



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

## **AUDIT AND GOVERNANCE COMMITTEE**

**Date: Friday, 13 January 2023**

**Democratic Services**

Edwina Adefehinti  
Chief Officer Legal and Governance  
Monitoring Officer

**10:00 AM**

72 Market Street  
Ely  
Cambridgeshire  
CB7 4LS

**Civic Suite, Pathfinder House, St Mary's Street, Huntingdon  
PE9 3TN  
[Venue Address]**

## **AGENDA**

**Open to Public and Press**

**1 Apologies for Absence and Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests.

**2 Chair's Announcements**

**3 Procurement Policy**

**4 - 42**

**4 Revisions to the CPCA Constitution**

**43 - 587**

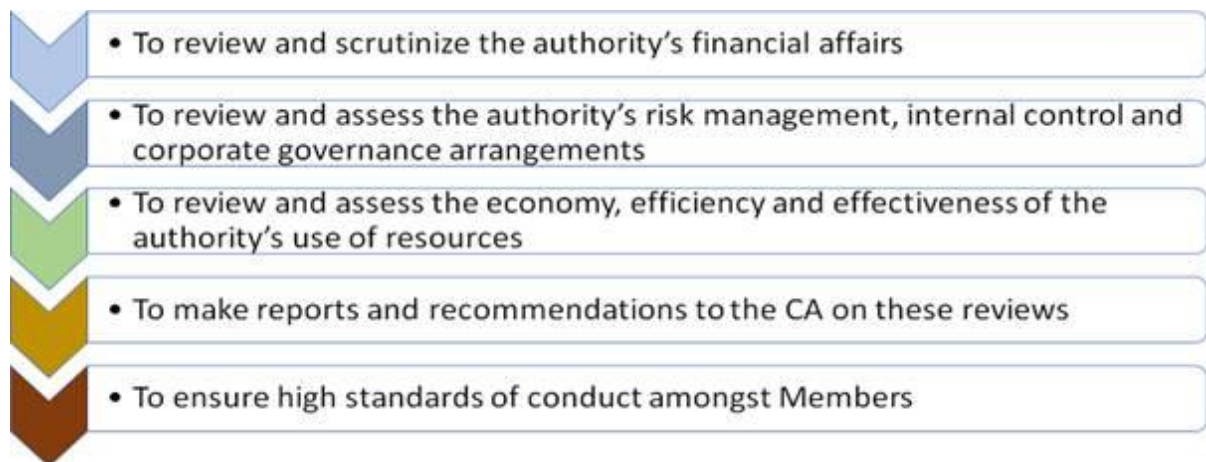
**6 Date of next meeting:**

Friday, 27th January 2023 at 10.00 a.m.

The Audit and Governance Committee comprises the following members:

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

**The Audit and Governance Committee Role.**



The Combined Authority is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens.

Councillor David Brown

John Pye

Cllr Imtiaz Ali

Councillor Ian Benney

Councillor Stephen Corney

Cllr Geoff Harvey

Cllr Simon Smith

Councillor Graham Wilson

Clerk Name:	Anne Gardiner
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**CAMBRIDGESHIRE  
& PETERBOROUGH**  
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Agenda Item No: 3

## Procurement Policy

To: Audit & Governance Committee

Meeting Date: 13 January 2023

Public report: Yes

Lead Member: Deputy Mayor Councillor Anna Smith

From: Edwina Adefehinti  
Monitoring Officer

Key decision: No

Forward Plan ref: N/A

Recommendations: The Audit & Governance Committee is recommended to:

1. Support the attached procurement policy which is to be discussed and approved at Board on 25 January 2023.

Voting arrangements: A simple majority of all Members present and voting

### 1. Purpose

- 1.1 The Audit and Governance Committee is responsible for keeping under review the governance arrangements, such as policies and the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.
- 1.2 This report sets out proposed changes to the Combined Authority's procurement policy in line with the recommendations within the review of governance and changes. These proposed changes will be presented to Board on 25 January 2023.
- 1.3 These changes will lead to constitutional change. The Audit & Governance Committee is asked to consider the content of the report, support the proposed changes and note the timetable that will also be taken.

## 2. Background

- 2.1 The proposed Procurement Policy directly supports the combined authority's governance framework.
- 2.2 Best practice dictates that organisations should have an overarching Procurement Policy in place to offer clear guidance to officers when procuring goods and services, whilst at the same time supporting the organisations' priorities and strategic themes.
- 2.3 The risk to the CA in not having a Procurement Policy is that officers do not have guidelines to follow to ensure that the CA is not open to challenge because of their procurement activities.
- 2.4 The Policy should also offer clear guidance to ensure procurements comply with both statutory requirements and the CA's own constitutional requirements.

### Timescales

- 2.5 The Draft Policy will be presented to the CA Board on 25 January 2023. The approved Policy will be included in the constitution.

## 3. Financial Implications

- 3.1 N/A

## 4. Legal Implications

- 4.1 Having a clear policy ensures the Combined Authority will be better placed to reduce the likelihood of subsequent (costly) challenges to non-compliant procurements.
- 4.2 Public procurement in the UK is governed by legislation set out in the Public Contracting Regulations 2015. These provide a legal framework based on principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality and has taken over from EU legislation regarding Procurement post Brexit. This is accompanied by other relevant legislation including the Utilities Contracts Regulations 2016, Concession Contracts Regulations 2016, the Freedom of Information Act 2000, Data Protection Act 2018 and the General Data Protection Regulation, Equalities Act 2010, Localism Act 2011, Social Value Act 2012, the Bribery Act 2010. Local Government Act 1988 and the Local Government (Transparency Requirements) (England) Regulations 2015
- 4.3 In accordance with the public procurement rules, it is therefore necessary to ensure that ethical issues are relevant to the subject matter of the contract and are consistent with the requirement within the Local Government Act 1999 to achieve "best value". In the context of procurement, best value for money means choosing the option or bid that offers "the optimum combination of whole life costs and benefits to meet the customer's requirements." Ethical considerations that are "relevant" to the subject matter of the contract may arise where there is a risk to the Authority from a supplier being unable to deliver the product or service to time and of sufficient quality due to say insufficient health and safety provisions for its employees. If a clear link can be established between poor conditions of employment

and the ability or motivation of an employee to maintain required equality standards, this will be relevant to the supply of goods, works or services. <sup>Item 3</sup>

- 4.4 Responsible procurement is defined as “the process whereby organisations meet their needs for goods, services and works in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment”. The Public Services (Social Value) Act 2012 provides the relevant legislative framework and requires local authorities to consider these wider benefits when procuring and entering into contracts. The Act applies to public services contracts and framework agreements to which the Public Contracts Regulations 2015 apply and aims to provide a tool to assist commissioners to get more value for money out of procurement.
- 4.5 Under the Public Services (Social Value) Act 2012, the CA must consider, before starting the process of procurement of services, how and what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and how, in conducting the process of procurement, it might act with a view to securing that improvement.
- 4.6 This social value duty is balanced by obligations to ensure fair and open competition as set out in the Public Contracts Regulations 2015 which state, inter alia, that award criteria must be ‘linked to the subject matter’ of the contract in question and must be contract-specific and not aimed at assessing the business or corporate policies of the tenderer.
- 4.7 Contracting authorities are entitled to decide not to award a contract to the tenderer submitting the most economically advantageous tender where they have established that the tender does not comply with applicable obligations in the fields of environmental, social and labour law established by retained laws in the UK-EU Trade and Cooperation Agreement, national law, or collective agreements. The list of such obligations is prescribed and must be strictly construed. If the tenderer is not in breach of any of those obligations the contracting authority is bound to select its bid if it is the most economically advantageous tender.
- 4.8 One of the proposals in the Transforming Public Procurement Green Paper is that the most economically advantageous tender (MEAT) criterion is changed to the most advantageous tender (MAT), which would allow more latitude to contracting authorities in designing their procurements to secure social value outcomes. In the meantime contracting authorities may pursue their social value duty under the MEAT criterion so long as the award criteria are linked to the subject matter.
- 4.9 Government has issued a procurement policy note (05/21) requiring that contracting authorities familiarise themselves with the contents of the National Procurement Policy Statement. The Statement advises that contracting authorities should have regard to the following national priorities in their procurement where it is relevant to the subject matter of the contract, and it is proportionate to do so:
- creating new businesses, new jobs and new skills
  - tackling climate change and reducing waste, and
  - improving supplier diversity, innovation and resilience

4.10 The National Procurement Policy Statement affirms the requirement to comply with legal obligations including those in the UK-EU Trade and Cooperation Agreement, and these obligations include the binding commitment to fair and open competition which is assured by the Public Contracts Regulations. <sup>Item 3</sup>

4.11 The procurement policy note also advises that contracting authorities should consider whether they have the right policies and processes in place to manage the key stages of commercial delivery identified in this statement where they are relevant to their procurement portfolio. They should consider whether they have the right organisational capability and capacity with regard to the procurement skills and resources required to deliver value for money.

## **5. Public Health Implications**

5.1 N/A

## **6. Environmental and Climate Change Implications**

6.1 N/A

## **7. Other Significant Implications**

7.1 Risk Management

- The key risks associated with procurement are that the CA does not get value for money from external spend or that it is challenged for non-compliance with its internal processes or with legislation. Consistent processes, effective procurement planning, and focus of governance and procurement professional time on high-value high-risk projects provides mitigation against these. This policy and the underpinning framework provide clarity around The CA's priorities for responsible procurement, clearly linking requirements to the CA's outcomes, to ensure any benefits are channelled appropriately.
- Internal and external Audit can provide assurance to senior management and Members on procurement controls and the assurances being obtained by management that the process is operating effectively, and the requirements are being complied with. Internal Audit may include procurement controls within the Continuous Auditing programme and reviews of procurement and contract management arrangements in the annual Internal Audit Plan.

## **8. Appendices**

1. Draft Procurement Policy
2. Procurement Policy Note – National Procurement Policy Statement Action Note PPN 05/21 June 2021
3. The Procurement Bill- a summary guide



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# **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY**

## **PROCUREMENT POLICY**

**November 2022**



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## 1. Introduction

This document sets out the procurement approach to be applied by any person purchasing Goods, Services or Works on behalf of the Cambridgeshire and Peterborough Combined Authority (CPCA). It is complementary to Chapter 9 – Contract Procedure Rules of CPCA's Constitution and it is designed to detail the overarching approach to public spending and the strategy by which best value and compliance is to be achieved. In the event of any conflict between the Contract Procedure Rules and this document, the Contract Procedure rules will prevail'

## 2. Organisation Classification

The Cambridgeshire and Peterborough Combined Authority is classified as a Contracting Authority as defined in Regulation 2(1) of the Public Contract Regulations 2015.

## 3. Applicable Legislation & Policy

The CPCA is required to operate under a legislative and policy framework which includes the following:

- The Local Government Act 1972
- Public Contract Regulations 2015 (PCR2015) as amended from time to time including by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021
- Concession Contracts Regulation 2016
- Bribery Act 2010
- Equalities Act 2010
- Localism Act 2011
- Social Value Act 2012
- Modern Slavery Act 2015
- General Data Protection Regulation 2018
- Transparency Code 2015
- Public Procurement Policy Notes

The first item in the above list requires the authority to publish its Standing Orders on how it manages its contracting requirements (Chapter 9 - Contract Procedure Rules) as part of its Constitution; this being available at the following link – [\(Link to follow\)](#) The CPCA, as part of this section of the Constitution, sets out a basic workflow and series of decisions regarding; budget, conventional route to market options, practical processes, approval requirements and final

award, and is based on the minimum and most commonly applied requirements, as directed by the PCR2015.

The remainder of how the above requirements in legislation and Policy are to be achieved are detailed below.

## 4. Policy Requirements

This Policy document must be read in conjunction with the Constitution and strictly applied to ensure both:

- 1) the application of the following Procurement Principles;
  - a) equality of treatment
  - b) transparency
  - c) non discrimination
  - d) proportionality
- 2) evidence of compliance with the Public Contract Regulation 2015 and the Concession Contract Regulations 2016;
- 3) an efficient, effective and economic outcome from every procurement;
- 4) a proportionate procurement process that balances procurement costs, delivery requirements and delivery savings;
- 5) support and push for the socio-economic commitments of the area, Authority and its members where possible and to the largest extent permitted by law, including:
  - Net Zero policies and outcomes by all contractors, suppliers and in works contracts, promoting
  - Real Living Wage to all directly employed staff, (individuals) contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- 6) The above are to be achieved through the adherence to the following processes, decisions, actions and documentation.

## 5. Reasons for Compliance

Officers are required to comply with the Contract Procedure Rules and this Policy

- To ensure that the Authority obtains best value when it buys works, goods or services
- To demonstrate true and fair competition and public accountability
- To ensure consistency
- To prevent bribery and corruption, whilst ensuring probity
- To ensure a full audit trail and transparency

- To protect the interests of the Authority, its officers, elected Members, taxpayer funds and the public.
- To abide by legislation, government guidance and policy and the Authority's socio-economic commitments.
- To minimise the risk of challenge, protect a project from delay and prevent the likelihood of incurring additional costs or paying damages

## 6. Procurement Planning

Officers need to plan ahead for their required purchases, this to include the following stages

- Financial Approvals – this to include the initial budget allocation and any delegated authorities to award
- Project team – who will support the process from a financial, procurement, legal and a sponsor perspective
- Documentation requirements – internal or external templates
- Process approvals – internal or external panels or boards or funding requirements
- Process durations (excluding any approvals)
  - Single quote - approximately two weeks
  - Three quotes - approximately six weeks
  - Below threshold tender - approximately 10 weeks
  - Above threshold tenders - OPEN procedure – approximately 14 weeks
  - Negotiated Procurement - at least 26 weeks
- Award requirements – this to include the completion of the Officer Decision Notice, approval by the Chief Executive and the (CA Board or Mayoral Decision) if over £500,000 and any Standstill requirements where applicable (The above requirement includes contracts of the same value being novated or assigned).

The Find a Tender Service ("FTS") threshold is currently at - £213,477 including VAT and - £5,336,937 including VAT for services and works, respectively. And £5,336,937 including VAT for Concession Contracts.

## 7. Procurement Documents

The CPCA standard templates and requirements would be used except where otherwise specifically agreed by procurement. All procurements must include the following information, where practical:

- Either a **Request for Quotations** (“RFQ”) or **Invitation to Tender** (“ITT”) document that details the process to be followed, the rules of participation and the method by which the procurement will be managed, evaluated and awarded.
- A **Contract Specification** or set of **Employers Requirements– Included in the ITT**
- A **Standard Selection Questionnaire (“SSQ”)** document (only to be used on below threshold processes on the advice of procurement) used to assess mandatory and discretionary disqualifications and a supplier’s overall suitability to contract with the CPCA. – Included in the ITT for open procurement process only or a separate document for other processes.
- A **Due Diligence Information Document** that enables the CPCA to assess the stability and commercial suitability of the organisation to deliver the contract – Included in the ITT
- A Set of **Method Statement Questions** that direct the supplier to specify and explain how they will deliver the specifics of the project’s requirements. – Included in the ITT
- A **Pricing Document** to be completed – To be attached to the ITT as part of the tender documents
- The **Contract Terms and Conditions**– To be attached to the ITT as part of the tender documents
- Any additional, supporting; charts, drawings, data sheets, explanatory notes etc.

## 8. Tender Specifications (law & CPCA requirements)

The tender specification needs to adequately define the CPCAs requirements; this could be as an input, output or outcome spec.

When using an input specification, officers cannot name a manufacturer, brand, model or part number; the requirement needs to be defined by its functionality and performance. Where it is impossible to define a requirement without naming a product; the specification must state, ‘or equivalent’.

The specifications must be relevant to the subject matter of the procurement, and they must not be drafted so as to narrow competition artificially.

Officers defining the contract requirements must therefore be suitably experienced (and for an input specification; up to date with current standards, technology and trends) such that the tender documentation will facilitate a suitable offering and a manageable contract.

## 9. Procurement Route Decisions

Officers are required to consider their route to market based on the nature of the purchase, whether the total contract value exceeds a requirement to advertise and the FTS threshold, and under which of the following categories that spend falls;

- **Category 1 - Public Contracts** - Works, Goods or Services contracts but excluding those which fall within the definition of a concession contract under the Concession Contracts Regulations 2016
- **Category 2 - Concession Contracts** – either a works concession contract or a services concession contract which falls within the definition of concession contracts under the Concession Contracts Regulations 2016 – generally involving the right to exploit the service or work, the transfer of operating risk to the contractor and no guarantee that the contractor will recoup its investment; e.g. café services
- **Category 3 - Light Touch Regime Contracts** – contracts which fall within schedule 3 of PCR 2015 – generally they are where the cross-border markets are limited as suppliers are usually required to be locally based and/or knowledgeable; e.g. legal services, education, catering

Each of these Categories are treated differently by procurement legislation and have different FTS thresholds for advertising and as such different strategies by which to engage with the market. The Current FTS thresholds are available at the following link - [Public Procurement thresholds 2022 – Tenders Direct Blog](#)

In selecting the optimal route to market, officers are required to demonstrate that their selected route achieves primarily value for money and secondly promotes the Authority's commitments; generally, this will require evidence of the supplier having been selected through a competitive procedure be that in the establishment of a competitively procured corporate contract or framework (by the CPCA or another approved organisation), or through a project specific competition. The level of competition required is set out below.

When awarding/signing Contracts following a procurement route, the officers are required to fill in the relevant form to each route (as described in the [Decision Matrix spreadsheet](#)) and obtain necessary approvals as indicated within the relevant form used. Templates of the relevant forms can be found [HERE](#).

### 9.1. Below threshold – all categories

(Supplemental to paragraph 9.14.1 of Chapter 9 of the CPCA's Constitution)

- under £50,000 officers are required to seek three local quotes where available as a preference unless the technicality of the requirement is so specialist that this overrides

the socio-economic commitments of the CPCA (in which case an advert may be required to seek interest from appropriately qualified organisations) and subject always to the requirements of legislation.

- over £50,000 officer are required to either utilise a corporate contract or an existing framework, wherever possible (as listed below), or to place an advertisement in Contracts Finder and invite tenders using the CPCA standard templates above and procurement process detailed in section 10 below, subject to the requirement of regulation 111 PCR 2015 that a pre-qualification stage is not permissible.

## 9.2. Above threshold – Category 1

Over the FTS threshold, officers are **required to consult with procurement** and to carry out an [options appraisal](#) (using the CPCA standard form) in consideration of the following

- consider and evaluate the use of existing frameworks; specifically
  - Crown Commercial Services Frameworks
  - Eastern Shires Purchasing Organisation Frameworks
  - Homes England Frameworks
  - Highways England Frameworks
  - National LGPS Frameworks
  - Any other framework in which we have been explicitly named and financially accounted for.

Where a framework is used, the officer must comply with the processes as set out in the original procurement. Where there is an option for either direct award or mini competition, officers must consider the following.

- Where the framework only allows for award via a mini competition, a mini competition must be applied
- Where a framework allows for direct awards for such values, the officer may either carry out a mini competition or directly award the contract subject to the advice by the procurement department and:
  - Compliance with the PCR 2015 and framework processes
  - The technical requirements of the contract
  - The suitability of the suppliers on the framework
  - Any conflicts between this appointment and other project related contracts
  - Criticality of timescales



- Historic project knowledge where the initial appointment was suitable procured.

Where a framework is not available or they are deemed unsuitable, and in considerations of the requirements of the category, officers must advertise the opportunity and select the route based on the following options listed below:

#### **Single Supplier Appointment Requirements**

- OPEN tendering (as detailed in Regulation 27, PCR 2015) must be the default option – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process; however
- RESTRICTED tendering (as detailed in Regulation 28, PCR 2015) may be used where the market is extensive and the cost to the CPCA and the market against the process is disproportionate to the value of the contract such that a short-listing stage is advantage to all parties. EVERYTHING must still all be disclosed upfront
- COMPETITIVE PROCEDURE WITH NEGOTIATION (as detailed in Regulation 29, PCR 2015) tendering may be used where EVERYTHING is not known upfront as how the outcomes are to be achieved need market involvement and subject to meeting the criteria set out in Regulation 26, PCR 2015.

#### **Multiple Supplier Appointment Requirements**

- FRAMEWORK AGREEMENT - these are procured in accordance with any of the routes above and can include single or multiple requirements (LOTS), single or multiple suppliers and single or multiple awards. It is a closed list once awarded and has a maximum duration of 4 years. The initial process and any subsequent awards must comply with the principles of equal treatment and transparency and comply with both the PCR 2015 and the processes defined in the framework documents.
- DYNAMIC PURCHASING SYSTEMS these are open lists, they are established using the Restricted process with an SSQ and a minimum level of quality and previous experience requirements; suppliers are added to categories if approved and any award under the DPS must be by way of a mini competition which evaluates price and quality.

### **9.3. Above threshold – Category 2**

- OPEN tendering must be applied – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive, and transparent process

#### **9.4. Above threshold – Category 3**

- There are no prescribed routes to market, except a requirement to advertise contracts which are over the FTS threshold. The process must be defined on a project-by-project basis and must comply with Regulations 74-77 PCR 2015 and the Procurement Principles of equal treatment, transparency, non-discrimination and proportionality (Regulation 18 PCR 2015).

### **10. Tender Process & Communication – Category 1 & 2**

All Procurement information and tender requirements **MUST** be shared equally with ALL interested parties; to facilitate this, the following rules regarding information distribution, communications, and storage, must be followed.

ALL information must be shared and managed **ELECTRONICALLY**, and where specified below, **managed through the CPCA e-tendering portal**

#### **10.1. Under £10k – quotes**

Single quotes must be obtained by email and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

#### **10.2. Non-advertised (three) quotes - £10k - £49,999k**

Where three quotes are obtained directly from three local suppliers (where permissible under legislation), these can be requested by email. Once evaluated the selected supplier's quote must be and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

#### **10.3. Advertised quotes - £25k - £50k**

Where an officer cannot identify 3 local suppliers from whom to obtain quotes or where legislation prevents the contract being reserved to local suppliers, the opportunity must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. A pre-qualification stage must not be used.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.4. Advertised Tenders – over £50k but below threshold**

Where a contract has a value that exceeds £50k but is less than the relevant threshold and the opportunity cannot be awarded through an existing framework then it must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. A pre-qualification stage must not be used except for certain works contracts on the advice of procurement. These processes are to be loaded and overseen by procurement.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.5. Regulation compliant Tenders**

Above FTS threshold tenders must be both advertised on Contract Finder and in the Find a tender Service (FTS) (via the e-tendering portal – currently Proactis) and an appropriate set of procurement documents collated so as to clearly and transparently define the procurement process to be followed along with the all project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.6. Mini Competition from a Framework**

Where the CPCA are utilising an existing Framework under which they intend to carry out a further competition to obtain a competitive quote from interested parties, the process and all the tender documentation and correspondence must be managed through the CPCA e-tendering portal. The project officer must utilise the framework templates where stipulated (ours where not) to clearly and transparently communicate all of the project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

### **10.7. Direct Award from a Framework**

Where a framework includes an option to award directly the officer must first identify which supplier best matches their requirements in consideration of performance ability, delivery timescales, cost, experience, ability to resource, conflicts of interest and any other requirements that are particular to the project that demonstrate a justifiable reason for using that supplier over another – this decision making process must be agreed with procurement and documented by way of an email that can be attached to the contract register when the contract is added.

### **10.8. Direct Award without advertisement**

In some circumstances there may be a justification to award without advertisement or competition; in either and/ or both cases a [Direct Award Template.docx \(sharepoint.com\)](#) must be completed to document and justify this decision and this must be signed in accordance with the requirements of the form. Examples of the circumstances in which an award without advertisement may be justified include:

- Direct Award instead of seeking three quotes for below FTS Threshold
- Direct award without advertisement or competition for above FTS Threshold this is covered in Regulation 32 of the Public Contract Regulations 2015 for which exemptions there are certain criteria
  - Monopoly – this must be demonstrated through a single response to an expression of interest published on Contracts Finder (Below threshold) or on the FTS
  - Urgency – This is where the requirement must be addressed sooner than the time required for Threshold procurement – however – the urgency must not be of the CPCA's making e.g. poor planning.
  - In response to a procurement having been completed in a compliant manner and the outcome not achieving the requirement of the tender documents – in this case a single supplier can be selected to negotiate with.

All decisions regarding this must be agreed with legal and procurement and recorded in the Direct Award Template. Such agreement will only be forthcoming where the direct award is permissible under the CPCA Contract Procedure Rules, the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016 as appropriate. In addition, where required under CPCA Contract Procedure Rules, the appropriate waiver shall be obtained.

## 11. Tender Process & Communication – Category 3

### 11.1. Below Light touch regime FTS threshold

There are no requirements to advertise below Light Touch Regime threshold – however, the CPCA are still required to ensure that the expenditure demonstrates value for money. Officers are also required to ensure they have approval to spend the funds and this and the choice of suppliers should be agreed by the budget holder and the email evidencing this attached to the relative entry on the contract register.

This specifically applies to contentious legal, education, training, catering services procurement processes for the CPCA and others which are included under Section 3 or the PCR2015.

### 11.2. Above Light touch regime FTS threshold

The practical process for this type of procedure must follow 10.5 above and the details of the process as set out in the Invitation to Tender.

## 12. Advertising Opportunities and Awards

- Framework Award Notices –
  - Over the FTS threshold, an award notice should be published in the FTS and on Contracts Finder within 30 days from award of contract.
  - Under the FTS threshold - and over £30k an award notice must be published on Contracts Finder within 30 days from award of contract.
- Advertised Opportunities & their Award Notices –
  - Above FTS Level - Any contract that exceeds the FTS threshold must have both the opportunity published in the FTS in accordance with the selected route to market and then, also published on Contracts Finder within 30 days from award of contract.
  - Below the FTS threshold – where the opportunity has been advertised an award notice must also be published using the same mechanisms
- Not-advertised Opportunities & their Award Notices –
  - Three Quotes – where the value exceeds £30k an award notice must be published on Contracts Finder
  - Single Source – where the value exceeds £30k an award notice must be published on contracts finder and where the value exceeds the FTS threshold and is awarded subject to Regulation 32 and VEAT notice must be published, and a 10 day stand still period applied.

- Light Touch Regime below FTS procurements do not need the opportunity advertised but where over £30k, the award must be notified on Contracts Finder

## **13. Tender Evaluation Approach**

### **13.1. Single quote**

Purchases made using a single quote are only evaluated for compliance with request and budget.

### **13.2. Three Quotes**

Purchase made after seeking three quotes (that have not been advertised) should be made to the lowest priced suppliers.

### **13.3. Advertised Tender Processes**

Tenders that are advertised must be evaluated on the basis of the Most Economically Advantageous Tender ('MEAT') where both quality and price are considered.

The default split for evaluation is 60% quality and 40% price but this can be adjusted to a split of 70:30 or 80:20 to reflect the requirements of the contract.

### **13.4. Mini Competition FW**

Mini competitions must be evaluated using the process detailed in the framework documents.

### **13.5. Direct Award FW**

Where a framework enables a direct award process to be applied then procuring officer must document the rationale for how MEAT has been applied in accordance with the framework evaluation criteria and/or how the direct award process has been applied and this should be agreed with procurement before the award is made.

### **13.6. Direct Award without Competition**

The process of selecting the supplier to whom the CPCA will direct award will need to provide evidence of some form of evaluation criteria (such as size, experience, references, previous experience by the CPCA or another known Local Authority) as the requirements and pricing that establish the contract will be part of a negotiation process post selection.

## **14. Tender Evaluation Process**

The Procurement Principles are paramount during this stage of the process – failure to apply the specified criteria exactly or fairly is the greatest risk of process failure and Challenge.

The scoring allocation for each section of the criteria must be evaluated from an absolute perspective using a predefined scale and must not include comparison of one supplier against another such that, in theory, a supplier can calculate their own score before they submit their tender.

The recommended approach is set out in the CPCA standard Invitation to Tender (ITT) and should only be amended with agreement from procurement.

The Evaluation Process should address the following three main headings with recommended sub-headings as listed below

#### **14.1. Price**

- A Schedule of Rates or Basket Price
- A Lump sum fixed price
- A sufficiency Ratio

#### **14.2. Quality**

- Contract delivery processes and Mechanisms
- Resources and technical ability required to deliver the contract
- Timescales and critical path
- Risks & mitigations
- Quality Control
- Health & Safety including Safeguarding, environmental protection,

#### **14.3. Social, economic, and environmental requirements**

To the extent permissible by procurement legislation:

- Putting the Mayor's values at the heart of public procurement, namely
  - Compassion
  - Co-operation
  - Community

as described in more detail in the [Combined Authority's Sustainable Growth Statement](#).

- Real Living Wage to all self-employed, contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- Local jobs, staff training, apprenticeships and work experience etc.
- Volunteering to support local projects
- Net Zero carbon footprint policies and outcomes by all contractors, suppliers and in works contracts, promoting

- Other Environmental protection matters such as; protection of wildlife, product specification, whole life costing, recycling and waste minimisation etc.
- Local spend, local supply chain, local investment

Subject to all requirements in Chapter 9, paragraph 13 of the CPCA Constitution and relevant procurement legislation, and in the spirit of recent drive of the UK government for environmental protection as an increasingly important criterion for public procurements, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2022):

- a) a criterion regarding Net Zero compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

Additionally, and in line with the Authority's commitments for accreditation as a Living Wage Employer by the Living Wage Foundation, all CPCA procurements, to the extent permissible by procurement legislation, shall always include forthwith as of the date of this policy version (November 2022):

- b) a criterion regarding Real Living Wage compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

The content of this paragraph 14.3 will be reviewed and updated to increase the weighting received by Net Zero considerations, subject to and in accordance with new impending legislation.

#### **Definitions:**

"Net Zero" above means a policy and all the practical measures taken by a potential bidder in a procurement by which this bidder ensures and achieves zero balance between the amount of greenhouse gas produced and the amount removed from the atmosphere in its operations.

"Real Living Wage" is the hourly rate payable by organisations to their employees and contractors as this is set by the Living Wage Foundation, which corresponds to the hourly rate working people need to afford a minimum 'decent' standard of living.

#### **14.4. Other Considerations**

- Business Continuity Plans
- ISO accreditations
- GDPR processes
- Policies and commitments



## 15. Post Tender Clarifications

Where, as part of the evaluation process, there are areas of uncertainty, these may be clarified by way of the Q&A process available through the portal.

Any Information received via the Q&A process can only be used to ensure an accurate understanding of the submission and that a fair score has being applied. No new or additional information can be considered or used to re-determine the scores.

Where the intended clarification process is to be managed by way of a meeting, the process for how the responses to questions are to be evaluated and contribute to the final score must be clearly defined within the tender documents and must represent a fair and transparent process. Where such information results in the scores being adjusted, this must be clearly documented on the tender score sheets and in the Tender Report.

Where the clarification relates to price, officers may seek an explanation regarding any anomalies or omissions, but the prices CANNOT be changed. If an item has not been priced individually it is assumed to be provided at no extra costs; if this principle would make the overall contract delivery unsustainable as per above, then the tender may need to be discounted. This can only happen following a clarification process and MUST be reviewed by Procurement before such a decision is made.

Where an arithmetical error is identified, this can be corrected by the CPCA, but the error must be confirmed by an independent party (ideally Internal Audit) and confirmed as acceptable by the Tenderer before any further consideration is given to the tender. If the corrected price is considered undeliverable by either the Tenderer or the CPCA then the submission may need to be discounted.

## 16. Abnormally Low Tenders

Where the evaluator identifies a concern as to the accuracy or deliverability of the submitted prices or a conflict between the pricing and the commitment in the method statements, or there is concern that they have be calculated to distort or manipulate the evaluation process, Officers are advised to liaise with Procurement to carry out a review (in accordance with the PCR2015) to ascertain if the submission is sustainable or if it should be dismissed from further evaluation. Any decision must be agreed by Procurement and the Project Sponsor and be appropriately documented.

## 17. Tender Report

Following any competitive procurement being completed and the Most Economically Advantageous Tender identified, over the value of £25,000, the responsible officer must

complete a Regulation 84 compliant Tender report [Tender Award Report Template.docx \(sharepoint.com\)](#) (as per CPCA template) which must be signed by the person with authority to agree the expenditure and sign the contract.

A copy of the completed Report (and any supporting documents) must be stored against the project on the Contract register as a private attachment and made available to Central Government upon request.

## 18. Tender Award & Standstill

Once approval to award has been received, ALL suppliers must be notified at the same time with their correspondence being issued to them through the e-tendering portal.

Standstill is a 10-calendar day waiting period between the notification of an intention to award and the actual award; it is there to enable disappointed or disgruntled suppliers to question or challenge the decision before the contracts are practically awarded and once past, the process protects the CPCA from a claim of ineffectiveness

Although the requirement for Standstill is only mandatory on above FTS threshold advertised procurements, the CPCA policy is to apply a standstill period of 10 days in the following situations, except where procurement agrees otherwise:

- Above FTS threshold competitions
- Below FTS threshold procurements that have been advertised on Contracts Finder
- All contracts awarded from a framework using a mini competition over £25k and where an award notice is published
- All Direct Awards without Competition where a VEAT notice is published.

The use of a standstill period will protect the CPCA from an awarded contract being made ineffective but cannot protect against damages.

## 19. Tender Feedback

ALL participants in a procurement process are entitled to receive feedback on their tender submission and their performance compared to the successful supplier.

Officers are required to record the justification for their scores as part of the evaluation process and it the collated and moderated comments that must be provided to the supplier as part of the notification correspondence

Officers are advised to agree this feedback with procurement before issuing to ensure it is both sufficient to comply with the PCR2015 and does not breach the requirement to protect

commercially sensitive information or personal data which would be a breach of other Public Sector obligations.

## **20. Contract Documents**

All contracts must be in writing, must be collated and signed in accordance with the constitution and must clearly specify the goods, works or services to be provided, including a programme of delivery, the specification and the tender response (including pricing and method statements), terms of payment, and any other terms and conditions agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations, as a minimum and then an electronic copy stored on the contract register.

## **21. Contract Register**

All contracts over £5,000 in value MUST be included on the e-tendering contract register. Where the procurement process has been managed through the e-tendering portal all of the required information can be migrated to the register as part of the procurement workflow within the system.

Where a contract has been awarded through either a waiver, quotes process or a direct award mechanism, these MUST be manually added, and all the supporting documentation appended to ensure a full audit trail of the decision processes. The Waiver and Direct Award forms all include a section at the end of each form labelled 'Contract Register Information' which will need to be completed by the instructing officer and sent to the Procurement inbox, along with the signed contract.

This list of contracts held must be available to the public and the supporting documents must be available on request by Central Government or to facilitate a response to an FOI if received.

## **22. Other Governance Requirements**

### **22.1. Freedom of Information**

In addition to suppliers being entitled to be advised on the outcome and administration of a procurement process, other interested parties may also wish to have access to that information.

Officers should seek guidance from the Governance team and Procurement before disclosing any information to ensure confidential personal data and commercially sensitive financial constructs, trade secrets and intellectual property are suitably redacted before any documents are shared.

## **22.2. Conflicts of Interest**

The Public Contract Regulations and overarching legislation is designed to prevent corrupt practices and any preferential treatment or discrimination of any supplier. As such the following rules apply:

All members, officers, senior managers or organisations procuring on behalf of the CPCA must avoid any potential conflict between their own interests and the interests of the CPCA as detailed in the CPCA's Code of Conduct.

Where an interest (financial or personal) is identified this must be reported to the relevant Head of Service (as this is defined in the Constitution) and Procurement such that any identified risks can be minimized. Where such a conflict is identified that person may not participate in the procurement or evaluation process. Where this is not practical, mitigation steps must be agreed with Procurement and the Monitoring Officer.

## **22.3. Prevention of Bribery and Corruption**

Officers, members and consultants working on behalf of the CPCA are not permitted to request or accept any form of gratuity from any suppliers.

Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the CPCA arising from the termination recovered from the supplier.

Any elected Member of the CPCA, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts must report that to the Monitoring Officer.

## **22.4. Prevention of Organised Crime & Modern Slavery (law)**

Organised crime includes involvement in: illegal drugs, fire arms, fraud and financial crimes, money laundering, child sexual exploitations, organised immigration and human trafficking, cyber-crime and organised acquisitive crime.

Officers are required to complete a due diligence process, before awarding a contract, to ensure that the CPCA is not party to any such illegal or immoral behaviour. This must continue to be monitored throughout the life of the contract.

## **22.5. Late Tenders**

Late tenders can only be accepted as follows

- There has only been one return
- It is less than 5 minutes late

- The other tenders have not been issued to the project officer
- The Project Manager has agreed their inclusion to facilitate competition (under £100,000)
- The relevant Director has agreed their inclusion to facilitate competition (over £100,000)

## **22.6. Letters of Intent**

Letters of intent give the contractor the authority to proceed prior to the execution and dating of the contract. However, they should only be used where there is a genuine need and benefit to the CPCA such as to:

- facilitating the ordering of goods where there are long lead times
- enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements
- Other project constraints that put the delivery at risk

All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason, it must be agreed by the relevant Director prior to issue.

Where a letter of intent is issued it must specify its intent and include a maximum liability, which cannot exceed £100,000 unless otherwise agreed by the Monitoring Officer.

## **22.7. Extensions or Variations to a Contract**

A Contract should only be extended or varied in accordance with any such options included in the original procurement and contract.

Where no such provision exists; a contract can only be extended or varied as permissible under procurement legislation and subject always to approval from legal and procurement.

The application of any extension or variation

- must be in the Authority's best interest ;
- must demonstrate value for money;
- must be after a new Due Diligence Check has been completed.

The approval must be in consideration of the Authority's requirements above and be based on the total of both the original and all extension values.

## **22.8. Contract Management**

The CPCA is committed to ensuring that in addition to procuring its contracts effectively and economically, that they will be efficiently managed to ensure the benefits promised are delivered.

In addition, any documents appertaining to amendments or additions to the contract must be added to the contract register and any duration there listed amended accordingly.

22.8.1 All contracts must have a nominated officer to act as contract manager for the whole contract.

22.8.2 All contracts which exceed the threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.

22.8.3 Officers must not terminate a contract prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.

22.8.4 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.

22.8.5 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

## **23. Urgent decisions outside the budget or policy framework**

Officers discharging executive functions may need to take a decision which is contrary to the Authority's policy framework or contrary to or not in accordance with the budget approved by the CA Board if the decision is a matter of urgency. This may include a situation where services are stopped abruptly and if not re-procured as soon as possible, will cause disruption to services to residents and/or functions of the CA. However, such a decision may only be taken: -

23.1 If it is not practical to convene a quorate meeting of the CA Board urgently; and

23.2 If the Chair of overview and scrutiny committee agrees that the decision is a matter of urgency.

23.3 If the Mayor and/or the relevant lead members agrees that it is urgent.

23.4 If the approval of the Chief Executive officer, Chief Finance Officer and Monitoring Officer is obtained.

23.5 If the reasons why it is not practical to convene a quorate meeting of the CA Board and the consent of the Chair of Overview and Scrutiny and Mayor's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

23.6 In the absence of the Chair of the Overview and scrutiny committee, the consent of the Vice-Chair of the overview and scrutiny committee will be obtained.

