



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Cambridgeshire and Peterborough Combined Authority

The Constitution

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[Cambridgeshire and Peterborough Combined Authority Order 2017](#)

Version Control

Version 1	31 May 2017	Constitution approved by Board
Version 2	28 January 2018	Updated to take account of board decisions since May
Version 3	30 May 2018	Annual Review of constitution
Version 4	25 July 2018	Updated to include revised portfolios
Version 5	26 September 2018	Updated to include executive committees, scrutiny question time and other matters
Version 6	25 September 2019	Annual Review of constitution and to include revised executive arrangements

Chapter 3 – The Mayor of the Combined Authority

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.

Chapter 3 – The Mayor of the Combined Authority

4. Members of the Combined Authority

4.1. The Combined Authority consists of the following Members:

- (a) a directly elected Mayor;
- (b) an elected Member appointed by each of the Constituent Councils;
- (c) 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

[5.3.](#)

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Chapter 4 - Combined Authority Board Functions

5.4. 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) Rural Strategy;~~
- (n) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;**
- (o) 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.
- (c) Programme Management Framework;**
- (d) Prioritisation Framework;**
- (e) Equality Framework**
- Financial Matters**

Chapter 4 - Combined Authority Board Functions

- 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.**
 - ~~(g) **Single Investment Fund Allocation;**~~
- 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**

Chapter 4 - Combined Authority Board Functions

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.

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) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.

Chapter 4 - Combined Authority Board Functions

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.**
- (a) **To lead on the development of key strategic documents for approval by the Combined Authority;**
- (b) **To develop and present investment proposals to the Combined Authority;**
- (c) **To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;**
- (d) **To input into future devolution proposals and public sector reform.**
- (a) ~~To lead and champion their allocated portfolio functions;~~
- (b) ~~To lead on the development of key strategic documents for approval by the Combined Authority;~~
- (c) ~~To develop and present investment proposals to the Combined Authority;~~
- (d) ~~To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;~~
- (e) ~~To input into future devolution proposals and public sector reform;~~

Chapter 4 - Combined Authority Board Functions

(f) To liaise with Members holding similar portfolios within the Constituent Councils.

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

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.

Membership

1.1. 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.

1.2. 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.

1.3. **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 Combined Authority Board Monitoring Officer.**

Chapter 4 - Combined Authority Board Functions

Quorum

- 1.4. 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

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

- ~~5.2.5.5.~~ 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 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 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 Chapter 2 – Membership of the Combined Authority of this Constitution. Co-opted members may attend board meetings.

Chapter 1 – Summary

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](#)
[Chapter 11 - Procedure rules of Executive Committee meetings](#).

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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 [Error! Reference source not found. Appendix 3](#) to the constitution.

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](#)
[Chapter 13 - Overview and Scrutiny Committee](#) and

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Chapter 14 - Audit and Governance Committee

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11. Independent Commissions

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

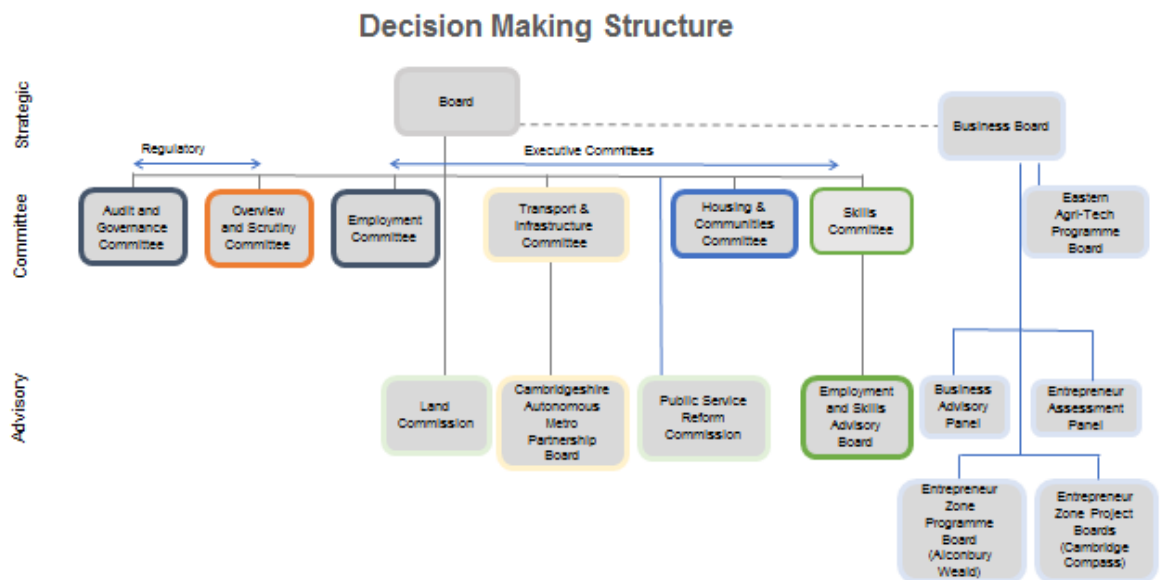
~~(a) Independent Economic Commission~~
(a) Public Services Reform and Innovation Commission

- 11.2. The commissions' terms of reference are set out in [Appendix 4](#).
- 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](#)
- 12.5. The **decision making structure is set out below:**

Chapter 1 – Summary



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.

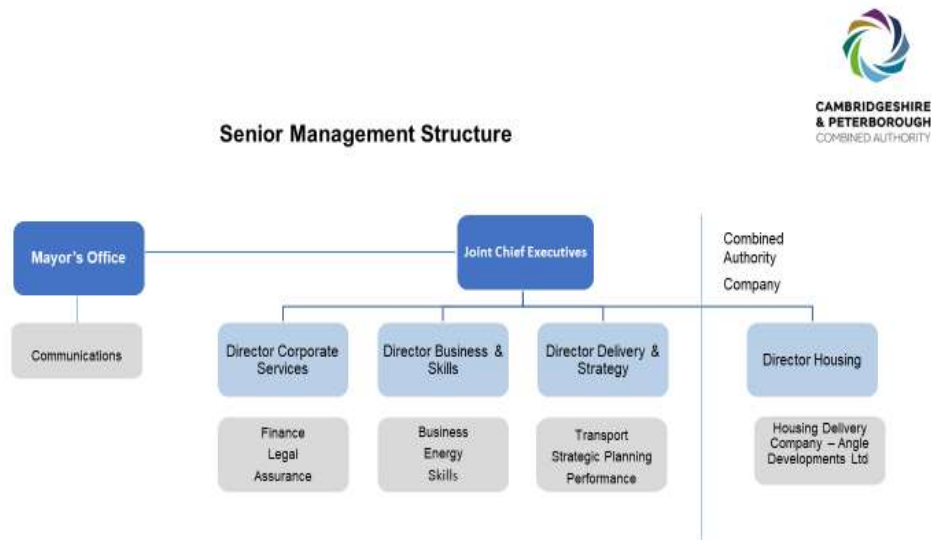
13.2. Their functions and responsibilities are set out in [Chapter 17 - Officer Scheme of Delegation and Proper Officers](#).

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 [Officer Employment Procedure rules](#).

13.4. The current structure as at ~~May 2019~~ ~~28 February 2018~~ is set out below:

Chapter 1 – Summary



- 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.**

Other Staff

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

14. Decision Making

- 14.1. Decision making will be in accordance with the arrangements set out in this Constitution.
- 14.2. 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.
- 14.3. **The functions of the Combined Authority may be undertaken by the Board or delegated to executive committees or Officers.**
- 14.4. **The functions of the Mayor may be undertaken by the Mayor or delegated to individual members and Officers.**

Chapter 1 – Summary

15. Finance, Contracts and Legal Matters

- 15.1. 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](#).
- 15.2. The management of its legal affairs will be conducted in accordance with this Constitution.

16. Public Rights

- 16.1. 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](#).
- 16.2. Any public enquiries should be addressed to the Chief Executive at the Combined Authority Offices.

17. Monitoring and Reviewing the Constitution

- 17.1. The Monitoring Officer will regularly monitor and review the operation of the Constitution.
- 17.2. The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 17.3. It is the responsibility of the Combined Authority Board to review the Constitution annually.

18. Changes to the Constitution

- 18.1. The Constitution will be amended as the Combined Authority develops.
- 18.2. 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](#))

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

Chapter 2 – The Membership of the Combined Authority

the end of fourteen days from the date on which the notice was given, or such longer period not exceeding one month¹.

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.

¹ Cambridgeshire and Peterborough Combined Authority Order 2017

Chapter 2 – The Membership of the Combined Authority

- 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. Co-opted Members

- 5.1. 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. 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. Co-opted Members appointed to the Board are listed in [Appendix 2 - Co-opted Members](#) to this Constitution.

Chapter 2 – The Membership of the Combined Authority

- 5.4. 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. 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. 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. 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.

Chapter 3 - The Mayor of the Combined Authority

1. Role and Functions reserved to the Mayor

- 1.1. The Mayor and the other Members of the Combined Authority will work closely together. Specifically:
 - (a) the Mayor will provide overall leadership and chair Combined Authority Board meetings;
 - (b) the Mayor may nominate **portfolio lead member** responsibilities, the membership and chairs of executive committees to each member of the seven Constituent Councils who will act in a supporting and advisory function to the Mayor and Combined Authority for their respective policy areas (see para 1.6 below); and
 - (c) the Mayor will also be a member of the Business Board recognising the importance of the Business Board's role and the private sector in any growth strategies or delivery for the Combined Authority area.
- 1.2. The Mayor will by virtue of holding office be a Member and the Chair of the Combined Authority Board.
- 1.3. The Mayor must appoint a statutory Deputy Mayor of the Combined Authority. The role of the statutory Deputy Mayor is set out in paragraph 2 below. The Mayor may also appoint a non-statutory Deputy Mayor and the role of the non-statutory Deputy Mayor is set out in paragraph 2 below.

General functions of Mayor

- 1.4. The Mayor will exercise the following general function:
 - 1.4.1. The Mayor may pay a grant to Cambridgeshire County Council and Peterborough City Council to meet expenditure incurred by them as highways authorities. The Mayor must exercise this function under section 31 Local Government Act 2003 concurrently with a Minister of the Crown.
 - 1.4.2. Prior to the payment of the grant the Mayor must consult the Combined Authority.

Chapter 3 – The Mayor of the Combined Authority

- 1.4.3. Members and officers of the Combined Authority may assist the Mayor in the exercise of the function to pay grant.

Powers of Mayor

- 1.5. The Mayor may exercise a general power of competence (section 1 Localism Act 2011) to do anything that the Combined Authority may do

- 1.5.1. Where the general power of competence:

- (a) involves the transfer of property, rights or liabilities of the Combined Authority to or from the Constituent Councils, or
- (b) is used to prepare and publish a statement setting out a strategy for spatial development in the Combined Authority area,

the Mayor must secure the unanimous consent of all Members of the Combined Authority, or Substitute Members acting in their place.

- 1.5.2 The Mayor may otherwise individually exercise a general power of competence to do anything that the Combined Authority may do subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.
- 1.5.3 The Mayor may exercise his/her power to ask the Secretary of State for Transport to make regulations under Section 11 of the Automated and Electric Vehicle Act 2018 requiring large fuel retailers and service area operators to provide public charging points and to ensure that public charging points are maintained and easily accessible to the public.

The power would be limited to large fuel retailers in the area within their authority.

Nominations to ~~Portfolio~~ Lead Member Responsibilities and to Executive Committees

- 1.6. The Mayor and the Combined Authority Board shall agree ~~portfolio lead member~~ responsibilities in respect of the Combined Authority functions.
- 1.7. The Mayor shall nominate the agreed **lead member** responsibilities and membership (including the chair) of any executive committees to any

Chapter 3 – The Mayor of the Combined Authority

member of the seven Constituent Councils. Board members nominated to an executive committee may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member.

- 1.8. The nominations to **lead member** responsibilities and the nominated membership and chairs of any executive committees shall be reported to the Combined Authority Board for formal approval by a simple majority vote which must include the Mayor.

- 1.9. **Lead member** responsibilities are set out in [Appendix 1 – Lead Member Portfolio Holders](#) **Appendix 1 – Lead Member Responsibilities**.

Mayor's budget and spending plans

- 1.10. The Mayor must also set a budget and consult the Combined Authority Board on his/her spending plans and draft budget in accordance with the Budget Framework Procedure Rules. ([Chapter 7 - Budget Framework Procedure Rules](#) **Chapter 7 – Budget Framework Procedure Rules**)
- 1.11. Any Mayoral budget, strategies and spending plans must be approved by the Combined Authority Board in accordance with the special voting rules.

Deputy Mayor

- 1.12. The Mayor must appoint one Member of the Combined Authority to hold the statutory functions as Deputy Mayor. This statutory Deputy Mayor shall:
- (a) hold office until the end of the term of office of the Mayor;
 - (b) cease to be statutory Deputy Mayor if at any time the Mayor removes him or her from office, he or she resigns as Deputy Mayor or ceases to be a Member of the Combined Authority;
 - (c) act in the place of the Mayor if for any reason the Mayor is unable to act, or the office of Mayor is vacant.
- 1.13. If a vacancy arises in the office of statutory Deputy Mayor, the Mayor shall immediately appoint another Member of the Combined Authority to be the statutory Deputy Mayor.
- 1.14. If the Mayor is unable to act or the office of Mayor is vacant; and the

Chapter 3 – The Mayor of the Combined Authority

statutory Deputy Mayor is unable to act, the Monitoring Officer shall call a meeting of the Combined Authority Board to take decisions, by simple majority, in the absence of the Mayor.

- 1.15. For reasons of good governance, the Mayor may appoint a second non-statutory Deputy Mayor from amongst the Constituent Council members as he/she thinks appropriate.
- 1.16. The non-statutory Deputy Mayor shall preside over any meeting of the Combined Authority called to make decisions in the absence of the Mayor and statutory Deputy Mayor.
- 1.17. Should the statutory Deputy Mayor be appointed as Chair of the Combined Authority in the absence of the Mayor, the non-statutory Deputy Mayor shall be appointed as the Vice-Chair.

2. Delegation of Functions reserved to the Mayor

- 2.1. The Mayor may arrange for:
 - (a) the statutory Deputy Mayor to exercise any general function of the Mayor; or
 - (b) another Member or officer of the Combined Authority to exercise any such function.
- 2.2. The Mayor shall produce a scheme of delegation for any delegated functions.
- 2.3. The financing of a Mayoral Combined Authority can be met from precepts by the Combined Authority (section 107G, 2009 Act). However, the Mayor has no power to borrow money (section 107D(8), 2009 Act).

3. Mayoral Decisions

- 3.1. Any Mayoral decisions will be made in accordance with the Constitution including the Transparency Rules, Forward Plan and Key Decisions. [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)
~~[Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)~~

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Chapter 4 - Combined Authority Board Functions

Chapter 4 - Combined Authority Board Functions

4.5. Functions reserved to the Board

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

Strategies and Plans

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

- ~~(a)~~~~(p)~~ The Mayor's growth ambition statement;
- ~~(b)~~~~(q)~~ **Business Plan;**
- ~~(c)~~~~(r)~~ **Business cases for key priority projects identified in the Business Plan;**
- ~~(d)~~~~(s)~~ Local Industrial Strategy;
- ~~(e)~~~~(t)~~ Local Transport Plan;
- ~~(f)~~~~(u)~~ Bus Strategy;
- ~~(g)~~~~(v)~~ Approval of the key route network;
- ~~(h)~~~~(w)~~ **Skills Strategy;**
- ~~(i)~~~~(x)~~ Housing Strategy;
- ~~(j)~~~~(y)~~ Investment Strategy;
- ~~(k)~~~~(z)~~ Non-Statutory Strategic Spatial Plan;
- ~~(l)~~~~(aa)~~ Market Town Masterplans for Growth;
- ~~(m)~~~~(bb)~~ **Rural Strategy;**
- ~~(n)~~~~(cc)~~ **Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;**
- ~~(o)~~~~(dd)~~ Other strategies and plans as agreed.

Frameworks

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

- ~~(a)~~~~(f)~~ Assurance Framework;
- ~~(b)~~~~(g)~~ Monitoring & Evaluation Framework.
- ~~(c)~~~~(h)~~ **Programme Management Framework;**
- ~~(d)~~~~(i)~~ **Prioritisation Framework;**
- ~~(e)~~~~(j)~~ **Equality Framework**

Chapter 4 - Combined Authority Board Functions

Financial Matters

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

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

4.5.5.5. **Consultation on the allocation of Local Highways Maintenance Capital Grant**

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

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

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

4.9.5.9. **Approval of virements of £500k and over;**

4.10.5.10. 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

Chapter 4 - Combined Authority Board Functions

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

Governance

4.12.5.12. Decisions related to:

- ~~(a)~~(k) Adoption and amendment of the Constitution;
- ~~(b)~~(l) Establishment and membership of Committees and Sub-Committees;
- ~~(c)~~(m) Establishment and membership of Joint Committees and
- ~~(d)~~(n) ~~Approval of~~ nomination of **lead** member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;
- ~~(e)~~(o) Approval of Mayoral Allowance **and any other allowance schemes;**
- ~~(f)~~(p) Appointment of an Independent Person of the Audit and Governance Committee;
- ~~(g)~~(q) Appointment of Statutory Officers;
- ~~(h)~~(r) **Delegation of functions to third parties;**
- ~~(i)~~(s) **Establishment of Trading Companies;**
- ~~(j)~~(t) Any other matters reserved to the Board.

4.13.5.13. 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.

2.6. Membership of the Board

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

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

Chapter 4 - Combined Authority Board Functions

2.2.6.2. 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.

3.7. Functions of the Combined Authority

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

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~~(f)(i)~~ To liaise with Members holding similar portfolios within the Constituent Councils.

~~3.2.7.2.~~ The Portfolios are set out in [Appendix 1 – Lead Member Portfolio Holders](#)~~Appendix 1 – Portfolio Holders.~~

4.8. Executive Bodies

~~4.1.8.1.~~ 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

~~4.2.8.2.~~ 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.

Membership

~~4.1.1.6.~~ 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.

~~4.2.1.7.~~ 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.

~~4.3.1.8.~~ **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**

Chapter 4 - Combined Authority Board Functions

take effect after the nomination has been approved by the **Combined Authority Board Monitoring Officer**.

Quorum

[1.4.1.9.](#) 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

[1.5.1.10.](#) [_____](#) The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees. (Insert link)). They do not apply to working groups and commissions.

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.

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;

Chapter 5 -- Proceedings of Meetings

- (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.

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- 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](#).

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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](#)
~~Chapter 6 - Transparency Rules, Forward Plan and Key Decisions~~

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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.

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- 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 ~~statutory~~ 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

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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.

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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.

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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.

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- 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.

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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.

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- 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.

General

- 18.2 ~~Councillors of Constituent Authorities and~~ 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 ~~Where possible,~~ **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.**

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- 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** ~~will be taken first. Priority will be given to questions on items on the agenda for the meeting, or issues where decisions are expected before the next meeting. The order in which first these and then other questions shall be presented to the meeting shall be determined by a draw. The draw shall be conducted by the Monitoring Officer prior to the 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 ~~notice has been given in~~ **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 ~~where possible,~~ 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;

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- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or **Constituent 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**

Chapter 5 -- Proceedings of Meetings

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.

18. Petitions from the public

- 18.1. 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.
- 18.2. A petition should be received by the Monitoring Officer no later than midday three working days before the day of the meeting.

19. Conduct at meetings

Member Not to be Heard Further

- 19.1. 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

- 19.2. 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

- 19.3. 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.

Chapter 5 -- Proceedings of Meetings

Removal of Member of the Public

- 19.4. 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

- 19.5. 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.

20. Suspension of Procedure Rules

- 20.1. 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. Photography, Audio/Visual recording of Meetings and Blogging/Tweeting

- 21.1. Please see Transparency Rules Forward Plan and Key Decisions (see [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)~~Chapter 6 - Transparency Rules, Forward Plan and Key Decisions~~)

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Chapter 6 - Transparency Rules, Forward Plan and Key Decisions

1. Scope

- 1.1. These rules are a summary of rights to attend meetings of the Combined Authority Board, and to access documents.
- 1.2. These rules apply to all meetings of the Combined Authority, Committees and Sub-Committees (including the Overview and Scrutiny and the Audit and Governance Committees where appropriate).

2. Additional Rights to Information

- 2.1. These rules do not affect any more specific rights to information set out elsewhere in this Constitution or provided by the law, including the Data Protection Act, Freedom of Information Act or the Environmental Information Regulations.

3. Rights to Attend Meetings

- 3.1. Members of the public may attend all meetings subject only to the exceptions in these rules.

4. Notice of Meetings

- 4.1. The Monitoring Officer shall give notice of any meeting by publishing details of the meeting on the Combined Authority website:
 - (a) at least five clear days before the meeting; or
 - (b) where the meeting is convened at shorter notice, at the time that the meeting is convened.
- 4.2. For the purposes of calculating the five clear day notice period, the day on which notice is given and the day of the meeting shall be disregarded.
- 4.3. The notice will set out the time and place the business is to be carried out.

5. Access to Agenda and Reports before the Meeting

- 5.1. All agendas and reports will be published at least five clear working days before the meeting. If an item is added to the agenda later, the revised

Chapter 6 -- Transparency Rules, Forward Plan and Key Decisions

agenda will be open to inspection from the time the item was added to the agenda.

- 5.2. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make the report available to the public as soon as the report is completed and sent to Members.

6. Access to Minutes after the Meeting

- 6.1. The draft minutes of each meeting shall be produced and published with the agenda of the next meeting.
- 6.2. The minutes of a meeting must be signed at the next meeting by the person presiding at that meeting. No discussion shall take place upon the minutes except about their accuracy.

7. Supply of Copies

- 7.1. On payment of a charge for postage and any other costs, the Monitoring Officer will supply copies of the following for all meetings to which these Rules apply:
- (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items; and
 - (c) if the Chief Executive thinks fit, copies of any other documents supplied to Members in connection with an item.
 - (d) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (e) a summary of any proceedings not open to the public where the minutes are open to inspection would not provide a reasonably fair and coherent record;
- 7.2. Copies of any agenda, reports or minutes which are open to public inspection will be available for six years after a meeting:

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8. Background Papers

- 8.1. The Monitoring Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) were relied on to a material extent in preparing the report.
- 8.2. The documents referred to in (a) and (b) above do not include published works or those which disclose exempt or confidential information and in respect of Mayoral reports, the advice of a political advisor (if any).
- 8.3. A copy of any background papers listed will be available for public inspection for four years after the date of the meeting.

9. Exclusion of the Press and Public from Meetings

Confidential information - Requirement to Exclude the Public

- 9.1. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Exempt Information – Discretion to Exclude the Public

- 9.2. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 9.3. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in that Article 6.

Meaning of Confidential Information

- 9.4. Confidential information means information given to the Combined Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or by law.

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Meaning of Exempt Information

- 9.5. Exempt information means information falling within the following seven categories and within schedule 12A of the Local Government Act 1972, subject to the qualifications listed below:

CATEGORY	
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations; or negotiations, or contemplated consultations; or negotiations, in connection with any labour relations matter arising between the authority; or a Minister of the Crown and employees of; or office holders under the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

Qualifications
Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under:

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- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974 and 1992;
- (c) the Industrial and Provident Societies Acts 1965 to 1978;
- (d) the Building Societies Act 1986; or
- (e) the Charities Act 1993.

Information is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Exclusion of Access by the Public to Reports

- 9.6. If the Monitoring Officer feels that a report or document contains confidential or exempt information he or she must mark the report or document 'Not for Publication - paragraph ... of Schedule 12A to the Local Government Act 1972'.
- 9.7. If a report or document is marked 'not for publication' the contents will not be quoted or revealed before or after the meeting, unless before the report is discussed, the meeting decides at the beginning that the matter should be dealt with in public.
- 9.8. The public must be excluded from a meeting during an item of business whenever:
 - (a) It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligations of confidence.
 - (b) The decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them.

10. Notice of Private Meetings

- 10.1. All Combined Authority Board meetings or any Committee or Sub-Committee meetings will be held in public except when the decision making body has resolved to:

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- (a) exclude the press and public from all or part of a meeting in accordance with the Transparency rules;
 - (b) exclude a Member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with the Combined Authority's standing orders;
 - (c) further notice is made available on the Combined Authority's website at least five clear days before the meeting giving the reasons for holding the meeting in private, any representations received and a statement of its response. This will form part of the decision-making body's agenda.
- 10.2. Where the date of a private meeting of the Combined Authority or its Committee or Sub-Committees makes compliance with (a) and (b) impractical, the meeting may only be held and any decision taken if agreement is obtained that the meeting is urgent and cannot reasonably be deferred from:
- (a) the Chair of the Overview and Scrutiny Committee;
 - (b) if there is no Chair or he/she is unable to act, then the Mayor as Chair of the Combined Authority; or
 - (c) in his/her absence, the Deputy Mayor as Vice-Chair of the Combined Authority.
- 10.3. A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred must be published on the Combined Authority's website as soon as reasonably practicable after agreement has been obtained.

11. Key Decisions and Forward Plan

- 11.1. A "key decision" means a decision, which in the view of the Overview and Scrutiny Committee is likely to:
- (a) result in the Combined Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
 - (b) have a significant effect on communities living or working in an area made up of two or more wards or electoral divisions in the area.

Chapter 6 -- Transparency Rules, Forward Plan and Key Decisions

- 11.2. When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.
- 11.3. A key decision which is considered to have a 'significant' effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:
- (a) the amenity of the community or;
 - (b) quality of service provided by the Authority
- 11.4. Subject as below, a key decision may not be taken by the decision maker unless:
- (a) it is in the Forward Plan on the Combined Authority's website;
 - (b) at least 28 clear days' notice has been given, or if this is impracticable, the decision has complied with the provisions set out in paragraph 12 or 13 below as they may apply; and
 - (c) notice of the meeting has been given in accordance with these rules.

Forward Plan

- 11.5. The Forward Plan will be prepared by the Mayor in consultation with the Chief Executive and published by the Monitoring Officer at least 28 clear days before the date of the meeting to which it refers.
- 11.6. The Forward Plan will include matters which are key decisions to be taken by the Combined Authority, its Committee or Sub-Committees, the Mayor, an Officer, or a Joint Committee when discharging their functions. It will include in so far as the information is available or might reasonably be obtained:
- (a) that a key decision is to be made on behalf of the Combined Authority;
 - (b) the matter about which a decision is to be made; where the decision taker is an individual, his/her name and title, if any; and, where the decision taker is a body, its name and details of its membership;
 - (c) the date on which, or period within which, the decision will be taken;

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- (d) a list of the documents submitted to the decision maker for consideration about that matter;
 - (e) the address from which copies of any document listed is available, subject to any prohibition or restriction on their disclosure;
 - (f) that other documents relevant to those matters may be submitted to the decision maker; and
 - (g) the procedure for requesting details of those documents (if any) as they become available;
 - (h) whether the decision proposed to be taken will include confidential or exempt information and require the meeting to be private to consider the item, either in full or in part, and the relevant exemption category.
- 11.7. Where any matter involves the consideration of exempt information or confidential information (as defined above) or the advice of a political adviser or assistant, a summary of the matter shall be included in the Forward Plan but the exempt or confidential information or the advice, as the case may be, need not be included.

12. General Exception

- 12.1. Where publication of the intention to make a key decision is impractical, the decision may still be taken if:
- (a) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee (or if there is no such person, each Member of the Overview and Scrutiny Committee) by written notice of the matter to which the decision is to be made, including why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case;
 - (b) the Monitoring Officer has made copies of that notice available to the public at the Combined Authority's office and its website, and
 - (c) at least five clear days have elapsed since the Monitoring Officer complied with (a) and (b) above.

13. Special Urgency Decision

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- 13.1. Where the date by which a key decision must be taken means the General Exception rule cannot be followed, then the decision can only be taken where the decision maker has obtained agreement from:
- (a) the Chair of the Overview and Scrutiny Committee; or
 - (b) if there is no such person or the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Combined Authority Board; or
 - (c) where there is no Chair of either, the Vice-Chair of the Board;
- that the making of the decision is urgent and cannot reasonably be deferred.
- 13.2. As soon as reasonably practicable after agreement has been given, a notice must be available to the public at the Combined Authority's Offices and on its website, setting out the reasons for urgency and why the decision could not reasonably be deferred.
- 14. Additional Rights of Access to Documents for Members of Overview and Scrutiny Committees**
- 14.1. Subject to paragraph 14.3 below, a Member of the Overview and Scrutiny Committee is entitled to a copy of any document which:
- (a) is in the possession or under the control of the Combined Authority or the Mayor; and
 - (b) contains material relating to:
 - (i) any business that has been transacted at a meeting of a decision-making body of the authority; or
 - (ii) any decision that has been made by an individual Member of the Combined Authority.
- 14.2. Subject to 14.3, where a Member of the Overview and Scrutiny Committee requests a document under 14.1, the Combined Authority or the Mayor must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after it receives the request.
- 14.3. No Member of the Overview and Scrutiny Committee is entitled to a copy of any document or part of a document that contains:

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- (a) exempt or confidential information unless that information is relevant to:
 - (i) an action or decision that that Member is reviewing or scrutinising; or
 - (ii) any review in any programme of work of the Committee; or
 - (b) advice provided by a political adviser.
- 14.4. Where the Combined Authority or the Mayor determines that a Member of the Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in 14.3, it must provide the Committee with a written statement setting out its reasons for that decision.

15. Photography and Audio/Visual Recording of Meetings

- 15.1. Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public provided that it is not disruptive and does not detract from the proper conduct of the meeting.

16. Recording of Decisions made by Officers and the Mayor

- 16.1. Where an officer or the Mayor makes a decision, including under specific delegation from a meeting of a decision-making body, the effect of which is
- (a) to grant a permission or licence,
 - (b) to affect the rights of an individual; or
 - (c) to award a contract or incur expenditure which, in either case, materially affects the Combined Authority's financial position,

the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information –

- (a) the date the decision was taken
 - (b) a record of the decision taken along with reasons for the decision;
 - (c) details of alternative options, if any, considered and rejected; and
 - (d) where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.
- 16.2. The Combined Authority has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Combined Authority's position is to be £250,000.

Chapter 6 -- Transparency Rules, Forward Plan and Key Decisions

- 16.3. The duty imposed by Procedure Rule 16.1 above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.
- 16.4. All written records produced in accordance with Procedure Rule 16.1 above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:–
 - (a) at all reasonable hours, at the offices of the Combined Authority; and
 - (b) on the Combined Authority's website,
- 16.5. All written records produced in accordance with Procedure Rule 16.1 above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.
- 16.6. Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.
- 16.7. Nothing in Procedure Rules 16.1 to 16.6 requires the disclosure of exempt or confidential information.

Chapter 7 - Budget Framework Procedure Rules

1. Introduction

- 1.1. The Budget Framework is the name given to the procedures that must be followed before the budget is finally approved. These rules set out how the Combined Authority will make decisions on the budget.
- 1.2. Once the budget is in place it is the responsibility of the Combined Authority Board or the Mayor to implement.
- 1.3. The Budget Framework will comprise the following:

2. Mayors General Functions Budget

- 2.1. The costs of the Mayor that are incurred in, or in connection with, the exercise of Mayoral functions is to be met from precepts issued by the authority under section 40 of the 1992 Act, unless funded from other sources.
- 2.2. The Mayor may make a bid for gain share funds as part of his/her proposed budget which may or may not be agreed by the Combined Authority Board.
- 2.3. The Mayor must, before 1st February in any financial year, notify the Combined Authority of the Mayor's draft budget in relation to the following financial year.
- 2.4. The draft budget must:
 - (a) set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayor's general functions; and
 - (b) include the relevant amounts and calculations.
- 2.5. The Combined Authority Board must review the Mayor's draft budget and may make a report to the Mayor on the draft budget. Any report:
 - (a) must set out whether or not the Combined Authority would approve the draft budget in its current form; and

Chapter 3 – The Mayor of the Combined Authority

- (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- 2.6. The Mayor's draft budget shall be deemed to be approved by the Combined Authority unless the Board makes a report to the Mayor before 8th February.
- 2.7. Where the Combined Authority Board makes a report, it must specify a period of at least five working days beginning on the day after the day on which the Mayor receives the report within which the Mayor may:
 - (a) decide whether or not to make any revisions to the draft budget; and
 - (b) notify the Combined Authority Board of the reasons for that decision and, where revisions are made, the revised draft budget.
- 2.8. When the period specified by the Combined Authority Board in paragraph 2.7 above has expired the authority must determine whether to:
 - (a) approve the Mayor's draft budget (or revised draft budget); or
 - (b) veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor.
- 2.9. The Mayor's draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the period of five working days beginning with the day after the date on which the period specified in 2.7 above expires.
- 2.10. Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the authority.
- 2.11. Where the Mayor has failed to notify the Combined Authority Board of the Mayor's draft budget before the 1st February, then the Combined Authority Board must determine the relevant amounts and calculations that are to be used for the financial year.

Chapter 3 – The Mayor of the Combined Authority

- 2.12. Any decision under 2.11 above must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the Board.
- 2.13. Immediately after any vote is taken, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

3. Mayor's general fund

- 3.1. The Mayor must keep a fund (to be known as the Mayor's general fund) in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's general functions.
- 3.2. All of the Mayor's receipts in respect of the exercise of the Mayor's general functions must be paid into the Mayor's general fund.
- 3.3. All of the Mayor's expenditure in respect of the exercise of the Mayor's general functions must be paid out of the Mayor's general fund.
- 3.4. The Mayor must keep accounts of payments made into or out of the Mayor's general fund.

4. Combined Authority Budget

- 4.1. Each year, the Chief Executive and Chief Finance Officer shall prepare a draft budget for the Combined Authority, consistent with statutory requirements and principles of sound financial management. The draft Budget shall include all aspects of Combined Authority expenditure and income for the forthcoming financial year, irrespective of the source of income, and of the powers under which expenditure is brought forward. The draft Budget shall also be prepared in the context of the Investment Plan.
- 4.2. If any part of the draft Budget proposes expenditure incurred in, or in connection with, the exercise of Mayoral functions defined under the [Combined Authorities \(Finance\) Order 2017](#), which cannot be met through other sources, and where this position is confirmed by the Monitoring Officer and Chief Finance Officer, the draft Budget may set out a proposal to precept the constituent authorities, under section 40 of the Local Government Finance Act 1992. Otherwise, the draft Budget shall confirm that a precept is not proposed.

Chapter 3 – The Mayor of the Combined Authority

- 4.3. The draft Budget shall be submitted to the Combined Authority Board for consideration and approval for consultation purposes only, before the end of December each year. The Combined Authority Board will also agree the timetable for consultation and those to be consulted. The consultation period shall not be less than four weeks, and the consultees shall include Constituent Authorities, the Local Enterprise Partnership and the Overview and Scrutiny Committee.
- 4.4. Before 1st February, having taken into account the draft Budget, the consultation responses, and any other relevant factors, the proposed budget for the following financial year, including the Mayor's budget, shall be submitted to the Combined Authority Board.
- 4.5. Within five working days, the Combined Authority Board shall meet to consider the Budget. A report may be agreed by a majority of the Combined Authority to:
- (a) approve the budget as proposed; or
 - (b) propose amendments to the budget; and
 - (c) if amendments are proposed to the Mayor's budget, agree a date, at least five working days from the date the report is published, for a further meeting to re-consider the budget.

5. Mayor's consideration of report

- 5.1. If the Board propose changes to the Mayor's budget, the Mayor shall publish a report in advance of the meeting responding to the proposals set out by the Combined Authority Board. The report may support some or all of the proposals made by the Board with reasons why the Mayor supports or rejects those proposals. The draft budget shall be amended to reflect any proposals which are supported by the Mayor.

6. Combined Authority Board's decision on budget

- 6.1. The draft Budget shall be further considered at the meeting established under 4.5 (c) above. A two-thirds majority of the Members (six Members), or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question may decide to reject the Mayor's budget and approve the draft Budget incorporating the Combined Authority's recommendations contained in the report to the Mayor. Otherwise the draft budget is approved.

Chapter 3 – The Mayor of the Combined Authority

- 6.2. Immediately after any vote is taken at a meeting established under 4.5 (c), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 6.3. A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

7. Decisions that contravene the Budget or the plans or strategies in the Policy Framework

7.1. Financial Regulations contain provisions allowing virement. Subject to those provisions, the Mayor, the Combined Authority Board, Committees of the Combined Authority Board and/or any Officers or Joint Committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework set out in 7.2.

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Chapter 4 - Combined Authority Board Functions

7.3. Chapter 4 - Combined Authority Board Functions 9. Functions reserved to the Board

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

Strategies and Plans

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

- (ee) The Mayor's growth ambition statement;
- (ff) Business Plan;
- (gg) Business cases for key priority projects identified in the Business Plan;
- (hh) Local Industrial Strategy;
- (ii) Local Transport Plan;
- (jj) Bus Strategy;
- (kk) Approval of the key route network;
- (ll) Skills Strategy;
- (mm) Housing Strategy;
- (nn) Investment Strategy;
- (oo) Non-Statutory Strategic Spatial Plan;
- (pp) Market Town Masterplans for Growth;
- (qq) Rural Strategy;
- (rr) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;
- (ss) Other strategies and plans as agreed.

