoral Office
- Employment Committee
- Virtual/Hybrid meetings
- Webcasting
- Contract Procedure Rules

4.0 FINANCIAL IMPLICATIONS

4.1 The proposals contain no financial implications.

5.0 LEGAL IMPLICATIONS

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

6.0 APPENDICES

6.1 Appendix 1: Code of Conduct

Appendix 2: Gifts and Hospitality

Appendix 3: Protocol on Member use of Resources and the Code of Recommended Practice on Local Authority Publicity

Appendix 4: Officer Employment Procedure Rules includes and Annex on the Protocol on Appointments within the Mayoral Office

Appendix 5: Employment Committee

Appendix 6: Virtual/Hybrid Meetings

Appendix 7: Webcasting

Appendix 8: Contract Procedure Rules

<u>Source Documents</u>	<u>Location</u>
Audit and Governance Committee: 24 September 2020	<u>CA Audit & Governance Committee: 24 September 2020</u>

Combined Authority Board Meeting: September 2019

[Combined Authority
Board: September 2019](#)

Local Government Association Draft Model Code of
Conduct

[LGA Draft Code of
Conduct](#)

CODE OF CONDUCT

Purpose

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

Application of the Code

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

The seven principles of public life

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

Model member conduct

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

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

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and

- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

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

As a member I commit to:

Civility

1. Treating other members and members of the public with civility.

2. Treating Authority employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.

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

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

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

Bullying and harassment

3. Not bullying or harassing any person.

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

The Equality Act 2010 defines harassment as '*unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'. The relevant protected characteristics are

age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the Authority

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

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

Confidentiality and access to information

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

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

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

Disrepute

7. Not bringing my role or Authority into disrepute.

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

Your position

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

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

Use of Authority resources and facilities

9. Not misusing Authority resources.

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

Interests

10. Registering and declaring my interests.

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

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

Gifts and hospitality

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

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

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

Breaches of the Code of Conduct

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

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

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

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

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

Code Appendix A

The principles are:

Selflessness

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

Integrity

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

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the Authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 belowyou must disclose the interest.
7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a

dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Authority) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Authority —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the Authority.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>

Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer
Corporate Tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the Authority; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Authority; and (b) either— i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

- Any body -
- (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Protocol on Gifts and Hospitality

1 Introduction

1.1 This protocol applies to the Mayor, Combined Authority Board Members, Business Board Members and Members of the Combined Authority's Committees and Boards when they act in that capacity. It also applies to co-opted members of the Combined Authority's Committees who are not elected members of the Combined Authority's constituent councils. It should be read in conjunction with the Member Code of Conduct. For the purpose of dealing with any complaints about the conduct of Members this Protocol is deemed to form part of the Member Code of Conduct.

2 Gifts and Hospitality

2.1 Gifts and Hospitality will include any gift, hospitality, offer or favour which is offered to a Member personally, whether or not the gift or hospitality is accepted. The definition includes gifts and hospitality offered to either a Member or to the family and friends of Members which arise from the position of the Member and common examples would be:

- Any offer of a gift of goods or services without payment;
- Any offer of goods or services at a discount not available to the public;
- Any offer of food, drink, travel or accommodation;
- Any invitation to attend a cultural or sporting event without payment or at a discounted rate;

2.2 If you accept gifts and hospitality when it is not appropriate to do so it can damage both your own reputation and the reputations of the Combined Authority and any constituent council of which you are a member. In some circumstances, as set out in paragraph 3 below you may commit a criminal offence by accepting gifts or hospitality. As set out in the Member Code of Conduct, you should avoid placing yourself under any obligation to people or organisations that might try to influence you inappropriately in your work for the Combined Authority.

2.3 The decision on whether to accept a particular offer of a gift or hospitality is a matter for you. Whether you should accept a gift or hospitality will depend upon all the circumstances in which the offer is made but you should also consider how the acceptance of the gift or hospitality will be perceived by others. If in doubt you should always seek advice from the Combined Authority's Monitoring Officer or the Chair of the Combined Authority's Audit & Governance Committee.

