



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

**JAMES PALMER**  
CAMBRIDGESHIRE &  
PETERBOROUGH MAYOR

Agenda Item No: 5

## Report title: Amendment to the Constitution

To: Audit and Governance Committee

Meeting Date: 6<sup>th</sup> April 2021

Public report: Yes

Lead Member: Mayor James Palmer

From: Robert Parkin, Monitoring Officer

Key decision: No

Forward Plan ref: N/a

Recommendations: The Audit and Governance Committee is recommended to:

a) Note the amendments to the Constitution made by the Monitoring Officer, using his delegated powers, to remove references to non-constituent authorities.

Voting arrangements: A simple majority of all Members

## 1. Purpose

- 1.1 The Constitution requires the Monitoring Officer, when he has exercised his delegated powers to amend the Constitution, to report any changes made to the Audit and Governance Committee as the custodians of the constitution as soon as is reasonably possible. Any changes made come into effect immediately upon being made by the Monitoring Officer.
- 1.2 This report advises the Committee of recent changes to the Constitution made by the Monitoring Officer to remove references to “non-constituent authorities”.
- 1.3 As this was a textual correction to the constitution to remove erroneous references, rather than substantive changes to the way that the constitution arranges for the running or regulation of the Combined Authority, it was felt that this should be reported to the Audit and Governance Committee at this meeting rather than include it as part of the Constitution Review which will take place later this year.

## 2. Background

- 2.1 Chapter 17 of the Constitution [Officer Scheme of Delegation and Proper Officers] grants the following delegated power to the Monitoring Officer:

6.4 *To monitor and review the operation of the Constitution on an annual basis, and to make changes to the Constitution in the circumstances set out below:*

- (a) a legislative requirement;*
- (b) a minor variation which is of a non-substantive nature to enable them to be kept up to date and in order;*
- (c) required to be made to remove any inconsistency or ambiguity; or*
- (d) required to be made so as to put into effect any decision of the Combined Authority or its committees or any organisational changes.*

6.5 *Any such change made by the Monitoring Officer to this Constitution shall come into force with immediate effect. The Monitoring Officer will report any changes made to the Combined Authority Board as soon as is reasonably possible.*

- 2.2 There were several references in the Constitution to “non-constituent authorities”. These were defined as “*neighbouring local authorities who have been invited to join the Combined Authority, but they are not full members.*” Non-constituent authority status was to confer no legal status or entitlement to vote and was intended to be a formal arrangement to promote a strategic approach to joint working in the development of significant policy issues.
- 2.3 The Local Democracy, Economic Development and Construction Act 2009 [as amended] governs the establishment of combined authorities and makes no reference to non-constituent authorities. However, the Orders establishing some combined authorities do make provision for non-constituent authorities, for example the West Midlands Combined Authority and the West Yorkshire Combined Authority. The Cambridgeshire and Peterborough Combined Authority Order 2017 makes no reference to non-constituent authorities so it is not appropriate to retain the references to them in the Constitution.

2.4 The Monitoring Officer has exercised his delegated authority to remove references to non-constituent authorities from the Constitution. At Appendices 1 to 4 are the Chapters of the Constitution which have been amended with tracked changes to show the amendments. The Chapters amended were Chapters 1, 2, 4 and 5 and the amendments made were at:

2.4.1 Chapter 1 – Summary - Paragraph 4.1(d)

2.4.2 Chapter 2 – Membership of the Combined Authority - Paragraphs 4.1 to 4.7

2.4.3 Chapter 4 – Combined Authority Board Functions - Paragraph 2.1(d)

2.4.1 Chapter 5 - Proceedings of Meetings- Paragraphs 3.2(iv), 12.2 and 16.7

## Significant Implications

### 3. Financial Implications

3.1 There are no direct financial implications.

### 4. Legal Implications

4.1 The legal implications are set out in the body of the report.

### 5. Other Significant Implications

5.1 None

### 6. Appendices

6.1 Appendix 1 - Chapters 1 of the Constitution with tracked changes.

6.2 Appendix 2 - Chapters 2 of the Constitution with tracked changes.

6.3 Appendix 4 - Chapters 4 of the Constitution with tracked changes.

6.4 Appendix 5 - Chapters 5 of the Constitution with tracked changes.

### 7. Background Papers

7.1 The Constitution at [Constitution \[Dec 2020\]](#)

## Appendix 1 – Chapter 1 of the Constitution with tracked changes

### Chapter 1 – Summary

#### 1. Introduction

1.1. On 3 March 2017, Cambridgeshire and Peterborough Combined Authority was established as a Mayoral Combined Authority for the Cambridgeshire and Peterborough area. (It is a corporate body and can be referred to as the Combined Authority).

1.2. It is made up of a directly elected Mayor and the following seven local authorities (referred to as the Constituent Councils) and the Business Board (Local Enterprise Partnership):

- Cambridge City Council;
- Cambridgeshire County Council;
- East Cambridgeshire District Council;
- Fenland District Council;
- Huntingdonshire District Council;
- Peterborough City Council; and
- South Cambridgeshire District Council.