23.7 In the absence of the Mayor, the consent of the Deputy Mayor will be obtained.

23.8 In the absence of both the Chair and Vice Chair of the Overview and Scrutiny committee, the consent of the Mayor or Deputy Mayor will be sufficient.

23.9 Following the decision, the decision taker will provide a full report to the next available CA Board explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

23.10 The decision maker will have regard to the decision-making principles and the CA's Financial management Procedure rules in the constitution.

23.11 Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions to implement the CA's policy will not exceed budgets allocated and grants available.

## **24. Responsibilities**

24.1 Responsibility of Directors - Directors have a duty to ensure that officers dealing with contracts have written authority to do so and comply with all appropriate rules.

24.2 Responsibilities of Officers- Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.



Cabinet Office

## Procurement Policy Note – National Procurement Policy Statement

Action Note PPN 05/21

June 2021

### Issue

1. This Procurement Policy Note (PPN) sets out information and guidance for contracting authorities on the National Procurement Policy Statement (NPPS) which will require contracting authorities to have regard to national strategic priorities for public procurement.

### Dissemination and Scope

2. The contents of this PPN apply to all contracting authorities as defined in section 39(3) and (4) of the Small Business Enterprise and Employment Act 2015 and whose functions are wholly or mainly reserved. This includes central government departments, executive agencies, non-departmental public bodies, local authorities, NHS bodies and the wider public sector. Together these are referred to in this PPN as ‘contracting authorities’.

3. Please circulate this PPN across your organisation and to other relevant organisations that you are responsible for, drawing it to the specific attention of those with a commercial and finance role.

### Timing

4. This PPN is effective from the date of publication.

### Action

5. All contracting authorities should familiarise themselves with the contents of the National Procurement Policy Statement

6. All contracting authorities should consider the following national priority outcomes alongside any additional local priorities in their procurement activities:

- creating new businesses, new jobs and new skills;
- tackling climate change and reducing waste, and
- improving supplier diversity, innovation and resilience.



7. All contracting authorities should consider whether they have the right policies and processes in place to manage the key stages of commercial delivery identified in this statement where they are relevant to their procurement portfolio.

8. All contracting authorities should consider whether they have the right organisational capability and capacity with regard to the procurement skills and resources required to deliver value for money.

## Background

9. The Government is developing major legislative reforms for public procurement (set out in its Green Paper on Transforming Public Procurement) which will deliver a new regulatory regime that better meets the needs of the UK. All contracting authorities need to prepare now to ensure they have the right procurement capability and capacity so they can benefit from these changes.

10. Public procurement should be leveraged to support priority national and local outcomes for the public benefit. The Statement sets out the national priorities that all contracting authorities should have regard to in their procurement where it is relevant to the subject matter of the contract and it is proportionate to do so. Contracting authorities should consider the following social value outcomes alongside any additional local priorities:

- Creating new businesses, new jobs and new skills in the UK;
- Improving supplier diversity, innovation and resilience;
- Tackling climate change and reducing waste.

11. Contracting authorities should have processes and governance in place to determine and manage their most important contracts. Typically, the greater the complexity, cost and risk, the more important a project or programme will be and the more robust and rigorous a process is required to successfully set up, procure and manage contracts relating to it.

12. Contracting authorities should consider the procurement and contract management capability across their organisation. Contracting authorities should consider benchmarking themselves annually against relevant commercial and procurement operating standards and other comparable organisations. Benchmarking can play an important role in informing contracting authorities' assessment of whether they have the appropriate procurement skills and capability to deliver value for money and benefit from future reforms to the public procurement regulations.

13. The Government intends to bring forward legislation when Parliamentary time allows to ensure that:

- all contracting authorities are required to have regard to the National Procurement Policy Statement when undertaking procurements;
- contracting authorities with an annual spend of £200m or more are required from April 2022 to publish procurement pipelines and to benchmark their procurement capability;
- contracting authorities with an annual spend of £100m or more are required from April 2023 to publish procurement pipelines and to benchmark their procurement capability.

## Contact

14. Further guidance on the National Procurement Policy Statement is available on GOV.UK.

15. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk on [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk).

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[Government Commercial  
Function](#)

Policy paper

# The Procurement Bill - a summary guide to the provisions

Published 16 June 2022

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# Introduction

One in every three pounds of public money, some £300 Billion a year, is spent on public procurement.

The reforms proposed within the Procurement Bill are important, because they will shake up our outdated procurement system, so that every pound goes further for our communities and public services. They will place value for money, public benefit, transparency and integrity at the heart of our procurement system; they will modernise and unify our systems and processes; and they will get tough on the poor performers and fraudsters.

The Bill will reform the UK's public procurement regime, making it quicker, simpler, more transparent and better able to meet the UK's needs while remaining compliant with our international obligations. It will introduce a new regime that is based on value for money, competition and objective criteria in decision-making. It will create a simpler and more flexible, commercial system that better meets our country's needs. And it will more effectively open up public procurement to new entrants such as small businesses and social enterprises so that they can compete for and win more public contracts. It will strengthen the approach to excluding suppliers where there is clear evidence of their involvement in Modern Slavery practices, and running throughout each part of the Bill is the theme of transparency. We want to deliver world-leading standards of transparency in public procurement and this Bill paves the way for that.

Leaving the EU has provided the UK with the responsibility and opportunity to overhaul the public procurement regulations. There are currently over 350 different procurement regulations spread over a number of different regimes for different types of procurement including defence and security. The Procurement Bill will consolidate these into a single regime that is quicker, simpler and better meets the needs of the UK. We have removed the duplication and overlap in the current four regimes to create one rule book which everyone can use.

The Bill will enable the creation of a digital platform for suppliers to register their details once for use in any bids, while a central online transparency platform will allow suppliers to see all opportunities in one place. This will accelerate spending with SMEs.

## The Bill - summary of Provisions

This is a large and technical Bill. It includes a number of regulation-making powers which are necessary to ensure that the legislation will continue to facilitate a modern procurement structure for many years to come and will allow us to keep pace with technological advances, new trade agreements and ahead of those who may try to use procurement improperly.

## Devolved administrations

We have delivered this Bill with other nations of the United Kingdom. The result is a piece of legislation whose general scope applies to all contracting authorities in England, Wales and Northern Ireland. This will ensure contracting authorities and suppliers can benefit from the efficiencies of having a broadly consistent regime operating across the constituent parts of the UK.

The Scottish Government has opted not to join the UK Government Bill and will retain their own procurement regulations in respect of devolved Scottish authorities. This is similar to how the current regulations operate, with the Scottish Government having transposed the EU Directives into their own statute book.

## Coverage

Part one of the Bill sets out which authorities and contracts the Bill applies to. It covers contracts awarded by most central government departments, their arms length bodies and the wider public sector including local government and health authorities. This also includes contracts awarded by utilities companies operating in the water, energy and transport sectors and concession contracts.

The Bill also sets out a small number of simpler rules which apply to lower value contracts. And the Bill makes provision to carve out those procurements regulated by the Health and Care Act, to ensure clarity about which regime applies.

## Defence and security

This Bill consolidates the current procurement regimes and, therefore, extends to defence and security contracts. Defence procurement will benefit from the simplification and increased flexibility of the core regime.

There are a limited number of derogations that meet the specific needs of defence and security procurements and will support delivery of the Defence and Security Industrial Strategy published in March 2021. A national security exemption has also been retained to protect our national interest.

The Bill also includes a separate Schedule to enable reforms to the Single Source Contract Regulations 2014. The proposed reforms seek to ensure these regulations fully support the delivery of the Defence and Security Industrial Strategy by supporting a more strategic relationship between Government and the defence and security industries.

## Principles and objectives

Part two of the Bill is focussed on the principles and objectives that must underlie the awarding of a public contract.

Contracting authorities must have regard to delivering value for money, maximising public benefit, transparency and acting with integrity. Integrity must sit at the heart

of the process. It means there must be good management, prevention of misconduct, and control in order to prevent fraud and corruption.

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Part five of the Bill sets out the particular requirements on contracting authorities to identify and manage conflicts of interest.

Public procurement should also support the delivery of strategic national priorities and this part of the Bill makes provision for a National Procurement Policy Statement and a Wales Procurement Policy Statement to support this.

## Undertaking a procurement

In Part three, the Bill sets out how a contracting authority can undertake a procurement and award a contract. Competition is at the heart of the regime.

The Bill introduces a new procedure for running a competitive tendering process, colloquially known as the competitive flexible procedure, ensuring for the very first time that contracting authorities can design a competition to best suit the particular needs of their contract and market.

There will continue to be a special regime for certain social, health and education services, specifically identified by secondary legislation, which may be procured as 'Light Touch Contracts', leaving room for authorities to design procurement procedures that are more appropriate for these types of services. These Light Touch Contracts are still subject to the necessary safeguarding requirements.

And the Bill also continues the existing ability to reserve certain contracts for public service mutuals and for supported employment providers.

There are a limited number of circumstances in which it may be necessary to award a contract without competition. The Bill sets these out including new rules governing the award of contracts to protect life and public order.

## Exclusions and debarment

Part three also sets out the circumstances in which a supplier may be excluded from a procurement due to serious misconduct, unacceptably poor performance, or other circumstances which make the supplier unfit to bid for public contracts.

Contracting authorities will be able more easily to reject bids from suppliers which pose unacceptable risks. Part three also legislates for the introduction of a public debarment list for serious cases of misconduct. For too long, too many unscrupulous suppliers have continued to win public sector contracts due to the ambiguity of the rules, multiplicity of systems and lack of central effective oversight.

## Contract management



The important work on procurement does not stop once a contract has been awarded. Part four of the Bill sets out steps that must be taken to manage a contract. This includes the strengthening of rules ensuring that suppliers are paid on time and new requirements to assess and publish information about how suppliers are performing. Item 3

## Transparency notices

Running throughout the Bill are requirements to publish notices. These are the foundations for the new standards of transparency which will play such a crucial role in the new regime. Our ambitions are high and we want to ensure that procurement information is publicly available not only to support effective competition, but to provide the public with insight into how their money is being spent.

Part eight of the Bill provides for regulations which will require contracting authorities to publish these notices, resulting in more transparency and greater scrutiny.

## Remedies

Part nine details what remedies are available to suppliers for breach of the new regime by contracting authorities, where that has resulted in loss or damage. Having an effective and well functioning remedies regime is essential to the successful operation of any public procurement regime.

Any claims made during an applicable standstill period (between the award decision and the entering into of the contract) will result in the procurement being automatically suspended. We will introduce a new test for the court to consider when hearing applications for the automatic suspension to be lifted better suited to procurement than the one currently applied.

## Oversight

Part ten of the Bill gives an appropriate authority oversight over contracting authorities and the power to investigate their compliance with this new Act, as part of a new Procurement Review Unit.

## International trade agreements

The UK is already party to a number of international agreements which guarantee valuable market access for UK suppliers. For example, our membership of the World Trade Organisation's Agreement on Government Procurement gives British businesses access to £1.3 trillion in public procurement opportunities overseas.

Access to these markets is a two-way street and requires the UK to ensure that treaty state suppliers have equivalent access to UK markets. Part seven prohibits a contracting authority from discriminating against suppliers from those states.

This Part also contains a power to make regulations specifying the agreements listed in that Schedule. This provides greater flexibility to be able to extend the procurement regime to cover matters covered by the UK's international procurement agreements, both current and future.

This is a well-defined and tightly-restricted power which will enable the procurement aspects of future trade agreements to be enacted efficiently.

It is not an open door to changing UK procurement regulations to meet international commitments. This power only allows for the extension of the UK procurement regime to cover overseas suppliers, covered by such agreements. Amendment of the UK's procurement rules is outside the scope of this power, even if it were to be required as part of an international agreement.

This power would not, for example, allow the opening up of NHS clinical healthcare procurements to private providers from the United States of America or any other State. To do so would require broader legislative changes and this power has been carefully drafted so as not to allow for that.

## Keeping up to date

To keep up to date with our Transforming Public Procurement programme, you can [sign up \(https://docs.google.com/forms/d/12QBPAS1T8-Fe1xHAt0426O7T-T1WoqolPR29IGnWSws/viewform?edit\\_requested=true\)](https://docs.google.com/forms/d/12QBPAS1T8-Fe1xHAt0426O7T-T1WoqolPR29IGnWSws/viewform?edit_requested=true) to receive our regular newsletter, or visit the dedicated [transforming public procurement webpage \(https://www.gov.uk/government/collections/transforming-public-procurement\)](https://www.gov.uk/government/collections/transforming-public-procurement).  
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## Report title: Revisions to the Cambridgeshire and Peterborough Combined Authority Constitution

To: Audit and Governance Committee

Meeting Date: 13 January 2023

From: Edwina Adefehinti  
Chief Legal Officer and Monitoring Officer (Interim)

Key decision: No

Recommendations: The Audit and Governance Committee is recommended to:

- a) To approve, and recommend the revisions to the Constitution detailed in this report to the Combined Authority Board

Voting arrangements: a simple majority of all Members.

### 1. Purpose

- 1.1 This report provides the Committee with commentary on the revisions made to the Constitution of the Combined Authority with a view that these be approved and recommended for adoption by the Combined Authority Board at their meeting on 25 January 2023.

### 2. Background

- 2.1 The Combined Authority is obliged to review its Constitution on an annual basis. Officers have undertaken a process of review, and it is intended to present proposed changes to the Combined Authority Board on 25 January 2023.
- 2.2 The Audit and Governance Committee is responsible for keeping under review the governance arrangements, such as the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.
- 2.3 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.*

*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 4-7
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 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	Chapters 3, 5 and 7
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	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>  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>	Chapter 6: 6.3; page 37
Chapter 7 (page 54- 63)	Budget Framework Procedure Rules	Entirety of Chapter 7 now included within	Chapter 6: 6.6 – pages 39 - 44

		to Chapter 6: Decision Making	
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 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 154-155
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	Chapter 13: 13.9.3; page 147-148

		process of referrals to the Committee	
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 Committee for consideration and recommendation to the Combined Authority Board meeting in April 2023. 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

3.3 Resultantly, there will be several iterations of the revised Constitution which will be presented to the Committee for approval. The Committee, on approval, will be requested to recommend the revisions to the Constitution to the Combined Authority Board over the next two or three Committee meetings.

## 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.

## 6. Appendices

Appendix 1: Current Constitution

Appendix 2: Amended Constitution – January 2023



# **Cambridgeshire and Peterborough Combined Authority**

## **The Constitution**

**(July 2021)**

## Page No's

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[Cambridgeshire and Peterborough Combined Authority Order 2017](#)

### Version Control

Version 1	31 May 2017	Constitution approved by Board
Version 2	28 January 2018	Updated to take account of board decisions since May
Version 3	30 May 2018	Annual Review of constitution
Version 4	25 July 2018	Updated to include revised portfolios
Version 5	26 September 2018	Updated to include executive committees, scrutiny question time and other matters
Version 6	25 September 2019	Annual Review of constitution and to include revised executive arrangements and other matters
Version 7	24 December 2019	Changes to Page 218, Appendix 5
Version 8	28 May 2020	Change to Page 176 Chapter 18
Version 9	20 July 2020	Change to Page 210, Appendix 4
Version 10	07 August 2020	Appendix 5 – Business Board Constitution approved by Business Board (May 2020) and CA Board (June 2020)
Version 11	1 November 2020	Additions and amendments approved by CA Board (September 2020)
Version 12	21 December 2020	Change to Page 8, Chapter 1, para 19.2 Change to Page 161, Chapter 17, paras 7.5 and 7.6
Version 13	3 February 2021	Change to Page 64, Chapter 8, Section 3. Revised portfolio holders
Version 14	9 March 2021	Updated to exclude references to non-constituent councils and members
Version 15	27 July 2021	16.7 – c deleted (letter only).

## Chapter 1 – Summary

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## Chapter 1 - Summary

### 1. Introduction

- 1.1. On 3 March 2017, Cambridgeshire and Peterborough Combined Authority was established as a Mayoral Combined Authority for the Cambridgeshire and Peterborough area. (It is a corporate body and can be referred to as the Combined Authority).
- 1.2. It is made up of a directly elected Mayor and the following seven local authorities (referred to as the Constituent Councils) and the Business Board (Local Enterprise Partnership):
  - Cambridge City Council;
  - Cambridgeshire County Council;
  - East Cambridgeshire District Council;
  - Fenland District Council;
  - Huntingdonshire District Council;
  - Peterborough City Council; and
  - South Cambridgeshire District Council.
- 1.3. The Combined Authority will work with local councils, the Business Board (Local Enterprise Partnership), local public services, Government departments and agencies, universities and businesses to grow the local and national economy.

### 2. The Constitution

- 2.1. This Constitution sets out how we work, how we make decisions, and the procedures we follow to make sure our work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones we have chosen to follow.

### 3. The Cambridgeshire and Peterborough Combined Authority Order 2017

- 3.1. The Combined Authority was set up by the [Cambridgeshire and Peterborough Combined Authority Order 2017](#) for the Peterborough and Cambridgeshire area.

## Chapter 1 – Summary

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### 4. Members of the Combined Authority

4.1. The Combined Authority consists of the following Members:

- (a) a directly elected Mayor;
- (b) an elected Member appointed by each of the Constituent Councils;
- (c) a representative of the Business Board (Local Enterprise Partnership); and
- (d) .

### 5. Combined Authority

5.1. The Combined Authority is responsible for a number of transport, economic development and regeneration functions as set out in Parts 3 and 4 of the 2017 [Order](#).

5.2. Those functions reserved to the Combined Authority Board are set out in [Chapter 4 - Combined Authority Board Functions](#) of this Constitution, and those reserved to the Mayor as set out in [Chapter 3 - The Mayor of the Combined Authority](#)

### 6. Combined Authority Board - Meetings and Procedure

6.1. The Combined Authority Members shall comprise the Board. The Board will meet in accordance with the calendar of meetings as approved by the Board from time to time.

6.2. There are three types of meeting:

- (a) The Annual Meeting;
- (b) Ordinary meetings; and
- (c) Extraordinary meetings.

6.3. All meetings will be conducted in accordance with the Proceedings of Meetings in [Chapter 5 - Proceedings of Meetings](#) of this Constitution.

6.4. The Board may invite co-opted members to sit on the Board as set out in [Chapter 2 – The Membership of the Combined](#) Authority of this Constitution. Co-opted members may attend board meetings.

## **Chapter 1 – Summary**

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### **7. Executive Bodies**

- 7.1. The Combined Authority may establish committees or sub-committees as it thinks fit to discharge its functions. The Combined Authority has established three executive committees:
- (a) Transport and Infrastructure Committee
  - (b) Skills Committee
  - (c) Housing and Communities Committee
- 7.2. Their functions and terms of reference are set out in [Chapters 8, 9 and 10](#) and the procedure rules are set out in [Chapter 11 - Procedure rules of Executive Committee meetings](#).

### **8. Working Groups**

- 8.1. The Combined Authority may establish informal non-decision making working groups to assist with the delivery of its objectives. The Board has set up a Land Commission as a working group. Its terms of reference are set out in [Appendix 3 - Cambridgeshire and Peterborough Land Commission](#).

### **9. Joint Arrangements**

- 9.1. The Combined Authority has the power to make arrangements with other local authorities to discharge its functions jointly.
- 9.2. Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.
- 9.3. The Combined Authority may not arrange for the discharge of any Mayoral functions by a joint committee, unless permitted by legislation.

## **Chapter 1 – Summary**

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### **10. Non-Executive Committees**

- 10.1. The Combined Authority is required to establish the following non-executive Committees:
  - (a) an Overview and Scrutiny Committee;
  - (b) an Audit and Governance Committee.
- 10.2. Their functions and terms of reference are set out in [Chapter 13 - Overview and Scrutiny Committee](#) and [Chapter 14 - Audit and Governance Committee](#).

### **11. Independent Commissions**

- 11.1. The Combined Authority has established the following independent commission:
  - (a) Public Services Reform and Innovation Commission
- 11.2. The commissions' terms of reference are set out in [Appendix 4 - Public Services Reform and Innovation Commission](#)
- 11.3. The Independent Commissions are independent working groups, are time limited and operate no executive decision making. They report to a public meeting of the Board or a committee nominated by the Board who will consider their recommendations and make any necessary decisions. This ensures that the work of the independent commissions is subject to public oversight and scrutiny.

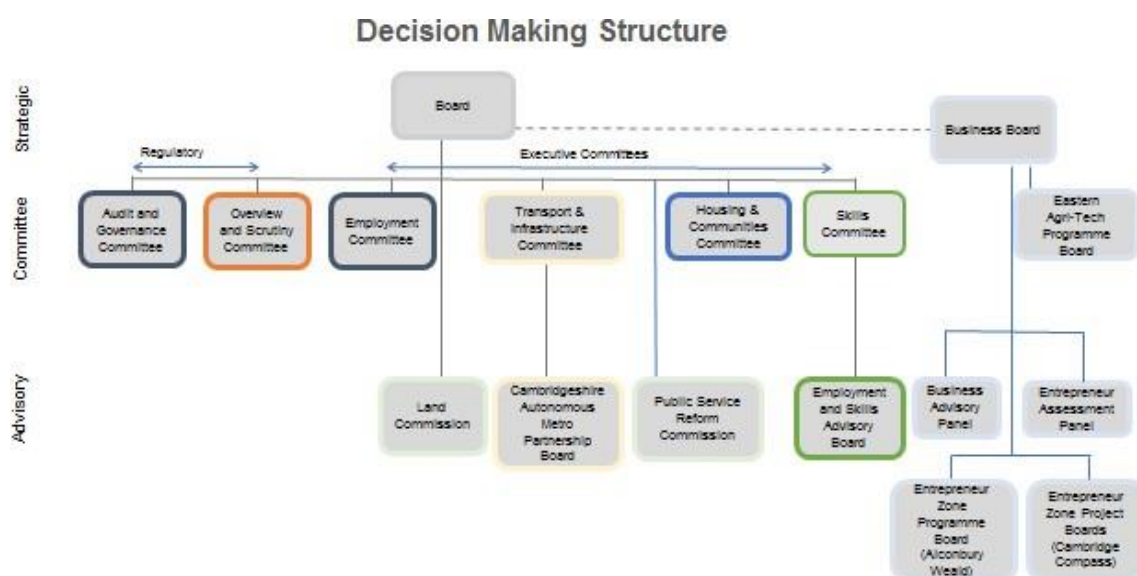
### **12. Business Board**

- 12.1. The Business Board is the Local Enterprise Partnership for its area and is a non-statutory body.
- 12.2. It is independent of the Combined Authority operating as a private-public sector partnership, focusing on the key business sectors to drive growth in the Cambridgeshire and Peterborough and wider Local Enterprise area.
- 12.3. The Combined Authority is the accountable body for funding awarded to the Local Enterprise Partnership.



## Chapter 1 – Summary

- 12.4. Its terms of reference and governance arrangements are set out in [Appendix 5 - Business Board](#)
- 12.5. The decision-making structure is set out below:



## 13. Management Structure

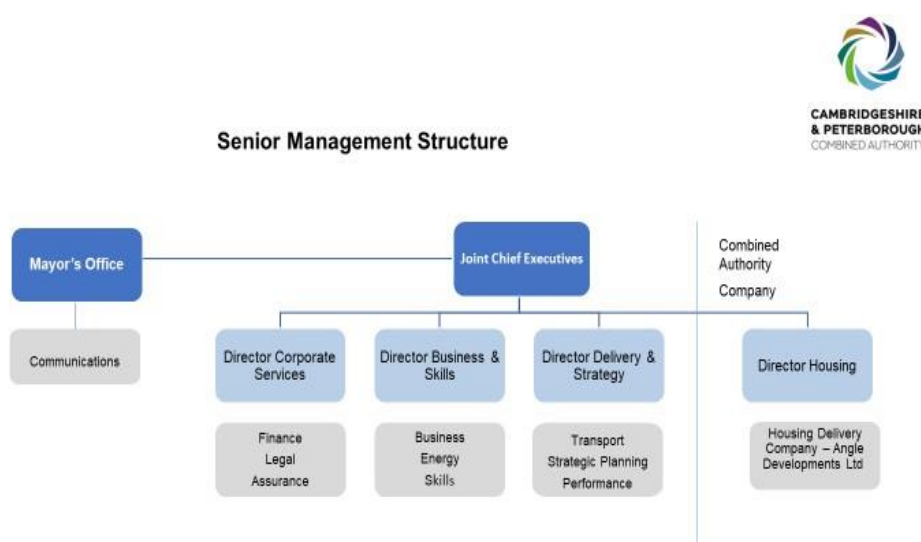
### Statutory Officers

- 13.1. The Combined Authority will appoint a:
- (a) Head of Paid Service (known as Chief Executive);
  - (b) Monitoring Officer;
  - (c) Chief Finance Officer (S73);
  - (d) Scrutiny Officer.
- 13.2. Their functions and responsibilities are set out in [Chapter 17 - Officer Scheme of Delegation and Proper Officers](#).
- ### Other Chief Officers
- 13.3. The Combined Authority will appoint other Chief Officers it considers necessary to carry out its functions in accordance with the [Chapter 18 - Officer Employment Procedure Rules](#).



## Chapter 1 – Summary

13.4. The current structure as at May 2019 is set out below:



13.5. The Mayor has also appointed a Chief of Staff, Mayoral Adviser and Senior Policy Adviser. These officer appointments to the Mayoral Office is subject to the protocol set out in chapter 18 Officer Employment Procedure Rules.

## 14. Other Staff

14.1. The Combined Authority may engage such staff (referred to as Officers), as it considers necessary to carry out its functions.

## 15. Decision Making

15.1. Decision making will be in accordance with the arrangements set out in this Constitution.

15.2. In summary, they will include

- (a) decisions reserved to the Combined Authority Board;
- (b) decisions reserved to the Mayor;
- (c) decisions reserved to executive committees;
- (d) decisions made by Officers.

15.3. The functions of the Combined Authority may be undertaken by the Board or delegated to executive committees or Officers.

## **Chapter 1 – Summary**

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- 15.4. The functions of the Mayor may be undertaken by the Mayor or delegated to individual members and Officers.

### **16. Finance, Contracts and Legal Matters**

- 16.1. The management of the Combined Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in [Chapter 15 - Financial Management Procedure Rules](#).
- 16.2. The management of its legal affairs will be conducted in accordance with this Constitution.

### **17. Public Rights**

- 17.1. The rights of the public are set out in the Transparency Rules, Forward Plan and Key Decision [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).
- 17.2. Any public enquiries should be addressed to the Chief Executive at the Combined Authority Offices.

### **18. Monitoring and Reviewing the Constitution**

- 18.1. The Monitoring Officer will regularly monitor and review the operation of the Constitution.
- 18.2. The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 18.3. It is the responsibility of the Combined Authority Board to review the Constitution annually.

### **19. Changes to the Constitution**

- 19.1. The Constitution will be amended as the Combined Authority develops.
- 19.2. Changes to the Constitution will be agreed by the Combined Authority Board in accordance with the voting arrangements as set out in [Chapter 5 - Proceedings of Meetings](#) unless in the reasonable opinion of the Monitoring Officer a change is required in the circumstances set out in his/her delegated powers. [Chapter 17 - Officer Scheme of Delegation and Proper Officers](#)

## *Chapter 1 – Summary*

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### **20. The Common Seal of the Combined Authority**

- 20.1. The Common Seal of the Combined Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

## *Chapter 2 – The Membership of the Combined Authority*

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## **Chapter 2 - The Membership of the Combined Authority**

### **1. Directly Elected Mayor**

- 1.1. The [Cambridgeshire and Peterborough Combined Authority Order 2017](#) creates the office of a directly elected Mayor for the area of the Combined Authority.
12. The first election of the Mayor took place in May 2017 and the term of office shall be four years.
13. Each subsequent election shall take place in each fourth year following the first election on the same day of an ordinary election.

### **2. Constituent Councils**

21. Each of the Constituent Councils shall appoint a Member (usually its Leader) to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member). All appointments shall be for a one-year term.
22. A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.
23. A Member or Substitute Member may resign by giving written notice to the Proper Officer of their Constituent Council, and the resignation takes effect on the receipt of the notice. The relevant Constituent Council shall notify the Combined Authority forthwith of the resignation.
24. Each Constituent Council shall at any time be entitled to terminate the appointment of a Member or Substitute Member appointed to the Combined Authority and replace that Member or Substitute Member.
25. The Constituent Council must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority. The new appointment shall take effect and the previous appointment terminate at

## **Chapter 2 – The Membership of the Combined Authority**

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the end of fourteen days from the date on which the notice was given, or such longer period not exceeding one month<sup>1</sup>.

### **3. Business Board (Local Enterprise Partnership)**

- 3.1. The Business Board will nominate one of its Members, normally the Chair, to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member).
- 3.2. The Combined Authority will consider the nomination and appoint the Business Board Member and the Business Board Substitute Member. Each appointment shall be for a one-year term.
- 3.3. A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Business Board that nominated them. The Business Board shall appoint or nominate a replacement as soon as possible.
- 3.4. A Member or Substitute Member may resign by giving written notice to the Chair or Vice-Chair of the Business Board, and the resignation takes effect on the receipt of the notice. The Business Board shall notify the Combined Authority forthwith of the resignation.
- 3.5. Where the Business Board terminates an appointment and nominates another of its Members in that person's place, it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.
- 3.6. The Combined Authority must consider the appointment of the nominated Business Board Member at the next meeting of the Combined Authority. The new appointment shall take effect and the previous appointment terminate upon the determination of the appointment by the Combined Authority.

### **4. Co-opted Members**

- 4.1. The Combined Authority may invite organisations with direct responsibility for functions relevant to the Combined Authority objectives to become Co-opted Members to attend the Combined Authority Board and may take part in the debate. All decisions on Co-opted Members shall be made formally by proposal and report at a Combined Authority Board meeting.

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<sup>1</sup> Cambridgeshire and Peterborough Combined Authority Order 2017

## *Chapter 2 – The Membership of the Combined Authority*

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42. A proposal for an authority to be given Co-opted Member status may be made by any Constituent Council Member or the Mayor and must be agreed by a two thirds majority of those present and voting. Co-opted Member status takes effect upon agreement by the Board.
43. Co-opted Members appointed to the Board are listed in [Appendix 2 - Co-opted Members](#) to this Constitution.
44. Co-opted Member status confers no legal status and no entitlement to vote and is an informal arrangement to promote a strategic approach to joint working in the development of significant policy issues.
45. A co-opted member organisation shall be represented at meetings of the Combined Authority Board by a named representative or a named Substitute. Notice of the names of the Co-opted Members' representative or Substitute must be provided to the Monitoring Officer by the Co-opted Member organisation at least two working days prior to attendance at any meeting of the Board.
46. Such representative or substitute may participate in the debate on issues relevant to their organisation and must comply with the terms of the Constitution as they relate to debate, but they will not have entitlement to vote on any issue or agenda item.
47. The Chair of any meeting of the Combined Authority may require the Co-opted Members' named representative or named substitute to absent themselves from any meeting of the Combined Authority at the Chair's discretion.

### *Chapter 3 – The Mayor of the Combined Authority*

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## **Chapter 3 - The Mayor of the Combined Authority**

### **1. Role and Functions reserved to the Mayor**

- 1.1.** The Mayor and the other Members of the Combined Authority will work closely together. Specifically:
- (a) the Mayor will provide overall leadership and chair Combined Authority Board meetings;
  - (b) the Mayor may nominate lead member responsibilities, the membership and chairs of executive committees to each member of the seven Constituent Councils who will act in a supporting and advisory function to the Mayor and Combined Authority for their respective policy areas (see para 1.6 below); and
  - (c) the Mayor will also be a member of the Business Board recognising the importance of the Business Board's role and the private sector in any growth strategies or delivery for the Combined Authority area.
- 1.2.** The Mayor will by virtue of holding office be a Member and the Chair of the Combined Authority Board.
- 1.3.** The Mayor must appoint a statutory Deputy Mayor of the Combined Authority. The role of the statutory Deputy Mayor is set out in paragraph 2 below. The Mayor may also appoint a non-statutory Deputy Mayor and the role of the non-statutory Deputy Mayor is set out in paragraph 2 below.

### **General functions of Mayor**

- 1.4.** The Mayor will exercise the following general function:
- 1.4.1.** The Mayor may pay a grant to Cambridgeshire County Council and Peterborough City Council to meet expenditure incurred by them as highways authorities. The Mayor must exercise this function under section 31 Local Government Act 2003 concurrently with a Minister of the Crown.
  - 1.4.2.** Prior to the payment of the grant the Mayor must consult the Combined Authority.



### **Chapter 3 – The Mayor of the Combined Authority**

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- 1.4.3. Members and officers of the Combined Authority may assist the Mayor in the exercise of the function to pay grant.

#### **Powers of Mayor**

- 1.5. The Mayor may exercise a general power of competence (section 1 Localism Act 2011) to do anything that the Combined Authority may do

- 1.5.1. Where the general power of competence:

- (a) involves the transfer of property, rights or liabilities of the Combined Authority to or from the Constituent Councils, or
- (b) is used to prepare and publish a statement setting out a strategy for spatial development in the Combined Authority area,

the Mayor must secure the unanimous consent of all Members of the Combined Authority, or Substitute Members acting in their place.

- 1.5.2 The Mayor may otherwise individually exercise a general power of competence to do anything that the Combined Authority may do subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.

- 1.5.3 The Mayor may exercise his/her power to ask the Secretary of State for Transport to make regulations under Section 11 of the Automated and Electric Vehicle Act 2018 requiring large fuel retailers and service area operators to provide public charging points and to ensure that public charging points are maintained and easily accessible to the public.

The power would be limited to large fuel retailers in the area within their authority.

#### **Nominations to Lead Member Responsibilities and to Executive Committees**

- 1.6. The Mayor and the Combined Authority Board shall agree lead member responsibilities in respect of the Combined Authority functions.

- 1.7. The Mayor shall nominate the agreed lead member responsibilities and membership (including the chair) of any executive committees to any

### Chapter 3 – The Mayor of the Combined Authority

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member of the seven Constituent Councils. Board members nominated to an executive committee may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member.

- 1.8. The nominations to lead member responsibilities and the nominated membership and chairs of any executive committees shall be reported to the Combined Authority Board for formal approval by a simple majority vote which must include the Mayor.
- 1.9. Lead member responsibilities are set out in Appendix 1.

#### Mayor's budget and spending plans

- 1.10. The Mayor must also set a budget and consult the Combined Authority Board on his/her spending plans and draft budget in accordance with the Budget Framework Procedure Rules. ([Chapter 7 - Budget Framework Procedure Rules](#))
- 1.11. Any Mayoral budget, strategies and spending plans must be approved by the Combined Authority Board in accordance with the special voting rules.

#### Deputy Mayor

- 1.12. The Mayor must appoint one Member of the Combined Authority to hold the statutory functions as Deputy Mayor. This statutory Deputy Mayor shall:
  - (a) hold office until the end of the term of office of the Mayor;
  - (b) cease to be statutory Deputy Mayor if at any time the Mayor removes him or her from office, he or she resigns as Deputy Mayor or ceases to be a Member of the Combined Authority;
  - (c) act in the place of the Mayor if for any reason the Mayor is unable to act, or the office of Mayor is vacant.
- 1.13. If a vacancy arises in the office of statutory Deputy Mayor, the Mayor shall immediately appoint another Member of the Combined Authority to be the statutory Deputy Mayor.
- 1.14. If the Mayor is unable to act or the office of Mayor is vacant; and the

### Chapter 3 – The Mayor of the Combined Authority

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statutory Deputy Mayor is unable to act, the Monitoring Officer shall call a meeting of the Combined Authority Board to take decisions, by simple majority, in the absence of the Mayor.

- 1.15. For reasons of good governance, the Mayor may appoint a second non-statutory Deputy Mayor from amongst the Constituent Council members as he/she thinks appropriate.
- 1.16. The non-statutory Deputy Mayor shall preside over any meeting of the Combined Authority called to make decisions in the absence of the Mayor and statutory Deputy Mayor.
- 1.17. Should the statutory Deputy Mayor be appointed as Chair of the Combined Authority in the absence of the Mayor, the non-statutory Deputy Mayor shall be appointed as the Vice-Chair.

## 2. Delegation of Functions reserved to the Mayor

- 2.1. The Mayor may arrange for:
  - (a) the statutory Deputy Mayor to exercise any general function of the Mayor; or
  - (b) another Member or officer of the Combined Authority to exercise any such function.
- 2.2. The Mayor shall produce a scheme of delegation for any delegated functions.
- 2.3. The financing of a Mayoral Combined Authority can be met from precepts by the Combined Authority (section 107G, 2009 Act). However, the Mayor has no power to borrow money (section 107D(8), 2009 Act).

## 3. Mayoral Decisions

- 3.1. Any Mayoral decisions will be made in accordance with the Constitution including the Transparency Rules, Forward Plan and Key Decisions. [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

## *Chapter 4 - Combined Authority Board Functions*

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## **Chapter 4 - Combined Authority Board Functions**

### **1. Functions reserved to the Board**

- 1.1. The following functions are reserved to the Combined Authority Board:

#### **Strategies and Plans**

- 1.2. The adoption of, and any amendment to or withdrawal of the following plans and strategies:

- (a) The Mayor's growth ambition statement;
- (b) Business Plan;
- (c) Business cases for key priority projects identified in the Business Plan;
- (d) Local Industrial Strategy;
- (e) Local Transport Plan;
- (f) Bus Strategy;
- (g) Approval of the key route network;
- (h) Skills Strategy;
- (i) Housing Strategy;
- (j) Investment Strategy;
- (k) Non-Statutory Strategic Spatial Plan;
- (l) Market Town Masterplans for Growth;
- (m) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;
- (n) Other strategies and plans as agreed.

#### **Frameworks**

- 1.3. The adoption of, and any amendment to or withdrawal of the following framework documents:

- (a) Assurance Framework;
- (b) Monitoring & Evaluation Framework.

#### **Financial Matters**

- 1.4. The adoption of, and any amendment to or withdrawal of the following financial documents:

## **Chapter 4 - Combined Authority Board Functions**

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- (a) The non-mayoral Combined Authority budgets;
  - (b) Approval of carry forward of any underspent balances between financial years;
  - (c) Annual spending plans for the allocation of transport-related funding;
  - (d) Treasury Management Strategy including approval of borrowing limits;
  - (e) Medium Term Financial Plan and Capital Programme
  - (f) Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.
- 1.5. Consultation on the allocation of Local Highways Maintenance Capital Grant
- 1.6. Approve budget allocations for feasibility work from the non-transport feasibility fund
- 1.7. Approve business cases and loans to third party businesses including wholly owned subsidiaries;
- 1.8. Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.
- 1.9. Approval of virements of £500k and over;
- 1.10. In relation to the Mayor's General Budget:
- (a) The approval of the draft budget (or revised draft budget) or
  - (b) The decision to veto the draft budget (or revised draft budget) and approval of the Mayor's draft budget incorporating the Combined Authority Board's recommendation as the relevant amounts and calculations.

in accordance with the Budget Framework Procedure Rules

### **Accountable Body**

- 1.11. Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.