2.4 The kind of gifts or hospitality it may be appropriate to accept would include:

- Gifts worth less than £25 such as calendars, diaries, pens and flowers;
- Gift and hospitality provided by a public body;
- Simple refreshment provided at a meeting such as tea, coffee and biscuits;
- A simple working meal at which business is discussed;

But whether an individual offer should be accepted will always depend on all the circumstances and you should note the rules set out in paragraph 4 below about registration of gifts and hospitality. You must never solicit any gift or hospitality as a Member.

2.5 The kind of gifts it would not be appropriate to accept would include:

- Any gift in the form of cash or another form of direct payment;
- Any gifts in the form of holidays, including accommodation or travel arrangements;
- Any gift or hospitality intended to influence what you do as a Member or to put you under an obligation to the donor. In particular you should not accept any offer from a person or organisation which is involved in, or which may become involved in the future in
 - Any procurement exercise being run by the Combined Authority;
 - Any application for a grant, loan or other financial assistance from the Combined Authority;
 - Any legal dispute with the Combined Authority;
- Any gift or hospitality that is of significant value or where the value is disproportionate in the circumstances;

2.6 If you suspect that the motive behind an offer of a gift or hospitality is an inducement for you to make a particular decision or a reward for doing so you must decline it. Similarly, if accepting a gift or hospitality would be open to misinterpretation you should decline it.

2.7 This protocol only applies to gifts and hospitality you may receive in your capacity as a Member of the Combined Authority and does not apply to gifts and that are not related to your position as a Member, such as birthday or Christmas gifts from family and friends. If you are also an elected member of one of the Combined Authority's constituent councils you will also be subject to your council's Code of Conduct and rules on gifts and hospitality.

3 The Criminal Law

3.1 Under the Bribery Act 2010 it is a criminal offence to request, agree to receive or accept a financial or other advantage as a reward for the improper performance of any function of a public nature.

3.2 If you believe a person or organisation may have been offered a bribe, you should immediately report the matter to the Combined Authority's Monitoring Officer or to the Police.

4 Registration of Gifts and Hospitality

4.1 You must register any offer of a gift or hospitality with an estimated value of at least £25 with the Combined Authority's Monitoring Officer within 28 days of its receipt. The registration must include details of the source of the gift or hospitality, a description, its estimated value, whether the gift or hospitality was accepted and what the Member has done with a gift.

4.2 If you are offered gifts or hospitality with a total value of at least £100 from the same source over a twelve month period you should register them with the Monitoring Officer regardless of whether any individual offer had an estimated value of at least £25.

4.3 If you are not sure of the value of the gift or hospitality it is good practice to register it anyway.

4.4 The Register of Gifts and Hospitality will be published on the Combined Authority's website.

5 Breaches of this Protocol

5.1 Breaches of this Protocol will be dealt with as breaches of the Member Code of Conduct. The Audit & Governance Committee has oversight of the Member Code of Conduct and responsibility for hearing complaints about Member conduct which have been referred to them by the Combined Authority's Monitoring Officer.

5.2 Allegations of any breach of this Protocol should be made in writing to the Combined Authority's Monitoring Officer.

6 Advice and Support

6.1 You should seek advice from the Combined Authority's Monitoring Officer or the Chair of the Audit & Governance Committee if you are uncertain how to deal with an offer of a gift or hospitality.

PROTOCOL ON MEMBER USE OF RESOURCES AND THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

1 Introduction

- 1.1 The Combined Authority provides resources to its elected members and to members of the Business Board in order to assist them in performing their duties. These resources include:
- Office Premises
 - Stationery, postage, telephones, copying facilities
 - Administrative and Secretarial Support
 - Laptops
 - Email accounts
- 1.2 The Combined Authority's Member Code of Conduct includes the following on use of the Authority's resources:

As a member I commit to:

9. Not misusing Authority resources.

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

Any breach of the requirements of this protocol will be deemed to be a breach of the Member code of Conduct. If any elected member wishes to have advice on the use of the Authority's resources they should contact the Authority's Monitoring Officer.