1.3. The Combined Authority will work with local councils, the Business Board (Local Enterprise Partnership), local public services, Government departments and agencies, universities and businesses to grow the local and national economy.

#### 2. The Constitution

2.1. This Constitution sets out how we work, how we make decisions, and the procedures we follow to make sure our work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones we have chosen to follow.

#### 3. The Cambridgeshire and Peterborough Combined Authority Order 2017

3.1. The Combined Authority was set up by the Cambridgeshire and Peterborough Combined Authority Order 2017 for the Peterborough and Cambridgeshire area.

#### 4. Members of the Combined Authority

4.1. The Combined Authority consists of the following Members:

- a directly elected Mayor;
- an elected Member appointed by each of the Constituent Councils;
- a representative of the Business Board (Local Enterprise Partnership); and
- ~~(d) Non-Constituent Members (non-voting) as may be admitted to the Combined Authority from time to time.~~

#### 5. Combined Authority

5.1. The Combined Authority is responsible for a number of transport, economic development and regeneration functions as set out in Parts 3 and 4 of the 2017 Order.

5.2. Those functions reserved to the Combined Authority Board are set out in Chapter 4 - Combined Authority Board Functions of this Constitution, and those reserved to the Mayor as set out in Chapter 3 - The Mayor of the Combined Authority

## **6. Combined Authority Board - Meetings and Procedure**

6.1. The Combined Authority Members shall comprise the Board. The Board will meet in accordance with the calendar of meetings as approved by the Board from time to time.

6.2. There are three types of meeting:

- (a) The Annual Meeting;
- (b) Ordinary meetings; and
- (c) Extraordinary meetings.

6.3. All meetings will be conducted in accordance with the Proceedings of Meetings in Chapter 5 - Proceedings of Meetings of this Constitution.

6.4. The Board may invite co-opted members to sit on the Board as set out in Chapter 2 – The Membership of the Combined Authority of this Constitution. Co-opted members may attend board meetings.

## **7. Executive Bodies**

7.1. The Combined Authority may establish committees or sub-committees as it thinks fit to discharge its functions. The Combined Authority has established three executive committees:

- (a) Transport and Infrastructure Committee
- (b) Skills Committee
- (c) Housing and Communities Committee

7.2. Their functions and terms of reference are set out in Chapters 8, 9 and 10 and the procedure rules are set out in Chapter 11 - Procedure rules of Executive Committee meetings.

## **8. Working Groups**

8.1. The Combined Authority may establish informal non-decision making working groups to assist with the delivery of its objectives. The Board has set up a Land Commission as a working group. Its terms of reference are set out in Appendix 3 - Cambridgeshire and Peterborough Land Commission.

## **9. Joint Arrangements**

9.1. The Combined Authority has the power to make arrangements with other local authorities to discharge its functions jointly.

9.2. Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

9.3. The Combined Authority may not arrange for the discharge of any Mayoral functions by a joint committee, unless permitted by legislation.

## **10. Non-Executive Committees**

10.1. The Combined Authority is required to establish the following non-executive Committees:

- (a) an Overview and Scrutiny Committee;
- (b) an Audit and Governance Committee.

10.2. Their functions and terms of reference are set out in Chapter 13 - Overview and Scrutiny Committee and Chapter 14 - Audit and Governance Committee.

## **11. Independent Commissions**

11.1. The Combined Authority has established the following independent commission:

- (a) Public Services Reform and Innovation Commission

11.2. The commissions' terms of reference are set out in Appendix 4 - Public Services Reform and Innovation Commission

11.3. The Independent Commissions are independent working groups, are time limited and operate no executive decision making. They report to a public meeting of the Board or a committee nominated by the Board who will consider their recommendations and make any necessary decisions. This ensures that the work of the independent commissions is subject to public oversight and scrutiny.

## **12. Business Board**

12.1. The Business Board is the Local Enterprise Partnership for its area and is a non-statutory body.

12.2. It is independent of the Combined Authority operating as a private-public sector partnership, focusing on the key business sectors to drive growth in the Cambridgeshire and Peterborough and wider Local Enterprise area.

12.3. The Combined Authority is the accountable body for funding awarded to the Local Enterprise Partnership.

12.4. Its terms of reference and governance arrangements are set out in Appendix 5 - Business Board

12.5. The decision-making structure is set out below:

## **13. Management Structure**

## Statutory Officers

13.1. The Combined Authority will appoint a:

- (a) Head of Paid Service (known as Chief Executive);
- (b) Monitoring Officer;
- (c) Chief Finance Officer (S73);
- (d) Scrutiny Officer.