## **Chapter 4 - Combined Authority Board Functions**

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### **Governance**

- 1.12. Decisions related to:
- (a) Adoption and amendment of the Constitution;
  - (b) Establishment and membership of Committees and Sub-Committees;
  - (c) Establishment and membership of Joint Committees and Commissions;
  - (d) Approve the nomination of lead member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;
  - (e) Approval of Mayoral Allowance and any other allowance schemes;
  - (f) Appointment of an Independent Person of the Audit and Governance Committee;
  - (g) Appointment of Statutory Officers;
  - (h) Delegation of functions to third parties;
  - (i) Establishment of Trading Companies;
  - (j) Any other matters reserved to the Board.
- 1.13. The Combined Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and Chief Finance Officer.
- 1.14. The Combined Authority Board shall have the power to reserve decisions to itself which would otherwise be taken by the Executive Committees.

### **2. Membership of the Board**

- 2.1. The Combined Authority Board consists of the Members as set out below:
- (a) The Mayor, or deputy Mayor acting in his/her absence
  - (b) An elected Member appointed by each of the Constituent Councils or Substitute Members acting in their place;
  - (c) A Representative of the Business Board or Substitute Members acting in their place;
  - (d) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.
- 2.2. If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, then, subject to certain exceptions, they cease to be a Member of the Board.

## Chapter 4 - Combined Authority Board Functions

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### 3. Functions of the Combined Authority

- 3.1. The functions of the Combined Authority are grouped into lead member responsibilities, allocated to Constituent Council Members of the Combined Authority and include the following responsibilities:
- (a) To lead and champion their allocated lead member functions;
  - (b) To act as key spokesperson for the Combined Authority within their respective Constituent Councils
  - (c) To chair and lead a committee where established;
  - (d) To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board;
  - (e) To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;
  - (f) To liaise with Members holding similar lead member responsibilities within the Constituent Councils.
  - (g) To lead on the development of key strategic documents for approval by the Combined Authority;
  - (h) To develop and present investment proposals to the Combined Authority;
  - (i) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;
  - (j) To input into future devolution proposals and public sector reform.
- 3.2. The Portfolios are set out in Appendix 1 – Lead Member Responsibilities.

### 4. Executive Bodies

- 4.1. The Combined Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

#### Working Groups

- 4.2. The Combined Authority may establish informal working groups. These groups are non-decision making groups of Officers and Members. The

## Chapter 4 - Combined Authority Board Functions

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Combined Authority has established the Land Commission as a working group of the Combined Authority. The terms of reference are set out in [Appendix 3 - Cambridgeshire and Peterborough Land Commission](#).

### Membership

- 4.3. The Combined Authority shall appoint the membership of all executive committees, sub-committees, joint committees and working groups, including the appointment of the Chair and Vice-Chair, Substitute Members and any Co-opted Members. In accordance with Chapter 3, the Mayor shall nominate the membership and chairs of any executive committees to the Board for approval.
- 4.4. The political balance rules apply to all committees, sub-committees and joint committees where political groups are formed. Where political groups are not formed the Combined Authority has agreed that at least one member of a party not of the same political affiliation as the Mayor shall be appointed to all committees.
- 4.5. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Monitoring Officer.

### Quorum

- 4.6. The quorum for all committees, sub-committees and working groups is at least two-thirds of the total number of Members and may be no fewer than three Members.

### Access to meetings

- 4.7. The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees. ([Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)). They do not apply to working groups and commissions.



## Chapter 5 – Proceedings of Meetings

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## Chapter 5 - Proceedings of Meetings

### 1. Introduction

- 1.1. These rules apply to Combined Authority Board meetings and, where appropriate, to any committees or sub-committees of the Board. For as long as the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 or other legal provision having a like effect remain in force the Virtual/Hybrid Meeting Protocol at Annex 1 to this Chapter shall apply and any conflict between the Protocol and this Chapter shall be resolved in favour of the Protocol.
- 1.2. These rules apply to Combined Authority Board meetings and, subject to the limitations set out in section 8 of Chapter 11 of this Constitution [Procedure Rules of Executive Committees], to any committees or sub-committees of the Board.

### 2. Types of Meetings

- 2.1. There are three types of meeting:
  - (a) The Annual Meeting of the Combined Authority;
  - (b) Ordinary meetings;
  - (c) Extraordinary meetings.

### 3. Annual Meeting

- 3.1. The Combined Authority will normally hold an Annual Meeting (between 1 March and 30 June) following Constituent Councils' Annual Meetings.
- 3.2. The Annual Meeting will:
  - (i) note the appointment of Members of Constituent Councils and the Business Board (and their Substitute Members);
  - (ii) receive any declarations of interest from Members;
  - (iii) approve minutes of the last meeting;
  - (iv) appoint any or Co-opted Members;

## Chapter 5 – Proceedings of Meetings

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- (v) approve lead members responsibilities;
  - (vi) appoint such executive Committees as the Combined Authority considers appropriate, their membership and the Chair and Vice-Chair;
  - (vii) appoint the Overview and Scrutiny Committee and Audit and Governance Committee (including their terms of reference, size, the allocation of seats to political parties in accordance with the political balance requirements) in accordance with nominations received from Constituent Councils;
  - (viii) appoint the Chair and Vice-Chair of the Audit and Governance Committee;
  - (ix) agree the programme of the Ordinary Meetings of the Combined Authority for the forthcoming year, and appropriate advanced notification of other planned meetings of Committees; and
  - (x) be followed by an Ordinary Meeting to consider any other business set out in the notice convening the meeting.
- 3.3. The Combined Authority Board may decide at subsequent meetings to dissolve Committees, alter their terms of reference or to appoint new Committees.

## 4. Ordinary Meetings

- 4.1. The Combined Authority Board will decide on the number of Ordinary Meetings to hold in each municipal year in addition to its annual meeting. Each meeting will be held at a time and place as the Combined Authority decides.
- 4.2. Ordinary Meetings will:
- (i) approve the minutes of the last meeting;
  - (ii) receive any declarations of interest from Members;
  - (iii) receive any announcements from the Mayor;
  - (iv) receive questions from, and provide answers to the public in accordance with Standing Order 18 below;
  - (v) receive petitions in accordance with Standing Order 19 below;

## Chapter 5 – Proceedings of Meetings

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- (vi) receive and consider reports from its Officers, Committees and Sub-Committees and working groups;
  - (vii) deal with any business from the last Combined Authority meeting; and
  - (viii) consider motions on notice and any other business specified in the summons to the meeting.
- 4.3. Unless otherwise determined by statute, the Chair may vary the order of the agenda at their absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 4.4. If any issues arise at a meeting in relation to interpretation of the meeting procedure rules the Chair's decision shall be final.

### Urgency

- 4.5. The Chair may determine that an item of business that has not been open to prior public inspection, should be considered at the meeting as a matter of urgency. Any urgent items shall comply with Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#) .

## 5. Extraordinary Meetings

- 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.
- 5.2. The business to be conducted at an Extraordinary Meeting shall be restricted to the items of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Chair may at his/her absolute

## **Chapter 5 – Proceedings of Meetings**

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discretion permit other items of business to be added to the agenda for the efficient discharge of the Combined Authority's business.

### **6. Notice of meetings and Agendas**

- 6.1. Notice of meetings, agendas and reports will be published in accordance with the Transparency Rules, Forward Plan and Key Decisions. (see [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#))

### **7. Public Access**

- 7.1. As set out in the Transparency Rules, Forward Plan and Key Decisions, every meeting of the Combined Authority shall be open to the public, except where the public are excluded during the whole or part of the proceedings in certain circumstances. Copies of the agenda and any additional papers will be available for the public and media representatives.

### **8. Attendance**

- 8.1. The Monitoring Officer shall record the attendance of each Member at the meeting.

### **9. Notice of Substitute Members**

- 9.1. Substitute Members may attend meetings in that capacity only:
- (a) to take the place of the Member for whom they are the designated substitute where the Member will be absent for the whole of the meeting;
  - (b) after they, or the Member they are substituting for, has provided the Monitoring Officer with notice of the substitution before the commencement of the meeting in question;
  - (c) where an adjourned meeting is reconvened, and it is essential for that Substitute Member to continue to attend to comply with good governance.
- 9.2. Substitute Members will have all the powers and duties of an ordinary Member of the Combined Authority for the duration of the meeting at which they act as Substitute but will not be able to exercise any other special powers or duties exercisable by the person for whom they are the Substitute.

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### 10. Chair and Vice-Chair

- 10.1. From the point at which he or she takes office, the Mayor will act as Chair to the Combined Authority. The Mayor shall appoint a statutory Deputy Mayor holding statutory powers as Vice-Chair of the Combined Authority.
- 10.2. If the Mayor resigns or the position is vacant, the statutory Deputy Mayor shall chair the Combined Authority Board.
- 10.3. Following the appointment of the Deputy Mayor as Chair, the Combined Authority must appoint a Vice-Chair from among its Members and the appointment is to be the first business transacted. If the Mayor has appointed a second Deputy Mayor, he or she shall be the Vice-Chair.
- 10.4. A person ceases to be Chair or Vice-Chair of the Combined Authority Board if they cease to be a Member of the Combined Authority.
- 10.5. If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority Board, or, if that meeting is to be held within 14 days of the vacancy arising, at the following meeting. The appointment of Chair must be the first business transacted. The appointment of the Vice-Chair should be the first business transacted after the appointment of the Chair of the Board.

### 11. Quorum

- 11.1. No business shall be transacted at any meeting of the Combined Authority Board unless at least five Members are present at the meeting, including:
  - (a) the Mayor, or the Deputy Mayor acting in place of the Mayor, and
  - (b) at least four other Members appointed by the Constituent Councils, or Substitute Members acting in their place.
- 11.2. If the Mayor is not in post, or if for any reason
  - (a) the Mayor is unable to act, or the office of Mayor is vacant, and
  - (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant,no business shall be transacted at any meeting of the Combined Authority Board unless at least five Members of the Constituent Councils, or their Substitute Members, are present at the meeting.

## **Chapter 5 – Proceedings of Meetings**

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### **12. Declaration of Interests in Meetings**

- 12.1. Where a Member attends a meeting of the Combined Authority Board, Committees or Sub-Committees they must declare personal interests and disclosable pecuniary interests not already notified in the register of interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.
- 12.2. All Members and their Substitute Members, and Co-opted Members and their Substitute Members shall also complete a Declaration of Interest form.
- 12.3. In addition, where in relation to any meeting a Member has declared a disclosable pecuniary interest in a matter, the Member must leave the room for the duration of the discussion on that matter.

### **13. Rules of Debate**

#### **Speeches**

- 13.1. The Chair will be responsible for the management of the meeting and will introduce each item on the agenda in the order they appear on the agenda or such order as the Chair considers most effective for the conduct of the meeting.
- 13.2. The Chair may invite a Member or Officer to present the item for debate.
- 13.3. The Chair will decide the order in which speakers will be heard and may permit both Members and Officers to speak on the item.
- 13.4. Members will remain seated when speaking and must address the Chair.
- 13.5. Speeches must be directed to the subject under discussion or to a personal explanation or point of order.
- 13.6. The Chair shall at his discretion determine the time permitted for speeches and the number of speeches to be made by any Member or Officer.
- 13.7. A Member may move a motion without giving notice as required by paragraph 14 below based upon recommendations in a report or may move amended or alternative recommendations.
- 13.8. If an amendment is moved the mover of the original motion has the right of reply on the debate concerning the amendment.

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- 13.9. The mover of the motion has a right of reply at the end of the debate immediately before it is put to the vote.

### **14. Motions Submitted in the Name of a Member**

- 14.1. Any Member of the Board appointed by a Constituent Council or the Business Board may give notice of a motion for consideration at any ordinary meeting of the Combined Authority.
- 14.2. The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers, duties or responsibility, or which affect the area of the Combined Authority or part of it or its citizens. He/she shall keep a record of the date and time at which every motion is delivered to him/her.
- 14.3. The motion must not be:
- (a) illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of Combined Authority or Constituent Council staff;
  - (b) substantially the same as a motion which has been put at a meeting of the Combined Authority in the past year.
- 14.4. Unless the Chair of the Combined Authority Board is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority Board shall be delivered to the Monitoring Officer in writing not later than 12 noon on the sixth working day before the day of the Combined Authority meeting, but not including the day of the meeting itself.
- 14.5. Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the Member giving notice states that they propose to move it to a later meeting or withdraw it.
- 14.6. At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply.
- 14.7. Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority, but the motion has not been moved and seconded (for whatever reason) that motion shall lapse.

## **Chapter 5 – Proceedings of Meetings**

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- 14.8. Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority Board or at a later meeting selected by the Member proposing the motion.

### **15. Amendment to Motions**

- 15.1. An amendment shall be relevant to the motion and shall either:
- (a) refer the matter to the appropriate body or individual for consideration or reconsideration;
  - (b) leave out words; or
  - (c) insert or add other words,

as long as the amendment does not have the effect of negating the motion.

- 15.2. Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of.
- 15.3. However, the Chair may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.
- 15.4. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

### **16. Voting**

#### **General Voting**

- 16.1. Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:
- (a) the Mayor;
  - (b) a Constituent Council Member or a Substitute Member acting in that Member’s place; and
  - (c) a Member appointed from the Local Enterprise Partnership.



## Chapter 5 – Proceedings of Meetings

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- 16.2. Except decisions to which special voting arrangements apply, all decisions of the Board shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 16.3. If a vote is tied it is deemed not to have been carried.
- 16.4. If there is a deadlock, the matter shall be brought back to the next meeting of the Combined Authority Board.
- 16.5. The proceedings of the Combined Authority are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.
- 16.6. If for any reason:
  - (a) the Mayor is unable to act, or the office of Mayor is vacant, and
  - (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant, the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

### Special Voting

- 16.7. A decision on a question relating to:
  - (a) amendments to the Constitution;
  - (b) determining a request by an organisation to become a Co-opted Member on the Combined Authority Board;requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) present and voting.

## Chapter 5 – Proceedings of Meetings

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16.8. A decision on a question relating to:

- (a) the Transport Plan;
- (b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

### Voting on the Mayoral Matters

16.9. A decision on a question relating to a proposal by the Mayor to exercise the general power of competence which involves:

- (a) property, rights and liabilities passing between the Combined Authority and any Constituent Authorities; or
- (b) the preparation and publication of the Mayor's strategy for spatial development in the Combined Authority area;

requires a unanimous vote by all Members of the Combined Authority appointed by the Constituent Councils (or their Substitute Members).

16.10. A decision to reject the Mayoral budget, Mayoral strategy or Mayoral spending plan requires a vote in favour by at least two-thirds of all Members appointed by Constituent Councils (or their Substitute Members). The two-thirds must be present and voting.

### Recorded Votes

16.11. A Member may ask immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.

16.12. Where Members vote on the budget, the vote will be recorded.

### Voting on Appointments

16.13. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a

## **Chapter 5 – Proceedings of Meetings**

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new vote taken. The process will continue until there is a majority of votes for one person.

### **17. Minutes**

- 17.1. The minutes of the proceedings of each meeting of the Combined Authority Board, or any Committee or Sub-Committee of the Combined Authority Board, shall be retained by the Combined Authority and shall include the names of Members and Substitute Members present at any meeting.
- 17.2. The minutes must be signed at the next ordinary meeting of the Combined Authority by the Chair. No discussion shall take place upon the minutes except about their accuracy. Any signed minutes are to be received in evidence without further proof.
- 17.3. Until the contrary is proved a meeting of the Combined Authority Board or its Committees or Sub-Committees, a minute of whose proceedings has been signed in accordance with paragraph 17.2, is deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting are deemed to have been duly qualified.

### **18. Questions by the Public**

- 18.1. Where there is an item on the agenda that has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.
- 18.2. Members of the public, who are residents of the Combined Authority area or work in the area, may ask questions of a Member of the Combined Authority at Combined Authority Board meetings, including at an Extraordinary Meeting, or at an Executive Committee. For Extraordinary Meetings, the question must relate to the item on the agenda.

#### **Questions by the Members**

- 18.3. The Overview and Scrutiny Committee has adopted a pre-scrutiny model whereby it meets before every Combined Authority Board meeting to scrutinise the Board's agenda. At this meeting, the Committee shall discuss and formally agree by means of a vote a list of questions to be raised at the next Combined Authority Board meeting following discussion with officers and relevant executive board members. The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting.

## **Chapter 5 – Proceedings of Meetings**

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- 18.4 Members of Constituent Councils should submit any questions on items on the Combined Authority Board agenda to the Overview and Scrutiny Committee scrutinising that Board agenda. Requests to speak at meetings of the Combined Authority Board on items on the Board's agenda will then be at the discretion of the Mayor.
- 18.5 Members of Constituent Councils may also ask questions of a Member of the Combined Authority at executive committees.
- 18.6 Members of Constituent Councils may ask questions of a Member of the Combined Authority at a Combined Authority Board meeting, including at an Extraordinary Meeting, provided the question is not substantially the same as a question which has been put to the Board by the Chair of the Overview and Scrutiny Committee or one of its Executive Committees.

### **Time Limit**

- 18.7 The total time allocated for questions by the public and Members shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

### **Order of Questions**

- 18.8 Questions raised by the Chair of Overview and Scrutiny Committee will be taken first at the relevant item followed by questions submitted by the public. Priority will be given to questions on items on the agenda for the meeting, or issues where decisions are expected before the next meeting. Questions will be taken at the meeting in the order in which they were received.

### **Notice of Questions**

- 18.9 A question may only be asked if it has been submitted in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address and contact details of the questioner, the name of the organisation if the question is being asked on their behalf, details of the question to be asked, and the name of the Member of the Combined Authority Board to whom it is to be put.

### **Number of Questions**

- 18.10 At any one meeting no person may submit more than one question.

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### **Scope of Questions**

- 18.11 If the Monitoring Officer considers a question:
- (a) is not about a matter for which the Combined Authority has a responsibility or which affects its area;
  - (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Combined Authority staff;
  - (c) is substantially the same as a question which has been put at a meeting of the Combined Authority Board or an executive committee in the past year;
  - (d) is substantially the same as a question which has been put at a meeting of the Combined Authority Board by the Chair of the Overview and Scrutiny Committee; or
  - (e) requires the disclosure of confidential or exempt information
- he/she will inform the Chair who will then decide whether or not to reject the question.

### **Record of Questions**

- 18.12 The Monitoring Officer shall record the question and will immediately send a copy to the Member to whom it is to be put. Rejected questions will be recorded including the reasons for rejection.
- 18.13 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

### **Asking the Question at the Meeting**

- 18.14 The Chair will invite the questioner to put the question to the Member named in the notice. Up to two minutes are allowed for putting the question. If a questioner who has submitted a written question is then unable to be present, they can ask for a written response. No debate will be allowed on the question or response.

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### **Supplementary Questions**

- 18.15 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce new material. One minute is allowed for putting the supplementary question.

### **Answers**

- 18.16 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

## **19. Petitions from the public**

- 19.1. Petitions with at least 500 signatures may be presented to the Combined Authority Board. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Chair will refer the matter to another appropriate body or to the Chief Executive, unless a relevant item appears elsewhere on the Agenda.
- 19.2. A petition should be received by the Monitoring Officer no later than midday three working days before the day of the meeting.

## **20. Conduct at meetings**

### **Member Not to be Heard Further**

- 20.1. If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

### **Member to Leave the Meeting**

- 20.2. If the Member continues to behave improperly after such a motion is carried, the Chair or another Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **Chapter 5 – Proceedings of Meetings**

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### **General Disturbance**

- 20.3. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he or she thinks necessary.

### **Removal of Member of the Public**

- 20.4. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### **Clearance of Part of Meeting Room**

- 20.5. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **21. Suspension of Procedure Rules**

- 21.1. All of these procedure rules except those provided for in statute may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting and requires a two-thirds majority of those present and voting.
- 21.2. The Protocol on the Webcasting of Meetings which forms Annex 2 to this Chapter shall apply to the webcasting of the meetings of the Combined Authority and its committees.

## **22. Photography, Audio/Visual recording of Meetings and Blogging/Tweeting**

- 22.1. Please see Transparency Rules Forward Plan and Key Decisions (see [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#))

## Chapter 5 – Proceedings of Meetings

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### Annex 1 Virtual/Hybrid Meeting Protocol

#### 1. Introduction

- 1.1. [Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) make provision for remote attendance at, and remote access to Local Authority meetings held on or before 7 May 2021.
- 1.2. The Regulations enable a Local Authority to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 1.3. The “place” at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number.
- 1.4. In order for members to be able to attend meetings of the local authority remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen by) other councillors and members of the public attending remotely or in person.
- 1.5. While the procedure rules in this protocol take precedence over the Combined Authority standing orders in relation to the governance of remote meetings, all other current standing orders not mentioned in the protocol remain effective.
- 1.6. In line with the Regulations, this protocol is designed to provide a guide to virtual formal committee meetings involving Members, officers and the public during the Covid-19 crisis. It will be kept under regular review.

#### 2. Decisions of Formal Meetings of the Combined Authority

- 2.1. Monitoring or information items will be circulated to the relevant committee via e-mail outside of formal meetings.



## **Chapter 5 – Proceedings of Meetings**

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### **3. Meetings of the Combined Authority Board, Executive Committees, Overview & Scrutiny Committee and Audit & Governance Committee**

- 3.1. Meetings will take place using the Zoom software platform. A detailed briefing note for the Chair to manage the meeting electronically will be provided. Confidential items may take place using a different software platform.

#### **Public Questions**

- 3.2. The Combined Authority will continue to take questions from the public as set out in the Constitution. The member of the public asking the question will receive access details from the meeting clerk hosting the meeting to access the Zoom meeting.

#### **Petitions**

- 3.3. During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the requirements as set out in the Constitution. The member of the public presenting the petition will receive access details from the meeting clerk hosting the meeting to access the Zoom meeting.

#### **Voting**

- 3.4. Voting will be managed by the Chair supported by the meeting clerk. If an item requires a recorded vote, or if problems arise with the electronic poll system, the Chair will ask all Members to turn their microphones on. The Chair will then read out the name of each Member in turn in alphabetical order and ask them how they wish to vote. Once a Member has given their vote then microphones should be muted again. The meeting clerk will record the outcome of the voting and announce it upon conclusion of the voting procedure. If an item does not appear to be contentious, the Chairman will ask Members whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the “raise your hand” icon. If nobody objects the motion will be taken as carried.

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### 4. Running a virtual meeting

#### Members Joining a Virtual Meeting

- 4.1. Members are encouraged to join the meeting promptly (ie at least 10 minutes before the scheduled start time) in order to resolve any issues with joining and avoid disrupting the meeting. The Chair will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise.

#### Access to documents

- 4.2. The Combined Authority will publish the agenda and reports for committee meetings on the Council's website and will notify councillors by email. Printed copies will not be circulated and nor will they be available for inspection at the Council's offices.

#### Public Access

- 4.3. The following wording will be added to the Combined Authority's website as well as to the meeting page for each committee meeting.

*Due to Government guidance on social-distancing and the Covid-19 virus it will not be possible to hold a physical meeting of the XXX on XXX. Arrangements are being made for the press and public to follow the decision-making via Zoom. Details of how to watch the meeting will be published at the foot of the meeting page under the 'meeting documents' heading.*

The requirement to ensure meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

#### Recording Meetings

- 4.4. The Zoom software platform has a facility for recording meetings. All virtual meetings will be recorded.

## **Chapter 5 – Proceedings of Meetings**

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### Registering Attendance and Meeting Etiquette

- 4.5. At the start of the meeting, the Chair will carry out a roll call of all Members present. Confirmation will be given by each Member switching their video on and unmuting their microphone to confirm they are present.
- 4.6. All Members and officers except the Chairman are asked to keep their microphones on mute unless invited to speak. Any Member returning after a disconnection is asked not to interrupt when returning to announce their return.

### Protocol for councillors speaking at meetings

- 4.7. Members who wish to speak during a meeting will need to click on the “raise your hand” icon. The Chair may ask each person in turn if they have any points they wish to raise on a particular item before completing the discussion on that item. When referring to reports or making specific comments, councillors should refer to the report and page number in the agenda document pack so that all Members have a clear understanding of what is being discussed at all times.

### Dealing with technical difficulties

- 4.8. In the event that the Chair or the meeting clerk hosting the meeting identifies a failure of the remote participation facility, the Chair may declare an adjournment while the fault is addressed.
- 4.9. If it is not possible to address the fault and the meeting is inquorate, the meeting will be abandoned until such time as it can be reconvened. If the meeting is quorate, the Chair will decide if this meeting should continue, depending on the difficulties being experienced, or whether it should be adjourned until a later time or date.

## Chapter 5 – Proceedings of Meetings

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### Annex 2 Protocol on the Webcasting of Meetings

#### General

- 1.1. The Combined Authority has agreed that meetings of the Combined Authority Board, Executive Committees, Audit & Governance Committee and Overview & Scrutiny Committee can be transmitted live on the internet (webcast), and the recordings made available on the website for 12 months.
- 1.2. Other meetings may also be webcast, as and when required, subject to the approval of the Chairman and members present. Fixed cameras will be located in meeting rooms for this purpose. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Combined Authority is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly, the following will apply to all meetings to be webcast by the Council:
  - (a) The Mayor/Chairman of the meeting has absolute discretion to terminate or suspend the webcast at any time and for any reason which the Mayor/Chairman deems reasonable. This may include public disturbance or other disruption of the meeting.
  - (b) No exempt or confidential agenda items shall be webcast and no part of any meeting will be webcast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
  - (c) Subject to (d) below, all archived webcasts will be available to view on the Council's website for a period of 12 months.
  - (d) Archived webcasts or parts of webcasts may be removed from the Council's website if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Council's or the public's interests. Content may also be removed if the Monitoring Officer considers it necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

## Chapter 5 – Proceedings of Meetings

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- (e) If the Monitoring Officer has decided to take such action he/she/they must notify all elected Members in writing as soon as possible of his/her decision and the reasons for it. Council anticipates that the need to exercise this power will occur only on an exceptional basis.
  - (f) Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.
  - (g) At the start of each meeting to be recorded, an announcement will be made to the effect that the meeting will be webcast and the Mayor/Chairman will make the following statement: 'May I remind everyone present that this meeting will be broadcast live via the internet and the record will be archived for future viewing.'
  - (h) As part of the process for asking public questions residents will be advised that the meeting will be streamed on the internet and a copy of the meeting retained on the website. If an attendee (other than an elected member of the Council) does not wish to be filmed whilst addressing the meeting (unless they are included in the proceedings) ordinarily if members of the public are participating the meeting Clerk will provide advice on the best place to position themselves to ensure no image of the attendee is taken and the webcast operator will focus the camera on the Mayor/Chairman.
  - (i) At the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-  
WEBCASTING NOTICE Please note: this meeting may be filmed for live broadcast via the Combined Authority's website with recorded content available to view on its website for a period of 12 months.
- 1.3. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should notify the Mayor/Chairman at the start of the meeting and sit out of range of the cameras.
- 1.4. Any queries regarding the webcasting of meetings should be referred to the Monitoring Officer.

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- 1.5. Members of the public are permitted to film or record Councillors and officers at any Council meetings that are open to the public and press. The Combined Authority permits photography and social media reporting of all its public meetings.

## *Chapter 6 – Transparency Rules, Forward Plan and Key Decisions*

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# **Chapter 6 - Transparency Rules, Forward Plan and Key Decisions**

## **1. Scope**

- 1.1. These rules are a summary of rights to attend meetings of the Combined Authority Board, and to access documents.
- 1.2. These rules apply to all meetings of the Combined Authority, Committees and Sub-Committees (including the Overview and Scrutiny and the Audit and Governance Committees where appropriate).

## **2. Additional Rights to Information**

- 2.1. These rules do not affect any more specific rights to information set out elsewhere in this Constitution or provided by the law, including the Data Protection Act, Freedom of Information Act or the Environmental Information Regulations.

## **3. Rights to Attend Meetings**

- 3.1. Members of the public may attend all meetings subject only to the exceptions in these rules.

## **4. Notice of Meetings**

- 4.1. The Monitoring Officer shall give notice of any meeting by publishing details of the meeting on the Combined Authority website:
  - (a) at least five clear days before the meeting; or
  - (b) where the meeting is convened at shorter notice, at the time that the meeting is convened.
- 4.2. For the purposes of calculating the five clear day notice period, the day on which notice is given and the day of the meeting shall be disregarded.
- 4.3. The notice will set out the time and place the business is to be carried out.

## **5. Access to Agenda and Reports before the Meeting**

- 5.1. All agendas and reports will be published at least five clear working days before the meeting. If an item is added to the agenda later, the revised

## **Chapter 6 – Transparency Rules, Forward Plan and Key Decisions**

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agenda will be open to inspection from the time the item was added to the agenda.

- 5.2. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make the report available to the public as soon as the report is completed and sent to Members.

### **6. Access to Minutes after the Meeting**

- 6.1. The draft minutes of each meeting shall be produced and published with the agenda of the next meeting.
- 6.2. The minutes of a meeting must be signed at the next meeting by the person presiding at that meeting. No discussion shall take place upon the minutes except about their accuracy.

### **7. Supply of Copies**

- 7.1. On payment of a charge for postage and any other costs, the Monitoring Officer will supply copies of the following for all meetings to which these Rules apply:
- (a) any agenda and reports which are open to public inspection;
  - (b) any further statements or particulars necessary to indicate the nature of the items; and
  - (c) if the Chief Executive thinks fit, copies of any other documents supplied to Members in connection with an item.
  - (d) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - (e) a summary of any proceedings not open to the public where the minutes are open to inspection would not provide a reasonably fair and coherent record;
- 7.2. Copies of any agenda, reports or minutes which are open to public inspection will be available for six years after a meeting:



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### **8. Background Papers**

- 8.1. The Monitoring Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
  - (b) were relied on to a material extent in preparing the report.
- 8.2. The documents referred to in (a) and (b) above do not include published works or those which disclose exempt or confidential information and in respect of Mayoral reports, the advice of a political advisor (if any).
- 8.3. A copy of any background papers listed will be available for public inspection for four years after the date of the meeting.

### **9. Exclusion of the Press and Public from Meetings**

#### **Confidential information - Requirement to Exclude the Public**

- 9.1. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

#### **Exempt Information – Discretion to Exclude the Public**

- 9.2. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 9.3. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in that Article 6.

#### **Meaning of Confidential Information**

- 9.4. Confidential information means information given to the Combined Authority by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or by law.

## Chapter 6 – Transparency Rules, Forward Plan and Key Decisions

### Meaning of Exempt Information

- 9.5. Exempt information means information falling within the following seven categories and within schedule 12A of the Local Government Act 1972, subject to the qualifications listed below:

CATEGORY	
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations; or negotiations, or contemplated consultations; or negotiations, in connection with any labour relations matter arising between the authority; or a Minister of the Crown and employees of; or office holders under the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

## Chapter 6 – Transparency Rules, Forward Plan and Key Decisions

Qualifications
<p>Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under:</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974 and 1992;</li> <li>(c) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(d) the Building Societies Act 1986; or</li> <li>(e) the Charities Act 1993.</li> </ul> <p>Information is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

### Exclusion of Access by the Public to Reports

- 9.6. If the Monitoring Officer feels that a report or document contains confidential or exempt information he or she must mark the report or document 'Not for Publication - paragraph ... of Schedule 12A to the Local Government Act 1972'.
- 9.7. If a report or document is marked 'not for publication' the contents will not be quoted or revealed before or after the meeting, unless before the report is discussed, the meeting decides at the beginning that the matter should be dealt with in public.
- 9.8. The public must be excluded from a meeting during an item of business whenever:
  - (a) It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligations of confidence.
  - (b) The decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them.

## **Chapter 6 – Transparency Rules, Forward Plan and Key Decisions**

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### **10. Notice of Private Meetings**

- 10.1. All Combined Authority Board meetings or any Committee or Sub-Committee meetings will be held in public except when the decision-making body has resolved to:
- (a) exclude the press and public from all or part of a meeting in accordance with the Transparency rules;
  - (b) exclude a Member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with the Combined Authority's standing orders;
  - (c) further notice is made available on the Combined Authority's website at least five clear days before the meeting giving the reasons for holding the meeting in private, any representations received and a statement of its response. This will form part of the decision-making body's agenda.
- 10.2. Where the date of a private meeting of the Combined Authority or its Committee or Sub-Committees makes compliance with (a) and (b) impractical, the meeting may only be held and any decision taken if agreement is obtained that the meeting is urgent and cannot reasonably be deferred from:
- (a) the Chair of the Overview and Scrutiny Committee;
  - (b) if there is no Chair or he/she is unable to act, then the Mayor as Chair of the Combined Authority; or
  - (c) in his/her absence, the Deputy Mayor as Vice-Chair of the Combined Authority.
- 10.3. A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred must be published on the Combined Authority's website as soon as reasonably practicable after agreement has been obtained.

### **11. Key Decisions and Forward Plan**

- 11.1. A "key decision" means a decision, which in the view of the Overview and Scrutiny Committee is likely to:

## **Chapter 6 – Transparency Rules, Forward Plan and Key Decisions**

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- (a) result in the Combined Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
  - (b) have a significant effect on communities living or working in an area made up of two or more wards or electoral divisions in the area.
- 11.2. When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.
- 11.3. A key decision which is considered to have a ‘significant’ effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:
  - (a) the amenity of the community or;
  - (b) quality of service provided by the Authority
- 11.4. Subject as below, a key decision may not be taken by the decision maker unless:
  - (a) it is in the Forward Plan on the Combined Authority’s website;
  - (b) at least 28 clear days’ notice has been given, or if this is impracticable, the decision has complied with the provisions set out in paragraph 12 or 13 below as they may apply; and
  - (c) notice of the meeting has been given in accordance with these rules.

### **Forward Plan**

- 11.5. The Forward Plan will be prepared by the Mayor in consultation with the Chief Executive and published by the Monitoring Officer at least 28 clear days before the date of the meeting to which it refers.
- 11.6. The Forward Plan will include matters which are key decisions to be taken by the Combined Authority, its Committee or Sub-Committees, the Mayor, an Officer, or a Joint Committee when discharging their functions. It will include in so far as the information is available or might reasonably be obtained:
  - (a) that a key decision is to be made on behalf of the Combined Authority;

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- (b) the matter about which a decision is to be made; where the decision taker is an individual, his/her name and title, if any; and, where the decision taker is a body, its name and details of its membership;
  - (c) the date on which, or period within which, the decision will be taken;
  - (d) a list of the documents submitted to the decision maker for consideration about that matter;
  - (e) the address from which copies of any document listed is available, subject to any prohibition or restriction on their disclosure;
  - (f) that other documents relevant to those matters may be submitted to the decision maker; and
  - (g) the procedure for requesting details of those documents (if any) as they become available;
  - (h) whether the decision proposed to be taken will include confidential or exempt information and require the meeting to be private to consider the item, either in full or in part, and the relevant exemption category.
- 11.7. Where any matter involves the consideration of exempt information or confidential information (as defined above) or the advice of a political adviser or assistant, a summary of the matter shall be included in the Forward Plan but the exempt or confidential information or the advice, as the case may be, need not be included.

## **12. General Exception**

- 12.1. Where publication of the intention to make a key decision is impractical, the decision may still be taken if:
- (a) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee (or if there is no such person, each Member of the Overview and Scrutiny Committee) by written notice of the matter to which the decision is to be made, including why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case;
  - (b) the Monitoring Officer has made copies of that notice available to the public at the Combined Authority's office and its website, and

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- (c) at least five clear days have elapsed since the Monitoring Officer complied with (a) and (b) above.

### **13. Special Urgency Decision**

- 13.1. Where the date by which a key decision must be taken means the General Exception rule cannot be followed, then the decision can only be taken where the decision maker has obtained agreement from:
  - (a) the Chair of the Overview and Scrutiny Committee; or
  - (b) if there is no such person or the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Combined Authority Board; or
  - (c) where there is no Chair of either, the Vice-Chair of the Board;

that the making of the decision is urgent and cannot reasonably be deferred.
- 13.2. As soon as reasonably practicable after agreement has been given, a notice must be available to the public at the Combined Authority's Offices and on its website, setting out the reasons for urgency and why the decision could not reasonably be deferred.

### **14. Additional Rights of Access to Documents for Members of Overview and Scrutiny Committees**

- 14.1. Subject to paragraph 14.3 below, a Member of the Overview and Scrutiny Committee is entitled to a copy of any document which:
  - (a) is in the possession or under the control of the Combined Authority or the Mayor; and
  - (b) contains material relating to:
    - (i) any business that has been transacted at a meeting of a decision-making body of the authority; or
    - (ii) any decision that has been made by an individual Member of the Combined Authority.
- 14.2. Subject to 14.3, where a Member of the Overview and Scrutiny Committee requests a document under 14.1, the Combined Authority or the Mayor must

## **Chapter 6 – Transparency Rules, Forward Plan and Key Decisions**

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provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after it receives the request.

- 14.3. No Member of the Overview and Scrutiny Committee is entitled to a copy of any document or part of a document that contains:
- (a) exempt or confidential information unless that information is relevant to:
    - (i) an action or decision that that Member is reviewing or scrutinising; or
    - (ii) any review in any programme of work of the Committee; or
  - (b) advice provided by a political adviser.
- 14.4. Where the Combined Authority or the Mayor determines that a Member of the Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in 14.3, it must provide the Committee with a written statement setting out its reasons for that decision.

## **15. Photography and Audio/Visual Recording of Meetings**

- 15.1. Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public provided that it is not disruptive and does not detract from the proper conduct of the meeting.

## **16. Recording of Decisions made by Officers and the Mayor**

- 16.1. Where an officer or the Mayor makes a decision, including under specific delegation from a meeting of a decision-making body, the effect of which is
- (a) to grant a permission or licence,
  - (b) to affect the rights of an individual; or
  - (c) to award a contract or incur expenditure which, in either case, materially affects the Combined Authority's financial position,

the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information

- (a) the date the decision was taken,
- (b) a record of the decision taken along with reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.



## *Chapter 6 – Transparency Rules, Forward Plan and Key Decisions*

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- 16.2. The Combined Authority has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Combined Authority's position is to be £250,000.
- 16.3. The duty imposed by Procedure Rule 16.1 above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.
- 16.4. All written records produced in accordance with Procedure Rule 16.1 above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:
- (a) at all reasonable hours, at the offices of the Combined Authority; and
  - (b) on the Combined Authority's website.
- 16.5. All written records produced in accordance with Procedure Rule 16.1 above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.
- 16.6. Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.
- 16.7. Nothing in Procedure Rules 16.1 to 16.6 requires the disclosure of exempt or confidential information.