Frameworks

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

- (k) Assurance Framework;
- (l) Monitoring & Evaluation Framework.
- (m) Programme Management Framework;
- (n) Prioritisation Framework;
- (o) Equality Framework
- Financial Matters

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Chapter 4 - Combined Authority Board Functions

- 9.4. The adoption of, and any amendment to or withdrawal of the following financial documents:
- (o) The non-mayoral Combined Authority budgets;
 - (p) **Approval of carry forward of any underspent balances between financial years;**
 - (q) Annual spending plans for the allocation of transport-related funding;
 - (r) Treasury Management Strategy including approval of borrowing limits;
 - (s) Medium Term Financial Plan and Capital Programme
 - (t) **Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.**
 - ~~(u) **Single Investment Fund Allocation;**~~
- 9.5. **Consultation on the allocation of Local Highways Maintenance Capital Grant**
- 9.6. **Approve budget allocations for feasibility work from the non-transport feasibility fund**
- 9.7. **Approve business cases and loans to third party businesses including wholly owned subsidiaries;**
- 9.8. **Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.**
- 9.9. **Approval of virements of £500k and over;**
- 9.10. 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

Chapter 4 - Combined Authority Board Functions

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

Governance

9.12. Decisions related to:

- (u) Adoption and amendment of the Constitution;
- (v) Establishment and membership of Committees and Sub-Committees;
- (w) Establishment and membership of Joint Committees and Commissions;
- (x) Approve the nomination of **lead** member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;
- (y) Approval of Mayoral Allowance **and any other allowance schemes**;
- (z) Appointment of an Independent Person of the Audit and Governance Committee;
- (aa) Appointment of Statutory Officers;
- (bb) **Delegation of functions to third parties**;
- (cc) **Establishment of Trading Companies**;
- (dd) Any other matters reserved to the Board.

9.13. 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.

10. Membership of the Board

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

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

Chapter 4 - Combined Authority Board Functions

10.2. 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.

11. Functions of the Combined Authority

11.1. 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:

- (m) To lead and champion their allocated **lead** member functions;
- (n) **To act as key spokesperson for the Combined Authority within their respective Constituent Councils**
- (o) **To chair and lead a committee where established;**
- (p) **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;**
- (q) **To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;**
- (r) **To liaise with Members holding similar lead member responsibilities within the Constituent Councils.**
- (i) **To lead on the development of key strategic documents for approval by the Combined Authority;**
- (j) **To develop and present investment proposals to the Combined Authority;**
- (k) **To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;**
- (l) **To input into future devolution proposals and public sector reform.**

- ~~(m) To lead and champion their allocated portfolio functions;~~
- ~~(n) To lead on the development of key strategic documents for approval by the Combined Authority;~~
- ~~(o) To develop and present investment proposals to the Combined Authority;~~
- ~~(p) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;~~
- ~~(q) To input into future devolution proposals and public sector reform;~~

Chapter 4 - Combined Authority Board Functions

(r) To liaise with Members holding similar portfolios within the Constituent Councils.

11.2. The Portfolios are set out in Appendix 1 – Lead Member Portfolio Holders.

12. Executive Bodies

12.1. 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

12.2. 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.

Membership

1.11. 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.

1.12. 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.

1.13. **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 Combined Authority Board Monitoring Officer.**

Chapter 4 - Combined Authority Board Functions

Quorum

- 1.14. 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

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

Chapter 7 – Budget Framework Procedure Rules

~~7.1.7.4.~~ ~~Chapter 4 – Combined Authority Board Functions~~, paragraph 1. Only the Combined Authority Board can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.

~~7.2.7.5.~~ Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the Combined Authority Board.

~~7.3.7.6.~~ Decisions of the Combined Authority Board, its Committees, Sub-Committees or a Joint Committee or Officers, must be in line with the policies set by the Combined Authority Board. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:

- (a) where the Combined Authority has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
- (b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or
- (c) changes to a policy which would normally be agreed annually or periodically by the Mayor or Combined Authority Board following consultation, but where the existing policy document is silent on the matter under consideration.

Chapter 8 - Transport and Infrastructure Committee

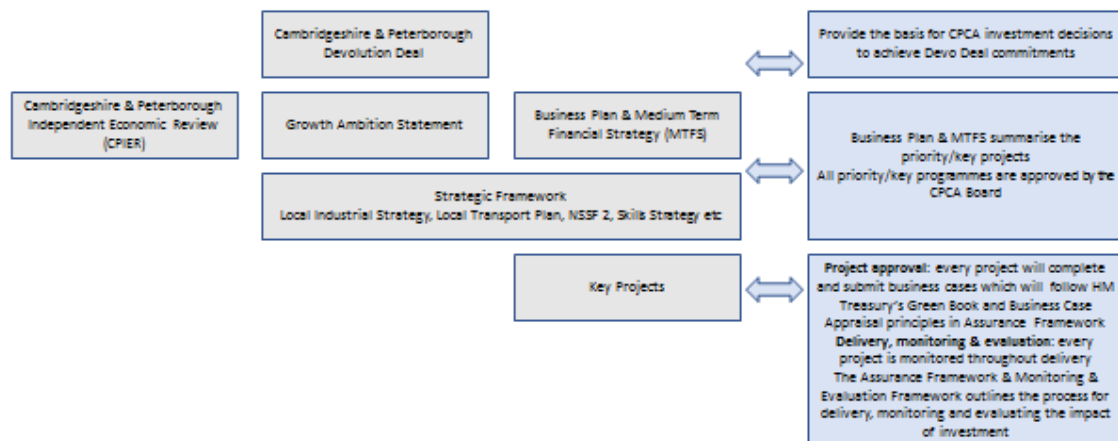
1. Governance

- 1.1. The Combined Authority has appointed a Transport and Infrastructure Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

2. Introduction

- 2.1. The Transport and Infrastructure Committee operates within the terms agreed by the Combined Authority Board.
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy Local Transport Plan and Bus Strategy). These are known as 'reserved matters' or “the budget and policy framework”.
- 2.3. The committee has responsibility for agreeing transport and infrastructure programmes and projects within the budget and policy framework.
- 2.4. The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 2.5. The committee can initiate proposals for the Combined Authority Board to consider.
- 2.6. The committee shall apply the weighted voting rights that the Combined Authority Board applies to transport matters as set out in the committee procedure rules.
- 2.7. The budget and policy framework is summarised below:

Chapter 8 - Transport and Infrastructure Committee



3. Terms of Reference

Functions

- 3.1. **The Transport and Infrastructure Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):**
 - (1) **The Local Transport Plan**
 - (2) **Bus Strategy**
 - (3) **Transport budget, including any transport levy**
 - (4) **Annual programme of strategic transport projects**
 - (5) **Creation of the key route network**
 - (6) **Delegation of passenger transport functions to delivery partners,**
 - (7) **Business Cases for key priority projects identified in the Business Plan or**
 - (8) **Any other matters reserved to the Combined Authority Board**
- 3.2. **The committee shall exercise the Combined Authority's functions for the following:**
 - 3.2.1. **Oversee the development and maintenance of the Local Transport Plan and Bus Strategy and any other key strategies reserved to the Combined Authority Board, including overseeing consultation and engagement processes, and making recommendations to the Board.**

Chapter 8 - Transport and Infrastructure Committee

- 3.2.2. Oversee the development and approve all business cases for key priority projects as identified in the Business Plan. All business cases for priority projects require Cambridgeshire and Peterborough Combined Authority Board approval.**
- 3.2.3. Approve the commissioning of feasibility studies to be funded from the transport feasibility study fund. This is unallocated budget for in-year determination of spend.**
- 3.2.4. Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.**
- 3.2.5. Oversee the development and approve transport policies and programmes not reserved to the Combined Authority Board.**
- 3.2.6. When appropriate, ensure effective engagement and consultation is in place and can be evidenced.**
- 3.2.7. Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for transport and infrastructure projects in the Business Plan and funded from allocation within the Medium Term Financial Plan.**
- 3.2.8. Monitor the delegation of passenger transport functions to delivery partners.**
- 3.2.9. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.**
- 3.2.10. Monitor agreements with the Minister or strategic highways companies for the exercise of functions relating to the strategic network.**
- 3.2.11. Oversee strategic relationships with national bodies (Network Rail), utility providers and other key stakeholders.**
- 3.2.12. Matters initiated by the committee can be referred up to the Board for decision.**

Chapter 8 - Transport and Infrastructure Committee

3.2.13. The Combined Authority Board may decide to refer further individual matters to the committee.

4. Strategic and Budget Framework

- 4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.**

5. Accountability

- 5.1. The Committee is accountable to the Combined Authority Board.**

6. Membership

- 6.1. The Transport and Infrastructure 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.**
- 6.2. Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.**
- 6.3. The Combined Authority Board shall appoint the committee and 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, the Mayor will not seek to exercise his right of veto for the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.**
- 6.4. Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at**

Chapter 8 - Transport and Infrastructure Committee

the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.

7. Voting

- 7.1. **Weighted voting rights apply to all transport related decisions and transport funding as set out in paragraph 3 of Chapter 11 - Procedure rules of Executive Committee meetings.**

8. Lead Director

- 8.1. **The Lead Director for the Committee is:**

(a) Director Delivery & Strategy

9. Working Groups

- 9.1. **The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.**
- 9.2. **The remit and terms of reference for any such subordinate body shall be approved by the committee.**
- 9.3. **The following groups have been established:**
- (a) Cambridgeshire Autonomous Metro (CAM) Partnership Board**
(b) Bus Review Task Group

Chapter 9 - Skills Committee

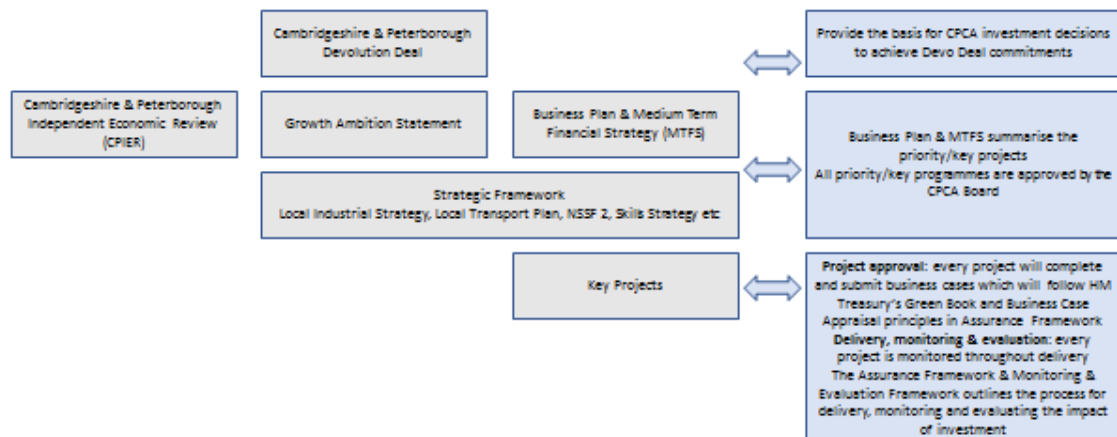
1. Governance

- 1.1. The Combined Authority has appointed a Skills Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

2. Introduction

- 2.1. The Skills Committee operates within the terms agreed by the Combined Authority Board.
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and Skills Strategy). These are known as 'reserved matters' or “the budget and policy framework”.
- 2.3. The committee has responsibility for agreeing education and skills programmes and projects within the budget and policy framework.
- 2.4. The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 2.5. The committee can initiate proposals for the Combined Authority Board to approve.
- 2.6. The committee is responsible for overseeing the work of the Employment and Skills Board, an advisory panel of the Skills Committee, and any sub-groups set up by the Board.
- 2.7. The budget and policy framework is summarised below:

Chapter 9 – Skills Committee



3. Terms of Reference

Functions

- 3.1. **The Skills Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):**
 - (1) **Skills Strategy**
 - (2) **Projects to be included in the Business Plan and Medium Term Financial Plan**
 - (3) **Business cases for key priority projects identified in the Business Plan or**
 - (4) **Any other matters reserved to the Combined Authority Board**
- 3.2. **The Skills Committee shall exercise the Combined Authority's functions for the following:**
 - 3.2.1. **Oversee the development and maintenance of the Skills Strategy and any other strategies reserved to the Combined Authority Board, including overseeing consultation processes, and making recommendations to the Board.**
 - 3.2.2. **Oversee the development and approve all business cases for key priority projects identified in the Business Plan.**

Chapter 9 – Skills Committee

- 3.2.3. Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.**
- 3.2.4. Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for education and skills projects in the Business Plan and funded from Medium Term Financial Plan.**
- 3.2.5. Oversee the development and approve all other education and skills programmes and projects not reserved to the Combined Authority Board.**
- 3.2.6. Ensure effective engagement and consultation is in place and can be evidenced.**
- 3.2.7. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.**
- 3.2.8. Oversee coordination with**
 - a) Department of Work and Pensions on the Work and Health Programme and**
 - b) Department for Education on the Opportunity Area programme.**
- 3.2.9. Oversee the delivery of the Health and Care Sector Work Academy (Innovation Pilot)**
- 3.2.10. Matters initiated by the committee can be referred up to the Board for decision.**
- 3.2.11. The Combined Authority Board may decide to refer further individual matters to the committee.**

4. Strategic and Budget Framework

- 4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.**

Chapter 9 – Skills Committee

5. Accountability

- 5.1. **The Committee is accountable to the Combined Authority Board.**

6. Membership

- 6.1. **The Skills 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.**
- 6.2. **Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.**
- 6.3. **The Combined Authority Board shall appoint the committee and 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, the Mayor will not seek to exercise his right of veto for the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.**
- 6.4. **Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.**

7. Lead Director

- 7.1. **The Lead Director for the Committee is:**

Chapter 9 – Skills Committee

(a) Director Business and Skills

8. Working Groups

- 8.1. **The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.**
- 8.2. **The remit and terms of reference for any such subordinate body shall be approved by the committee.**
- 8.3. **The following group has been established:**

(a) Employment & Skills Board

- 8.4. **The terms of reference are set out below:**

9. Employment & Skills Board

Governance

- 8.1. **The Combined Authority has appointed an Employment and Skills Board. The Board is an advisory board to the Skills Committee and is the Skills Advisory Panel for the purposes of the governance arrangements for the devolution of the Adult Education Budget. This reflects the requirement to provide an inclusive, advisory role for the Combined Authority, Employers, Providers and Customers.**

Terms of Reference

- 8.2. **Provide strong leadership on skills in the local area, engaging with employers and providers and providing skills advice to the accountable board of the Combined Authority's Skills Committee.**
- 8.3. **Advise on the strategic direction, determine priorities and monitor progress of the devolved Adult Education Budget.**

Chapter 9 – Skills Committee

- 8.4. Develop a clear understanding of current and future local skills needs and the local labour market as well as the present skills and employment support provision in the local area.**
- 8.5. Focus on the needs of future learners and employers which have been identified by local partners, including colleges, university providers and employers.**
- 8.6. Establish systems to ensure the student voice is heard.**
- 8.7. Raise the profile of apprenticeships with local employers and providers.**
- 8.8. Work closely with careers advisory services to ensure that learners are informed about potential career routes within a local area, and that all careers information and guidance is informed by up-to-date local labour market information.**
- 8.9. Be underpinned by a stakeholder group including all providers.**
- 8.10. Produce robust, authoritative evidence-based skills & labour market analysis and skills provision in Cambridgeshire & Peterborough.**
- 8.11. Build knowledge of the range of both local, regional and national employment provision that exists or is planned.**
- 8.12. Present data analysis and share it with the wider employer and provider communities to ensure that their perspective on the local labour market and local employment and skills system is reflected.**
- 8.13. Provide analysis to inform the development and the implementation of the 'People' element of the Local Industrial Strategy.**

Task & Finish Groups

- 8.14. From time to time it may be necessary to establish a skills task and finish group, and other skills specialists may be invited to join these meetings. Any group would need to be sponsored by an Employment and Skills Board member, who may or may not chair the group, depending on the issues under consideration. Any discussions or**

Chapter 9 – Skills Committee

agreed actions will be reported back to the Employment and Skills Board.

Membership

- 8.15. **There will be a maximum of 20 members including the Chair. The Chair shall be a private sector member of the Cambridgeshire and Peterborough Combined Authority Business Board or a member of the Skills Committee.**
- 8.16. **The Board will comprise of at least 10 business people from across the Cambridgeshire and Peterborough Combined Authority area who between them will represent a variety industry sectors, different sizes of businesses, profit, and social enterprise businesses, The Board shall consist of**
- (a) employers, those with knowledge and experience of skills and education, and Cambridgeshire & Peterborough representatives;**
 - (b) at least three to represent the publicly funded sector of the economy including but not limited to government, NHS, education and training and skills providers;**
 - (c) One position will be retained for the Community and Voluntary sector.**
- 8.17. **When a member is unable to attend a meeting, they may provide a substitute, provided such substitute has delegated authority to represent their organisation. Members are expected to attend at least 70% of meetings.**

Role of Employment & Skills Board Members

- 8.18. **The specific role of a Board Member is to:**
- (a) Use their experience and knowledge to help shape strategy and policy on learning and skills development.**
 - (b) Influence the prioritisation, planning and investment in skills supply and the shape of delivery.**
 - (c) Support the strategic aims of the Cambridgeshire & Peterborough Business Board.**

Chapter 9 – Skills Committee

- (d) Represent a range of people, organisations or views, not just their own or that of their organisation.
- 8.19. The Board will adopt good practise and its members will act within the General Duties and Obligations set out in its terms of reference and adopt the following values:
 - (a) Championing to influence and lead by example
 - (b) Developing enterprising solutions that are creative
 - (c) Partnership working across the private, public and third sector
 - (d) Sharing best practise
 - (e) Being inclusive of each locality and community across Cambridgeshire & Peterborough.
- 8.20. All board members and observers shall be required to comply with the Combined Authority's Code of Conduct and all members and substitute members shall also be required to complete a Declaration of Interest form.

Observers

- 8.21. Specialists may be invited by the Chair to attend specific Board meetings or Agenda items where expertise is required.
- 8.22. Occasional observers may request to attend a meeting through the Chair.

Specialist Forums & Groups

- 8.23. The Cambridgeshire & Peterborough Education and Skills Board has a number of specialist advisory groups that will feed into the decision-making processes. This includes:
 - (a) **Existing Provider Forums**; there are a number of existing forums operating within the Cambridgeshire & Peterborough Combined Authority area, and these can be supported to articulate a voice on skills to the Employment and Skills Board
 - (b) **An Adult Education Budget Skills Group**; a specialist group for Adult Education Budget funding only with the twelve (12)

Chapter 9 – Skills Committee

identified grant funded institutions indigenous or contiguous to the Cambridgeshire & Peterborough Combined Authority area

- (c) A Data Analysis Group; formed to provide an analysis of the local skills and labour markets to develop robust Labour Market Intelligence.**

These Forums will be working groups of the Cambridgeshire & Peterborough Education and Skills Board. These forums are advisory and non-decision making.

8.24. The Forum(s) will:

- (a) Provide a voice about the Skills Funding system**
- (b) Advise the Education and Skills Board on matters of vocational training and employment scheme delivery**
- (c) Advise the Employment and Skills Board on short, medium and long-term strategies associated with skills funding**
- (d) Identify freedoms, flexibilities, and improvements that could be made to government and local funded training provision so that the Employment and Skills Board can promote changes that will improve local provision.**

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Chapter 10 - Housing and Communities Committee

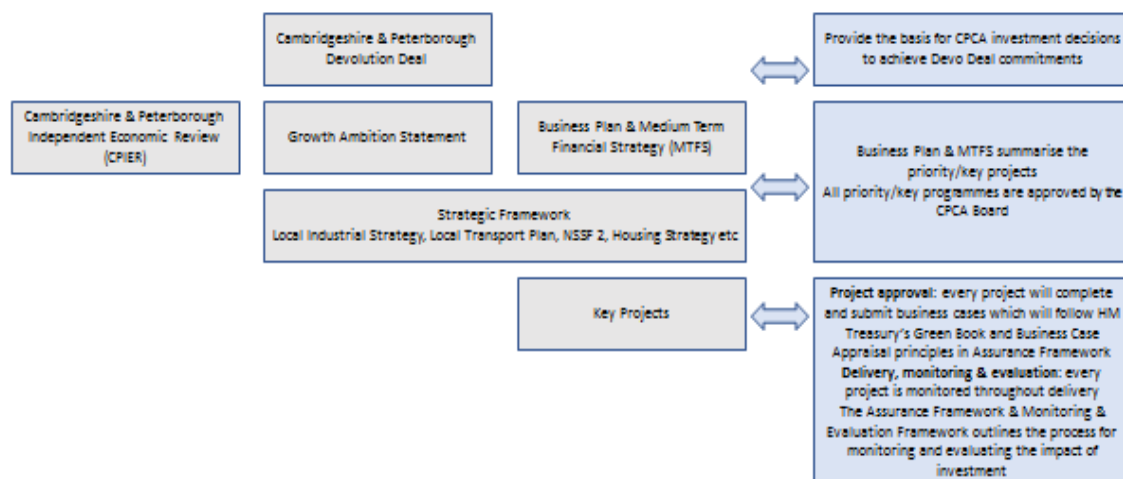
1. Governance

The Combined Authority has appointed a Housing and Communities Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

2. Introduction

- 2.1. The Housing and Communities Committee operates within the terms agreed by the Combined Authority Board.**
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priority projects and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and the Housing Strategy). These are known as 'reserved matters' or “the budget and policy framework”.**
- 2.3. The Committee has responsibility for agreeing housing and community policies and projects within the budget and policy framework set by the Combined Authority Board.**
- 2.4. The Committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.**
- 2.5. The Committee can initiate proposals for the Combined Authority Board to consider.**
- 2.6. The budget and policy framework is summarised below:**

Chapter 10 – Housing and Communities Committee



3. Terms of Reference

Functions

- 3.1. **The Housing and Communities Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):**
 - (1) **Housing Strategy**
 - (2) **Any other matters reserved to the Combined Authority Board.**
- 3.2. **The committee shall exercise the Combined Authority's functions for the following:**
 - 3.2.1. **Oversee the development and management of the Housing Strategy and any other key strategies reserved to the Combined Authority Board, including consultation and engagement processes, and making recommendations to the Board.**
 - 3.2.2. **Oversee the development of, and approve all policies arising from the Housing Strategy.**
 - 3.2.3. **Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.**
 - 3.2.4. **Ensure effective engagement and consultation is in place and can be evidenced.**

Chapter 10 – Housing and Communities Committee

- 3.2.5. Approve the commissioning of delivery partners where this is required,**
- 3.2.6. Authorise the staged release of budget for housing projects to be funded from:**
 - (a) £100m Affordable Housing Programme, allocated for affordable housing within the Cambridgeshire and Peterborough Combined Authority area to include:**
 - £60m grant funding**
 - £40m revolving funding, allocated to the Housing Company**
 - (b) £70m Affordable Housing Programme allocated to Cambridge City Council.**
- 3.2.7. Act as Accountable Body for the release of the Housing Infrastructure Funding for the Cambridge Northern Fringe East housing project.**
- 3.2.8. Consider the Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Development Company and make recommendations to the Combined Authority Board.**
- 3.2.9. Oversee the development and approve all other housing and community programmes and projects not reserved to the Combined Authority Board including but not limited to those relating to:**
 - (a) Culture and Tourism**
 - (b) Oversee delivery of the Connecting Cambridgeshire Project by Cambridgeshire County Council**
- 3.2.10. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.**

Chapter 10 – Housing and Communities Committee

3.2.11. Matters initiated by the committee can be referred to the Board.

3.2.12. The Combined Authority Board may decide to refer further individual matters to the committee.

4. Strategic and Budget Framework

4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

5. Accountability

5.1. The committee is accountable to the Combined Authority Board.

6. Membership

6.1. The Housing and Communities 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.

6.2. Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.

6.3. The Combined Authority Board shall appoint the committee and 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, the Mayor will not seek to exercise his right of veto for the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.

Chapter 10 – Housing and Communities Committee

- 6.4. Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.**

7. Lead Director

- 7.1. The Lead Director for the Committee is:**

(a) Director Housing

8. Working Groups

- 8.1. The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Members of the Committee and officers.**
- 8.2. The remit and terms of reference for any such subordinate body shall be approved by the committee.**

~~Chapter 8 Transport and Infrastructure Committee~~

~~1. Governance~~

- ~~1.1. The Combined Authority has appointed a Transport and Infrastructure Committee. The committee is an executive committee of the Combined Authority Board.~~

~~2. Introduction~~

- ~~2.1. The Transport and Infrastructure Committee operates within the terms agreed by the Combined Authority Board.~~
- ~~2.2. The Combined Authority Board retains responsibility for agreeing key strategies (Local Transport Plan, Bus Strategy, and other key strategies as it determines). These are known as the 'reserved matters'.~~
- ~~2.3. The Combined Authority Board will determine all matters requiring a budget allocation, which may then be delegated to the committee to deliver.~~
- ~~2.4. The Combined Authority will determine all business cases, which may be delegated to the committee to deliver.~~
- ~~2.5. The Combined Authority Board may request the committee to assist in the development of key strategies to carry out and manage delivery of those key strategies including consultation processes and preparation of draft strategies.~~
- ~~2.6. The Combined Authority Board may further decide to refer any individual matters to the committee within its remit.~~
- ~~2.7. The Committee will have a key role in monitoring and evaluating the delivery of programmes and projects for the purposes of the Monitoring and Evaluation Framework.~~
- ~~2.8. The Committee can initiate proposals for the Combined Authority Board to consider.~~

~~3. Terms of Reference~~

~~Functions~~

Chapter 8—Transport and Infrastructure Committee

- 3.1. ~~The Transport Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):~~
 - ~~(9) The Local Transport Plan.~~
 - ~~(10) Bus Strategy.~~
 - ~~(11) The transport revenue budget, including any transport levy.~~
 - ~~(12) The annual programme of strategic transport projects and the associated capital investment budget.~~
 - ~~(13) Borrowing powers exercised as the Local Transport Authority.~~
 - ~~(14) Creation of the key route network.~~
- 3.2. The Transport Committee shall exercise the Combined Authority's functions for the following:
- 3.3. ~~Assisting in policy development, particularly in the development of the Local Transport Plan and Bus Strategy;~~
- 3.4. ~~Monitoring the delivery of those programmes and projects to enable delivery of the strategic transport network as approved by the Board;~~
- 3.5. ~~Monitoring the annual programme of transport and infrastructure projects agreed by the Board;~~
- 3.6. ~~Within the delegation of functions and budget approved by the Board to approve the commissioning of delivery partners, and authorising budget release for transport and infrastructure and delivery projects;~~
- 3.7. ~~Monitoring the revenue and capital transport budget for the purpose of assisting decisions by Board;~~
- 3.8. ~~Overseeing the development of the annual transport levy;~~
- 3.9. ~~Monitoring the delegation of passenger transport functions to delivery partners;~~
- 3.10. ~~Monitoring the delivery of projects by delivery partners;~~
- 3.11. ~~Monitoring agreements with the Minister or strategic highways companies for the exercise of functions relating to the strategic network;~~
- 3.12. ~~Overseeing the development and implementation of policies and programmes relating to:~~
 - ~~(a) Clean Air~~

~~Chapter 8 – Transport and Infrastructure Committee~~

- ~~(b) Energy and Clean Growth~~
- ~~(c) Renewable energy~~
- ~~(d) Security of energy supply~~

~~3.13. Overseeing strategic relationships with utility providers;~~

~~3.14. Matters initiated by the committee can be referred to the Board.~~

~~4. Strategic and Budget Framework~~

~~4.1. The Committee should ensure schemes contribute and meet the targets in the 2030 Ambitions, the four year plan and specific strategies. The committee must act within existing budgets and strategic frameworks. Any decisions must be within the parameters agreed by the board.~~

~~5. Accountability~~

~~5.1. The Committee is accountable to the Combined Authority Board.~~

~~6. Membership~~

~~6.1. The Transport Committee shall comprise five members to include:~~

- ~~(a) The Chair~~
- ~~(b) Board Member for Cambridgeshire County Council~~
- ~~(c) Board Member for Peterborough City Council~~
- ~~(d) Board Member from Cambridge City Council or South Cambridgeshire District Council~~
- ~~(e) Board Member of the Combined Authority Board (representing the wider county geography)~~

~~6.2. The Combined Authority Board shall appoint the committee and substitute members. Board members may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member. Nominations are subject to approval by the Board.~~

~~6.3. Co-opted Members of the Combined Authority Board should receive an open invite to all three executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting.~~

~~Chapter 8—Transport and Infrastructure Committee~~

~~7.——Lead Director~~

7.1. The Lead Director for the Committee is:

(b)——Transport Director

~~Chapter 9 – Skills Committee~~

~~1. Governance~~

- 1.2. ~~The Combined Authority has appointed a Skills Committee. The committee is an executive committee of the Combined Authority Board.~~

~~2. Introduction~~

- 2.1. ~~The Skills Committee operates within the terms agreed by the Combined Authority Board.~~
- 2.2. ~~The Combined Authority Board retains responsibility for agreeing key strategies (Skills Strategy, and other key strategies as it determines). These are known as the 'reserved matters'.~~
- 2.3. ~~The Combined Authority Board will determine all matters requiring a budget allocation, which may then be delegated to the committee to deliver.~~
- 2.4. ~~The Combined Authority will determine all business cases, which may be delegated to the committee to deliver.~~
- 2.5. ~~The Combined Authority Board may request the committee to assist in the development of key strategies to carry out and manage delivery of those key strategies including consultation processes and preparation of draft strategies.~~
- 2.6. ~~The Combined Authority Board may further decide to refer any individual matters to the committee within its remit.~~
- 2.7. ~~The Committee will have a key role in monitoring and evaluating the delivery of programmes and projects for the purposes of the Monitoring and Evaluation Framework.~~
- 2.8. ~~The Committee can initiate proposals for the Combined Authority Board to approve.~~

~~3. Terms of Reference~~

~~Functions~~

- 3.1. ~~The Skills Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):~~

Chapter 9 — Skills Committee

- ~~(5) — Skills Strategy~~
- ~~(6) — The skills budget, innovation fund and the Adult Education Fund~~
- 3.2. The Skills Committee shall exercise the Combined Authority's functions for the following:
- 3.3. Assisting in policy development, particularly in the development of the Industrial Strategy and the Skills Strategy;
- 3.4. Approving actions within business cases approved by the Board and the release of funds for the University of Peterborough project within the agreed budget;
- 3.5. Approving the commissioning of delivery partners, and authorising budget release for strategic skills projects;
- 3.6. Monitoring the skills budget;
- 3.7. Approving and overseeing the delivery of the Skills Strategy Framework and Action Plan;
- 3.8. Approving the process to deliver the adult education functions and the devolution of the Adult Education Budget;
- 3.9. Assisting the development of employer-focused schemes, approving projects and overseeing delivery;
- 3.10. Approving projects to be funded from the Innovation fund and the Health and Care Sector Work Academy;
- 3.11. Monitoring the 16 plus Area Review outcomes;
- 3.12. Monitoring the delivery of projects by delivery partners;
- 3.13. Monitoring the delivery of the Apprenticeships and Pathways to Employment Scheme;
- 3.14. Monitoring the establishment of the coordinated Employer-focused Skills System;
- 3.15. Overseeing consultation with key stakeholders;

Chapter 9 — Skills Committee

- 3.16. ~~Coordination with the Department for Education on the Opportunity Area programme;~~
- 3.17. ~~Overseeing delivery of Centre for Skills (in conjunction with the Business Board)~~
- 3.18. ~~Overseeing coordination with Department of Work and Pensions and the Work and Health Programme;~~
- 3.19. ~~Matters initiated by the committee can be referred to the Board~~

4. — Strategic and Budget Framework

- 4.1. ~~The Committee should ensure schemes contribute and meet the targets in the 2030 Ambitions, the four year plan and specific strategies. The committee must act within existing budgets and strategic frameworks. Any decisions must be within the parameters agreed by the board.~~

5. — Accountability

- 5.1. ~~The Committee is accountable to the Combined Authority Board.~~

6. — Membership

- 6.1. ~~The Skills Committee shall comprise four members:~~
 - ~~(a) Chair~~
 - ~~(b) Two Board members~~
 - ~~(c) Board Member from Cambridge City Council or South Cambridgeshire District Council~~
- 6.2. ~~The Combined Authority Board shall appoint the committee and substitute members. Board members may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member. Nominations are subject to approval by the Board.~~
- 6.3. ~~Co-opted Members of the Combined Authority Board should receive an open invite to all three executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting.~~

7. — Lead Director

Chapter 9 — Skills Committee

7.1. ~~The Lead Director for the Committee is:~~

~~(b) Director of Business and Skills~~

~~(c) Assistant Director, Skills~~

~~Chapter 10 – Housing and Communities Committee~~

~~1. Governance~~

- ~~1.1. The Combined Authority has appointed a Housing and Communities Committee. The committee is an executive committee of the Combined Authority Board.~~

~~2. Introduction~~

- ~~2.1. The Housing and Communities Committee operates within the terms agreed by the Combined Authority Board.~~
- ~~2.2. The Combined Authority Board retains responsibility for agreeing key strategies (Housing Strategy, Housing Investment fund, programme of housing projects etc). These are known as the 'reserved matters'.~~
- ~~2.3. The Combined Authority Board will determine all matters requiring a budget allocation, which may then be delegated to the committee to deliver.~~
- ~~2.4. The Combined Authority will determine all business cases, which may be delegated to the committee to deliver.~~
- ~~2.5. The Combined Authority Board may request the committee to assist in the development of key strategies to carry out and manage delivery of those key strategies including consultation processes and preparation of draft strategies.~~
- ~~2.6. The Combined Authority Board may further decide to refer any individual matters to the committee within its remit.~~
- ~~2.7. The Committee will have a key role in monitoring and evaluating the delivery of programmes and projects for the purposes of the Monitoring and Evaluation Framework.~~
- ~~2.8. The Committee can initiate proposals for the Combined Authority Board to consider.~~

Chapter 10—Housing and Communities Committee

3. Terms of Reference

Functions

- 3.1. ~~The Housing and Communities Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):~~
 - ~~(3) Housing Strategy~~
 - ~~(4) The Housing Investment Fund~~
 - ~~(5) The programme of housing projects~~
- 3.2. ~~The Housing and Communities Committee shall exercise the Combined Authority's functions for the following:~~
- 3.3. ~~Assisting in policy development, particularly in the development of the Housing Strategy and overseeing its implementation.~~
- 3.4. ~~Approving housing projects within the Housing Investment Fund (as allocated by the Board) and within approved budget.~~
- 3.5. ~~Monitoring the commissioning of delivery partners and agreeing the staged release of budget for housing projects as approved by the Board.~~
- 3.6. ~~Monitoring the Housing Investment Fund for reporting to Board.~~
- 3.7. ~~Monitoring the delivery of projects by delivery partners for reporting to Board.~~
- 3.8. ~~Overseeing the development of proposals for strategic investment in housing, such as Land Value Capture and the Community Land Trust Programme.~~
- 3.9. ~~Overseeing the development of strategies for:~~
 - ~~(a) Culture and Tourism,~~
 - ~~(b) Open Space and Amenities~~
 - ~~(c) Consultation~~
 - ~~(d) Engagement with social action and the voluntary, community and social enterprise sector~~
- 3.10. ~~Overseeing the delivery of the Connecting Cambridgeshire Project by Cambridgeshire County Council.~~
- 3.11. ~~Overseeing Wellbeing and Public Health issues across all Portfolios.~~

Chapter 10—Housing and Communities Committee

3.12. ~~Matters initiated by the committee can be referred to the Board.~~

4. Strategic and Budget Framework

4.1. ~~The Committee should ensure schemes contribute and meet the targets in the 2030 Ambitions, the four year plan and specific strategies. The committee must act within existing budgets and strategic frameworks. Any decisions must be within the parameters agreed by the board.~~

5. Accountability

5.1. ~~The Committee is accountable to the Combined Authority Board.~~

6. Membership

6.1. ~~The Committee shall comprise four members:~~

- ~~(c) Chair~~
- ~~(d) Two Board member~~
- ~~(e) Board Member from Cambridge City Council or South Cambridgeshire District Council~~

6.2. ~~The Combined Authority Board shall appoint the committee and substitute members. Board members may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member. Nominations are subject to approval by the Board.~~

6.3. ~~Co-opted Members of the Combined Authority Board should receive an open invite to all three executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting.~~

7. Lead Director

7.1. ~~The Lead Director for the Committee is:~~

- ~~(b) Housing Director~~

Chapter 11 - Procedure rules of Executive Committee meetings

1. Access to meetings

- 1.1. 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](#)

2. Membership

- 2.1. The membership of committees is set out in its terms of reference.
- 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 committee, then, subject to certain exceptions, they cease to be a member of the committee.
- 2.3. A person will cease to be a member or a substitute member of an Executive Committee if they cease to be a Member of the Constituent Council that nominated or appointed them. The Combined Authority Board Member shall appoint or nominate a replacement as soon as possible.
- 2.4. A member or substitute member may resign by giving written notice to the Monitoring Officer, and the resignation takes effect on the receipt of the notice.
- 2.5. The relevant Combined Authority Board Member shall at any time be entitled to terminate the appointment of a member or substitute member nominated by them and replace that member or substitute Member, ~~subject to the approval of the nomination by the Combined Authority Board.~~
- 2.6. The Combined Authority Board Member must give written notice of the new nomination and the termination of the previous nomination to the Monitoring Officer. The termination will take effect immediately.
- 2.7. **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 Combined Authority Board Monitoring Officer and shall be reported to the following of the Board for ratification.**

Chapter 11 – Procedure rules of Executive Committee meetings

3. Quorum

- 3.1. No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

4. Chair and Vice-Chair

- 4.1. The Combined Authority Board shall appoint the Chair on the recommendation of the Mayor and he/she shall be the **lead** member for the functions of the committee. **The Chair shall be selected from one of the seven constituent council representatives on the committee or the Mayor.** No vice-chair shall be appointed. The committee shall appoint a chair for the meeting when the chair is absent.
- 4.2. **Lead members** have a strategic role in leading the development of future policy and budget allocations for approval at the Board or the committee. They work directly with officers to give guidance in the development of future policy. A chair shall fulfil this same role and has an additional responsibility of chairing a committee to operate within the agreed delegations for matters approved by the Board.