13.2. Their functions and responsibilities are set out in Chapter 17 - Officer Scheme of Delegation and Proper Officers.

## Other Chief Officers

13.3. The Combined Authority will appoint other Chief Officers it considers necessary to carry out its functions in accordance with the Chapter 18 - Officer Employment Procedure Rules.

13.4. The current structure as at May 2019 is set out below:

13.5. The Mayor has also appointed a Chief of Staff, Mayoral Adviser and Senior Policy Adviser. These officer appointments to the Mayoral Office is subject to the protocol set out in chapter 18 Officer Employment Procedure Rules.

## **14. Other Staff**

14.1. The Combined Authority may engage such staff (referred to as Officers), as it considers necessary to carry out its functions.

## 15. Decision Making

15.1. Decision making will be in accordance with the arrangements set out in this Constitution.

15.2. In summary, they will include

- (a) decisions reserved to the Combined Authority Board;
- (b) decisions reserved to the Mayor;
- (c) decisions reserved to executive committees;
- (d) decisions made by Officers.

15.3. The functions of the Combined Authority may be undertaken by the Board or delegated to executive committees or Officers.

15.4. The functions of the Mayor may be undertaken by the Mayor or delegated to individual members and Officers.

## **16. Finance, Contracts and Legal Matters**

16.1. The management of the Combined Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Chapter 15 - Financial Management Procedure Rules.

16.2. The management of its legal affairs will be conducted in accordance with this Constitution.

## **17. Public Rights**

17.1. The rights of the public are set out in the Transparency Rules, Forward Plan and Key Decision Chapter 6 - Transparency Rules, Forward Plan and Key Decisions.

17.2. Any public enquiries should be addressed to the Chief Executive at the Combined Authority Offices.

## **18. Monitoring and Reviewing the Constitution**

18.1. The Monitoring Officer will regularly monitor and review the operation of the Constitution.

18.2. The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.

18.3. It is the responsibility of the Combined Authority Board to review the Constitution annually.

## **19. Changes to the Constitution**

19.1. The Constitution will be amended as the Combined Authority develops.

19.2. Changes to the Constitution will be agreed by the Combined Authority Board in accordance with the voting arrangements as set out in Chapter 5 - Proceedings of Meetings unless in the reasonable opinion of the Monitoring Officer a change is required in the circumstances set out in his/her delegated powers. Chapter 17 - Officer Scheme of Delegation and Proper Officers

## **20. The Common Seal of the Combined Authority**

20.1. The Common Seal of the Combined Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

## **Appendix 2 – Chapter 2 of the Constitution with tracked changes**

### **Chapter 2 - The Membership of the Combined Authority**

#### **1. Directly Elected Mayor**

1.1. The Cambridgeshire and Peterborough Combined Authority Order 2017 creates the office of a directly elected Mayor for the area of the Combined Authority.

1.2. The first election of the Mayor took place in May 2017 and the term of office shall be four years.

1.3. Each subsequent election shall take place in each fourth year following the first election on the same day of an ordinary election.

#### **2. Constituent Councils**

2.1. Each of the Constituent Councils shall appoint a Member (usually its Leader) to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member). All appointments shall be for a one-year term.

2.2. A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.

2.3. A Member or Substitute Member may resign by giving written notice to the Proper Officer of their Constituent Council, and the resignation takes effect on the receipt of the notice. The relevant Constituent Council shall notify the Combined Authority forthwith of the resignation.

2.4. Each Constituent Council shall at any time be entitled to terminate the appointment of a Member or Substitute Member appointed to the Combined Authority and replace that Member or Substitute Member.

2.5. The Constituent Council must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority. The new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice was given, or such longer period not exceeding one month .

#### **3. Business Board (Local Enterprise Partnership)**

3.1. The Business Board will nominate one of its Members, normally the Chair, to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member).

3.2. The Combined Authority will consider the nomination and appoint the Business Board Member and the Business Board Substitute Member. Each appointment shall be for a one-year term.

3.3. A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Business Board that nominated them. The Business Board shall appoint or nominate a replacement as soon as possible.

3.4. A Member or Substitute Member may resign by giving written notice to the Chair or Vice-Chair of the Business Board, and the resignation takes effect on the receipt of the notice. The Business Board shall notify the Combined Authority forthwith of the resignation.

3.5. Where the Business Board terminates an appointment and nominates another of its Members in that person's place, it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

3.6. The Combined Authority must consider the appointment of the nominated Business Board Member at the next meeting of the Combined Authority. The new appointment shall take effect and the previous appointment terminate upon the determination of the appointment by the Combined Authority.