## **Chapter 7 – Budget Framework Procedure Rules**

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# **Chapter 7 - Budget Framework Procedure Rules**

## **1. Introduction**

- 1.1. The Budget Framework is the name given to the procedures that must be followed before the budget is finally approved. These rules set out how the Combined Authority will make decisions on the budget.
- 1.2. Once the budget is in place it is the responsibility of the Combined Authority Board or the Mayor to implement.
- 1.3. The Budget Framework will comprise the following:

## **2. Mayors General Functions Budget**

- 2.1. The costs of the Mayor that are incurred in, or in connection with, the exercise of Mayoral functions is to be met from precepts issued by the authority under section 40 of the 1992 Act, unless funded from other sources.
- 2.2. The Mayor may make a bid for gain share funds as part of his/her proposed budget which may or may not be agreed by the Combined Authority Board.
- 2.3. The Mayor must, before 1<sup>st</sup> February in any financial year, notify the Combined Authority of the Mayor's draft budget in relation to the following financial year.
- 2.4. The draft budget must:
  - (a) set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayor's general functions; and
  - (b) include the relevant amounts and calculations.
- 2.5. The Combined Authority Board must review the Mayor's draft budget and may make a report to the Mayor on the draft budget. Any report:
  - (a) must set out whether or not the Combined Authority would approve the draft budget in its current form; and

## *Chapter 7 – Budget Framework Procedure Rules*

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- (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- 2.6. The Mayor's draft budget shall be deemed to be approved by the Combined Authority unless the Board makes a report to the Mayor before 8<sup>th</sup> February.
- 2.7. Where the Combined Authority Board makes a report, it must specify a period of at least five working days beginning on the day after the day on which the Mayor receives the report within which the Mayor may:
  - (a) decide whether or not to make any revisions to the draft budget; and
  - (b) notify the Combined Authority Board of the reasons for that decision and, where revisions are made, the revised draft budget.
- 2.8. When the period specified by the Combined Authority Board in paragraph 2.7 above has expired the authority must determine whether to:
  - (a) approve the Mayor's draft budget (or revised draft budget); or
  - (b) veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor.
- 2.9. The Mayor's draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the period of five working days beginning with the day after the date on which the period specified in 2.7 above expires.
- 2.10. Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the authority.
- 2.11. Where the Mayor has failed to notify the Combined Authority Board of the Mayor's draft budget before the 1<sup>st</sup> February, then the Combined Authority Board must determine the relevant amounts and calculations that are to be used for the financial year.

## **Chapter 7 – Budget Framework Procedure Rules**

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- 2.12. Any decision under 2.11 above must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the Board.
- 2.13. Immediately after any vote is taken, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

### **3. Mayor's general fund**

- 3.1. The Mayor must keep a fund (to be known as the Mayor's general fund) in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's general functions.
- 3.2. All of the Mayor's receipts in respect of the exercise of the Mayor's general functions must be paid into the Mayor's general fund.
- 3.3. All of the Mayor's expenditure in respect of the exercise of the Mayor's general functions must be paid out of the Mayor's general fund.
- 3.4. The Mayor must keep accounts of payments made into or out of the Mayor's general fund.

### **4. Combined Authority Budget**

- 4.1. Each year, the Chief Executive and Chief Finance Officer shall prepare a draft budget for the Combined Authority, consistent with statutory requirements and principles of sound financial management. The draft Budget shall include all aspects of Combined Authority expenditure and income for the forthcoming financial year, irrespective of the source of income, and of the powers under which expenditure is brought forward. The draft Budget shall also be prepared in the context of the Investment Plan.
- 4.2. If any part of the draft Budget proposes expenditure incurred in, or in connection with, the exercise of Mayoral functions defined under the [Combined Authorities \(Finance\) Order 2017](#), which cannot be met through other sources, and where this position is confirmed by the Monitoring Officer and Chief Finance Officer, the draft Budget may set out a proposal to precept the constituent authorities, under section 40 of the Local Government Finance Act 1992. Otherwise, the draft Budget shall confirm that a precept is not proposed.

## **Chapter 7 – Budget Framework Procedure Rules**

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- 4.3. The draft Budget shall be submitted to the Combined Authority Board for consideration and approval for consultation purposes only, before the end of December each year. The Combined Authority Board will also agree the timetable for consultation and those to be consulted. The consultation period shall not be less than four weeks, and the consultees shall include Constituent Authorities, the Local Enterprise Partnership and the Overview and Scrutiny Committee.
- 4.4. Before 1<sup>st</sup> February, having taken into account the draft Budget, the consultation responses, and any other relevant factors, the proposed budget for the following financial year, including the Mayor's budget, shall be submitted to the Combined Authority Board.
- 4.5. Within five working days, the Combined Authority Board shall meet to consider the Budget. A report may be agreed by a majority of the Combined Authority to:
  - (a) approve the budget as proposed; or
  - (b) propose amendments to the budget; and
  - (c) if amendments are proposed to the Mayor's budget, agree a date, at least five working days from the date the report is published, for a further meeting to re-consider the budget.

## **5. Mayor's consideration of report**

- 5.1. If the Board propose changes to the Mayor's budget, the Mayor shall publish a report in advance of the meeting responding to the proposals set out by the Combined Authority Board. The report may support some or all of the proposals made by the Board with reasons why the Mayor supports or rejects those proposals. The draft budget shall be amended to reflect any proposals which are supported by the Mayor.

## **6. Combined Authority Board's decision on budget**

- 6.1. The draft Budget shall be further considered at the meeting established under 4.5 (c) above. A two-thirds majority of the Members (six Members), or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question may decide to reject the Mayor's budget and approve the draft Budget incorporating the Combined Authority's recommendations contained in the report to the Mayor. Otherwise the draft budget is approved.

## **Chapter 7 – Budget Framework Procedure Rules**

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- 6.2. Immediately after any vote is taken at a meeting established under 4.5 (c), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 6.3. A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

### **7. Decisions that contravene the Budget or the plans or strategies in the Policy Framework**

Financial Regulations contain provisions allowing virement. Subject to those provisions, the Mayor, the Combined Authority Board, Committees of the Combined Authority Board and/or any Officers or Joint Committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework set out in [Chapter 4 - Combined Authority Board Functions](#), paragraph 1. Only the Combined Authority Board can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.

- 7.1. Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the Combined Authority Board.
- 7.2. Decisions of the Combined Authority Board, its Committees, Sub-Committees or a Joint Committee or Officers, must be in line with the policies set by the Combined Authority Board. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:
  - (a) where the Combined Authority has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
  - (b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or

## ***Chapter 7 – Budget Framework Procedure Rules***

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- (c) changes to a policy which would normally be agreed annually or periodically by the Mayor or Combined Authority Board following consultation, but where the existing policy document is silent on the matter under consideration.

## *Chapter 8 - Transport and Infrastructure Committee*

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## **Chapter 8 - Transport and Infrastructure Committee**

### **1. Governance**

- 1.1. The Combined Authority has appointed a Transport and Infrastructure Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

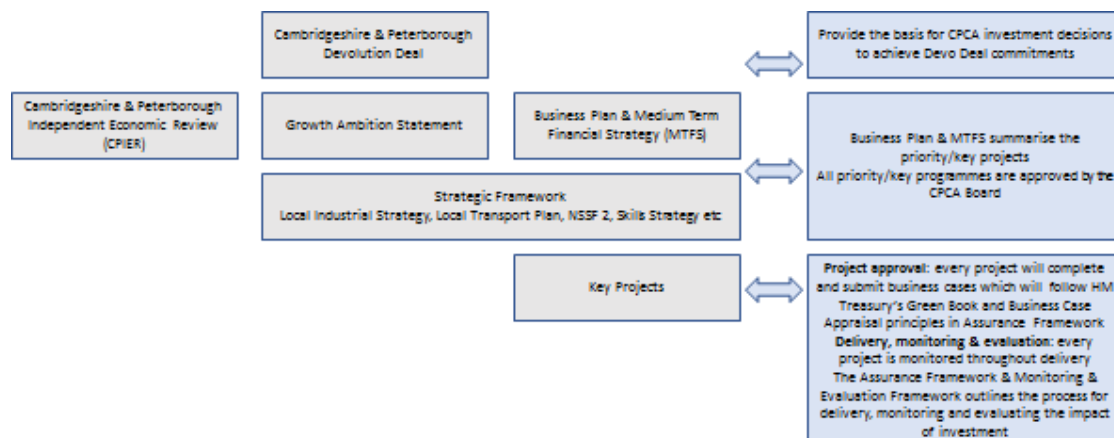
### **2. Introduction**

- 2.1. The Transport and Infrastructure Committee operates within the terms agreed by the Combined Authority Board.
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy Local Transport Plan and Bus Strategy). These are known as 'reserved matters' or "the budget and policy framework".
- 2.3. The committee has responsibility for agreeing transport and infrastructure programmes and projects within the budget and policy framework.
- 2.4. The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 2.5. The committee can initiate proposals for the Combined Authority Board to consider.
- 2.6. The committee shall apply the weighted voting rights that the Combined Authority Board applies to transport matters as set out in the committee procedure rules.



## Chapter 8 - Transport and Infrastructure Committee

2.7. The budget and policy framework is summarised below:



### 3. Terms of Reference

## Functions

3.1. The Transport and Infrastructure Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) The Local Transport Plan
- (2) Bus Strategy
- (3) Transport budget, including any transport levy
- (4) Annual programme of strategic transport projects
- (5) Creation of the key route network
- (6) Delegation of passenger transport functions to delivery partners,
- (7) Business Cases for key priority projects identified in the Business Plan  
or
- (8) Any other matters reserved to the Combined Authority Board

3.2. The committee shall exercise the Combined Authority's functions for the following:

3.2.1. Oversee the development and maintenance of the Local Transport Plan and Bus Strategy and any other key strategies reserved to the Combined Authority Board, including overseeing consultation and engagement processes, and making recommendations to the Board.

3.2.2. Oversee the development of all business cases for key priority projects as identified in the Business Plan. All business cases for

## *Chapter 8 - Transport and Infrastructure Committee*

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priority projects require Cambridgeshire and Peterborough Combined Authority Board approval.

- 3.2.3. Approve the commissioning of feasibility studies to be funded from the transport feasibility study fund. This is unallocated budget for in-year determination of spend.
- 3.2.4. Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 3.2.5. Oversee the development and approve transport policies and programmes not reserved to the Combined Authority Board.
- 3.2.6. When appropriate, ensure effective engagement and consultation is in place and can be evidenced.
- 3.2.7. Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for transport and infrastructure projects in the Business Plan and funded from allocation within the Medium Term Financial Plan.
- 3.2.8. Monitor the delegation of passenger transport functions to delivery partners.
- 3.2.9. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.
- 3.2.10. Monitor agreements with the Minister or strategic highways companies for the exercise of functions relating to the strategic network.
- 3.2.11. Oversee strategic relationships with national bodies (Network Rail), utility providers and other key stakeholders.
- 3.2.12. Matters initiated by the committee can be referred up to the Board for decision.

## **Chapter 8 - Transport and Infrastructure Committee**

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3.2.13. Review matters related to the CAM scheme prepared by the Greater Cambridge Partnership and make representations to the GCP Executive Board related to CAM matters.

3.2.14. The Combined Authority Board may decide to refer further individual matters to the committee.

### **4. Strategic and Budget Framework**

4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

### **5. Accountability**

5.1. The Committee is accountable to the Combined Authority Board.

### **6. Membership**

6.1. The Transport and Infrastructure Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.

6.2. Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.

6.3. The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.

## **Chapter 8 - Transport and Infrastructure Committee**

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- 6.4. Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.

### **7. Voting**

- 7.1. Weighted voting rights apply to all transport related decisions and transport funding as set out in paragraph 3 of [Chapter 11 - Procedure rules of Executive Committee meetings](#).

### **8. Lead Director**

- 8.1. The Lead Director for the Committee is:
- (a) Director Delivery & Strategy

### **9. Working Groups**

- 9.1. The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.
- 9.2. The remit and terms of reference for any such subordinate body shall be approved by the committee.
- 9.3. The following groups have been established:
- (a) Cambridgeshire Autonomous Metro (CAM) Partnership Board
  - (b) Bus Review Task Group

## **Chapter 9 – Skills Committee**

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## **Chapter 9 - Skills Committee**

### **1. Governance**

- 1.1. The Combined Authority has appointed a Skills Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

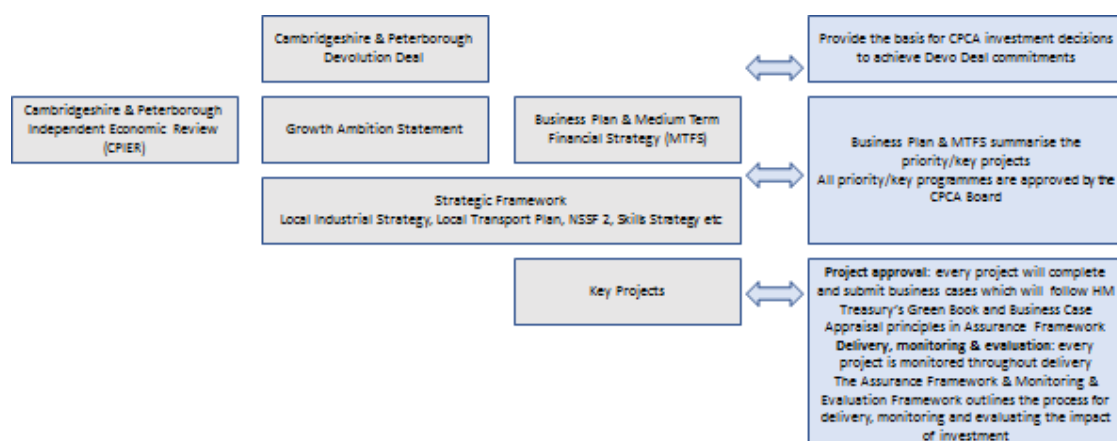
### **2. Introduction**

- 2.1. The Skills Committee operates within the terms agreed by the Combined Authority Board.
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and Skills Strategy). These are known as 'reserved matters' or “the budget and policy framework”.
- 2.3. The committee has responsibility for agreeing education and skills programmes and projects within the budget and policy framework.
- 2.4. The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 2.5. The committee can initiate proposals for the Combined Authority Board to approve.
- 2.6. The committee is responsible for overseeing the work of the Employment and Skills Board, an advisory panel of the Skills Committee, and any sub-groups set up by the Board.



## Chapter 9 – Skills Committee

2.7. The budget and policy framework is summarised below:



## 3. Terms of Reference

### Functions

3.1. The Skills Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) Skills Strategy
- (2) Projects to be included in the Business Plan and Medium Term Financial Plan
- (3) Business cases for key priority projects identified in the Business Plan or
- (4) Any other matters reserved to the Combined Authority Board

3.2. The Skills Committee shall exercise the Combined Authority's functions for the following:

- 3.2.1. Oversee the development and maintenance of the Skills Strategy and any other strategies reserved to the Combined Authority Board, including overseeing consultation processes, and making recommendations to the Board.
- 3.2.2. Oversee the development of all business cases for key priority projects identified in the Business Plan.

## Chapter 9 – Skills Committee

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- 3.2.3. Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 3.2.4. Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for education and skills projects in the Business Plan and funded from Medium Term Financial Plan.
- 3.2.5. Oversee the development and approve all other education and skills programmes and projects not reserved to the Combined Authority Board.
- 3.2.6. Ensure effective engagement and consultation is in place and can be evidenced.
- 3.2.7. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.
- 3.2.8. Oversee coordination with:
  - (a) Department of Work and Pensions on the Work and Health Programme and
  - (b) Department for Education on the Opportunity Area programme.
- 3.2.9. Oversee the delivery of the Health and Care Sector Work Academy (Innovation Pilot)
- 3.2.10. Matters initiated by the committee can be referred up to the Board for decision.
- 3.2.11. The Combined Authority Board may decide to refer further individual matters to the committee.

## Chapter 9 – Skills Committee

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### 4. Strategic and Budget Framework

- 4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

### 5. Accountability

- 5.1. The Committee is accountable to the Combined Authority Board.

### 6. Membership

- 6.1. The Skills Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 6.2. Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 6.3. The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.
- 6.4. Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.



## **Chapter 9 – Skills Committee**

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### **7. Lead Director**

7.1. The Lead Director for the Committee is:

- (a) Director Business and Skills

### **8. Working Groups**

8.1. The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.

8.2. The remit and terms of reference for any such subordinate body shall be approved by the committee.

8.3. The following group has been established:

- (a) **Employment & Skills Board**

8.4. The terms of reference are set out below:

### **9. Employment & Skills Board**

#### **Governance**

9.1. The Combined Authority has appointed an Employment and Skills Board. The Board is an advisory board to the Skills Committee and is the Skills Advisory Panel for the purposes of the governance arrangements for the devolution of the Adult Education Budget. This reflects the requirement to provide an inclusive, advisory role for the Combined Authority, Employers, Providers and Customers.

#### **Terms of Reference**

9.2. Provide strong leadership on skills in the local area, engaging with employers and providers and providing skills advice to the accountable board of the Combined Authority's Skills Committee.

## Chapter 9 – Skills Committee

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- 9.3. Advise on the strategic direction, determine priorities and monitor progress of the devolved Adult Education Budget.
- 9.4. Develop a clear understanding of current and future local skills needs and the local labour market as well as the present skills and employment support provision in the local area.
- 9.5. Focus on the needs of future learners and employers which have been identified by local partners, including colleges, university providers and employers.
- 9.6. Establish systems to ensure the student voice is heard.
- 9.7. Raise the profile of apprenticeships with local employers and providers.
- 9.8. Work closely with careers advisory services to ensure that learners are informed about potential career routes within a local area, and that all careers information and guidance is informed by up-to-date local labour market information.
- 9.9. Be underpinned by a stakeholder group including all providers.
- 9.10. Produce robust, authoritative evidence-based skills & labour market analysis and skills provision in Cambridgeshire & Peterborough.
- 9.11. Build knowledge of the range of both local, regional and national employment provision that exists or is planned.
- 9.12. Present data analysis and share it with the wider employer and provider communities to ensure that their perspective on the local labour market and local employment and skills system is reflected.
- 9.13. Provide analysis to inform the development and the implementation of the 'People' element of the Local Industrial Strategy.

### Task & Finish Groups

- 9.14. From time to time it may be necessary to establish a skills task and finish group, and other skills specialists may be invited to join these meetings. Any group would need to be sponsored by an Employment and Skills Board

## Chapter 9 – Skills Committee

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member, who may or may not chair the group, depending on the issues under consideration. Any discussions or agreed actions will be reported back to the Employment and Skills Board.

### Membership

- 9.15. There will be a maximum of 20 members including the Chair. The Chair shall be a private sector member of the Cambridgeshire and Peterborough Combined Authority Business Board or a member of the Skills Committee.
- 9.16. The Board will comprise of at least 10 business people from across the Cambridgeshire and Peterborough Combined Authority area who between them will represent a variety industry sectors, different sizes of businesses, profit, and social enterprise businesses, The Board shall consist of
  - (a) employers, those with knowledge and experience of skills and education, and Cambridgeshire & Peterborough representatives;
  - (b) at least three to represent the publicly funded sector of the economy including but not limited to government, NHS, education and training and skills providers;
  - (c) One position will be retained for the Community and Voluntary sector.
- 9.17. When a member is unable to attend a meeting, they may provide a substitute, provided such substitute has delegated authority to represent their organisation. Members are expected to attend at least 70% of meetings.

### Role of Employment & Skills Board Members

- 9.18. The specific role of a Board Member is to:
  - (a) Use their experience and knowledge to help shape strategy and policy on learning and skills development.
  - (b) Influence the prioritisation, planning and investment in skills supply and the shape of delivery.
  - (c) Support the strategic aims of the Cambridgeshire & Peterborough Business Board.
  - (d) Represent a range of people, organisations or views, not just their own or that of their organisation.

## Chapter 9 – Skills Committee

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- 9.19. The Board will adopt good practise and its members will act within the General Duties and Obligations set out in its terms of reference and adopt the following values:
- (a) Championing to influence and lead by example
  - (b) Developing enterprising solutions that are creative
  - (c) Partnership working across the private, public and third sector
  - (d) Sharing best practise
  - (e) Being inclusive of each locality and community across Cambridgeshire & Peterborough.
- 9.20. All board members and observers shall be required to comply with the Combined Authority's Code of Conduct and all members and substitute members shall also be required to complete a Declaration of Interest form.

### Observers

- 9.21. Specialists may be invited by the Chair to attend specific Board meetings or Agenda items where expertise is required.
- 9.22. Occasional observers may request to attend a meeting through the Chair.

### Specialist Forums & Groups

- 9.23. The Cambridgeshire & Peterborough Education and Skills Board has a number of specialist advisory groups that will feed into the decision-making processes. This includes:
- (a) **Existing Provider Forums**; there are a number of existing forums operating within the Cambridgeshire & Peterborough Combined Authority area, and these can be supported to articulate a voice on skills to the Employment and Skills Board.
  - (b) **An Adult Education Budget Skills Group**; a specialist group for Adult Education Budget funding only with the twelve (12) identified grant funded institutions indigenous or contiguous to the Cambridgeshire & Peterborough Combined Authority area.

## Chapter 9 – Skills Committee

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- (c) [A Data Analysis Group](#); formed to provide an analysis of the local skills and labour markets to develop robust Labour Market Intelligence.

These Forums will be working groups of the Cambridgeshire & Peterborough Education and Skills Board. These forums are advisory and non-decision making.

9.24. The Forum(s) will:

- (a) Provide a voice about the Skills Funding system.
- (b) Advise the Education and Skills Board on matters of vocational training and employment scheme delivery.
- (c) Advise the Employment and Skills Board on short, medium and long-term strategies associated with skills funding.
- (d) Identify freedoms, flexibilities, and improvements that could be made to government and local funded training provision so that the Employment and Skills Board can promote changes that will improve local provision.

## *Chapter 10 – Housing and Communities Committee*

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# **Chapter 10 - Housing and Communities Committee**

## **1. Governance**

- 1.1. The Combined Authority has appointed a Housing and Communities Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

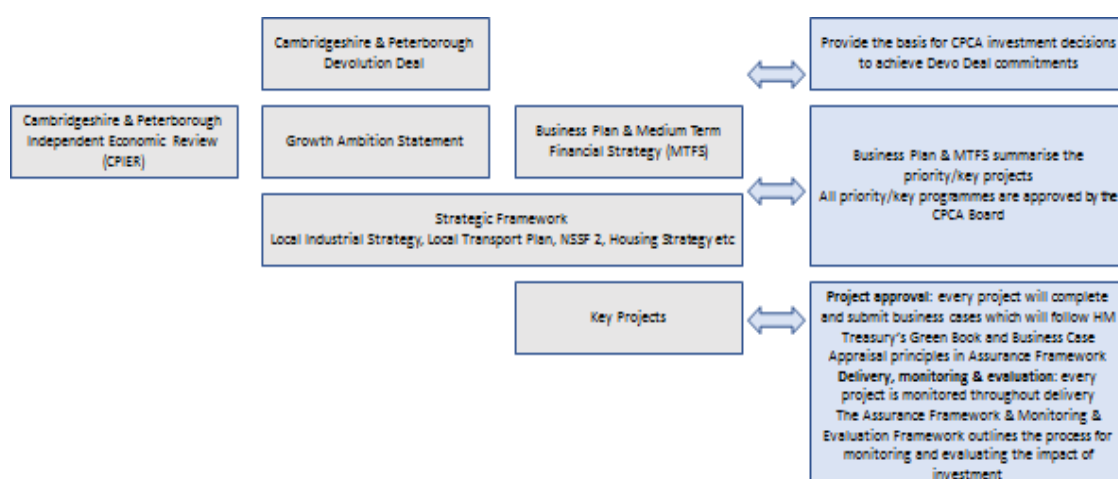
## **2. Introduction**

- 2.1. The Housing and Communities Committee operates within the terms agreed by the Combined Authority Board.
- 2.2. The Combined Authority Board retains responsibility for agreeing its strategies, key priority projects and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and the Housing Strategy). These are known as 'reserved matters' or "the budget and policy framework".
- 2.3. The Committee has responsibility for agreeing housing and community policies and projects within the budget and policy framework set by the Combined Authority Board.
- 2.4. The Committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 2.5. The Committee can initiate proposals for the Combined Authority Board to consider.



## Chapter 10 – Housing and Communities Committee

2.6. The budget and policy framework is summarised below:



## 3. Terms of Reference

### Functions

3.1. The Housing and Communities Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) Housing Strategy
- (2) Any other matters reserved to the Combined Authority Board.

3.2. The committee shall exercise the Combined Authority's functions for the following:

- 3.2.1. Oversee the development and management of the Housing Strategy and any other key strategies reserved to the Combined Authority Board, including consultation and engagement processes, and making recommendations to the Board.
- 3.2.2. Oversee the development of, and approve all policies arising from the Housing Strategy.
- 3.2.3. Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.

## *Chapter 10 – Housing and Communities Committee*

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- 3.2.4. Ensure effective engagement and consultation is in place and can be evidenced.
- 3.2.5. Approve the commissioning of delivery partners where this is required,
- 3.2.6. Authorise the staged release of budget for housing projects to be funded from:
  - (a) £100m Affordable Housing Programme, allocated for affordable housing within the Cambridgeshire and Peterborough Combined Authority area to include:
    - £60m grant funding
    - £40m revolving funding, allocated to the Housing Company
  - (b) £70m Affordable Housing Programme allocated to Cambridge City Council.
- 3.2.7. Act as Accountable Body for the release of the Housing Infrastructure Funding for the Cambridge Northern Fringe East housing project.
- 3.2.8. Consider the Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Development Company and make recommendations to the Combined Authority Board.
- 3.2.9. Oversee the development and approve all other housing and community programmes and projects not reserved to the Combined Authority Board including but not limited to those relating to:
  - (a) Culture and Tourism
  - (b) Oversee delivery of the Connecting Cambridgeshire Project by Cambridgeshire County Council
- 3.2.10. Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.



## **Chapter 10 – Housing and Communities Committee**

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3.2.11. Matters initiated by the committee can be referred to the Board.

3.2.12. The Combined Authority Board may decide to refer further individual matters to the committee.

### **4. Strategic and Budget Framework**

4.1. The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

### **5. Accountability**

5.1. The committee is accountable to the Combined Authority Board.

### **6. Membership**

6.1. The Housing and Communities Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.

6.2. Where the Mayor does not take up his/her appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.

6.3. The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 11, paragraph 2 of the procedure rules of executive committees and Chapter 4 paragraph 4.4.

## **Chapter 10 – Housing and Communities Committee**

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- 6.4. Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in chapter 2 paragraph 5 of the constitution apply to committees.

### **7. Lead Director**

- 7.1. The Lead Director for the Committee is:

(a) Director Housing

### **8. Working Groups**

- 8.1. The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Members of the Committee and officers.
- 8.2. The remit and terms of reference for any such subordinate body shall be approved by the committee.

*Chapter 11 – Procedure rules of Executive Committee meetings*

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## Chapter 11 - Procedure rules of Executive Committee meetings

### 1. Access to meetings

- 1.1. The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees - [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

### 2. Membership

- 2.1. The membership of committees is set out in its terms of reference.
- 2.2. If a member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the committee, then, subject to certain exceptions, they cease to be a member of the committee.
- 2.3. A person will cease to be a member or a substitute member of an Executive Committee if they cease to be a Member of the Constituent Council that nominated or appointed them. The Combined Authority Board Member shall appoint or nominate a replacement as soon as possible.
- 2.4. A member or substitute member may resign by giving written notice to the Monitoring Officer, and the resignation takes effect on the receipt of the notice.
- 2.5. The relevant Combined Authority Board Member shall at any time be entitled to terminate the appointment of a member or substitute member nominated by them and replace that member or substitute Member.
- 2.6. The Combined Authority Board Member must give written notice of the new nomination and the termination of the previous nomination to the Monitoring Officer. The termination will take effect immediately.
- 2.7. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Combined Authority Board Monitoring Officer and shall be reported to the following of the Board for ratification.

## **Chapter 11 – Procedure rules of Executive Committee meetings**

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### **3. Quorum**

- 3.1. No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

### **4. Chair and Vice-Chair**

- 4.1. The Combined Authority Board shall appoint the Chair on the recommendation of the Mayor and he/she shall be the lead member for the functions of the committee. The Chair shall be selected from one of the seven constituent council representatives on the committee or the Mayor. No vice-chair shall be appointed. The committee shall appoint a chair for the meeting when the chair is absent.
- 4.2. Lead members have a strategic role in leading the development of future policy and budget allocations for approval at the Board or the committee. They work directly with officers to give guidance in the development of future policy. A chair shall fulfil this same role and has an additional responsibility of chairing a committee to operate within the agreed delegations for matters approved by the Board.

### **5. General Voting**

- 5.1. Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:
- (a) the Mayor (or deputy Mayor acting in his/her place) where the Mayor has accepted an appointment on the committee; and
  - (b) a Constituent Council Member (or his/her nominee) or a Substitute Member acting in that Member’s place.
- 5.2. Except decisions to which special voting arrangements apply, all decisions of the committee shall be decided by a majority of voting members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 5.3. If a vote is tied it is deemed not to have been carried.
- 5.4. If there is a deadlock, the matter shall be referred up to the next meeting of the Combined Authority Board.

## **Chapter 11 – Procedure rules of Executive Committee meetings**

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- 5.5. The proceedings of the committee are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.
- 5.6. If for any reason:
- (a) the Mayor is unable to act or the office of Mayor is vacant, and
  - (b) the deputy Mayor is unable to act or the office of deputy Mayor is vacant,
- or
- (c) the Mayor has decided not to take place on a committee the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

### **Special Voting**

- 5.7. Special voting arrangements are set out, Chapter 5 paragraph 16 of the constitution.
- 5.8. A decision on a question relating to:
- (a) the Transport Plan;
  - (b) any spending plans or plans for the allocation of transport-related funding;
- requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

### **Recorded Votes**

- 5.9. A Member may ask immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.

## **6. Reference up to the Combined Authority Board**

- 6.1. Where a majority of members consider appropriate, a matter on the agenda may be referred for decision by the Combined Authority Board. The report

## **Chapter 11 – Procedure rules of Executive Committee meetings**

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together with the committee's recommendations will be placed on the agenda of the next meeting of the Combined Authority Board for decision.

### **7. Minutes and Call-in of Committee Decisions**

- 7.1. The Monitoring Officer shall publish details of decisions of the committee on the Combined Authority website and to all Members of the Committee, the Board Members and the Overview and Scrutiny Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 7.2. Three Members of the Board may call-in a decision of the committee by notifying the Monitoring Officer. The power to call in an executive decision should only be used in exceptional circumstances. The decision will not be implemented and will be referred to the Combined Authority Board for review and decision.
- 7.3. On receipt of a call-in request, the Monitoring Officer shall:
  - (a) notify the Mayor, Members of the Combined Authority Board, Members of the Committee and Members of the Overview and Scrutiny Committee, of the call-in; and
  - (b) either call a meeting of the Board or refer the matter to the next scheduled Board meeting.
- 7.4. If a key decision is suspended, it is not available to be called in by the Overview and Scrutiny Committee until the Board has met and reviewed the committee's decision and either confirmed, amended or rescinded the decision.
- 7.5. The Overview and Scrutiny Committee shall have five days after publication of the committee's decisions to call in a key decision, in accordance with the Overview and Scrutiny Committee's call in arrangements set out in [Chapter 13 - Overview and Scrutiny Committee.](#)

### **8. Application of Chapter 5 [Proceedings of Meetings] to Executive Committees**

- 8.1. The following rules from Chapter 5 [Proceedings of Meetings] shall apply to the meetings of Executive Committees with any necessary modification - Rule 4 [Ordinary Meetings and Urgency], Rule 6 [Notice of Meetings and

### ***Chapter 11 – Procedure rules of Executive Committee meetings***

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Agendas], Rule 7 [Public Access], Rule 8 [Attendance], Rule 9 [Notice of Substitute Members], Rule 12 [Declaration of Interests], Rule 13 [Rules of Debate], Rule 17 [Minutes], Rule 18 [Questions by the Public and Questions by Members] [not including rules on Petitions from the public], Rule 19 [Conduct at Meetings] and Rule 21 [Photography, Audio/Visual recording of Meetings and Blogging/Tweeting].

## Chapter 12 –Employment Committee

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## Chapter 12 - Employment Committee

### 1. Governance

- 1.1. The Combined Authority has appointed an Employment Committee. The committee is an executive committee of the Combined Authority Board.

### 2. Terms of Reference

- 2.1. The functions of the Employment Committee are:
- (a) To make recommendations to Combined Authority Board on the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (“the statutory officers”).
  - (b) To appoint chief officers.
  - (c) To establish, as required, a Statutory Officer Investigatory Panel with authority to make recommendations to the Combined Authority as to the dismissal arising from disciplinary action [as defined at paragraph 2.2 below] of any of the statutory officers. The membership of this Panel shall be as set out in the Officer Employment Procedure Rules.
  - (d) To take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
  - (e) To take disciplinary action against Chief Officers in circumstances capable of resulting in the dismissal of those officers and to suspend and keep under review any suspension of those officers.
  - (f) To determine appeals by Chief Officers against decisions made in relation to grievance proceedings.
  - (g) To determine employment procedures for the officers of the Combined Authority, including dismissal procedures.
  - (h) To determine local terms and conditions of employment for officers of the Combined Authority.



## Chapter 12 –Employment Committee

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- (i) To consider, and recommend appropriate actions where necessary, in response to proposals relating to changes within a Department's /Division's structure which involve substantial changes in the responsibilities of the Head of Paid Service [Chief Executive] and Chief Officers.
- (j) To promote and pursue a policy of equal opportunities in employment.
- (k) To determine policies relating to local government pensions and discretionary compensation for early termination of employment. Upon the commencement of the Restriction of Public Sector Exit Payments Regulations to approve applications for waivers under the Regulations.

2.1 For the purposes of paragraph 2.1:

**“Chief Officer” means:**

- (a) a person for whom the head of the authority's paid service (Chief Executive) is directly responsible;
- (b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service (Chief Executive);

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Chief Officer.

**“Deputy Chief Officer” means:**

“a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.”

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Deputy Chief Officer.

**“Disciplinary Action” means:**

“any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Combined Authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include

## Chapter 12 –Employment Committee

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failure to renew a contract of employment for a fixed term unless the Combined Authority has undertaken to renew such a contract”

### 3 Membership

- 3.1 The Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 3.2 The Combined Authority Board shall appoint the members of the Committee, and their substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the Committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to the Committee or the Sub-Committees.
- 3.3 The Procedure Rules of Executive Committee Meetings at Chapter 11 of this Constitution shall apply to the proceedings of the Committee.

## **Chapter 13 - Overview and Scrutiny Committee**

### **Part 1 – Functions**

#### **1. Governance**

- 1.1. The Combined Authority Board has appointed an Overview and Scrutiny Committee. The committee is a statutory, non-executive committee.

#### **2. Functions**

- 2.1. The Committee shall have the power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with:
  - (i) the discharge of any functions which are the responsibility of the Combined Authority;
  - (ii) the discharge by the Mayor of any general functions;
  - (iii) any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- (b) make reports or recommendations to the Combined Authority Board:
  - (i) with respect to the discharge of any functions that are the responsibility of the authority;
  - (ii) on matters that affect the authority's area or the inhabitants of the area;
- (c) make reports or recommendations to the Mayor:
  - (i) with respect to the discharge of any general functions;
  - (ii) on matters that affect the authority's area or the inhabitants of the area.

### Chapter 13 – Overview and Scrutiny Committee

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- 2.2. The power of the Committee under paragraph 2.1(a) includes the power to review or scrutinise a key decision made but not implemented and to:
- (a) direct that a decision is not to be implemented while it is under review by the Committee, and
  - (b) recommend that the decision be reconsidered.
- 2.3. In the exercise of its functions set out in the Constitution, the power of the Committee shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.

### 3. Membership

- 3.1. The Combined Authority must appoint at least one Member from each of the Constituent Councils to the Committee. The membership of the Committee taken as a whole shall reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils collectively.
- 3.2. The Combined Authority may appoint at least one Substitute Member from each Constituent Council. The Substitute Members shall be from the same political party as the Member being substituted to maintain the political balance.
- 3.3. A change in the party political composition of any of the Constituent Councils, shall require a review of the membership of the Committee in order to determine whether any amendment to its membership is required. If the review requires a change in membership, Constituent Councils will be advised of any changes they will need to make to their appointments at the earliest opportunity.
- 3.4. The Overview and Scrutiny Committee may not include any Member or Substitute Member of the Combined Authority including the Mayor nor any Officer of the Combined Authority or of any of the Constituent Councils.
- 3.5. Within the period of 28 days of the appointment being made to the Committee, the Combined Authority shall publish a notice on its website which:
- (a) states that it has made an appointment;
  - (b) identifies each Member of the Committee who has been appointed and any Substitute Members; and

### **Chapter 13 – Overview and Scrutiny Committee**

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- (c) specifies the term of office of those appointed.
- 3.6. The term of office shall be one year from the date of the Annual Meeting of the Constituent Councils that appointed them to the Committee unless:
  - (a) they cease to be an elected Member of the Constituent Councils that appointed them;
  - (b) they no longer wish to participate in the scrutiny arrangements and communicate this in writing to the Proper Officer of their Constituent Councils; or
  - (c) the Combined Authority is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Committee.
- 3.7. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

## **4. Chair and Vice-Chair**

- 4.1. The Committee shall appoint the Chair and Vice-Chair of the Committee and the Chair and Vice-Chair will be elected Members of one of the Constituent Councils.
- 4.2. The Committee must ensure that the person appointed as the Chair is an “appropriate person” who is an elected Member of one of the Constituent Councils but is not a Member of the registered political party of which the Mayor is a member.
- 4.3. Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is:
  - (a) a member of the registered political party which has the most representatives among the Members of the Constituent Councils on the Combined Authority, or
  - (b) where two or more parties have the same number of representatives, a Member of any of those parties.

## Chapter 13 – Overview and Scrutiny Committee

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### 5. Working Groups

- 5.1. The Committee may appoint informal non-decision making working groups to contribute to and inform the scrutiny process.

## Part 2 – Procedure Rules

### 1. Access to meetings

- 1.1. The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency rules in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

### 2. Meetings

- 2.1. The Committee shall meet at least once a year.
- 2.2. An extraordinary meeting of the Committee may be called by:
- (a) the Chair of the Committee; or
  - (b) any five Members of the Committee;
  - (c) the Chief Executive.

### 3. Quorum

- 3.1. No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

### 4. Voting

- 4.1. Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 4.2. Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

### 5. Conflicts of Interest

- 5.1. Members must comply with the Member Code of Conduct within this Constitution.

## **Chapter 13 – Overview and Scrutiny Committee**

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5.2. No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.

5.3. Such a Member may only attend the Committee to:

- (a) make representations;
- (b) answer questions; or
- (c) give evidence about the decision.

### **6. Work Programme**

6.1. The Committee will set its own work programme.

### **7. Requests to Overview and Scrutiny**

7.1. The Mayor or Combined Authority Board may ask the Committee to review any of its functions or assist in developing budget and policy proposals.

### **8. Reference of Matters to Committees**

8.1. Any of the following may request a matter to be included on the agenda of the Overview and Scrutiny Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:

- (a) any Member of the Overview and Scrutiny Committee;
- (b) any Member of the Combined Authority; and
- (c) any Member of a Constituent Council of the Combined Authority.

8.2. An “excluded matter” means any matter which is a local crime and disorder matter.

8.3. The request must be submitted to the Monitoring Officer who will arrange for the item to be placed on the agenda of the next available meeting. The request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must have regard to these reasons.

