



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Agenda Item No: 2.1

Motion on Notice

To:	Cambridgeshire and Peterborough Combined Authority Board
Meeting Date:	20 May 2022
Public report:	<p>This report contains appendices which are exempt from publication under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed (information relating to an individual, information which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in publishing these appendices.</p>
From:	Robert Parkin, Chief Legal Officer (Monitoring Officer)
Key decision:	No
Forward Plan ref:	n/a
Recommendations:	<p>The Combined Authority Board is recommended to receive and consider the following Motion on Notice:</p> <ol style="list-style-type: none">1. In light of the matters listed in Confidential Appendix 1 [<i>at exempt appendix 3 to this report</i>], the CPCA Board invites Dr Nik Johnson to consider either resigning as Mayor of the Combined Authority or, alternatively, voluntarily suspending himself as Mayor of the Combined Authority until all of the matters referred to in Confidential Appendix 1 [<i>at exempt appendix 3 to this report</i>] are procedurally concluded.2. This motion, including Confidential Appendix 1 [<i>at exempt appendix 3 to this report</i>] is to be forwarded immediately to the Department for Levelling Up, Housing & Communities (DLUHC).

3. If the Mayor has neither resigned nor voluntarily suspended himself in accordance with clause 1 above within 7 days of the passage of this motion by the CPCA Board, the CPCA Board shall be deemed to have passed a motion of no confidence in the Mayor, and the CPCA shall immediately send a request to DLHUC to request emergency support for the CPCA to assist the CPCA in fulfilling its legal responsibilities given that there will have been a breakdown of trust between the Mayor and the Board.

Voting arrangements:

A simple majority of all Members present and voting

To be carried, the vote must include the vote of the Mayor, or the Deputy Mayor when acting in place of the Mayor.

1. Purpose

- 1.1 This report follows the submission of a requisition for an extraordinary meeting of the Combined Authority Board to consider a motion on notice.
- 1.2 The purpose of this report is to brief members of the Board on the form of motion, and considerations relevant directly to their consideration of it.

2. Background

- 2.1 The Mayor of the Cambridgeshire and Peterborough Combined Authority was served with a requisition on 19 April 2022. The form of requisition is at Appendix 1.

Review of Requisition following receipt

- 2.2 The requisition was reviewed for:
 - a) Validity
 - b) The constitutionality of the proposed motion, including content
 - c) The timing of a meeting, and the timing of a notice (with reference to the pre-election period)
 - d) Any special considerations

Constitutional basis for requisition

- 2.3 Under the Chapter 5 of the constitution of the CPCA:

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.

Mayor's decision as Chair

- 2.4 The Mayor's determinations under chapter 5, paragraph 5.1(v) are set out below.

Validity of service, and signatures

- 2.5 The requisition (issued on 19 April 2022) was validly served, and is validly signed.

Motion

- 2.6 The motion is constitutionally acceptable, subject to amendments to:
- a) remove reference to information which cannot be referred to a third party, for reasons relating to the processing of sensitive personal information; and,
 - b) reflect the constitutional processes set out in the CPCA Constitution.

The requisitioners have provided consent to those amendments, and the amended form of motion appears on this report. The unamended form of motion is at Exempt Appendix 2.

Chair's Decision: Extraordinary Meeting to be called

- 2.7 The Mayor determined on 26 April 2022 to agree to call an extraordinary meeting of the Combined Authority.

Timing of meeting

- 2.8 During the pre-election period no meeting to deal with this motion could take place, nor could a notice for such a meeting be issued, in line with the Local Government Act 1986 and the statutory Code of Practice thereunder. Correspondingly, no support from officers could have been given for a meeting during that time.
- 2.9 A meeting notice was issued at close of business on 6 May 2022.

Special considerations

- 2.10 Care must be taken not to release any sensitive personal information or discuss such information in a public forum. Further, special care must be taken in considering the motion to not prejudice, presume the outcome of, or to seek to supplant the constitutional process for the consideration of complaints set out under chapter 19 of the constitution of the CPCA (the Member Code of Conduct and Complaints Procedure). These matters are more fully discussed in the legal implications section below.

Significant Implications

3. Financial Implications

- 3.1 There are no specific financial implications relating to the motion. Any costs falling to the CPCA in relation to emergency support will be assessed once an understanding is developed as to the form, scope, purpose, programme, and personnel of such an intervention.

4. Legal Implications

No prejudice to, or role in, Code of Conduct Matters

- 4.1 In considering, deliberating, and deciding upon their response to the motion, members of the CPCA Board are not engaged in and cannot make determinations which amount to concluding, in relation to members of the Combined Authority including Mayor, that

breaches of the Code of Conduct for Members have or have not occurred. It is of crucial importance to the integrity of the administration of due process that the integrity of those processes and the fairness to any subject member, complainant, or witness, are maintained. The proper and sole process for such determinations is that which is prescribed by chapter 19 of the CPCA constitution. Oversight and (in matters which proceed to *Local Hearing*) determinations under that process is a function of the Audit and Governance Committee, not the CPCA Board

Votes of confidence/no confidence: symbolic only

- 4.2 In the context of the CPCA, votes of confidence/ no confidence are symbolic only. A vote of no confidence, for example, does not have the effect of removing an elected Mayor from office.

5. Public Health Implications

- 5.1 There are no direct implications concerning public health.

6. Environmental and Climate Change Implications

- 6.1 There are no direct implications concerning environmental or climate change matters.

8. Appendices

- 8.1 Appendix 1 – Form of requisition, with redactions to exempt content. Basis for redactions: information relating to an individual, information which is likely to reveal the identity of an individual).
- 8.2 Exempt Appendix 2 – Form of requisition, unamended. Basis for exemption: information relating to an individual, information which is likely to reveal the identity of an individual.
- 8.3 Exempt Appendix 3 - Confidential appendix to the motion on notice. Basis for exemption: information relating to an individual, information which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the authority holding that information).