5. General Voting

- 5.1. **Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:**
- (a) **the Mayor (or deputy Mayor acting in his/her place) where the Mayor has accepted an appointment on the committee; and**
 - (b) **a Constituent Council Member (or his/her nominee) or a Substitute Member acting in that Member’s place.**
- 5.2. **Except decisions to which special voting arrangements apply, all decisions of the committee 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.**
- 5.3. **If a vote is tied it is deemed not to have been carried.**
- 5.4. **If there is a deadlock, the matter shall be referred up to the next meeting of the Combined Authority Board.**

Chapter 11 – Procedure rules of Executive Committee meetings

- 5.5. **The proceedings of the committee 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.**
- 5.6. **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, or
(c) the Mayor has decided not to take place on a committee
the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.
- 5.7. ~~Any questions that are to be decided by the committee are to be decided by a simple majority of the Members present and voting unless special voting rules apply. If a vote is tied on any matter it is deemed not to have been carried.~~

Special Voting

- 5.8. Special voting arrangements are set out, Chapter 5 paragraph 16 of the constitution.
- 5.9. **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.

Recorded Votes

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

6. Reference up to the Combined Authority Board

- 6.1. **Where a majority of members consider appropriate, a matter on the agenda may be referred for decision by the Combined Authority Board. The report together with the committee's recommendations will be**

Chapter 11 – Procedure rules of Executive Committee meetings

placed on the agenda of the next meeting of the Combined Authority Board for decision.

7. Minutes and Call-in of Committee Decisions

- 7.1. The Monitoring Officer shall publish details of decisions of the committee on the Combined Authority website and to all Members of the Committee, the Board Members and the Overview and Scrutiny Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 7.2. Three Members of the Board may call-in a decision of the committee by notifying the Monitoring Officer. **The power to call in an executive decision should only be used in exceptional circumstances.** The decision will not be implemented and will be referred to the Combined Authority Board for review and decision.
- 7.3. On receipt of a call-in request, the Monitoring Officer shall:
 - (a) notify the Mayor, Members of the Combined Authority Board, Members of the Committee and Members of the Overview and Scrutiny Committee, of the call-in; and
 - (b) either call a meeting of the Board or refer the matter to the next scheduled Board meeting.
- 7.4. If a key decision is suspended, it is not available to be called in by the Overview and Scrutiny Committee until the Board has met and reviewed the committee's decision and either confirmed, amended or rescinded the decision.
- 7.5. The Overview and Scrutiny Committee shall have five days after publication of the committee's decisions to call in a key decision, in accordance with the Overview and Scrutiny Committee's call in arrangements set out in [Chapter 13 - Overview and Scrutiny Committee](#)~~(insert link)~~.

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Chapter 12 - Employment Committee

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. To appoint and dismiss Chief & Deputy Chief Officers as defined in the Officer Employment Procedure Rules and determine terms and conditions of employment.
- 2.2. To make recommendations to Combined Authority on the appointment and dismissal of the Monitoring Officer, S73 Officer and the Chief Executive
- 2.3. To determine employment procedures, including dismissal procedures.
- 2.4. To determine local terms and conditions of employment for employees.
- 2.5. 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 first and second tier posts;
- 2.6. To promote and pursue a policy of equal opportunities in employment.
- 2.7. To determine pension policies.
- 2.8. To set up sub-committees.

3. Membership

- 3.1. The Employment Committee shall consist of six members to include:
- (a) The Mayor as Chair
 - (b) The Statutory Deputy Mayor as Vice-Chair
 - (c) The Constitutional Deputy Mayor
 - (d) Board member for Cambridge City Council **or South Cambridgeshire District Council** (to maintain political balance)

Chapter 12 –Employment Committee

(e) Two other Board members taken in rotation which must include the relevant **lead member** when interviewing for a particular Chief Officer post.

3.2. Board members and their substitutes may also substitute for the core membership.

4. Chair and Vice-Chair

4.1. The Combined Authority Board has appointed the Mayor as Chair and the statutory Deputy Mayor as Vice Chair.

5. Quorum

5.1. No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present. (four members)

6. Voting

6.1. Each Member of the Committee is to have one vote and no Member (including the Chair) is to have a casting vote.

6.2. Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

Chapter 13 - Overview and Scrutiny Committee

Part 1 – Functions

1. Governance

- 1.1. The Combined Authority Board has appointed an Overview and Scrutiny Committee. The committee is a statutory, non-executive committee.

2. Functions

- 2.1. The Committee shall have the power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with:
 - (i) the discharge of any functions which are the responsibility of the Combined Authority;
 - (ii) the discharge by the Mayor of any general functions;
 - (iii) any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- (b) make reports or recommendations to the Combined Authority Board:
 - (i) with respect to the discharge of any functions that are the responsibility of the authority;
 - (ii) on matters that affect the authority's area or the inhabitants of the area;
- (c) make reports or recommendations to the Mayor:
 - (i) with respect to the discharge of any general functions;
 - (ii) on matters that affect the authority's area or the inhabitants of the area.

Chapter 13 – Overview and Scrutiny Committee

- 2.2. The power of the Committee under paragraph 2.1(a) includes the power to review or scrutinise a key decision made but not implemented and to:
- (a) direct that a decision is not to be implemented while it is under review by the Committee, and
 - (b) recommend that the decision be reconsidered.
- 2.3. In the exercise of its functions set out in the Constitution, the power of the Committee shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.

3. Membership

- 3.1. The Combined Authority must appoint at least one Member from each of the Constituent Councils to the Committee. The membership of the Committee taken as a whole shall reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils collectively.
- 3.2. The Combined Authority may appoint at least one Substitute Member from each Constituent Council. The Substitute Members shall be from the same political party as the Member being substituted to maintain the political balance.
- 3.3. A change in the party political composition of any of the Constituent Councils, shall require a review of the membership of the Committee in order to determine whether any amendment to its membership is required. If the review requires a change in membership, Constituent Councils will be advised of any changes they will need to make to their appointments at the earliest opportunity.
- 3.4. The Overview and Scrutiny Committee may not include any Member or Substitute Member of the Combined Authority including the Mayor nor any Officer of the Combined Authority or of any of the Constituent Councils.
- 3.5. Within the period of 28 days of the appointment being made to the Committee, the Combined Authority shall publish a notice on its website which:
- (a) states that it has made an appointment;
 - (b) identifies each Member of the Committee who has been appointed and any Substitute Members; and

Chapter 13 – Overview and Scrutiny Committee

- (c) specifies the term of office of those appointed.
- 3.6. The term of office shall be one year from the date of the Annual Meeting of the Constituent Councils that appointed them to the Committee unless:
- (a) they cease to be an elected Member of the Constituent Councils that appointed them;
 - (b) they no longer wish to participate in the scrutiny arrangements and communicate this in writing to the Proper Officer of their Constituent Councils; or
 - (c) the Combined Authority is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Committee.
- 3.7. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

4. Chair and Vice-Chair

- 4.1. The Committee shall appoint the Chair and Vice-Chair of the Committee and the Chair and Vice-Chair will be elected Members of one of the Constituent Councils.
- 4.2. The Committee must ensure that the person appointed as the Chair is an “appropriate person” who is an elected Member of one of the Constituent Councils but is not a Member of the registered political party of which the Mayor is a member.
- 4.3. Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is:
- (a) a member of the registered political party which has the most representatives among the Members of the Constituent Councils on the Combined Authority, or
 - (b) where two or more parties have the same number of representatives, a Member of any of those parties.

Chapter 13 – Overview and Scrutiny Committee

5. Working Groups

- 5.1. The Committee may appoint informal non-decision making working groups to contribute to and inform the scrutiny process.

Part 2 – Procedure Rules

1. Access to meetings

- 1.1. The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency rules in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)~~Chapter 6 - Transparency Rules, Forward Plan and Key Decisions.~~

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2. Meetings

- 2.1. The Committee shall meet at least once a year.
- 2.2. An extraordinary meeting of the Committee may be called by:
- (a) the Chair of the Committee; or
 - (b) any five Members of the Committee;
 - (c) the Chief Executive.

3. Quorum

- 3.1. No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

4. Voting

- 4.1. Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 4.2. Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

5. Conflicts of Interest

Chapter 13 – Overview and Scrutiny Committee

- 5.1. Members must comply with the Member Code of Conduct within this Constitution.
- 5.2. No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision making body which made that decision.
- 5.3. Such a Member may only attend the Committee to:
 - (a) make representations;
 - (b) answer questions; or
 - (c) give evidence about the decision.

6. Work Programme

- 6.1. The Committee will set its own work programme.

7. Requests to Overview and Scrutiny

- 7.1. The Mayor or Combined Authority Board may ask the Committee to review any of its functions or assist in developing budget and policy proposals.

8. Reference of Matters to Committees

- 8.1. Any of the following may request a matter to be included on the agenda of the Overview and Scrutiny Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:
 - (a) any Member of the Overview and Scrutiny Committee;
 - (b) any Member of the Combined Authority; and
 - (c) any Member of a Constituent Council of the Combined Authority.
- 8.2. An “excluded matter” means any matter which is a local crime and disorder matter.
- 8.3. The request must be submitted to the Monitoring Officer who will arrange for the item to be placed on the agenda of the next available meeting. The request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must have regard to these reasons.

Chapter 13 – Overview and Scrutiny Committee

- 8.4. If the Committee decides not to exercise any of its powers to review or scrutinise decisions made, or other action taken, in connection with:
- (a) the discharge of any functions which are the responsibility of the authority;
 - (b) in connection with the discharge by the Mayor of any general functions;
- it must notify the Member of its decision; and the reasons for it.
- 8.5. The Committee must provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

9. Attendees

- 9.1. The Committee shall have the power to:
- (a) require Members (including the Mayor and Deputy Mayor), members of an executive committee or Officers of the Combined Authority to attend before it to answer questions, or provide information about any matter within its terms of reference;
 - (b) request any Business Board member to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee;
 - (c) invite other people, including members of the public, to attend meetings of the Committee to give evidence.
- 9.2. Where the Committee requires a Member, Officer or others to attend, the Monitoring Officer shall inform them in writing giving at least five clear working days' notice of the meeting. The notice will state:
- (a) the date of the meeting they are required to attend;
 - (b) the nature of the item; and
 - (c) whether they must produce any papers for the Committee.
- 9.3. A Member or Officer must comply with any notice they are given.
- 9.4. Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Committee shall consult with the Member or Officer to arrange an alternative date.

Chapter 13 – Overview and Scrutiny Committee

- 9.5. A person is not obliged to answer any question which he or she would be entitled to refuse to answer in relation to court proceedings.

10. Publishing Reports or Recommendations

- 10.1. The Committee may publish any report or recommendations but
- (a) must exclude any confidential information; and
 - (b) may exclude any relevant exempt information.
- 10.2. Where information is excluded, the Committee:
- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
 - (b) must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

11. Notice

- 11.1. The Committee may by notice require the Combined Authority or the Mayor within two months of receiving any report or recommendations, to:
- (a) consider the report or recommendations;
 - (b) respond to the Committee indicating what (if any) action the Combined Authority or the Mayor proposes to take;
 - (c) publish the response, if the Overview and Scrutiny Committee has published the report or recommendations.
- 11.2. The Combined Authority or the Mayor shall comply with any notice given.

12. Publishing a Response

- 12.1. In publishing the response, the Combined Authority or the Mayor:
- (a) must exclude any confidential information; and
 - (b) may exclude any relevant exempt information.
- 12.2. Where information is excluded, the Combined Authority or the Mayor:

Chapter 13 – Overview and Scrutiny Committee

- (a) may replace so much of the document as is necessary to exclude the exempt or confidential information with a summary which does not disclose that information; and
- (b) if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

13. Call-in of Combined Authority and Mayoral Decisions

- 13.1. The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:
- (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued; and
 - (b) the power to recommend that the decision be reconsidered.
- 13.2. Subject to the consent of the Combined Authority to the proposals and arrangements, the Committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of key decisions made but not yet implemented and its arrangements in connection with those powers.

Publication of Decisions

- 13.3. The Monitoring Officer shall publish details of key decisions of the Mayor, the Combined Authority Board, an executive committee and Officers on the Combined Authority website and to all Members of the Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 13.4. A decision on a matter dealt with under the urgency provisions set out in the Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#) may be implemented immediately.
- 13.5. Any other key decision of the Mayor, Combined Authority Board, executive committees or an Officer may be implemented after 5.00pm of the fifth clear working day after the publication of the decision, unless it is called-in.

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Chapter 13 – Overview and Scrutiny Committee

- 13.6. If a key decision of an executive committee is called in by the Combined Authority Board, the call in arrangements for overview and scrutiny shall be suspended until the Board have met. In accordance with these rules the Board's decision will be published and any key decisions will be subject to call-in.

Process

- 13.7. Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, an executive committee or an Officer for scrutiny by notifying the Monitoring Officer.
- 13.8. On receipt of a call-in request, the Monitoring Officer shall:
- (a) notify the Mayor, Members of the Combined Authority, members of the executive committee or Officer of the call-in; and
 - (b) call a meeting of the Overview and Scrutiny Committee to scrutinise the decision.

Scrutinising the Decision

- 13.9. The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.
- 13.10. Where the Committee has scrutinised a decision, it may:
- (a) endorse the decision; or
 - (b) refer the decision back to the Mayor, Combined Authority Board, the executive committee or the Officer for reconsideration, setting out, in writing the nature of its concerns.
- 13.11. A decision which has been endorsed by the Committee may be implemented immediately.
- 13.12. Where a decision has been referred back, the Mayor, the Combined Authority Board, the executive committee or Officer shall hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Committee were received by the Combined Authority unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent.

Chapter 13 – Overview and Scrutiny Committee

- 13.13. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Combined Authority's, Constituent Councils' or the public's interests. Otherwise, a decision which has been recommended for re-consideration may not be implemented.

Re-considering the Decision

- 13.14. The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 13.15. The Mayor, Combined Authority, the executive committee or the Officer may confirm, amend or rescind the decision.
- 13.16. A decision which has been confirmed or amended may be implemented immediately.

14. Linking Sub-regional Scrutiny with Local Scrutiny

- 14.1. Where a constituent council has scrutiny arrangements, The Scrutiny Officer of each Constituent Council will ensure that the work programme and minutes relating to the work carried out by the Combined Authority's Overview and Scrutiny Committee are circulated appropriately within their own Constituent Councils' scrutiny arrangements.

15. Additional Rights of Access to Documents for Members of Overview and Scrutiny

- 15.1. Additional rights of access to documents for Members of the Overview and Scrutiny Committee are set out in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

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16. Scrutiny Officer

- 16.1. The Combined Authority shall appoint a "Scrutiny Officer" to
- (a) promoting the role of the Committee; and
 - (b) providing support and guidance:
 - (i) to the Committee, its Working Groups and its Members, and

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- (ii) to Members of the Combined Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.

- 16.2. The Combined Authority may not designate as the Scrutiny Officer any Officer of a constituent council of the Combined Authority.

17. Questions by the Public

- 17.1. Councillors of Constituent Authorities and members of the public who are residents of the Combined Authority area or work in the area may ask questions to the Overview and Scrutiny Committee, including at an Extraordinary Meeting. For Extraordinary Meetings, the question must relate to the item on the agenda.
- 17.2. The total time allocated for questions by the public shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.
- 17.3. 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.

Order of Questions

- 17.4. The order in which first these and then other questions shall be presented to the meeting shall be determined by a draw. The draw shall be conducted by the Monitoring Officer prior to the meeting.

Notice of Questions

- 17.5. A question may only be asked if notice has been given 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 of the questioner.

Number of Questions

- 17.6. At any one meeting, no person may submit more than one question.

Scope of Questions

- 17.7. If the Monitoring Officer considers a question submitted:

Chapter 13 – Overview and Scrutiny Committee

- (a) does not relate to the Committee's role and responsibilities or related to an item that the committee is scrutinising.
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Constituent Authority staff;
- (c) is a question that should more appropriately be addressed to another party such as the Combined Authority Board or the Mayor
- (d) is substantially the same as a question which has been put at a meeting of the Overview and Scrutiny Committee in the past year
- (e) requires the disclosure of confidential or exempt information

The Monitoring Officer will inform the Chair who will then decide whether to reject the question, or if (c) applies, to refer it to the Board.

Record of Questions

- 17.8. The Monitoring Officer shall record the question and will immediately send a copy to the Chair and relevant shadow **lead member**. Rejected questions will be recorded including the reasons for rejection.
- 17.9. 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

- 17.10. The Chair will invite the questioner to put the question to the Committee. 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

- 17.11. 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 committee. A supplementary question must arise directly out of the original question or the reply. One minute is allowed for putting the supplementary question.

Answers

Chapter 13 – Overview and Scrutiny Committee

- 17.12. 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.

Annex 1

The current membership of the Overview and Scrutiny Committee is two Members from each constituent Council. (14 Members). The quorum is 10 members.

Chapter 14 - Audit and Governance Committee

Part 1 – Functions

1. Governance

- 1.1 The Combined Authority has appointed an Audit and Governance Committee. The committee is a statutory, non-executive committee.

2. Functions

- 2.1. The Audit and Governance Committee shall have the following statutory powers to:
- (a) review and scrutinise the authority's financial affairs;
 - (b) review and assess the authority's risk management, internal control and corporate governance arrangements;
 - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
 - (d) make reports and recommendations to the Combined Authority in relation to reviews conducted under paragraphs (a) (b) and (c);
 - (e) Implement the obligation to ensure high standards of conduct amongst Members.

3. Terms of Reference

- 3.1. The Audit and Governance Committee shall **undertake the following for both the Combined Authority and the Business Board:**

Accounts

- 3.2. Approve the annual statement of accounts;

Governance

- 3.3. Review corporate governance arrangements against the **Code of Corporate Governance and the good governance framework;**

Chapter 14 – Audit and Governance Committee

- 3.4. Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances;
- 3.5. Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships;
- 3.6. Monitor the Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances;
- 3.7. Monitor the anti-fraud and whistle blowing policies and the complaint process;

Internal Audit

- 3.8. Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners;
- 3.9. Review internal audit requirements undertaken by the Combined Authority;
- 3.10. Approve the internal audit plan;
- 3.11. Consider reports and assurances from the Chief Finance Officer in relation to:
 - (a) Internal Audit performance;
 - (b) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
 - (c) Risk management and assurance mapping arrangement;
 - (d) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

External Audit

- 3.12. Review the annual accounts;

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- 3.13. Consider the annual external audit of the Combined Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns;

Financial Reporting

- 3.14. Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined Authority Board;
- 3.15. Consider any issues arising from External Auditor's audit of the account;
- 3.16. Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice;
- 3.17. Maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary;

Code of Conduct

- 3.18. Ensure the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members;
- 3.19. Assisting the Members and Co-opted Members to observe the Code of Conduct;
- 3.20. Advising the Combined Authority on the adoption or revision of the Code of Conduct and monitor its operation;
- 3.21. Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct;

General

- 3.22. Report and make recommendations to the Combined Authority in relation to the above.

4. Membership

- 4.1. The Combined Authority Board shall decide the size and membership of the Audit and Governance Committee and shall include one Independent Person.

Chapter 14 – Audit and Governance Committee

- 4.2. In appointing Members to the Committee, the Combined Authority Board must ensure that the Members of the Committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils when taken together.
- 4.3. The Committee may not include any Officer of the Combined Authority or of a constituent council.
- 4.4. The Combined Authority Board shall appoint at least one Substitute Member from each constituent council.
- 4.5. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

5. Chair and Vice-Chair

- 5.1. The Combined Authority Board shall appoint the Chair and Vice-Chair.

6. Sub-Committees

- 6.1. The Committee may appoint one or more sub-committees and arrange for the discharge of any of its functions by any such sub-committee.
- 6.2. The Committee shall appoint a hearings panel to hear any complaints where the Member is alleged to have breached the Code of Conduct.

7. Hearing Panel (Sub-Committee to the Audit and Governance Committee)

- 7.1. The Hearings Panel is a Sub-Committee of the Audit and Governance Committee.
- 7.2. The Panel has the following functions:
 - 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;

Chapter 14 – Audit and Governance Committee

- 7.2.2. On matters being referred by the Monitoring Officer deciding whether complaints concerning Members should be investigated;
- 7.2.3. Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure;
- 7.2.4. The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution.

Part 2 – Procedure Rules

1. Access to Meetings

- 1.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency Rules, Forward Plan and Key Decisions in [chapter 6](#).

2. Meetings

- 2.1 The Committee will meet at least once a year.
- 2.2 An extraordinary meeting of an Audit and Governance Committee may be called by:
 - (a) the Chair of the Committee; or
 - (b) the Head of Paid Service.

3. Quorum

- 3.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

4. Voting

- 4.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 4.2 Members of the Committee who are appointed other than from the Constituent Councils shall be non-voting Members of the Committee but may be given voting rights by resolution of the Combined Authority.

Chapter 14 – Audit and Governance Committee

- 4.3 Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

5. Conflicts of Interest

- 5.1 Members must comply with the Member Code of Conduct.
- 5.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision making body which made that decision.
- 5.3 Such a Member may only attend the Committee to:
- (a) make representations;
 - (b) answer questions; or
 - (c) give evidence about the decision.

6. Appointment of Independent Person

- 6.1 The Committee must have at least one independent person. The appointment must be made by the Combined Authority Board.
- 6.2 A person is independent if the person:
- (a) is not a Member, Co-opted Member or Officer of the authority;
 - (b) is not a Member, Co-opted Member or Officer of a parish council for which the authority is the principal authority;
 - (c) is not a relative, or close friend, of a person within sub-paragraph (a) or; and
 - (d) was not at any time during the past five years been:
 - (i) a Member, Co-opted Member or Officer of the authority; or
 - (ii) a Member, Co-opted Member or Officer of a parish council for which the Authority is the principal Authority.

Chapter 14 – Audit and Governance Committee

Term of Office

- 6.3 Each independent person will serve a term of four years, which may be renewed up to a maximum of one further term (i.e. total maximum eight years).

Appointments Process:

- 6.4 The vacancy for the Independent Person must be advertised in such manner as the Combined Authority considers is likely to bring it to the attention of the public. The person must submit to the Combined Authority an application to fill the vacancy, and the person's appointment has been approved by a majority of the Members of the Combined Authority Board.
- 6.5 The position of Independent Person shall be advertised on the Combined Authority's website, along with the website of each constituent authority.

7. Procedures at meetings

- 7.1 The Combined Authority Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#) will apply.

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Chapter 14 – Audit and Governance Committee

Annex 1

The current membership of the Audit and Governance Committee is one member from each constituent council and one independent person. (eight Members). The quorum is six members.

Chapter 15 - Financial Management Procedure Rules

Financial Regulations

Introduction

1. Financial Regulations Background and Purpose

- 1.1 The Combined Authority is a local authority for the purposes of the Local Government Act 1972. The Combined Authority will appoint Officers to undertake the statutory Head of Paid Service (Chief Executive), Chief Finance Officer and Monitoring Officer roles.
- 1.2 These regulations shall be read in conjunction with the Assurance Framework, [functions of the Combined Authority Board](#), [Functions of the Mayor](#), [Contract Procedure Rules](#), [the Budget Framework](#) and the [Scheme of Delegation to Officers](#).
- 1.3 These regulations lay down for the guidance of Members and Officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years. It is not expected that all aspects of these financial regulations will be required from day one, but to be in place to support the Combined Authority over time.
- 1.4 The Chief Finance Officer, as the Officer responsible for the proper administration of the Combined Authority's financial affairs, shall report to the Combined Authority Board any significant failure to comply with these regulations which comes to his/her attention.
- 1.5 The Head of Paid Service and the Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 1.6 For the purposes of complying with these regulations, the Chief Finance Officer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 1.7 Whenever any matter arises which may involve financial irregularity the Chief Finance Officer and the Monitoring Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Chief Finance Officer and after consultation with the Head

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of Paid Service, be referred by them to the Combined Authority Board. Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

- 1.8 The Combined Authority's financial transactions are governed by the Local Government Act 2003 and the Accounts and Audit Regulations 2015 as amended.
- 1.9 Officers and Members of the Board will maintain the confidentiality of the Combined Authority's business and will not reveal confidential information about the Combined Authority or its finances.

2. Chief Finance Officer's Duties:

- 2.1 The Chief Finance Officer's statutory duties are to:
 - (a) provide financial advice to the Combined Authority on all aspects of its activity, including budgets, strategic planning and policymaking to ensure the effective and efficient use of resources;
 - (b) advise on the security of assets;
 - (c) secure the Combined Authority's banking arrangements;
 - (d) provide a treasury management function, including loans and investments, in accordance with the Combined Authority's policy;
 - (e) ensure the Combined Authority follows guidelines contained within relevant manuals, instructions and policies;
 - (f) produce the Annual Statement of Accounts in accordance with the latest statutory requirements and best practice.
- 2.2 The responsibilities of the Chief Finance Officer include:
 - (a) proper administration of financial affairs;
 - (b) ensuring, in consultation with the Monitoring Officer, lawfulness and financial prudence;
 - (c) ensuring a balanced budget;

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- (d) ensuring effective systems of internal control;
 - (e) advising on anti-fraud and anti-corruption strategies;
 - (f) acting as the Combined Authority's Money Laundering Reporting Officer in accordance with good practice;
 - (g) ensuring that statutory and other accounts fairly present the financial position;
 - (h) maintaining a continuous review of the financial framework;
 - (i) establishing suitable accounting policies and ensuring that they are applied consistently in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom;
 - (j) ensuring that budget provision is identified and exists for all existing and new employees.
- 2.3 All Officers must consult and seek approval of the Chief Finance Officer before introducing or amending any records, forms or procedures relating to income and expenditure. The Chief Finance Officer will see that uniform systems are adopted throughout the Combined Authority to ensure that opportunities for fraud and corruption are minimised.
- 2.4 Failure to comply with these regulations may constitute misconduct.

Financial Management

3. General

- 3.1 Where the Combined Authority has delegated delivery to a particular organisation and given budget for its delivery, then budget holders should follow their local organisation's rules for the processing of transactions. The Chief Finance Officer must agree someone to be the budget holder in advance of them becoming responsible for the budget.
- 3.2 Budget holders must still comply with the Combined Authority specific requirements (e.g. under sections 4, 7, and 13 as set out within these regulations). Each Officer of Constituent Councils and the Business Board is

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responsible for ensuring compliance with their local procedures and should seek appropriate advice and guidance from the Chief Finance Officer where necessary.

- 3.3 Each Officer of the Constituent Councils and the Business Board must provide the Chief Finance Officer with necessary information for the purposes of accounting and budgetary control in accordance with issued timescales.
- 3.4 The Chief Finance Officer will be responsible for producing regular financial monitoring reports to the Combined Authority and will submit as soon as possible after the year end, an annual Statement of Accounts which complies with the relevant statutory provisions.
- 3.5 The Chief Finance Officer is responsible for ensuring the production of the Combined Authority's draft Statement of Accounts, before 31 May and will submit the accounts to the Combined Authority's Audit and Governance Committee for approval in line with the current statutory regulations. Final Statement of Accounts must be produced by 31st July.
- 3.6 Each Officer plays a key role in enabling the Statement of Accounts to be produced and is responsible for ensuring that guidance notes and the timetable provided by the Chief Finance Officer is adhered to.
- 3.7 The Accountable Officer in consultation with the lead of each Workstream must approve any expenditure incurred by Constituent Councils or the Business Board in accordance with their scheme of delegation and procedure rules.

4. Control of Projects and Programmes

- 4.1 Project and programme management arrangements are set out within the following documents:
 - (a) Combined Authority's Gateway process covering both revenue and capital programmes. The process sets out the documentation to be produced and the approvals to be sought at each Gateway stage.
 - (b) Assurance Framework for the Single Pot of Investment. An assurance framework is a set of systems, processes and protocols. It is designed to provide an evidence-based and independent assessment of the governance, risk management, and control processes of an organisation. All projects funded through the Single Investment Fund

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will be subject to a prioritisation, appraisal, and monitoring and evaluation procedure.

- (c) Monitoring and Evaluation Plan. This sets out the approach to the commissioning of schemes and the criteria to enable monitoring of projects.

5. Control of Service and Works Contracts

- 5.1 The work to be performed on behalf of the Combined Authority shall be the subject of a specific agreement setting out the respective roles and duties of the Combined Authority and the agent authority.
- 5.2 Payments on account of construction contracts shall be in accordance with the terms of the works agreements with the appropriate body and shall not exceed the expenditure properly calculated to be due.

Financial Planning

6. Budgets

- 6.1 The annual Capital and Revenue budgets for the Combined Authority are prepared within the context of the process and timescales of planning, programming and review as agreed by the Combined Authority.
- 6.2 From 2018/19 onwards, the budget will be set and approved in accordance with the [Chapter 7 - Budget Framework Procedure Rules](#)~~Chapter 7 – Budget Framework Procedure Rules~~.
- 6.3 The Chief Finance Officer will prepare a long term financial plan each year for submission to the Combined Authority Board as part of its Budget approval.
- 6.4 The detailed form of capital and revenue budgets and the business planning process will be determined by the Chief Finance Officer to the Combined Authority subject to any instructions given by the Combined Authority.
- 6.5 Estimates of annual income and expenditure will be prepared by Officers and the Chief Finance Officer in line with the approved business planning process.
- 6.6 The Chief Finance Officer will submit, for Combined Authority approval, a draft Budget of all income and expenditure on Capital and Revenue

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accounts for the financial year beginning in April of each year in line with agreed approval processes and timescales.

- 6.7 Approval of the annual budgets, by the Combined Authority does not give authority to incur revenue and capital expenditure. This authority shall be obtained in accordance with the [Scheme of Delegation](#) and subject to compliance with the Combined Authority's [Contract Procedure Rules](#) and Gateway procedure.

7. Virements

- 7.1 The Chief Finance Officer is responsible for considering reports submitted by Officers in respect of virement proposals for revenue and capital expenditure.
- 7.2 In relation to revenue expenditure under control of Officers, the Chief Finance Officer is authorised to consider reports of Officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 7.3 In conjunction with Officers, the Chief Finance Officer is to report to and seek the prior approval of the Combined Authority Board for any revenue expenditure where it will have an adverse impact on a priority within the approved budget.

8. Reserves

- 8.1 The Chief Finance Officer will ensure that there are clear protocols for the establishment and use of reserves/provisions and, in consultation with Officers, will establish reserves and/or provisions and provide guidance on how to incur expenditure from reserves/provisions.
- 8.2 The Chief Finance Officer shall seek Combined Authority Board approval for the use of reserves in addition to that already planned.

9. Control of Expenditure – Revenue and Capital

- 9.1 A system of budgetary control will be maintained and as part of this control the Chief Finance Officer will submit statements to meetings of the Combined Authority Board showing:

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- (a) the progress of income and expenditure to date against the approved revenue budgets for the year;
 - (b) a forecast arising from the statements in (a) above of any material variation in income or expenditure anticipated for the financial year.
- 9.2 An Officer must not order goods or services, which exceed the amount in their overall approved budget or which have not been approved through the Gateway process or Assurance Framework process for the Single Pot of investment.
- 9.3 If it becomes apparent that the Combined Authority's expenditure cannot be contained within the overall approved budget figure, an appropriate report shall be submitted to the Combined Authority.
- 9.4 Unspent budgets at the year-end will be carried forward or reallocated in accordance with arrangements in the business planning process approved by the Chief Finance Officer.
- 9.5 The Chief Finance Officer will ensure that the Combined Authority adheres to CIPFA's Prudential Code for Capital Finance in Local Authorities. The objective of the code is to provide a framework for capital finance that will ensure that:
 - (a) capital expenditure plans are affordable in the short term;
 - (b) external borrowing and other long-term liabilities are within prudent and sustainable levels for the long-term;
 - (c) treasury management decisions are taken in accordance with professional good practice;
 - (d) In taking its decisions the Combined Authority is accountable through a clear and transparent framework;
 - (e) the framework should support local strategic planning, local asset management planning and option appraisal.
- 9.6 For the purposes of these regulations, capital expenditure is that expenditure which is to be financed from the approved Combined Authority's capital budget. All capital expenditure proposals should be the subject of the

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Combined Authority's Gateway project control process or Assurance Framework process for the Single Pot of Investment.

- 9.7 Incurring of all contractual liability must be in accordance with the approved Scheme of Delegation and individual accountabilities.
- 9.8 **The Scheme of Delegation states:**
- (a) The Chief Finance Officer shall authorise and approve all expenditure incurred within the revenue budget, in accordance with the approved budget limits and Financial Regulations.**
 - (a) (b) The Chief Finance Officer shall authorise and approve all expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.**
~~“The Chief Finance Officer shall authorise and approve all expenditure incurred by the Combined Authority up to the value of £100,000.~~
 - ~~(b) The Head of Paid Service and the Chief Finance Officer shall both authorise and approve all expenditure incurred by the Combined Authority over £100,000.~~
 - ~~(c) In both the above cases, approval is provided the expenditure is included within the agreed revenue or capital budget and the Combined Authority has approved commencement of the scheme.~~

Risk Management and Control of Resources

10. Risk

- 10.1 Within the context of corporate risk arrangements, each Officer should undertake risk assessments for their areas of responsibility and any proposals for major change. Adequate controls, procedures and resources should be in place to manage and mitigate identified key risks.

11. Insurance

- 11.1 The Chief Finance Officer is authorised to effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.

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- 11.2 Each Officer is however responsible for minimising the risk for insurance claims and putting in place risk management processes for their areas of responsibility.
- 11.3 Any Officer having responsibility for establishments or activities must:
- (a) promptly and where possible in advance notify the Chief Finance Officer in writing of the extent and nature of any new risks or increased risks to be insured;
 - (b) immediately notify the Chief Finance Officer in writing of any loss, liability or damage which is or may be covered by insurance;
 - (c) obtain the approval of the Chief Finance Officer regarding the terms of any indemnity, which the Combined Authority is requested to give;
 - (d) immediately inform the Chief Finance Officer of any occurrence which may lead to a claim against the Combined Authority.
- 11.4 All claims against the Combined Authority and all claims by the Combined Authority against other persons shall be approved within the delegated levels of expenditure.

12. Internal Control Framework

- 12.1 The Chief Finance Officer is responsible for maintaining adequate and effective internal control arrangements. This includes a continuous appraisal of all accounting, financial and other controls throughout the Combined Authority, and by the Combined Authority's Agents in accordance with the relevant agency agreement. The objectives of the framework are to:
- (a) review, appraise and report upon the soundness, adequacy and application of financial and related management controls;
 - (b) examine and report upon the extent to which the Combined Authority's assets and financial interests are accounted for and safeguarded from losses of all kinds arising from;
 - (i) fraud, corruption and other offences;
 - (ii) waste, extravagance, poor value for money or any other cause;
 - (c) contribute to the monitoring of the use of resources in the pursuit of the defined objectives of the Combined Authority;

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- (d) receive and act upon information concerning allegations or suspicions of fraud and corruption as detailed in the Combined Authority's approved Fraud and Corruption Response Plan.

13. Internal Audit

- 13.1 The Chief Finance Officer shall arrange internal audit and reviews of financial records and operations in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance. Those responsible for Internal Audit, on producing appropriate identification shall have authority to:
 - (a) enter at all reasonable times on any land, premises or other assets of the Combined Authority;
 - (b) obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;
 - (c) require and receive such explanations as are necessary concerning any matters under examination;
 - (d) require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control;
 - (e) report direct to the Head of Paid Service if considered appropriate so to do.
- 13.2 The Audit and Governance Committee will review the internal audit requirements of the Combined Authority, approve the internal audit plan and consider reports and assurances from the Chief Finance Officer in relation to internal audit.

14. External Audit

- 14.1 The key responsibilities of the Chief Finance Officer with regard to external audit are to:
 - (a) ensure the appointment of external auditors in accordance with statutory requirements and Board decisions;
 - (b) maintain accounting records and prepare Statements of Account;

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- (c) liaise and work with the External Auditor on a regular basis;
- (d) receive and deal with all queries relating to the work of External Audit;
- (e) inform the External Auditor of all fraudulent cases that have been referred to the police.

15. Assurance Responsibilities

15.1 Each Officer has responsibility to ensure:

- (a) reviews that have taken place to evaluate, correct and report on controls and systems in place;
- (b) compliance with the Combined Authority's Standing Orders, [Financial Regulations](#), [Contract Procedure Rules](#) and risk management requirements.

16. Fraud and Corruption

- 16.1 The responsibility for the prevention and detection of fraud rests with all employees. An Officer shall immediately inform the appropriate Officers of any circumstances which may suggest that there has been irregularity affecting cash, or other Combined Authority property and also of any payment or reward which has been accepted from any outside person or firm in respect of the work which such other person performs, as well as any impropriety or significant error in accounting or financial records or in relation to any contract for goods or services entered into by the Combined Authority.
- 16.2 Information received will be treated confidentially, and Officers should be assured that anonymity will be respected and it will not affect their employment situation or future prospects with the Combined Authority.
- 16.3 Any allegations received from outside the organisation, including anonymous letters or telephone calls will be taken seriously and investigated.
- 16.4 All cases of theft or suspected theft of Combined Authority property (no matter where the property was kept) must be promptly reported to the Audit Manager.
- 16.5 The Chief Finance Officer or Internal auditor shall be responsible for ensuring that the Combined Authority and the External Auditors are advised of any material loss or financial irregularity.

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- 16.6 Internal Audit shall report to the Head of Paid Service, Monitoring Officer and the Chief Finance Officer.