8.4. If the Committee decides not to exercise any of its powers to review or scrutinise decisions made, or other action taken, in connection with:

## **Chapter 13 – Overview and Scrutiny Committee**

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- (a) the discharge of any functions which are the responsibility of the authority;
  - (b) in connection with the discharge by the Mayor of any general functions;
- it must notify the Member of its decision; and the reasons for it.

8.5. The Committee must provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

### **9. Attendees**

9.1. The Committee shall have the power to:

- (a) require Members (including the Mayor and Deputy Mayor), members of an executive committee or Officers of the Combined Authority to attend before it to answer questions, or provide information about any matter within its terms of reference;
- (b) request any Business Board member to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee;
- (c) invite other people, including members of the public, to attend meetings of the Committee to give evidence.

9.2. Where the Committee requires a Member, Officer or others to attend, the Monitoring Officer shall inform them in writing giving at least five clear working days' notice of the meeting. The notice will state:

- (a) the date of the meeting they are required to attend;
- (b) the nature of the item; and
- (c) whether they must produce any papers for the Committee.

9.3. A Member or Officer must comply with any notice they are given.

9.4. Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Committee shall consult with the Member or Officer to arrange an alternative date.

9.5. A person is not obliged to answer any question which he or she would be entitled to refuse to answer in relation to court proceedings.



## **Chapter 13 – Overview and Scrutiny Committee**

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### **10. Publishing Reports or Recommendations**

- 10.1. The Committee may publish any report or recommendations but
- (a) must exclude any confidential information; and
  - (b) may exclude any relevant exempt information.
- 10.2. Where information is excluded, the Committee:
- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
  - (b) must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

### **11. Notice**

- 11.1. The Committee may by notice require the Combined Authority or the Mayor within two months of receiving any report or recommendations, to:
- (a) consider the report or recommendations;
  - (b) respond to the Committee indicating what (if any) action the Combined Authority or the Mayor proposes to take;
  - (c) publish the response, if the Overview and Scrutiny Committee has published the report or recommendations.
- 11.2. The Combined Authority or the Mayor shall comply with any notice given.

### **12. Publishing a Response**

- 12.1. In publishing the response, the Combined Authority or the Mayor:
- (a) must exclude any confidential information; and
  - (b) may exclude any relevant exempt information.
- 12.2. Where information is excluded, the Combined Authority or the Mayor:
- (a) may replace so much of the document as is necessary to exclude the exempt or confidential information with a summary which does not disclose that information; and

## **Chapter 13 – Overview and Scrutiny Committee**

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- (b) if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

### **13. Call-in of Combined Authority and Mayoral Decisions**

- 13.1. The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:
  - (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued; and
  - (b) the power to recommend that the decision be reconsidered.
- 13.2. Subject to the consent of the Combined Authority to the proposals and arrangements, the Committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of key decisions made but not yet implemented and its arrangements in connection with those powers.

### **Publication of Decisions**

- 13.3. The Monitoring Officer shall publish details of key decisions of the Mayor, the Combined Authority Board, an executive committee and Officers on the Combined Authority website and to all Members of the Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 13.4. A decision on a matter dealt with under the urgency provisions set out in the Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#) may be implemented immediately.
- 13.5. Any other key decision of the Mayor, Combined Authority Board, executive committees or an Officer may be implemented after 5.00pm of the fifth clear working day after the publication of the decision, unless it is called-in.
- 13.6. If a key decision of an executive committee is called in by the Combined Authority Board, the call in arrangements for overview and scrutiny shall be suspended until the Board have met. In accordance with these rules the Board's decision will be published and any key decisions will be subject to call-in.

## Chapter 13 – Overview and Scrutiny Committee

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### Process

- 13.7. Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, an executive committee or an Officer for scrutiny by notifying the Monitoring Officer.
- 13.8. On receipt of a call-in request, the Monitoring Officer shall:
- (a) notify the Mayor, Members of the Combined Authority, members of the executive committee or Officer of the call-in; and
  - (b) call a meeting of the Overview and Scrutiny Committee to scrutinise the decision.

### Scrutinising the Decision

- 13.9. The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.
- 13.10. Where the Committee has scrutinised a decision, it may:
- (a) endorse the decision; or
  - (b) refer the decision back to the Mayor, Combined Authority Board, the executive committee or the Officer for reconsideration, setting out, in writing the nature of its concerns.
- 13.11. A decision which has been endorsed by the Committee may be implemented immediately.
- 13.12. Where a decision has been referred back, the Mayor, the Combined Authority Board, the executive committee or Officer shall hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Committee were received by the Combined Authority unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent.
- 13.13. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Combined Authority's, Constituent Councils' or the public's interests. Otherwise, a decision which has been recommended for re-consideration may not be implemented.

## Chapter 13 – Overview and Scrutiny Committee

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### Re-considering the Decision

- 13.14. The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 13.15. The Mayor, Combined Authority, the executive committee or the Officer may confirm, amend or rescind the decision.
- 13.16. A decision which has been confirmed or amended may be implemented immediately.

### 14. Linking Sub-regional Scrutiny with Local Scrutiny

- 14.1. Where a constituent council has scrutiny arrangements, The Scrutiny Officer of each Constituent Council will ensure that the work programme and minutes relating to the work carried out by the Combined Authority's Overview and Scrutiny Committee are circulated appropriately within their own Constituent Councils' scrutiny arrangements.

### 15. Additional Rights of Access to Documents for Members of Overview and Scrutiny

- 15.1. Additional rights of access to documents for Members of the Overview and Scrutiny Committee are set out in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

### 16. Scrutiny Officer

- 16.1. The Combined Authority shall appoint a "Scrutiny Officer" to
  - (a) promoting the role of the Committee; and
  - (b) providing support and guidance:
    - (i) to the Committee, its Working Groups and its Members, and
    - (ii) to Members of the Combined Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.
- 16.2. The Combined Authority may not designate as the Scrutiny Officer any Officer of a constituent council of the Combined Authority.

### 17. Questions by the Public

## **Chapter 13 – Overview and Scrutiny Committee**

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- 17.1. Councillors of Constituent Authorities and members of the public who are residents of the Combined Authority area or work in the area may ask questions to the Overview and Scrutiny Committee, including at an Extraordinary Meeting. For Extraordinary Meetings, the question must relate to the item on the agenda.
- 17.2. The total time allocated for questions by the public shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.
- 17.3. Where there is an item on the agenda that has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.

### **Order of Questions**

- 17.4. The order in which first these and then other questions shall be presented to the meeting shall be determined by a draw. The draw shall be conducted by the Monitoring Officer prior to the meeting.

### **Notice of Questions**

- 17.5. A question may only be asked if notice has been given in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner.

### **Number of Questions**

- 17.6. At any one meeting, no person may submit more than one question.

### **Scope of Questions**

- 17.7. If the Monitoring Officer considers a question submitted:
  - (a) does not relate to the Committee's role and responsibilities or related to an item that the committee is scrutinising;
  - (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Constituent Authority staff;
  - (c) is a question that should more appropriately be addressed to another party such as the Combined Authority Board or the Mayor;

## Chapter 13 – Overview and Scrutiny Committee

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- (d) is substantially the same as a question which has been put at a meeting of the Overview and Scrutiny Committee in the past year;
- (e) requires the disclosure of confidential or exempt information.

The Monitoring Officer will inform the Chair who will then decide whether to reject the question, or if (c) applies, to refer it to the Board.

### Record of Questions

- 17.8. The Monitoring Officer shall record the question and will immediately send a copy to the Chair and relevant shadow **lead member**. Rejected questions will be recorded including the reasons for rejection.
- 17.9. Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

### Asking the Question at the Meeting

- 17.10. The Chair will invite the questioner to put the question to the Committee. Up to two minutes are allowed for putting the question. If a questioner who has submitted a written question is then unable to be present, they can ask for a written response. No debate will be allowed on the question or response.

### Supplementary Questions

- 17.11. Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the committee. A supplementary question must arise directly out of the original question or the reply. One minute is allowed for putting the supplementary question.

### Answers

- 17.12. Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

## *Chapter 13 – Overview and Scrutiny Committee*

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### **Annex 1**

The current membership of the Overview and Scrutiny Committee is two Members from each constituent Council. (14 Members). The quorum is 10 members.

## **Chapter 14 – Audit and Governance Committee**

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# **Chapter 14 - Audit and Governance Committee**

## **Part 1 – Functions**

### **1. Governance**

- 1.1 The Combined Authority has appointed an Audit and Governance Committee. The committee is a statutory, non-executive committee.

### **2. Functions**

- 2.1. The Audit and Governance Committee shall have the following statutory powers to:
- (a) review and scrutinise the authority's financial affairs;
  - (b) review and assess the authority's risk management, internal control and corporate governance arrangements;
  - (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
  - (d) make reports and recommendations to the Combined Authority in relation to reviews conducted under paragraphs (a) (b) and (c);
  - (e) Implement the obligation to ensure high standards of conduct amongst Members.

### **3. Terms of Reference**

- 3.1. The Audit and Governance Committee shall undertake the following for both the Combined Authority and the Business Board:

#### **Accounts**

- 3.2. Approve the annual statement of accounts;

#### **Governance**

- 3.3. Review corporate governance arrangements against the good governance framework;



## **Chapter 14 – Audit and Governance Committee**

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- 3.4. Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances;
- 3.5. Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships;
- 3.6. Monitor the Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances;
- 3.7. Monitor the anti-fraud and whistle blowing policies and the complaint process;

### **Internal Audit**

- 3.8. Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners;
- 3.9. Review internal audit requirements undertaken by the Combined Authority;
- 3.10. Approve the internal audit plan;
- 3.11. Consider reports and assurances from the Chief Finance Officer in relation to:
  - (a) Internal Audit performance;
  - (b) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
  - (c) Risk management and assurance mapping arrangement;
  - (d) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

### **External Audit**

- 3.12. Review the annual accounts;
- 3.13. Consider the annual external audit of the Combined Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns;

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### Financial Reporting

- 3.14. Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined Authority Board;
- 3.15. Consider any issues arising from External Auditor's audit of the account;
- 3.16. Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice;
- 3.17. Maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary;

### Code of Conduct

- 3.18. Ensure the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members;
- 3.19. Assisting the Members and Co-opted Members to observe the Code of Conduct;
- 3.20. Advising the Combined Authority on the adoption or revision of the Code of Conduct and monitor its operation;
- 3.21. Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct;

### General

- 3.22. Report and make recommendations to the Combined Authority in relation to the above.

## 4. Membership

- 4.1. The Combined Authority Board shall decide the size and membership of the Audit and Governance Committee and shall include one Independent Person.
- 4.2. In appointing Members to the Committee, the Combined Authority Board must ensure that the Members of the Committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time

## **Chapter 14 – Audit and Governance Committee**

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being prevailing among Members of the Constituent Councils when taken together.

- 4.3. The Committee may not include any Officer of the Combined Authority or of a constituent council.
- 4.4. The Combined Authority Board shall appoint at least one Substitute Member from each constituent council.
- 4.5. The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

### **5. Chair and Vice-Chair**

- 5.1. The Combined Authority Board shall appoint the Chair and Vice-Chair.

### **6. Sub-Committees**

- 6.1. The Committee may appoint one or more sub-committees and arrange for the discharge of any of its functions by any such sub-committee.
- 6.2. The Committee shall appoint a hearings panel to hear any complaints where the Member is alleged to have breached the Code of Conduct.

### **7. Hearing Panel (Sub-Committee to the Audit and Governance Committee)**

- 7.1. The Hearings Panel is a Sub-Committee of the Audit and Governance Committee.
- 7.2. The Panel has the following functions:
  - 7.2.1. When matters are referred by the Monitoring Officer granting dispensations to Members and Co-opted Members allowing them to:
    - (a) participate in the debate; and/or
    - (b) vote on any matter in which they have a disclosable pecuniary interest;
  - 7.2.2. On matters being referred by the Monitoring Officer deciding whether complaints concerning Members should be investigated;

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7.2.3. Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure;

7.2.4. The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution.

### Part 2 – Procedure Rules

#### 1. Access to Meetings

- 1.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#).

#### 2. Meetings

- 2.1 The Committee will meet at least once a year.
- 2.2 An extraordinary meeting of an Audit and Governance Committee may be called by:
- (a) the Chair of the Committee; or
  - (b) the Head of Paid Service.

#### 3. Quorum

- 3.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

#### 4. Voting

- 4.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 4.2 Members of the Committee who are appointed other than from the Constituent Councils shall be non-voting Members of the Committee but may be given voting rights by resolution of the Combined Authority.
- 4.3 Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

## **Chapter 14 – Audit and Governance Committee**

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### **5. Conflicts of Interest**

- 5.1 Members must comply with the Member Code of Conduct.
- 5.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.
- 5.3 Such a Member may only attend the Committee to:
  - (a) make representations;
  - (b) answer questions; or
  - (c) give evidence about the decision.

### **6. Appointment of Independent Person**

- 6.1 The Committee must have at least one independent person. The appointment must be made by the Combined Authority Board.
- 6.2 A person is independent if the person:
  - (a) is not a Member, Co-opted Member or Officer of the authority;
  - (b) is not a Member, Co-opted Member or Officer of a parish council for which the authority is the principal authority;
  - (c) is not a relative, or close friend, of a person within sub-paragraph (a) or; and
  - (d) was not at any time during the past five years been:
    - (i) a Member, Co-opted Member or Officer of the authority; or
    - (ii) a Member, Co-opted Member or Officer of a parish council for which the Authority is the principal Authority.

### **Term of Office**

- 6.3 Each independent person will serve a term of four years, which may be renewed up to a maximum of one further term (ie total maximum eight years).

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### **Appointments Process:**

- 6.4 The vacancy for the Independent Person must be advertised in such manner as the Combined Authority considers is likely to bring it to the attention of the public. The person must submit to the Combined Authority an application to fill the vacancy, and the person's appointment has been approved by a majority of the Members of the Combined Authority Board.
- 6.5 The position of Independent Person shall be advertised on the Combined Authority's website, along with the website of each constituent authority.

### **7. Procedures at meetings**

- 7.1 The Combined Authority Transparency Rules, Forward Plan and Key Decisions in [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#) will apply.

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### **Annex 1**

The current membership of the Audit and Governance Committee is one member from each constituent council and one independent person. (eight members). The quorum is six members.

## *Chapter 15 – Financial Management Procedure Rules*

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# **Chapter 15 - Financial Management Procedure Rules**

## **Financial Regulations**

### **Introduction**

#### **1. Financial Regulations Background and Purpose**

- 1.1 The Combined Authority is a local authority for the purposes of the Local Government Act 1972. The Combined Authority will appoint Officers to undertake the statutory Head of Paid Service (Chief Executive), Chief Finance Officer and Monitoring Officer roles.
- 1.2 These regulations shall be read in conjunction with the Assurance Framework, [Chapter 4 - Combined Authority Board Functions](#) , [Chapter 3 - The Mayor of the Combined Authority](#), [Chapter 16 - Contract Procedure Rules](#), [Chapter 7 - Budget Framework Procedure Rules](#) and the [Chapter 17 - Officer Scheme of Delegation and Proper Officers](#).
- 1.3 These regulations lay down for the guidance of Members and Officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years. It is not expected that all aspects of these financial regulations will be required from day one, but to be in place to support the Combined Authority over time.
- 1.4 The Chief Finance Officer, as the Officer responsible for the proper administration of the Combined Authority's financial affairs, shall report to the Combined Authority Board any significant failure to comply with these regulations which comes to his/her attention.
- 1.5 The Head of Paid Service and the Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 1.6 For the purposes of complying with these regulations, the Chief Finance Officer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 1.7 Whenever any matter arises which may involve financial irregularity the Chief Finance Officer and the Monitoring Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the



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discretion of the Chief Finance Officer and after consultation with the Head of Paid Service, be referred by them to the Combined Authority Board. Further, in a case where the Head of Paid Service advises that there is prima facie evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.

- 1.8 The Combined Authority's financial transactions are governed by the Local Government Act 2003 and the Accounts and Audit Regulations 2015 as amended.
- 1.9 Officers and Members of the Board will maintain the confidentiality of the Combined Authority's business and will not reveal confidential information about the Combined Authority or its finances.

### **2. Chief Finance Officer's Duties:**

- 2.1 The Chief Finance Officer's statutory duties are to:
  - (a) provide financial advice to the Combined Authority on all aspects of its activity, including budgets, strategic planning and policymaking to ensure the effective and efficient use of resources;
  - (b) advise on the security of assets;
  - (c) secure the Combined Authority's banking arrangements;
  - (d) provide a treasury management function, including loans and investments, in accordance with the Combined Authority's policy;
  - (e) ensure the Combined Authority follows guidelines contained within relevant manuals, instructions and policies;
  - (f) produce the Annual Statement of Accounts in accordance with the latest statutory requirements and best practice.
- 2.2 The responsibilities of the Chief Finance Officer include:
  - (a) proper administration of financial affairs;
  - (b) ensuring, in consultation with the Monitoring Officer, lawfulness and financial prudence;

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- (c) ensuring a balanced budget;
  - (d) ensuring effective systems of internal control;
  - (e) advising on anti-fraud and anti-corruption strategies;
  - (f) acting as the Combined Authority's Money Laundering Reporting Officer in accordance with good practice;
  - (g) ensuring that statutory and other accounts fairly present the financial position;
  - (h) maintaining a continuous review of the financial framework;
  - (i) establishing suitable accounting policies and ensuring that they are applied consistently in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom;
  - (j) ensuring that budget provision is identified and exists for all existing and new employees.
- 2.3 All Officers must consult and seek approval of the Chief Finance Officer before introducing or amending any records, forms or procedures relating to income and expenditure. The Chief Finance Officer will see that uniform systems are adopted throughout the Combined Authority to ensure that opportunities for fraud and corruption are minimised.
- 2.4 Failure to comply with these regulations may constitute misconduct.

## **Financial Management**

### **3. General**

- 3.1 Where the Combined Authority has delegated delivery to a particular organisation and given budget for its delivery, then budget holders should follow their local organisation's rules for the processing of transactions. The Chief Finance Officer must agree someone to be the budget holder in advance of them becoming responsible for the budget.
- 3.2 Budget holders must still comply with the Combined Authority specific requirements (e.g. under sections 4, 7, and 13 as set out within these

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regulations). Each Officer of Constituent Councils and the Business Board is responsible for ensuring compliance with their local procedures and should seek appropriate advice and guidance from the Chief Finance Officer where necessary.

- 3.3 Each Officer of the Constituent Councils and the Business Board must provide the Chief Finance Officer with necessary information for the purposes of accounting and budgetary control in accordance with issued timescales.
- 3.4 The Chief Finance Officer will be responsible for producing regular financial monitoring reports to the Combined Authority and will submit as soon as possible after the year end, an annual Statement of Accounts which complies with the relevant statutory provisions.
- 3.5 The Chief Finance Officer is responsible for ensuring the production of the Combined Authority's draft Statement of Accounts, before 31 May and will submit the accounts to the Combined Authority's Audit and Governance Committee for approval in line with the current statutory regulations. Final Statement of Accounts must be produced by 31<sup>st</sup> July.
- 3.6 Each Officer plays a key role in enabling the Statement of Accounts to be produced and is responsible for ensuring that guidance notes and the timetable provided by the Chief Finance Officer is adhered to.
- 3.7 The Accountable Officer in consultation with the lead of each Workstream must approve any expenditure incurred by Constituent Councils or the Business Board in accordance with their scheme of delegation and procedure rules.

## **4. Control of Projects and Programmes**

- 4.1 Project and programme management arrangements are set out within the following documents:
  - (a) Combined Authority's Gateway process covering both revenue and capital programmes. The process sets out the documentation to be produced and the approvals to be sought at each Gateway stage.
  - (b) Assurance Framework for the Single Pot of Investment. An assurance framework is a set of systems, processes and protocols. It is designed to provide an evidence-based and independent assessment of the governance, risk management, and control processes of an organisation. All projects funded through the Single Investment Fund

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will be subject to a prioritisation, appraisal, and monitoring and evaluation procedure.

- (c) Monitoring and Evaluation Plan. This sets out the approach to the commissioning of schemes and the criteria to enable monitoring of projects.

### 5. Control of Service and Works Contracts

- 5.1 The work to be performed on behalf of the Combined Authority shall be the subject of a specific agreement setting out the respective roles and duties of the Combined Authority and the agent authority.
- 5.2 Payments on account of construction contracts shall be in accordance with the terms of the works agreements with the appropriate body and shall not exceed the expenditure properly calculated to be due.

## Financial Planning

### 6. Budgets

- 6.1 The annual Capital and Revenue budgets for the Combined Authority are prepared within the context of the process and timescales of planning, programming and review as agreed by the Combined Authority.
- 6.2 From 2018/19 onwards, the budget will be set and approved in accordance with the [Chapter 7 - Budget Framework Procedure Rules](#).
- 6.3 The Chief Finance Officer will prepare a long-term financial plan each year for submission to the Combined Authority Board as part of its Budget approval.
- 6.4 The detailed form of capital and revenue budgets and the business planning process will be determined by the Chief Finance Officer to the Combined Authority subject to any instructions given by the Combined Authority.
- 6.5 Estimates of annual income and expenditure will be prepared by Officers and the Chief Finance Officer in line with the approved business planning process.
- 6.6 The Chief Finance Officer will submit, for Combined Authority approval, a draft Budget of all income and expenditure on Capital and Revenue accounts for the financial year beginning in April of each year in line with agreed approval processes and timescales.

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- 6.7 Approval of the annual budgets, by the Combined Authority does not give authority to incur revenue and capital expenditure. This authority shall be obtained in accordance with the [Chapter 17 - Scheme of Delegation](#) and subject to compliance with the Combined Authority's [Chapter 16 - Contract Procedure Rules](#) and Gateway procedure.

### **7. Virements**

- 7.1 The Chief Finance Officer is responsible for considering reports submitted by Officers in respect of virement proposals for revenue and capital expenditure.
- 7.2 In relation to revenue expenditure under control of Officers, the Chief Finance Officer is authorised to consider reports of Officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 7.3 In conjunction with Officers, the Chief Finance Officer is to report to and seek the prior approval of the Combined Authority Board for any revenue expenditure where it will have an adverse impact on a priority within the approved budget.

### **8. Reserves**

- 8.1 The Chief Finance Officer will ensure that there are clear protocols for the establishment and use of reserves/provisions and, in consultation with Officers, will establish reserves and/or provisions and provide guidance on how to incur expenditure from reserves/provisions.
- 8.2 The Chief Finance Officer shall seek Combined Authority Board approval for the use of reserves in addition to that already planned.

### **9. Control of Expenditure – Revenue and Capital**

- 9.1 A system of budgetary control will be maintained and as part of this control the Chief Finance Officer will submit statements to meetings of the Combined Authority Board showing:
- (a) the progress of income and expenditure to date against the approved revenue budgets for the year;
  - (b) a forecast arising from the statements in (a) above of any material variation in income or expenditure anticipated for the financial year.

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- 9.2 An Officer must not order goods or services, which exceed the amount in their overall approved budget or which have not been approved through the Gateway process or Assurance Framework process for the Single Pot of investment.
- 9.3 If it becomes apparent that the Combined Authority's expenditure cannot be contained within the overall approved budget figure, an appropriate report shall be submitted to the Combined Authority.
- 9.4 Unspent budgets at the year-end will be carried forward or reallocated in accordance with arrangements in the business planning process approved by the Chief Finance Officer.
- 9.5 The Chief Finance Officer will ensure that the Combined Authority adheres to CIPFA's Prudential Code for Capital Finance in Local Authorities. The objective of the code is to provide a framework for capital finance that will ensure that:
  - (a) capital expenditure plans are affordable in the short term;
  - (b) external borrowing and other long-term liabilities are within prudent and sustainable levels for the long-term;
  - (c) treasury management decisions are taken in accordance with professional good practice;
  - (d) In taking its decisions the Combined Authority is accountable through a clear and transparent framework;
  - (e) the framework should support local strategic planning, local asset management planning and option appraisal.
- 9.6 For the purposes of these regulations, capital expenditure is that expenditure which is to be financed from the approved Combined Authority's capital budget. All capital expenditure proposals should be the subject of the Combined Authority's Gateway project control process or Assurance Framework process for the Single Pot of Investment.
- 9.7 Incurring of all contractual liability must be in accordance with the approved Scheme of Delegation and individual accountabilities.
- 9.8 The Scheme of Delegation states:

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- (a) The Chief Finance Officer shall authorise and approve all expenditure incurred within the revenue budget, in accordance with the approved budget limits and Financial Regulations.
- (b) The Chief Finance Officer shall authorise and approve all expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.

## **Risk Management and Control of Resources**

### **10. Risk**

- 10.1 Within the context of corporate risk arrangements, each Officer should undertake risk assessments for their areas of responsibility and any proposals for major change. Adequate controls, procedures and resources should be in place to manage and mitigate identified key risks.

### **11. Insurance**

- 11.1 The Chief Finance Officer is authorised to effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.
- 11.2 Each Officer is however responsible for minimising the risk for insurance claims and putting in place risk management processes for their areas of responsibility.
- 11.3 Any Officer having responsibility for establishments or activities must:
  - (a) promptly and where possible in advance notify the Chief Finance Officer in writing of the extent and nature of any new risks or increased risks to be insured;
  - (b) immediately notify the Chief Finance Officer in writing of any loss, liability or damage which is or may be covered by insurance;
  - (c) obtain the approval of the Chief Finance Officer regarding the terms of any indemnity, which the Combined Authority is requested to give;
  - (d) immediately inform the Chief Finance Officer of any occurrence which may lead to a claim against the Combined Authority.



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- 11.4 All claims against the Combined Authority and all claims by the Combined Authority against other persons shall be approved within the delegated levels of expenditure.

### **12. Internal Control Framework**

- 12.1 The Chief Finance Officer is responsible for maintaining adequate and effective internal control arrangements. This includes a continuous appraisal of all accounting, financial and other controls throughout the Combined Authority, and by the Combined Authority's Agents in accordance with the relevant agency agreement. The objectives of the framework are to:
- (a) review, appraise and report upon the soundness, adequacy and application of financial and related management controls;
  - (b) examine and report upon the extent to which the Combined Authority's assets and financial interests are accounted for and safeguarded from losses of all kinds arising from;
    - (i) fraud, corruption and other offences;
    - (ii) waste, extravagance, poor value for money or any other cause;
  - (c) contribute to the monitoring of the use of resources in the pursuit of the defined objectives of the Combined Authority;
  - (d) receive and act upon information concerning allegations or suspicions of fraud and corruption as detailed in the Combined Authority's approved Fraud and Corruption Response Plan.

### **13. Internal Audit**

- 13.1 The Chief Finance Officer shall arrange internal audit and reviews of financial records and operations in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance. Those responsible for Internal Audit, on producing appropriate identification shall have authority to:
- (a) enter at all reasonable times on any land, premises or other assets of the Combined Authority;
  - (b) obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;



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- (c) require and receive such explanations as are necessary concerning any matters under examination;
  - (d) require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control;
  - (e) report direct to the Head of Paid Service if considered appropriate so to do.
- 13.2 The Audit and Governance Committee will review the internal audit requirements of the Combined Authority, approve the internal audit plan and consider reports and assurances from the Chief Finance Officer in relation to internal audit.

## 14. External Audit

- 14.1 The key responsibilities of the Chief Finance Officer with regard to external audit are to:
- (a) ensure the appointment of external auditors in accordance with statutory requirements and Board decisions;
  - (b) maintain accounting records and prepare Statements of Account;
  - (c) liaise and work with the External Auditor on a regular basis;
  - (d) receive and deal with all queries relating to the work of External Audit;
  - (e) inform the External Auditor of all fraudulent cases that have been referred to the police.

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### **15. Assurance Responsibilities**

- 15.1 Each Officer has responsibility to ensure:
- (a) reviews that have taken place to evaluate, correct and report on controls and systems in place;
  - (b) compliance with the Combined Authority's Standing Orders, [Chapter 15 - Financial Management Procedure Rules](#), [Chapter 16 - Contract Procedure Rules](#) and risk management requirements.

### **16. Fraud and Corruption**

- 16.1 The responsibility for the prevention and detection of fraud rests with all employees. An Officer shall immediately inform the appropriate Officers of any circumstances which may suggest that there has been irregularity affecting cash, or other Combined Authority property and also of any payment or reward which has been accepted from any outside person or firm in respect of the work which such other person performs, as well as any impropriety or significant error in accounting or financial records or in relation to any contract for goods or services entered into by the Combined Authority.
- 16.2 Information received will be treated confidentially, and Officers should be assured that anonymity will be respected and it will not affect their employment situation or future prospects with the Combined Authority.
- 16.3 Any allegations received from outside the organisation, including anonymous letters or telephone calls will be taken seriously and investigated.
- 16.4 All cases of theft or suspected theft of Combined Authority property (no matter where the property was kept) must be promptly reported to the Audit Manager.
- 16.5 The Chief Finance Officer or Internal auditor shall be responsible for ensuring that the Combined Authority and the External Auditors are advised of any material loss or financial irregularity.
- 16.6 Internal Audit shall report to the Head of Paid Service, Monitoring Officer and the Chief Finance Officer.

### **17. Treasury Management**

- 17.1 The Combined Authority has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities. All investments of money will be

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made in the name of the Cambridgeshire and Peterborough Combined Authority.

- 17.2 The Treasury Management Strategy, prepared in accordance with the above code, will be adopted by the Combined Authority and thereafter its implementation and monitoring shall be delegated to the Chief Finance Officer.
- 17.3 The Chief Finance Officer will undertake any necessary borrowings in accordance with the Treasury Management Strategy.
- 17.4 All transfers from the Combined Authority's bank account shall be undertaken by authorised Officers nominated by the Chief Finance Officer according to Treasury Management procedures and authorisations.
- 17.5 The Chief Finance Officer will as a minimum report to the Combined Authority:
  - (a) before the start of the financial year - a report on the strategy for the forthcoming year;
  - (b) by the end of June - an outturn report on Treasury Management activity;
  - (c) by the end December of each year a half year monitoring report on Treasury Management activities;
  - (d) by the end of December a monitoring report on external investments performance.
- 17.6 The Chief Finance Officer shall be responsible for ensuring that surplus funds are invested promptly, safely and effectively and in accordance with Treasury Management procedures.

## **18. Security of Assets**

- 18.1 Officers shall be responsible for the proper security of all of the Combined Authority's assets within their control. The Officer shall consult the Chief Finance Officer regarding changes in matters regarding security.

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### **Financial Systems and Procedures**

#### **19. Effective Management**

- 19.1 The systems and processes operated by the Combined Authority must be managed effectively to:
- (a) provide customers and stakeholders with the best quality of service;
  - (b) ensure that net expenditure in their area of expenditure does not exceed the annual budget;
  - (c) comply with all relevant professional, managerial, legal and ethical standards;
  - (d) comply with the Combined Authority's procedures, regulations, standing orders, scheme of delegation and other relevant guidance and instructions issued.
- 19.2 Each Officer must ensure that there are adequate, appropriate and clear reporting lines in operation within their area of responsibility.

#### **20. Control of Expenditure - General**

- 20.1 Incurring of all contractual liability must be in accordance with the approved Scheme of Delegation and individual accountabilities and in accordance with [Chapter 16 - Contract Procedure Rules](#). The Chief Finance Officer will maintain a record of all delegated authorities.
- 20.2 Detailed procedures for the authorisation and control of expenditure will be issued, from time to time, by the Chief Finance Officer in accordance with delegated authority levels.

#### **21. Income Collection and Banking Arrangements**

- 21.1 The Chief Finance Officer is responsible for the banking arrangements and is authorised to set up and operate such bank accounts as are considered appropriate. The banking arrangements must be reviewed on a regular basis and negotiations regarding banking terms and overdraft facilities undertaken.
- 21.2 Arrangements for the authorisation of payments to be made by electronic transfer of funds from bank accounts must be in accordance with laid down processes and procedures.

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- 21.3 Each relevant Officer must ensure that all systems and procedures relating to income and banking, comply with Accounts and Audit Regulations 2015 and the Combined Authority's authorised procedures.
- 21.4 Particulars of charges to be made for work done, services rendered or goods supplied and of all other amounts must be promptly notified to the Chief Finance Officer. Any proposed introduction of, or variation to, charges must be in accordance with the agreed Scheme of Delegation.
- 21.5 All accounts for income due to the Combined Authority must be sent out by the Chief Finance Officer, except where other arrangements have been authorised.
- 21.6 All Officers must supply information as the Chief Finance Officer may require to ensure that all sums receivable by the Combined Authority are promptly recorded, and recovery sought.
- 21.7 The Authority's banking arrangements shall be those approved by the Authority from time to time and shall be supervised by the Chief Finance Officer.
- 21.8 Electronic payments either BACs or telegraphic transfer are to be authorised by the Chief Finance Officer or authorised Officers.

## **22. Debt Management**

- 22.1 The Chief Finance Officer will have authority to recover debts, except in the case of legal action which should be undertaken in consultation with the Monitoring Officer.
- 22.2 Any individual who discovers any apparent loss or irregularity involving money due to or held on behalf of or property owned by the Authority shall immediately notify their line manager and Internal Audit. Internal Audit will then comply with the provisions of the Authority's approved Theft Procedure.

## **23. Purchase Orders**

- 23.1 Each Officer must ensure that all expenditure is lawful and is subject to all local Procurement Regulations and approval processes.
- 23.2 Expenditure on goods, services and supplies made directly by the Combined Authority may be exempt from the requirement to place an order. The Chief Finance Officer shall maintain a list of order exemptions and review its continued appropriateness on an annual basis.

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- 23.3 Requisitions and official orders shall not be issued for goods and services unless the expenditure is within approved budgetary levels and any other necessary approvals as set out in the [Chapter 17 - Officer Scheme of Delegation and Proper Officers](#) have been obtained.

### **24. Payment of Accounts**

- 24.1 No payment shall be made unless supported by an invoice or pro-forma invoice, with VAT details, where appropriate.
- 24.2 Officers must ensure that all invoices, vouchers, etc. for payment by the Combined Authority are forwarded to the Finance Team immediately upon receipt and that the appropriate contract or order number is quoted on every invoice.
- 24.3 Once proper authorisations have been obtained, together with such additional explanations and information as may be required, the Chief Finance Officer will pay all accounts on behalf of the Combined Authority.
- 24.4 In order for an invoice to be paid, the responsible Budget Holder must confirm that the work, goods or services have been properly delivered in accordance with the order.
- 24.5 The receipt of all goods and services should only be made where:
- (a) the works, goods or services have been received, carried out satisfactorily, examined as to quality and quantity;
  - (b) the goods and services have been previously receipted.
- 24.6 The certification of Goods Received acts as the authorisation to pay the invoices as long as the invoice matches the Goods Received entry.
- 24.7 Where an invoice is exempt from the ordering process, the invoice will be subject to electronic approval by following appropriate rules of delegation.

### **25. Allocation of funding to projects**

- 25.1 The allocation of funding to projects shall be done in accordance with the processes as outlined in the Assurance Framework, based on guidance produced by DCLG.

## **Chapter 15 – Financial Management Procedure Rules**

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### **26. Payments to Employees**

- 26.1 The payment of all salaries, wages, pensions, compensation and all other emoluments to Officers or former Officers of the Combined Authority will be made by the Chief Finance Officer or under arrangements approved by the Chief Finance Officer.
- 26.2 Time sheets and other documents to authorise the payment of wages and salaries must be certified by the appropriate Budget Holder (or nominee) and forwarded to the Payroll Manager within such period before the respective pay days, as may be required. The Chief Finance Officer shall make such checks on pay documents as are considered necessary.
- 26.3 All standing information relating to payroll data, such as rates of pay, statutory and non-statutory deductions, allowances, starters and leavers from any of the Combined Authority's payrolls, shall be notified through approved processes by the nominee to the Payroll Manager.
- 26.4 The detailed procedures to be followed at Combined Authority establishments for the control of overtime working and payment of wages and salaries are set out in formal procedures.
- 26.5 All payroll documentation must be filed for the period in accordance with required deadlines and no documentation relating to Officers records or to wages and salaries' payrolls should be destroyed without prior consultation with the Chief Finance Officer.

### **27. Taxation**

- 27.1 The Chief Finance Officer is responsible for:
- (a) ensuring that taxation advice is available to Officers to ensure compliance with relevant legislation;
  - (b) maintaining the Combined Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate;
  - (c) completing all HM Revenue and Customs returns regarding Pay As You Earn;
  - (d) completing and submitting VAT returns to HMRC as necessary.

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### **27.2 Officers are responsible for:**

- (a) ensuring the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all tax is properly identified and recorded;
- (b) ensuring that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994;
- (c) following any guidance on taxation that may be issued by the Chief Finance Officer.

## **28. Expenses**

- 28.1 All claims for payments of Officers' car allowances, subsistence allowances, travelling and incidental expenses must be certified by the appropriate Budget Holder and be within delegation levels. Certification means that the certifying Officer is satisfied that the journeys were authorised, the mileage correct, the expenses properly and necessarily incurred and that the mileage and other allowances are properly payable in accordance with the specific conditions of employment of the Combined Authority.

## **29. Travel and Subsistence**

- 29.1 Claims, by the Mayor or independent members of the Combined Authority under an approved Member Allowance scheme or Officers, for reimbursement of expenses regarding hotel accommodation, refreshments, hospitality, gifts, car mileage are required to be countersigned by another Officer. Councillors can claim Travel and Subsistence from their Constituent Councils which is outlined in their Constitution.

- 29.2 All claims should be submitted monthly.

## **External Arrangements**

### **30. Partnerships**

- 30.1 The Combined Authority is responsible for approving partnership agreements where funding is to be provided by a third party.



## **Chapter 15 – Financial Management Procedure Rules**

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30.2 The budget controller or holder must present to the Combined Authority sufficient information before a decision is reached about entering a partnership agreement. This should include:

- (a) the aims and objectives of the partnership;
- (b) a scheme appraisal for financial viability of the project;
- (c) risk appraisal;
- (d) resources required, both financial and staffing;
- (e) audit and control requirements.

### **31. External Funding**

31.1 Before any external funding bid is made, the responsible budget holder shall consult with the Chief Finance Officer to ensure all aspects of funding have been properly considered before submission for approval.

31.2 The budget holder shall supply copies of all relevant paperwork to the Chief Finance Officer, including the bid submission, the offer letter and acceptance and any instructions for the completion of the grant.

31.3 The Chief Finance Officer is responsible for ensuring that all external funding notified by external bodies is received and properly recorded and monitored in the Combined Authority's Accounts.

31.4 It is the responsibility of the budget holder to ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded. They must also ensure that all claims are prepared by the due date, making allowances for audit requirements where applicable.

## Chapter 16 - Contract Procedure Rules

### Procurement Overview

#### 1. Procurement Definition

- 1.1. Public Sector procurement is the process of acquiring goods, services and works for the delivery of an Authority's obligation to its residents and regional visitor. The process must be carried out within a specific legal framework and based on principles of equal treatment, transparency and non-discrimination such that for contracts over a specified value or specific social interest may be tendered for by any interested and appropriately qualified organisation. This is to ultimately achieve the optimal solution that also provides value for money across the whole-life of the process and contract.