2 Use of Information and Communications Technology

- 2.1 All use of ICT by elected members is subject to the Authority's ICT policies which govern the use of laptops, the Authority's networks and mobile devices provided by the Authority. These policies also apply to the Authority's officers.

3 The Code of Recommended Practice on Local Authority Publicity

- 3.1 Section 2 of the Local Government Act 1986 states:

2.— Prohibition of political publicity.

(1) A local authority shall not publish [, or arrange for the publication of,] any material which, in whole or in part, appears to be designed to affect public support for a political party.

(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—

(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

(b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

(3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

This prohibition applies to all publicity produced by the Authority but is of particular importance during the period before elections.

- 3.2 This prohibition applies to the Authority and the government has issued the Code of Recommended Practice on Local Authority Publicity under section 4 of the 1986 Act. Section 6 of the 1986 Act defines “publicity” as:

“any communication in whatever form, addressed to the public at large or a section of the public”

And the Code confirms that this will include paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material which is created by third parties.

- 3.3 The Code states that local authority publicity should:

- be lawful
- be cost effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

The Code confirms that, except during periods of heightened sensitivity, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on

local issues. However publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

- 3.4 The Code refers to periods of heightened sensitivity before elections and referendums and requires local authorities to pay particular regard to the legislation on publicity during such periods. The Code states:

During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

- 3.5 It is therefore not permitted for members to use the Authority's resources for political purposes such as promoting a particular candidate or political party in an election or a particular outcome in a referendum.

4 Personal Use of the Authority's Resources

- 4.1 Personal use of ICT equipment and resources is covered by the policies referred to at paragraph 2.1 above.
- 4.2 As above at paragraph 1.2, the Member Code of Conduct reminds members that resources and facilities provided to them by the Authority are provided to help them carry out their roles as members more effectively and not to benefit them personally.

Chapter 18 - Officer Employment Procedure Rules [Bold type indicates unchanged wording]

1 Introduction

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

2 Definitions

- 2.1 For the purpose of these rules the definitions of “Chief Officer”, “Deputy Chief Officer”, and “Disciplinary Action” are as set out in Chapter 12 of this Constitution [Employment Committee].

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

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

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

And the Committee will make arrangements for:

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

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

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

Where no qualified person has applied the Committee will:

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

The Combined Authority Board will approve the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and the officer with the responsibilities set out in section 73(1) of the Local Government Act 1985 (Chief Finance Officer) (“the statutory officers”) following the recommendation of the Committee.

Appointments of Chief Officers will be made by the Committee.

- 3.2 Where it is proposed to appoint a Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer on an interim basis and such an appointment is to last for a period of less than nine months pending the appointment of a permanent Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer, the Chief Executive will make all necessary arrangements in connection with the appointment subject to the designation of any officer as the Monitoring Officer or Section 73 Officer on an interim basis being reserved to the Combined Authority Board.
- 3.3 Where it is proposed to appoint a Head of Paid Service [Chief Executive] on an interim basis and such an appointment is to last for a period of less than nine months pending the appointment of a permanent Head of Paid Service, the Mayor will make all necessary arrangements in connection with the appointment subject to an such appointment being reported to the next meeting of the Combined Authority Board for ratification. No appointment of an Interim Head of Paid Service shall take effect until it has been ratified by the Combined Authority Board.
- 3.4 Where it is proposed to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, Section 73 Officer (Chief Finance Officer) or Chief Officer on an interim basis and such an appointment is to last for a period of more than nine months or such an appointment was originally made under paragraphs 3.2 or 3.3 above but is to extend beyond nine months, the Employment Committee will make all necessary arrangements in connection with the appointment or the extension of the appointment as the case may be. Any such decision as to the appointment or the extension of the appointment of an interim Head of Paid Service (Chief Executive), Monitoring Officer or Section 73 Officer (Chief Finance Officer) shall be by way of recommendation to the Combined Authority Board.
- 3.5 When making decisions as to the appointment or dismissal of statutory officers and Chief Officers the Employment Committee shall include the Mayor or Deputy Mayor in their place.
- 3.6 The appointment of officers at or below Deputy Chief Officer level shall be the responsibility of the Chief Executive or of any officer nominated by them in relation to a particular appointment.