#### **4. Non-Constituent Members**

~~4.1. The Combined Authority may invite Non-Constituent Councils to be Non-Constituent Members of the Combined Authority. Non-Constituent Members are neighbouring local authorities who have been invited to join the Combined Authority, but they are not full Members. Non-Constituent Members may be invited to sit on Working Groups.~~

~~4.2. All decisions on admission of Non-Constituent Councils shall be made formally by proposal and report at a Combined Authority Board meeting.~~

~~4.3. A proposal for an authority to be given non-constituent council status may be made by any Constituent Council Member or the Mayor and must be agreed by a two thirds majority of those present and voting. Non-Constituent Council status takes effect upon agreement by the Board. This will be an annual appointment and will be reviewed at each annual meeting of the Board.~~

~~4.4. Non-Constituent Council status confers no legal status and no entitlement to vote and is a formal arrangement to promote a strategic approach to joint working in the development of significant policy issues.~~

~~4.5. A Non-Constituent Council shall be represented at meetings of the Combined Authority by a named Member or a named Substitute to be approved by the Board.~~

~~4.6. Such Member or Substitute Member may participate in the debate on issues relevant to their organisation on agenda items and must comply with the terms of the Constitution as they relate to debate but will not have entitlement to vote on any issue or agenda item.~~

~~4.7. The Chair of any meeting of the Combined Authority may require the Member or Substitute to absent themselves from any meeting of the Combined Authority at the Chair's discretion.~~

#### **5.4. Co-opted Members**

**5.1.4.1.** The Combined Authority may invite organisations with direct responsibility for functions relevant to the Combined Authority objectives to become Co-opted Members to attend the Combined Authority Board and may take part in the debate. All decisions on Co-opted Members shall be made formally by proposal and report at a Combined Authority Board meeting.

**5.2.4.2.** A proposal for an authority to be given Co-opted Member status may be made by any Constituent Council Member or the Mayor and must be agreed by a two thirds majority of those present and voting. Co-opted Member status takes effect upon agreement by the Board.

**5.3.4.3.** Co-opted Members appointed to the Board are listed in Appendix 2 - Co-opted Members to this Constitution.

**5.4.4.4.** Co-opted Member status confers no legal status and no entitlement to vote and is an informal arrangement to promote a strategic approach to joint working in the development of significant policy issues.

**5.5.4.5.** A co-opted member organisation shall be represented at meetings of the Combined Authority Board by a named representative or a named Substitute. Notice of the names of the Co-opted Members' representative or Substitute must be provided to the Monitoring Officer by the Co-opted Member organisation at least two working days prior to attendance at any meeting of the Board.

**5.6.4.6.** Such representative or substitute may participate in the debate on issues relevant to their organisation and must comply with the terms of the Constitution as they relate to debate, but they will not have entitlement to vote on any issue or agenda item.

**5.7.4.7.** The Chair of any meeting of the Combined Authority may require the Co-opted Members' named representative or named substitute to absent themselves from any meeting of the Combined Authority at the Chair's discretion.

## **Appendix 3 – Chapter 4 of the Constitution with tracked changes**

### **Chapter 4 - Combined Authority Board Functions**

#### **1. Functions reserved to the Board**

1.1. The following functions are reserved to the Combined Authority Board:

##### Strategies and Plans

1.2. The adoption of, and any amendment to or withdrawal of the following plans and strategies:

- (a) The Mayor's growth ambition statement;
- (b) Business Plan;
- (c) Business cases for key priority projects identified in the Business Plan;
- (d) Local Industrial Strategy;
- (e) Local Transport Plan;
- (f) Bus Strategy;
- (g) Approval of the key route network;
- (h) Skills Strategy;
- (i) Housing Strategy;
- (j) Investment Strategy;
- (k) Non-Statutory Strategic Spatial Plan;
- (l) Market Town Masterplans for Growth;
- (m) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;
- (n) Other strategies and plans as agreed.

##### Frameworks

1.3. The adoption of, and any amendment to or withdrawal of the following framework documents:

- (a) Assurance Framework;
- (b) Monitoring & Evaluation Framework.

##### Financial Matters

1.4. The adoption of, and any amendment to or withdrawal of the following financial documents:

- (a) The non-mayoral Combined Authority budgets;
- (b) Approval of carry forward of any underspent balances between financial years;
- (c) Annual spending plans for the allocation of transport-related funding;
- (d) Treasury Management Strategy including approval of borrowing limits;
- (e) Medium Term Financial Plan and Capital Programme
- (f) Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.

1.5. Consultation on the allocation of Local Highways Maintenance Capital Grant

1.6. Approve budget allocations for feasibility work from the non-transport feasibility fund

1.7. Approve business cases and loans to third party businesses including wholly owned subsidiaries;

1.8. Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.

1.9. Approval of virements of £500k and over;

1.10. In relation to the Mayor's General Budget:

(a) The approval of the draft budget (or revised draft budget) or

(b) The decision to veto the draft budget (or revised draft budget) and approval of the Mayor's draft budget incorporating the Combined Authority Board's recommendation as the relevant amounts and calculations.

in accordance with the Budget Framework Procedure Rules

Accountable Body

1.11. Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.