#### 2. Governing Legislation

21. The Local Government Act 1972 section 135 requires Public Bodies to have standing orders for how it enters into contracts. These Contract Procedure Rules ("Rules") set out how the Combined Authority will deliver against this obligation.
22. All Procurements for Contracts, by Combined Authority staff or members (including where managed by an external organisation or public body on the Authority's behalf), MUST comply with these Rules, the Combined Authority's Financial Regulations and all applicable EU and UK Legislation; specifically (but not limited to):
  1. The Local Government Act 1972
  2. Public Contract Regulations 2015 (PCRs)
  3. Concession Contracts Regulation 2016 (CCRs)
  4. Equality Act 2010
  5. Bribery Act 2010
  6. Localism Act 2011
  7. Social Value Act 2012
  8. Modern Slavery Act 2015
  9. General Data Protection Regulation 2016 (SI 2016\679)
  10. Freedom of Information Act 2000
  11. Transparency Code 2015

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23. Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.
24. Where there is a conflict between the procurement legislation and any other relevant legislation as listed above (or otherwise identified during the process) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
25. Central Government guidance (Procurement Policy Notes (PPNs)) should be considered for best practice but do not override these rules or legislation.
26. Non-compliance with these rules may constitute grounds for disciplinary action.

### **3. Application of the Rules**

#### **These rules govern**

31. ALL purchases of works, goods and services (including consultancy requirements and equipment hire or lease through rental agreements) across the whole Combined Authority, regardless of value, as covered by Chapter 1 and 2 of the PCRs and not excluded by Regulation 10, PCRs.
32. The use of external frameworks and Dynamic Purchasing Systems.
33. Procurements under the Light Touch Regime Procurements, as covered by Chapter 3 of the PCRs.
34. Below threshold procurements under Chapter 8 of the PCRs.
35. The procurement of Concession contracts as set out in the CCRs.
36. ALL collaborative procurements with other public bodies.
37. The Disposal of Assets or goods by the Combined Authority.

#### **They DO NOT apply to:**

38. Supply of works, goods and services by the Authority to another authority, subject to the agreement of the Procurement and Contracting Manager.
39. Purchases through local authorities, government bodies or public agencies, (eg police, health or other similar authorities) where the procurement rules of that organisation have been approved by the Procurement and Contracting Manager as complying with these Rules, or the contract is agreed in cooperation or partnership eg section 75 agreements.

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- 3.10. Public body to public body co-operation - contracts with other public bodies where the parties come together to deliver a public service, under the following conditions;
  - (a) achieve objectives which are common to both parties; and
  - (b) the arrangement is solely for the public interest; and
  - (c) the parties perform less than 20% of the services covered by the arrangement on the open market.
- 3.11. In-house awards (this is where the Combined Authority awards a contract to an entity it controls). This exemption will only apply if all of the following conditions are met;
  - (a) The Combined Authority exercises a similar control on the entity as it does with its own departments;
  - (b) The entity carries out more that 80% of its activities for the Combined Authority;
  - (c) There is no private sector money in the entity.
- 3.12. Employment contracts.
- 3.13. Sponsorship agreements.
- 3.14. Purchases made at public auction or of goods sold due to insolvency.
- 3.15. Land contracts (including leases, licences and transfers).
- 3.16. Grants of money, these cannot be contracts as there is no consideration and they are not services required to be delivered by the Authority.
- 3.17. Funding or financing arrangements.
- 3.18. Any other arrangements excluded by the PCRs.
- 3.19. Services excluded under Regulation 10 PCRs**
  - (a) Legal advice that may lead to or is in preparation for Judicial Proceeding, or representation at judicial proceedings;
  - (b) Arbitration or conciliation;
  - (c) the purchase or sale of any interest in land, (including leasehold interests);
  - (d) Financial advice for the sale, purchase or transfer of sureties;
  - (e) Audio-visual/radio broadcasts;
  - (f) Arbitration/legal advice for either the preparation or representation in legal proceedings that may result in a court hearing;
  - (g) Loans;
  - (h) Employment contracts between an individual and the Combined Authority;
  - (i) Public transport by rail or metro;
  - (j) Political campaigns;
  - (k) Civil Defence.

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320. Where there is any doubt as to whether the procurement is covered by these rules, officers are required to seek advice from the Procurement and Contracting Manager.

### 4. Procurement Objectives - the Treaty for the Function of the European Union (TFEU)

- 4.1. The Combined Authority seeks to achieve more than just the practical element of the contract from the procurement process; as such, every contract must be let in consideration of the following objectives:

- (a) Regulatory Compliance (open markets and equal opportunity for all providers, fair & transparent process in accordance with TFEU and Regulation 18 PCRs).
- (b) Accountability.
- (c) Value for Money (proportionality, efficiency and economy).
- (d) Efficient Procurement Process.
- (e) Support of Horizontal Policies such as implementing social, environmental and industrial commitments, at a proportionate level, in accordance with the Combined Authority's Policies and Procurement Guidance Document.

Excluding item 1 – the level of priority of each of the other objectives is to be set by the Combined Authority, as detailed in this document.

### 5. Roles & Responsibilities

- 5.1. The following lists detail the various procurement activities and where the responsibilities for each sit.

#### Procurement & Contracting Manager (directly or through delegation)

- (a) Responsibility for the Rules, guidance documents and procurement templates.
- (b) Design, implementation and management of a Procurement Gateway Process.
- (c) Provision of Procurement Advice and assistance on all expenditure, including route to market and contract choice.
- (d) Overview and management of any frameworks and corporate contracts.
- (e) Oversee all exemptions to the PCRs and these rules.
- (f) Organising and running market engagement events.
- (g) Provision of advice on commercial structure and evaluation methodology.
- (h) Appointment of external legal support for complex procurements.
- (i) Management of the e-tendering portal.
- (j) Tender Moderation.
- (k) Signing off All Regulation 84 Tender Reports for process compliance.
- (l) All formal Procurement correspondence.
- (m) Collating/populating all Contract Documents and ensuring signature.



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- (n) Oversee contract monitoring and all contract variations.
- (o) Attendance at bi-annual contract management meetings.
- (p) Management and monitoring the Contract Register.
- (q) Forward Planning of cyclical requirements.

### **Chief Finance Officer (directly or through delegation)**

- (a) Development and implementation of the Financial Regulations.
- (b) Approving budgets for procurement of contracts.
- (c) Signing of All Regulation 84 Tender Reports for budgetary compliance.

### **Monitoring Officer (directly or through delegation)**

- (a) General advice as required.
- (b) Lawfulness and governance of complex procurement decisions taken.
- (c) Provision of any legal document requirements and support managing external legal services.
- (d) Signing of All Regulation 84 Tender Reports for governance compliance.
- (e) Approval of all contract documents before signature.
- (f) Approval of all waivers to these rules.
- (g) Approval of any contracts awarded under Regulation 32.

### **Directors**

- (a) Project approval and authority to proceed.
- (b) Signing of All Regulation 84 Tender Reports for Award Approval.

### **Contract Managers**

- (a) To following the instructions of the Procurement and Contracting Manager and Monitoring Officer.
- (b) Development of Project Initiation Documents and Gateway reports.
- (c) Confirmation of Project Budget & Authorisation to Procure.
- (d) Creation of Contract Specification and Contract Management requirements.
- (e) Managing any technical enquiries during a procurement process.
- (f) Evaluation of tender returns.
- (g) Complete the tender report.
- (h) Manage the delivery of the contract in accordance with the specification, tender return and the contract management processes included in the contract.

### **All officers must:**

- (a) Comply with the Combined Authority's Financial Regulations.
- (b) Declare any gifts or hospitality received either before, during or after the procurement to the Head of Procurement.
- (c) Not disclose any confidential information to unauthorised persons.

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- (d) Conduct the procurement process in a fair, open and transparent manner.
- (e) Ensure the process delivers value for money.

### 6. Use of Consultants

6.1. Where the Combined Authority requires the technical input of industry experts/ consultants to either resource and/or manage a procurement or inform a specification, or deliver a particular process; officers are required to ensure the following is applied:

- (a) The service is for a discrete (or multiple discrete) pieces of work and/or is not backfilling a Combined Authority post.
- (b) The consultants are procured in accordance with these Rules.
- (c) The Consultant is experienced in and fully understands all Public Procurement Legislations and agrees to be bound by them.

There is a clear specification of requirements and responsibilities set out in their appointment, including adherence to these rules and that this is documented in the form of contract used.

### Procurement Process Planning

As part of the initial procurement planning process, officers are required to consider the impact of legislation, financial and time constraints along with any of project specific requirements.

### 7. Category of Spend

7.1. The procurement process to be applied is firstly determined by the category of spend and then the contract value, such that before beginning the process this needs to be ascertained.

7.2. The categories of spend are

- (a) Goods (supplies or products),
- (b) Services (labour, consultants or technical resources),
- (c) Works (Construction Projects),
- (d) Light Touch Regime Services (Hospitality/ Catering, Education/ Training, Security, Legal Services)
- (e) Concession Contracts (contracts where the supplier's revenue is through the exploitation of an asset e.g. running a café owned by the authority)
- (f) Regulation 32 PCRs (Non-competitive Direct Awards)
- (g) Regulation 10 PCRs Excluded Contracts
- (h) Regulation 14 PCRs Research & Development



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### **8. Contract Value Estimation**

81. The estimated value of a contract is based on either; the money to be paid by the Authority to the successful tenderer (Regulation 6 PCRs) or the value to the market (Regulation 8 CCRs) of the contract.
82. A contract value should be calculated as follows:
  - (a) A lump sum contract – this is a one-off, capital project, only used by one project/team where the contract value is the total budget available (including any contingency).
  - (b) A periodic contract – this is where there is an annual, regular, potentially on-going requirement, by the authority – the contract value is the potential annual spend (across the whole Authority) multiplied by the number of years the contract is to run (including any extensions).
  - (c) A concession contract – this is a term contract over a number of years whereby the revenue is paid based on usage levels, and usually by the service users, without any guarantee of full recompense or profit.
83. The value of any contract is the TOTAL maximum, potential or reasonably foreseeable spend over the whole duration of the contract (including extensions) for a given requirement.
84. The Authority MUST NOT disaggregate or sub-divide like or similar requirements for the purpose of avoiding the procurement from being regulated. (Regulation 5, PCRs or Regulation 7, CCRs). Procurements below these thresholds are still subject to delivering value for money but the nature of the procurement process may be defined by the authority and needs to be proportionate to the value, effort and market interest in consideration to the nature of the purchase.

**See Schedule 1 for current thresholds across all relevant legislations**

### **9. Partnership Arrangements**

91. The authority has entered into a number of arrangements with partner authorities for the purchase of various back office services; officers are required to liaise with procurement before commencing an external procurement to ensure that those arrangements are not breached or cause relationship problems across the authority's partners.

### **10. Procurement Gateway Process**

101. The Procurement and Contracting Manager in consultation with the Monitoring Officer, shall publish and oversee a gateway process that reviews and approves the approach to procurement and ensures that these rules, legislation and best



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practice are adhered to along with monitoring the delivery of value for money and social obligations. This process to be monitored by an officer board based on value and/ or complexity. The details of the Procurement Gateway Process will be maintained on the Combined Authority internal website.

### **Pre-Procurement Contract Approvals**

102. Where the procurement is not required to be monitored under the gateway process the project officer must still provide evidence to the Procurement and Contracting Manager that they have the necessary director, committee or board approvals to procure and subsequently award a contract based on specified value.
103. The Project Officer must also liaise with the Governance team to ascertain if the procurement is a Key decision and based on this, place the contract on the Forward Plan in accordance with the Authority's Constitution.

### **11. Procurement Timescales**

- 11.1. Officers should allow the following minimum timescales for each of the identified routes:
  - (a) Single quote - approximately two weeks
  - (b) Three quotes - approximately six weeks
  - (c) Below threshold tender - approximately 10 weeks
  - (d) Above threshold tenders - OPEN procedure – approximately 14 weeks
  - (e) Negotiated Procurement - at least 26 weeks

### **12. Application of Non-Procurement Legislation**

- 12.1. Officers are required to consider whether the procurement process and decisions are affected by other relevant legislation. A list of the more obvious ones to be considered and their impact on procurement are available in the procurement guidance documents and will need to have been considered as part of the Gateway process to ensure a holistic approach is adopted and transparently procured.

### **13. Conflicts of Interest (Regulation 24 PCRs)**

- 13.1. The Public Procurement Legislations are designed to prevent corrupt practices and the application of any preferential treatment or discrimination of any UK or EU supplier. As such the following rules apply:

All members, officers, contract managers or organisations procuring on behalf of the Combined Authority must avoid any potential conflict between their own (or family/ friends) interests and the interests of the Combined Authority as detailed in the Combined Authority's Code of Conduct.

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132. Where an interest (financial or personal) is identified this must be reported the Head of Procurement such that any identified risks can be minimized. Where such a conflict is identified and cannot be suitably mitigated to the Head of Procurement & Contract's satisfaction, that person may not participate in the procurement or evaluation process.

### **14. Separation of Duties**

- 14.1. A procurement, contract, purchase order or waiver cannot be raised and approved by the same person.
- 14.2. Where a contract manager completes the practical element of a procurement process, a procurement form or makes another recommendation, the award must be agreed by a Director.

### **15. Risk Assessment**

- 15.1. Officers are required to complete a risk assessment for approval by finance and legal on all procurements that are deemed high risk based on the following
- (a) Is of political or public interest;
  - (b) Is over the EU threshold;
  - (c) Is being awarded under Regulation 32 PCRs; or
  - (d) Is being varied/extended under Regulation 72 PCRs;
  - (e) Includes the setting up of a Special Purpose Vehicle;
  - (f) Includes a lease arrangement, advance payment or holding funds on behalf of another entity;
  - (g) Is for a duration over five years;
  - (h) Includes design liability, intellectual property rights or a requirement for collateral warranties.
- 15.2. Officers should use the Combined Authority's standard templates and ensure they are added to the corporate risk register before the procurement commences and then monitored throughout the process and life of the contract.
- ### **16. Bonds & Parent Company Guarantees**
- 16.1. The requirement for a bond or parent company guarantee (and its value) is at the discretion of the relevant Director.
- 16.2. An optional requirement for a Bond or Parent Company Guarantee should be included as part of all procurements over £250k such that it creates both; a means to assess the financial stability of a tenderer and an option to mitigate any identified performance risks of the preferred supplier. Evidence of the bond's availability (even if not required) should be obtained before award.

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163. Where the project or a contractor is deemed as a high risk for failure (likelihood and/or impacts), advice should be sought from Procurement, Finance and Governance in deciding if the provision of the bond is required.
164. Where a bond or parent company guarantee is deemed necessary – this should be in a form acceptable to the Combined Authority and in consideration of the form of contract being used.

### Routes to Market

The route to market is selected based on a number of considerations as set out below.

Where possible, **Officers are recommended to consider whether to use either an existing framework (or one procured by a partner authority) so as to minimise procurement costs and process time.**

Where the value is below threshold or it has been agreed with procurement that the requirement is non-standard, or a framework may not deliver the optimal solution, be that because the supplier base is unsuitable or too limited, framework rates do not offer value for money or the requirement requires an ability to negotiate, then alternative routes should be considered in conjunction with procurement and legal or through the 'gateway' process.

These processes available are as set out below.

### 17. Process Types

- 17.1. Procurements can be split into two categories; regulated and non-regulated.

#### Non-Regulated (below Threshold) Procurements

- 17.1. These can, in addition to using the regulated routes, be used based on value:
  - (a) **Direct Award** – a single supplier quote from a local/SME supplier who is selected based on previous knowledge, a recommendation or a local supplier list (where one exists).
  - (b) **Quotes Process** – between three and five suppliers are selected to provide a quote detailing how they will deliver a project and the costs. Suppliers to be selected based on being local/ SMEs with either previous knowledge, on a recommendation or from a local supplier list (where one exists).

#### Regulated (above EU Threshold - OJEU) Procurements

- (a) **OPEN Tender (Regulation 27 PCRs) – DEFAULT ROUTE** - single stage, advertised process. This route is for standard purchases where the requirements are clear – it does **not** include any scope for negotiation of any of the element of the tendered information. All compliant submissions must be evaluated.

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- (b) **RESTRICTED Process (Regulation 28 PCRs)** – two stages, advertised process. This route is for standard purchases where the requirements are clear – it does **not** include any scope for negotiation of any of the element of the tendered information. Suppliers are shortlisted to tender following an initial supplier qualification process. This route is most suited to extensive markets to ensure proportionality of process and cost.
- (c) **COMPETITIVE PROCESS with NEGOTIATION (Regulation 29 PCRs)** – multi-stage, advertised process. Includes the ability to negotiate on predefined elements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of negotiations based on the predefined scoring criteria. This is used where the desired outcome of the procurement is known but how it is to be achieved is less clear.
- (d) **COMPETITIVE DIALOGUE (Regulation 30 PCRs)** – multi-stage, Advertised process. Includes the ability to discuss and define any unknown requirements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of dialogue based on the predefined scoring criteria. This is used where the desired outcome of the procurement is unclear as is how it is to be achieved.
- (e) **INNOVATIVE PARTNERSHIP (Regulation 31 PCRs)** – multi-stage this is used where you want to purchase something that isn't already available in the market and needs to be created. The procurement process is based on a set of minimum requirements and desirable outcomes – the process can only be used with the approval of Procurement.
- (f) **FRAMEWORK (Regulation 33 PCRs)** – This can be procured through any on the procedures in this list and is an arrangement with one or more suppliers to provide the requirements on an as required basis with no fixed commitment. The Framework has a maximum duration of four years and subsequent awards can be made either by a direct award based on the framework prices or through further competition and evaluation – depending what has been specified in the Framework Agreement. Contracts awarded under the framework can run past the framework end date where set up to facilitate this.
- (g) **DYNAMIC PURCHASING SYSTEM (DPS) (Regulation 34 PCRs)** - this is an approved list, on to which suppliers can be added at pre agreed intervals. Suppliers are added based the completion of the first stage of a RESTRICTED procedure and their demonstration of technical ability and previous experience. All subsequent awards must be through further competition and price/ quality evaluation.
- (h) **FURTHER COMPETITION** (from an existing framework) – this is where you are inviting the suppliers already on a compliantly procured framework or DPS to submit a qualitative proposal and price for your specific requirements. (where this is from a framework the prices/rates are capped at the framework prices.

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- (i) **BESPOKE COMPETITIVE PROCESS** – this can only be used under the Light Touch Regime and will be defined and managed by procurement. **(Regulation 76, PCR or Regulation 36 CCR).**
- (j) **DESIGN COMPETITION (Regulation 80 PCRs)** - These are for the design of unique construction projects.
- (k) **NEGOTIATED PROCEDURE WITHOUT ADVERTISEMENT – (Regulation 32 PCRs)** – this route can only be used in exceptional circumstances and must be agreed by Procurement and the Monitoring Officer and documented on a waiver. Potential for use include: lack of competition, urgency or exclusive rights.

### 18. Below Threshold Requirements

- 18.1. The procurement process is to be selected based on its category and its value, this is to ensure that the process is proportionate, transparent and can demonstrate value for money in consideration of the project requirements and other constraints such as urgency or protected rights.

#### Goods & Services Contracts

- (a) Single quote up to £9,999
- (b) Three quotes between £10,000 and £49,999 (RFQ process)
- (c) Advertise on Contracts Finder between £50,000 and EU threshold (Tender Process)

#### Recruitment Consultant appointments

- (a) Single quote up to £24,999
- (b) Three quotes between £25,000 and £99,999 (RFQ process)
- (c) Advertise on Contracts Finder between £100,000 and EU threshold (Tender Process)

#### Works and Concession Contracts

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £499,999 (RFQ process)
- (c) Advertise on Contracts Finder between £500,000 and EU threshold (Tender Process)

#### Light Touch Regime (training, legal requirements)

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £199,999 (RFQ process)
- (c) Advertise on Contracts Finder between £200,000 and EU threshold (Tender Process)

#### Quotes Process

Where requests for quotations are made, these should be from local suppliers where possible, either from a known local list or identified through the e-

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tendering portal of registered suppliers. Where none are known, the opportunity may be advertised at the officer's discretion.

### Contracts Finder (Tender Process)

Where an opportunity is to be advertised based on the above, or is published in any other way (eg on the e-tendering portal, through an industry magazine or some form of social media) it must also be advertised on Contracts Finder. Any advertised, below threshold procurement, must follow that of a single stage/open tender with no option for shortlisting.

### Waivers

Where a below threshold contract, based on value, requires a competitive process and there is an urgency, protected right, technical expertise or other reason that is accepted by the Monitoring Officer and Chief Finance Officer as delivering best value to the authority, a waiver may be used to enable the officer to seek a single quote and carry out a direct award to that organisation. This process is set out in the procurement guidance documents.

## 19. Above Threshold Requirements

191. All Above threshold procurements must be advertised (unless procured under Regulation 32 PCRs) on the e-tendering portal, Contracts Finder and Tenders Electronic Daily (TED).
192. The choice of which route to market should apply depends on the likely number of interested participants, the contract requirements and complexity and the need to negotiate, in accordance with Regulation 26. Further information is available in the procurement guidance documents

### Single Stage process - Open

This route considers and evaluates everything listed in the 'two stage process' in one stage.

### Two Stage process - Restricted

This route includes two distinctive stage, the shortlisting stage of a Standard Selection Questionnaire (SSQ) and then an Invitation to Tender (ITT) stage.

### Multi-Stage process - Negotiated

This route builds on the restricted process two stages and includes an option to negotiate and can have as many stages as necessary to achieve the optimal outcome.



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### 20. Use of Frameworks

20.1. Where the decision is to utilise an existing Framework for the appointment of consultants or routine requirements, the choice of methodology should be based on the rules of the framework, the options being:

- (a) Direct Award applying the framework selection criteria up to a cap of £200k unless otherwise agreed by the Monitoring Officer.
- (b) Further competition where the requirement is over £200k or the requirements need further scoping or there is an opportunity to achieved improved value for money through competition.

### 21. Advertisement (Regulations 48, 49, 52 & 106 PCRs)

21.1. Where a direct award/ or quotes process is not permitted by these rules or by exception under either these rules or the Regulations; and where the award is not via an approved framework, the procurement opportunity must be advertised as follow:

- (a) Contracts Finder (**Regulations 52 & 106 PCRs**) - where specified in this document or where they are regulated under any of the public procurement legislations
- (b) TED – where they are regulates/ value exceed the values as set out in Schedule 1.
- (c) Authority e-tendering portal – where an advert is placed under one of the above requirements it must also be advertised on the e-tendering portal
- (d) Additional adverts – where the opportunity is advertised, officers may also place adverts on the Authority website, trade publications or social media.

### 22. Market Engagement (Regulation 40 PCRs)

22.1. Where an advertised process is to be used, and before commencing a process, it is essential to understand the market make up and possible supply options, specifically

- (a) Is the Market a Monopoly or is it saturated?
- (b) Is the requirement able to be delivered by a single supplier or does it require sub-contracting?
- (c) Can the contract requirements be met by local SMEs?
- (d) Is the contract suitable for a consortia solution?

22.2. All engagement must be overseen by Procurement and participants should be invited through an advertisement on the e-tendering portal and carried out in a transparent manner (eg supplier days) that treats all possible procurement participants equally and without discrimination such that the activity is artificially restricts or impairs competition.

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### Procurement Processes

All procurements are to be issued using either the authority's standard templates or the templates provided by the framework's owner as applicable.

**Additional information on the following processes and documents is available within the procurement templates, policy documents and through the procurement guidance documents.**

#### 23. Direct Award

- 23.1. This option does not require officers to create a specification or a set of tender documents; instead, they should discuss their requirements with the selected organisation and these should then be written up, priced and submitted by that organisation to the authority for approval. Once agreed, they should then be attached to the authority's standard Purchase order or Service terms and conditions and awarded as set out below.

#### 24. Request for Quotation (RFQ)

- 24.1. This option uses a single procurement document to set out the contract and specification requirements along with how the submission will be qualitatively and financially assessed. This to be requested from the three selected companies. The submissions should be evaluated in accordance with this document and then a contract concluded with the successful organisation using the terms and conditions attached to the RFQ in accordance with the award process below.

#### 25. Advertised Tender

- 25.1. The documents needed for an advertised procurement will depend on the contract value and the selected route to market; the tender pack will include some or all of the following:

##### Due Diligence Document

- 25.2. Where a tender is unregulated and thus an SSQ cannot be used, the due diligence (financial and company status) checks must be used to ensure that the successful tenderer is commercially capable and stable to deliver the contract.

##### Standard Selection Questionnaire (SSQ)

- 25.3. This document is only used for above threshold tenders and has three parts; Parts 1 and 2 are set down by central government and cannot be amended. Part 3 can be populated with the qualitative requirements of the project and used as a mechanism to shortlist in a multi staged process (Regulations 57, 58 and 65 PCRs).



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### Invitation to Tender (ITT) (or ITN or ITN Final) (Regulation 54 PCRs)

254. This document sets out the details of the procurement process and the process requirements along with the rules that interested (or shortlisted) tenderers must follow to ensure that their bid is compliant. Further guidance and adaptation of the standard template should be sought from procurement.

### Specification (Regulation 42 PCRs)

255. This document must clearly and concisely set out the Authority's specific contract requirements and depending on whether these are input, output or outcome based, the details by which these may be deemed to be achieved or demonstrated.
256. When using an input specification, officers should ensure that they are suitably up to date with current technology and developments. Specifications should be based on performance or industry standards and only use a brand, model or part number where it is impossible to sufficiently define the requirement any other way. Where this is relied on the specification must state 'or equally approved'.
257. Where the technical expertise is absent or dated, an output or outcome specifications should be used to ensure that an up to date solution is achieved along with value for money.
258. Where social or other policies are to be considered, these must be clearly specified and where possible, hyperlinks to their location included in the procurement documents.

### Terms of Business/Contracts

259. The choice of contract shall be in a form approved by the Legal team and will be based on the nature of the spend and the project complexity along with the route to market, officers must engage with the Legal team at the concept of the procurement to enable sufficient time for consideration and drafting.
- 25.10. Where the selected procurement process does not allow for negotiations, officers are advised to ensure that the requirements identified to Legal are not prohibitive or anti-competitive such that they may limit competition and the ability to achieve a successful, value for money outcome.

### Tender Submission Document

- 25.11. ALL Tenders MUST be evaluated using the principle of Most Economical and Advantageous Tender (MEAT).

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### Quality Requirements - Method Statements – (Regulation 67 PCRs)

- 25.12. Officers are recommended to use a split of 60% price and 40% quality. Where this is not felt to be the best means by which to select the most suitable supplier, this may be adjusted to an 80:20 split in either direction following a discussion with Procurement.
- 25.13. Method Statement Questions should be drafted to elicit responses that supplement the specification and in consideration that the responses become part of the contract and performance requirements.
- 25.14. The weighting (importance) of each method statement question must be clearly set out as must the requirements of the 0-5 scoring criteria.
- 25.15. The questions, as a minimum should seek to understand the skills of the delivery team, the timescales for delivery, any quality or health and safety considerations and how the contract can be used to support the local economy, protect the environment or deliver other social benefits.

### Pricing Requirements

- 25.16. The tender documents must set out how the price should be calculated and evaluated. This could be a lump sum or a schedule of requirements/ bill of quantities. Where a schedule is used and exact quantities are unknown the document must include details of estimated quantities (unless part of the submission is for them to quantify a resource) to ensure that the evaluation is fair and transparent. Where a schedule of pricing is used, officers may weight particular elements if they are more significant to the success and delivery of the project; where this is required officers must liaise with procurement and finance to ensure the pricing model is fair and representative of the contract requirements.

### Form of Tender

- 25.17. Along with the method statement and pricing submission, tenderers are required to confirm that they have no conflicts of interest with the authority and that they have not colluded or otherwise engaged in unethical or illegal practices in order to collate their submission.

### 26. Use of/ Reliance on Subcontractors (Regulations 63 & 71 PCRs)

- 26.1. The authority must allow a tenderer to rely on subcontractors for economic or technical capacity, experience or professional qualifications unless the task that they seek to subcontract is deemed a critical task; specifically where this would dilute accountability or the performance management of essential elements of the contract.

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262. The authority, when setting out its procurement requirements, may stipulate that where subcontracting is relied on that the tenderers sets out the share of the contract to be subcontracted and where they are to be relied upon, may insist that all such subcontractors complete an SSQ or the authority's Due Diligence document (where applicable) to enable the authority to assess their suitability to deliver an Authority contract.

### **27. Tender Communications (Regulations 22 & 51 PCRs)**

27.1. All procurement processes (except for direct awards) must be managed electronically through the authority's e-tendering portal. All notices, tender documentation and awards must be published through the portal and all communications (Q&A) must be published openly unless deemed commercially sensitive.

## **Evaluation Process & Clarifications – (Regulation 56 PCRs)**

### **28. Due Diligence**

28.1. These checks should be completed before the price and quality evaluation process as they assess the financial stability of a tenderer. Where a concern is identified this should be referred to finance and legal for consideration and a decision made as to whether they should be disqualified to protect the successful performance of the contract.

### **29. Standard Selection Questionnaires (Regulations 57 & 58 PCRs)**

29.1. Where this is provided in a single stage process this should be assessed before the qualitative or pricing submission. Any concerns identified should be clarified with the tenderer before deciding if they should be disqualified.

29.2. Where this document is used to shortlist in a two or multi-stage process the Part 1 & 2 elements should be assessed first and any concerns identified should be clarified with the tenderer before evaluating part 3 and shortlisting

### **30. Quality Submissions**

30.1. These must be evaluated by at least three, suitably skilled individuals using the predefined criteria and the specification.

30.2. Evaluators must make notes as to the rationale for each individual score and provide question specific feedback to be used in the moderation process and ultimately shared with the unsuccessful tenderer.

30.3. Where the information is unclear or incomplete a clarification process must be carried out.

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### **31. Pricing Submissions**

- 31.1. This must be carried out separately to the quality evaluation, in accordance with the process set out in the tender documentation and must be verified by the relevant member of the finance team to validate its accuracy.
- 31.2. Where the pricing is incomplete or excessively low, a clarification process must be completed with the support of procurement.

### **32. Post tender Clarifications**

- 32.1. Submitted information may be clarified or explained but not amended or supplemented.

### **Missing information**

- 32.2. Where information is missing, this may be confirmed to the tenderer but may not be supplied by them. Where this has an impact on the total price, tenderers must either honour the total price submitted or withdraw.

### **Price calculation errors**

- 32.3. Where an arithmetical error is identified and can be corrected without the need to seek clarity or additional information, this should be done and advised to the tenderer for agreement. Where this has an impact of increasing the total price, tenderers must either honour the initial total price submitted or withdraw their offer.

### **Abnormally low pricing (Regulation 69 PCRs)**

- 32.4. Where a tenderer's price is significantly lower than anticipated by the authority or in comparison with other tenders received; the authority must seek clarity from the tenderer on how they have priced the tender at this level and demonstrate that it is commercially viable and sustainable. Where such assurances are either not provided or not plausible then the authority should disqualify the submission.

### **Post Tender Negotiations**

- 32.5. Post Tender Negotiations shall not be used to degrade the original tender requirements or price unless:
  - (a) ALL the received tenders came in over budget
  - (b) Other special circumstances
- 32.6. In these circumstances, all tenderers that have submitted a tender shall be given the opportunity to resubmit against a revised or reduced specification.
- 32.7. All other negotiations shall only be undertaken in accordance with Law and in agreement with Procurement and Legal.

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### Moderation

328. Following the individual scoring of the quality method statement responses, the evaluation panel, overseen by procurement, must meet and agree a common score for each question along with an agreed justification for the scores and question specific feedback for the tenderer.

### AWARD Process

Where a formal gateway process has been used to commence and decide on the procurement process, a further review should be completed before the decision to award. In all case, the following stages must be completed.

#### 33. Tender Report (Regulation 84 PCRs)

- 33.1. All advertised tenders must, before award, have a completed tender report approved by procurement, legal and finance before any notifications are sent or contracts collated.

#### 34. Notifications (Regulations 55 & 86 PCRs) & Standstill (Regulation 87 PCRs)

- 34.1. All notification or outcome letters must be approved by procurement and signed by the Procurement and Contracting Manager.
- 34.2. All tenderers (successful and unsuccessful) must be notified, in writing, of the outcome of the evaluation process at the same time. Unsuccessful tenderers must be provided with feedback which details the relative advantages of the successful tenderer.
- 34.3. Where the procurement is regulated (and even on below threshold processes where advised by procurement) the authority must issue and apply a standstill period with the award letters not being issued until after this period has expired.

#### 35. Supplier De-briefing

- 35.1. Following the notification of the procurement outcome, unsuccessful tenderers may request feedback in addition to that provided in the letters; this must be agreed and supported by procurement to ensure that only allowed information is shared and that it is done so in a non-discriminatory manner.

#### 36. Letters of Intent

- 36.1. Letters of intent give the contractor the authority to proceed prior to the execution and dating of contract; however, they should only be used where there is a genuine need and genuine benefit to the Authority, such as to:
- (a) facilitating the ordering of goods where there are long lead times;

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- (b) enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements;
  - (c) facilitate TUPE requirement.
- 362. All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason it must be agreed by the Monitoring Officer.
- 363. Where a letter of intent is issued it must specify its intent and include a maximum liability, which cannot exceed £100,000 unless otherwise agreed by the Monitoring Officer.
- 37. Contract Award**
- 37.1. All tender processes must be concluded by way of a duly signed or executed document.
- 372. Contracts MUST not be awarded until all checks have been completed and evidence of any qualifications and certificates provided.
- 373. The award must be as per the specification issued and the tender received (including any clarifications) and not a conditional or counteroffer.
- 38. Contract Approval**
- 38.1. Contracts must be executed by signature or as a deed as follows
  - Goods & Service
  - (a) Up to £25k – Responsible Officer
  - (b) Up to £100k – Finance
  - (c) Up to £250k – Project Director
  - (d) Up to £500k – Monitoring Officer, Chief Finance Officer, Chief Executive
- 382. All works contract to be executed as a deed to ensure a 12-year latent defect period is applied.
- 383. Copies of all executed contracts must be provided to the Procurement and Contracting Manager for inclusion in the contracts register
- 39. Contract Award notices (Regulation 50 PCRs)**
- 39.1. Award Notices must be published in accordance with the following decisions.
  - (a) Where a new Framework or Contract is let and it is over the EU threshold – in the OJEU and on Contracts Finder.

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- (b) Where the procurement is via a mini competition from a framework and is over £25k – on Contracts Finder.
- (c) Where the Procurement value is over £25,000 but under the EU threshold – on Contracts Finder.

### Contract Register & Transparency Code

- 392 All contracts over £5,000 must be published on the Authority's contract register, this to include a scanned copy of the completed contract and any waiver/ decision or process approval documentation.

### 40. Document retention

- 40.1. All documents issued and received via the e-tendering portal will be stored indefinitely on the portal.
- 402 Any other information not held on the portal will be in accordance with the Authority's retention policy.

## Contract Management

The Authority is committed to ensuring that in addition to procuring its contracts compliantly, effectively, economically and in consideration of the community it serves; that they will be appropriately performance managed to ensure the intention and benefits promised are delivered and within the contracted value.

### 41. Contract Performance Management

- 41.1. The Contract owner must ensure that performance management meetings are held at appropriate intervals and that these meetings and any decisions made are properly documented and formally recorded such that they can be relied on.

### 42. Supplier Payment

#### Generally

- 42.1. As a responsible authority, payments against contracts should be managed efficiently and without detriment to the suppliers and at most, within 30 days on receipt of the invoice in accordance with government guidance

#### Construction contracts

- 422 Payments on construction contracts must comply with the form of contract used and where practical, should comply with the Construction Supply Chain Partner as far as reasonable possible to do so



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### **Late Payments**

423. Where payments are late, suppliers are entitled to claim statutory late payment interest unless otherwise documented in the contract.

### **43. Contract Review**

431. Where a formal gateway process has been used in the initial decision making and subsequent award decision, a further review should be carried out to consider contract performance against the initial advertised requirements and budget and to monitor ongoing compliance with these rules and legislation.

### **44. Performance Failures**

- 44.1. Where a Performance failure is identified the following must be applied:
- (a) Legal are consulted as to permissible measures under the contract.
  - (b) Management meetings are held more frequently with the interval being based on the severity of the failure.
  - (c) A remedial plan is agreed and signed.
  - (d) Revised, intermediate performance targets are set out and monitored to ensure improvement and performance failure resolution within the agreed timescales.

442. Where the above measures do not deliver the required improvements within the required timescales, legal should be consulted to escalate the remedial requirements or initiate the termination of the contract.

### **45. Contract Termination for Performance**

- 45.1. Where performance failure under the contract cannot be remedied or where there has been a case of insolvency or other organisation failure, the officer should seek advice from legal and agreement by the Monitoring officer to terminate the contract.

### **46. Contract Variations/Extensions (Regulation 72 PCRs)**

- 46.1. A Contract should only be extended or varied in accordance with any options specifically included in the original procurement documentation.
462. Where no such provision exists; a contract can only be extended or varied with the agreement of the Director and/or Monitoring Officer (depending on value) and documented through the approval of a waiver, as follows:
- (a) The additional requirement is still in scope of the original specification and does not equate to a new requirement or something that is materially different to that advertised such that it requires a new process.



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- (b) The extension or variation does not present an unacceptable risk to the authority eg had the changes been known, others would have participated in the opportunity or a better price could have been achieved.
- (c) The additional requirement does not take it over the EU threshold when it was procured using a below EU process.
- (d) The additional value does not exceed more than 10% if goods & services or 15% if works of the original, advertised value (This can be approved by the Director subject to available funds).
- (e) The additional value of any extension or variation is not a material change, the need was unforeseeable, there is a proprietary right or there is urgency and the change does not exceed more than 50% of the original, advertised value (Monitoring Officer).

The application of any extension or variation

- (a) must be in the Authority's best interest;
- (b) must demonstrate value for money;
- (c) cannot be until after a new Due Diligence Check has been completed.

463. Once approved, Legal must be engaged to provide the necessary legal documentation to record the variation or extension and then the signed version of this and the waiver must be added to the contract register.

### 47. Lessons Learned

- 47.1. At the close of the contract, the gateway process must be concluded with a lessons learned exercise and this information should be shared to ensure ongoing process improvements and best practice.

## Other Procurement considerations

### 48. Procurement on behalf of Partner Authorities

- 48.1. Where the authority is required under its own powers or at the request of a partner authority to procure on its behalf, those procurements must comply with legislation, these rules and the other authority's rules.
- 48.2. Where there is a conflict between these rules and the other authority's rules then the following apply:
- (a) Financial, procurement or other approvals to procure or award must be the those of the authority for which the contract is let
  - (b) Contract signatory requirements to be those of the authority signing the contract
  - (c) Procurement Process to be followed will be these in compliance with the relevant legislation

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### **49. Purchase Cards**

- 491. The authority operates a purchase card facility; these are available, with the approval of Finance.
- 492. Purchase cards are to be used for low value or one-off incidental spend where it is not efficient to carry out a competitive process. Purchase cards **MUST NOT** be used to bypass corporate contracts or these rules without the express permission of Procurement and the appropriate Director.
- 493. The principle of disaggregation applies to spend on purchase cards both in relation to the individual and the Authority as a whole.