17. Treasury Management

- 17.1 The Combined Authority has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities. All investments of money will be made in the name of the Cambridgeshire and Peterborough Combined Authority.
- 17.2 The Treasury Management Strategy, prepared in accordance with the above code, will be adopted by the Combined Authority and thereafter its implementation and monitoring shall be delegated to the Chief Finance Officer.
- 17.3 The Chief Finance Officer will undertake any necessary borrowings in accordance with the Treasury Management Strategy.
- 17.4 All transfers from the Combined Authority's bank account shall be undertaken by authorised Officers nominated by the Chief Finance Officer according to Treasury Management procedures and authorisations.
- 17.5 The Chief Finance Officer will as a minimum report to the Combined Authority:
- (a) before the start of the financial year - a report on the strategy for the forthcoming year;
 - (b) by the end of June - an outturn report on Treasury Management activity;
 - (c) by the end December of each year a half year monitoring report on Treasury Management activities;
 - (d) by the end of December a monitoring report on external investments performance.
- 17.6 The Chief Finance Officer shall be responsible for ensuring that surplus funds are invested promptly, safely and effectively and in accordance with Treasury Management procedures.

18. Security of Assets

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- 18.1 Officers shall be responsible for the proper security of all of the Combined Authority's assets within their control. The Officer shall consult the Chief Finance Officer regarding changes in matters regarding security.

Financial Systems and Procedures

19. Effective Management

- 19.1 The systems and processes operated by the Combined Authority must be managed effectively to:
- (a) provide customers and stakeholders with the best quality of service;
 - (b) ensure that net expenditure in their area of expenditure does not exceed the annual budget;
 - (c) comply with all relevant professional, managerial, legal and ethical standards;
 - (d) comply with the Combined Authority's procedures, regulations, standing orders, scheme of delegation and other relevant guidance and instructions issued.
- 19.2 Each Officer must ensure that there are adequate, appropriate and clear reporting lines in operation within their area of responsibility.

20. Control of Expenditure - General

- 20.1 Incurring of all contractual liability must be in accordance with the approved Scheme of Delegation and individual accountabilities and in accordance with [Contract Procedure Rules](#). The Chief Finance Officer will maintain a record of all delegated authorities.
- 20.2 Detailed procedures for the authorisation and control of expenditure will be issued, from time to time, by the Chief Finance Officer in accordance with delegated authority levels.

21. Income Collection and Banking Arrangements

- 21.1 The Chief Finance Officer is responsible for the banking arrangements and is authorised to set up and operate such bank accounts as are considered appropriate. The banking arrangements must be reviewed on a regular basis and negotiations regarding banking terms and overdraft facilities undertaken.

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- 21.2 Arrangements for the authorisation of payments to be made by electronic transfer of funds from bank accounts must be in accordance with laid down processes and procedures.
- 21.3 Each relevant Officer must ensure that all systems and procedures relating to income and banking, comply with Accounts and Audit Regulations 2015 and the Combined Authority's authorised procedures.
- 21.4 Particulars of charges to be made for work done, services rendered or goods supplied and of all other amounts must be promptly notified to the Chief Finance Officer. Any proposed introduction of, or variation to, charges must be in accordance with the agreed Scheme of Delegation.
- 21.5 All accounts for income due to the Combined Authority must be sent out by the Chief Finance Officer, except where other arrangements have been authorised.
- 21.6 All Officers must supply information as the Chief Finance Officer may require to ensure that all sums receivable by the Combined Authority are promptly recorded, and recovery sought.
- 21.7 The Authority's banking arrangements shall be those approved by the Authority from time to time and shall be supervised by the Chief Finance Officer.
- 21.8 Electronic payments either BACs or telegraphic transfer are to be authorised by the Chief Finance Officer or authorised Officers.

22. Debt Management

- 22.1 The Chief Finance Officer will have authority to recover debts, except in the case of legal action which should be undertaken in consultation with the Monitoring Officer.
- 22.2 Any individual who discovers any apparent loss or irregularity involving money due to or held on behalf of or property owned by the Authority shall immediately notify their line manager and Internal Audit. Internal Audit will then comply with the provisions of the Authority's approved Theft Procedure.

23. Purchase Orders

- 23.1 Each Officer must ensure that all expenditure is lawful and is subject to all local Procurement Regulations and approval processes.

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- 23.2 Expenditure on goods, services and supplies made directly by the Combined Authority may be exempt from the requirement to place an order. The Chief Finance Officer shall maintain a list of order exemptions and review its continued appropriateness on an annual basis.
- 23.3 Requisitions and official orders shall not be issued for goods and services unless the expenditure is within approved budgetary levels and any other necessary approvals as set out in the [Scheme of Delegation](#) have been obtained.

24. Payment of Accounts

- 24.1 No payment shall be made unless supported by an invoice or pro-forma invoice, with VAT details, where appropriate.
- 24.2 Officers must ensure that all invoices, vouchers, etc. for payment by the Combined Authority are forwarded to the Finance Team immediately upon receipt and that the appropriate contract or order number is quoted on every invoice.
- 24.3 Once proper authorisations have been obtained, together with such additional explanations and information as may be required, the Chief Finance Officer will pay all accounts on behalf of the Combined Authority.
- 24.4 In order for an invoice to be paid, the responsible Budget Holder must confirm that the work, goods or services have been properly delivered in accordance with the order.
- 24.5 The receipt of all goods and services should only be made where:
- (a) the works, goods or services have been received, carried out satisfactorily, examined as to quality and quantity;
 - (b) the goods and services have been previously receipted.
- 24.6 The certification of Goods Received acts as the authorisation to pay the invoices as long as the invoice matches the Goods Received entry.
- 24.7 Where an invoice is exempt from the ordering process, the invoice will be subject to electronic approval by following appropriate rules of delegation.

25. Allocation of funding to projects

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- 25.1 The allocation of funding to projects shall be done in accordance with the processes as outlined in the Assurance Framework, based on guidance produced by DCLG.

26. Payments to Employees

- 26.1 The payment of all salaries, wages, pensions, compensation and all other emoluments to Officers or former Officers of the Combined Authority will be made by the Chief Finance Officer or under arrangements approved by the Chief Finance Officer.
- 26.2 Time sheets and other documents to authorise the payment of wages and salaries must be certified by the appropriate Budget Holder (or nominee) and forwarded to the Payroll Manager within such period before the respective pay days, as may be required. The Chief Finance Officer shall make such checks on pay documents as are considered necessary.
- 26.3 All standing information relating to payroll data, such as rates of pay, statutory and non-statutory deductions, allowances, starters and leavers from any of the Combined Authority's payrolls, shall be notified through approved processes by the nominee to the Payroll Manager.
- 26.4 The detailed procedures to be followed at Combined Authority establishments for the control of overtime working and payment of wages and salaries are set out in formal procedures.
- 26.5 All payroll documentation must be filed for the period in accordance with required deadlines and no documentation relating to Officers records or to wages and salaries' payrolls should be destroyed without prior consultation with the Chief Finance Officer.

27. Taxation

- 27.1 The Chief Finance Officer is responsible for:
- (a) ensuring that taxation advice is available to Officers to ensure compliance with relevant legislation;
 - (b) maintaining the Combined Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate;
 - (c) completing all HM Revenue and Customs returns regarding Pay As You Earn;

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- (d) completing and submitting VAT returns to HMRC as necessary.

27.2 Officers are responsible for:

- (a) ensuring the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all tax is properly identified and recorded;
- (b) ensuring that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994;
- (c) following any guidance on taxation that may be issued by the Chief Finance Officer.

28. Expenses

- 28.1 All claims for payments of Officers' car allowances, subsistence allowances, travelling and incidental expenses must be certified by the appropriate Budget Holder and be within delegation levels. Certification means that the certifying Officer is satisfied that the journeys were authorised, the mileage correct, the expenses properly and necessarily incurred and that the mileage and other allowances are properly payable in accordance with the specific conditions of employment of the Combined Authority.

29. Travel and Subsistence

- 29.1 Claims, **by the Mayor or independent** members of the Combined Authority **under an approved Member Allowance scheme** or Officers, for reimbursement of expenses regarding hotel accommodation, refreshments, hospitality, gifts, car mileage are required to be countersigned by another Officer. **Councillors can claim Travel and Subsistence from their Constituent Councils which is outlined in their Constitution.**

- 29.2 All claims should be submitted monthly.

External Arrangements

30. Partnerships

- 30.1 The Combined Authority is responsible for approving partnership agreements where funding is to be provided by a third party.

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30.2 The budget controller or holder must present to the Combined Authority sufficient information before a decision is reached about entering a partnership agreement. This should include:

- (a) the aims and objectives of the partnership;
- (b) a scheme appraisal for financial viability of the project;
- (c) risk appraisal;
- (d) resources required, both financial and staffing;
- (e) audit and control requirements.

31. External Funding

31.1 Before any external funding bid is made, the responsible budget holder shall consult with the Chief Finance Officer to ensure all aspects of funding have been properly considered before submission for approval.

31.2 The budget holder shall supply copies of all relevant paperwork to the Chief Finance Officer, including the bid submission, the offer letter and acceptance and any instructions for the completion of the grant.

31.3 The Chief Finance Officer is responsible for ensuring that all external funding notified by external bodies is received and properly recorded and monitored in the Combined Authority's Accounts.

31.4 It is the responsibility of the budget holder to ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded. They must also ensure that all claims are prepared by the due date, making allowances for audit requirements where applicable.

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Part 1 - Introduction to Contract Rules

1. Application of the Rules

- 1.1 These rules apply to contracts or agreements with external organisations where the Combined Authority pays for:

- (a) goods and/or services;
- (b) works of any kind;
- (c) hire, rental or lease of equipment.

The rules also apply to any contracts made using framework agreements.

- 1.2 For high value contracts, Officers must comply with national and European legislation and guidance issued by the Cabinet Office, Crown Commercial Services which will override these rules. You must seek advice from the Finance Officer about that process.

2 Which contracts are NOT covered?

- 2.1 These rules do not apply to:

- (a) employment contracts between an individual and the Combined Authority;
- (b) buying or leasing land or buildings;
- (c) grants of money. Grants cannot be contracts as they do not deliver services to the Combined Authority. Any grants of money must be in accordance with the Constitution and prior advice should be sought from Legal Services in relation to the governance process for award of grants and the legal documentation that will be required to be put in place. These rules are not a guide to purchasing. These are the fundamental rules designed to ensure ethical processes around contracting.

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- (d) certain collaborative arrangements between the Combined Authority and local authorities e.g. section 75 agreements;
- (e) public body to public body co-operation - Contracts with other public bodies where the parties come together to deliver a public service, under the following conditions;
 - (i) achieve objectives which are common to both parties; and
 - (ii) the arrangement is solely for the public interest; and
 - (iii) the parties perform less than 20% of the services covered by the arrangement on the open market.
- (f) in-house awards (this is where the Combined Authority awards a contract to an entity it controls). This exemption will only apply if all of the following conditions are met;
 - (i) the Combined Authority exercises a similar control on the entity as it does with its own departments;
 - (ii) the entity carries out more than 80% of its activities for the Combined Authority;
 - (iii) there is no private sector money in the entity.

3 Officer responsibilities

3.1 All Officers must:

- (a) comply with the Combined Authority's Financial Regulations and, in particular, declare any conflicts of interest in a potential contract or with bidders;
- (b) declare any gifts or hospitality received either before, during or after the procurement;
- (c) report any gifts or hospitality which may have improper motive to the Finance Officer;
- (d) not disclose any confidential information to unauthorised persons;

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- (e) ensure they have authorisation for the contract from an appropriate Officer or Member;
- (f) conduct the procurement process in an open and transparent manner;
- (g) ensure you seek procurement advice from the Finance Officer as necessary;
- (h) achieve the best value for money achievable;
- (i) be fair to all bidders;
- (j) ensure that all equality issues are addressed (carrying out an equality impact assessment where required).

Chief Finance Officer

- 3.2 The Chief Finance Officer has responsibility for the development and implementation of the contract procedure rules and Accounting Instructions.

Monitoring Officer

- 3.3 The Monitoring Officer is responsible for advising on the lawfulness of any decisions taken in respect of the Combined Authority's procurement activities.
- 3.4 The Monitoring Officer will organise and manage corporate contracts (including framework agreements) for supplies or services commonly used by the Combined Authority and will hold the contracts register.
- 3.5 Legal and procurement advice will be commissioned for the Combined Authority.

4 Advice and assistance

- 4.1 Officers can contact the Finance Officer or legal services for advice and assistance.

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Quick Reference Guide

VALUE	PROCESS	EXEMPTION FROM RULES BY	DECISION TO AWARD	FORMALITIES	AUTHORITY TO SIGN OR SEAL CONTRACT	OTHER
Contracts under £5K	One quotation	Exemption report signed by Chief Finance Officer or Monitoring Officer	Contract award notice signed by Chief Executive, relevant Directors, or their delegates	Purchase Order	Chief Executive, or relevant Director (if written contract exists) or delegated authority	
Contracts between £5K & £50K	Three quotations For Contracts over £25,000, also place advert on Contracts Finder.	Exemption report signed by Chief Finance Officer or the Monitoring Officer	Contract award notice signed by Chief Executive, relevant Director or their delegates	Purchase Order and Correspondence	Authorised signatory, relevant Director or delegated authority	Enter contract onto contract register
Contracts between £50K and EU threshold (£173K for goods and services or	Tender with four bidders For Contracts over £25,000, also place advert on Contracts	Exemption report signed by Chief Finance or the Monitoring Officer	Contract award notice signed by Chief Executive relevant Director or their delegates	Formal contract approved by Legal Services	Authorised signatory (Chief Executive, Chief Finance Officer, Monitoring Officer or delegated authority) All contracts over £100k are to be sealed under the	Seek advice on bonds or parent company guarantee Notify risks on risk register Written approval of Director and Monitoring Officer to terminate or

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£4.3M for works or 750,000 euros for services falling under Sch 3 of the Public Contracts Regulations 2015	Finder.				Combined Authority's seal.	assign Extension to be agreed by Director (if contract provides for extension) and subject to approval by Legal Services and Procurement Team.
Contracts over EU threshold (£173K for goods and services £4.3M for works or 750,000 euros for services falling under Sch 3 of the Public Contracts Regulations 2015)	EU process (seek procurement and legal advice including advice on social improvements for services contracts)	Only statutory exemptions from the EU process are permitted Officers cannot provide exemption from the statutory rules	Contract award notice signed by Chief Executive, relevant Director or their delegates Key decisions must be on the Forward Plan at least 28 days in advance	Formal contract approved by Legal Services	Contract sealed Authorised signatory (Chief Executive, Chief Finance Officer or Monitoring Officer) or delegated authority	Seek advice on bonds or parent company guarantee Notify risks on risk register Written approval of Chief Finance Officer and Monitoring Officer to terminate or assign Extension agreed Director (if contract provides for extension) and subject to approval by Legal Services and the Procurement Team.

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<p>Contracts subject to EU process and over £500K</p> <p>(Applies to goods, services and works contracts over £500K)</p>	<p>Apply the relevant process above</p>	<p>For goods and services: Only statutory exemptions from the EU process are permitted. Officers cannot provide an exemption</p> <p>For works contracts: The Chief Finance Officer or Monitoring Officer can approve exemptions up to the EU threshold</p>	<p>Combined Authority Board</p> <p>Decision on Forward Plan at least 28 days in advance</p>	<p>Formal contract approved by Monitoring Officer</p>	<p>Contract sealed</p> <p>Authorised signatory (Chief Executive, Chief Finance Officer or Monitoring Officer) or delegated authority</p>	<p>Seek advice on bonds or parent company guarantee</p> <p>Notify risks on risk register</p> <p>Approval of Combined Authority or the Mayor for mayoral functions to terminate or assign</p> <p>Extension agreed by Director (if contract provides for extension) and subject to approval by Legal Services</p>
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NOTE: FIGURES ABOVE EU THRESHOLDS ARE SUBJECT TO CHANGE AND YOU SHOULD CHECK WITH LEGAL SERVICES AND THE FINANCE OFFICER

Chapter 16 – Contract Procedure Rules

Part 2 – Beginning the Process

Before beginning any purchase you have to go through each of the steps in this section. It will help you determine how to apply the remainder of these rules.

1. Before contracting

1.1. Before any purchase you must take the following essential steps to ensure that you are getting best value for the Combined Authority:

- (a) calculate the total contract value;
- (b) consider whether any corporate contracts ought to be used;
- (c) research the market;
- (d) seek procurement advice;
- (e) consider what other advice/assistance you may need:
 - (i) Does the contract involve land or buildings e.g. is a lease or licence required? If so, contact the Finance Officer and Monitoring Officer;
 - (ii) Are any employees affected by the contract? If so, contact Human Resources and Legal Services.
 - (iii) Is equipment, plant or machinery to be transferred under the contract? If so, consider Financial Regulations and seek advice from Finance Officer;
 - (iv) Is there any issue of state aid? If so, contact Legal Services;
 - (v) Who has the correct delegated authority to authorise the contract? Contact Finance Officer or Legal Services if in doubt;
 - (vi) Are there any equality issues within the contract? Are there any requirements that need to be considered under the Public Sector Equality Duty? Is an equality impact assessment required? If assistance is required, contact Legal Services;
 - (vii) Contract value issue?

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- (viii) Is the contract really a SLA or a Grant Agreement? If assistance is required, contact Legal Services;
- (ix) Does the contract involve services above the EU threshold? If so, consider what social improvements might be secured and if consultation is required under the Public Services (Social Value) Act 2012. Contact Legal Services if in doubt;
- (f) prepare a Business Case for any contract using consultants or interim managers of any value or other contracts above £50K.

2. Calculate the total contract value

2.1. The contract value determines the process you must follow under these rules.

2.2. You can calculate the total estimated value of the contract according to a simple formula

Annual value x (number of years + extension period) = total value

2.3. The calculation may be subject to the following variances:

- (a) where the contract is for a fixed period, the value is the total price to be paid or which might be paid during the whole of the contract period, including any possible extensions to the contract period;
- (b) where a number of goods or services contracts are to be entered into, the estimated value of each contract shall be the total value of the payment which the Combined Authority expects to pay under each of those contracts;
- (c) where a number of works contracts are to be entered into, the estimated value for carrying out the works shall be the total value of the payment which the Combined Authority expects to give under all the contracts for carrying out the works;
- (d) where the contract is for services has been provided over an indefinite period the value is obtained by multiplying the monthly payment under the contract by 48;

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- (e) where a service contract includes one or more options the estimated value of the contract shall be determined by calculating the highest possible payment which could be given under the contract;
 - (f) where the contract is a single contract comprising services, supplies or works in combination, the value is calculated according to the price of the largest element of the contract.
- 2.4. Some contracts may not be for a cash value. Where this is the case please contact Legal Services, who will assist you in calculating the contract value.
- 2.5. You should not enter into a series of separate lower value contracts with the intention of avoiding these contract rules.

3. Corporate contracts

- 3.1. The Combined Authority has entered into a number of partnership arrangements for either;
 - (a) direct delivery of internal services (e.g. IT); or
 - (b) centralised procurement of other bought in services (e.g. travel and hotel bookings, agency staff etc.).
- 3.2. These contracts create an exclusive arrangement between the Combined Authority and our partners for the services those partners provide. This means that you are obliged to use these service providers for the services they deliver. These are referred to throughout these rules as the corporate contracts.
- 3.3. For all other services which fall outside of those contracts you have to tender any purchasing on the open market. You must also invite our partner to tender for the goods, services or works if they have the ability to provide those services but, within that tendering process, they are treated the same as any other bidder.
- 3.4. Failure to use the corporate contracts may result in the Combined Authority being in breach of contract and is likely to incur financial penalties for the Combined Authority.
- 3.5. Please contact the Procurement Team, or Legal Services for advice on our corporate contracts.

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4. Contracts reserved for mutual organisation

- 4.1. You can limit competition for services such as administrative services in relation to education, healthcare and housing, health and social work services, library and other cultural services to mutual type organisations. For such contracts the maximum duration is three years. A mutual type organisation must meet all of the following requirements:
- (a) the organisation's objective must be the pursuit of a public service mission linked to the services set out in the Public Contracts Regulations 2015;
 - (b) the profits of the organisation must be re-invested to achieve the mission;
 - (c) the organisation must be employee owned or require active employee organisation;
 - (d) the organisation must not have been awarded a contract under this process within the last three years.
- 4.2. Contact the Procurement Team, Finance Officer and Legal Services for procurement advice and legal services if you wish to undertake such a process.

5. Research the market

- 5.1. Researching the market is an important tool in identifying potential cost savings to the Combined Authority. The Procurement Team can assist you to identify where you can add value to your tendering process by undertaking proper market research.
- 5.2. You are permitted to consult potential suppliers prior to starting your purchase in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters provided you do not:
- (a) prejudice any potential bidder; or
 - (b) favour any potential bidder so as to distort competition.

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- 5.3. Where the Combined Authority has invited a potential bidder to take part in preliminary discussions then the outcome of any such discussions must be shared with all bidders participating in the procurement process.
- 5.4. You may also seek or accept advice from individual experts/bidders and use the advice in your planning for the procurement process. Ensure that you act fairly with all bidders and do not favour one bidder over the other, also keep a record of all measures taken.

6. Framework agreements or local market tendering

- 6.1. The Combined Authority's Procurement Strategy (once agreed) will determine whether you should seek to achieve cost efficiencies through use of framework agreements or whether you should tender in smaller lots as a way to encourage bids from small to medium enterprises (SME's), in particular to target and stimulate local business.
- 6.2. There are numerous framework agreements for pre-tendered goods and services. There is generally no requirement to use a framework agreement but best value is often achieved by procuring through a framework agreement.
- 6.3. Use of a framework agreement may require you to engage in a mini-competition. This will be determined by the terms and conditions relating to the framework.
- 6.4. In some cases, it may be preferable to tender the contract in smaller lots to allow local businesses the opportunity to tender for the work. Whilst smaller contracts may encourage local businesses to tender, you cannot limit the tendering process to local businesses alone as this would be to breach the requirement to be fair in your tendering process.

7. Other considerations

- 7.1. Please do consider each of the following before beginning any tendering exercise.

The need for the purchase

- 7.2. Is the cost of purchasing outweighed by the benefits received?

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- 7.3. Have you considered other alternatives to your purchase or whether you might co-purchase with other parts of the Combined Authority and so achieve further economies of scale?
- 7.4. Are there skills within the Combined Authority that can be used without the need to source these externally?

Risks arising

- 7.5. Consider any risks associated with the purchase and how they are to be managed. Is this something that needs to be addressed on the Combined Authority's risk register?
- 7.6. Have you factored in critical support and maintenance arrangements (i.e. whole life costing) if appropriate to avoid later negotiations?
- 7.7. Have you identified whether there will be any potential conflicts of interest arising in the conduct of the procurement process, which can be seen as unfair and distorting competition? You need to:
 - (a) identify whether any staff member or other person involved in the procurement process on behalf of the Combined Authority has any direct/indirect/financial/personal interest which could be seen as comprising the impartiality and independence of the procurement process;
 - (b) ensure that the person has no further involvement in the procurement process if there is a potential conflict of interest; and
 - (c) complete the conflict of interest form provided by the Monitoring Officer and ensure it is kept up to date.

Process

- 7.8. Make sure you have selected the most suitable procurement method for the purchase e.g.
 - (a) through the use of a corporate contract;
 - (b) sourcing through a framework; or

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- (c) partnering and collaborative arrangements with other local authorities or public bodies.
- 7.9. Note you cannot use a Pre-Qualification Questionnaire stage in the selection of bidders, refer to Section 2 of the rules for guidance. It is important to note that you can only ask suitability assessment questions and must give full regard to the guidance from the Cabinet Office in relation to such suitability questions.

Governance

- 7.10. Do you have the available budget?
- 7.11. Do you have the appropriate approval for the expenditure in line with the Constitution?
- 7.12. If the purchase is over the key decision threshold, it should be included on the Forward Plan in line with the Combined Authority's Constitution and may require a decision by the Combined Authority Board.

8. Key practical points

- 8.1. Factor into your timetable sufficient time to prepare the tender documents especially the evaluation criteria in advance of beginning the tendering process.
- 8.2. Consider the essential elements of your contract and ensure that these are included in your conditions of contract.
- 8.3. Ensure that your contract budget is for the whole life costs of the contract.

Part 3 – Process according to Value

1. Contracts below £5,000

- 1.1. This section sets out the requirements that Officers must follow when purchasing works, goods or services where the total value of the contract is below £5,000.

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Getting a quote

- 1.2. For contracts for works, goods, or services with an estimated value not exceeding £5,000, you must either:
 - (a) obtain a quote under one of the Combined Authority's corporate contracts; or
 - (b) place an order with a contractor under a framework agreement; or
 - (c) obtain a quote from other relevant suppliers.
- 1.3. Officers should note that they are required to obtain a quote from a corporate contract where one exists for the supply of those services.

Formalities

- 1.4. There must be a written record of the quotation, which may be in the form of a letter or email to or from the contractor. You must have a purchase order in line with Financial Regulations.
- 1.5. You should consider the following information as essential to include in any quote:
 - (a) the specification of the goods, services or works to be supplied;
 - (b) payment provisions in line with Financial Regulations;
 - (c) the Combined Authority's termination rights;
 - (d) the key time or times when the contract is to be performed;
- 1.6. The decision to award the contract and any written terms must be agreed in writing by a Chief Officer (Monitoring Officer, Chief Finance Officer or the Chief Executive) unless they have delegated that authority to you or another Senior Officer within your team.

2. Contracts between £5,000 and £50,000

- 2.1. This section sets out the requirements that Officers must follow when purchasing works, goods or services where the total value of the contract is between £5,000 and £50,000.

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Obtaining quotations

- 2.2. In the case of contracts for works, goods or services with an estimated value between £5,000 but not exceeding £50,000 you **must** first consider:
- (a) Whether you must procure those services through an existing corporate contract;
 - (b) Whether a corporate contract can supply those services; or
 - (c) Whether you have to source those services on the open market.
- 2.3. If a corporate contractor does supply those services or can procure those services on our behalf, you must instruct them directly. If you do not wish to make use of a corporate contract you will need to complete an exemption report (see section 4) prior to tendering to obtain the authority of the Chief Finance Officer or Monitoring officer not to do so.
- 2.4. If you are sourcing those services on the open market, you must obtain at least three written quotes and select the provider that offers the best value for money. If three quotes cannot be obtained due to lack of suitable contractors, the Officer **must** complete an exemption report prior to awarding any contract. This is to obtain authority to be exempted from this Rule.

Advertising the Contract

- 2.5. Although there is no specific requirement to advertise a contract between these values, Officers and our corporate partners are positively encouraged to advertise contracts where:
- (a) the contract value is above £25,000;
 - (b) competition in the market is strong; or
 - (c) the number of potential suppliers is high.
- 2.6. Advertisements can be placed on the Combined Authority's website, in the trade press and on websites specifically set up for contract advertisements.
- 2.7. For contracts estimated to be over £25,000 and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you

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intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder:

- (a) date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
 - (b) how and to whom the supplier must respond;
 - (c) any other requirements for participating in the procurement;
 - (d) internet address where the documents can be accessed from.
- 2.8. You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on Contracts Finder.
- 2.9. The Procurement Team can provide assistance with advertising.

Framework agreements

- 2.10. Where a suitable framework agreement exists, you may use the framework if the Combined Authority is mentioned as a potential purchaser under the framework agreement. You must follow the procedure set out in the framework agreement and do not have to obtain three quotations. The Procurement Team can assist in selecting an appropriate framework agreement and advise you on the process for obtaining quotes.

Known suppliers

- 2.11. In some cases you may already be aware of suppliers possessing a particular type of goods or service or works expertise that you are seeking. You may seek three quotations from any suppliers known to you but you must ensure that:
- (a) you do not use these suppliers in preference to any corporate contracts;
 - (b) you do not discriminate in your selection of any particular supplier.

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Invitations to Quote

- 2.12. Although quotations do not require a formal process you must ensure that your request for quotes is made in writing and must set out a simple specification for your purchase. You should also state the basis upon which you will select the successful quote.
- 2.13. If you select any supplier who is not the cheapest quote, you must record your reasons for selection in writing.

Higher value quotations

- 2.14. Where the value of the contract is between £45,000 and £50,000 Officers are encouraged to pursue a more formal quotation process. Officers not following a formal quotation process must record their reasons in writing. Officers should consider drafting an Invitation to Quote comprising of the following:
- (a) Bidders information about the process being used;
 - (b) Specification of the goods, services or works being purchased;
 - (c) Award criteria and procedure;
 - (d) Tendering and canvassing certificate;
 - (e) Contract terms and conditions.
- 2.15. The Invitation to Quotation must state that:
- (a) the Combined Authority is not bound to accept a quotation; and
 - (b) late submissions or submissions which do not comply with the Combined Authority's award procedure will be rejected.
- 2.16. The Invitation to Quotation must include the contract terms and conditions that will apply to the contract setting out:
- (a) details of the goods, services or works to be supplied;
 - (b) payment provisions;

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- (c) the Combined Authority's rights to terminate the contract;
 - (d) the key time or times when the contract is to be performed.
- 2.17. The Officer must consult Legal Services before an Invitation to Quotation is issued where the purchase involves one or more of the following:
 - (a) the transfer of non-land assets;
 - (b) the transfer of staff;
 - (c) the transfer or lease of land;
 - (d) potential state aid issues.
- 2.18. Your Director can award a contract up to £50,000 in value upon receipt of a contract award report. The contract award report must be completed and submitted to the Chief Finance Officer (or delegated Officer) for approval. The signed award report must be for future reference.
- 2.19. You must publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details:
 - (a) Name of the supplier;
 - (b) Date of contract;
 - (c) Total contract value;
 - (d) Whether the supplier is a SME (small, medium size enterprise);
 - (e) Whether the supplier is a non-governmental organisation that is value driven and surplus;
 - (f) Monies are re-invested to further social, environmental or cultural objectives.
- 2.20. Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the

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legitimate commercial interests of a particular economic operator, or might prejudice fair competition between suppliers.

- 2.21. You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.
- 2.22. The contract can be signed by the relevant Director.

3. Contracts between £50,000 and EU values

- 3.1. Contracts in this range of values are subject to the Combined Authority's tendering procedures as set out in this section.

Prior considerations

- 3.2. In the case of contracts for works, goods or services with an estimated value between £50,000 to the EU threshold you must first consider:
 - (a) whether you must procure those services through a corporate contract; or
 - (b) even though procurement through the corporate contract is not necessary, whether a corporate contract can supply those services; or
 - (c) whether you have to source those services on the open market; or
 - (d) whether you want to call off those services from a framework agreement.
- 3.3. If a corporate contractor can supply or procure those services, you must instruct them directly. Where they are procuring works, goods or services on your behalf they must follow these tendering procedures. If you do not wish to procure through the corporate contract you will be required to complete an exemption report (see section 4) before placing any orders for goods, services or works.
- 3.4. Where there is a lack of suitable contractors on the market to merit a tendering process, you **must** complete an exemption report. This is to obtain authority to be exempted from this Rule. For further information please see Part 5 of these rules.

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Using a framework agreement

- 3.5. A framework agreement comprises pre-assessed suppliers. Use of a framework therefore simplifies the tendering process and offers considerable cost reduction. Before opting to use a framework agreement you should also consider whether there is benefit in re-packaging the tender to enable local businesses to compete for the contract.
- 3.6. A framework agreement will be suitable where you are contracting for services, goods or works
- (a) commonly available;
 - (b) frequently used.
- 3.7. A framework agreement may not be suitable for your supply where it involves:
- (a) particularly complex or risky procurements;
 - (b) one-off procurements where the product or service requires a specialism;
 - (c) procurements which are looking for particularly novel solutions;
 - (d) where the contract length would be longer than four years.
- 3.8. Before using any framework agreement please ensure that the Combined Authority was identified as a potential purchaser in the OJEU notice. Advice on this can be sought from the Procurement Team or Legal Services.

Awarding a call-off

- 3.9. Once you decide on a framework agreement you must call off your individual contract under the framework either by;
- (a) placing a direct order/direct award; or
 - (b) holding a mini competition.

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- 3.10. The method of call-off will depend on the terms and conditions of the framework. Some larger frameworks are divided into a number of lots, which may have been set up to enable direct ordering whilst others are designed to provide more bespoke solutions with the terms, conditions and solutions being refined through mini competition.
- 3.11. You cannot make any substantive changes to the specification or the terms and conditions of the framework so you must follow its terms in order to procure under the framework.

Tendering process

- 3.12. Officers who have assessed that they do not want to award through a framework agreement are required to carry out a formal tendering process. Note you cannot use a Pre-qualification Questionnaire for contracts within the values mentioned in this section. See Part 2, Other Considerations, para 7.8 Process.

Advertising

- 3.13. You are required to advertise any contract you wish to tender whose total value is over £25,000.
- 3.14. You must ensure an appropriate level of advertising having regard to:
- (a) The subject matter of the contract;
 - (b) The value of the contract;
 - (c) The size and structure of the market and common commercial practices in that market;
 - (d) The location where the goods or services will be delivered.
- 3.15. The greater the interest of the contract to potential bidders, the wider should be the coverage of the advertisement. Depending on the above criteria, advertisements could be placed on the Combined Authority's website, in the trade or local press, on websites specifically set up for contract advertisements or, where the contract borders on the EU threshold, in the Official Journal of the European Union (OJEU).

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- 3.16. For contracts estimated to be over £25,000 and which have been advertised, you must ensure that within 24 hours the advertisement relating to the contract opportunity is also advertised on Contracts Finder. This requirement will not apply where a framework has been set up of pre-selected suppliers and you intend to choose suppliers from the framework. The following details must be included in the advert on Contracts Finder:
- (a) Date and time by which an interested supplier must respond if it wishes to be considered for the contract opportunity;
 - (b) How and to whom the supplier must respond;
 - (c) Any other requirements for participating in the procurement;
 - (d) Internet address where the documents can be accessed from.
- 3.17. You must ensure that unrestricted, free and full direct internet access is given to the documents relating to the procurement. You must also have regard to any guidance issued by the Cabinet Office in relation to the form and manner in which the information is to be published on Contracts Finder.

Preparing the tender documents

- 3.18. To complete the tender process you must prepare the following documents:
- (a) An Invitation to Tender including the evaluation criteria;
 - (b) Specification of goods, services or works to be supplied;
 - (c) A tendering and canvassing certificate;
 - (d) Parent company guarantee or performance bond (where appropriate);
 - (e) Standard conditions of contract. You must include provisions stipulating that the Combined Authority will pay the supplier no later than 30 days from date of the invoice. You may also include further specific conditions relating to the performance of the contract i.e. economic, innovation-related, environmental, social or employment related conditions. These conditions must be linked to the subject matter of the contract and set out within the tender documents. Contact Legal Services for advice and preparation of these clauses.

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Preparing the evaluation criteria

- 3.19. Before starting the tender process, you must define the evaluation criteria. This details how the bids will be evaluated. It is essential that the methodology for the award is set out in the Invitation to Tender.
- 3.20. You must apply the relevant British and any equivalent European or international standards to define the required quality of the goods or services being purchased.
- 3.21. The evaluation criteria must be relevant to the services, goods or works being purchased and must be designed to secure value for money for the Combined Authority.
- 3.22. The evaluation criteria for award of the contract must be based on:
 - (a) the most economically advantageous (MEAT) bid (in other words, where quality, performance or improvements are as important as price); or
 - (b) the lowest price (where price is the only factor).
- 3.23. You can also use a cost-effective approach for the evaluation criteria i.e. considering environmental and social aspects, qualifications and experience of staff, after sales service, delivery conditions, and quality impacting on level of contract performance. These must be linked to the subject matter of the contract.
- 3.24. If the most economically advantageous criteria are to be used, they can be further defined by relevant sub-criteria, examples of which are set out as follows:
 - (a) price;
 - (b) quality and performance;
 - (c) running costs;
 - (d) technical merit;
 - (e) economic advantage based on past experience;
 - (f) delivery date;
 - (g) environmental considerations;
 - (h) aesthetic and functional characteristics;
 - (i) safety;
 - (j) after-sales services;
 - (k) technical assistance; and

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- (l) other relevant matters.
- 3.25. Where sub-criteria are used, they must also be set out in the Invitation to Tender.
- 3.26. The evaluation criteria must not include non-commercial considerations. These are criteria which are not directly relevant to the operation of the contract e.g. the terms and conditions of employment of the bidders' workers or the country of origin of the bidder.
- 3.27. The award criteria cannot include matters which discriminate against suppliers from the European Union or signatories to the Government Procurement Agreement.
- 3.28. As the evaluation stage is the most likely point at which a challenge may be made to the procurement process you are advised to seek assistance from the Procurement Team regarding evaluation modelling.

Defining the evaluation procedure

- 3.29. Bids can be evaluated by using the bidders' written submissions only or you may want to arrange face to face interviews with the bidders and/or ask for bidder presentations to supplement the written submissions.
- 3.30. You must choose which process you will use to evaluate the bids and set this out in the Invitation to Tender.

Preparing the invitation to tender

- 3.31. The Invitation to Tender sets out the basic rules for the tendering process and you must use the standard template Invitation.
- 3.32. The invitation to tender must state that:
 - (a) the Combined Authority is not bound to accept the tender;
 - (b) late submissions and submissions which do not comply with the Combined Authority's procedure will be rejected;
 - (c) the date and time for submission of tender and that late tenders may not be accepted;

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- (d) Where bidders are asked to upload files, you must advise them that single file sizes must not exceed 5mb.
- 3.33. The invitation to tender should be accompanied by standard conditions of contract. You need to consider whether there are further conditions relevant to the contract e.g. the time the service is performed, the date on which goods are delivered etc. In some cases, standard contracts (e.g. JCT contracts) will be available.
- 3.34. Officers must consult Legal Services before a tender is issued for any contract which involves one of the following:
 - (a) the transfer of non-land assets;
 - (b) the transfer of staff;
 - (c) the transfer or lease of land;
 - (d) any form of payment assistance to the bidder (state aid).

