

Format of Business Board Meetings

To: Business Board

Meeting Date: 14 September 2021

Public report: Yes

Lead Member: Chair of the Business Board, Austen Adams

From: Director for Business & Skills, John T Hill

Key decision: No

Recommendations: The Business Board is recommended to:

- a) Reconsider the recommendation from the Audit and Governance Committee, 'that there should be a presumption that meetings of the Business Board are carried out in public (unless otherwise determined by the Chair); and
- b) Recommend the Combined Authority approve the proposed format change for future Business Board meetings.

1. Purpose

- 1.1 To seek agreement to the proposed format change to allow meetings of the Business Board to be carried out in public (unless otherwise determined by the Chair) and make recommendation to the Combined Authority Board to approve the change.

2. Background

- 2.1 On 5th March 2021, the Audit and Governance Committee considered the draft revised Local Assurance Framework. During that meeting, the Committee expressed concern that meetings of the Business Board were held in private and requested that the Business Board made recommendations to address this concern. The minutes of that meeting record the following:

Committee members raised concerns around the open and transparent nature of the Business Board. Members felt there was a conflict between the Nolan Principles outlined within the Assurance Framework and the statement that all meetings of the Business Board would be private, except for the Annual General Meeting and other meetings as the Chair deemed necessary. The Committee were advised that there was no requirement within the National Assurance Framework to have the Business Board meetings held in public. The degree of openness was thus a decision for the CA Board, as the Accountable Body. The Committee were strongly of the opinion that the Combined Authority's policy of openness, in line with the Nolan Principles, should apply equally to the Business Board, as to all other Committees. The presumption should be that the Business Board would hold meetings in public, except where the Chair deemed there were reasons of confidentiality not to do so.

- 2.2 The committee resolved to:

- (a) Recommended to the CA Board that the word 'not' be removed at point 4.1.7 of the Assurance Framework to read: 4.1.7: All other meetings of the Business Board shall be open to the public unless determined otherwise by the Chair.

- 2.3 On 24th March 2021, the Combined Authority considered the revised draft Local Assurance Framework, as recommended by the Audit and Governance Committee. In order to facilitate the decision of the committee detailed at 2.2 above, the Business Board would first need to consider and agree to the proposed change, prior to implementation by the Combined Authority. In consequence, the Combined Authority resolved to:

- (f) Refer the recommendation of the Audit and Governance Committee, 'that there should be a presumption that meetings of the Business Board are carried out in public (unless otherwise determined by the Chair)', to the Business Board for comment and consideration.

- 2.4 On 30th June 2021, the Combined Authority further considered the recommendation from the Business Board that "Business Board meetings retain the current format, holding meetings in private with one public annual meeting each year, recognising the need to improve transparency but not at the expense of compromising confidentiality, and to work earnestly with the Overview and Scrutiny Committee to explore mechanisms to improve that".

- 2.5 The Mayor commented that prior to his election he had stated that the Business Board should meet in public. He now understood the more nuanced position, but in the course of time he would like to see more public sessions. On being put to the vote the recommendation was lost. It was agreed that Austen Adams (Chair of the Business Board) and John Pye (Chair of the Audit & Governance Committee) would meet to discuss a way forward in terms of a solution.
- 2.6 This meeting was held on 11th August 2021, and it was agreed to propose that all meetings of the Business Board shall be open to the public unless determined otherwise by the Chair. This would enable commercially sensitive and confidential items to be discussed and for open and frank exchanges of information and views to be expressed that might not otherwise be offered in an open forum. This forms an important element within governance arrangements.
- 2.7 Reference is shown below from the Assurance Framework with the proposed amendment as a tracked change (removal in strikethrough):

4.1.7 All meetings of the Business Board shall ~~not~~ WILL be open to the public unless determined otherwise by the Chair. This enables commercially confidential items to be discussed and ~~for open and frank exchanges of information and views to be expressed that might not otherwise be offered in an open forum.~~ This forms an important element within the Combined Authority governance arrangements.

Significant Implications

3. Financial Implications

- 3.1 There are no direct financial implications from this decision, as a decision to meet in public does not require meeting “in-person”. There would be a financial implication to in-person meetings, as appropriate space and AV resources would need to be acquired.

4. Legal Implications

- 4.1 The proposed change (as set out in para 2.7 above) to the Assurance Framework must be approved by the Combined Authority Board.

5. Other Significant Implications

- 5.1 None.

6. Appendices

- 6.1 None.

7. Background Papers

7.1 CA Board Meeting – 30th June 2021 - [CMIS > Meetings](#)