Governance

1.12. Decisions related to:

(a) Adoption and amendment of the Constitution;

(b) Establishment and membership of Committees and Sub-Committees;

(c) Establishment and membership of Joint Committees and Commissions;

(d) Approve the nomination of lead member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;

(e) Approval of Mayoral Allowance and any other allowance schemes;

(f) Appointment of an Independent Person of the Audit and Governance Committee;

(g) Appointment of Statutory Officers;

(h) Delegation of functions to third parties;

(i) Establishment of Trading Companies;

(j) Any other matters reserved to the Board.

1.13. The Combined Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and Chief Finance Officer.

1.14. The Combined Authority Board shall have the power to reserve decisions to itself which would otherwise be taken by the Executive Committees.

## **2. Membership of the Board**

2.1. The Combined Authority Board consists of the Members as set out below:

- (a) The Mayor, or deputy Mayor acting in his/her absence
- (b) An elected Member appointed by each of the Constituent Councils or Substitute Members acting in their place;
- (c) A Representative of the Business Board or Substitute Members acting in their place;
- ~~(d) Non-Constituent Members (non-voting) as may be admitted to the Combined Authority from time to time;~~
- (e)(d) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.

2.2. If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, then, subject to certain exceptions, they cease to be a Member of the Board.

### 3. Functions of the Combined Authority

3.1. The functions of the Combined Authority are grouped into lead member responsibilities, allocated to Constituent Council Members of the Combined Authority and include the following responsibilities:

- (a) To lead and champion their allocated lead member functions;
- (b) To act as key spokesperson for the Combined Authority within their respective Constituent Councils
- (c) To chair and lead a committee where established;
- (d) To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board;
- (e) To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;
- (f) To liaise with Members holding similar lead member responsibilities within the Constituent Councils.
- (g) To lead on the development of key strategic documents for approval by the Combined Authority;
- (h) To develop and present investment proposals to the Combined Authority;
- (i) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;
- (j) To input into future devolution proposals and public sector reform.

3.2. The Portfolios are set out in Appendix 1 – Lead Member Responsibilities.

### 4. Executive Bodies

4.1. The Combined Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

#### Working Groups

4.2. The Combined Authority may establish informal working groups. These groups are non-decision making groups of Officers and Members. The Combined Authority has established the

Land Commission as a working group of the Combined Authority. The terms of reference are set out in Appendix 3 - Cambridgeshire and Peterborough Land Commission.

## **Membership**

4.3. The Combined Authority shall appoint the membership of all executive committees, sub-committees, joint committees and working groups, including the appointment of the Chair and Vice-Chair, Substitute Members and any Co-opted Members. In accordance with Chapter 3, the Mayor shall nominate the membership and chairs of any executive committees to the Board for approval.

4.4. The political balance rules apply to all committees, sub-committees and joint committees where political groups are formed. Where political groups are not formed the Combined Authority has agreed that at least one member of a party not of the same political affiliation as the Mayor shall be appointed to all committees.

4.5. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Monitoring Officer.

## **Quorum**

4.6. The quorum for all committees, sub-committees and working groups is at least two-thirds of the total number of Members and may be no fewer than three Members.

## **Access to meetings**

4.7. The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees. (Chapter 6 - Transparency Rules, Forward Plan and Key Decisions). They do not apply to working groups and commissions

## Appendix 4 – Chapter 5 of the Constitution with tracked changes

### Chapter 5 - Proceedings of Meetings

#### 1. Introduction

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 1 to this Chapter shall apply and any conflict between the Protocol and this Chapter shall be resolved in favour of the Protocol.

1.2. 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.

#### 2. Types of Meetings

2.1. There are three types of meeting:

- (a) The Annual Meeting of the Combined Authority;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

#### 3. Annual Meeting

3.1. The Combined Authority will normally hold an Annual Meeting (between 1 March and 30 June) following Constituent Councils' Annual Meetings.

3.2. The Annual Meeting will:

- (i) note the appointment of Members of Constituent Councils and the Business Board (and their Substitute Members);
- (ii) receive any declarations of interest from Members;
- (iii) approve minutes of the last meeting;
- (iv) appoint any ~~Non-Constituent Members~~ or Co-opted Members;
- (v) approve lead members responsibilities;
- (vi) appoint such executive Committees as the Combined Authority considers appropriate, their membership and the Chair and Vice-Chair;
- (vii) appoint the Overview and Scrutiny Committee and Audit and Governance Committee (including their terms of reference, size, the allocation of seats to political parties in accordance with the political balance requirements) in accordance with nominations received from Constituent Councils;

- (viii) appoint the Chair and Vice-Chair of the Audit and Governance Committee;
- (ix) agree the programme of the Ordinary Meetings of the Combined Authority for the forthcoming year, and appropriate advanced notification of other planned meetings of Committees; and
- (x) be followed by an Ordinary Meeting to consider any other business set out in the notice convening the meeting.

3.3. The Combined Authority Board may decide at subsequent meetings to dissolve Committees, alter their terms of reference or to appoint new Committees.