4 Avoiding Conflicts of Interests in the Appointment Process

- 4.1 **Any person seeking appointment as an Officer of the Combined Authority shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece (“relative”) of an existing Member or Officer or the partner of such persons.**

- 4.2 **No candidate related to a Member or Officer as described above will be appointed as Head of Paid Service or as a Chief Officer without the agreement of the Mayor.**
- 4.3 **An Officer or Member must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of an officer, or prospective officer who is a relative, partner, partner of a relative or friend. Friendship connotes a relationship going beyond regular contact with colleagues in the course of employment.**
- 4.4 **Any applicant who directly or indirectly seeks the support of any Member for any appointment within the Combined Authority will be disqualified from the recruitment process.**
- 4.5 **No Member of the Combined Authority shall seek support for any person for appointment with the Combined Authority. This shall not be interpreted to mean that Members and officers are precluded from giving a written reference for a candidate for submission with an application for employment as appropriate.**

5 Dismissals and Disciplinary Action

- 5.1 Only the Combined Authority Board may dismiss the Head of Paid Service (Chief Executive), the Section 73 Officer (Chief Finance Officer) or the Monitoring Officer (“the statutory officers”) as a result of disciplinary action following the recommendations of the Statutory Officer Investigatory Panel. A statutory officer may not be dismissed by the Combined Authority unless the relevant procedures set out in these Rules, including Annex 3 to these Rules, have been complied with.
- 5.2 The Statutory Officer Investigatory Panel shall have authority to take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 5.3 The Employment Committee will have authority to dismiss Chief Officers. Any Chief Officer so dismissed shall have a right of appeal to the Combined Authority Board in accordance with the Authority’s Appeals Procedures.
- 5.4 The Mayor or the Deputy Mayor in their place shall be a member of the Statutory Officer Investigatory Panel which meets to consider a dismissal or recommendation for dismissal under paragraph 5.1 or 5.3.
- 5.6 Members will not be involved in the dismissal of any officer at or below Deputy Chief Officer level except where such involvement is necessary for the investigation or inquiry into alleged misconduct through the Combined Authority’s disciplinary procedures as adopted from time to time.

6 Avoiding Conflicts of Interest in Dismissals and Disciplinary Action

- 6.1 No member or substitute member who has sat as a member of the Statutory Officer Investigatory Committee or Employment Committee when a recommendation or decision has been made as to the dismissal or disciplining

of an officer under Section 5 above shall sit as a member of the Combined Authority Board when it considers any such recommendation or an appeal by the officer against any such decision.

7 Employee Code of Conduct

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

8 Officer Appointments to the Mayoral Office

- 8.1 **Certain designated posts within the Mayoral office will be subject to the protocol at Annex 1. These posts are:**

(a) Chief of Staff

(b) Mayoral Adviser and

(c) Senior Policy Adviser.

9 Political Restriction

- 9.1 **Certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act 1989. The Protocol on Political Restriction at Annex 2 sets out the rules which apply to such posts.**

ANNEX 3

DISCIPLINARY PROCEDURES IN RELATION TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND SECTION 73 OFFICER

- 1 The procedures for disciplinary action and dismissal of the Head of Paid Service [Chief Executive], Monitoring Officer and Section 73 Officer [“the statutory officers”] match the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended] which apply to the Combined Authority’s constituent councils.
- 2 Only the Combined Authority Board may dismiss the statutory officers following the procedure set out in this Annex and following the recommendation of a Statutory Officer Investigatory Panel constituted as set out below.
- 3 In any case where disciplinary action, as defined in Chapter 12 of the Constitution (Employment Committee) is to be taken against one of the statutory officers the Employment Committee shall establish a Statutory Officer Investigatory Panel to deal with the matter. The Panel shall have the authority to take disciplinary action short of dismissal against a statutory officer and to recommend to the Combined Authority Board that a statutory officer be dismissed.
- 4 The Statutory Officer Disciplinary Panel shall be made up of all the members of the Employment Committee or their substitute members, including the Mayor or Deputy Mayor acting in their place, together with at least two independent persons appointed by the Combined Authority or by other local authorities in England under section 28(7) of the Localism Act 2011 subject to the rules on appointment of independent persons to the Panel set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended].
- 5 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Combined Authority Board must take into account, in particular—
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 6 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as an independent person under the 2011 Act.
- 7 The Panel must be appointed at least 20 working days before a meeting of the Combined Authority Board to consider whether or not to approve a proposal to dismiss a statutory officer.

