



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No: 4.3

## Review of the Constitution

To:	Cambridgeshire and Peterborough Combined Authority Board
Meeting Date:	22 March 2023
Public report:	Yes
Lead Member:	Councillor Edna Murphy, Lead Member for Governance
From:	Edwina Adefehinti, Interim Chief Officer Legal and Governance & Monitoring Officer
Key decision:	No
Forward Plan ref:	n/a
Recommendations:	<p>The Combined Authority Board is recommended to:</p> <p>Approve and adopt the recommended revisions to the Constitution detailed in this report.</p>
Voting arrangements:	A vote in favour, by at least two-thirds of all Members (or their Substitute Members) present and voting.

## 1. Purpose

- 1.1 This report provides the Board with commentary on the revisions made to the Constitution of the Combined Authority with a view that these be approved and recommended for adoption at this meeting.
- 1.2 The Audit & Governance Committee met on Friday 13 January to consider the amendments and, with changes, approved the revisions and recommend these for ratification by the Board. The Audit & Governance Committee is responsible for keeping under review the governance arrangements, including the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.

## 2. Background

- 2.1 The Combined Authority is obliged to review its Constitution on an annual basis. Officers have undertaken a process of review. This years' review is an iterative process and the Board, following consideration by the Audit & Governance Committee, will be presented with revisions up to the end of this municipal year.
- 2.2 Officers have worked with various stakeholders in preparing these proposed revisions, including the Executive Team of the Combined Authority and the Lead Member for Governance, Councillor Edna Murphy.

## 3. Main Issues

- 3.1 The table presented below includes a description of the principal amendments. The table does not reference any minor typographical or grammatical amendments, or any repetitions in the current Constitution. Table 1 is presented for discussion (note: page numbers in column one reference the current Constitution document Appendix 1). The final column signposts members to the page number reference in the revised document (Appendix 2):

*Note: A tracked changed version of the current Constitution has not been appended to this report. The nature of the changes and the amended Chapter numbers means a tracked changed version would have been confusing to the reader. Appendix 1 to this report is the Constitution in its current format.*

*Table 1: Proposed amendments to the Cambridgeshire & Peterborough Combined Authority Constitution*

<b>Chapter/Paragraph (page number)</b>	<b>Amendment to:</b>	<b>Commentary</b>	<b>Revised Constitution Reference (page number) APPENDIX 2</b>
<b>APPENDIX 1</b>			
Contents Section	Contents Section	Revised Chapter numbers and order	Page 3
Chapter 1, 2.2 - 21.2 (pages 1-8)	Summary	Amended Summary Chapter	Chapter 1; page 4-8
Chapters' 3, 5 and 11	Right of Mayor to speak at Executive Committee meetings	To allow the Mayor to formally take up his position as a	Chapters 3, 5 and 7

		non-voting member of all committees where he is entitled to do that, and where he is not already a member of that committee as of right	
Chapter 5 (page 21)	Proceedings of Meetings	Revised Chapter Heading. Revised to Standing Orders	Chapter 5; page 22
Chapter 5, 1.2 (page 21)	Introduction	Revised Chapter reference	Chapter 5: 5.1; page 22
Chapter 5, 4.5 (page 23)	Urgency	Revised Chapter reference	Chapter 5: 5.5; page 24
Chapter 5, 6.1 (page 24)	Notice of Meetings and Agendas	Revised Chapter reference	Chapter 5: 5.7; page 25
Chapter 5 - addition	Questions by Combined Authority Board Members	Addition of Questions by Combined Authority Board Members	Chapter 5: 5.33; page 35
Chapter 5 - addition	Strategic Policy Debates	Addition of Strategic Policy Debates	Chapter 5: 5.43; page 39
Chapter 5 - addition	Attendance by Committee or Sub-Committee Chairs	Attendance by Committee or Sub-Committee Chairs – additional paragraph	Chapter 5: 5.35; page 37
Chapter 5, Annex 1 (page 39-41)	Protocol on the Webcasting of Meetings	Moved to Chapter 19: Policies and Protocols	Chapter 19: Annex 7
Chapter 6, (page 33)	Transparency Rules, Forward Plan and Key Decisions	Revised Chapter Heading. Revised to Decision Making	Chapter 6; page 40
Chapter 6	Transparency Rules, Forward Plan and Key Decisions	New paragraph 6.1 highlighting decision-making principles	Chapter 6: 6.1 – additional paragraph of decision-making principles; page 40
Chapter 6	Transparency Rules, Forward Plan and Key Decisions	New paragraph 6.2 on Scrutiny of Decisions	Chapter 6: 6.2 – additional paragraph on the scrutiny of decisions; page 40
Chapter 6, (page 42-51)	Transparency Rules	Revised and moved to Chapter 10, Access to Information, Information Governance, Data Protection and Complaints	Chapter 10: 10.1 – 10.14; page 127 - 133
Chapter 6, (page 52-61)	Key Decisions and Forward Plan etc.	Reformatted for consistency	Chapter 6: 6.1 – 6.5; pages 40 - 43

