



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

COMBINED AUTHORITY BOARD

Date: Friday, 20 May 2022

Democratic Services

Robert Parkin Dip. LG.
Chief Legal Officer and Monitoring Officer

14:00 PM

72 Market Street
Ely
Cambridgeshire
CB7 4LS

**Extraordinary Meeting - New Shire Hall, Alconbury Weald,
Huntingdonshire PE28 4YE
[Venue Address]**

AGENDA

Open to Public and Press

Part 1 - Governance items

1.1 Announcements, Apologies for Absence and Declarations of Interest

1.2 Public Questions

Arrangements for public questions can be viewed in Chapter 5, Paragraphs 18 to 18.16 of the Constitution. For Extraordinary meetings, the question must relate to the item/s on the agenda. Full details can be viewed in the [Constitution](#)

Part 2 - Combined Authority Decisions

**Item 2.1 - Exempt Appendix 2 - Form of requisition - unredacted
(circulated separately)**

This appendix is exempt from publication under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed (information relating to an individual, information which is likely to reveal the identity of an individual). The public interest in maintaining the exemption outweighs the public interest in publishing these appendices.

Item 2.1 - Exempt Appendix 3 - Confidential appendix to motion on notice (circulated separately)

This appendix is exempt from publication under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed (information relating to an individual, information which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in publishing this appendix.

2.2 Exclusion of the press and public

To resolve that the press and public be excluded from the meeting on the grounds that the agenda contains 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, the financial or business affairs of any particular person (including the authority holding that information).

2.3 Transition Planning (exempt report - circulated separately)

COVID-19

The legal provision for virtual meetings no longer exists and meetings of the Combined Authority therefore take place physically and are open to the public. Public access to meetings is managed in accordance with current COVID-19 regulations and therefore if you wish to attend a meeting of the Combined Authority, please contact the Committee Clerk who will be able to advise you further.

The Combined Authority Board comprises the following members:

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

Mayor Dr Nik Johnson

Austen Adams

Councillor Anna Bailey

Councillor Chris Boden

Councillor Wayne Fitzgerald

Councillor Ryan Fuller

Councillor Lewis Herbert

Councillor Lucy Nethsingha

Councillor Bridget Smith

Councillor Edna Murphy (Non-voting Member)

Darryl Preston (Non-voting Member)

Jan Thomas (Non-voting Member)

Clerk Name:	Richenda Greenhill
Clerk Telephone:	01223 699171
Clerk Email:	Richenda.Greenhill@cambridgeshire.gov.uk



**CAMBRIDGESHIRE
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COMBINED AUTHORITY

Agenda Item No: 2.1

Motion on Notice

To: Cambridgeshire and Peterborough Combined Authority Board

Meeting Date: 20 May 2022

Public report: This report contains appendices which are exempt from publication under Part 1 of Schedule 12A of the Local Government Act 1972, as amended, in that it would not be in the public interest for this information to be disclosed (information relating to an individual, information which is likely to reveal the identity of an individual, the financial or business affairs of any particular person (including the authority holding that information)). The public interest in maintaining the exemption outweighs the public interest in publishing these appendices.

From: Robert Parkin, Chief Legal Officer (Monitoring Officer)

Key decision: No

Forward Plan ref: n/a

Recommendations: The Combined Authority Board is recommended to receive and consider the following Motion on Notice:

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.

Voting arrangements:

A simple majority of all Members present and voting

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

1. Purpose

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

2. Background

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

Review of Requisition following receipt

- 2.2 The requisition was reviewed for:

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

Constitutional basis for requisition

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

5.1. An Extraordinary Meeting of the Combined Authority may be called by:

- (i) the Combined Authority by resolution;
- (ii) the Chair of the Combined Authority;
- (iii) the Chief Executive of the Combined Authority;
- (iv) the Monitoring Officer; or
- (v) any three Members of the Combined Authority if they have signed a requisition presented to the Chair of the Combined Authority and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Mayor's decision as Chair

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

Validity of service, and signatures

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

Motion

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

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

Chair's Decision: Extraordinary Meeting to be called

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

Timing of meeting

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

Special considerations

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

Significant Implications

3. Financial Implications

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

4. Legal Implications

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

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

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

Votes of confidence/no confidence: symbolic only

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

5. Public Health Implications

- 5.1 There are no direct implications concerning public health.

6. Environmental and Climate Change Implications

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

8. Appendices

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

REQUISITION TO THE MAYOR OF THE CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY (CPCA) CALLING FOR AN EXTRAORDINARY MEETING OF THE CPCA BOARD

We the undersigned, being voting members of the CPCA Board, request that the Mayor convenes and gives seven days' notice of an Extraordinary Meeting of the CPCA Board to consider the motion below:

East Cambridgeshire District Council	Anna Bailey
Fenland District Council	Chris Boden
Huntingdonshire District Council	Ryan Fuller
Peterborough City Council	Wayne FitzGerald
Business Board	Austen Adams

19th April 2022

MOTION

1. In light of the matters listed in Confidential Appendix 1, 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 are fully and finally resolved to the satisfaction of the CPCA Board.
2. This motion, including Confidential Appendix 1 (but amended in accordance with Confidential Appendix 2) 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.

CONFIDENTIAL APPENDIX 1

[REDACTED]

CONFIDENTIAL APPENDIX 2

[REDACTED]