#### **4. Ordinary Meetings**

4.1. The Combined Authority Board will decide on the number of Ordinary Meetings to hold in each municipal year in addition to its annual meeting. Each meeting will be held at a time and place as the Combined Authority decides.

4.2. Ordinary Meetings will:

- (i) approve the minutes of the last meeting;
- (ii) receive any declarations of interest from Members;
- (iii) receive any announcements from the Mayor;
- (iv) receive questions from, and provide answers to the public in accordance with Standing Order 18 below;
- (v) receive petitions in accordance with Standing Order 19 below;
- (vi) receive and consider reports from its Officers, Committees and Sub-Committees and working groups;
- (vii) deal with any business from the last Combined Authority meeting; and
- (viii) consider motions on notice and any other business specified in the summons to the meeting.

4.3. Unless otherwise determined by statute, the Chair may vary the order of the agenda at their absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

4.4. If any issues arise at a meeting in relation to interpretation of the meeting procedure rules the Chair's decision shall be final.

#### **Urgency**

4.5. The Chair may determine that an item of business that has not been open to prior public inspection, should be considered at the meeting as a matter of urgency. Any urgent items shall

comply with Transparency Rules, Forward Plan and Key Decisions in Chapter 6 - Transparency Rules, Forward Plan and Key Decisions .

## **5. Extraordinary Meetings**

5.1. An Extraordinary Meeting of the Combined Authority may be called by:

- (i) the Combined Authority by resolution;
- (ii) the Chair of the Combined Authority;
- (iii) the Chief Executive of the Combined Authority;
- (iv) the Monitoring Officer; or
- (v) any three Members of the Combined Authority if they have signed a requisition presented to the Chair of the Combined Authority and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

5.2. The business to be conducted at an Extraordinary Meeting shall be restricted to the items of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Chair may at his/her absolute discretion permit other items of business to be added to the agenda for the efficient discharge of the Combined Authority's business.

## **6. Notice of meetings and Agendas**

6.1. Notice of meetings, agendas and reports will be published in accordance with the Transparency Rules, Forward Plan and Key Decisions. (see Chapter 6 - Transparency Rules, Forward Plan and Key Decisions)

## **7. Public Access**

7.1. As set out in the Transparency Rules, Forward Plan and Key Decisions, every meeting of the Combined Authority shall be open to the public, except where the public are excluded during the whole or part of the proceedings in certain circumstances. Copies of the agenda and any additional papers will be available for the public and media representatives.

## **8. Attendance**

8.1. The Monitoring Officer shall record the attendance of each Member at the meeting.

## **9. Notice of Substitute Members**

9.1. Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the Member for whom they are the designated substitute where the Member will be absent for the whole of the meeting;

- (b) after they, or the Member they are substituting for, has provided the Monitoring Officer with notice of the substitution before the commencement of the meeting in question;
- (c) where an adjourned meeting is reconvened, and it is essential for that Substitute Member to continue to attend to comply with good governance.

9.2. Substitute Members will have all the powers and duties of an ordinary Member of the Combined Authority for the duration of the meeting at which they act as Substitute but will not be able to exercise any other special powers or duties exercisable by the person for whom they are the Substitute.

## **10. Chair and Vice-Chair**

10.1. From the point at which he or she takes office, the Mayor will act as Chair to the Combined Authority. The Mayor shall appoint a statutory Deputy Mayor holding statutory powers as Vice-Chair of the Combined Authority.

10.2. If the Mayor resigns or the position is vacant, the statutory Deputy Mayor shall chair the Combined Authority Board.

10.3. Following the appointment of the Deputy Mayor as Chair, the Combined Authority must appoint a Vice-Chair from among its Members and the appointment is to be the first business transacted. If the Mayor has appointed a second Deputy Mayor, he or she shall be the Vice-Chair.

10.4. A person ceases to be Chair or Vice-Chair of the Combined Authority Board if they cease to be a Member of the Combined Authority.

10.5. If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority Board, or, if that meeting is to be held within 14 days of the vacancy arising, at the following meeting. The appointment of Chair must be the first business transacted. The appointment of the Vice-Chair should be the first business transacted after the appointment of the Chair of the Board.

## **11. Quorum**

11.1. No business shall be transacted at any meeting of the Combined Authority Board unless at least five Members are present at the meeting, including:

- (a) the Mayor, or the Deputy Mayor acting in place of the Mayor, and
- (b) at least four other Members appointed by the Constituent Councils, or Substitute Members acting in their place.

11.2. If the Mayor is not in post, or if for any reason

- (a) the Mayor is unable to act, or the office of Mayor is vacant, and
- (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant,

no business shall be transacted at any meeting of the Combined Authority Board unless at least five Members of the Constituent Councils, or their Substitute Members, are present at the meeting.