### **50. Grants (law)**

- 501. Where a grant is issued, it must be awarded in accordance with the authority's process for advertising, selecting, awarding and monitoring grants.
- 502. All grants over £25,000 **MUST** be executed as a Deed.

### **51. Community Right of Challenge**

- 511. Section 81 of the Localism Act 2011 permits relevant bodies (charities, community bodies, town and parish Authority Services and Staff) to submit Expressions of Interest to provide Authority Services. Corporate Services shall maintain and publish a timetable for the submission of interest. Any such expressions shall be forwarded to the Transformation Team.

### **52. Disposal of Goods & Assets (Authority requirement)**

- 521. Where the Authority has goods or assets that are no-longer required these are to be disposed of through a closed-bid auction process. The Authority has an eBay account for this purpose and any department wishing to use it needs to do so through the Procurement team.

### **53. Procurement Schedules**

- 531. Please see schedule 1 for threshold by procurement category.
- 532. Please see Schedule 2 for a summary table of procurement rules by category and value.

## **Waivers**

Where an officer seeks to deviate from the requirements of this document a waiver must be completed and approved in accordance with the following rules:

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### **54. Exemptions to the requirement to carry-out a quotes process**

- 54.1. This must be drafted by the responsible officer and agreed by procurement and legal.

### **55. Exemptions to the requirement to advertise on Contracts Finder**

- 55.1. This must be drafted by the responsible officer and be approved by procurement, legal and Director with budget responsibility.

### **56. Exemptions to the requirement to carry out an advertised EU process**

- 56.1. This must be drafted by the responsible officer and be approved by procurement, the relevant Director and the Monitoring Officer.

### **57. Requests to vary a contract in value or time**

- 57.1. This must be drafted by the responsible officer and be approved by procurement, the relevant Director, the Chief Finance Officer and the Monitoring Officer.

### **58. Waiver Contract Documents**

- 58.1. Once a waiver has been agreed, a formal contract or variation instruction completed and signed/executed. The completed documents must be added to the contract register.

## *Chapter 17 – Officer Scheme of Delegation and Proper Officers*

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# Chapter 17 - Officer Scheme of Delegation and Proper Officers

## Part 1 – Officer Scheme of Delegations

### 1. Introduction

- 1.1. The Combined Authority has a Scheme of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.
- 1.2. A Chief Officer in the context of this Constitution means
  - 1.2.1. Joint Chief Executives of Combined Authority and Business Board, and Head of Paid Service,
  - 1.2.2. Chief Finance Officer, and
  - 1.2.3. the Monitoring Officer,
  - 1.2.4. Director Corporate Services
  - 1.2.5. Director Delivery and Strategy
  - 1.2.6. Director Business and Skills
  - 1.2.7. any other posts defined as Chief Officer in the Employment Procedure rules.
- 1.3. Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority or constituent councils if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced.
- 1.4. Any decisions or actions taken by a Chief Officer or other person on behalf of a Chief Officer, must be in accordance with:
  - (a) the provisions of the Openness of Local Government Bodies Regulations 2014;
  - (b) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and codes of practice;
  - (c) the Constitution, including the Combined Authority [Chapter 16 - Contract Procedure Rules](#), assurance framework, monitoring and evaluation framework, [Chapter 16 – Contract Procedure Rules](#) and [Chapter 15 - Financial Management Procedure Rules](#), and [Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#);

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- (d) the revenue and capital budgets of the Combined Authority, subject to any variation which is permitted by the Financial Regulations; and
  - (e) any policy or direction of the Combined Authority or any Committee acting in exercise of powers delegated to that Committee by the Combined Authority.
- 1.5. Officers may exercise delegated powers to take any decision in relation to the functions of the Combined Authority including Mayoral functions except where:
  - (a) the matter is reserved to the Combined Authority or the Mayor by law or by the Constitution;
  - (b) the matter is a function which cannot by law be discharged by an Officer;
  - (c) the Combined Authority or a Committee, Sub-Committee or Joint Committee to which the Combined Authority is a party, or in the case of a mayoral function, the Mayor has agreed that the matter should be discharged otherwise than by an Officer;
  - (d) the Head of Paid Service has directed that the Officer concerned should not exercise a delegated function;
  - (e) any other limitation of the exercise of delegated authority is set out in this Constitution or is specifically restricted in any decision of the Combined Authority.
- 1.6. Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.

## **2. General Delegations to all Chief Officers**

- 2.1 Chief Officers will be responsible for the following within their areas of responsibility:
  - 2.1.1 the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits;
  - 2.1.2 day to day management of staff in accordance agreed human resource policies and procedures;

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- 2.1.3 acting on behalf of and in the name of the Combined Authority, where necessary in consultation with the Mayor, relevant **Lead Member** or Chief Executive and/or other appropriate Officers;
- 2.1.4 dealing with press enquiries and issuing press releases;
- 2.1.5 investigative contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.

### **3. Contracts and Accounts**

- 3.1 All contracts shall be dealt in accordance with Contract Procedure Rules and Financial Regulations as may be agreed from time to time by the Combined Authority.
- 3.2 Contracts below £5,000: The decision to award the contract and any written terms must be agreed in writing by a Chief Officer unless they have delegated that authority.
- 3.3 Contracts between £5,000 and £50,000: The Chief Officer can award a contract up to £50,000 in value.
- 3.4 Contracts between £50,000 and EU thresholds: A report to authorise the award of the contract must be sent to Legal Services, and the Finance Officer for approval by the Chief Finance Officer or Monitoring Officer.
- 3.5 Contracts within EU thresholds up to £500,000: The Chief Finance Officer or Monitoring Officer can award a contract up to £500,000 in value upon receipt of a contract award report. An award report to authorise the award of the contract must be sent to Legal Services and the Finance Officer for approval by the Chief Finance Officer.
- 3.6 Contracts above £500,000: Requires a Combined Authority Board decision or the Mayor for mayoral functions before award of the contract.
- 3.7 Contract rule exemptions: Granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer.
- 3.8 Assigning and novating contracts: Needs approval of the relevant Chief Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- 3.9 Terminating Contracts: Needs approval of the Chief Finance Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

### **4. Delegations to the Chief Executive**

- 4.1 To exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 4.2 To be responsible for the coordination of the Combined Authority's functions including mayoral functions.
- 4.3 To provide a comprehensive policy advice service and in particular to advise on the Combined Authority's plans and strategies.
- 4.4 To be responsible for the appointment, and grading, and dismissal of staff up to and including Deputy Chief Officer level.
- 4.5 To be responsible for the organisation and proper management of the Combined Authority's staff including proposing changes to the management structure and the number and grades of staff required.
- 4.6 To authorise a Chief Officer to act in his/her absence on any matter within his/her authority.
- 4.7 To discharge any function of the Combined Authority which:
- (a) has not been specifically delegated to another Officer, Committee or reserved to the Mayor or the Combined Authority Board;
  - (b) has been delegated to another Officer where that Officer is absent or otherwise unable to act (excluding the statutory functions of the Monitoring Officer and Chief Finance Officer).
- 4.8 To take any action which is required as a matter of urgency in consultation (where practicable) with the Mayor, the Monitoring Officer and the Chief Finance Officer, and in accordance with the Transparency Rules, Forward Plan and Key Decisions ([Chapter 6 - Transparency Rules, Forward Plan and Key Decisions](#)).
- 4.9 To provide any response to any Government consultation, subject to consultation with the Mayor of the Combined Authority and the relevant Lead Member.

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- 4.10 To co-ordinate public relations for the Authority, including the approval of press releases on behalf of the Authority having consulted where appropriate the Mayor or relevant Lead Member as necessary.
- 4.11 Nominate, appoint and remove, in consultation with the Mayor (as Chair) and the Vice-Chair of the Combined Authority Board, representatives on the board of companies, trusts and other bodies, of which the Combined Authority is a member, and to agree Constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within their Constitutions.
- 4.12 To exercise the general power of competence on behalf of the Combined Authority in the absence of any specific delegation acting in the best interests of the Combined Authority, subject to:
  - (a) consultation with the Monitoring Officer and the Chief Finance Officer; and
  - (b) reporting to the next meeting of the Combined Authority Board on the exercise of that power.
- 4.13 To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

### **5. Delegations to the Chief Finance Officer**

- 5.1 The Chief Finance Officer shall be the designated the Proper Officer under section 73 of the Local Government Act 1985.
- 5.2 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control.
- 5.3 To take all actions required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and Combined Authority of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 5.4 To effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.



### *Chapter 17 – Officer Scheme of Delegation and Proper Officers*

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- 5.5 To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.
- 5.6 To submit all claims for grant to the UK Government or the European Community (EC).
- 5.7 To set up and operate such bank accounts as are considered appropriate and make all necessary banking arrangements on behalf of the Combined Authority.
- 5.8 To consider reports of Officers on any likely overspending in relation to revenue expenditure, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 5.9 To send out all accounts for income due to the Combined Authority.
- 5.10 To authorise electronic payments.
- 5.11 To collect all money due to the Authority and write-off bad debts in accordance with the Financial Procedure Rules. Legal action should be undertaken in consultation with the Monitoring Officer.
- 5.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 5.13 To administer the scheme of Members' allowances.
- 5.14 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011.
- 5.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 5.16 To be the Officer nominated, or to nominate in writing another Officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made under that Act.
- 5.17 To exercise the responsibilities assigned to the Chief Finance Officer in this Constitution, including Financial Regulations and the Contract Procedure Rules.
- 5.18 To incur expenditure, within the revenue budget, in accordance with the approved budget limits and Financial Regulations.

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- 5.19 To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.
- 5.20 Approve applications to bid for external funding where there are no wider budgetary implications or the bid relates to a matter within the strategic framework.
- 5.21 To arrange internal audit in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance.
- 5.22 Internal Audit Officers on producing appropriate identification shall have authority to:
  - 5.22.1 enter at all reasonable times on any land, premises or other assets of the Combined Authority;
  - 5.22.2 obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;
  - 5.22.3 require and receive such explanations as are necessary concerning any matters under examination;
  - 5.22.4 require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control.

## **6 Delegations to the Monitoring Officer**

- 6.1 Under section 5 of the Local Government and Housing Act 1989, the Combined Authority shall appoint a Monitoring Officer.
- 6.2 To provide advice on the scope of powers and authority to take decisions.
- 6.3 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority has given rise to or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Combined Authority with respect to that proposal, decision or omission.
- 6.4 To monitor and review the operation of the Constitution on an annual basis, and to make changes to the Constitution in the circumstances set out below:
  - (a) a legislative requirement;

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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- (b) a minor variation which is of a non-substantive nature to enable them to be kept up to date and in order;
  - (c) required to be made to remove any inconsistency or ambiguity; or
  - (d) required to be made so as to put into effect any decision of the Combined Authority or its committees or any organisational changes.
- 6.5 Any such change made by the Monitoring Officer to this Constitution shall come into force with immediate effect. The Monitoring Officer will report any changes made to the Combined Authority Board as soon as is reasonably possible.

### **Member Code of Conduct**

- 6.6 To deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011.
- 6.7 To support the Audit and Governance Committee in promoting high standards of conduct.
- 6.8 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.
- 6.9 To determine, after consultation with the Independent Person, whether to reject, informally resolve or investigate any complaint received, and to take such action as is necessary to implement that determination in accordance with the complaints procedure.
- 6.10 To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation.
- 6.11 To prepare and maintain the Authority's Register of Members' Interests and ensure it is available for inspection and published on the Combined Authority's website as required by the Localism Act 2011.
- 6.12 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer considers that:
  - (a) without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

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- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (c) granting the dispensation is in the interests of persons living in the Combined Authority's area; or
  - (d) it is otherwise appropriate to grant a dispensation.
- 6.13 To keep a register of gifts and hospitality in accordance with the Protocol on Gifts and Hospitality and to arrange for its publication on the Authority's website.

## **7 Legal Matters**

- 7.1 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Combined Authority, as may be necessary to protect and promote the Combined Authority's interests.
- 7.2 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.
- 7.3 To instruct Counsel and professional advisers, where appropriate.
- 7.4 To supervise the preparation of legal documents.
- 7.5 To execute documents whether by hand or under seal, and to authorise other Officers to execute documents whether by hand or under seal.
- 7.6 To complete all property transactions and contractual arrangements where terms have been agreed by the Combined Authority, a Committee or Chief Officer acting under delegated authority.
- 7.7 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.
- 7.8 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 7.9 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.

## **Chapter 17 – Officer Scheme of Delegation and Proper Officers**

- 7.10 Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Combined Authority.
- 7.11 To agree the terms for placing an officer at the disposal of another local authority.
- 7.12 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.

## **Part 2 - Schedules of Proper Officers**

### **1. Introduction**

- 1.1. There are a number of specific references in the 1972 and 1985 Local Government Acts, which call for functions to be undertaken by what is termed the "Proper Officer". The following Schedules list such references and identify the Chief Officers responsible for their discharge:

### **2. Head of Paid Service**

- 2.1. The Head of Paid Service is appointed the Proper Officer for the purpose of any enactment unless this Constitution has designed another Officer as Proper Officer.

### **3. Chief Finance Officer**

- 3.1. The Chief Finance Officer is appointed the Proper Officer in relation to the following:
- 3.2. To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

### **Local Government Act 1972**

Receipt of money due from Officers	Section 115 (2)
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### **Local Government Act 1985**

Proper Administration of the financial affairs of the Combined Authority	Section 73
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## Chapter 17 – Officer Scheme of Delegation and Proper Officers

### Local Government Finance Act 1988

To report in consultation with the Monitoring Officer if there is or is likely to be unlawful expenditure or an unbalanced budget.	Section 114
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### 4. Monitoring Officer

- 4.1. The Monitoring Officer is appointed the Proper Officer in relation to the following:

### Local Government Act 1972

Declaration and Certificates with regard to securities	Section 146 (1) (a) and (b)
Deposit of Documents	Section 225 (1)
Certifications of photographic copies of documents	Section 229 (5)
Issuing and signing of formal notices	Section 234 (1) and (2)
Determination of those reports which should be available for public inspection prior to a meeting of the Combined Authority, and its Committees and those which are likely to be heard in private and consequently which should not be released to the public.	Section 100B (2)
Provision of documents to the press, additional to Committee reports	Section 100B (7)
Preparing written summaries of proceedings	Section 100C (2)
Making arrangements for list of, and background papers to reports, to be made available for public inspection.	Section 100D (1)
Determination of documents disclosing exempt information which may not be inspected by Members	Section 100F (2)
Signature of Summonses to Combined Authority meetings	Schedule 12 para 4 (2) (b)
Receipt of notices regarding address to which Summons to meetings of the Combined Authority is to be sent.	Schedule 12 para 4 (3)

### 5. General

- 5.1. All Officers in whose name reports are submitted to the Combined Authority are appointed the Proper Officers in relation to the following:

**Chapter 17 – Officer Scheme of Delegation and Proper Officers**

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**Local Government Act 1972**

Compilation and retention of lists of background papers and copies of the relevant documents and reports; and	Section 100 D (1) (a)
Identifying and determining what are background papers	Section 100 D (5)

## Chapter 18 -Officer Employment Procedure Rules

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## Chapter 18 - Officer Employment Procedure Rules

### 1. Introduction

- 1.1 These rules set out how officers are appointed and dismissed and the role that Elected Members have in officer appointments and dismissals.

### 2. Definitions

- 2.1 For the purpose of these rules the definitions of “Chief Officer”, “Deputy Chief Officer”, and “Disciplinary Action” are as set out in Chapter 12 of this Constitution [Employment Committee].

### 3. Appointment of Head of Paid Service, Monitoring Officer, Section 73 Officer and Chief Officers

- 3.1 Where the Combined Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73(1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer the Employment Committee will draw up a statement specifying:
- (a) the duties of the Officer concerned; and
  - (b) any qualifications or qualities to be sought in the person to be appointed.

Where it is not proposed that the appointment be made exclusively from among the Combined Authority’s existing officers the Committee will make arrangements for:

- (c) the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (d) for a copy of the statement referred to above to be sent to any person on request

Where a post has been advertised in accordance with paragraph (c) above the Committee will:

- (e) interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied the Committee will:

- (f) make further arrangements for advertisement in accordance with paragraph (c) above.



## **Chapter 18 -Officer Employment Procedure Rules**

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The Combined Authority Board will approve the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and the officer with the responsibilities set out in section 73(1) of the Local Government Act 1985 (Chief Finance Officer) (“the statutory officers”) following the recommendation of the Committee.

Appointments of Chief Officers will be made by the Committee.

All decisions on the appointment of Chief Officers, or decisions on recommendations to the Combined Authority Board on the appointment of statutory officers, made by the Committee shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.

- 3.2 Where it is necessary to appoint an interim Head of Paid Service [Chief Executive], Monitoring Officer, or Section 73 Officer [Chief Finance Officer] on an urgent basis that appointment shall be made by the Employment Committee.
- 3.3 When making decisions as to the appointment or dismissal of statutory officers and Chief Officers the Employment Committee shall include the Mayor or Deputy Mayor in their place.
- 3.4 The appointment of officers at or below Deputy Chief Officer level shall be the responsibility of the Chief Executive or of any officer nominated by them in relation to a particular appointment.

### **4. Avoiding Conflicts of Interests in the Appointment Process**

- 4.1 Any person seeking appointment as an Officer of the Combined Authority shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece (“relative”) of an existing Member or Officer or the partner of such persons.
- 4.2 No candidate related to a Member or Officer as described above will be appointed as Head of Paid Service or as a Chief Officer without the agreement of the Mayor.
- 4.3 An Officer or Member must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of an officer, or prospective officer who is a relative, partner, partner of a relative or friend. Friendship connotes a relationship going beyond regular contact with colleagues in the course of employment.

## **Chapter 18 -Officer Employment Procedure Rules**

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- 4.4 Any applicant who directly or indirectly seeks the support of any Member for any appointment within the Combined Authority will be disqualified from the recruitment process.
- 4.5 No Member of the Combined Authority shall seek support for any person for appointment with the Combined Authority. This shall not be interpreted to mean that Members and officers are precluded from giving a written reference for a candidate for submission with an application for employment as appropriate.

### **5. Dismissals and Disciplinary Action**

- 5.1 Only the Combined Authority Board may dismiss the Head of Paid Service (Chief Executive), the Section 73 Officer (Chief Finance Officer) or the Monitoring Officer (“the statutory officers”) as a result of disciplinary action following the recommendations of the Statutory Officer Investigatory Panel. A statutory officer may not be dismissed by the Combined Authority unless the relevant procedures set out in these Rules, including Annex 3 to these Rules, have been complied with.
- 5.2 The Statutory Officer Investigatory Panel shall have authority to take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 5.3 The Employment Committee will have authority to dismiss Chief Officers. Any Chief Officer so dismissed shall have a right of appeal to the Combined Authority Board in accordance with the Authority’s Appeals Procedures.
- 5.4 The Mayor or the Deputy Mayor in their place shall be a member of the Statutory Officer Investigatory Panel which meets to consider a dismissal or recommendation for dismissal under paragraph 5.1 or 5.3.
- 5.6 Members will not be involved in the dismissal of any officer at or below Deputy Chief Officer level except where such involvement is necessary for the investigation or inquiry into alleged misconduct through the Combined Authority’s disciplinary procedures as adopted from time to time.

### **6. Avoiding Conflicts of Interest in Dismissals and Disciplinary Action**

- 6.1 No member or substitute member who has sat as a member of the Statutory Officer Investigatory Committee or Employment Committee when a recommendation or decision has been made as to the dismissal or disciplining of an officer under Section 5 above shall sit as a member of the Combined

## **Chapter 18 -Officer Employment Procedure Rules**

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Authority Board when it considers any such recommendation or an appeal by the officer against any such decision.

### **7. Employee Code of Conduct**

- 7.1 All officers are required to sign an agreement to be bound by the Employee Code of Conduct and all Chief Officers and Deputy Chief Officers are required to complete a register of interests form in accordance with the Code.

### **8. Officer Appointments to the Mayoral Office**

- 8.1 Certain designated posts within the Mayoral office will be subject to the protocol at Annex 1. These posts are:
- (a) Chief of Staff
  - (b) Mayoral Adviser and
  - (c) Senior Policy Adviser.

### **9. Political Restriction**

- 9.1 Certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act 1989. The Protocol on Political Restriction at Annex 2 sets out the rules which apply to such posts.

## Chapter 18 -Officer Employment Procedure Rules

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# Annex 1 Protocol on Appointments within the Mayoral Office

## 1. General

1.1. There are three posts within the Mayoral Office which are appointed on a different basis to other Combined Authority posts. In particular:

- (a) The contracts of employment for these posts automatically end on the expiry of the Mayor's term of office;
- (b) The individuals are accountable for their performance of their duties to the Mayor;
- (c) The individuals are subject to additional requirements as to their conduct, as set out below, which do not apply to other Combined Authority officers.

## 2. The Legal Basis of Mayoral Appointments

2.1. Political assistants are an established part of the local government landscape and are provided for in legislation including:

- Section 9 of the Local Government and Housing Act 1989;
- The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002; and
- The West of England Combined Authority Order 2017

2.2. There is no specific statutory authority for the appointment of political assistants in the Combined Authority. These posts within the Mayoral Office are appointed by the Mayor using the general power of competence conferred on him by Article 12 of the Cambridgeshire and Peterborough Combined Authority Order 2017.

2.3. The posts are subject to political restriction on the basis that the duties of the postholders consist in or involve giving advice on a regular basis to the Mayor themselves. The statutory provision at section 2(3) of the Local Government and Housing Act 1989 refers to giving advice to the "authority" and does not refer to advising a Mayor, but in the context of a Mayoral Combined Authority the reference to the "authority" can be taken to include the Mayor.

2.4. These posts are subject to additional restrictions as to the conduct of the postholders over and above those which apply to officers of the Combined Authority whose posts are politically restricted. The purpose of these additional restrictions is to ensure that any potential conflict between the postholders being paid from public funds and having access to public resources and with their participation in party politics is managed.

## **Chapter 18 -Officer Employment Procedure Rules**

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2.5. Provided appropriate safeguards are in place the appointment of these officers is a legitimate and lawful use of the general power. These officers perform a valuable role in allowing the Mayor to obtain political advice without compromising the impartiality of other officers.

### **3. Duties**

3.1. These postholders' duties include the following:

- (a) Reviewing papers going to the Mayor, drawing attention to any aspect which they think has particular implications for the Mayoralty;
- (b) Ensuring that sensitive political points are handled properly;
- (c) Giving policy guidance on behalf of the Mayor on any aspect of the Combined Authority's business relating to their job description and give advice to the Mayor accordingly;
- (d) Asking questions of relevant officers, probing, checking facts and research findings;
- (e) Preparing policy papers which can generate long-term policy thinking within the Combined Authority;
- (f) Contributing to policy planning within the Combined Authority, including ideas which extend the existing range of options available to the Mayor with a political viewpoint in mind;
- (g) Helping to brief Members of the Board, MPs and external officials on issues of Mayoral policy; liaising with outside interest groups; representing the Mayor at meetings and elsewhere;
- (h) Speechwriting and related research, including adding a greater degree of political content to material prepared by other Combined Authority officers;
- (i) Representing the views of the Mayor to the media, only where they have been authorised by the Mayor to do so (NB for the sake of clarity this means that these officers may not speak on behalf of the authority or the Mayor to journalists or broadcasters, except in exceptional circumstances);
- (j) Managing other mayoral appointees and Combined Authority staff appointed by the Chief Executive who provide administrative or clerical support to the Mayoral Office but the dismissal of staff, determining grievances raised by them or altering their terms and conditions of employment are the responsibility of the Chief Executive.

## **Chapter 18 -Officer Employment Procedure Rules**

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- (k) Attending interview panels for senior Combined Authority staff, as observers, but decisions to appoint rest with the Chief Executive or the Director for that employee. Such attendance to be with the consent of the Chair of the Employment Committee.

### **4. Additional Requirements as to Conduct**

4.1. These postholders are subject to all codes, protocols, guidance and agreements which apply to the conduct of officers of the Combined Authority and the restrictions which apply to politically restricted posts. In addition, they are subject to the following requirements:

- (a) Officers appointed directly by the Mayor should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Mayor, the Board, other officers or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence or received in confidence from others.
- (b) All officers appointed directly by the Mayor should not use Combined Authority resources for party political activity. They are employed to serve the objectives of the Authority; it is this which justifies their being paid from public funds and being able to use public resources and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of public servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes.
- (c) In order to provide effective assistance to the Mayor, officers appointed directly by the Mayor should work closely with the senior managers in the Authority and establish relationships of confidence and trust, and should develop effective professional relationships with Members of the Combined Authority Board.
- (d) Any individual terms and conditions agreed as part of the interview process cannot amend or preclude these terms and conditions but additional terms and conditions may be agreed between the Mayor and the prospective employee, subject to consultation and agreement with the Chief Executive.

## **Chapter 18 -Officer Employment Procedure Rules**

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- (e) Following receipt of any item or hospitality of a value of £25 or more, all Mayoral appointees should, within 28 days, update the register of gifts and hospitality accordingly. The register will be placed on the CPCA website. The Audit & Governance Committee is responsible for monitoring and reviewing the register through the Annual Governance Statement.
- (f) In advising the Mayor on issues in relation to a particular functional body, Mayoral appointees should be mindful of potential conflicts of interest and the need to register and declare any and all relevant interests.

### **5. Process for Mayoral appointments**

5.1. The following sets out the process which will be applied to the appointment of officers within the Mayoral team:

- (a) Appointments must be made on merit. Recruitment to these posts must be by way of public advertisement and interview.
- (b) The process for selection of suitable candidates must be clear and test that an individual's knowledge, skills, experience and attributes meet the requirements of the role. In order to do this, a job description and person specification will be prepared for each role. An interview process to assess candidates' suitability for the role is required and each candidate must be assessed against the job description and person specification.
- (c) The Mayor should be satisfied that the individual is competent to perform the required role, based on the contents of the job description and on an assessment of candidates' skills and experience.
- (d) All job descriptions will be evaluated to independently assess the salary level for the role.
- (e) Guidance will be given to candidates during the recruitment and appointment process, and to appointees following their appointment, explaining the implications of these political restrictions.
- (f) Offers of employment will be subject to the standard employment checks.
- (g) The Mayor must report the appointments to the Board at the next scheduled meeting (this has historically been done through a Mayoral announcement at the beginning of the meeting)

### ***Chapter 18 -Officer Employment Procedure Rules***

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- (h) In all other regards, appointees will have the same basic terms and conditions of employment as CPCA staff appointed by the Head of Paid Service.
- (i) In the event that any grievance or disciplinary issue arises in respect of Mayoral appointees this will be considered and, as necessary, investigated through arrangements decided by the Chief Executive, who is responsible for taking any further action as he / she deems necessary.



## *Chapter 18 -Officer Employment Procedure Rules*

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### **Annex 2 Protocol on Political Restriction**

The regime relating to the political restriction of officers and staff set out in Part I of the Local Government and Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990 is applied to Combined Authorities by section 21(1)(jb) of the Act. The Combined Authority is therefore subject to the same rules on political restriction as its constituent councils.

The 1989 Act sets out the posts which are to be politically restricted within a local authority. The effect of political restriction is to prevent the postholder from:

- (1) Being elected or appointed as a member of a local authority [this does not apply to membership of a parish council.]
- (2) Announcing or allowing anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, Scottish Parliament, Welsh Assembly or a local authority (as above)
- (3) Continuing in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons.
- (4) Acting as an election agent or sub-agent for a candidate for election to one of the bodies above.
- (5) Being an officer of a political party or any branch of such a party or a member of any committee or sub-committee of such a party or branch if such duties require participation in the general management of the party or branch acting on behalf of the party or branch in dealings with people other than members of the party or associated political party.
- (6) Canvassing on behalf of a political party or on behalf of a candidate for election to any of the bodies above.
- (7) Speaking to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- (8) Publishing any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted in an editorial capacity or permitting anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded from this restriction is the display by a politically restricted post holder of a poster or other document on property occupied as a home or on a vehicle or article used by the post holder.

The restrictions on public speaking and publishing written or artistic works at (7) and (8) do not preclude a politically restricted postholder from engaging in those activities to the extent it is necessary of the proper performance of their official duties.

## **Chapter 18 -Officer Employment Procedure Rules**

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Where a post is politically restricted the terms and condition of appointment or employment for the postholder are deemed to incorporate these restrictions.

The 1989 Act sets out those posts which are politically restricted, for the purposes of the Combined Authority these fall into five categories:

- (a) Statutory Officers  
[for the Combined Authority these are the Head of Paid Service [the Chief Executive], Monitoring Officer and section 73 Officer]
- (b) Non-statutory Chief Officers  
[These are officers for whom the head of the authority's paid service is directly responsible, who report to directly or who are directly accountable to the head of paid service but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]
- (c) Deputy Chief Officers  
[These are officers who are required to report directly or who are directly accountable to one or more of the Chief Officers but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]
- (d) Political assistants appointed under section 9 of the Act
- (e) Other postholders whose posts are included in a list of posts where the duties of the post consist in or involve one or both of giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or speaking on behalf of the authority on a regular basis to journalists or broadcasters

Postholders whose posts are politically restricted on the basis that their duties involve advising the Combined Authority or its committees or sub-committees, or due to their duties involving speaking to journalists or broadcasters may apply to the Head of Paid Service for exemption from political restriction. An exemption may be granted if the Head of Paid Service is satisfied that the duties of the post do not involve those activities.

### **Applying for an Exemption**

For the Head of Paid Service, the Statutory Officers, Directors and those who report directly to Directors or the Head of Paid Service (other than support and administrative roles), there is no ability to apply for exemption from political restriction.

### ***Chapter 18 -Officer Employment Procedure Rules***

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All other individual postholders can apply for exemption. The procedure is as follows:

- (1) The postholder should submit their request in writing to the Chief Executive, outlining why they believe their post should not be politically restricted.
- (2) The HR Manager or the Monitoring Officer will advise the Chief Executive on why the post is, or should not be, politically restricted.
- (3) The Chief Executive will consider the application and decide whether the post should be exempt. The Chief Executive will take advice from the Monitoring Officer and consider whether the duties of the post fit within section 2 (3) of the Local Government and Housing Act 1989
- (4) If the Chief Executive determines the post should be exempt on the basis that its duties do not fall within the activities described in section 2(3), then the post will be removed from the list of political restricted posts and the postholder will be formally informed of this.
- (5) The Chief Executive will only make his decision based on a review of written documentation from the postholder and the Monitoring Officer.
- (6) The decision of the Chief Executive is final and there is no further right of internal appeal.

## *Chapter 18 -Officer Employment Procedure Rules*

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### **Annex 3 Disciplinary Procedures in Relation to the Head of Paid Service, Monitoring Officer and Section 73 Officer**

- 1 The procedures for disciplinary action and dismissal of the Head of Paid Service [Chief Executive], Monitoring Officer and Section 73 Officer [“the statutory officers”] match the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended] which apply to the Combined Authority’s constituent councils.
- 2 Only the Combined Authority Board may dismiss the statutory officers following the procedure set out in this Annex and following the recommendation of a Statutory Officer Investigatory Panel constituted as set out below.
- 3 In any case where disciplinary action, as defined in Chapter 12 of the Constitution (Employment Committee) is to be taken against one of the statutory officers the Employment Committee shall establish a Statutory Officer Investigatory Panel to deal with the matter. The Panel shall have the authority to take disciplinary action short of dismissal against a statutory officer and to recommend to the Combined Authority Board that a statutory officer be dismissed.
- 4 The Statutory Officer Disciplinary Panel shall be made up of all the members of the Employment Committee or their substitute members, including the Mayor or Deputy Mayor acting in their place, together with at least two independent persons appointed by the Combined Authority or by other local authorities in England under section 28(7) of the Localism Act 2011 subject to the rules on appointment of independent persons to the Panel set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended].
- 5 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Combined Authority Board must take into account, in particular
  - (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 6 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as an independent person under the 2011 Act.
- 7 The Panel must be appointed at least 20 working days before a meeting of the Combined Authority Board to consider whether or not to approve a proposal to dismiss a statutory officer.

## Chapter 19 - Member Code of Conduct and Complaints Procedure

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## Chapter 19 - Member Code of Conduct and Complaints Procedure

### 1. Principles of Public Life

- 1.1. The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-opted Members of the Combined Authority, including Members of the Business Board.
- 1.2. The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:
  - i. **Selflessness**  
Holders of public office should act solely in terms of the public interest.
  - ii. **Integrity**  
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
  - iii. **Objectivity**  
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
  - iv. **Accountability**  
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
  - v. **Openness**  
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
  - vi. **Honesty**  
Holders of public office should be truthful.
  - vii. **Leadership**  
  
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Chapter 19 - Member Code of Conduct and Complaints Procedure**

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### **Part 1 – Member Code of Conduct and Protocols**

- 1.1 The Member Code of Conduct forms Annex 1 to this Chapter.
- 1.2 The Protocol on Gifts and Hospitality forms Annex 2 to this Chapter.
- 1.3 The Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity forms Annex 3 to this Chapter.

### **Part 2 - Complaints Against Members of the Combined Authority**

- 1.4 You are a Member or Co-opted Member of the Combined Authority or Business Board, and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.5 Accordingly, when acting in your capacity as a Member or Co-opted Member -
  - (a) You must act in a manner consistent with the Board's diversity statement and treat your fellow Board Members, members of staff and others you come into contact with when working in their role with respect and courtesy at all times.
  - (b) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
  - (c) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
  - (d) When carrying out your public duties or Business Board duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, on evidence.
  - (e) You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office or position.
  - (f) You must be as open as possible about your decisions and actions and the decisions and actions of your authority or Business Board. In

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addition, you should be prepared to give reasons for those decisions and actions.

- (g) You must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relate to your public or Business Board duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest. This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests' below...
- (h) You must, when using or authorising the use by others of the resources of your authority or Business Board, ensure that such resources are not used improperly for political purposes or personal purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (i) You must promote and support high standards of conduct when serving in your public post or Business Board post, in particular as characterised by the above requirements, by leadership and example.

### Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a Member or Co-opted Member, notify your authority's Monitoring Officer<sup>2</sup> of any disclosable pecuniary interest<sup>3</sup>, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Member, Co-opted Member or Business Board member, notify your authority's Monitoring Officer<sup>4</sup> of any non-pecuniary interest<sup>5</sup> which your Authority or Business Board has decided should be included in the register or which you consider should be included if you are to fulfil

<sup>2</sup> In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer

<sup>3</sup> For the purposes of this guidance, we are using the definition of a pecuniary interest as set out in the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<sup>4</sup> As for footnote 1 above

<sup>5</sup> A Non-Pecuniary interest is any interest which is not listed in the Schedule to The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (No.1464).



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your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

Members should review their individual register of interest before each board meeting and decision-making committee meeting. They must declare any relevant interest(s) at the start of the meeting.

If an interest has not been entered onto the authority's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>6</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer<sup>7</sup> of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your authority or Business Board places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

You are required to sign a document stating that you have read, understood and agree to abide with the requirements set out in part 1 of the Code of Conduct outlined above.

<sup>6</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring Officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

<sup>7</sup> In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer



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### Part 3 – Interests

#### 1. Disclosable Pecuniary Interests

1.1. Disclosable pecuniary interests are specified in the table below:

	<b>Subject</b>	<b>Prescribed description</b>
1.	Employment, office, trade, profession or vocation	<p>Any employment, office, business, trade, profession or vocation carried on for profit or gain.</p> <p>For the Business Board, this should include remunerated public sector roles such as councillors.</p>
2.	Sponsorship	<p>Any payment or provision of any other financial benefit (other than from Combined Authority/Business Board) which is paid as a result of carrying out your duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
3.	Contracts	<p>Any contract with the Combined Authority/Business Board:</p> <p>(a) for goods, works or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> <p>This includes a contract between the Combined Authority/Business Board and any organisation in which you, or a person specified in paragraph 1.2 below, has a beneficial interest.</p> <p><b>For Business Board Members only</b></p> <p>Your declaration should include any contracts by any organisation named in 1 above.</p> <p>Any contract for goods, works or services entered into by any organisation named at 1. where either party is likely to have a commercial interest in the outcome of business being decided by the Business Board.</p>

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4.	Land	<p>Any beneficial interest in land which is within the area of combined authority.</p> <p><b>For Business Board Members only</b> Any beneficial interest you or any organisation listed in 1 may have in land or property which is within the Business Board area which is likely to be affected by a decision made by the Business Board.</p>
5.	Licences	Any licence (alone or jointly with others) to occupy land in the Combined Authority's area (or Business Board's area for Business Board Members) for a month or longer.
6.	Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority or Business Board; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 1.2 below, has a beneficial interest</p>
7.	Securities	<p>Any beneficial interest in securities of an organisation under 1 where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the Combined Authority's area (or Business Board's area for Business Board Members); and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 1.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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### 1.2. You must declare an interest if:

It is your interest, or

It is an interest of:

- (i) your spouse or civil partner;
- (ii) a person with whom you are living as husband and wife, or
- (iii) a person with whom you are living as if you were civil partners.

and you are aware that that other person has the interest.

## 2. Other Disclosable Interests

- 2.1. You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.
- 2.2. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

## 3. Registration of Disclosable Pecuniary Interests and Other Interests

- 3.1. Subject to paragraph 0 below (sensitive interests), you must, within 28 days of:
  - (a) this Code being adopted or applied by the Combined Authority/Business Board; or
  - (b) your election or appointment (where that is later) notify the Monitoring Officer<sup>8</sup> in writing of any disclosable pecuniary interests and other interests you have at that time.
- 3.2. Subject to paragraph 4.2 (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer<sup>9</sup> in writing of that new pecuniary interest or change.

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<sup>8</sup> In relation to the Business Board you should also notify the Business Board Chief Executive and Accountable Body's S73 Officer  
<sup>9</sup> As above

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### 4. Disclosable Pecuniary Interests in matters considered at meetings or by a Single Member

- 4.1. If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:
- (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter;
  - (b) if you have not already done so, you must notify the Monitoring Officer<sup>10</sup> of the interest before the end of 28 days beginning with the date of the disclosure;
  - (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting;
  - (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit and Governance Committee participate in any vote, or further vote, taken on the matter at the meeting.

### Sensitive Interests

- 4.2. Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code and the details of the sensitive interest do not need **to be disclosed to a** meeting, although the fact that you have a sensitive interest must be disclosed.

## Part 3 – Related Documents

- 1.1 The following documents also provide guidance on the Standards of Conduct expected of Members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Combined Authority's Constitution.
- (a) The Audit and Governance Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code.

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<sup>10</sup> As above

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### Part 4 - Complaints Against Members of the Combined Authority

#### 1. Introduction

- 1.1 The Combined Authority has adopted a Member Code of Conduct which applies to:
- (a) all members of the combined authority, and co-opted members;
  - (b) all members of its committees or sub-committees.
- 1.2 The code sets out how members will conduct themselves when carrying out combined authority business. All members must adhere to the code.

