

Cambridgeshire & Peterborough Combined Authority: Overview & Scrutiny Committee Conflict of Interest Protocol

1. Below is an extract from the then Ministry of Housing, Communities and Local Government's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, May 2019:

Paragraph 25. "Authorities are reminded that members of the executive cannot be members of a scrutiny committee. Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa."

Paragraph 31. "Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person."

2. This protocol leans heavily on the above extract which gives clear direction on who should, or should not, sit on a scrutiny committee and is clear that "Authorities should articulate in their constitutions how conflicts of interest between executive and scrutiny responsibilities should be managed". To that end Annex 1 of Chapter 19 of the Combined Authority's current Constitution states:

"You need to register your interests so that the public, Authority employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest", it continues "It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained."

3. The government guidance from May 2019 and the Combined Authority Constitution should preclude Members who are on the executive or in a position with decision-making powers at a constituent authority from being appointed, by the Committee, to a Lead Member role for the portfolio/field for which they might be appointed. For example, a Member who is the Cabinet Member for the Highways portfolio at their constituent authority they should

not be Lead Member for Transport; or if they are the Housing Committee Chairman they should not be Lead Member for Housing etc. It is suggested that any Member of the Committee in an Executive role at a constituent authority declares this at this meeting, and any subsequent meeting if they have been recently appointed to such a position.

4. The nature of the Rapporteur role is different from that of a Lead Member and care should be exercised when Members are carrying out these duties to avoid possible conflicts of interest.