## **12. Declaration of Interests in Meetings**

12.1. Where a Member attends a meeting of the Combined Authority Board, Committees or Sub-Committees they must declare personal interests and disclosable pecuniary interests not already notified in the register of interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

12.2. All Members and their Substitute Members, ~~Non-Constituent Members~~ and Co-opted Members and their Substitute Members shall also complete a Declaration of Interest form.

12.3. In addition, where in relation to any meeting a Member has declared a disclosable pecuniary interest in a matter, the Member must leave the room for the duration of the discussion on that matter.

## **13. Rules of Debate**

### Speeches

13.1. The Chair will be responsible for the management of the meeting and will introduce each item on the agenda in the order they appear on the agenda or such order as the Chair considers most effective for the conduct of the meeting.

13.2. The Chair may invite a Member or Officer to present the item for debate.

13.3. The Chair will decide the order in which speakers will be heard and may permit both Members and Officers to speak on the item.

13.4. Members will remain seated when speaking and must address the Chair.

13.5. Speeches must be directed to the subject under discussion or to a personal explanation or point of order.

13.6. The Chair shall at his discretion determine the time permitted for speeches and the number of speeches to be made by any Member or Officer.

13.7. A Member may move a motion without giving notice as required by paragraph 14 below based upon recommendations in a report or may move amended or alternative recommendations.

13.8. If an amendment is moved the mover of the original motion has the right of reply on the debate concerning the amendment.

13.9. The mover of the motion has a right of reply at the end of the debate immediately before it is put to the vote.

## **14. Motions Submitted in the Name of a Member**

14.1. Any Member of the Board appointed by a Constituent Council or the Business Board may give notice of a motion for consideration at any ordinary meeting of the Combined Authority.

14.2. The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers, duties or responsibility, or which affect the area of the Combined Authority or part of it or its citizens. He/she shall keep a record of the date and time at which every motion is delivered to him/her.

14.3. The motion must not be:

(a) illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of Combined Authority or Constituent Council staff;

(b) substantially the same as a motion which has been put at a meeting of the Combined Authority in the past year.

14.4. Unless the Chair of the Combined Authority Board is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority Board shall be delivered to the Monitoring Officer in writing not later than 12 noon on the sixth working day before the day of the Combined Authority meeting, but not including the day of the meeting itself.

14.5. Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the Member giving notice states that they propose to move it to a later meeting or withdraw it.

14.6. At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply.

14.7. Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority, but the motion has not been moved and seconded (for whatever reason) that motion shall lapse.

14.8. Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority Board or at a later meeting selected by the Member proposing the motion.

## **15. Amendment to Motions**

15.1. An amendment shall be relevant to the motion and shall either:

- (a) refer the matter to the appropriate body or individual for consideration or reconsideration;
- (b) leave out words; or
- (c) insert or add other words,

as long as the amendment does not have the effect of negating the motion.

15.2. Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of.

15.3. However, the Chair may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.

15.4. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

## 16. Voting

### General Voting

16.1. Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:

- (a) the Mayor;
- (b) a Constituent Council Member or a Substitute Member acting in that Member’s place; and
- (c) a Member appointed from the Local Enterprise Partnership.

16.2. Except decisions to which special voting arrangements apply, all decisions of the Board shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.

16.3. If a vote is tied it is deemed not to have been carried.

16.4. If there is a deadlock, the matter shall be brought back to the next meeting of the Combined Authority Board.

16.5. The proceedings of the Combined Authority are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

16.6. If for any reason:

- (a) the Mayor is unable to act, or the office of Mayor is vacant, and
- (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant, the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

### Special Voting

16.7. A decision on a question relating to:

- (a) amendments to the Constitution;

(b) determining a request by an organisation to become a Co-opted Member on the Combined Authority Board; or

~~(c) admission to the Combined Authority as a non-Constituent Council Member;~~

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) present and voting.

16.8. A decision on a question relating to:

(a) the Transport Plan;

(b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

### **Voting on the Mayoral Matters**

16.9. A decision on a question relating to a proposal by the Mayor to exercise the general power of competence which involves:

(a) property, rights and liabilities passing between the Combined Authority and any Constituent Authorities; or

(b) the preparation and publication of the Mayor's strategy for spatial development in the Combined Authority area;

requires a unanimous vote by all Members of the Combined Authority appointed by the Constituent Councils (or their Substitute Members).

16.10. A decision to reject the Mayoral budget, Mayoral strategy or Mayoral spending plan requires a vote in favour by at least two-thirds of all Members appointed by Constituent Councils (or their Substitute Members). The two-thirds must be present and voting.

### **Recorded Votes**

16.11. A Member may ask immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.

16.12. Where Members vote on the budget, the vote will be recorded.

### **Voting on Appointments**

16.13. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **17. Minutes**

17.1. The minutes of the proceedings of each meeting of the Combined Authority Board, or any Committee or Sub-Committee of the Combined Authority Board, shall be retained by the Combined Authority and shall include the names of Members and Substitute Members present at any meeting.