ANNEX TO THE OFFICER EMPLOYMENT PROCEDURE RULES
CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY
PROTOCOL ON APPOINTMENTS WITHIN THE MAYORAL OFFICE

General

There are three posts within the Mayoral Office which are appointed on a different basis to other Combined Authority posts. In particular:

- (i) The contracts of employment for these posts automatically end on the expiry of the Mayor's term of office
- (ii) The individuals are accountable for the performance of their duties to the Mayor
- (iii) The individuals are subject to additional requirements as to their conduct, as set out below, which do not apply to other Combined Authority officers.

The Legal Basis of Mayoral Appointments

Political assistants are an established part of the local government landscape and are provided for in legislation including:

- Section 9 of the Local Government and Housing Act 1989;
- The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002; and
- The West of England Combined Authority Order 2017

There is no specific statutory authority for the appointment of political assistants in the Combined Authority. These posts within the Mayoral Office are appointed by the Mayor using the general power of competence conferred on him by Article 12 of the Cambridgeshire and Peterborough Combined Authority Order 2017.

The posts are subject to political restriction on the basis that the duties of the postholders consist in or involve giving advice on a regular basis to the Mayor themselves. The statutory provision at section 2(3) of the Local Government and Housing Act 1989 refers to giving advice to the "authority" and does not refer to advising a Mayor, but in the context of a Mayoral Combined Authority the reference to the "authority" can be taken to include the Mayor.

These posts are subject to additional restrictions as to the conduct of the postholders over and above those which apply to officers of the Combined Authority whose posts are politically restricted. . The purpose of these additional restrictions is to ensure that any potential conflict between the postholders being paid from public funds and having access to public resources and with their participation in party politics is managed.

Provided appropriate safeguards are in place the appointment of these officers is a legitimate and lawful use of the general power. These officers perform a valuable role in allowing the Mayor to obtain political advice without compromising the impartiality of other officers.

Duties

These postholders' duties include the following:

- a) Reviewing papers going to the Mayor, drawing attention to any aspect which they think has particular implications for the Mayoralty;
- b) Ensuring that sensitive political points are handled properly;
- c) Giving policy guidance on behalf of the Mayor on any aspect of the Combined Authority's business relating to their job description and give advice to the Mayor accordingly;
- d) Asking questions of relevant officers, probing, checking facts and research findings;
- e) Preparing policy papers which can generate long-term policy thinking within the Combined Authority;
- f) Contributing to policy planning within the Combined Authority, including ideas which extend the existing range of options available to the Mayor with a political viewpoint in mind;
- g) Helping to brief Members of the Board, MPs and external officials on issues of Mayoral policy; liaising with outside interest groups; representing the Mayor at meetings and elsewhere;
- h) Speechwriting and related research, including adding a greater degree of political content to material prepared by other Combined Authority officers;
- i) Representing the views of the Mayor to the media, only where they have been authorised by the Mayor to do so (NB For the sake of clarity this means that these officers may not speak on behalf of the authority or the Mayor to journalists or broadcasters, except in exceptional circumstances);
- j) Managing other mayoral appointees and Combined Authority staff appointed by the Chief Executive who provide administrative or clerical support to the Mayoral Office but the dismissal of staff, determining grievances raised by them or altering their terms and conditions of employment are the responsibility of the Chief Executive.
- k) Attending interview panels for senior Combined Authority staff, as observers, but decisions to appoint rest with the Chief Executive or the Director for that employee. Such attendance to be with the consent of the Chair of the Employment Committee.