Clarification procedures

- 3.35. Never email bidders via your email account during the tender exercise as there is no clear audit trail to support your process. Any queries raised by a bidder and clarifications provided should be forwarded to all bidders with anonymity of the bidder raising the query.
- 3.36. If an error is identified in the invitation to tender before the closing date for submissions and is significant enough to warrant amendment, all bidders should be informed of the error and invited to adjust their bids.

Submission, receipt and opening of tenders

- 3.37. Tenders will only be available to evaluate following the closing date for submissions.

Post tender negotiation

- 3.38. If an error is identified in the invitation to tender after the closing date for submissions and is significant enough to warrant amendment, all bidders should be given details of the error and given the opportunity to withdraw their offer or to submit a revised bid within a defined period.
- 3.39. Where there is a minor error or discrepancy in the successful tender which would affect the tender figure, the bidder should be given details of the error or

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discrepancy and given the opportunity to confirm, correct or withdraw its bid. If the bidder withdraws its offer, the next most competitive bid should be assessed.

- 3.40. Following receipt of the tenders, you may clarify or negotiate with a preferred bidder to obtain an improvement in terms of price, delivery or service. Any such clarification or negotiation must:
- (a) not discriminate against other bidders; and
 - (b) not alter the original specification except where Legal Services or the Procurement Team has advised that special circumstances exist that can be substantiated; and
 - (c) have the prior authorisation of Legal Services or the Procurement Team; and
 - (d) be confirmed in writing by the bidder.

Evaluation, selection and de-briefing

- 3.41. Bids must be evaluated and the successful bidder selected in line with the advertised award criteria and the award procedure.
- 3.42. There is no requirement for a standstill period in non-EU tendering but it is considered good practice to debrief unsuccessful bidders before awarding the contract to identify and avoid any potential challenges from an unsuccessful bidder.
- 3.43. You may want to include the following matters in any debrief:
- (a) identifying the bidder to whom the contract will be awarded;
 - (b) the reasons for the decision;
 - (c) the award criteria;
 - (d) a full breakdown of the bidder's scores against each of the criteria and sub-criteria together with an explanation why the successful bidder achieved a higher score;
 - (e) the score of the successful bidder;

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- (f) the reasons (if any) why the bidder did not meet the technical specifications.

3.44. Apart from the debriefing permitted by this Rule, the confidentiality of tenders and the identity of bidders must be preserved at all times and information about one bidder's response must not be given to another bidder.

Award report

3.45. Provided there is no challenge to the decision to award the contract you must prepare a contract award report to authorise the award of the contract which must be sent to Legal Services, and the Finance Officer for approval before your Director signs off the report. The report must be signed by your Director or a Senior Officer with authority delegated from your Director.

3.46. Once your contract award notice has been approved, you will need to notify all bidders of the result. In addition, you must also publish a contract award notice on Contracts Finder within a reasonable time once you have awarded a contract, which must contain the following details:

- (a) Name of the supplier;
- (b) Date of contract;
- (c) Total contract value;
- (d) Whether the supplier is a SME (small, medium size enterprise);
- (e) Whether the supplier is a non-governmental organisation that is value driven and surplus
- (f) Monies are re-invested to further social, environmental or cultural objectives.

3.47. Information does not have to be published where the release would be contrary to the public interest, impede law enforcement, prejudice the legitimate commercial interests of a particular economic operator, might prejudice fair competition between suppliers.

3.48. You must also have regard to any guidance issued by the Cabinet Office relating to the form in which such information is to be published.

Contract formalities

3.49. There must be a signed written contract in place between the Combined Authority and the contractor before the supply, service or work is started. You

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must send the following documents to Legal Services to prepare and finalise the formal contract documents:

- (a) Signed Director's Contract Award Report;
- (b) Invitation to Tender (including the terms and conditions);
- (c) Successful Contractor/Service Provider/Consultant tender submission;
- (d) Any other documents you wish to include in the contract.

- 3.50. Signed, Sealed contracts will be listed in the Combined Authority's contract register and placed in the Combined Authority's Deeds Room and you will be forwarded a contract number for future reference. Contracts between £50,000 and £100,000 need to be signed by an Authorised Signatory or sealed in the presence of an Authorised Signatory. All contracts over £100,000 must be sealed in the presence of an Authorised Signatory.
- 3.51. If you want the contract to begin before the contract is signed or sealed, you should consult Legal Services. In exceptional circumstances, the Monitoring Officer may permit the contract to begin before the contract is signed.

Contract register

- 3.52. You must give details of the contract to the Monitoring Officer to be entered into the Contracts Register.

4. Contracts above EU values

- 4.1. If you want to award a contract in this range of values, you must consult the Procurement Team and Legal Services. This process is governed by statutory rules and European Directives that are too extensive to set out in these rules. The following is intended as summary guidance only.
- 4.2. It is important to note that the statutory rules supersede these rules and contain their own exemptions.
- 4.3. No exemption can be granted by Officers or Members for exemption from the EU process unless the exemption is permitted by the statutory rules.

Identifying potential candidates

- 4.4. Contracts which are covered by the regulations must be the subject of a 'call for competition' by publishing a contract notice in the Official Journal of the European Union ("OJEU").

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- 4.5. In most cases the time allowed for responses or tenders must be no less than a set period, although some prescribed periods can be reduced where:
- (a) A prior information notice (PIN) was published sufficiently far in advance of the procurement or when accelerated procedures are used;
 - (b) If the OJEU notice was submitted electronically in accordance with the requirements set out on the SIMAP website (see above);
 - (c) Where authorities offer full and unrestricted access to tender documents (in accordance with specific requirements set out in the EU procurement regulations).

Process

- 4.6. The Public Contracts Regulations 2015 (which can be viewed on the Cabinet Office website) set out schedules which include the types of works, services that are covered by the regulations. These regulations will apply in the following circumstances:
- (a) For a contract relating to works with a total value of £4,322,012 and over;
 - (b) For a contract relating to the supply of goods with a total value of £172,514 and over;
 - (c) For a contract relating to services with a total value of £172,514 and over. However, for services falling within Schedule 3 of the Regulations, the full Regulations will apply where the total contract value is over 750,000 euros (£625,050).
- 4.7. Important to note that the thresholds stated are subject to changes on a two yearly basis, you must check with Legal Services and the Procurement Team.
- 4.8. Where the contract value of your contract is below the thresholds, this does not mean that you will be totally exempt from the regulations, contact the Legal Services and Procurement Team for assistance.
- 4.9. For contracts which are above the thresholds set out in this section, a standardised Pre-Qualification Questionnaire may be used when shortlisting potential bidders and/or assessing their financial and economic standing,

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technical capacity and ability, previous experience. Contact the Procurement Team or Legal Services for further advice on PQQ's.

Choice of procurement procedure

4.10. Four award procedures are provided for under the EU procurement regulations:

(a) Open Procedure

All those interested may respond to the advertisement in the OJEU by tendering for the contract.

(b) Restricted Procedure

A selection is made by use of a pre-qualification questionnaire (PQQ) of those who respond to the advertisement and only those selected are invited to submit a tender for the contract. This allows purchasers to avoid having to deal with an overwhelmingly large number of tenders.

(c) Competitive Dialogue Procedure

Following an OJEU notice and a selection process, the Combined Authority enters into dialogue meetings with several bidders, to develop one or more suitable solutions for its requirements. During this process bidders are deselected at various stages before final tenders are called for. (A multi-stage and complex process which should not be used where Open or Restricted procedures could have been used).

(d) Negotiated Procedure

The Combined Authority may select one or more persons with whom to negotiate the terms of the contract. An advertisement in the OJEU is usually required but, in certain circumstances, described in the Regulations, the contract does not have to be advertised in the OJEU. An example is when, for technical or artistic reasons or because of the protection of exclusive rights, only a particular person can carry out the contract. This procedure is used only exceptionally.

(e) Innovation Procedure

This procedure can be used where the Combined Authority has identified a need for an innovative product, service or works that cannot be met by purchasing these from the market. A partnership can be set up with one or more partners with the aim of developing an innovative product, services or works. The partnership will need to be terminated as the development progresses. The selection of bidders and process for negotiation will be in accordance with the Public Contracts Regulations.

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- 4.11. Public authorities have a free choice between the open and restricted procedures. The competitive dialogue procedure is available where the contract cannot be awarded under open or restricted procedure. The negotiated procedure may only be used in the limited circumstances described in the EU procurement regulations.
- 4.12. Under restricted procedures, competitive dialogue and competitive negotiated procedures (those where a call for competition is required by advertising in the OJEU) there must be a sufficient number of participants in the process to ensure genuine competition, with a minimum of *five* for restricted procedures and *three* for competitive dialogue and negotiated procedures.

Specification evaluation and award criteria

- 4.13. In all other respects the process follows the steps set out in the earlier section on tendering and you are required to complete preparation of your paperwork before the tendering process begins. Whilst some of the paperwork can be standardised it is important that Legal Services and the Finance Officer will work with you to devise award criteria based upon your specification for the services that are being procured.
- 4.14. Where tender bids received appear to be abnormally low, you need to seek an explanation from the bidder or bidders. Once received you need to assess the information and you can only reject the tender where the responses provided do not satisfactorily set out the reasons for the low bid. Contact Legal Services for guidance.

Standstill and post tender formalities

- 4.15. Following the evaluation of the contract and before formally awarding the contract to the successful bidder there will be a mandatory standstill period. This period begins once you have notified the unsuccessful bidders of your decision and the reasons for the differing scores. This is known as the 'Alcatel' or "Standstill" period and is bound by strict rules. See points 4.19 and 4.17 below as to when the Alcatel letter must be sent out.
- 4.16. The standstill period allows for the unsuccessful bidders to seek any feedback on their bids and to challenge the procurement process. You should therefore have prepared in advance any information about the evaluation process, the reasons for the differing scores and why the bidder was unsuccessful before the award of the contract is notified to the bidders.

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Governance

- 4.17. The contract must be awarded by an authorised signatory on behalf of the Combined Authority. Your Director can award a contract up to £500,000 in value upon receipt of a contract award report. You must prepare an award report to authorise the award of the contract which must be sent to Legal Services and the Finance Officer for approval before your Director signs off the report. The report must be signed by the Director or a Senior Officer with authority delegated from the Director. The Alcatel letter can be sent out at any time after the Director signs off the contract award report.
- 4.18. For contracts above £500,000 you will need to have a Combined Authority decision before award of the contract. All contracts of this value should also be on the Forward Plan. Contact the Governance team for further guidance.
- 4.19. The Alcatel letter can only be sent out after the Combined Authority Board has made a decision. Once the agenda for the Board has been published the bidders are likely to become aware of the successful bidder so you should aim to make them informally aware of the tender outcome and intention to issue the Alcatel standstill letter at the same time as the agenda is published. Confirmation of the award should follow once the call-in period has expired.
- 4.20. All contracts above £100,000 must be sealed in the presence of an Authorised Signatory and, once sealed, will be retained by Legal Services within the Deeds Room.

Contract formalities

- 4.21. There must be a sealed written contract in place between the Combined Authority and the contractor before the supply, service or work is started. If this requirement may cause difficulties, you should consult Legal Services. In exceptional circumstances, Legal Services may permit the contract to begin before the contract is sealed and measures can be put in place to protect the Combined Authority's position in the interim.
- 4.22. You must send the following documents to Legal Services to prepare and finalise the formal contract documents:
 - (a) Signed Chief Finance Officer's Contract Award Report/Report and decision of the Combined Authority Board;
 - (b) Invitation to Tender (including the terms and conditions);

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- (c) Successful Contractor/Service Provider/Consultant tender submission;
 - (d) Any other documents you wish to include in the contract.
- 4.23. Signed, sealed contracts will be listed in the Combined Authority's contract register and placed in the Combined Authority's Deeds Room and you will be forwarded a contract number for future reference.

Part 4 – Getting the Contract in Place

1. High Value/High Risk

- 1.1. Where contracts are high value or high risk you should consult with the Finance Officer as to whether some form of security, such as a bond or parent company guarantee is required from the contractor.

2. Bonds

- 2.1. A performance bond is a written guarantee provided to the Combined Authority by a contractor's bank or insurer. It requires the contractor to deposit a sum of money with the bank or the insurer and is therefore usually only suitable for high value or high risk contracts. If the contractor does not do what it has promised under the contract, the Combined Authority can claim from the bank or insurer the sum of money which is specified in the performance bond.
- 2.2. A performance bond is intended to protect the Combined Authority against the costs that arise from the contractor's failure to perform the contract. You must assess the need for the bond by considering the risks to the Combined Authority, including the:
- (a) complexity of the contract relating to delivery;
 - (b) capabilities of suppliers, service providers or contractors;
 - (c) financial standing and security of suppliers, service providers or contractors.
- 2.3. In limited circumstances it may be necessary to have an on demand bond (effectively a cash bond), however there is a significant cost to these and they should only be sought in limited circumstances and following legal advice.

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- 2.4. You should consider whether a performance bond or any other form of security is required where:
- (a) a contract for works, goods or services is estimated to exceed the EU threshold; or
 - (b) where it is proposed to make stage or other payments in advance of receiving the whole of the works, services or supplies.
- 2.5. Should a performance bond or other form of security be required, you must identify this in the tender documentation. Contact the Finance Officer or Legal Services for a template version of the performance bond.
- 2.6. You should not allow the contractor to commence the contract for the works, services or supplies until the bond has been provided to the Combined Authority.

3. Parent company guarantees

- 3.1. A parent company guarantee could be requested from the contractor as an alternative form of security to a performance bond but only where the contractor has a parent company.
- 3.2. A parent company is a company which owns a number of companies (known as subsidiaries). You should seek advice from the Finance Officer or Legal Services if you intend to request a parent company guarantee in any tender.
- 3.3. There are other lesser used forms of security that can be requested against the contract, such as cash, title deeds, debentures and legal charges. Please contact the Finance Officer or Legal Services for further advice if you need to consider these.

4. Contract documents

- 4.1. There are many different forms of standard contract. These are most frequently found in the construction industry (i.e. for works contracts) but others are also available.
- 4.2. Legal Services have knowledge of most standard forms of contract and also hold a standard set of terms and conditions which can be tailored to meet any

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forms of works, goods or services contract. These take account of the specific needs placed upon local authority contracts e.g. freedom of information requests for contract documents and auditing obligations.

- 4.3. Requests for standard clauses and to discuss specific contractual requirements can be made by contacting Legal Services.

Part 5 – Changes to the Contract

1. Introduction

- 1.1. This section sets out what you must do if:
- (a) you are unable to comply with any of the requirements of these rules; or
 - (b) there is a change to the contract e.g. additional works have been identified after the contract has begun.
- 1.2. It is very important that you follow correct governance processes to authorise any changes to the contract or these rules. In almost all cases you will require approval from your Director, the Monitoring Officer, or Chief Finance Officer within the Combined Authority.
- 1.3. The Monitoring Officer is responsible for monitoring adherence to these rules. Failure to obtain the correct authorisation at the appropriate time to deviate from these rules may mean that you are in breach of your employment contract and oblige the Monitoring Officer to report repeated breach of the rules to the Combined Authority.

2. Exemptions

- 2.1. It is the Combined Authority's policy that these contract rules should be complied with at all times. However, the Combined Authority recognises that circumstances may exist when it is not possible or desirable to comply with these rules. On those occasions you may apply for an exemption from any or all of these rules.
- 2.2. Officers must ensure that any exemption or departure from these contract rules does not contravene the law e.g. EU tendering rules.
- 2.3. The fundamental principles of exemptions are that:

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- (a) they should be used only in exceptional circumstances;
 - (b) they are granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer;
 - (c) they should always be sought in advance of any purchasing as there is a general presumption that retrospective applications will not be approved; and
 - (d) there is no automatic right to an exemption.
- 2.4. The Chief Finance Officer is accountable for giving appropriate approval to all exemptions and a record is kept of all those granted which is open to public inspection.
- 2.5. All exemption requests must be made in writing supported by justification for your application.
- 2.6. An exemption under this section *can never* be used where the total value of the contract exceeds the EU threshold. There are specific statutory exemptions which apply to contracts tendered under the EU process and you should always seek legal advice on these.

When may an exemption be allowed?

- 2.7. An Exemption may be allowed when:
- (a) You want to obtain quotations or tenders from fewer bidders than these rules require (including a single bidder) because they are the only suppliers which can provide the services or goods or works you want to purchase;
 - (b) You are working in partnership with another public sector body and you are satisfied that their procurement rules have been complied with in the letting of the contract;
 - (c) You want to extend an existing contract which does not have provision for an extension and where a change of supplier would cause:
 - (i) disproportionate technical difficulties;
 - (ii) excessive cost; and/or
 - (iii) significant disruption to services.

Chapter 16 – Contract Procedure Rules

- 2.8. In all cases an exemption cannot be approved where the cost of the extension or contract exceeds the EU threshold.

Exemption procedure

- 2.9. To apply for an exemption, you should complete an exemption report.
- 2.10. The exemption report should set out clearly the grounds on which you are applying for the exemption and must specify which of the reasons listed above apply.
- 2.11. If there is information which you wish to keep confidential and not disclose to the public you should also complete an exempt annex. However, all local authorities are increasingly expected to disclose information to the public on the grounds of transparency and accountability. The Combined Authority will be allowed to withhold information only in exceptional circumstances where the interests of the Combined Authority or others may be severely damaged or compromised by disclosure.
- 2.12. The completed exemption report should be sent to Legal Services and the Finance Officer for approval.
- 2.13. Once the required approvals have been obtained you must send the report to the Monitoring Officer and the Chief Finance Officer for formal approval of the exemption. Electronic approval will be sufficient.
- 2.14. The Chief Finance Officer is required to keep a register of approved exemptions.
- 2.15. In urgent circumstances, contact must be made with the Monitoring Officer and the Chief Finance Officer before entering any contract, to obtain an “in principle” decision. This means that, unlike usual procedures, the decision to award will follow after the contract has been awarded. Verbal authority given by the Chief Finance Officer will mean that the correct authority has been given for the contract, even though the paperwork will be retrospective.

Retrospective exemptions

- 2.16. An exemption to any of the rules should never be sought retrospectively but exceptions to this principle will be allowed where:

Chapter 16 – Contract Procedure Rules

- (a) it has been necessary to act urgently because of an unforeseen emergency which involves immediate risk of injury or damage or to prevent serious disruption to services;
 - (b) it is necessary for an Officer in Children's Services or Adult Social Care to act immediately to secure care for any vulnerable person;
 - (c) it is necessary to act urgently to secure a supply of goods, where commercial offers are time limited and represent best value for the Combined Authority.
- 2.17. In both cases you should seek an 'in principle' decision from the Chief Finance Officer and the Monitoring Officer where possible, and the cost of the immediate action should not exceed the EU threshold. An exemption report should be completed as soon as reasonably possible after the contract has begun.

Purchase Orders

- 2.18. Each Officer must ensure that all expenditure is lawful and is subject to all local Procurement Regulations and approval processes.
- 2.19. Expenditure on goods, services and supplies made directly by the Combined Authority may be exempt from the requirement to place an Order. The Chief Finance Officer shall maintain a list of order exemptions and review its continued appropriateness on an annual basis.
- 2.20. Requisitions and official orders shall not be issued for goods and services unless the expenditure is within approved budgetary levels and any other necessary approvals as set out in the Scheme of Delegation have been obtained.

3. Assigning/Novating contracts

- 3.1. Assignment is the transfer of the benefit of contract to another party. The contract should detail the circumstances in which a contract can be assigned but if it does not you will need to consult Legal services on the process. Novation is the transfer of the rights, obligations and liabilities of an original party to an existing contract to a new party. You should contact Legal services on the form of the contract that should be used for the novation, which is usually in the form of a deed.

Chapter 16 – Contract Procedure Rules

- 3.2. Where a contract is required to be assigned or novated you must first calculate the total value of the contract to determine the correct process. A contract may be assigned/novated, without the need to carry out a new procurement, where;
- (a) there is reference to such a change within the tender documents; or
 - (b) the new contractor is replacing the existing contractor following a corporate restructure, takeover, merger, acquisition or insolvency, and as long as the new contractor fulfils the criteria upon which the existing contractor was selected (i.e. technical, financial capability).
- 3.3. Where a contract has a total value between £50,000 and £500,000 the assignment/novation will need to be approved by the following Officers:
- (a) Monitoring Officer; and
 - (b) Your Director (or if authorised an Assistant Director).
- 3.4. Where a contract has a total value of more than £500,000 the assignment/novation will need to be approved by the Officers listed above and:
- (a) a credit check on the proposed contractor that the contract is to be assigned to have been carried out by Financial Services; and
 - (b) a Combined Authority decision or Mayoral Decision for mayoral functions authorising the assignment/novation has been obtained; and
 - (c) a formal deed/notice of assignment, to be prepared by Legal Services, has to be entered into by the parties;
 - (d) contracts over the EU threshold require the written approval of the Chief Finance Officer.

4. Varying contracts

- 4.1. Variations of contract typically comprise:
- (a) change in price; or

Chapter 16 – Contract Procedure Rules

- (b) change in service delivery or goods or works leading to a change in price.

4.2. If the variation looks as if the original value of the contract is likely to be exceeded, the procedure for obtaining approval to the variation is as follows:

4.3. Non-EU procured contracts

- (a) Increase is less than £50,000

The project/contract manager or Officer must obtain approval to the increase in line with the authority listed in the quick reference guide.

- (b) Increase is more than £50,000

In addition to obtaining the authority listed in the quick reference guide, the project/contract manager or Officer must inform the Finance Officer immediately. This means that as long as the contract as varied is still under £500,000, it can be authorised by the relevant Officer(s) referred to in the quick reference guide. If the variation takes the contract value over £500,000 or if the original contract was over £500,000 and the Combined Authority Board made the decision to award the contract, a further Combined Authority Board decision need not be obtained for the variation, unless Legal Services consider such a decision should be obtained.

The above is subject to:

- (i) The variation not exceeding the EU threshold value for the works, services, supplies (i.e. accumulated value including the value of the variation); and
- (ii) The variation is lower than 10% of the initial contract value for services, supplies or 15% of the initial contract value for works.

4.4. EU procured contracts

Contact Legal Services for advice on whether the variation is likely to be treated as a new contract, requiring it to be re-tendered. If the advice from Legal Services is that the variation is unlikely to be treated as a new contract, the project project/contract manager or Officer must follow the procedure outlined in the second bullet point of paragraph 4 above.

Chapter 16 – Contract Procedure Rules

Section 5 – Ending the Contract

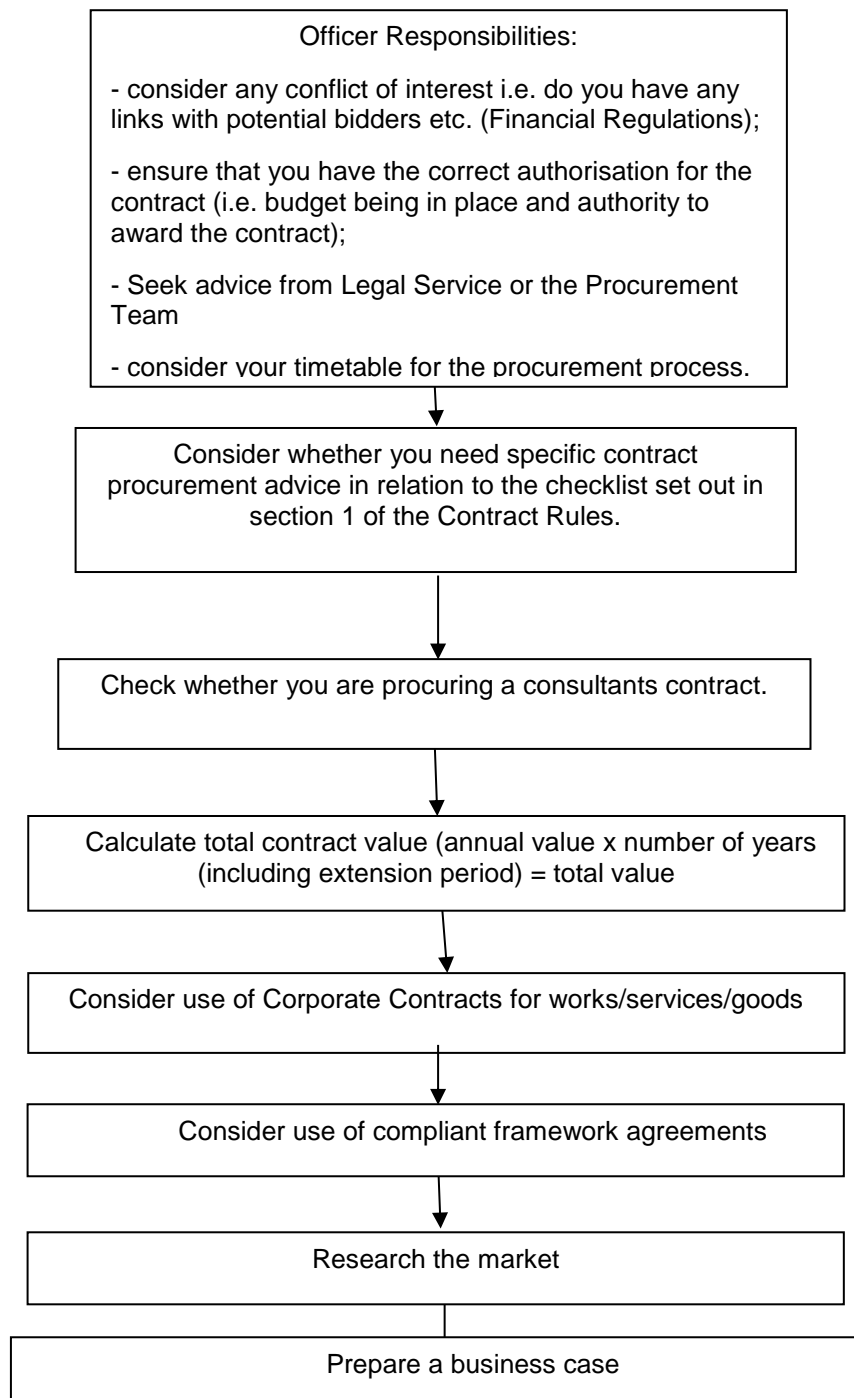
Terminating contracts

- 1.1. Where a contract is required to be terminated, other than by it expiring, seek advice from Legal Services.
- 1.2. Where a contract has a total value of between £50,000 and £500,000 the termination will need to be approved by the following Officers:
 - (a) Monitoring Officer; and
 - (b) The Chief Finance Officer.
- 1.3. Where a contract has a total value of more than £500,000 the termination will need to be approved by the Officers listed above and additionally:
 - (a) a Combined Authority Board Decision must authorise the termination; and
 - (b) a termination notice must be issued to the contractor by Legal Services.

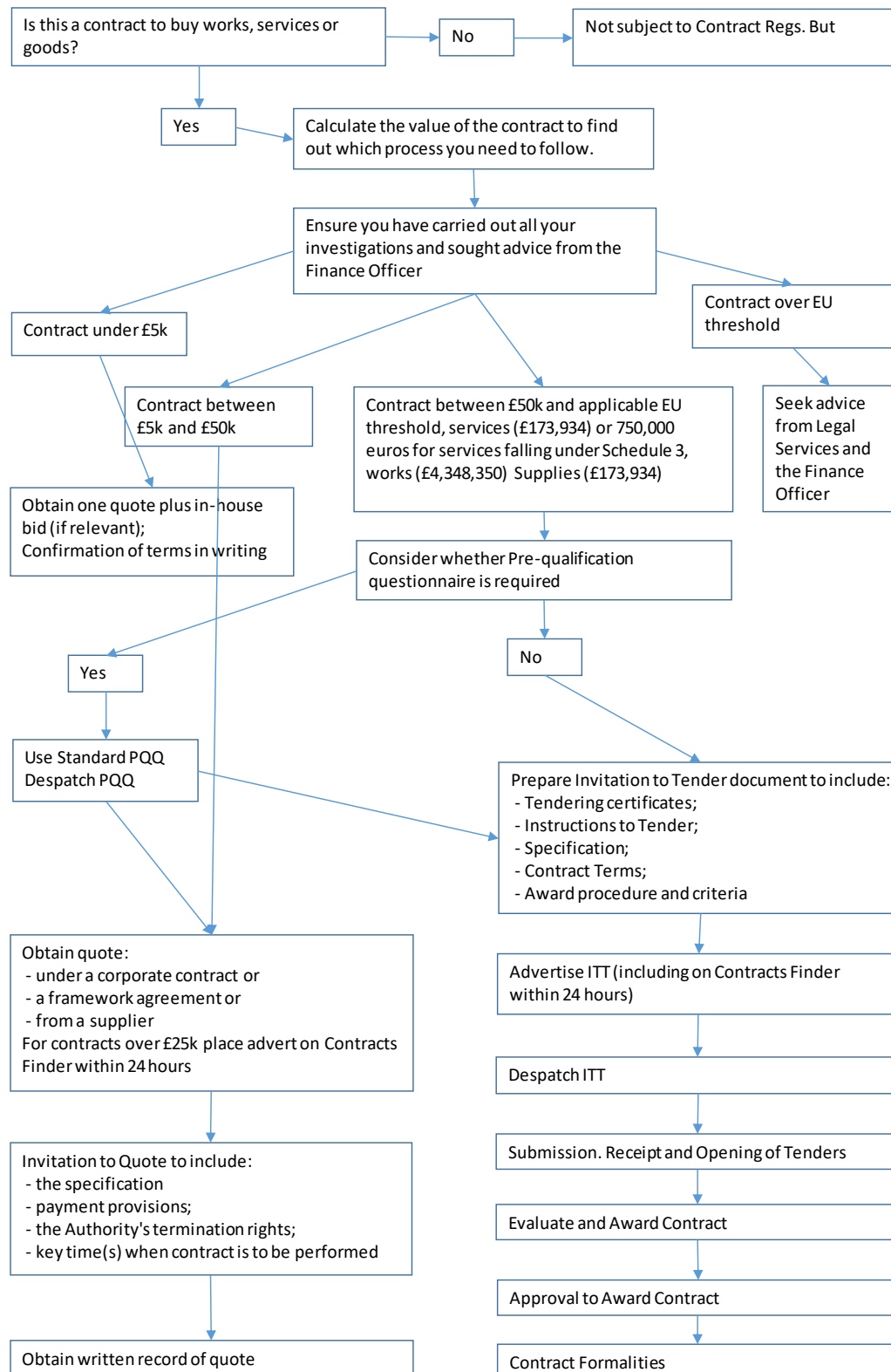
Chapter 16 – Contract Procedure Rules

Flowcharts

Beginning the process – Flowchart



Chapter 16 – Contract Procedure Rules



Chapter 17 - Officer Scheme of Delegation and Proper Officers

Part 1 – Officer Scheme of Delegations

1. Introduction

- 1.1. The Combined Authority has a Scheme of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.
- 1.2. A Chief Officer in the context of this Constitution means
 - 1.2.1. **Joint** Chief Executives of Combined Authority and Business Board, and Head of Paid Service,
 - 1.2.2. ~~the Finance Director and~~ Chief Finance Officer, and
 - 1.2.3. the Monitoring Officer,
 - 1.2.4. **Director Corporate Services**
 - 1.2.5. **Director Delivery and Strategy**
 - 1.2.6. ~~the Infrastructure Director~~
 - 1.2.7. Director Business and Skills
 - 1.2.8. ~~the Strategy and Planning Director~~ or
 - 1.2.9. any other posts defined as Chief Officer in the Employment Procedure rules.
- 1.3. Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority or constituent councils if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced.
- 1.4. Any decisions or actions taken by a Chief Officer or other person on behalf of a Chief Officer, must be in accordance with:
 - (a) the provisions of the Openness of Local Government Bodies Regulations 2014;
 - (b) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and codes of practice;
 - (c) the Constitution, including the Combined Authority [procedure rules](#), assurance framework, monitoring and evaluation framework, [contract](#)

Chapter 17 – Officer Scheme of Delegation and Proper Officers

[standing orders](#) and [Financial Regulations](#), and [Transparency Rules, Forward Plan and Key Decisions](#);

- (d) the revenue and capital budgets of the Combined Authority, subject to any variation which is permitted by the Financial Regulations; and
 - (e) any policy or direction of the Combined Authority or any Committee acting in exercise of powers delegated to that Committee by the Combined Authority.
- 1.5. Officers may exercise delegated powers to take any decision in relation to the functions of the Combined Authority including Mayoral functions except where:
- (a) the matter is reserved to the Combined Authority or the Mayor by law or by the Constitution;
 - (b) the matter is a function which cannot by law be discharged by an Officer;
 - (c) the Combined Authority or a Committee, Sub-Committee or Joint Committee to which the Combined Authority is a party, or in the case of a mayoral function, the Mayor has agreed that the matter should be discharged otherwise than by an Officer;
 - (d) the Head of Paid Service has directed that the Officer concerned should not exercise a delegated function;
 - (e) any other limitation of the exercise of delegated authority is set out in this Constitution or is specifically restricted in any decision of the Combined Authority.
- 1.6. Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.
- 2. General Delegations to all Chief Officers**
- 2.1 Chief Officers will be responsible for the following within their areas of responsibility:
- 2.1.1 the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits;

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 2.1.2 day to day management of staff in accordance agreed human resource policies and procedures;
- 2.1.3 acting on behalf of and in the name of the Combined Authority, where necessary in consultation with the Mayor, relevant **Lead Member** or Chief Executive and/or other appropriate Officers;
- 2.1.4 dealing with press enquiries and issuing press releases;
- 2.1.5 investigative contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.

3. Contracts and Accounts

- 3.1 All contracts shall be dealt in accordance with Contract Procedure Rules and Financial Regulations as may be agreed from time to time by the Combined Authority.
- 3.2 Contracts below £5,000: The decision to award the contract and any written terms must be agreed in writing by a Chief Officer unless they have delegated that authority.
- 3.3 Contracts between £5,000 and £50,000: The Chief Officer can award a contract up to £50,000 in value.
- 3.4 Contracts between £50,000 and EU thresholds: A report to authorise the award of the contract must be sent to Legal Services, and the Finance Officer for approval by the Chief Finance Officer or Monitoring Officer.
- 3.5 Contracts within EU thresholds up to £500,000: The Chief Finance Officer or Monitoring Officer can award a contract up to £500,000 in value upon receipt of a contract award report. An award report to authorise the award of the contract must be sent to Legal Services and the Finance Officer for approval by the Chief Finance Officer.
- 3.6 Contracts above £500,000: Requires a Combined Authority Board decision or the Mayor for mayoral functions before award of the contract.

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 3.7 Contract rule exemptions: Granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer.
- 3.8 Assigning and novating contracts: Needs approval of the relevant Chief Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.
- 3.9 Terminating Contracts: Needs approval of the Chief Finance Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

4. Delegations to the Chief Executive

- 4.1 To exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 4.2 To be responsible for the coordination of the Combined Authority's functions including mayoral functions.
- 4.3 To provide a comprehensive policy advice service and in particular to advise on the Combined Authority's plans and strategies.
- 4.4 To be responsible for the appointment and grading of staff up to Deputy Chief Officer level.
- 4.5 To be responsible for the organisation and proper management of the Combined Authority's staff including proposing changes to the management structure and the number and grades of staff required.
- 4.6 To authorise a Chief Officer to act in his/her absence on any matter within his/her authority.
- 4.7 To discharge any function of the Combined Authority which:
 - (a) has not been specifically delegated to another Officer, Committee or reserved to the Mayor or the Combined Authority Board;
 - (b) has been delegated to another Officer where that Officer is absent or otherwise unable to act (excluding the statutory functions of the Monitoring Officer and Chief Finance Officer).

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 4.8 To take any action which is required as a matter of urgency in consultation (where practicable) with the Mayor, the Monitoring Officer and the Chief Finance Officer, and in accordance with the Transparency Rules, Forward Plan and Key Decisions ([Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)).
- 4.9 To provide any response to any Government consultation, subject to consultation with the Mayor of the Combined Authority and the relevant **Lead Member**.
- 4.10 To co-ordinate public relations for the Authority, including the approval of press releases on behalf of the Authority having consulted where appropriate the Mayor or relevant **Lead Member** as necessary.
- 4.11 Nominate, appoint and remove, in consultation with the Mayor (as Chair) and the Vice-Chair of the Combined Authority Board, representatives on the board of companies, trusts and other bodies, of which the Combined Authority is a member, and to agree Constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within their Constitutions.
- 4.12 To exercise the general power of competence on behalf of the Combined Authority in the absence of any specific delegation acting in the best interests of the Combined Authority, subject to:
- (a) consultation with the Monitoring Officer and the Chief Finance Officer; and
 - (b) reporting to the next meeting of the Combined Authority Board on the exercise of that power.
- 4.13 To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

5. Delegations to the Chief Finance Officer

- 5.1 The Chief Finance Officer shall be the designated the Proper Officer under section 73 of the Local Government Act 1985.

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 5.2 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control.
- 5.3 To take all actions required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and Combined Authority of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 5.4 To effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.
- 5.5 To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.
- 5.6 To submit all claims for grant to the UK Government or the European Community (EC).
- 5.7 To set up and operate such bank accounts as are considered appropriate and make all necessary banking arrangements on behalf of the Combined Authority.
- 5.8 To consider reports of Officers on any likely overspending in relation to revenue expenditure, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 5.9 To send out all accounts for income due to the Combined Authority.
- 5.10 To authorise electronic payments.
- 5.11 To collect all money due to the Authority and write-off bad debts in accordance with the Financial Procedure Rules. Legal action should be undertaken in consultation with the Monitoring Officer.
- 5.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 5.13 To administer the scheme of Members' allowances.
- 5.14 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011.

