



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Cambridgeshire and Peterborough Combined Authority – Extraordinary Meeting: Minutes (public)

- Date:** Friday 20 May 2022 (adjourned and resumed Wednesday 8 June 2022)
- Time:** Friday 20 May 2022: 2.00 pm – 6.20pm (meeting adjourned)
Wednesday 8 June: 9.50 am – 12.52pm (meeting resumed and concluded)
- Venues:** Friday 20 May 2022: Multi-Function Room, New Shire Hall, Alconbury Weald, Huntingdon PE28 4YE
Wednesday 8 June 2022: Civic Suite, Pathfinder House, Huntingdon PE29 3TN
- Present:** Friday 20 May 2022
Councillor A Bailey – East Cambridgeshire District Council, Councillor C Boden – Fenland District Council, Councillor S Conboy – Huntingdonshire District Council, Councillor W Fitzgerald – Peterborough City Council, Councillor L Herbert (Statutory Deputy Mayor and Chair) – Cambridge City Council, Councillor L Nethsingha – Cambridgeshire County Council and Councillor J Williams – South Cambridgeshire District Council
- Co-opted Members:** Councillor E Murphy – Fire Authority and D Preston Police and Crime Commissioner
- Apologies:** Mayor Dr Nik Johnson, Councillor B Smith – South Cambridgeshire District Council (substituted by Councillor J Williams), Professor A Neely – Acting Chair of the Business Board and J Thomas – Integrated Care Partnership
- Observing:** Councillor B Smith – South Cambridgeshire District Council (from 2.40pm)

Wednesday 8 June

- Present: Councillor A Bailey – East Cambridgeshire District Council, Councillor S Conboy – Huntingdonshire District Council, Councillor W Fitzgerald – Peterborough City Council, Councillor L Herbert (Statutory Deputy Mayor and Chair) – Cambridge City Council, Professor A Neely – Acting Chair of the Business Board, Councillor L Nethsingha – Cambridgeshire County Council, Councillor J Williams – South Cambridgeshire District Council
- Co-opted Members: None present
- Apologies: Mayor Dr Nik Johnson, Councillor C Boden – Fenland District Council, Councillor B Smith – South Cambridgeshire District Council (substituted by Councillor John Williams), Councillor E Murphy – Fire Authority, D Preston – Police and Crime Commissioner and J Thomas – Integrated Care Partnership
- Observing: Councillor B Smith – South Cambridgeshire District Council

Governance items

186. Announcements, apologies and declarations of interest

Apologies for absence were reported as shown above. In the absence of the Mayor, the meeting was chaired by Councillor Herbert, Statutory Deputy Mayor.

The Statutory Deputy Mayor welcomed Councillor Sarah Conboy to the meeting as the new Leader of Huntingdonshire District Council.

The Statutory Deputy Mayor stated his wish that as much of the meeting as possible should be conducted in public, but reminded Board members that they must not discuss any of the information contained in the exempt appendices to the reports in public session. The meeting would have three parts: to consider a Motion on Notice; to discuss transition planning following the resignation of the chief executive; and to consider an Improvement Plan for the Combined Authority. In relation to the Improvement Plan he judged there was further work to be done and would be proposing that the meeting should adjourn after an initial discussion to allow this to take place.

There were no declarations of interest.

187. Public Questions

No public questions were received.

Combined Authority Decisions

188. Motion on Notice (Public Discussion)

The Statutory Deputy Mayor stated that a motion on notice had been received in the names of Councillors Boden, Bailey and Fitzgerald. This followed the submission of a requisition by three current and two former Members of the Board, requesting an extraordinary meeting of the Board. The report contained two appendices which were exempt from publication under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed - information relating to an individual; information which is likely to reveal the identity of an individual; and information relating to the financial or business affairs of any particular person (including the authority holding that information). Should Board members wish to discuss the information contained in the exempt appendices they would need to consider first whether to exclude the public and press from that part of the debate.

Board Members were reminded of the importance of taking care not to release any sensitive personal information, or to discuss such information in a public forum. Special care must also be taken not to say anything which could prejudice, presume the outcome of, or to seek to supplant the constitutional process for the consideration of complaints set out in Chapter 19 of the Combined Authority's Constitution.

Introducing the report, the Monitoring Officer stated that the requisition was valid, and that an extraordinary meeting of the Board had been called in response. He read out the Motion on Notice in full, as set out in appendix 1 of the report. The Monitoring Officer reiterated the importance of separating out sensitive information from the public debate and of not seeking to supplant the Constitutional arrangements relating to issues of Member conduct. In response to a question about the arrangements for the chairing of the meeting, the Monitoring Officer stated that he had advised the Mayor that he should not participate in the meeting to avoid the possibility of challenge in relation to potential bias or predetermination. The Constitution required that the Statutory Deputy Mayor should chair the meeting in the Mayor's absence.

The Statutory Deputy Mayor stated that he would be moving an amendment to the Motion on Notice and proposed to debate both the substantive motion and his amendment together before they were voted on separately.