Additional Requirements as to Conduct

These postholders are subject all codes, protocols, guidance and agreements which apply to the conduct of officers of the Combined Authority and the restrictions which apply to politically restricted posts. In addition, they are subject to the following requirements:

- a. Officers appointed directly by the Mayor should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Mayor, the Board, other officers or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which

others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence or received in confidence from others.

- b. All officers appointed directly by the Mayor should not use Combined Authority resources for party political activity. They are employed to serve the objectives of the Authority; it is this which justifies their being paid from public funds and being able to use public resources and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of public servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes.
- c. In order to provide effective assistance to the Mayor, officers appointed directly by the Mayor should work closely with the senior managers in the Authority and establish relationships of confidence and trust, and should develop effective professional relationships with Members of the Combined Authority Board.
- d. Any individual terms and conditions agreed as part of the interview process cannot amend or preclude these terms and conditions but additional terms and conditions may be agreed between the Mayor and the prospective employee, subject to consultation and agreement with the Chief Executive.
- e. Following receipt of any item or hospitality of a value of £25 or more, all Mayoral appointees should, within 28 days, update the register of gifts and hospitality accordingly. The register will be placed on the CPCA website. The Audit & Governance Committee is responsible for monitoring and reviewing the register through the Annual Governance Statement.
- f. In advising the Mayor on issues in relation to a particular functional body, Mayoral appointees should be mindful of potential conflicts of interest and the need to register and declare any and all relevant interests.

Process for Mayoral appointments

The following sets out the process which will be applied to the appointment of officers within the Mayoral team:

- Appointments must be made on merit. Recruitment to these posts must be by way of public advertisement and interview.
- The process for selection of suitable candidates must be clear and test that an individual's knowledge, skills, experience and attributes meet the requirements of the role. In order to do this, a job description and person specification will be prepared for each role. An interview process to assess candidates' suitability for the role is required and each candidate must be assessed against the job description and person specification.

- The Mayor should be satisfied that the individual is competent to perform the required role, based on the contents of the job description and on an assessment of candidates' skills and experience.
- All job descriptions will be evaluated to independently assess the salary level for the role.
- Guidance will be given to candidates during the recruitment and appointment process, and to appointees following their appointment, explaining the implications of these political restrictions.
- Offers of employment will be subject to the standard employment checks.
- The Mayor must report the appointments to the Board at the next scheduled meeting (this has historically been done through a Mayoral announcement at the beginning of the meeting)
- In all other regards, appointees will have the same basic terms and conditions of employment as CPCA staff appointed by the Head of Paid Service.
- In the event that any grievance or disciplinary issue arises in respect of Mayoral appointees this will be considered and, as necessary, investigated through arrangements decided by the Chief Executive, who is responsible for taking any further action as he / she deems necessary.

Chapter 12 Employment Committee [Bold type indicates unchanged wording]

1 Governance

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

2 Terms of Reference

- 2.1 The functions of the Employment Committee are:

- 2.1.1 To make recommendations to the Combined Authority Board on the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (“the statutory officers”).
- 2.1.2 To appoint Chief Officers.
- 2.1.3 To establish, as required, a Statutory Officer Investigatory Panel with authority to make recommendations to the Combined Authority as to the dismissal arising from disciplinary action [as defined at paragraph 2.2 below] of any of the statutory officers. The membership of this Panel shall be as set out in the Officer Employment Procedure Rules.
- 2.1.4 To take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 2.1.5 To take disciplinary action against Chief Officers in circumstances capable of resulting in the dismissal of those officers and to suspend and keep under review any suspension of those officers.
- 2.1.3 To determine appeals by Chief Officers against decisions made in relation to grievance proceedings.
- 2.1.4 To determine employment procedures for the officers of the Combined Authority, including dismissal procedures.
- 2.1.5 To determine local terms and conditions of employment for officers of the Combined Authority.
- 2.1.6 **To consider, and recommend appropriate actions where necessary, in response to proposals relating to changes within a Department’s /Division’s structure which involve substantial changes in the responsibilities of the Head of Paid Service [Chief Executive] and Chief Officers.**
- 2.1.7 **To promote and pursue a policy of equal opportunities in employment.**
- 2.1.8 To determine policies relating to local government pensions and discretionary compensation for early termination of employment. Upon

the commencement of the Restriction of Public Sector Exit Payments Regulations to approve applications for waivers under the Regulations.