Chapter 6 (page 55)	General Exception	<p>Page 55 did state <i>"Where publication of the intention to make a key decision is impractical, the decision may still be taken if: ..."</i></p> <p>Amended to: <i>"Where publication of the intention to make a key decision <b>at least 28 clear days before the date on which it will be taken</b> is impractical, the decision may still be taken if: ..."</i></p>	Chapter 6: 6.3; page 40 - 41
Chapter 7 (page 54-63)	Budget Framework Procedure Rules	Entirety of Chapter 7 now included within to Chapter 6: Decision Making	Chapter 6: 6.8 – pages 45 - 49
Chapters 8 -11	Executive Committees	Now incorporated into a single Chapter: Chapter 7: Boards and Committees incorporating all the current Executive Committees and sub-committees and the Employment Committee	Chapter 7: Boards and Committees – pages 50 – 73. <i>This Chapter will be updated and presented to the Committee for ratification if the Governance Review report is agreed at the meeting of 22 March 2023</i>
Chapters 8 -11	Executive Committees	Minutes and call-in of Committee decisions – new paragraph 7.1.9	Chapter 7: 7.1.9; page 53
Chapters 8 -11	Executive Committees	Exemption from call-in – new paragraphs 7.1.9.11 to 7.1.9.13	Chapter 7: 7.1.9.11 – 7.1.9.13; page 55
Chapter 13	Overview & Scrutiny Committee	Moved from Chapter 13 – now Chapter 14	Chapter 14; pages 151 - 163
Chapter 13, 16.2 (page 90)	Voting	Additional sentence added around deadlocked decisions of the committee not being referred to the CA Board	Chapter 14: 14.9.2; page 154

Chapter 13, 16.3 (page 90)	Voting	Paragraph 16.3 added following the tied vote for Chair in May 2021	Chapter 14: 14.9.3; page 154
Chapter 14	Audit & Governance Committee	Moved from Chapter 14 – now Chapter 13	Chapter 13; page 143-150
Chapter 14 (page 104)	Audit & Governance Committee: Terms of Reference	<p>Addition of new Terms of Reference approved by the A&amp;G Committee in January 2022 with regard to the Combined Authority subsidiary companies.</p> <p>Addition of new item Terms of Reference item for the Committee under General</p>	<p>Chapter 13: 13.3.22 – 13.3.26; page 145</p> <p>Chapter 13: 13.3.27; page 145</p>
Chapter 14, 9.3 (page 108)	Reference of Matters to Committees	Addition of paragraph 13.9.3 with regard to the process of referrals to the Committee	Chapter 13: 13.9.3; page 147-148
Chapter 16	Contract Procedure Rules: Procurement Policy	Moved from Chapter 16 – now Chapter 9 and a rewritten Chapter	Chapter 9; pages 96 – 126
No Previous reference in the Constitution	Access to Information, Information Governance, Data Protection and Complaints – Access to Information section previously within Chapter 6 Transparency Rules (pages 42-51) (see above)	Addition of a New Chapter: Access to Information, Information Governance, Data Protection and Complaints.	New Chapter 10; pages 127-137
Chapter 18	Officer Employment Procedure Rules	Moved from Chapter 18; now Chapter 11	Chapter 11; pages 138-141
No Previous Reference in the Constitution	New Chapter: Allowances	Addition of a new Chapter 12: Allowances	Chapter 12: page 142. This section to be developed and presented to the Audit & Governance