17.2. The minutes must be signed at the next ordinary meeting of the Combined Authority by the Chair. No discussion shall take place upon the minutes except about their accuracy. Any signed minutes are to be received in evidence without further proof.

17.3. Until the contrary is proved a meeting of the Combined Authority Board or its Committees or Sub-Committees, a minute of whose proceedings has been signed in accordance with paragraph 17.2, is deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting are deemed to have been duly qualified.

## **18. Questions by the Public**

18.1. Where there is an item on the agenda that has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.

18.2. Members of the public, who are residents of the Combined Authority area or work in the area, may ask questions of a Member of the Combined Authority at Combined Authority Board meetings, including at an Extraordinary Meeting, or at an Executive Committee. For Extraordinary Meetings, the question must relate to the item on the agenda.

### **Questions by the Members**

18.3. The Overview and Scrutiny Committee has adopted a pre-scrutiny model whereby it meets before every Combined Authority Board meeting to scrutinise the Board's agenda. At this meeting, the Committee shall discuss and formally agree by means of a vote a list of questions to be raised at the next Combined Authority Board meeting following discussion with officers and relevant executive board members. The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting.

18.4. Members of Constituent Councils should submit any questions on items on the Combined Authority Board agenda to the Overview and Scrutiny Committee scrutinising that Board agenda. Requests to speak at meetings of the Combined Authority Board on items on the Board's agenda will then be at the discretion of the Mayor.

18.5. Members of Constituent Councils may also ask questions of a Member of the Combined Authority at executive committees.

18.6. Members of Constituent Councils may ask questions of a Member of the Combined Authority at a Combined Authority Board meeting, including at an Extraordinary Meeting, provided the question is not substantially the same as a question which has been put to the Board by the Chair of the Overview and Scrutiny Committee or one of its Executive Committees.

## Time Limit

18.7 The total time allocated for questions by the public and Members shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

## Order of Questions

18.8 Questions raised by the Chair of Overview and Scrutiny Committee will be taken first at the relevant item followed by questions submitted by the public. Priority will be given to questions on items on the agenda for the meeting, or issues where decisions are expected before the next meeting. Questions will be taken at the meeting in the order in which they were received.

## Notice of Questions

18.9 A question may only be asked if it has been submitted in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address and contact details of the questioner, the name of the organisation if the question is being asked on their behalf, details of the question to be asked, and the name of the Member of the Combined Authority Board to whom it is to be put.

## Number of Questions

18.10 At any one meeting no person may submit more than one question.

## Scope of Questions

18.11 If the Monitoring Officer considers a question:

- (a) is not about a matter for which the Combined Authority has a responsibility or which affects its area;
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Combined Authority staff;
- (c) is substantially the same as a question which has been put at a meeting of the Combined Authority Board or an executive committee in the past year;
- (d) is substantially the same as a question which has been put at a meeting of the Combined Authority Board by the Chair of the Overview and Scrutiny Committee; or
- (e) requires the disclosure of confidential or exempt information

he/she will inform the Chair who will then decide whether or not to reject the question.

## Record of Questions

18.12 The Monitoring Officer shall record the question and will immediately send a copy to the Member to whom it is to be put. Rejected questions will be recorded including the reasons for rejection.

18.13 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

#### Asking the Question at the Meeting

18.14 The Chair will invite the questioner to put the question to the Member named in the notice. Up to two minutes are allowed for putting the question. If a questioner who has submitted a written question is then unable to be present, they can ask for a written response. No debate will be allowed on the question or response.

#### Supplementary Questions

18.15 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce new material. One minute is allowed for putting the supplementary question.

#### Answers

18.16 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

### **19. Petitions from the public**

19.1. Petitions with at least 500 signatures may be presented to the Combined Authority Board. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Chair will refer the matter to another appropriate body or to the Chief Executive, unless a relevant item appears elsewhere on the Agenda.

19.2. A petition should be received by the Monitoring Officer no later than midday three working days before the day of the meeting.

### **20. Conduct at meetings**

#### Member Not to be Heard Further

20.1. If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

#### Member to Leave the Meeting

20.2. If the Member continues to behave improperly after such a motion is carried, the Chair or another Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## General Disturbance

20.3. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he or she thinks necessary.

## Removal of Member of the Public

20.4. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

## Clearance of Part of Meeting Room

20.5. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **21. Suspension of Procedure Rules**

21.1. All of these procedure rules except those provided for in statute may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting and requires a two-thirds majority of those present and voting.

21.2. The Protocol on the Webcasting of Meetings which forms Annex 2 to this Chapter shall apply to the webcasting of the meetings of the Combined Authority and its committees.

## **22. Photography, Audio/Visual recording of Meetings and Blogging/Tweeting**

22.1. Please see Transparency Rules Forward Plan and Key Decisions (see Chapter 6 - Transparency Rules, Forward Plan and Key Decisions)