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 5.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 5.16 To be the Officer nominated, or to nominate in writing another Officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made under that Act.
- 5.17 To exercise the responsibilities assigned to the Chief Finance Officer in this Constitution, including Financial Regulations and the Contract Procedure Rules.
- 5.18 **To incur expenditure, within the revenue budget, in accordance with the approved budget limits and Financial Regulations.**
- 5.19 **To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework. ~~To approve all expenditure incurred by the Combined Authority up to the value of £100,000 and with the Head of Paid Service and the Chief Finance Officer shall both authorise and approve all expenditure incurred by the Combined Authority over £100,000. In both cases provided the expenditure is included within the agreed revenue or capital budget and the Combined Authority has approved commencement of the scheme.~~**
- 5.20 **Approve applications to bid for external funding where there are no wider budgetary implications or the bid relates to a matter within the strategic framework.**
- 5.21 To arrange internal audit in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance.
- 5.22 Internal Audit Officers on producing appropriate identification shall have authority to:
 - 5.22.1 enter at all reasonable times on any land, premises or other assets of the Combined Authority;
 - 5.22.2 obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 5.22.3 require and receive such explanations as are necessary concerning any matters under examination;
- 5.22.4 require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control.

6 Delegations to the Monitoring Officer

- 6.1 Under section 5 of the Local Government and Housing Act 1989, the Combined Authority shall appoint a Monitoring Officer.
- 6.2 To provide advice on the scope of powers and authority to take decisions.
- 6.3 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority has given rise to or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Combined Authority with respect to that proposal, decision or omission.
- 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.

Member Code of Conduct

- 6.6 To deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011.
- 6.7 To support the Audit and Governance Committee in promoting high standards of conduct.

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 6.8 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.
- 6.9 To determine, after consultation with the Independent Person, whether to reject, informally resolve or investigate any complaint received, and to take such action as is necessary to implement that determination in accordance with the complaints procedure.
- 6.10 To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation.
- 6.11 To prepare and maintain the Authority's Register of Members' Interests and ensure it is available for inspection and published on the Combined Authority's website as required by the Localism Act 2011.
- 6.12 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer considers that:
 - (a) without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Combined Authority's area; or
 - (d) it is otherwise appropriate to grant a dispensation.

7 Legal Matters

- 7.1 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Combined Authority, as may be necessary to protect and promote the Combined Authority's interests.
- 7.2 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.

Chapter 17 – Officer Scheme of Delegation and Proper Officers

- 7.3 To instruct Counsel and professional advisers, where appropriate.
- 7.4 To supervise the preparation and sealing or signature of legal documents.
- 7.5 To authorise other Officers to seal documents in accordance the Constitution, or to sign documents which are not required to be under seal.
- 7.6 To complete all property transactions and contractual arrangements where terms have been agreed by the Combined Authority, a Committee or Chief Officer acting under delegated authority.
- 7.7 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.
- 7.8 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 7.9 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.
- 7.10 Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Combined Authority.
- 7.11 To agree the terms for placing an officer at the disposal of another local authority.
- 7.12 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.

Part 2 - Schedules of Proper Officers

1. Introduction

- 1.1. There are a number of specific references in the 1972 and 1985 Local Government Acts, which call for functions to be undertaken by what is termed the "Proper Officer". The following Schedules list such references and identify the Chief Officers responsible for their discharge:

Chapter 17 – Officer Scheme of Delegation and Proper Officers

2. Head of Paid Service

- 2.1. The Head of Paid Service is appointed the Proper Officer for the purpose of any enactment unless this Constitution has designed another Officer as Proper Officer.

3. Chief Finance Officer

- 3.1. The Chief Finance Officer is appointed the Proper Officer in relation to the following:
- 3.2. To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

Local Government Act 1972

Receipt of money due from Officers	Section 115 (2)
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Local Government Act 1985

Proper Administration of the financial affairs of the Combined Authority	Section 73
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Local Government Finance Act 1988

To report in consultation with the Monitoring Officer if there is or is likely to be unlawful expenditure or an unbalanced budget.	Section 114
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4. Monitoring Officer

- 4.1. The Monitoring Officer is appointed the Proper Officer in relation to the following:

Local Government Act 1972

Declaration and Certificates with regard to securities	Section 146 (1) (a) and (b)
Deposit of Documents	Section 225 (1)
Certifications of photographic copies of documents	Section 229 (5)
Issuing and signing of formal notices	Section 234 (1) and (2)

Chapter 17 – Officer Scheme of Delegation and Proper Officers

Determination of those reports which should be available for public inspection prior to a meeting of the Combined Authority, and its Committees and those which are likely to be heard in private and consequently which should not be released to the public.	Section 100B (2)
Provision of documents to the press, additional to Committee reports	Section 100B (7)
Preparing written summaries of proceedings	Section 100C (2)
Making arrangements for list of, and background papers to reports, to be made available for public inspection.	Section 100D (1)
Determination of documents disclosing exempt information which may not be inspected by Members	Section 100F (2)
Signature of Summonses to Combined Authority meetings	Schedule 12 para 4 (2) (b)
Receipt of notices regarding address to which Summons to meetings of the Combined Authority is to be sent.	Schedule 12 para 4 (3)

5. General

- 5.1. All Officers in whose name reports are submitted to the Combined Authority are appointed the Proper Officers in relation to the following:

Local Government Act 1972

Compilation and retention of lists of background papers and copies of the relevant documents and reports; and	Section 100 D (1) (a)
Identifying and determining what are background papers	Section 100 D (5)

Chapter 18 - Officer Employment Procedure Rules

1. Introduction

- 1.1. These rules set out how Officers are appointed and dismissed and focus in particular on the role that Members have in officer appointments and dismissals.

2. Definitions

- 2.1. For the purpose of these rules:
- (a) A Chief Officer means a statutory Chief Officer or a non-statutory Chief Officer who reports directly to the Head of Paid Service for most or all of the duties carried out by them.
 - (b) A Deputy Chief Officer means a person who reports directly or is directly accountable to one or more of the Chief Officers for all or most of the duties carried out by them.
 - (c) Even though they may report directly to a Chief Officer or the Head of Paid Service, any administrative position shall not be considered a Deputy Chief Officer.

3. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

- 3.1. The Combined Authority may directly employ or may second a member of staff from within the Constituent Councils.
- 3.2. Where the Combined Authority proposes to second or directly appoint a Head of Paid Service, Chief Officer or Deputy Chief Officer, a statement will be drawn up specifying:
- (a) the duties of the Officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed.

Chapter 19 - Member Code of Conduct

- 3.3. Where it is proposed that the appointment will not be made exclusively from among the existing Officers of the Constituent Councils, the Combined Authority will make arrangements for the post to be advertised to bring it to the attention of persons who are qualified to apply for it.
- 3.4. The Combined Authority Board will make arrangements for a copy of the statement in paragraph 3.2 to be sent to any person on request.

4. Appointment of Head of Paid Service, Chief Officers & Deputy Chief Officers

- 4.1. The Combined Authority Board will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer following the recommendation for appointment by an Employment Committee convened for that purpose.
- 4.2. The Employment Committee for the recruitment of the Head of Paid Service or statutory Chief Officers will include the Mayor or Deputy Mayor in his place.
- 4.3. The Combined Authority Board may only approve the appointment where no material or well-founded objection has been made by the Mayor to that appointment.

5. Avoiding Conflict in the Recruitment Process

- 5.1. 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.
- 5.2. No candidate related to a Member or Officer described above will be appointed as Head of Paid Service or as a Chief Officer without the agreement of the Mayor.
- 5.3. 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.

Chapter 19 - Member Code of Conduct

- 5.4. 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.
- 5.5. No Member of the Combined Authority will seek support for any person for any appointment with the Combined Authority.
- 5.6. This should 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.

6. Dismissal of Head of Paid Service, Statutory Chief Officers and Chief Offices

- 6.1. Only the Combined Authority may dismiss the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer following the recommendation of an Independent Panel.
- 6.2. Any disciplinary action regarding the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer will be conducted in accordance with disciplinary procedures agreed by the Combined Authority.
- 6.3. The Combined Authority will establish an Employment Committee for the purpose of dismissing the Chief Officers and Deputy Chief Officers.
- 6.4. The Mayor, or his/her Deputy shall be a member of the Employment Committee which meets to consider any such dismissal.

7. Other Appointments and Dismissals Below Deputy Chief Officer

- 7.1. Where the Combined Authority proposes to directly appoint Officers below the level of Chief or Deputy Chief Officer, a statement will be drawn up specifying:
 - (a) the duties of the Officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed.
- 7.2. It shall be the responsibility of a Chief Officer or Deputy Chief Officer to make appointments of Officers below the level of Deputy Chief Officer and such appointments may not be made by Members of the Combined Authority.

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- 7.3. Appointments may be made from amongst the Constituent Councils and Officers may be seconded into or directly employed by the Combined Authority.
- 7.4. Where it is proposed that the appointment will not be made exclusively from amongst the existing Officers of the Constituent Councils, the Head of Paid Service will make arrangements for 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 to be supplied upon request.
- 7.5. The Head of Paid Service will also be responsible for the appointment of an assistant to a political group and shall make that appointment in accordance with the wishes of the Mayor.
- 7.6. It shall be the responsibility of the Head of Paid Service or his/her nominee to take the decision to dismiss Officers other than Chief Officers and Deputy Chief Officers and assistants to political groups.
- 7.7. Members will not be involved in the dismissal of any Officer below Deputy Chief Officer 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.

8. Code of Conduct and Declaration of Interest

- 8.1. All staff are required to sign a code of conduct form and Chief Officers and Deputy Chief Officers are required to complete the register of interest form.

9. Officer Appointments to the Mayoral Office

- 9.1. **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.

10 Political Restriction

- 10.1 **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 1

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 individuals' political activities or affiliations are taken into account in the recruitment process;
- (ii) The contracts of employment for these posts automatically end on the expiry of the Mayor's term of office
- (iii) The individuals are accountable for the performance of their duties to the Mayor
- (iv) 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

Neither the Mayor nor the Combined Authority have any express power to appoint staff and 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.

Similar posts elsewhere in local government are designated by statute as politically restricted. However, the regime for political restriction, as set out in the 1989 Act, does not allow for posts to be designated as politically restricted unless they meet one of the statutory criteria. It would therefore not be lawful to seek to prohibit the postholders from, for example, announcing their

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candidature for election as a member of the House of Commons, should they wish to do so. Nonetheless, as the posts are similar to posts elsewhere which would be politically restricted, they are subject to additional restrictions as to the conduct of the postholders over and above those which apply to officers of the Combined Authority generally. 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.

The application of the political restriction regime to these posts depends upon their duties. Restriction will automatically apply where officers' duties consist in or involve one or both of:

- giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented: or
- speaking on behalf of the authority on a regular basis to journalists or broadcasters.

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;

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- 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 Combined Authority. 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**

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- not without authority disclose official information which has been communicated in confidence or received in confidence from others.
- b. Mayoral appointees may engage in some political activity in their own time and outside of office hours. Any appointee who wishes to seek election to public office may only do so outside the area of the Combined Authority.**
 - c. 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.**
 - d. 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.**
 - e. 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.**
 - f. 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 Committee is responsible for monitoring and reviewing the register through the Annual Governance Statement.**
 - g. 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

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

- The Mayor can make appointments without advertisement or any form of competition as the appointments do not have to be made by ordinary recruitment processes.
- 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.
- Appointments are to be made on merit and 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.

ANNEX 2

PROTOCOL ON POLITICAL RESTRICTION

The regime relating to the political restriction of officers and staff set out in Part I of the Local Government and Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990 is applied to Combined Authorities by section 21(1)(jb) of the Act. The Combined Authority is therefore subject to the same rules on political restriction as its constituent councils.

The 1989 Act sets out the posts which are to be politically restricted within a local authority. The effect of political restriction is to prevent the postholder from:

- (1) Being elected or appointed as a member of a local authority [this does not apply to membership of a parish council.]
- (2) Announcing or allowing anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, Scottish Parliament, Welsh Assembly or a local authority (as above)
- (3) Continuing in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons.
- (4) Acting as an election agent or sub-agent for a candidate for election to one of the bodies above.
- (5) Being an officer of a political party or any branch of such a party or a member of any committee or sub-committee of such a party or branch if such duties require participation in the general management of the party or branch acting on behalf of the party or branch in dealings with people other than members of the party or associated political party.
- (6) Canvassing on behalf of a political party or on behalf of a candidate for election to any of the bodies above.
- (7) Speaking to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- (8) Publishing any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted

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in an editorial capacity or permitting anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded from this restriction is the display by a politically restricted post holder of a poster or other document on property occupied as a home or on a vehicle or article used by the post holder.

The restrictions on public speaking and publishing written or artistic works at (7) and (8) do not preclude a politically restricted postholder from engaging in those activities to the extent it is necessary of the proper performance of their official duties.

Where a post is politically restricted the terms and condition of appointment or employment for the postholder are deemed to incorporate these restrictions.

The 1989 Act sets out those posts which are politically restricted, for the purposes of the Combined Authority these fall into five categories:

- a) Statutory Officers**
[for the Combined Authority these are the Head of Paid Service [the Chief Executive], Monitoring Officer and section 73 Officer]
- b) Non-statutory Chief Officers**
[These are officers for whom the head of the authority's paid service is directly responsible, who report to directly or who are directly accountable to the head of paid service but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]
- c) Deputy Chief Officers**
[These are officers who are required to report directly or who are directly accountable to one or more of the Chief Officers but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]
- d) Political assistants appointed under section 9 of the Act**
- e) Other postholders whose posts are included in a list of posts where the duties of the post consist in or involve one or both of giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or speaking on**

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**behalf of the authority on a regular basis to journalists or
broadcasters**

Postholders whose posts are politically restricted on the basis that their duties involve advising the Combined Authority or its committees or sub-committees, or due to their duties involving speaking to journalists or broadcasters may apply to the Head of Paid Service for exemption from political restriction. An exemption may be granted if the Head of Paid Service is satisfied that the duties of the post do not involve those activities.

Applying for an Exemption

For the Head of Paid Service, the Statutory Officers, Directors and those who report directly to Directors or the Head of Paid Service (other than support and administrative roles), there is no ability to apply for exemption from political restriction.

All other individual postholders can apply for exemption. The procedure is as follows:

- (1) The postholder should submit their request in writing to the Chief Executive, outlining why they believe their post should not be politically restricted.**
- (2) The HR Manager or the Monitoring Officer will advise the Chief Executive on why the post is, or should not be, politically restricted.**
- (3) The Chief Executive will consider the application and decide whether the post should be exempt. The Chief Executive will take advice from the Monitoring Officer and consider whether the duties of the post fit within section 2 (3) of the Local Government and Housing Act 1989**
- (4) If the Chief Executive determines the post should be exempt on the basis that its duties do not fall within the activities described in section 2(3), then the post will be removed from the list of political restricted posts and the postholder will be formally informed of this.**
- (5) The Chief Executive will only make his decision based on a review of written documentation from the postholder and the Monitoring Officer.**
- (6) The decision of the Chief Executive is final and there is no further right of internal appeal.**

Chapter 19 - Member Code of Conduct and Complaints Procedure

1. Principles of Public Life

- 1.1. The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-opted Members of the Combined Authority, including Members of the Business Board.
- 1.2. The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:
 - i. **Selflessness**
Holders of public office should act solely in terms of the public interest.
 - ii. **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.
 - iii. **Objectivity**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 - iv. **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.
 - v. **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.
 - vi. **Honesty**
Holders of public office should be truthful.

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vii. **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.

Part 1 – General Provisions

1.1 You are a Member or Co-opted Member of the Combined Authority or Business Board, and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2 Accordingly, when acting in your capacity as a Member or Co-opted Member -

You must act in a manner consistent with the Board's diversity statement and treat your fellow Board Members, members of staff and others you come into contact with when working in their role with respect and courtesy at all times.

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties or Business Board duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, on evidence.

You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office or position.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority or Business Board. In addition, you should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relate to your public or Business Board duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest.

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This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests' below...

You must, when using or authorising the use by others of the resources of your authority or Business Board, ensure that such resources are not used improperly for political purposes or personal purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post or Business Board post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a Member or Co-opted Member, notify your authority's Monitoring Officer² of any disclosable pecuniary interest³, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Member, Co-opted Member or Business Board member, notify your authority's Monitoring Officer⁴ of any non-pecuniary interest⁵ which your Authority or Business Board has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

Members should review their individual register of interest before each board meeting and decision making committee meeting. They must declare any relevant interest(s) at the start of the meeting.

² In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer

³ For the purposes of this guidance, we are using the definition of a pecuniary interest as set out in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

⁴ As for footnote 1 above

⁵ A Non-Pecuniary interest is any interest which is not listed in the Schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (No.1464).

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If an interest has not been entered onto the authority's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.⁶

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer⁷ of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your authority or Business Board places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

You are required to sign a document stating that you have read, understood and agree to abide with the requirements set out in part 1 of the Code of Conduct outlined above.

⁶ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

⁷ In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer

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Part 2 – Interests

1. Disclosable Pecuniary Interests

1.1. Disclosable pecuniary interests are specified in the table below:

	<i>Subject</i>	<i>Prescribed description</i>
1.	Employment, office, trade, profession or vocation	<p>Any employment, office, business, trade, profession or vocation carried on for profit or gain.</p> <p>For the Business Board, this should include remunerated public sector roles such as councillors.</p>
2.	Sponsorship	<p>Any payment or provision of any other financial benefit (other than from Combined Authority/Business Board) which is paid as a result of carrying out your duties as a Member, or towards your 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>
3.	Contracts	<p>Any contract with the Combined Authority/Business Board:</p> <p>(a) for goods, works or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> <p>This includes a contract between the Combined Authority/Business Board and any organisation in which you, or a person specified in paragraph 1.2 below, has a beneficial interest.</p> <p>For Business Board Members only</p> <p>Your declaration should include any contracts by any organisation named in 1 above.</p> <p>Any contract for goods, works or services entered into by any organisation named at 1. where either party is</p>

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		likely to have a commercial interest in the outcome of business being decided by the Business Board
4.	Land	<p>Any beneficial interest in land which is within the area of combined authority.</p> <p>For Business Board Members only Any beneficial interest you or any organisation listed in 1 may have in land or property which is within the Business Board area which is likely to be affected by a decision made by the Business Board.</p>
5.	Licences	Any licence (alone or jointly with others) to occupy land in the Combined Authority's area (or Business Board's area for Business Board Members) for a month or longer.
6.	Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority or Business Board; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 1.2 below, has a beneficial interest</p>
7.	Securities	<p>Any beneficial interest in securities of an organisation under 1 where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the Combined Authority's area (or Business Board's area for Business Board Members); and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one</p>

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		class, the total nominal value of the shares of any one class in which the person in paragraph 1.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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1.2. You must declare an interest if:

It is your interest, or

It is an interest of:

- (i) your spouse or civil partner;
- (ii) a person with whom you are living as husband and wife, or
- (iii) a person with whom you are living as if you were civil partners.

and you are aware that that other person has the interest.

2. Other Disclosable Interests

2.1. You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

2.2. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

3. Registration of Disclosable Pecuniary Interests and Other Interests

3.1. Subject to paragraph ~~0 below~~~~4.2 below~~ (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Combined Authority/Business Board; or

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- (b) your election or appointment (where that is later) notify the Monitoring Officer⁸ in writing of any disclosable pecuniary interests and other interests you have at that time.
- 3.2. Subject to paragraph 4.2 (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer⁹ in writing of that new pecuniary interest or change.

4. Disclosable Pecuniary Interests in matters considered at meetings or by a Single Member

- 4.1. If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:
 - (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter;
 - (b) if you have not already done so, you must notify the Monitoring Officer¹⁰ of the interest before the end of 28 days beginning with the date of the disclosure;
 - (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting;
 - (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit and Governance Committee participate in any vote, or further vote, taken on the matter at the meeting.

Sensitive Interests

- 4.2. Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of

⁸ In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer

⁹ As above

¹⁰ As above

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the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a “sensitive interest” for the purposes of the Code and the details of the sensitive interest do not need **to be disclosed to a** meeting, although the fact that you have a sensitive interest must be disclosed.

Part 3 – Related Documents

- 1.1 The following documents also provide guidance on the Standards of Conduct expected of Members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Combined Authority’s Constitution.
 - (a) The Audit and Governance Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code.

Part 4 - Complaints Against Members of the Combined Authority

1. Introduction

- 1.1 The Combined Authority has adopted a Member Code of Conduct which applies to:
 - (a) all members of the combined authority, and co-opted members;
 - (b) all members of its committees or sub-committees.
- 1.2 The code sets out how members will conduct themselves when carrying out combined authority business. All members must adhere to the code.

2. Making a complaint

- 2.1 A complainant alleging a failure to comply with the Code should submit their complaint in writing to the Legal Counsel and Monitoring Officer for initial assessment
- 2.2 The complaint must set out:
 - 2.2.1 who was involved;
 - 2.2.2 the alleged misconduct;
 - 2.2.3 when and where it occurred; and
 - 2.2.4 how the complainant wants the complaint resolved;
 - 2.2.5 the name and a contact address or email address of the complainant.

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- 2.3 The complainant should complete a complaint form available from the Combined Authority's website. Complaints can be made in writing without completing the form, but if information is missing, the complainant might be asked to resubmit the complaint by completing a form.
- 2.4 The Combined Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so¹¹.
- 2.5 Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked for confidentiality the Monitoring Officer will not disclose their name and address to the member complained about without prior consent.
- 2.6 Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the complainant agreeing to give evidence at the hearing.

3. Stage 1 - Initial Assessment of Complaints Received

- 3.1 The Monitoring Officer will:
- 3.1.1 acknowledge the complaint within five working days of receiving it;
 - 3.1.2 notify a member about any complaint against them;
 - 3.1.3 undertake an initial assessment of the complaint to determine whether the complaint should be investigated.
- 3.2 Where a complaint may relate to a member in their capacity as a Member of a constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.
- 3.3 Any complaints about the Police and Crime Commissioner or his/her substitute will be referred to the Police and Crime Panel.
- 3.4 The Monitoring Officer may decide to consult the Independent Person.¹²

¹¹ The Monitoring Officer has to balance the rights of the member to understand who is making a complaint against them, against the rights of the person making the complaint. The person making the complaint will have to provide reasons why their name ought to remain confidential. If the Monitoring Officer does not consider those reasons justify anonymity, the complainant will be given the opportunity to withdraw the complaint if they do not wish to proceed without anonymity.

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- 3.5 The Monitoring Officer will decide the complaint should be dealt with under stage 2 of the procedure – informal resolution. (Stage 2) or whether to proceed to a matter for formal investigation (Stage 3). The Monitoring Officer will have regard to a range of factors including:
- 3.5.1 Whether there is sufficient information upon which to base a decision;
 - 3.5.2 How serious the alleged action is;
 - 3.5.3 Is the complaint politically motivated, vexatious or tit for tat?
 - 3.5.4 Has there been any delay between the action complained of and the complaint?
 - 3.5.5 Do the allegations relate to actions occurring whilst the subject member was acting in their official capacity?
 - 3.5.6 The opinion of the elected member regarding the complaint.
- 3.6 The initial assessment will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.
- 3.7 Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.
- 3.8 Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.
- 3.9 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

4. Stage 2 - Informal Resolution

- 4.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may include:

¹² The Independent Person is appointed by the Combined Authority to provide an impartial and independent opinion regarding the conduct of the member. The Independent Person is not an elected member of a constituent council or the Combined Authority.

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- 4.1.1 An **explanation** by the member of the circumstances surrounding the complaint;
- 4.1.2 An **apology** from the member;
- 4.1.3 An agreement from the member to attend relevant **training** or take part in a **mentoring** process;
- 4.1.4 An offer of **mediation or conciliation** between the member and the complainant; or
- 4.1.5 **Any other action** capable of resolving the complaint.

5. Stage 3 - Formal Investigation

- 5.1 If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.
- 5.2 The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.
- 5.3 The investigating officer would normally
 - (a) write to the member complained of;
 - (b) provide them with a copy of the complaint;
 - (c) ask the member to provide their explanation of events;
 - (d) identify what documents they need to see; and
 - (e) make a list of interviewees.
- 5.4 In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay notifying the member until the investigation has progressed sufficiently.
- 5.5 At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.
- 5.6 Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the

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Monitoring Officer. The Combined Authority aims to conclude the investigation stage within three months of a complaint being received.

- 5.7 The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report.
- 5.8 If the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will either:
- (a) seek a local resolution; or
 - (b) send the matter for local hearing before the Hearings Panel.

6. Local Resolution

- 6.1 The Monitoring Officer may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action agreed. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit and Governance Committee for information but will take no further action.

7. Local Hearing

- 7.1 The Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Audit and Governance Committee, which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.
- 7.2 The Hearings Panel is a Sub-Committee of the Combined Authority's Audit and Governance Committee and will consist of three members of the Committee.
- 7.3 The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairperson of the Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.
- 7.4 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the

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Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel.

- 7.5 The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- 7.6 The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 7.7 Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairperson will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

8. Actions Hearings Panel can take for failure to comply with the Code

- 8.1 The Combined Authority has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may:
- (a) publish its findings in respect of the member's conduct;
 - (b) report its findings to Combined Authority for information;
 - (c) recommend to the Constituent Council or to the Combined Authority that they be removed from any or all Committees or Sub-Committees of the Combined Authority;
 - (d) recommend to the Mayor that the member be removed from particular **lead member** responsibilities;
 - (e) recommend to the Combined Authority to remove the member from any or all outside appointments to which they have been appointed or nominated by the authority;
 - (f) recommend to Combined Authority that it restricts the member from contacting specified Combined Authority's officers.

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- 8.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.
- 8.3 At the end of the hearing, the Chairperson will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.
- 8.4 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the Hearings Panel and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Combined Authority meeting.

9. Independent Person

- 9.1 The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.
- 9.2 The Independent Person is a person appointed by a positive vote from a majority of all the members of Combined Authority. A person cannot be "independent" if they –
- (a) are, or have been within the past five years, a member, co-opted member or officer of the combined authority, constituent council or any parish council within the Combined Authority area;
 - (b) are a relative or close friend, of a person within paragraph (a) above. For this purpose, "relative" means –
 - i) spouse or civil partner;
 - ii) living with the other person as husband and wife or as if they were civil partners;
 - iii) grandparent of the other person;
 - iv) a lineal descendent of a grandparent of the other person;
 - v) a parent, sibling or child of a person within paragraphs i or ii;
 - vi) a spouse or civil partner of a person within paragraphs iii, iv or v or vii. Living with a person within paragraphs iii, iv or v as husband and wife;

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vii) or as if they were civil partners.

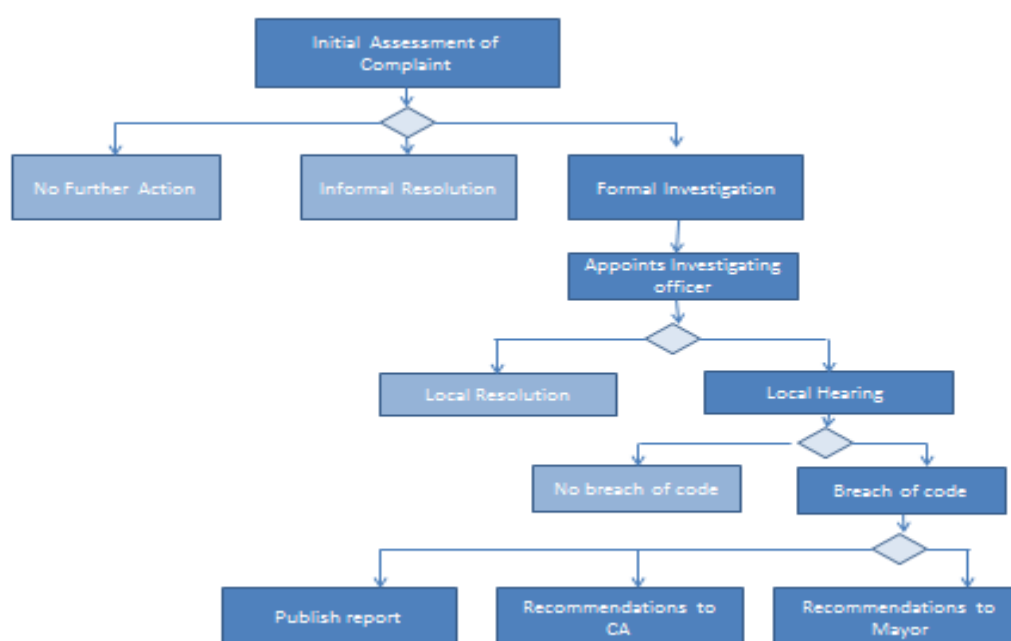
10. Revision of these arrangements

10.1 The Combined Authority may, by resolution, agree to amend these arrangements, and has delegated to the Chairperson of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

11. Appeals

11.1 There is no right of appeal for a complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

11.2 If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.



Appendix 1 - Portfolio Holders

Appendix 1 – Lead Member Portfolio Holders

Lead Member Responsibilities	Key Responsibilities	Lead Member
Mayor (Also Lead Member for Policy and Governance)	<p>Leadership of the Combined Authority</p> <p>Engagement with Government Ministers and Departments</p> <p>Overarching responsibility for developing and implementing the strategic direction of the Combined Authority</p> <p>Effective governance of the Combined Authority, including transparency and openness</p> <p>Chair of Combined Authority</p> <p>Nominating lead member responsibilities Portfolios and chairs of executive committees</p> <p>Public sector reform</p> <p>Ambassador for Cambridgeshire and Peterborough to secure inward investment</p> <p>Future devolution deals including securing new powers and associated budget responsibilities for the Combined Authority</p> <p>Assurance and Monitoring and Evaluation Frameworks</p> <p>The Mayor has executive functions in relation to the Mayoral budget and non-statutory spatial planning</p> <p>Communications Strategy</p>	James Palmer, Mayor

Appendix 1 - Portfolio Holders

Lead Member Responsibilities	Key Responsibilities	Lead Member
<p>Deputy Mayor (statutory) & Portfolio Holder Lead Member for Economic Growth</p>	<p>The Deputy Mayor carries a statutory responsibility and acts on behalf of the Mayor as designated or in their absence.</p> <p>Lead Member of the Business Board (local enterprise partnership) for the Combined Authority</p> <p>In conjunction with the Business Board, responsible for the development of the Local Industrial Strategy Aligning delivery of the Local Industrial Strategy with the strategic framework of the Combined Authority</p> <p>Relations with the business community, industry and enterprise</p> <p>Combined Authority local and national ambassador for key business sectors:</p> <ul style="list-style-type: none"> • Life Sciences and Healthcare • Advanced Manufacturing • Agritech • ICT, Digital and Creative <p>Place-based growth strategies including Market Towns and Core Cities</p> <p>Enterprise zones</p> <p>Impact of Brexit</p>	<p>Cllr John Holdich Charles Roberts</p>
<p>Deputy Mayor (constitutional) & Skills and Chair of the Skills Committee</p>	<p>Skills Strategy: Employer focused skills system</p> <p>Peterborough University</p> <p>Apprenticeships and Pathways to Employment Scheme</p> <p>Adult Education Devolution</p>	<p>Cllr John Holdich</p>

Appendix 1 - Portfolio Holders

Lead Member Responsibilities	Key Responsibilities	Lead Member
	<p>Education Committee and coordination lead with Regional Schools Commissioner</p> <p>Coordination with the Department for Education on the Opportunity Area programme</p> <p>Centre for Skills (in conjunction with the Business Board)</p> <p>The Skills Framework and Action Plan for Adult Education</p> <p>Coordination with DWP and the Work & Health Programme</p> <p>Innovation Fund and the Health and Care Sector Work Academy</p> <p>16+ Area Review outcomes</p> <p>Apprenticeship Grant for Employers of 16 to 24 years</p>	
Spatial Planning and Chair of the Land Commission	<p>Non-statutory spatial plan</p> <p>Developing and managing the delivery of the Non Statutory Spatial Plan</p> <p>Chair of Land Commission - supply of public sector land</p>	Cllr Lewis Herbert Chris Boden
Transport and Infrastructure and Chair of the Transport and Infrastructure Committee	<p>Development of Local Transport Plan (for approval by Board)</p> <p>Sustainable transport</p> <p>Bus strategy</p> <p>Monitoring and delivery of and budget for major transport and connectivity programmes</p> <p>Development of the Transport Levy for</p>	James Palmer, Mayor

Appendix 1 - Portfolio Holders

Lead Member Responsibilities	Key Responsibilities	Lead Member
	<p>recommendation to the board</p> <p>Road network and infrastructure</p> <p>Key transport partnerships including Network Rail and private sector transport providers</p> <p>Lead Member for Local Highways Authorities and the Strategic Highway Authority</p> <p>Climate Change</p> <p>Clean Air</p> <p>Energy and Clean Growth</p> <p>Renewable energy</p> <p>Security of energy supply</p> <p>Strategic relationships with utility providers</p>	
Investment and Finance	<p>Strategic fiscal planning</p> <p>Investment strategy</p> <p>Budget setting and monitoring</p> <p>Financial planning and treasury management</p> <p>Investment management</p> <p>Facilitating inward investment</p> <p>Audit and financial governance</p> <p>Assurance Framework and Monitoring and Evaluation Framework</p>	Cllr Steve Count

Appendix 1 - Portfolio Holders

Lead Member Responsibilities	Key Responsibilities	Lead Member
Housing and Chair of the Housing and Communities Committee	<p>Development of the Housing Strategy</p> <p>Overseeing the delivery of major housing schemes – including the Housing Investment Fund</p> <p>Monitoring and reporting to the Combined Authority Board on the affordable housing programmes, including:</p> <ul style="list-style-type: none"> • Delivery of the £100M housing devolution investment fund for the Combined Authority area • Delivery of the £70M housing devolution investment fund to support Cambridge City <p>Strategic relationships with the HCA, housing providers, developers and builders</p> <p>Culture and Tourism</p> <p>Open Space and Amenities</p> <p>Lead member for the Connecting Cambridgeshire Project</p> <p>Wellbeing and Public Health issues across all Portfolios</p> <p>Social action and the voluntary, community and social enterprise sector</p> <p>Community Lead Member and Responsibility for the consultation strategy</p>	Cllr Charles Roberts Graham Bull

Appendix 2 – Co-opted Members

Appendix 2 - Co-opted Members

The Co-opted Members appointed to the Board include:

- (a) The Police and Crime Commissioner for Cambridgeshire;
- (b) Cambridgeshire and Peterborough Fire Authority representative;
- (c) Clinical Commissioning Group representative.

Appendix 3 - Cambridgeshire and Peterborough Land Commission

1. Purpose of the Working Group

- 1.1. The Cambridgeshire and Peterborough Land Commission was established by decision of the Combined Authority Board on 20 December 2017.
- 1.2. To bring forward the supply of land for development to meet Cambridgeshire and Peterborough's growth needs
- 1.3. Develop a comprehensive database of available land across Cambridgeshire and Peterborough, focussing first on public land
- 1.4. Identify barriers to the disposal and development of key strategic sites
- 1.5. Take account of existing analysis and plans across the area
- 1.6. Work with partners and authorities to develop solutions and make recommendations to the CPCA Board to overcome those barriers
- 1.7. Where appropriate make recommendations to the Mayor, Combined Authority, and Government to ensure development opportunities are brought forward in line with the needs and ambitions of Cambridgeshire and Peterborough
- 1.8. The Land Commission will work alongside and complement the ongoing One Public Estate programme – recognising that partners have already developed much work and established networks that will be valuable resources for the work of the Land Commission. For example, a “mapping of the public realm” has already taken place and will be the starting point for the work of the Land Commission. However, the One Public Estate programme in our area has not to date taken on a strategic role in assessing and overcoming what factors are holding back the supply of land for development – and therefore the Land Commission will act as a catalyst for Cambridgeshire and Peterborough to use established networks to take a fresh and strategic approach to land supply.

2. Membership

- 2.1. The membership of the Land Commission Board is:
 - (a) Combined Authority Lead Member for Spatial Planning (Chair)

Appendix 3 – Working Groups– Land Commission

- (b) Combined Authority Lead Member for Housing
- (c) Combined Authority Lead Member for Investment and Finance
- (d) Cambridgeshire County Council representative
- (e) Senior Government Representative – DCLG
- (f) NHS/Health Representative
- (g) Homes England Representative
- (h) Private / Industry Sector Expert(s) – Director and Head of National Strategic Development, Savills
- (i) Chair of the One Public Estate Board
- (j) Combined Authority Lead Officer

3. Responsibilities

- 3.1. Land Commission in the first 18 months of its existence is tasked with undertaking three key aims:
 - (a) Identify specific barriers that are holding back the supply of private and public land for key strategic development sites in Local Plans, and work with partners to bring forward recommendations to overcome these (this is anticipated to include sites where complex multiple ownership dimensions exist, and land assembly solutions are needed to bring forward development);
 - (b) Develop a register of publicly owned land across the area to ensure the long-term supply of land for future development needs;
 - (c) Identify any common factors that are holding back the supply of land for development across the geography, and work with partners to bring forward recommendations to overcome these.

4. Governance

- 4.1. The Land Commission will not be a decision-making body. Its purpose is to identify solutions and make recommendations to the Combined Authority Board for the implementation of solutions.