Speaking to the substantive motion, Councillor Boden expressed deep concern about the Combined Authority's ability to deliver business as usual in light of the resignation of the chief executive and the ongoing Code of Conduct investigation. Given that this had happened during the Mayor's term of office he judged that it was reasonable that the Mayor should be invited to consider voluntarily suspending himself as Mayor, without prejudice, until the matters set out in exempt appendix 3 to the report had been procedurally concluded. He expressed the wish that the Board should move forward collectively and to that end, he moved an amendment to the original motion on notice, seconded by Councillor Bailey, that:

1. In light of the matters listed in Confidential Appendix 1 [*at exempt appendix 3 to this report*], the CPCA Board invites Dr Nik Johnson to consider ~~either resigning~~

~~as Mayor of the Combined Authority or, alternatively, voluntarily suspending himself as Mayor of the Combined Authority until all of the matters referred to in Confidential Appendix 1 [at exempt appendix 3 to this report] are procedurally concluded.~~

~~2. This motion, including Confidential Appendix 1 [at exempt appendix 3 to this report] is to be forwarded immediately to the Department for Levelling Up, Housing & Communities (DLUHC).~~

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

(Words removed from the original motion on notice shown as struck through)

The Monitoring Officer ruled that it was in order for the proposer of the substantive motion to amend their motion. He advised that an adjournment might be considered to consider the form of the Statutory Deputy Mayor's proposed amendment before it was moved given this change to the substantive motion.

Speaking to the motion on notice, as amended, Councillor Bailey expressed her dismay at the situation within the Combined Authority which she described as unacceptable. She stated that the Board had a collective responsibility and duty of care towards the Combined Authority's staff.

The Monitoring Officer reminded Board members of the need to confine their remarks solely to the information contained in the public report, and to avoid reference to any other information which might be considered to be in the public domain. He stated that it was difficult to support the management of the meeting in public session and advised Board members to take a different approach or to move into private session.

The Statutory Deputy Mayor, seconded by Councillor Nethsingha, moved an amendment to the substantive motion:

1. In light of the matters listed in Confidential Appendix 1 [at exempt appendix 3 to this report], **and the full investigation process already underway following a decision under the Member Conduct Complaints Procedure by the Combined Authority's Monitoring Officer**, the CPCA Board: ~~invites Dr Nik Johnson to consider voluntarily suspending himself as Mayor of the Combined Authority until all of the matters referred to in Confidential Appendix 1 [at exempt appendix 3 to this report] are procedurally concluded.~~

- a) **fully supports that investigation process and does not support or welcome any interference or prejudgement by Board members during that process, or see any justification to cause the Mayor himself to prejudge the outcome.**

- b) supports, on its conclusion, consideration of any recommendations by the Combined Authority and its Audit and Governance Committee and that any such recommendations are published, according to the clear and proper review processes defined in the Constitution.**

(Words removed from the substantive motion shown as ~~struck through~~. Additional wording shown in **bold**)

Speaking to the amendment, the Statutory Deputy Mayor stated that in his view the substantive motion suggested a pre-judgement of matters which remained subject to a code of conduct investigation. He judged that the proper time for the motion to be considered would be when that independent investigation had been completed. At that point, he would support the consideration of any recommendations arising from the code of conduct enquiry by the Audit and Governance Committee and by the Board. He further expressed the view that the leaking of information relating to the matters subject to the code of conduct investigation could be prejudicial to the enquiry and to those concerned.

On a point of order, Councillor Boden objected to the amendment on the grounds that he considered it to negate the new substantive motion, contrary to Chapter 5 Paragraph 15.1 of the Constitution. The Monitoring Officer stated that in his judgement, the language of the amendment did not represent a negation of the motion as presented.

In seconding the amendment, Councillor Nethsingha expressed her dismay at the conduct of the meeting and the way in which she felt the formal enquiry process was being overtaken. There were clear processes in place to make sure that all those involved in a code of conduct investigation were protected and she judged that the confidentiality of that process had been broken, which had placed individuals in a very difficult position.

The Monitoring Officer advised that the Board consider that the meeting be moved into private session.

189. Exclusion of the Press and Public

On being proposed by the Statutory Deputy Mayor, seconded by Councillor Nethsingha, it was resolved unanimously:

That the press and public be excluded from the meeting on the grounds that the agenda contained exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed: information relating to an individual, information which is likely to reveal the identity of an individual; and the financial or business affairs of any particular person (including the authority holding that information).

190. Motion on Notice (Private discussion)

191. Transition Planning (Private discussion)

The meeting was adjourned on Friday 20 May 2022 at 6.20pm in private session.

The meeting resumed on Wednesday 8 June 2022 at 9.50am in private session.

192. Board decisions (Public)

The Statutory Deputy Mayor stated that the Board had resolved to move into private session on 20 May 2022 in order to facilitate a full and robust discussion of the matters under consideration (minute 189 above refers). That decision had not been taken lightly.

During its private discussions, the Board had considered the public and exempt reports on the matters under consideration, had heard the advice of senior officers and an external legal adviser and had taken account of the letter dated 7 June 2022 from the Independent Chair of the Audit and Governance Committee containing a letter dated 1 June 2022 from the Combined Authority's external auditor, Ernst and Young.

Following discussion, the following decisions had been taken:

1. Item 2.1: Motion on Notice

The Statutory Deputy Mayor's amendment had been passed following detailed debate.

2. Item 2.3: Transition Planning

The Board had:

- i. Agreed settlement terms to be offered to the former chief executive Eileen Milner.
- ii. Noted the appointment of Paul Raynes as Acting Chief Executive on 31 May 2022.
- iii. Agreed proposals for an Employment Committee to be convened later in June to make recommendations on the appointment of an Interim Chief Executive.
- iv. Considered a draft Member/ Officer protocol and agreed to follow its principles, pending formal adoption following review by the Audit and Governance Committee.

Councillor Fitzgerald stated his wish to place on record that he had not agreed to the settlement terms to be offered to the former chief executive, but had abstained from the vote. He called on the Mayor to resign.

The Statutory Deputy Mayor stated that some serious issues had been identified within the Combined Authority, and that there was a need to engage with DLUHC on this. He paid tribute to the Combined Authority's staff and expressed his confidence that the dialogue with DLUHC would see significant improvements to the CPCA and to the benefit of its residents.

(Statutory Deputy Mayor)