2.2 For the purposes of paragraph 2.1:

2.2.1 “Chief Officer” means:

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

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

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

2.2.2 “Deputy Chief Officer” means:

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

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

2.2.3 “Disciplinary Action” means:

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

3 Membership

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

3.2 The Combined Authority Board shall appoint the members of the Committee, and their substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the Committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote

against the appointment of constituent council members to the Committee or the Sub-Committees.

- 3.4 The Procedure Rules of Executive Committee Meetings at Chapter 11 of this Constitution shall apply to the proceedings of the Committee.

VIRTUAL/HYBRID MEETING PROTOCOL

1. INTRODUCTION

- 1.1 [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) make provision for remote attendance at, and remote access to Local Authority meetings held on or before 7 May 2021.
- 1.2 The Regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 1.3 The “place” at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number.
- 1.4 In order for members to be able to attend meetings of the local authority remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen by) other members and members of the public attending remotely or in person.
- 1.5 While the procedure rules in this protocol take precedence over the Combined Authority standing orders in relation to the governance of remote meetings, all other current standing orders not mentioned in the protocol remain effective.
- 1.6 In line with the Regulations, this protocol is designed to provide a guide to virtual formal committee meetings involving members, officers and the public during the Covid-19 crisis. It will be kept under regular review.

2. DECISIONS OF FORMAL MEETINGS OF THE COUNCIL

- 2.1 Monitoring or information items will be circulated to the relevant committee via e-mail outside of formal meetings.

3. MEETINGS OF THE COMBINED AUTHORITY BOARD, EXECUTIVE COMMITTEES, OVERVIEW & SCRUTINY COMMITTEE AND AUDIT & GOVERNANCE COMMITTEE

- 3.1 Meetings will take place using the Zoom software platform. A detailed briefing note for the Chair to manage the meeting electronically will be provided. Confidential items may take place using a different software platform.

Public Questions

- 3.2 The Combined Authority will continue to take questions from the public as set out in the Constitution. The member of the public asking the question will receive access details from the meeting clerk hosting the meeting to access the Zoom meeting.

3.3 ***Petitions***

During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the requirements as set out in the Constitution. The member of the public presenting the petition will receive access details from the meeting clerk hosting the meeting to access the Zoom meeting.

Voting

- 3.4 Voting will be managed by the Chair supported by the meeting clerk. If an item requires a recorded vote, or if problems arise with the electronic poll system, the Chair will ask all Members to turn their microphones on. The Chair will then read out the name of each Member in turn in alphabetical order and ask them how they wish to vote. Once a Member has given their vote then microphones should be muted again. The meeting clerk will record the outcome of the voting and announce it upon conclusion of the voting procedure. If an item does not appear to be contentious, the Chairman will ask Members whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the “raise your hand” icon. If nobody objects the motion will be taken as carried.

4. RUNNING A VIRTUAL/HYBRID MEETING

Members Joining a Virtual/Hybrid Meeting

- 4.1 Members are encouraged to join the meeting promptly (i.e. at least ten minutes before the scheduled start time) in order to resolve any issues with joining and avoid disrupting the meeting. The Chair will remind members to mute their microphones when not speaking. This is done in order to reduce feedback and background noise.

4.2 Access to documents

The Combined Authority will publish the agenda and reports for committee meetings on the Authority’s website and will notify members by email. Printed copies will not be circulated and nor will they be available for inspection at the Combined Authority offices.

Public Access

- 4.3 The following wording will be added to the Combined Authority's website as well as to the meeting page for each committee meeting.