5. Duration of Commission

- 5.1. The Commission should report back to the Combined Authority Board 18 months after its establishment in the tasks set out above (July 2019)

Appendix 3 – Working Groups– Land Commission

6. Accountability

- 6.1. The Commission reports to the Mayor and the Combined Authority of Peterborough and Cambridgeshire.

~~Appendix 3.2—Independent Commissions—Independent Economic Commission~~

~~Appendix 3.2 Independent Economic Commission~~

~~1. Purpose~~

- ~~1.1. The Combined Authority has established an Independent Economic Commission. The Independent Economic Commission exists to:~~
- ~~(a) develop a robust evidence base on Cambridgeshire and Peterborough's economic performance and potential that:

 - ~~(i) is objective and independent of any specific partner;~~
 - ~~(ii) commands attention and buy-in at the highest levels of Government; and~~
 - ~~(iii) demonstrates the potential for growth in multi-centred economies across the area.~~~~
 - ~~(b) provide objective and independent advice to the Combined Authority, GCGP EP Board:

 - ~~(i) on the economic impact of key decisions and investment programmes; and~~
 - ~~(ii) long-term drivers of growth across the Cambridgeshire and Peterborough economy.~~~~
 - ~~(c) help to influence decisions taken at national level, drawing on commissioners' connections and networks to improve partners' access to opinion formers and decision-makers.~~

~~2. Terms of Reference~~

- ~~2.1. The Cambridgeshire and Peterborough Independent Economic Commission (IEC) will:~~
- ~~(a) develop an authoritative evidence base on the economic performance and potential of Cambridgeshire and Peterborough and its component parts that commands attention at the highest levels of Government;~~
 - ~~(b) reframe thinking about devolution within the UK policy debate—exploring the potential for devolution to unlock growth and improve social outcomes in multi-centred economies as well as in England's core and key cities;~~

Appendix 3.2—Independent Commissions—Independent Economic Commission

- (c) — provide impartial advice and guidance, on an ongoing basis, on the performance and growth of the Cambridgeshire and Peterborough economy;
- (d) — inform choices on policy priorities and strategic investment that are made locally, at the Cambridgeshire and Peterborough level, at national level and at European level; and
- (e) — foster a common understanding of the future development of Cambridgeshire and Peterborough's economy and the long term drivers for change across local partners, and Whitehall and Ministers.

2.2. The IEC will provide a robust and independent assessment of the Cambridgeshire and Peterborough economy and its potential for growth. This will provide the evidence base on which Cambridgeshire and Peterborough partners, and partners at national level, can continue to build a collaborative approach to growth and devolution. As part of its early work, the panel will carry out and publish a detailed review that will include:

- (a) — a full economic baseline study;
- (b) — economic forecasting to determine the potential impact of various scenarios over the next 10 years and how the Cambridgeshire and Peterborough economy could respond to these;
- (c) — an assessment of whether the Cambridgeshire and Peterborough economy is fit for purpose and its future economic potential;
- (d) — analysis of how partners' investment in key drivers of growth (e.g. key towns, key sectors, key infrastructure) across Cambridgeshire and Peterborough could maximise long term returns for all areas;
- (e) — an analysis of the impact that the devolution of key economic powers and levers could have on economic output and productivity;
- (f) — The Commission's terms of reference will include health and social care workforce issues.

2.3. The Commissioners will:

Appendix 3.2—Independent Commissions—Independent Economic Commission

- (a) ~~undertake (and commission as required) high quality research into the performance and opportunities of the Cambridgeshire and Peterborough economy, acquiring and developing data as necessary to build on existing national and local sources;~~
- (b) ~~engage with local public and private sector stakeholders to build a thorough understanding of the local economic environment and to learn from previous work carried out by partners;~~
- (c) ~~be an independent body, which will provide ongoing advice to the Combined Authority and issue specific reports at times to be agreed; and~~
- (d) ~~receive the support of an independent secretariat.~~

3. Independent Economic Review: Terms of Reference

Baseline Questions

3.1. ~~The Independent Economic Review (IER) will answer a set of Baseline Questions (BQs) using secondary material to hand and other such primary research (such as the Strategic Economic Plan evidence base and expert interviews) as are appropriate. One of the first tasks of the Technical Advisory Board will be to review the following list of questions and to modify, extend or otherwise edit them:~~

- 1. ~~How does Cambridgeshire and Peterborough achieve continued prosperity and high growth rates?~~
- 2. ~~How equitable is growth across the whole of Cambridgeshire and Peterborough and what strategies should be adopted in future to address this issue?~~
- 3. ~~How should Cambridgeshire and Peterborough describe its uniqueness or brand to attract further investment from Government and the private sector?~~
- 4. ~~What will be the key industry sectors for Cambridgeshire and Peterborough in the next five and 10 years, what is needed to support these sectors?~~
- 5. ~~What are Cambridgeshire and Peterborough's regional, national and international links?~~

Appendix 3.2—Independent Commissions—Independent Economic Commission

6. ~~How important is Cambridgeshire and Peterborough for the regional and national economy?~~
7. ~~How far can economic activity that occurs in Cambridgeshire and Peterborough be shown to be net additional to the UK economy, rather than just displacement?~~
8. ~~Is Cambridgeshire and Peterborough achieving its full growth potential, and if not what factors are preventing this?~~
9. ~~Do other growing cities like Cambridge and Peterborough share common characteristics, problems and infrastructure requirements and what can we learn from them?~~
10. ~~What types of infrastructure investment would best enable Cambridgeshire to achieve its full growth potential and contribute to regional and national economic growth?~~
11. ~~Are there key areas of investment and projects which should be undertaken?~~
12. ~~Are there any policy and planning recommendations which arise from the answers to these questions?~~

Outputs

3.2. ~~The outputs of the IER will be:~~

1. ~~A report to the Combined Authority Board~~
2. ~~Presentations summarising the work and its implications~~
3. ~~Workshops and seminars to explain the work and its implications~~
4. ~~Conference and media appearances and press interviews~~
5. ~~Publication on the Combined Authority and other websites~~

4.—Duration of Commission

4.1. ~~The Commission completed its work in 2018.~~

~~Appendix 3.2—Independent Commissions—Independent Economic Commission~~

~~5.—Allowances~~

~~5.1. No allowances were paid to Commission members.~~

~~6.—Accountability~~

~~6.1. The Commission reports to the Mayor and the Combined Authority of Peterborough and Cambridgeshire~~

Appendix 4 Public Services Reform and Innovation Commission

1. Terms of Reference

- 1.1. The Cambridgeshire and Peterborough Public Services Reform and Innovation Commission was established by decision of the Combined Authority Board on 26 September 2018.
- 1.2. The terms of reference for the Commission are outlined below. It is proposed that the Commission will:
 - (a) Provide objective and independent advice and critical thinking on ways to make the public sector in Cambridgeshire and Peterborough more effective, responsive and financially sustainable for the future, and in particular to consider the scope for bringing services closer to the people and communities they serve in individual places;
 - (b) Consider evidence on the likely future demands on public services, on developments in technology and practice, and on future trends in public revenue to fund services;
 - (c) Consider new ideas, innovation proposals and best practice from elsewhere, both in the UK and globally, that may be of value in improving services in Cambridgeshire and Peterborough;
 - (d) Make recommendations for achievable reforms to the way public services are delivered and funded, paying particular attention to the scope for bringing services closer to the people and communities they serve in individual places;
 - (e) Bring forward suggestions and recommendations about the levers that the Mayor and Combined Authority can influence to support delivery of the Commission's recommendations;
 - (f) Support the Combined Authority in making the case for public sector reform;

Appendix 4 – Independent Commissions – Public Services Reform and Innovation Commission

- (g) Secure input from local partners, government departments, business, academia and subject experts to support the Combined Authority in making the case for public sector reform;
- (h) Promote and foster a common understanding of the future development of the reform programme in support of the area's wider economic and social ambitions and the long-term drivers for change.

2. Membership

2.1. The membership of the Commission is:

- (a) Independent Chair
- (b) 4 independent directors

Director Delivery and Skills to support the work of the Commission.

3. Governance

3.1. The Commission will not be a decision-making body. Its purpose is to support, inform and challenge the development of the Cambridgeshire and Peterborough health and social care proposition.

4. Duration of Commission

4.1. In the first instance, the Commission is invited to focus on supporting the Combined Authority's agreed programme of work on reform in the health and care sector during the autumn and winter 2018-19. The Commission is also invited to broaden its inquiry and report on the wider case for reform of the public sector in Cambridgeshire and Peterborough during 2019.

5. Allowances

5.1. Allowance Scheme approved by the Combined Authority Board upon the recommendations of an independent remuneration panel on 26 June 2019 as follows:

- (a) Co-optee allowance of £500 per month for ordinary Commission Members and £850 per month for the Commission Chair, to include travelling expenses to Commission meetings.

Appendix 4 – Independent Commissions – Public Services Reform and Innovation Commission

- (b) That the allowances be backdated to the commencement date of the Commission.
- (c) That travel and other expenses continue to be paid in accordance with the Scheme approved by the CA Board, subject to (a) above.
- (d) That the indexation factor be set as the Consumer Price Index (CPI).

6. Budget

- 6.1. Up to £450,000 for 2018/19 from within existing approved allocation for Public Sector Reform.

7. Accountability

- 7.1. The Commission reports to the Mayor and the Combined Authority of Peterborough and Cambridgeshire.

Appendix 5 Business Board

Part 1 – Functions and Membership

1. Governance

- 1.2. Local Enterprise Partnerships (LEPs) are private sector led voluntary partnerships between local authorities and businesses set up in 2010 by the Department of Business Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area.
- 1.3. The Business Board is a non-statutory body which is the Local Enterprise Partnership for its area. It is independent of the Combined Authority operating as a private-public sector partnership, focusing on the key business sectors to provide strategic leadership and drive growth in the Cambridgeshire and Peterborough and wider Local Enterprise area.

2. Current Geographical area (under review)

- 2.1. The current geographical area is under review. The Department for Business Enterprise and Industry are considering proposals for a coterminous boundary with the Combined Authority.
- 2.2. The geographical area of the business Board is set out in the table below:

District	Areas	Council
Cambridgeshire		Cambridgeshire County Council
Cambridge		Cambridge City Council
East Cambridgeshire	Ely, Littleport and Soham	East Cambs DC
Fenland	Wisbech, March Whittlesey & Chatteris	Fenland DC
Huntingdonshire	Huntingdon, St Ives, St Neots and Ramsey	Huntingdonshire DC
South Cambridgeshire	Cambourne	South Cambs DC
Peterborough		Peterborough City

Appendix 5 – Business Board

		Council
North Hertfordshire	Royston	North Hertfordshire DC'
South Kesteven (Lincs)	Grantham, Stamford, Bourne and Market Deeping.	South Kesteven DC
Rutland	Oakham	Rutland County Council
West Suffolk	Bury St Edmunds, Haverhill, Newmarket and Mildenhall	West Suffolk Council
Uttlesford (Essex)	Saffron Walden, Great Dunmow, Stansted Mountfitchet and Thaxted,	Uttlesford DC
West Norfolk & King's Lynn	King's Lynn, Downham Market and Hunstanton	BC of King's Lynn and West Norfolk
South Holland (Lincs)	Spalding, Crowland, Donington, Holbeach, Long Sutton and Sutton Bridge	South Holland DC

3. Functions

- 3.1. In Mayoral combined authorities, there is a requirement to have a single local industrial strategy. The strategy provides the basis for investment decisions for the Cambridgeshire and Peterborough Combined Authority as the accountable decision-making authority.¹³ The Business Board has a vital leadership role to play in **its development** and is the custodian of the **local industrial** strategy. The Mayor will work in partnership with the Business Board to jointly develop and agree the strategy¹⁴, and the Combined Authority will be responsible for its delivery.

¹⁴ See Industrial Strategy: Building a Britain fit for the future, DBE&IS 27 November, 2017

Appendix 5 – Business Board

- 3.2. The Business Board will allocate local growth funds to improve economic opportunity in the area and will monitor the delivery of funded projects.
- 3.3. Working in conjunction with the Combined Authority the Business Board will develop initiatives to address the local skills challenges and will play a key role in developing the University of Peterborough as an employer focused provider of higher education.
- 3.4. The Business Board will act as an enabler for delivery of sector deals at local level.
- 3.5. The Business Board will support applications for the Industrial Strategy Challenge Fund programme and will work collaboratively with the Combined Authorities universities, businesses and research organisations to produce programmes which impact productivity
- 3.6. In accordance with the Single Pot Assurance Framework National Guidance, the Business Board and the Combined Authority Board, as the accountable decision making body, have agreed a single local assurance framework, and have submitted it to the Ministry of Housing, Communities and Local Government for approval. The Assurance Framework will be reviewed annually. All decisions must comply with the framework.

4. Terms of Reference

- 4.1. The purpose of the Business Board is set out below¹⁵:

Strategy:

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority, develop and deliver an evidence-based Local Industrial Strategy that identifies local strengths and challenges, future opportunities and the action needed to boost productivity, earning power and competitiveness across their area.
- (b) Set strategy and commission interventions to drive growth, jobs and private sector investment to deliver the strategy.

¹⁵ These four roles are set out in Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

Appendix 5 – Business Board

Allocation of funds

- (c) Identify and develop investment opportunities; prioritising the award of local growth funding; and monitoring and evaluating the impacts of its activities to improve productivity across the local economy.
- (d) ensure that bids for public funding made available by government ~~for LEPs~~ support economic growth.
- (e) ensure any decisions which are made in contravention of the process will be invalid.

Co-ordination

- (f) Use its Business convening power, for example to co-ordinate responses to economic shocks; and bringing together partners from the private, public and third sectors.
- (g) Ensure Business Board and Combined Authority policy and decisions receive the input and views of key business leaders and take account of the views of the wider business community.
- (h) Engage with local businesses to understand the needs of different sectors and markets.

Advocacy

- (i) Collaborate with a wide-range of local partners to act as an informed and independent voice for business across their area.
- (j) Engage businesses, opinion formers and policy makers at a national and international level in promoting economic growth in the region.

4.2. In pursuit of this role the Business Board will:

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority develop local agreements which clearly set out their respective roles, responsibilities and accountability
- (b) Produce an annual delivery plan and end of year report in

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accordance with Government guidance,

- (c) Develop, agree and review a joint Combined Authority and Business Board Assurance Framework
- (d) Support the supply of skills to an area as they respond to the Skills Advisory Panels programme
- (e) capture and communicate business requirements for changes to, and development of, economic policy and commission associated appropriate interventions
- (f) work collaboratively with all partners, including the Combined Authority and Local Authorities, to address barriers to growth and drive efficiency
- (g) bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the local enterprise and combined authority area, and secure sustainable growth
- (h) work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice, the private sector can inform and influence the shape and future direction of local and national government policy.
- (i) Have strategic oversight for the delivery of the Enterprise Zone Programme**

4.3. To ensure the Business Board is effective in this role it has the authority to:

- (a) engage in dialogue with Government and respond to policy, proposals and opportunities to bid for funding in support of economic growth
- (b) engage with investors, businesses and advisors to secure growth opportunities
- (c) develop and consult on regional economic policy, programmes and interventions designed to maximise growth in the region

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- (d) provide leadership in key themes and priorities to promote growth
- (e) raise the profile, image, reputation and influence of the **Business Board** and Combined Authority area at a regional, national and international level.

5. Legal Status

- 5.1. The Business Board is an informal partnership. It does not have legal status to enter into contracts and will act through the Cambridgeshire and Peterborough Combined Authority as the Accountable Body.

6. The Business Board's accountable body

- 6.1. Cambridgeshire and Peterborough Combined Authority ('the Combined Authority') is the accountable body for funding allocated to the Business Board; that is the Combined Authority is responsible to Government for complying with any conditions or requirements attached to any such funding.

7. Role of Members and Accountability

- 7.1. Irrespective of his or her background or geography, it is the duty of a Business Board member to act in the best interests of the Local Enterprise area and in accordance with the policies of the Business Board.
- 7.2. All private sector members of the Business Board act in their individual capacity and not as representatives of their respective organisations.
- 7.3. All Business Board members are expected to discharge their duties in line with the Nolan Principles for Standards of Public Life¹⁶ and the Code of Practice for Board Members of Public Bodies¹⁷. Members must comply with the Business Board Code of Conduct. Political Leaders who are Members of the Combined Authority must also comply with the Business Board Code of Conduct in addition to that of the Combined Authority.

¹⁶ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

¹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/409604/code-of-conduct_tcm6-38901.pdf

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- 7.4. All Business Board and sub-committee or sub-group members will make decisions on merit having taken into account all the relevant information available at the time.

8. Membership

- 8.1. The Business Board membership will comprise up to 12 members; two public sector members and up to ten business representatives as follows:

Public Sector Representatives

- 8.2. The Mayor and the Lead Member for Economic Growth of the Combined Authority shall be members of the Business Board by virtue of their office. The Combined Authority may appoint at least one Substitute Member to act in their absence. These shall be non-voting members of the Board.

Private Sector Representatives

- 8.3. Up to ten business representatives– one member will be appointed specifically to represent the interests of the Small and Medium Sized Enterprises (SME) sector, one member will represent the education sector and one member will be appointed as an international business representative.
- 8.4. The Business Board membership meets the requirements for two thirds of the Business Board members to be private sector representatives and does not exceed the maximum of 20 members¹⁸.
- 8.5. Whilst all appointments to the Business Board will be on merit, in accordance with Government requirements, the Business Board will aim to improve the gender balance and representation of those with protected characteristics on its board with the following aims:
- (a) that women make up at least one third of Business Board by 2020
 - (b) with an expectation for equal representation by 2023, and
 - (c) ensure its Board is representative of the businesses and communities they serve¹⁹.

¹⁸ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

¹⁹ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

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9. Recruitment, Appointment and Termination of Private Sector Members

9.1. The private sector representatives and the Chair of the Business Board shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's appointments panel.

9.2. Formal appointment panels will be constituted as follows

Position	Panel
Appointment of a Chair	Mayor of Cambridgeshire and Peterborough Combined Authority, the Combined Authority's Lead Member for Economic Growth plus three private sector Business Board members supported by the Director of Business and Skills or his/her nominee
Appointment of private sector board members	Chair and Vice-Chair of the Business Board Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Lead Member for Economic Growth
Vice-Chair (where there is more than one candidate)	Chair of the Business Board and Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Lead Member for Economic Growth

Interview panels will be advised by the Director of Business and Skills.

Requirements for Private Sector Representatives

9.3. The Private Sector Board members must not:

- (a) be a member, officer of the Combined Authority, or a County Council, Unitary Council, District tier Council within the area served by the Business Board, or otherwise employed under the direction of a local authority;

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- (b) be a non-executive director or officer of an NHS Trust;
 - (c) be subject to a bankruptcy restriction order or interim order;
 - (d) be subject to a sexual risk order or be on the sexual offender's register;
 - (e) be subject to a civil injunction or criminal behaviour order;
 - (f) be disqualified from acting as a director, a charter trustee or charity trustee
 - (g) within 5 years before the date of submission of application, have been a director or person of significant control of a company subject to a creditor's compulsory liquidation
 - (h) within 5 years before the date of submission of application, have been convicted of any offence and have had passed on them a sentence of imprisonment, whether suspended or not, for a period of not less than 3 months without the option of a fine.
- 9.4. Private Sector Members should not have made substantial personal contributions to any recognised political party and must not serve as an officer in any recognised political party.
- 9.5. Members should be employed by, or have a substantial interest (by virtue of ownership / control) in businesses in the area served by the Business Board
- 9.6. The Appointments Panel shall appoint the **private sector representatives** to the Business Board following an interview process.
- 9.7. Each private sector representative on the Business Board is appointed in their individual capacity, and not as a representative of their employer or any other organisation. No substitute members will be appointed for private sector representatives.

Appointment

- 9.8. A formal offer will be made to successful candidates. On appointment Board members are required to sign a declaration affirming their understanding and commitment to the Code of Conduct.
- 9.9. Within the period of 28 days of the appointment being made to the Business Board, the Business Board shall publish a notice on its website which:
- (a) states that it has made an appointment;
 - (b) identifies each Business Board member who has been appointed and any substitute members; and

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- (c) specifies the term of office of those appointed
- (d) Publishing the members' and substitute members' register of interest form.

Term of Appointment

- 9.10. The term of office for **private sector representatives** will normally be a maximum of 3 years, and subject to a maximum of one consecutive term, unless
- (a) they cease to qualify to be a member of the Business Board;
 - (b) they resign from their membership and communicate this in writing to the Monitoring Officer; or
 - (c) the Business Board terminates the membership of any private sector representative which it may do at any time,
 - (d) upon receipt of a vote of no confidence by the Combined Authority Board, the Board must consider whether to terminate the terms of office of the Chair at the next meeting of the Board.
- 9.11. The term of office of **public sector** members and substitute members appointed by the Combined Authority is at their discretion; the Combined Authority Board may terminate their appointment or appoint a representative at any time, to be of effect on receipt of a notice by the Combined Authority's Monitoring Officer.
- 9.12. The Business Board may appoint co-opted members as necessary to complement the skills and expertise on the Board. Membership may not exceed 20 members.
- ### 10. Chair and Vice-Chair of Business Board
- 10.1. The Business Board will appoint a private sector representative as Chair and Vice Chair.
- 10.2. The Chair shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit

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carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's appointments panel. The Business Board will consult widely and transparently with the business community before appointing a new Chair.

- 10.3. The terms of the appointment will be set out in an appointment letter from the Combined Authority to the Chair. A person ceases to be Chair or Deputy Chair if they cease to be a Business Board member.
- 10.4. The terms of office of the Chair will be for two (2) years with one consecutive term permitted upon unanimous vote of the Board members present and voting.
- 10.5. The Chair will be a voting member of the Combined Authority Board.
- 10.6. The Business Board shall appoint a vice chair from amongst its membership. A member may only be appointed as vice chair if they have secured membership through an open recruitment process. The Vice-Chair will be the Chair's substitute on the Combined Authority Board.

Resignation of the Chairmanship Mid-Term

- 10.7. Where there is a resignation of the chairmanship mid-term following a full recruitment process, existing members of the Business Board shall be invited to apply for the position. Applicants will be interviewed and appointed by the Business Board's recruitment panel. The appointment will take effect immediately on an interim basis. The business community then will be consulted widely and transparently before formally appointing the new chair. The appointments panel shall consider any representations from the business community before formally confirming the appointment. The appointment shall continue until the end of the (retired) chair's term.

11. Code of Conduct and Register of Interests

- 11.1. Every Business Board member must sign and comply with the Business Board member code of conduct.

12. Co-opted Members

- 12.1. Where specific skills or abilities are required which are not available among existing members co-optees may be appointed to the Business Board. The

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appointment will be made by the Chair, in consultation with the Board, for 12 months. Co-opted members will not have voting rights and will not count towards the quorum. In accordance with Government Guidance, the maximum number of co-opted members should not exceed five.

13. Committees

13.1. **The Business Board may establish committees or sub-committees as it thinks fit to discharge its functions. The Business Board has established following committee:**

(a) **Eastern Agri-Tech Programme Board (a sub board of the Business Board);**

13.2. **The terms of reference and membership are appended at Appendix 1 and their delegation of powers are set out in Part 3.**

14. Working Groups

14.1. The Business Board may appoint informal non-decision making working groups. Any such subordinate body set up by the Business Board shall include one or more Business Board Members, as nominated by the Board. With the consent of the Chair, any such group may also co-opt onto it any independent person with the relevant expertise - judged against pre-determined criteria - on the issues within the remit of these groups.

14.2. The remit and terms of reference for any such subordinate body shall be approved by the Business Board.

14.3. **The Business Board has established following working group:**

(a) **Local Growth Fund Entrepreneur Assessment Panel.**

14.4. **The terms of reference and membership are appended at Appendix 2.**

14.5. **The Business Board has established the following working groups to oversee Enterprise Zone delivery and management**

- (a) **Enterprise Zone Programme Board (Alconbury Weald) and**
- (b) **Enterprise Zone Project Boards (Cambridge Compass).**

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- 14.6. The terms of reference and membership are appended at Appendix 3.

15. Scrutiny Arrangements

- 15.1. The Combined Authority's Overview and Scrutiny Committee may review or scrutinise any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- 15.2. Any Business Board member may be asked to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee.
- 15.3. The Combined Authority's Audit and Governance Committees will also review the local assurance framework and how the local assurance frameworks are operating in practice.

16. Complaints and Whistleblowing

- 16.1. Any complaint received about the Business Board will be dealt with under either the Combined Authority and Business Board's Complaints or Confidential Complaints Policy.
- 16.2. Any complaint about an individual Business Board member alleging a breach of the Code of Conduct will be dealt with in accordance with paragraph 7 above.
- 16.3. Any whistleblowing concerns raised about the Business Board will be dealt with under the Combined Authority and Business Board's Whistleblowing Policy.
- 16.4. Each of these procedures or policies shall be published on the Combined Authority web-site and accessible from the Business Board's web-site.

17. Remuneration

- 17.1. Allowances or expenses shall be payable to any Business Board member, in accordance with a scheme approved from time to time by the Combined Authority.

18. Secretariat Arrangements

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- 18.1. In accordance with Government requirement to have a secretariat independent of local government to support the Chair and Board, a S73 Chief Finance Officer and Monitoring Officer has been appointed to advise the Board who is independent of the Cambridgeshire and Peterborough Combined Authority.

19. Local Area Agreement

In accordance with Government requirements for mayoral areas there is a requirement for a Local Agreement between the Business Board and the Combined Authority and the Accountable Body setting out the responsibilities of the Chair, Board and Accountable Body. (To be developed).

20. Amendments to the Constitution

- 20.1. These terms of reference will be reviewed annually. The Business Board will recommend any proposed changes to the Constitution to the Combined Authority.
- 20.2. The Combined Authority's Monitoring Officer is authorised to make any changes to any constitutional or governance documents which are required:
- (a) as a result of any government guidance, legislative change or decisions of the Business Board, or
 - (b) to enable the documents to be kept up to date, or
 - (c) for the purposes of clarification only.

21. Publication of constitution and other governance documents

- 21.1. This constitution and other governance documents shall be published on the Combined Authority website and accessible from the Business Board website.

Part 2 – Procedure Rules

18. Meetings

- 1.2. The Business Board shall have at least one public meeting a year which will be its Annual General Meeting.

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- 1.3. The Business Board will hold annual general meetings open to the public to attend to ensure the communities that they represent can understand and influence the economic plans for the area²⁰.
- 1.4. With the exception of 1.1 above, meetings of the Business Board shall not be open to the public unless determined otherwise by the Chair.
- 1.5. An extraordinary meeting of the Business Board may be called by:
 - (a) Chair of the Business Board; or
 - (b) any two Members of the Committee;
 - (c) Chief Executive.

19. Agendas and Minutes

- 19.1. Agendas and reports for the Business Board will be available on the Cambridgeshire and Peterborough Combined Authority website at least five clear working days before the meeting to which they relate in accordance with the Transparency rules in chapter 6 of the Combined Authority constitution. Any funding decisions shall be ratified by the Combined Authority as accountable body for the Business Board.
- 19.2. The public may have access to agenda, reports and minutes of public and private meetings except where they are exempt from disclosure under the Freedom of Information Act 2000 (FOIA).

Freedom of Information

- 19.3. Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under the Freedom of Information Act 2000 (FOIA). These papers will be classed as reserved papers.
- 19.4. Likely exemptions that are likely to make information reserved include but are not limited to:
 - Commercial sensitivity
 - Information provided in confidence

²⁰ Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

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- Personal data
- Legal professional privilege
- Information intended for publication at a future date

20. Attendance

- 20.1. Business Board members may participate in meetings remotely e.g. through video conferencing or Skype. They must be able to see and hear the meeting proceedings, and be heard, and as far as possible seen, by the other Board members attending the meeting at the venue. Board members who participate in this way may vote and count towards quorum. **These arrangements would not apply to the annual meeting of the Business Board or any other Business Board meetings which are held in public.**
- 20.2. Private sector Business Board members who fail to attend a third or more of the scheduled Board meetings in a 12 month period shall be reviewed by the Chair and their membership may be terminated.

21. Quorum

- 21.1. No business is to be transacted at a meeting of the Business Board unless a majority of the total number of Members of the Board are present (either at the venue or remotely) which should include the majority of private sector members and at least one public sector member.
- 21.2. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

22. Decision Making and Voting

- 22.1. Wherever possible, decisions of the Board will be by consensus, without the need for a vote. Where this is not possible a vote may be taken where the Chair considers it to be necessary to establish whether a consensus exists.
- 22.2. Each private sector Member of the Business Board is to have one vote and no Member (including the Chair) is to have a casting vote. The public sector members of the Board shall be non-voting members.
- 22.3. The vote will be by way of a show of hands and recorded in the minutes.

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- 22.4. Any questions that are to be decided by the Business Board are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

23. Conflicts of Interest

Register of Interests

- 23.1. It is the responsibility of Board members to ensure an up to date Register of Interests is maintained. Each Business Board member must complete and keep up to date a register of interest form required under the code of conduct. The register of interest form will be published on the Combined Authority's website within 28 days from the date of the appointment and is a condition of appointment. A member must within 28 days of becoming aware of any change in their interests provide written notification of this.
- 23.2. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board or working group meeting. Any declarations of interest made by a Business Board member at a meeting and any action taken, (such as leaving the room, or not taking part), will be recorded in the minutes for that meeting. The member should update their register of interest form within 7 days of the meeting if a new interest has been declared.
- 23.3. Any alleged breach of the Business Board member code of conduct will be dealt with under the Combined Authority's Member Complaints Procedure.

Declaration of Interests at a meeting

- 23.4. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board. Where a 'pecuniary interest is declared Members will leave the meeting, where a 'non- pecuniary interest is declared, Members may remain at the meeting but not participate in business in accordance with the Board members' code of conduct.

24. Decisions of the Business Board

- 24.1. The draft minutes of each meeting of the Business Board will be posted on the Combined Authority and Business Board website within 10 clear working days of the meeting taking place. The agreed minutes of each meeting will be

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published within 2 clear working days after approval at the subsequent meeting.

- 24.2. All decisions of the Business Board will be ratified at the next meeting of the Combined Authority Board. Where the Combined Authority does not agree with the recommendations, they will refer the matter back to the Business Board with the reasons and ask the Business Board to reconsider.

25. Urgency procedure

- 25.1. In order to ensure that the Business Board is able to progress its business in an efficient manner, comments on urgent matters may be sought by the Chief Executive or other Statutory Officer outside the meeting cycle.
- 25.2. Members will receive email notification which identifies:
- (a) Details of the matter requiring comment and/or endorsement and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to be held to conduct the business);
 - (b) The date responses are required by;
 - (c) The name of the person or persons making or putting forward the proposal/decision
- 25.3. Two working days after the close of responses, the following will be circulated to all Business Board Members:
- (a) The outcome of the decision taken by Statutory Officers (including responses received in agreement and responses received in disagreement); and the date when any decision comes into effect; and
 - (b) Any mitigating action taken to address Members' stated views or concerns.

Decisions and actions taken will be retrospectively reported to the next meeting of the Business Board.

26. Forward Plan

- 26.1. The Business Board will set its own work programme and its forward plan will be published in accordance with the Transparency rules in [chapter 6](#) of the Combined Authority constitution.

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Part 3 – Sub Committees - Delegations

1. Delegations to Committees and Boards

- 1.1. Delegated authority has been granted to the Eastern Agri-Tech Programme Board (a sub board of the Business Board) to make decisions about applications for grant funding on behalf of both the CA/BB and NALEP (New Anglia Local Enterprise Partnership). The terms of reference and membership are appended at Appendix 1.
- 1.2. Delegated authority has been granted to the Greater South East Energy Hub to assume the Rural Community Energy Fund management role.

Part 4 – Delegations

2. Officer Scheme of Delegation and Proper Officers

- 2.1. In addition to the delegations set out in the Cambridgeshire and Peterborough Combined Authority, the following delegations have been granted to the following by the Business Board:
- 2.2. Delegated authority to the Director of Business & Skill to approve small grants to SMEs between £2,000 and £20,000 subject to Section 73 Officer approval and report all approvals to the next schedule meeting of the Business Board.
- 2.3. Delegate the appointment of the Energy Hub Board member (representative of the Business Board) to the Director of Business, Skills & Energy.
- 2.4. Delegated authority to **the Head of Transport** ~~Transport Director~~, in consultation with the Chair of the Transport Committee, at key gateway stages to deliver the agreed Wisbech Access Strategy Package works on behalf of the Business Board.

Version Control

Version 1	24 September 2018	Constitution approved by Business Board and CA Board
Version 2	28 May 2018 2019	Constitution approved by Business Board and CA

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		Board (July 2019)
Version 3	2 August 2018	Amended to take account of decision of Business Board and Combined Authority Board and to include terms of reference of Enterprise Zone Programme and Project Boards.

Appendix 1

Eastern Agri-Tech Programme Board

Terms of Reference

Background

1. The Eastern Agri-Tech Growth Initiative brings together leading agriculture, research, science and technology assets in the East of England to strengthen a nationally significant, vibrant cluster that brings a truly global reach and impetus to the emerging UK Agri-tech sector. The (grant) funding provides a significant boost to the food, drink and horticulture sector by supporting businesses looking to invest in specialist equipment, new market and supply chain development, ways to improve productivity and efficiency, and the application and commercialisation of Research and Development.
2. The Eastern Agri-Tech Growth Initiative operates across both the Cambridgeshire and Peterborough Combined Authority (CPCA)/Business Board (BB) and New Anglia Local Enterprise Partnership (NALEP) areas and is run by the CPCA. It is promoted both directly to businesses across the food, drink & horticulture sector as well as working through key intermediaries including banks; accountants and sector specific consultants.
3. The Eastern Agri-Tech Growth Initiative has two main funds:
 - (a) An **Agri-Tech Growth Fund** which provides grants of between £10,000 and £150,000 to enhance business and jobs growth, and support product development. The Fund is aimed at supporting improvements in agricultural productivity through the introduction of new products or processes and encourage improvements to existing product/ processes and energy efficiency. The Growth funds supports the creation of new jobs and the protecting existing jobs.
 - (b) An **R&D and Prototyping Fund** which provides financial assistance to attract innovative and novel technologies. Planned research critical to the development of new products or processes within the Agri-Tech sector can be supported with grants of between £10,000 and £60,000 to cover the costs of research and development.

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4. The Programme Board has been given the delegated authority to undertake this role, on behalf of the CPCA and NALEP Boards. Both the CPCA/BB and NALEP are represented on the Programme Board and will receive regular updates on the operation of the programme. A representative of the Business Board will Chair the Programme Board.
5. The CPCA is responsible for delivering the Agri-Tech scheme across the two geographical areas. A CPCA representative chairs the Programme Board. Agri-Tech Programme Manager CPCA, manages the scheme across the two geographical areas and acts as the Secretariat to the Programme Board. The CPCA is the Accountable Body for the programme.
6. The Programme Board's main task is to consider and take decisions on applications for grant support. The Programme Board should only see and consider an application once an application is deemed eligible and has been assessed by one of the independent team of assessors. Agri-Tech Programme Manager is responsible for ensuring that the assessors deliver quality assessments, undertake the necessary due diligence and in a timely way.
7. The Programme Board will have access to the agenda and supporting documents about each project proposal at least 5 days before meetings. This includes a report on each application which contains a suggested recommendation to approve or decline the application and, if approved, whether there should be any conditions to be placed on the project and/or applicant. For each meeting, the Programme Manager will record the decisions taken by the Programme Board on each application.
8. All applicants are invited to the meeting where their particular project will be considered. Each applicant will have the opportunity to give a short presentation and take questions from/provide clarification to the Programme Board. The Programme Board will judge each application fairly and on its own merits. The final decision about each application rests with Programme Board, unless the application is deemed ineligible during the assessment process in which case the Programme Manager will notify the applicant. The Programme Manager will notify all applicants of the decisions taken by the Programme Board.
9. The assessors will, if possible, attend the relevant meeting to introduce the projects for which they have assessed.
10. The Programme Board will receive regular updates from the Programme Manager on the progress of the Agri-tech programme, which will include the overall take up of the funding and the numbers of jobs created and protected.

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Membership

11. The membership of the Programme Board shall be appointed by the Business Board. Membership of the Programme Board will include 8 members, to include:

- (a) A representative of the CPCA Business Board representatives to be appointed by the Business Board (Chair)
- (b) A Councillor representative and substitute representative from Cambridgeshire County Council to be decided by the County Council
- (c) A Councillor representative and substitute representative from Norfolk County Council to be decided by the County Council
- (d) A representative from Agri-Tech East
- (e) A representative from New Anglia LEP
- (f) Three experts with experience and knowledge of agriculture and the food, drink and horticulture industry, including research, farming and food processing to include
 - i. A representative from Syngenta UK
 - ii. A representative from National Institute for Agricultural Botany
 - iii. A representative from John Innes Centre

Board Members were recruited based on their expertise and knowledge of the sector and in particular from the research and scientific community. Membership of the Programme Board will be kept under review.

12. In attendance will be:

- (a) CPCA Agri-Tech Programme Manager
- (b) Officer from Norfolk County Council
- (c) Officer New Anglia LEP

13. Whilst all appointments to the Board will be on merit, the Board will aim to maintain the gender balance and representation of those with protected characteristics on its board with the following minimum requirements:

- (a) that women make up at least one third of Board by 2020
- (b) with an expectation for equal representation by 2023, and
- (c) ensure its Board is representative of the businesses and communities they serve.