			Committee by June 2023
No Previous Reference in the Constitution	The Business Board was previously an appendix to the main body of the Constitution	Addition of a new Chapter 15: The Business Board	Chapter 15: page 164. This section to be developed following the review of the Business Board
Chapter 19: pages 177-208 Member Code of Conduct and Complaints Procedure	New Chapter heading: Members. Previously Member Code of Conduct and Complaints Procedure	Moved from Chapter 19 to Chapter 16: Members	Chapter 16: pages 165-190
No Previous Reference in the Constitution	New Chapter: Subsidiary Companies and Shareholder Oversight	Addition of a new Chapter 17: Subsidiary Companies and Shareholder Oversight	Chapter 17; pages 191-197
Chapter 17: pages 152-164 Officer Scheme of Delegation and Proper Officers	Moved to Chapter 18	Moved from Chapter 17 to Chapter 18: Officer Schemes of Delegation	Chapter 18: pages 198-208
Chapter 17, 5.3 (page 156)	Delegations to the Chief Finance Officer	Addition of explicit reporting duty of the CFO, under s.114 of the Local Government Finance Act 1988	Chapter 18: 18.4.3; page 202
No Previous Reference in the Constitution	New Chapter: Policies and Protocols	Addition of a new Chapter 19: Policies and Protocols. Listing, as annexes, the Combined Authority Policies and Protocols	Chapter 19: page 209+. Some of these policies and protocols will be presented to the Audit & Governance Committee between 27 January and June 2023 for approval

3.2 The Combined Authority is currently implementing an improvement plan and it is likely there will be an impact from this for further Constitution reviews. However, a number of areas have already been highlighted which will require a further refresh in the spring of 2023 and these will be presented to the Board, via the Audit & Governance Committee for consideration throughout the remainder of the municipal year. These will be discussed with the Leaders of the constituent councils and are highlighted below:

- Responsibilities of the new Thematic Committees and the impact on effective decision-making
- Business Board – following the review of this body currently underway
- Allowances
- Officer Schemes of Delegation
- Financial Regulations

3.3 Consequently, there will be several iterations of the revised Constitution which will be presented to for approval.

3.4 There are some pages that have been deliberately left blank in the attached constitution, however the sections that have been left blank will be guided by the present constitution pending approval of the Board for the proposed amendments.

- i. Unfortunately, the finance officer dealing with Financial regulations was unwell for several weeks which has meant that the draft Financial regulations were not ready before the last Audit and Governance Committee meeting. The Regulations will now be reported to the next Audit and Governance Committee meeting and then reported to Combined Authority Board.
- ii. The Business Board is going through a review and a separate paper will be before this Board which sets out the proposals for the business board, when that is approved by this Board, the changes will be included in the constitution.
- iii. Regarding allowances, this is governed by the CPCA 2017 but the combined authority is exploring alternative acceptable arrangements that is acceptable to government which could permit payment of allowances to other members. The CPCA is not presently in a position to propose amendments. It is hoped that a report will be produced in May and presented to the Combined Authority Board in Summer. However, the present sections that deal with allowances in the constitution are legally compliant.
- iv. Annex 4 has just been finalised but will travel to the Combined Authority Board via the Audit and Governance Committee.
- v. Annex 11 is a corporate policy document which is not ready, however upon completion will be reported to the Board via the relevant committee.

## 4. Financial Implications

4.1 The proposals contain no financial implications.

## 5. Legal Implications

5.1 The Combined Authority is obliged to adopt and maintain a constitution and standing orders which is compliant with the Cambridgeshire and Peterborough Combined Authority Order 2017 and Section 9p of the Local Government Act 2000.

## 6. Public Health Implications

6.1 There are no public health implications in these proposals.

## 7. Environmental and Climate Change Implications

7.1 There are no environmental and climate change implications in these proposals.

## 8. Other Significant Implications

8.1 There are no other significant implications.

## 9. Appendices

9.1 Appendix 1 – Current Constitution

9.2 Appendix 2 – Amended Constitution following the Audit & Governance Committee meetings of 13 and 27 January 2023.