



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Agenda Item No: 7.1

Constitution Review

To:	Cambridgeshire and Peterborough Combined Authority Board
Meeting Date:	25 January 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:	
Recommendations:	<p>The Combined Authority Board is recommended to:</p> <p>a) To approve the recommend revisions to the Constitution detailed in this report</p>
Voting arrangements:	requires 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

Chapter/Paragraph (page number)	Amendment to:	Commentary	Revised Constitution Reference (page number) APPENDIX 2
APPENDIX 1			
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 4-7
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 20
Chapter 5, 1.2 (page 21)	Introduction	Revised Chapter reference	Chapter 5: 5.1; page 20
Chapter 5, 4.5 (page 23)	Urgency	Revised Chapter reference	Chapter 5: 5.5; page 21
Chapter 5, 6.1 (page 24)	Notice of Meetings and Agendas	Revised Chapter reference	Chapter 5: 5.7; page 22
Chapter 5 - addition	Questions by Combined Authority Board Members	Addition of Questions by Combined Authority Board Members	Chapter 5: 5.33; page 33
Chapter 5 - addition	Strategic Policy Debates	Addition of Strategic Policy Debates	Chapter 5: 5.44-5.52; page 36
Chapter 5, 22.1 (page 37)	Photography etc.	Revised Chapter reference	Chapter 5: 5.42 page 36
Chapter 5 - addition	Attendance by Committee or Sub-Committee Chairs	Attendance by Committee or Sub-Committee Chairs – additional paragraph	Chapter 5: 5.35; page 35
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 35
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 37
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 37
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 122 - 129

Chapter 6, (page 52-61)	Key Decisions and Forward Plan etc.	Reformatted for consistency	Chapter 6: 6.1 – 6.5; pages 35 - 39
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 at least 28 clear days before the date on which it will be taken is impractical, the decision may still be taken if: ...”</i></p>	Chapter 6: 6.3; page 37
Chapter 7 (page 54-63)	Budget Framework Procedure Rules	Entirety of Chapter 7 now included within to Chapter 6: Decision Making	Chapter 6: 6.6 – pages 39 - 44
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 45 – 67. <i>This Chapter will be updated and presented to the Committee for ratification at the meeting on 27 January 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 51-52
Chapters 8 -11	Executive Committes	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 53
Chapter 13	Overview & Scrutiny Committee	Moved from Chapter 13 – now Chapter 14	Chapter 14; pages 150 - 163
Chapter 13, 16.2 (page 90)	Voting	Additional sentence added around deadlocked decisions of the committee not being	Chapter 14: 14.9.2; page 154

		referred to the CA Board	
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 154-155
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	Addition of new Terms of Reference approved by the A&G Committee in January 2022 with regard to the Combined Authority subsidiary companies	Chapter 13: 13.3.22 – 13.3.26; page 145
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 15	Financial Procedure Rules	Moved from Chapter 15 – now Chapter 8	Chapter 8: pages 72 - 94
Chapter 15	Financial Procedure Rules: Financial Management General	Addition of paragraph on general principles observed in accounting arrangements	Chapter 8: 8.3.3; page 75
Chapter 16	Contract Procedure Rules	Moved from Chapter 16 – now Chapter 9	Chapter 9; pages 95
Chapter 16	Contract Procedure Rules: Procurement Policy	Rewritten Chapter	Chapter 9; pages 95 - 125
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 127-136
Chapter 18	Officer Employment Procedure Rules	Moved from Chapter 18; now Chapter 11	Chapter 11; pages 137-140

No Previous Reference in the Constitution	New Chapter: Allowances	Addition of a new Chapter 12: Allowances	Chapter 12: page 141. This section to be developed and presented to the Committee by April 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 165-189
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 190 - 196
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 197-208
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 201
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 Committee between 27 January and April 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 Executive 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
- Social Media Protocol
- Monitoring Officer protocol

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

4. Financial Implications

4.1 The proposals contain no financial implications.

4. Legal Implications

4.1 The Combined Authority is obliged to adopt and maintain a constitution and standing orders.

5. Public Health Implications

5.1 There are no public health implications in these proposals.

6. Environmental and Climate Change Implications

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

7. Other Significant Implications

7.1 There are no other significant implications.

8. Appendices

8.1 Appendix 1 – Current Constitution

8.2 Appendix 2 – Amended Constitution following the Audit & Governance Committee meeting of 13 January 2023.