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Appointments to the Programme Board

14. The Agri-tech Programme Board Members shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles.
15. Given the specific nature of the sector, a number of activities shall be undertaken to attract the right people with the specialism required in an open and transparent way. This will include
 - (a) a public advertisement,
 - (b) writing to all organisations with specialism in Agri-Tech knowledge in the Combined Authority area.
16. A selection panel will be constituted to include:
 - (a) two representatives from the Agri-Tech Programme Board and
 - (b) a Business Board member.
17. The selection panel shall make recommendations to the Business Board which would make the final decision.
18. A quorum shall be four Programme Board members. The Programme Board shall meet at appropriate intervals, ideally monthly, provided a quorum is available and there are enough applications ready for the Programme Board to consider.
19. If a Programme Board member cannot attend a meeting, they can send written comments using the assessment sheets on an application(s) to the Programme Manager who will ensure they form part of the discussion and decision taken.
20. If the Chair is unable to attend a meeting, providing that the meeting is quorate, those Board Members attending the meeting can agree a substitute chair at the beginning of the meeting.
21. When a quorum is unavailable and project decisions cannot be held over until the next available meeting, a "Virtual Meeting" can be called. In these circumstances, the Programme Manager will provide Programme Board Members with access to the project papers and invite and co-ordinate comments. The Programme Manager will provide the Chair, with a summary of the comments received and a recommendation based on these comments. The Programme Manager will then provide Programme Board Members with written confirmation

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of the Board's decision whether to support or decline the application(s) in question.

Conflicts of Interest

22. Every Board member must sign and comply with the Business Board member code of conduct.
23. Once an application passes the assessment and is deemed ready for the Programme Board's consideration, the Programme Manager provides the applicant(s) with the names of all Programme Board Members, in writing, and asks each applicant to confirm if any Programme Board Member is conflicted. If so, those Programme Board Members do not have access to the relevant project papers.
24. Similarly, and in the event that the applicants have not recognised that a Board Member(s) is conflicted, a Programme Board Member must declare at each meeting if a conflict of interest arises, especially where an application is received from a competitor business or from a Programme Board Member's own organisation. In either of these circumstances, the Programme Board Member(s) will not be asked for their views about the application in question and must abstain from commenting on that particular application. It must be left to the other Programme Board Members to take the appropriate decision.

Confidentiality

25. All the information provided by the applicants will be treated in confidence and protected accordingly.

Equal Opportunities

26. The Board should comply with the Business Board's diversity statement. The members of the Programme Board shall at all times take into consideration the principles of equal opportunity irrespective of age, gender, race, nationality, ethnic origin, sexual orientation or disability

Procedure rules

27. The procedure rules for the Business Board should apply to the Programme Board where applicable

Local Growth Fund – Entrepreneur Assessment Panel

Terms of Reference

1. Purpose

- 1.1. The Local Growth Fund – Entrepreneur Assessment Panel (EAP) is a formally formed sub-committee of the Business Board with delegated authority to make recommendations for funding to the Combined Authority board, which makes the final decision as the Managing Authority of the Business Board (which has no legal status or standing).
- 1.2. The Entrepreneur Assessment Panel has responsibility to provide a business focused appraised assessment and a recommendation for funding (or not) to the Combined Authority Board via a presentation made by the applicants. Applicants will be invited to make presentations to the Entrepreneur Assessment Panel, only in the event that their written application has been recommended for funding by an independent evaluator as part of the formal appraisal process.
- 1.3. The Panel aims to ensure the projects have clearly defined rationale, strategic fit, and clearly defined, measurable outputs. A report based on the Panel evaluation will be included in the final recommendation reports presented to the Combined Authority Board, by the Chair of the Business Board for ratification.

2. Roles & Responsibilities

- 2.1. Members of the Entrepreneur Assessment Panel will be nominated and elected by the Business Board. Their responsibilities are to:
 - (a) Attend bid presentation meetings – these will be presentations from projects totalling over £500k
 - (b) Produce feedback based on a pre-agreed evaluation matrix – the matrix will be provided for each project and members will be required to complete the scoring inserting comments against each score.
 - (c) Contribute to a formal report produced by the Business Board for the Combined Authority Board for ratification.

3. Meeting Arrangements

Appendix 5 – Business Board

- 3.1. **Agenda and relevant papers will be produced and circulated 5 working days before the EAP meet.**
- 3.2. **A report will be produced based on the scoring matrix. This report will remain in draft form until agreed by the EAP chair.**
- 3.3. **The final report will be included in the Business Board papers for note and circulated to Business Board members on a bi-monthly basis.**

4. Frequency of Meetings

- 4.1. **The Entrepreneur Assessment Panel will meet as a minimum bi-monthly, the frequency may increase depending on the number of bids submitted in the current funding cycle.**

5. Membership

- 5.1. **The members of the Entrepreneur Assessment Panel are:**
 - (a) **Mayor (Chair)**
 - (b) **Up to 3 other members of the Business Board**
 - (c) **Up to 3 further representatives of the business community**
 - (d) **Combined Authority officer advisor (none scoring rights)**

6. Declaration of Interest

- 6.1. **Declaration of Interest will be made in accordance with the Business Board's Conflict of Interest Policy.**

7. Confidentiality

- 7.1. **All the information provided by the applicants will be treated in confidence and protected accordingly.**

8. Code of Conduct

- 8.1. **Every Entrepreneur Assessment Panel member must sign and comply with the Business Board member code of conduct.**

9. Decisions of the Entrepreneur Assessment Panel

- 9.1. **Applications will have been independently appraised prior to being invited to present to the Entrepreneur Assessment Panel.**

Appendix 5 – Business Board

- 9.2. Only applications over £500k will be required to present to the Entrepreneur Assessment Panel.**
- 9.3. Each member of the Entrepreneur Assessment Panel will be required to evaluate and score the bid.**

10. Appeals

- 10.1. The decision made by the Entrepreneur Assessment Panel is final. There is no appeals process. If a complaint is raised it is dealt with through the CPCA complaints procedure.**

Enterprise Zone Programme

Terms of Reference

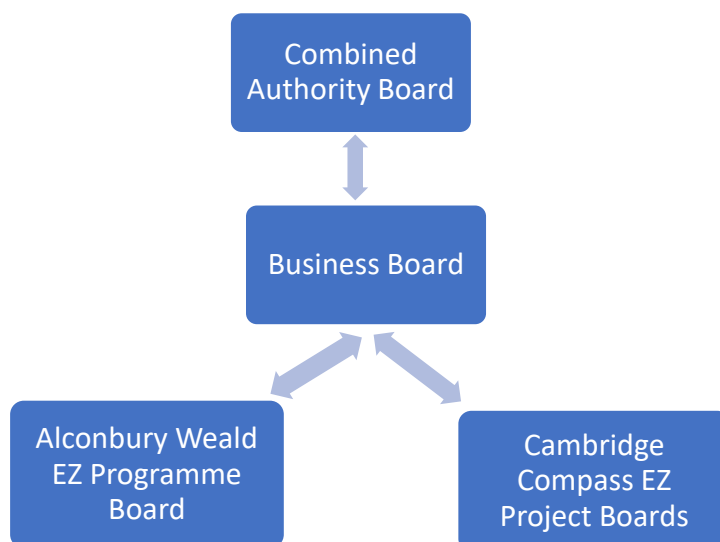
1. Executive Summary

- 1.1. Set out below is the governance arrangements between the Cambridgeshire & Peterborough Combined Authority and key stakeholders in relation to Enterprise Zone programme, for which the Business Board is responsible and the Cambridgeshire & Peterborough Combined Authority Board has overall accountability.

2. Governance Structure

- 2.1. The Business Board retains strategic oversight for the delivery of the Enterprise Zone Programme and will report to the Combined Authority Board as accountable body.
- 2.2. Overseeing Enterprise Zone delivery and management is delegated to Enterprise Zone Programme Board (Alconbury Weald) and Enterprise Zone Project Boards (Cambridge Compass).
- 2.3. The following diagram sets out how the Enterprise Zone Programme Boards align within the CPCA governance structure:

Appendix 5 – Business Board



3. Alconbury Weald Enterprise Zone Programme Board

Purpose

- 3.1. To co-ordinate the delivery of development, regeneration and management of the Enterprise Zone, focusing largely on operational matters and is responsible for co-ordinating proposed project activity from the agreed Enterprise Zone Investment & Delivery Plan for Alconbury Weald Enterprise Zone.
- 3.2. Decisions on the use of the 'Enterprise Zone and Infrastructure Fund' monies as set out at 6.1.3 of the Cambridgeshire and Peterborough Combined Authority (CPCA)/Huntingdon District Council (HDC) Alconbury Weald Enterprise Zone Memorandum of Understanding (MOU) will be decided solely by the CPCA and HDC and can only be approved by joint agreement.

Constitution and Membership

- 3.3. The Board will be made up of an elected member of both HDC and CPCA and an appropriate senior officer of each. The Chair should be elected by Board member and alternate on a 3-year cycle between the parties. The group may include, by invitation, representatives from local Government (BEIS), Cambridgeshire County Council the developer/land owner. Membership of the

Appendix 5 – Business Board

Alconbury Weald Enterprise Zone Programme Board will be published on the Business Board website. .

Accountability

- 3.4. The Alconbury Weald Enterprise Zone Programme Board is responsible for reporting to both the Business Board and CPCA Board as accountable body.

Terms of Reference

- 3.5. The Alconbury Weald Enterprise Zone Programme Board will:
- (a) Develop and maintain the Alconbury Weald Enterprise Zone Investment & Delivery Plan on behalf of the Business Board;
 - (b) Update financial reports to set-out Enterprise Zone -related business rate retention, income streams and cost commitments;
 - (c) Provide quarterly output figures to inform monitoring obligations back to Government;
 - (d) Agree on managing the identity and communication of activity taking place on the Enterprise Zone in supporting the overarching programme branding;
 - (e) Maximise the benefits of the Enterprise Zone and to identify potential sources of funding to support site delivery and occupancy; and
 - (f) Prepare site updates and briefing documents for the Business Board; and
 - (g) Escalate and report on any high-level risks and conflicts to the Business Board that cannot be resolved at the Enterprise Zone Programme Board level.

Meetings

- 3.6. The Alconbury Weald Enterprise Zone Programme Board will meet on a quarterly cycle or at such other intervals as the Board may agree. The Chair of the Alconbury Weald Enterprise Zone Programme Board may decide to cancel meetings or call additional meetings as required.

4. Cambridge Compass Enterprise Zone Project Board

Purpose

Appendix 5 – Business Board

- 4.1. Project Boards are individual officer-level working groups representing each site and responsible for overseeing delivering the Enterprise Zone and to co-ordinate the delivery of developments, regeneration and management of the Enterprise Zone. The Boards will focus largely on operational matters and report to the Business Board.

Constitution and Membership

- 4.2. The Cambridge Compass Enterprise Zone Project Boards will comprise of CPCA and Local Authority officers and, in an advisory capacity, representatives from the developer or landowner/agent. The group may include, by invitation, representatives from local Government (BEIS), Cambridgeshire County Council the developer/land owner. Membership of each Cambridge Compass Enterprise Zone Project Boards will be published on the Business Board website. .

Terms of Reference

- 4.3. The Cambridge Compass Enterprise Zone Project Boards will:
- (a) Develop and maintain Enterprise Zone Investment & Delivery Plan on behalf of the Business Board;
 - (b) Update financial reports to set-out Enterprise Zone -related business rate retention, income streams and cost commitments;
 - (c) Provide quarterly output figures to inform monitoring obligations back to Government;
 - (d) Agree on managing the identity and communication of activity taking place on the Enterprise Zone in supporting the overarching programme branding;
 - (e) Maximise the benefits of the Enterprise Zone and to identify potential sources of funding to support site delivery and occupancy;
 - (f) Prepare site updates and briefing documents for the Business Board, and
 - (g) Escalate and report on any high-level risks and conflicts to the Business Board that cannot be resolved at the Enterprise Zone Project Board level.

Meetings

Appendix 5 – Business Board

- 4.4. The Cambridge Compass Enterprise Zone Project Boards will meet at least on a quarterly basis ahead of the Business Board to allow enough time for the submission of reports and Board papers.

Appendix 6 - The Statutory Framework

1. Introduction

- 1.1. This appendix provides a summary of the statutory framework for the Cambridge and Peterborough Combined Authority.

2. Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”)

- 2.1. The [2009 Act](#) empowers the Secretary of State, by order, to establish as a body corporate a Combined Authority for an area.

3. The Cities and Local Government Devolution Act 2016 (“the 2016 Act”)

- 3.1. The [2016 Act](#) introduced powers to provide for the election of Mayors for Combined Authority areas. The Mayor may arrange for a Deputy Mayor or any other Member or Officer of the Combined Authority to exercise a function of the Mayor. It allows a Mayoral Combined Authority to set a precept for funding Mayoral functions. It also enables combined authorities to exercise functions other than economic development, regeneration and transport and to set a levy.

4. The Cambridgeshire and Peterborough Combined Authority Order 2017 (“the 2017 Order”)

- 4.1. The [2017 Order](#) established the Mayoral Combined Authority on 2 March 2017. (See Appendix 1)

- 4.2. The [2016 Act](#) introduced powers for the Secretary of State, by Order, to make provision for a function of a public authority that is exercisable in relation to a Combined Authority’s area to be a function of the Combined Authority; and for any function of a Mayoral Combined Authority to be a function exercisable only by the Mayor subject to specified conditions or limitations ([107D](#)).

4.3. Highways Functions

- 4.4. The [2017 Order](#) delegated the following functions to the Combined Authority and are exercisable concurrently with Cambridgeshire County Council and Peterborough City Council (known as upper tier authorities):

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- 4.4.1. Powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc.) under section 6 of the Highways Act 1980;
- 4.4.2. Certain other functions of the upper tier authorities as local highway authorities under the Highways Act 1980 as set out in the 2017 Order.

4.5. Local Transport Functions transferred to the Combined Authority

- 4.5.1. The following functions are exercisable by the Combined Authority instead of by Cambridgeshire County Council and Peterborough City Council;
 - (a) Local Passenger Transport Services under Part 4 and 5 (financial Provisions) of the Transport Act 1985
 - (b) Local transport under Part 2 of the Transport Act 2000.
- 4.5.2. These powers and duties are set out in **Annex 1** which can be summarised as:
 - (a) Duty to produce a Local Transport Plan;
 - (b) Production of a Bus Strategy;
 - (c) Rights to franchise local bus services within its area, subject to the completion of the process set out in the Bus Services Act 2017;
 - (d) Powers to enter into quality bus partnerships and enhanced partnerships;
 - (e) Responsibility for the provision of bus information and the production of a bus information strategy;
 - (f) Role of Travel Concession Authority;
 - (g) Financial powers to enable the funding of community transport;
 - (h) Powers to support bus services.

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4.5.3. Transport powers were transferred to the Combined Authority, while highway authority powers under the Highway Act 1980 remain with Cambridgeshire County Council and Peterborough City Council.

4.6. Power of General Competence

4.6.1. The [2017 Order](#) conferred on the Combined Authority and the Mayor, the General Power of Competence under Section 1 of the Localism Act 2011.

4.7. Economic Development and Regeneration Functions

4.7.1. Concurrently with the Constituent Councils, the Combined Authority has:

- (a) the power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- (b) the duties and powers under the Education Act 1996 related to the provision of education and training for persons over compulsory school age.

4.8. Incidental powers

4.8.1. The following incidental provisions are to have the effect as if the Combined Authority were a local authority for the purposes of these provisions:

- (a) Section 113 of the Local Government Act 1972(b) (power to place staff at the disposal of other local authorities);
- (b) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);
- (c) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings);
- (d) the power to exercise related to research and collection of information under section 88 of the Local Government Act 1985.

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4.9. Elected Mayor

- 4.9.1. The Order created the position of Mayor for the Combined Authority area. It provides for the first election for the return of a Mayor for the area to take place on 4th May 2017, and for subsequent elections to take place on the ordinary day of election in 2020 and in every fourth year after that, on the same day as the ordinary day of election.
- 4.9.2. The 2016 Act also introduced powers for the Secretary of State, by Order, for any function of a Mayoral Combined Authority to be a function exercisable only by the Mayor subject to specified conditions or limitations.
- 4.9.3. The 2017 Order makes provision for the Mayor to exercise the power to pay grants to Cambridgeshire County Council and Peterborough City Council towards expenditure incurred in relation to the exercise of its highways functions under S31 Local Government Act 2003.
- 4.9.4. The Mayor also has the General Power of Competence.
- 4.9.5. The Mayoral functions can be funded by precept under s 40 of the Local Government Finance Act 1992 (by way of budgetary approval) if they are not funded from other sources.
- 4.9.6. It makes provision to pay an allowance to the Mayor and for an independent remuneration panel to be established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003. The allowance paid must not exceed the amount specified in the recommendation made by the independent remuneration panel.
- 4.9.7. The order also states that the Mayor (or Deputy Mayor in his absence) must vote with the majority of Combined Authority Members if the vote is to be valid.
- 4.9.8. It also provides for rules for voting on specified matters, for example to reject the Mayor's budget or strategies or voting requirements for the transport plan.

5. Local Government Legislation

- 5.1. The Combined Authority has such other powers and duties as are conferred on a Combined Authority by any legislation.

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Such powers include:

Power	Legislation
The duty to appoint a head of paid service, a Monitoring Officer and an Officer with responsibility for the administration of Combined Authority's financial affairs. These Officers will be appointed in accordance with the Combined Authority's Employment Rules set out in the Constitution.	Section 4 of the Local Government and Housing Act 1989 Section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000. Section 73 of the Local Government Act 1985
The power to borrow money for a purpose relevant to its transport functions only;	S111 & S146A Local Government Act 1972
The power to appoint staff and to enter into agreements with other local authorities for the secondment of staff. Staff will be appointed in accordance with the Employment Rules set out in the Constitution	S112 & S113 Local Government Act 1972
The power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;	S120 (except 1b) , S 123, S128-S131 Local Government Act 1972
The power to accept of gifts of property for the purpose of discharging functions,	S139 (except 1b and 2) Local Government Act 1972
The power to pay subscriptions to the funds of local authority associations;	S143 Local Government Act 1972
The power to transfer securities on alternation of area	S146 Local Government Act 1972
The duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;	S17(1) Crime and Disorder Act 1998

- 5.2. Under the Localism Act 2011 the Combined Authority must promote and maintain high standards of conduct and adopt a code of conduct for its Members.

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5.3. The Combined Authority is:

- 5.3.1. a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities), with the exception of general functions of the Mayor (Joint Committees);
 - 5.3.2. a best value authority for the purpose of Section 1 of the Local Government Act 1999;
 - 5.3.3. a public body for the purpose of the Freedom of Information Act 2000. (Schedule 1 Part 2 S19B) and shall be registered as both “data controller” and “data processor” as defined by the Data Protection Act 1998;
 - 5.3.4. a local authority for the purposes of the Local Authorities (Goods and Services) Act 1970 (power to supply goods and materials and to provide administrative and technical services to other public bodies).
- 5.4. Under the Openness of Local Government Bodies Regulations 2014, the public may report and commentate on public meetings of the Combined Authority.
- 5.5. The Local Government Ombudsman has power to investigate complaints of maladministration against combined authorities under the Local Government Act 1974.
- 5.6. The Local Government Act 1986 provisions regarding the prohibition of political publicity (any material which, in whole or part, appears designed to affect public support for a political party) apply to combined authorities.

6. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees Order 2017)

- 6.1. Schedule 5A of the 2009 Act (introduced by the 2016 Act) requires the Combined Authority to establish one or more Overview and Scrutiny Committees.
- 6.2. The Committee must have power to:
- (a) review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Combined Authority, or with the discharge of any general functions by the Mayor;

Appendix 6 – The Statutory Framework

- (b) make reports or recommendations to the Combined Authority or the Mayor with respect to the discharge of their functions; and
 - (c) make reports or recommendations to the Combined Authority or the Mayor on matters affecting the authority's area or inhabitants.
- 6.3. The power to review or scrutinise a decision made but not implemented includes:
 - (a) power to direct that a decision is not implemented while it is under review or scrutiny by the Committee; and
 - (b) power to recommend that the decision is reconsidered.
- 6.4. The 2009 Act provisions enable the Secretary of State, by Order, to make further provision about overview and scrutiny Committees of combined authorities.
- 6.5. The [Cambridgeshire and Peterborough Combined Authority Order 2017](#) provides for the establishment of an Overview and Scrutiny Committee, and includes provisions relating to its membership and Chair.
- 6.6. The Chair must be an appropriate person. In relation to a Mayoral Combined Authority, this means a person who is a Member of a Constituent Authority, but who is not a member of a registered political party of which the Mayor is a member.
- 6.7. The Secretary of State has also made the [Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017](#).
- 6.8. This Order contains provisions regarding the membership of an Overview and Scrutiny Committee; the quorum for meetings; appointment of Members; appointment of Chair; reference of matters to the Committee; duty of the Combined Authority and Mayor to respond to the Committee; confidential and exempt information; the Scrutiny Officer; rights of access to documents for Members of the Committee; key decisions; general exception; and cases of special urgency.
- 6.9. Where the Chair of an Overview and Scrutiny Committee is to be an appropriate person, and the Mayor is not a member of a registered political party, a person may not be appointed as Chair of the Committee if that person is:

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- (a) a member of the registered political party which has most representatives among the Members of the Constituent Authorities on the Combined Authority; or
 - (b) where two or more parties have the same number of representatives, a member of any of those parties.
- 6.10. The 2009 Act provisions also require Combined Authorities to establish an audit Committee to review and scrutinise the Authority's financial affairs and to review and assess its risk management, internal control and corporate governance arrangements.
- 6.11. An Audit Committee must include at least one Member who is an independent person.
- 6.12. The [Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017](#) defines an "independent person", and provides that such a person may not be appointed unless the vacancy was advertised in such manner as the Combined Authority considers it likely to bring it to the attention of the public.
- 6.13. The quorum for meetings of Audit Committees must be no fewer than two-thirds of the total number of Members of the Committee.

7. The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

- 7.1. The [Order](#) provides for the filling of vacancies in the office of Mayor arising due to the death or resignation of the Mayor; the Mayor's election being declared void or the office being declared vacant.
- 7.2. There are provisions regarding the date on which a vacancy is taken to have occurred; the giving of notice of a vacancy; the timescale for by-elections and the term of office of the person filling a vacancy.

8. The Combined Authorities (Mayoral Elections) Order 2017

- 8.1. The [Order](#) makes provision for the conduct of elections for Combined Authority Mayors.
- 8.2. In particular, there are provisions requiring each candidate's nomination paper to be prescribed by at least 100 electors (with at least 10 electors from each

Appendix 6 – The Statutory Framework

constituent council area) and for a deposit of £5,000 to be paid. If there are three or more candidates, the elected Mayor will be returned by the supplementary vote system.

- 8.3. The maximum amount a candidate may spend in election expenses is £2,362 multiplied by the total number of constituent councils, together with an additional 5.9p for every entry in the register of electors for the Combined Authority area.
- 8.4. Candidates who wish to have an election address included in an election booklet prepared and distributed by the Combined Authority Returning Officer will be required to pay a contribution of such reasonable amount as the Returning Officer may determine towards the expenses incurred by the Returning Officer in printing the booklet. Copies of the booklet will be delivered free of charge by the Returning Officer to each elector in the Combined Authority area.

9. The Combined Authorities (Finance) Order 2017

- 9.1. The Order includes provisions relating to Mayoral Combined Authority precepts; a Mayor's proposed budget and the procedure for the Combined Authority to consider and approve the budget; the Mayor's general fund and transitional provisions for the financial year 2017/2018.

10. The Bus Services Act 2017

- 10.1. The Bus Services Act 2017 presents local authorities with new powers to bring about change and unlock the potential for the bus industry to achieve more for passengers than it does today.
- 10.2. New enhanced partnership and advanced quality partnership powers provide the framework for authorities to work side by side with operators to set a shared vision for bus services in their area. Regulations made under the new open data provisions and new ticketing powers should make it easier for passengers to use buses, move between different modes of transport and access timetables, fares and routes.
- 10.3. New franchising provisions will provide Mayors of combined authorities with equivalent powers to those available in London.

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11. The Combined Authorities (Borrowing) Regulations 2018

11.1. These Regulations provide for mayoral combined authorities to borrow money for a purpose relevant to all of their functions (other than transport functions)

12. The Transport Levying Bodies (Amendment) Regulations 2018

12.1. These regulations amend the principal regulations (the Transport Levying Bodies Regulations 1992) to include the Combined Authority in the list of authorities who are levying bodies for the purposes of non-mayoral transport functions. These Regulations confer the power to levy the upper tier authorities Cambridgeshire County Council and Peterborough City Council to deliver transport functions. The purpose of the SI is to split the levy between the two upper tier councils in proportions appropriate to the size of their budget. The regulations enable revenue streams to be pooled making it a more attractive borrowing fund.

13. The Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Functions) Order 2018

13.1. With this Order the Mayor has the power, subject to meeting conditions set out in the Order, to levy a business rate supplement for a project that will promote economic development in the area in accordance with Sections 105B(1) and 107D(9) of the Local Democracy, Economic Development and Construction Act 2009. As the Order provides, such a supplement can be applied only to the business rate bills of businesses with rateable values of at least £50,000, and the supplement cannot exceed two pence in the point. Any supplement must be approved by a ballot of the business ratepayers concerned, achieving a majority both of business rate payers who voted in terms of the number of ratepayers and in the aggregate value of their properties.

14. The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018

14.1. The Order sets out the details of the AEB functions that are transferred to the Combined Authority with the agreement to devolve the budget. With the exception of apprenticeships, adult offender learning or provision for people aged 16 -18, the following functions contained in the Apprenticeships, Skills, Children and Learning Act (ASCL) 2009 are transferred to the Combined Authority in relation to constituent member areas:

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- (a) S86 – Duty to provide appropriate Further Education to learners aged 19 and over (not to include apprenticeships, prisoner education or traineeships).
- (b) S87 – Duty to provide appropriate Further Education to learners aged 19 and over, who do not have certain specified qualifications
- (c) S88 – Duty to ensure that provision is free for relevant learners who do not have certain specified qualifications

14.2. The following powers will be exercised concurrently with the Secretary of State:

- (a) S90 – Duty to encourage learner and employer participation in education and training of people aged 19 and over (except those in adult detention)
- (b) S115 – Duty to consider/have regard to the needs of learners aged 19 and over, with Special Education Needs (other than those aged 19-25 with Educational Health Care plans, who will remain the responsibility of the Local Authorities as they are treated as 16-18 year old learners).
- (c) S122 – Power to exchange information with providers to enable provision of Further Education to learners aged 19 and over.

15. Automated and Electric Vehicles Act 2018

15.1. The Act includes a power for the Mayor to designate places where large fuel retailers and service area operators must provide public charging points. This is limited to locations within the defined key route networks.

15.2. The Government's intention is that these powers could only be exercised once the definitions of large fuel retailers and the factors that would determine the suitability of a particular location have been adopted in regulations.

16. The Social Housing Rents (Exception and Miscellaneous Provisions) Regulations 2019

16.1. Regulation enabling the Combined Authority to fund homes for Affordable Rent'

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Annex 1

Transport Act 2000

Legislation	Duty / Power
Transport Act 2000 Section 108 (As amended by Local Transport Act 2008)	To prepare a Local Transport Plan (LTP) and in developing this and carrying out functions to taken into account Government Policies and have regard to any guidance issued by the Secretary of State relating to climate change and the protection or improvement of the environment.
Transport Act 2000 Section 109	To keep the LTP under review, replacing the LTP every 5 years and to consult when preparing and reviewing the LPT.
Transport Act 2000 Section 112 (As amended by 2008 Act)	To have regards to any guidance issued by the Secretary of State and the needs of elderly or disabled persons when developing the LTP.
Transport Act 2000 Section 113A	Power of an LTA or two or more LTA's acting jointly to make an advanced quality partnership scheme.
Transport Act 2000 Section 114 (As amended by 2008 Act)	To have regard, in considering whether to make a Quality Partnership Scheme (QPS), to the desirability of making a scheme jointly with another authority and to cooperate with other authorities when carrying out functions relating to QPS.
Transport Act 2000 Section 115 (As amended by 2008 Act)	To give notice of proposal to make a QPS and to consult with specified bodies
Transport Act 2000 Section 116 (As amended by 2008 Act)	To give notice of the scheme not later than 14 days after it is made
Transport Act 2000 Section 117 (As amended by 2008 Act)	To give notice and consult specified bodies before deciding to postpone the QPS for a period not exceeding 12 months
Transport Act 2000 Section 118 (As amended by 2008 Act)	To provide the specified QPS facilities not later than the date specified and throughout the operation of the scheme
Transport Act 2000	Power to vary or revoke QPS

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Section 120	
Transport Act 2000 Section 123	To have regard to any guidance issued by the appropriate national authority concerning the carrying out of functions in relation to the QPS
Transport Act 2000 Section 123A	The power of a franchising authority, or two or more franchising authorities acting jointly, to make a franchising scheme covering the whole or any part of their area.
Transport Act 2000 Section 124 (As amended by 2008 Act)	To have regard, in considering whether to make Quality Contract Schemes (QCS), to the desirability of making a scheme jointly with another authority, to co- operate with the other authorities and to keep under review the extent to which their quality contracts are complied with.
Transport Act 2000 Section 134C	Power of an LTA (or two or more acting jointly) to make an advanced ticketing scheme (ATS) if they consider that the proposed scheme— (a) would be in the interests of the public, and (b) would contribute to the implementation of their local transport policies.
Transport Act 2000 Section 135 (As amended by 2008 Act)	Duty regarding Ticketing Schemes (TS) to co-operate with other local transport authorities and in considering whether to make a TS to have regard to the desirability of making a scheme jointly with another authority
Transport Act 2000 Section 136	To give notice of a proposal to make a TS and to consult with specified bodies
Transport Act 2000 Section 137	To make the TS and give notice of it within 14 days after it is made
Transport Act 2000 Section 139 (As amended by 2008 Act)	To consult on and determine what local bus information should be made available to the public and the way in which it should be made available
Transport Act 2000 Section 140	To make information available where satisfactory arrangements for information provision cannot be made with the operators
Transport Act 2000 Section 141	Duty regarding ss 139 and 140 to have regard to economy, efficiency and effectiveness, to the desirability of carrying out those functions jointly with another authority and to co-operate with other authorities
Transport Act 2000 Section 143	Power to obtain information relating to specified matters from operators of local services
Transport Act 2000 Section 143A	Power of a franchising authority to obtain information from operators of local services
Transport Act 2000 Section 145A (As substituted by Concessionary Bus Travel Act 2007)	To issue permits indicating entitlement to travel concessions to elderly or disabled residents who apply for one (England National Travel Concessionary Scheme)

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Transport Act 2000 Section 149 (As substituted by 2007 Act)	To reimburse the operator for providing travel concessions (ENTCS)
Transport Act 2000 Section 150	To publish the proposed arrangements for reimbursing operators (ENTCS)

Transport Act 1985

Transport Act 1985 Section 63(1)	Duty to secure the provision of such passenger transport services as the Council considers appropriate to meet any public transport requirements which would not otherwise be met
Transport Act 1985 Section 63(5) (As inserted by 2008 Act)	Power to enter into an agreement providing for service subsidies for the purpose of securing any service
Transport Act 1985 Section 63(6)	Power to take any measures that appear to be appropriate for the purpose of or in connection with promoting the availability and operation of public passenger transport services other than subsidised services
Transport Act 1985 Section 63(7) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to a combination of economy, efficiency and effectiveness
Transport Act 1985 Section 63(8) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to the needs of elderly or disabled persons
Transport Act 1985 Section 64	Duty to consult when formulating policies for the formulation of policies, and to publish those policies
Transport Act 1985 Section 81 (As amended by 2008 Act)	 Power to provide, maintain and operate bus stations
Transport Act 1985 Section 82 (As amended by 2000 Act)	Duty not to discriminate when exercising powers in relation to provision or operation of bus stations in relation to charges to be made for the use of any accommodation at a bus station or of any associated facilities
Transport Act 1985	Duty of all authorities entering into agreements providing for service subsidies in respect of education and social services functions to

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Section 88	cooperate with one another to secure best value for money for the ratepayers of their areas
Transport Act 1985 Section 89	Duty to invite tenders for subsidised services
Transport Act 1985 Section 93	Power to establish a travel concession scheme for blind and disabled persons, children, persons over 60 and others specified in Regulations
Transport Act 1985 Section 92	Duty to have regard to the interests of the public and of persons providing public passenger transport services in their area when exercising functions in relation to agreements providing for service subsidies
Transport Act 1985 Section 95 (As amended by 2008 Act)	To publish particulars of the concession scheme and reimbursement arrangements for service operators
Transport Act 1985 Section 96 (As amended by 2008 Act)	To admit eligible service operators to participate in travel concession schemes
Transport Act 1985 Section 97 (As amended by 2008 Act)	To impose obligation to provide travel concessions on any operator (participation notice)
Transport Act 1985 Section 98 (As amended by 2007 Act)	Further provision in relation to participation notices
Transport Act 1985 Section 99	Power to release an operator from compulsory participation in travel concession scheme
Transport Act 1985 Section 101	Power to enforce participation in travel concession schemes
Transport Act 1985 Section 103 (As amended by 2008 Act)	Subsidies for travel concessions
Transport Act 1985 Section 105 (As amended by 2000 Act and 2007 Act)	Power to provide travel concessions on services provided by local authorities
Transport Act 1985 Section 106 (As amended by	Power to make grants to assist the provision of transport facilities for the disabled or to support revenue expenditure incurred in providing services other than those for which a PSV licence is required

Appendix 6 – The Statutory Framework

2008 Act and Local Democracy, Economic Development and Construction Act 2009)	
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Appendix 7 – Glossary

Appendix 7 - Glossary

Assurance framework	A document written by the Combined Authority which explains how decisions will be taken to invest in and monitor the progress of projects, to make sure that any such investments present good value for money for taxpayers.
Authorised Signatory	Means the Chief Executive, Chief Finance Officer, and Monitoring Officer (or delegated Officers in Legal Services).
Best Value Duty	This is the legal duty for various types of organisation, including councils, to aim to make continuous improvement when making decisions, delivering services and spending money; and to take into account economy, efficiency and effectiveness. The duty is set out at Section 3 of the Local Government Act 1999.
Business Case	A document that sets out the rational for undertaking a project and its costs, risks and benefits.
Combined Authority	A corporate body formed of two or more local government areas (county councils or district councils in England) which may be given powers to exercise specified functions of both local authorities and public authorities.
Constitution	<p>A set of principles and rules by which an organisation, such as a combined authority, is governed.</p> <p>The Constitution;</p> <ul style="list-style-type: none"> - allocates powers and responsibility within the Combined Authority; - sets out delegations for its Executive including the delegation to Officers; -sets out the rules of procedures, codes and protocols.
Constituent Member/Constituent Council	A constituent council, or a constituent member of a particular combined authority, is a local authority whose area is within the area of that combined authority. A combined authority's area is defined by its constituent council members.
Devolution	When local areas take on new powers, budgets and responsibilities from government
Devolution Deal	An agreement between government and local areas in England to devolve new powers, budgets and responsibilities.
Delegated Authority	The process under the Constitution which sets out what Senior

Appendix 7 – Glossary

	Officers of the Combined Authority are entitled to do in the Combined Authority's name e.g. to enter contracts.
E-Sourcing	The researching and gathering of product or service information by electronic means, mainly by internet or email use.
EU threshold	The financial limit above which all tendering must follow a statutory procedure governed by EU directives. It applies to all public works contracts, public supply contracts and public service contracts which have a value excluding VAT estimated to be no less than the pre-established thresholds. The thresholds are recalculated by the European Commission every two years. See the Quick Reference Guide for the threshold amounts for the works, goods and services.
Financial Regulations	The regulations outlining the Officer's responsibilities relating to financial matters.
Forward Plan	A forward plan is a list of published forthcoming key decisions to be taken during the following three months.
Framework Agreement	A framework is an agreement with suppliers to establish terms governing contracts that may be awarded during the life of the agreement. In other words, it is a general term for agreements that set out terms and conditions for making specific purchases (call-offs).
Fraud and Corruption Response Plan	Procedures put in place by the Chief Finance Officer for responding to any incidents of suspected fraud or corruption.
Gateway procedure	Gateway Review process is a series of independent peer reviews at key stages of a programme or project lifecycle, aimed at ensuring it has achieved the expected economic benefits and impact and successful delivery. It is a key assurance mechanism designed to provide an objective view that a project or programme is consistent with the agreed initial aims and objectives, is on target to deliver on time and to budget
Key Decision	Any spend over £500k will be a key decision and the procedures for a key decision must be followed
Local Enterprise Partnership	There are 38 Local Enterprise Partnerships (LEPs) in England which bring together business and local council leaders to shape local decisions and prioritise investment in order to drive local growth. The close involvement of LEPs is very important to devolution deals and combined authorities.
Monitoring and Evaluation (M&E)	A document or table that describes the indicators that are used

Appendix 7 – Glossary

framework	to measure whether the program is a success.
OJEU	Official Journal of the European Union. Contracts that are above the EU threshold are required to be advertised by placing a notice in the journal.
Procurement Strategy	A strategy document setting out the Combined Authority's approach to procurement and priorities for the next few years.
Scrutiny/Scrutinise	Scrutiny is the process of taking a close look at the decisions of an organisation (such as a local authority). All combined authorities must establish at least one overview and scrutiny committee and an audit committee to scrutinise the decisions of the Mayor and combined authority, to help make sure that the decisions being made are well thought-through and legal.
Single Pot of Investment	An agreement in a devolution deal which brings together different sources of funding into one consolidated fund held by the combined authority.
State aid	State aid is a European Commission term which refers to forms of assistance from a public body or publicly-funded body, given to undertakings engaged in economic commercial activity on a selective basis, with the potential to distort competition and affect trade between member states of the European Union.
Order	A type of 'Secondary Legislation'. Also referred to as a 'Statutory Instrument'.