Due to Government guidance on social-distancing and the Covid-19 virus it will not be possible to hold a physical meeting of the XXX on XXX. Arrangements are being made for the press and public to follow the decision-making via Zoom. Details of how to watch the meeting will be published at the foot of the meeting page under the 'meeting documents' heading.

The requirement to ensure meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

Recording Meetings

- 4.4 The Zoom software platform has a facility for recording meetings. All virtual meetings will be recorded.

Registering Attendance and Meeting Etiquette

- 4.5 At the start of the meeting, the Chair will carry out a roll call of all members present. Confirmation will be given by each member switching their video on and unmuting their microphone to confirm they are present.
- 4.6 All members and officers except the Chair are asked to keep their microphones on mute unless invited to speak. Any member returning after a disconnection is asked not to interrupt when returning to announce their return.

Protocol for councillors speaking at meetings

- 4.7 Members who wish to speak during a meeting will need to click on the "raise your hand" icon. The Chair may ask each person in turn if they have any points they wish to raise on a particular item before completing the discussion on that item. When referring to reports or making specific comments, councillors should refer to the report and page number in the agenda document pack so that all members have a clear understanding of what is being discussed at all times.

Dealing with technical difficulties

- 4.8 In the event that the Chair or the meeting clerk hosting the meeting identifies a failure of the remote participation facility, the Chair may declare an adjournment while the fault is addressed.
- 4.9 If it is not possible to address the fault and the meeting is inquorate, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, the Chair will decide if this meeting should continue, depending on the

difficulties being experienced, or whether it should be adjourned until a later time or date.

PROTOCOL ON THE WEBCASTING OF MEETINGS

The Combined Authority has agreed that meetings of the Combined Authority Board, Executive Committees, Audit & Governance Committee and Overview & Scrutiny Committee can be transmitted live on the internet (webcast), and the recordings made available on the website for 12 months.

Other meetings may also be webcast, as and when required, subject to the approval of the Chairman and members present. Fixed cameras will be located in meeting rooms for this purpose. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Combined Authority is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly, the following will apply to all meetings to be webcast by the Authority:

1. The Mayor/Chairman of the meeting has absolute discretion to terminate or suspend the webcast at any time and for any reason which the Mayor/Chairman deems reasonable. This may include public disturbance or other disruption of the meeting.
2. No exempt or confidential agenda items shall be webcast and no part of any meeting will be webcast after the Authority has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
3. Subject to (4) below, all archived webcasts will be available to view on the Combined Authority's website for a period of 12 months.
4. Archived webcasts or parts of webcasts may be removed from the Combined Authority's website if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Authority's or the public's interests. Content may also be removed if the Monitoring Officer considers it necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.
5. If the Monitoring Officer has decided to take such action he/she must notify all elected Members in writing as soon as possible of his/her decision and the reasons for it. The Combined Authority anticipates that the need to exercise this power will occur only on an exceptional basis.
6. Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.
7. At the start of each meeting to be recorded, an announcement will be made to the effect that the meeting will be webcast and the Mayor/Chairman will make the following statement: 'May I remind everyone present that this meeting will be broadcast live via the internet and the record will be archived for future viewing.'
8. As part of the process for asking public questions residents will be advised that the meeting will be streamed on the internet and a copy of the meeting

retained on the website. If an attendee (other than an elected member) does not wish to be filmed whilst addressing the meeting (unless they are included in the proceedings) ordinarily if members of the public are participating the meeting Clerk will provide advice on the best place to position themselves to ensure no image of the attendee is taken and the webcast operator will focus the camera on the Mayor/Chairman.

9. At the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:- **WEBCASTING NOTICE**
Please note: this meeting may be filmed for live broadcast via the Combined Authority's website with recorded content available to view on the its website for a period of 12 months.

By entering the meeting room and using the public seating area you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should notify the Mayor/Chairman at the start of the meeting and sit out of range of the cameras.

Any queries regarding the webcasting of meetings should be referred to the Monitoring Officer.

Members of the public are permitted to film or record Councillors and officers at any Combined Authority meetings that are open to the public and press. The Combined Authority permits photography and social media reporting of all its public meetings.

Contract Procedure Rules – to follow