#### 2. Making a complaint

- 2.1 A complainant alleging a failure to comply with the Code should submit their complaint in writing to the Legal Counsel and Monitoring Officer for initial assessment
- 2.2 The complaint must set out:
- 2.2.1 who was involved;
  - 2.2.2 the alleged misconduct;
  - 2.2.3 when and where it occurred; and
  - 2.2.4 how the complainant wants the complaint resolved;
  - 2.2.5 the name and a contact address or email address of the complainant.
- 2.3 The complainant should complete a complaint form available from the Combined Authority's website. Complaints can be made in writing without completing the form, but if information is missing, the complainant might be asked to resubmit the complaint by completing a form.
- 2.4 The Combined Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so<sup>11</sup>.
- 2.5 Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked

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<sup>11</sup> The Monitoring Officer has to balance the rights of the member to understand who is making a complaint against them, against the rights of the person making the complaint. The person making the complaint will have to provide reasons why their name ought to remain confidential. If the Monitoring Officer does not consider those reasons justify anonymity, the complainant will be given the opportunity to withdraw the complaint if they do not wish to proceed without anonymity.

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for confidentiality the Monitoring Officer will not disclose their name and address to the member complained about without prior consent.

- 2.6 Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the complainant agreeing to give evidence at the hearing.

### **3. Stage 1 - Initial Assessment of Complaints Received**

- 3.1 The Monitoring Officer will:

- 3.1.1 acknowledge the complaint within five working days of receiving it;
- 3.1.2 notify a member about any complaint against them;
- 3.1.3 undertake an initial assessment of the complaint to determine whether the complaint should be investigated.

- 3.2 Where a complaint may relate to a member in their capacity as a Member of a constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.

- 3.3 Any complaints about the Police and Crime Commissioner or his/her substitute will be referred to the Police and Crime Panel.

- 3.4 The Monitoring Officer may decide to consult the Independent Person.<sup>12</sup>

- 3.5 The Monitoring Officer will decide the complaint should be dealt with under stage 2 of the procedure – informal resolution. (Stage 2) or whether to proceed to a matter for formal investigation (Stage 3). The Monitoring Officer will have regard to a range of factors including:

- 3.5.1 Whether there is sufficient information upon which to base a decision;
- 3.5.2 How serious the alleged action is;
- 3.5.3 Is the complaint politically motivated, vexatious or tit for tat?
- 3.5.4 Has there been any delay between the action complained of and the complaint?
- 3.5.5 Do the allegations relate to actions occurring whilst the subject member was acting in their official capacity?
- 3.5.6 The opinion of the elected member regarding the complaint.

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<sup>12</sup> The Independent Person is appointed by the Combined Authority to provide an impartial and independent opinion regarding the conduct of the member. The Independent Person is not an elected member of a constituent council or the Combined Authority.

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- 3.6 The initial assessment will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.
- 3.7 Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.
- 3.8 Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.
- 3.9 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

### 4. Stage 2 - Informal Resolution

- 4.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may include:
  - 4.1.1 An **explanation** by the member of the circumstances surrounding the complaint;
  - 4.1.2 An **apology** from the member;
  - 4.1.3 An agreement from the member to attend relevant **training** or take part in a **mentoring** process;
  - 4.1.4 An offer of **mediation or conciliation** between the member and the complainant; or
  - 4.1.5 **Any other action** capable of resolving the complaint.

### 5. Stage 3 - Formal Investigation

- 5.1 If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.
- 5.2 The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.
- 5.3 The investigating officer would normally
  - (a) write to the member complained of;

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- (b) provide them with a copy of the complaint;
  - (c) ask the member to provide their explanation of events;
  - (d) identify what documents they need to see; and
  - (e) make a list of interviewees.
- 5.4 In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay notifying the member until the investigation has progressed sufficiently.
- 5.5 At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.
- 5.6 Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the Monitoring Officer. The Combined Authority aims to conclude the investigation stage within three months of a complaint being received.
- 5.7 The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report.
- 5.8 If the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will either:
  - (a) seek a local resolution; or
  - (b) send the matter for local hearing before the Hearings Panel.

### **6. Local Resolution**

- 6.1 The Monitoring Officer may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action agreed. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit and Governance Committee for information but will take no further action.

### **7. Local Hearing**

- 7.1 The Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Audit and Governance Committee, which will conduct a local hearing



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to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

- 7.2 The Hearings Panel is a Sub-Committee of the Combined Authority's Audit and Governance Committee and will consist of three members of the Committee.
- 7.3 The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairperson of the Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.
- 7.4 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel.
- 7.5 The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.
- 7.6 The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 7.7 Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairperson will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

## **8. Actions Hearings Panel can take for failure to comply with the Code**

- 8.1 The Combined Authority has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may:
  - (a) publish its findings in respect of the member's conduct;
  - (b) report its findings to Combined Authority for information;

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- (c) recommend to the Constituent Council or to the Combined Authority that they be removed from any or all Committees or Sub-Committees of the Combined Authority;
  - (d) recommend to the Mayor that the member be removed from particular lead member responsibilities;
  - (e) recommend to the Combined Authority to remove the member from any or all outside appointments to which they have been appointed or nominated by the authority;
  - (f) recommend to Combined Authority that it restricts the member from contacting specified Combined Authority's officers.
- 8.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.
- 8.3 At the end of the hearing, the Chairperson will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.
- 8.4 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the Hearings Panel and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Combined Authority meeting.

## **9. Independent Person**

- 9.1 The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.
- 9.2 The Independent Person is a person appointed by a positive vote from a majority of all the members of Combined Authority. A person cannot be "independent" if they –
- (a) are, or have been within the past five years, a member, co-opted member or officer of the combined authority, constituent council or any parish council within the Combined Authority area;

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- (b) are a relative or close friend, of a person within paragraph (a) above. For this purpose, “relative” means –
- (i) spouse or civil partner;
  - (ii) living with the other person as husband and wife or as if they were civil partners;
  - (iii) grandparent of the other person;
  - (iv) a lineal descendent of a grandparent of the other person;
  - (v) a parent, sibling or child of a person within paragraphs i or ii;
  - (vi) a spouse or civil partner of a person within paragraphs iii, iv or v or vii. Living with a person within paragraphs iii, iv or v as husband and wife;
  - (vii) or as if they were civil partners.

### **10. Revision of these arrangements**

- 10.1 The Combined Authority may, by resolution, agree to amend these arrangements, and has delegated to the Chairperson of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

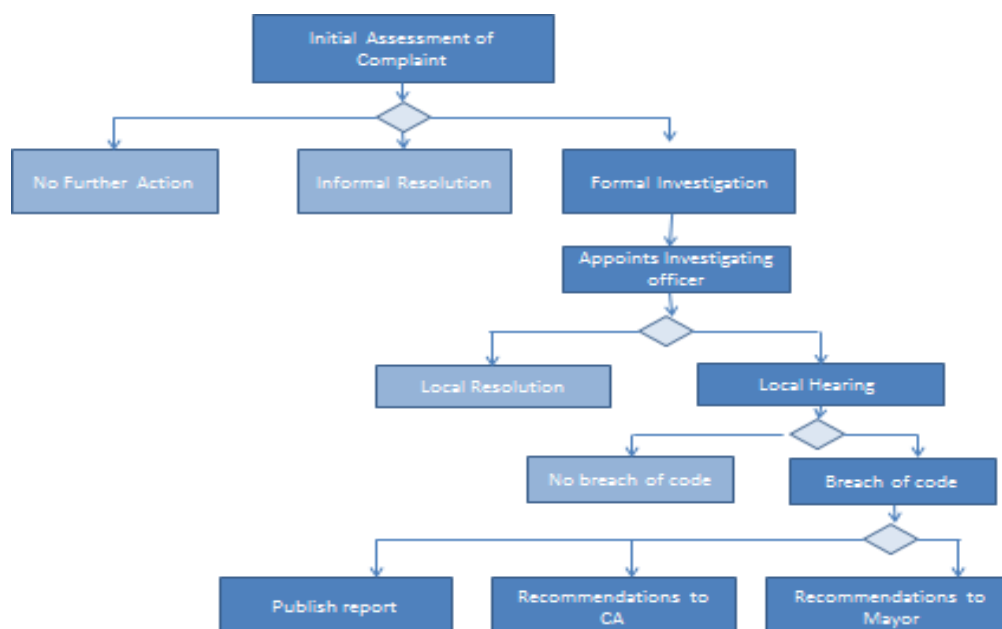
### **11. Appeals**

- 11.1 There is no right of appeal for a complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.
- 11.2 If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.



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### Annex 1 Code of Conduct

#### Purpose

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow members, Authority officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

#### Application of the Code

The Code of Conduct applies to you when you are acting in your capacity as a member, co-opted member, member of the Business Board or representative of your Authority, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media. Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

#### The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, Authority officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

#### Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of member

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest

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- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

### **Specific obligations of general conduct**

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act as a member, including representing your Authority on official business and when using social media

#### **As a member I commit to:**

##### **Civility**

#### **1. Treating other members and members of the public with civility.**

#### **2. Treating Authority employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the Authority, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

##### **Bullying and harassment**

#### **3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

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The Equality Act 2010 defines harassment as *‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’*. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

### **Impartiality of officers of the Authority**

#### **4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.**

Officers work for the Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **Confidentiality and access to information**

#### **5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**

#### **6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### **Disrepute**

#### **7. Not bringing my role or Authority into disrepute.**

Behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other members and/or your Authority.

### **Your position**

#### **8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

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Your position as a member of the Authority provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

### **Use of Authority resources and facilities**

#### **9. Not misusing Authority resources.**

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.

### **Interests**

#### **10. Registering and declaring my interests.**

You need to register your interests so that the public, Authority employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer and more detail is set out in appendix B.

### **Gifts and hospitality**

**11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.**

**12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant



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gifts you are offered but refuse which you think may have been offered to influence you. You should familiarise yourself with the Authority's Protocol on Gifts and Hospitality.

### *Breaches of the Code of Conduct*

Most members conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any members who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

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### **Code Appendix A**

The principles are :

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Honesty Holders of public office should be truthful.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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### **Code Appendix B**

#### **Registering interests**

1. Within 28 days of this Code of Conduct being adopted by the Authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

#### **Declaring interests**

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
  - (a) your own financial interest or well-being;
  - (b) a financial interest or well-being of a friend, relative, close associate; or
  - (c) a body covered by table 1 below
 you must disclose the interest.
7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all

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the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Authority) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Authority —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the Authority.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>



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<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer
<b>Corporate Tenancies</b>	Any tenancy where (to the member's knowledge)— (a) the landlord is the Authority; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Authority; and (b) either— ( i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'director' includes a member of the committee of management of an industrial and provident society.

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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### **Table 2: Other Registerable Interests**

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

- Anybody -
- (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

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### **Annex 2 Protocol on Gifts and Hospitality**

#### **1 Introduction**

- 1.1 This protocol applies to the Mayor, Combined Authority Board Members, Business Board Members and Members of the Combined Authority's Committees and Boards when they act in that capacity. It also applies to co-opted members of the Combined Authority's Committees who are not elected members of the Combined Authority's constituent councils. It should be read in conjunction with the Member Code of Conduct. For the purpose of dealing with any complaints about the conduct of Members this Protocol is deemed to form part of the Member Code of Conduct. The Code of Conduct for the officers of the Combined Authority also imposes obligations on officers in relation to the declaration of gifts and hospitality.

#### **2 Gifts and Hospitality**

- 2.1 Gifts and Hospitality will include any gift, hospitality, offer or favour which is offered to a Member personally, whether or not the gift or hospitality is accepted. The definition includes gifts and hospitality offered to either a Member or to the family and friends of Members which arise from the position of the Member and common examples would be:
- Any offer of a gift of goods or services without payment;
  - Any offer of goods or services at a discount not available to the public;
  - Any offer of food, drink, travel or accommodation;
  - Any invitation to attend a cultural or sporting event without payment or at a discounted rate;
- 2.2 If you accept gifts and hospitality when it is not appropriate to do so it can damage both your own reputation and the reputations of the Combined Authority and any constituent council of which you are a member. In some circumstances, as set out in paragraph 3 below you may commit a criminal offence by accepting gifts or hospitality. As set out in the Member Code of Conduct, you should avoid placing yourself under any obligation to people or organisations that might try to influence you inappropriately in your work for the Combined Authority.
- 2.3 The decision on whether to accept a particular offer of a gift or hospitality is a matter for you. Whether you should accept a gift or hospitality will depend upon all the circumstances in which the offer is made but you should also consider how the acceptance of the gift or hospitality will be perceived by others. If in doubt you should always seek advice from the Combined Authority's Monitoring Officer or the Chair of the Combined Authority's Audit & Governance Committee.

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2.4 The kind of gifts or hospitality it may be appropriate to accept would include:

- Gifts worth less than £25 such as calendars, diaries, pens and flowers;
- Gift and hospitality provided by a public body;
- Simple refreshment provided at a meeting such as tea, coffee and biscuits;
- A simple working meal at which business is discussed;

But whether an individual offer should be accepted will always depend on all the circumstances and you should note the rules set out in paragraph 4 below about registration of gifts and hospitality. You must never solicit any gift or hospitality as a Member.

2.5 The kind of gifts it would not be appropriate to accept would include:

- Any gift in the form of cash or another form of direct payment;
- Any gifts in the form of holidays, including accommodation or travel arrangements;
- Any gift or hospitality intended to influence what you do as a Member or to put you under an obligation to the donor. In particular you should not accept any offer from a person or organisation which is involved in, or which may become involved in the future in
  - Any procurement exercise being run by the Combined Authority;
  - Any application for a grant, loan or other financial assistance from the Combined Authority;
  - Any legal dispute with the Combined Authority;
- Any gift or hospitality that is of significant value or where the value is disproportionate in the circumstances;

2.6 If you suspect that the motive behind an offer of a gift or hospitality is an inducement for you to make a particular decision or a reward for doing so you must decline it. Similarly, if accepting a gift or hospitality would be open to misinterpretation you should decline it.

2.7 This protocol only applies to gifts and hospitality you may receive in your capacity as a Member of the Combined Authority and does not apply to gifts and that are not related to your position as a Member, such as birthday or Christmas gifts from family and friends. If you are also an elected member of one of the Combined Authority's constituent councils you will also be subject to your council's Code of Conduct and rules on gifts and hospitality.



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### **3 The Criminal Law**

- 3.1 Under the Bribery Act 2010 it is a criminal offence to request, agree to receive or accept a financial or other advantage as a reward for the improper performance of any function of a public nature.
- 3.2 If you believe a person or organisation may have been offered a bribe, you should immediately report the matter to the Combined Authority's Monitoring Officer or to the Police.

### **4 Registration of Gifts and Hospitality**

- 4.1 You must register any offer of a gift or hospitality with an estimated value of at least £25 with the Combined Authority's Monitoring Officer within 28 days of its receipt. The registration must include details of the source of the gift or hospitality, a description, its estimated value, whether the gift or hospitality was accepted and what the Member has done with a gift.
- 4.2 If you are offered gifts or hospitality with a total value of at least £100 from the same source over a twelve month period you should register them with the Monitoring Officer regardless of whether any individual offer had an estimated value of at least £25.
- 4.3 If you are not sure of the value of the gift or hospitality it is good practice to register it anyway.
- 4.4 The Register of Gifts and Hospitality will be published on the Combined Authority's website.

### **5 Breaches of this Protocol**

- 5.1 Breaches of this Protocol will be dealt with as breaches of the Member Code of Conduct. The Audit & Governance Committee has oversight of the Member Code of Conduct and responsibility for hearing complaints about Member conduct which have been referred to them by the Combined Authority's Monitoring Officer.
- 5.2 Allegations of any breach of this Protocol should be made in writing to the Combined Authority's Monitoring Officer.

### **6 Advice and Support**

- 6.1 You should seek advice from the Combined Authority's Monitoring Officer or the Chair of the Audit & Governance Committee if you are uncertain how to deal with an offer of a gift or hospitality.

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### Annex 3 Protocol on Member use of Resources and the Code of Recommended Practice on Local Authority Publicity

#### 1 Introduction

- 1.1 The Combined Authority provides resources to its elected members and to members of the Business Board in order to assist them in performing their duties. These resources include:

- Office Premises
- Stationery, postage, telephones, copying facilities
- Administrative and Secretarial Support
- Laptops
- Email accounts

- 1.2 The Combined Authority's Member Code of Conduct includes the following on use of the Authority's resources:

***As a member I commit to:***

#### ***9. Not misusing Authority resources.***

*You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.*

Any breach of the requirements of this protocol will be deemed to be a breach of the Member code of Conduct. If any elected member wishes to have advice on the use of the Authority's resources they should contact the Authority's Monitoring Officer.

#### 2 Use of Information and Communications Technology

- 2.1 All use of ICT by elected members is subject to the Authority's ICT policies which govern the use of laptops, the Authority's networks and mobile devices provided by the Authority. These policies also apply to the Authority's officers.

#### 3 The Code of Recommended Practice on Local Authority Publicity

- 3.1 Section 2 of the Local Government Act 1986 states:

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### 2.— Prohibition of political publicity.

*(1) A local authority shall not publish [, or arrange for the publication of,] any material which, in whole or in part, appears to be designed to affect public support for a political party.*

*(2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—*

*(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*

*(b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.*

*(3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.*

This prohibition applies to all publicity produced by the Authority but is of particular importance during the period before elections.

- 3.2 This prohibition applies to the Authority and the government has issued the Code of Recommended Practice on Local Authority Publicity under section 4 of the 1986 Act. Section 6 of the 1986 Act defines “publicity” as:

*“any communication in whatever form, addressed to the public at large or a section of the public”*

And the Code confirms that this will include paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material which is created by third parties.

- 3.3 The Code states that local authority publicity should:

- be lawful
- be cost effective
- be objective
- be even-handed

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- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity

The Code confirms that, except during periods of heightened sensitivity, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. However, publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

- 3.4 The Code refers to periods of heightened sensitivity before elections and referendums and requires local authorities to pay particular regard to the legislation on publicity during such periods. The Code states:

*During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.*

- 3.5 It is therefore not permitted for members to use the Authority's resources for political purposes such as promoting a particular candidate or political party in an election or a particular outcome in a referendum.

### **4 Personal Use of the Authority's Resources**

- 4.1 Personal use of ICT equipment and resources is covered by the policies referred to at paragraph 2.1 above.
- 4.2 As above at paragraph 1.2, the Member Code of Conduct reminds members that resources and facilities provided to them by the Authority are provided to help them carry out their roles as members more effectively and not to benefit them personally.

*Appendix 1 – Lead Member Responsibilities*

## Appendix 1 - Lead Member Responsibilities

Lead Member Responsibilities	Key Responsibilities	Lead Member
Mayor  (Also Lead Member for Policy and Governance)	<p>Leadership of the Combined Authority</p> <p>Engagement with Government Ministers and Departments</p> <p>Overarching responsibility for developing and implementing the strategic direction of the Combined Authority</p> <p>Effective governance of the Combined Authority, including transparency and openness</p> <p>Chair of Combined Authority</p> <p>Nominating <b>lead member responsibilities</b> and chairs of executive committees</p> <p>Public sector reform</p> <p>Ambassador for Cambridgeshire and Peterborough to secure inward investment</p> <p>Future devolution deals including securing new powers and associated budget responsibilities for the Combined Authority</p> <p>Assurance and Monitoring and Evaluation Frameworks</p> <p>The Mayor has executive functions in relation to the Mayoral budget and non-statutory spatial planning</p> <p>Communications Strategy</p>	James Palmer, Mayor



### Appendix 1 – Lead Member Responsibilities

Lead Member Responsibilities	Key Responsibilities	Lead Member
Deputy Mayor (statutory) & Lead Member for Economic Growth	<p>The Deputy Mayor carries a statutory responsibility and acts on behalf of the Mayor as designated or in their absence.</p> <p>Lead Member of the Business Board (local enterprise partnership) for the Combined Authority</p> <p>In conjunction with the Business Board, responsible for the development of the Local Industrial Strategy Aligning delivery of the Local Industrial Strategy with the strategic framework of the Combined Authority</p> <p>Relations with the business community, industry and enterprise</p> <p>Combined Authority local and national ambassador for key business sectors:</p> <ul style="list-style-type: none"> <li>• Life Sciences and Healthcare</li> <li>• Advanced Manufacturing</li> <li>• Agritech</li> <li>• ICT, Digital and Creative</li> </ul> <p>Place-based growth strategies including Market Towns and Core Cities</p> <p>Enterprise zones</p> <p>Impact of Brexit</p>	Cllr John Holdich
Skills and Chair of the Skills Committee	<p>Skills Strategy: Employer focused skills system</p> <p>Peterborough University</p> <p>Apprenticeships and Pathways to Employment Scheme</p> <p>Adult Education Devolution</p>	Cllr John Holdich



## Appendix 1 – Lead Member Responsibilities

Lead Member Responsibilities	Key Responsibilities	Lead Member
	<p>Education Committee and coordination lead with Regional Schools Commissioner</p> <p>Coordination with the Department for Education on the Opportunity Area programme</p> <p>Centre for Skills (in conjunction with the Business Board)</p> <p>The Skills Framework and Action Plan for Adult Education</p> <p>Coordination with DWP and the Work &amp; Health Programme</p> <p>Innovation Fund and the Health and Care Sector Work Academy</p> <p>16+ Area Review outcomes</p> <p>Apprenticeship Grant for Employers of 16 to 24 years</p>	
Spatial Planning and Chair of the Land Commission	<p>Non-statutory spatial plan</p> <p>Developing and managing the delivery of the Non Statutory Spatial Plan</p> <p>Chair of Land Commission - supply of public sector land</p>	Cllr Chris Boden
Transport and Infrastructure and Chair of the Transport and Infrastructure Committee	<p>Development of Local Transport Plan (for approval by Board)</p> <p>Sustainable transport</p> <p>Bus strategy</p> <p>Monitoring and delivery of and budget for major transport and connectivity programmes</p> <p>Development of the Transport Levy for recommendation to the board</p>	James Palmer, Mayor

**Appendix 1 – Lead Member Responsibilities**

Lead Member Responsibilities	Key Responsibilities	Lead Member
	<p>Road network and infrastructure</p> <p>Key transport partnerships including Network Rail and private sector transport providers</p> <p>Lead Member for Local Highways Authorities and the Strategic Highway Authority</p> <p>Climate Change</p>	
Finance	<p>Strategic fiscal planning</p> <p>Investment strategy</p> <p>Budget setting and monitoring</p> <p>Financial planning and treasury management</p> <p>Investment management</p> <p>Facilitating inward investment</p> <p>Audit and financial governance</p> <p>Assurance Framework and Monitoring and Evaluation Framework</p>	Mayor James Palmer
Housing and Chair of the Housing and Communities Committee	<p>Development of the Housing Strategy</p> <p>Overseeing the delivery of major housing schemes – including the Housing Investment Fund</p> <p>Monitoring and reporting to the Combined Authority Board on the affordable housing programmes, including:</p> <ul style="list-style-type: none"> <li>• Delivery of the £100M housing devolution investment fund for the Combined Authority area</li> </ul>	Cllr Chris Boden



**Appendix 1 – Lead Member Responsibilities**

Lead Member Responsibilities	Key Responsibilities	Lead Member
	<ul style="list-style-type: none"><li>• Delivery of the £70M housing devolution investment fund to support Cambridge City</li></ul> <p>Strategic relationships with the HCA, housing providers, developers and builders</p> <p>Culture and Tourism</p> <p>Lead member for the Connecting Cambridgeshire Project</p> <p>Wellbeing and Public Health issues across all Portfolios</p> <p>Social action and the voluntary, community and social enterprise sector</p> <p>Community Lead Member and Responsibility for the consultation strategy</p>	

## *Appendix 2 – Co-opted Members*

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## **Appendix 2 - Co-opted Members**

The Co-opted Members appointed to the Board include:

- (a) The Police and Crime Commissioner for Cambridgeshire;
- (b) Cambridgeshire and Peterborough Fire Authority representative;
- (c) Clinical Commissioning Group representative.

## Appendix 3 – Cambridgeshire and Peterborough Land Commission

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## Appendix 3 - Cambridgeshire and Peterborough Land Commission

### 1. Purpose of the Working Group

- 1.1. The Cambridgeshire and Peterborough Land Commission was established by decision of the Combined Authority Board on 20 December 2017.
- 1.2. To bring forward the supply of land for development to meet Cambridgeshire and Peterborough's growth needs
- 1.3. Develop a comprehensive database of available land across Cambridgeshire and Peterborough, focussing first on public land
- 1.4. Identify barriers to the disposal and development of key strategic sites
- 1.5. Take account of existing analysis and plans across the area
- 1.6. Work with partners and authorities to develop solutions and make recommendations to the CPCA Board to overcome those barriers
- 1.7. Where appropriate make recommendations to the Mayor, Combined Authority, and Government to ensure development opportunities are brought forward in line with the needs and ambitions of Cambridgeshire and Peterborough
- 1.8. The Land Commission will work alongside and complement the ongoing One Public Estate programme – recognising that partners have already developed much work and established networks that will be valuable resources for the work of the Land Commission. For example, a "mapping of the public realm" has already taken place and will be the starting point for the work of the Land Commission. However, the One Public Estate programme in our area has not to date taken on a strategic role in assessing and overcoming what factors are holding back the supply of land for development – and therefore the Land Commission will act as a catalyst for Cambridgeshire and Peterborough to use established networks to take a fresh and strategic approach to land supply.

### 2. Membership

- 2.1. The membership of the Land Commission Board is:
  - (a) Combined Authority Lead Member for Spatial Planning (Chair)
  - (b) Combined Authority Lead Member for Housing
  - (c) Combined Authority Lead Member for Investment and Finance
  - (d) Cambridgeshire County Council representative

### Appendix 3 – Cambridgeshire and Peterborough Land Commission

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- (e) Senior Government Representative – DCLG
- (f) NHS/Health Representative
- (g) Homes England Representative
- (h) Private / Industry Sector Expert(s) – Director and Head of National Strategic Development, Savills
- (i) Chair of the One Public Estate Board
- (j) Combined Authority Lead Officer

## 3. Responsibilities

- 3.1. Land Commission in the first 18 months of its existence is tasked with undertaking three key aims:
- (a) Identify specific barriers that are holding back the supply of private and public land for key strategic development sites in Local Plans, and work with partners to bring forward recommendations to overcome these (this is anticipated to include sites where complex multiple ownership dimensions exist, and land assembly solutions are needed to bring forward development);
  - (b) Develop a register of publicly owned land across the area to ensure the long-term supply of land for future development needs;
  - (c) Identify any common factors that are holding back the supply of land for development across the geography, and work with partners to bring forward recommendations to overcome these.

## 4. Governance

- 4.1. The Land Commission will not be a decision-making body. Its purpose is to identify solutions and make recommendations to the Combined Authority Board for the implementation of solutions.

## 5. Duration of Commission

- 5.1. The Commission should report back to the Combined Authority Board 18 months after its establishment in the tasks set out above (July 2019).



## Appendix 3 – Cambridgeshire and Peterborough Land Commission

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### 6. Accountability

- 6.1. The Commission reports to the Mayor and the Combined Authority of Peterborough and Cambridgeshire.

## **Appendix 4 – Public Services Reform and Innovation Commission**

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# **Appendix 4 - Public Services Reform and Innovation Commission**

## **1. Terms of Reference**

- 1.1. The Cambridgeshire and Peterborough Public Services Reform and Innovation Commission was established by decision of the Combined Authority Board on 26 September 2018.
12. The terms of reference for the Commission are outlined below. It is proposed that the Commission will:
  - (a) Provide objective and independent advice and critical thinking on ways to make the public sector in Cambridgeshire and Peterborough more effective, responsive and financially sustainable for the future, and in particular to consider the scope for bringing services closer to the people and communities they serve in individual places;
  - (b) Consider evidence on the likely future demands on public services, on developments in technology and practice, and on future trends in public revenue to fund services;
  - (c) Consider new ideas, innovation proposals and best practice from elsewhere, both in the UK and globally, that may be of value in improving services in Cambridgeshire and Peterborough;
  - (d) Make recommendations for achievable reforms to the way public services are delivered and funded, paying particular attention to the scope for bringing services closer to the people and communities they serve in individual places;
  - (e) Bring forward suggestions and recommendations about the levers that the Mayor and Combined Authority can influence to support delivery of the Commission's recommendations;
  - (f) Support the Combined Authority in making the case for public sector reform;

#### **Appendix 4 – Public Services Reform and Innovation Commission**

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- (g) Secure input from local partners, government departments, business, academia and subject experts to support the Combined Authority in making the case for public sector reform;
- (h) Promote and foster a common understanding of the future development of the reform programme in support of the area's wider economic and social ambitions and the long-term drivers for change.

## **2. Membership**

21. The membership of the Commission is:

- (a) Independent Chair
- (b) Four independent directors

Director Delivery and Skills to support the work of the Commission.

## **3. Governance**

31. The Commission will not be a decision-making body. Its purpose is to support, inform and challenge the development of the Cambridgeshire and Peterborough health and social care proposition.

## **4. Duration of Commission**

41. In the first instance, the Commission was invited to focus on supporting the Combined Authority's agreed programme of work on reform in the health and care sector. The Commission is expected to submit a report on that issue during 2020.

## **5. Allowances**

51. Allowance Scheme approved by the Combined Authority Board upon the recommendations of an independent remuneration panel on 26 June 2019 as follows:

- (a) Co-optee allowance of £500 per month for ordinary Commission Members and £850 per month for the Commission Chair, to include travelling expenses to Commission meetings.
- (b) That the allowances be backdated to the commencement date of the Commission.

#### **Appendix 4 – Public Services Reform and Innovation Commission**

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- (c) That travel and other expenses continue to be paid in accordance with the Scheme approved by the CA Board, subject to (a) above.
- (d) That the indexation factor be set as the Consumer Price Index (CPI).

### **6. Budget**

- 6.1. Up to £450,000 for 2018/19 from within existing approved allocation for Public Sector Reform.

### **7. Accountability**

- 7.1. The Commission reports to the Mayor and the Combined Authority of Peterborough and Cambridgeshire.





## Appendix 4 – Public Services Reform and Innovation Commission

## Appendix 5 - Business Board

### Part 1 – Functions and Membership

#### 1. Governance

12. Local Enterprise Partnerships (LEPs) are private sector led voluntary partnerships between local authorities and businesses set up in 2010 by the Department of Business Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area.
13. The Business Board is a non-statutory body which is the Local Enterprise Partnership for its area. It is independent of the Combined Authority operating as a private-public sector partnership, focusing on the key business sectors to provide strategic leadership and drive growth in the Cambridgeshire and Peterborough and wider Local Enterprise area.

#### 2. Current Geographical area (under review)

- 2.1. The current geographical area is under review. The Department for Business Enterprise and Industry are considering proposals for a coterminous boundary with the Combined Authority.
- 2.2. The geographical area of the Business Board is set out in the table below:

District	Areas	Council
Cambridgeshire		Cambridgeshire County Council
Cambridge		Cambridge City Council
East Cambridgeshire	Ely, Littleport and Soham	East Cambs DC
Fenland	Wisbech, March Whittlesey & Chatteris	Fenland DC
Huntingdonshire	Huntingdon, St Ives, St Neots and Ramsey	Huntingdonshire DC
South Cambridgeshire	Cambourne	South Cambs DC



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Peterborough		Peterborough City Council
North Hertfordshire	Royston	North Hertfordshire DC
South Kesteven (Lincs)	Grantham, Stamford, Bourne and Market Deeping.	South Kesteven DC
Rutland	Oakham	Rutland County Council
West Suffolk	Bury St Edmunds, Haverhill, Newmarket and Mildenhall	West Suffolk Council
Uttlesford (Essex)	Saffron Walden, Great Dunmow, Stansted Mountfitchet and Thaxted	Uttlesford DC
West Norfolk & King's Lynn	King's Lynn, Downham Market and Hunstanton	BC of King's Lynn and West Norfolk
South Holland (Lincs)	Spalding, Crowland, Donington, Holbeach, Long Sutton and Sutton Bridge	South Holland DC

### 3. Functions

- 3.1. In Mayoral combined authorities, there is a requirement to have a single local industrial strategy. The strategy provides the basis for investment decisions for the Cambridgeshire and Peterborough Combined Authority as the accountable decision-making authority.<sup>13</sup> The Business Board has a vital leadership role to play in its development and is the custodian of the strategy. The Mayor will work in partnership with the Business Board to jointly develop and agree the strategy<sup>14</sup>, and the Combined Authority will be responsible for its delivery.
- 3.2. The Business Board will allocate local growth funds to improve economic opportunity in the area and will monitor the delivery of funded projects.

<sup>13</sup> See Industrial Strategy: Building a Britain fit for the future, DBE&IS 27 November, 2017

<sup>14</sup> See Industrial Strategy: Building a Britain fit for the future, DBE&IS 27 November, 2017

#### **Appendix 4 – Public Services Reform and Innovation Commission**

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- 3.3. Working in conjunction with the Combined Authority the Business Board will develop initiatives to address the local skills challenges and will play a key role in developing the University of Peterborough as an employer focused provider of higher education.
- 3.4. The Business Board will act as an enabler for delivery of sector deals at local level.
- 3.5. The Business Board will support applications for the Industrial Strategy Challenge Fund programme and will work collaboratively with the Combined Authorities universities, businesses and research organisations to produce programmes which impact productivity.
- 3.6. In accordance with the Single Pot Assurance Framework National Guidance, the Business Board and the Combined Authority Board, as the accountable decision-making body, have agreed a single local assurance framework which was approved by the Ministry of Housing, Communities and Local Government. The Assurance Framework will be reviewed annually. All decisions must comply with the framework.

#### **4. Terms of Reference**

- 4.1. The purpose of the Business Board is set out below<sup>15</sup>:

##### **Strategy:**

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority, develop and deliver an evidence-based Local Industrial Strategy that identifies local strengths and challenges, future opportunities and the action needed to boost productivity, earning power and competitiveness across their area.
- (b) Set strategy and commission interventions to drive growth, jobs and private sector investment to deliver the strategy.

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<sup>15</sup> These four roles are set out in Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

## **Appendix 4 – Public Services Reform and Innovation Commission**

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### **Allocation of funds**

- (c) Identify and develop investment opportunities; prioritising the award of local growth funding; and monitoring and evaluating the impacts of its activities to improve productivity across the local economy.
- (d) ensure that bids for public funding made available by government support economic growth.
- (e) ensure any decisions which are made in contravention of the process will be invalid.

### **Co-ordination**

- (f) Use its Business convening power, for example to co-ordinate responses to economic shocks; and bringing together partners from the private, public and third sectors.
- (g) Ensure Business Board and Combined Authority policy and decisions receive the input and views of key business leaders and take account of the views of the wider business community.
- (h) Engage with local businesses to understand the needs of different sectors and markets.

### **Advocacy**

- (i) Collaborate with a wide-range of local partners to act as an informed and independent voice for business across their area.
- (j) Engage businesses, opinion formers and policy makers at a national and international level in promoting economic growth in the region.

#### **4.2. In pursuit of this role the Business Board will:**

- (a) In collaboration with the Cambridgeshire and Peterborough Combined Authority develop local agreements which clearly set out their respective roles, responsibilities and accountability
- (b) Produce an annual delivery plan and end of year report in accordance with Government guidance
- (c) Develop, agree and review a joint Combined Authority and Business

#### *Appendix 4 – Public Services Reform and Innovation Commission*

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##### Board Assurance Framework

- (d) Support the supply of skills to an area as they respond to the Skills Advisory Panels programme
- (e) capture and communicate business requirements for changes to, and development of, economic policy and commission associated appropriate interventions
- (f) work collaboratively with all partners, including the Combined Authority and Local Authorities, to address barriers to growth and drive efficiency
- (g) bring together intelligence and expertise to identify priorities and develop solutions to maximise private sector investment in the local enterprise and combined authority area, and secure sustainable growth
- (h) work to create an environment for business growth ensuring appropriate mechanisms exist through which, as a co-ordinated voice, the private sector can inform and influence the shape and future direction of local and national government policy.
- (i) have strategic oversight for the delivery of the Enterprise Zone Programme

4.3. To ensure the Business Board is effective in this role it has the authority to:

- (a) engage in dialogue with Government and respond to policy, proposals and opportunities to bid for funding in support of economic growth
- (b) engage with investors, businesses and advisors to secure growth opportunities
- (c) develop and consult on regional economic policy, programmes and interventions designed to maximise growth in the region
- (d) provide leadership in key themes and priorities to promote growth
- (e) raise the profile, image, reputation and influence of the Business Board and Combined Authority area at a regional, national and international level.

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### **5. Legal Status**

- 5.1. The Business Board is an informal partnership. It does not have legal status to enter into contracts and will act through the Cambridgeshire and Peterborough Combined Authority as the Accountable Body.

### **6. The Business Board's accountable body**

- 6.1. Cambridgeshire and Peterborough Combined Authority ('the Combined Authority') is the accountable body for funding allocated to the Business Board. The Combined Authority is responsible to Government for complying with any conditions or requirements attached to any such funding.

### **7. Role of Members and Accountability**

- 7.1. Irrespective of his or her background or geography, it is the duty of a Business Board member to act in the best interests of the Local Enterprise area and in accordance with the policies of the Business Board.
- 7.2. All private sector members of the Business Board act in their individual capacity and not as representatives of their respective organisations.
- 7.3. All Business Board members are expected to discharge their duties in line with the Nolan Principles for Standards of Public Life<sup>16</sup> and the Code of Practice for Board Members of Public Bodies<sup>17</sup>. Members must comply with the Business Board Code of Conduct. Political Leaders who are Members of the Combined Authority must also comply with the Business Board Code of Conduct in addition to that of the Combined Authority.
- 7.4. All Business Board and sub-committee or sub-group members will make decisions on merit having taken into account all the relevant information available at the time.

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<sup>16</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>17</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/409604/code-of-conduct\\_tcm6-38901.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/409604/code-of-conduct_tcm6-38901.pdf)

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### **8. Membership**

- 8.1. The Business Board membership will comprise of up to 14 members; two public sector members and up to 12 business representatives as follows:

#### **Public Sector Representatives**

- 8.2. The Mayor and the Lead Member for Economic Growth of the Combined Authority shall be members of the Business Board by virtue of their office. The Combined Authority may appoint at least one Substitute Member to act in their absence. These shall be non-voting members of the Board.

#### **Private Sector Representatives**

- 8.3. Up to 12 business representatives– one member will be appointed specifically to represent the interests of the Small and Medium Sized Enterprises (SME) sector, one member will represent the education sector and one member will be appointed as an international business representative.
- 8.4. The Business Board membership meets the requirements for two thirds of the Business Board members to be private sector representatives and does not exceed the maximum of 20 members<sup>18</sup>.
- 8.5. Whilst all appointments to the Business Board will be on merit, in accordance with Government requirements, the Business Board will aim to improve the gender balance and representation of those with protected characteristics on its board with the following aims:
- (a) that women make up at least one third of Business Board
  - (b) with an expectation for equal representation by 2023, and
  - (c) ensure its Board is representative of the businesses and communities they serve<sup>19</sup>.

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<sup>18</sup> Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

<sup>19</sup> Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

#### **Appendix 4 – Public Services Reform and Innovation Commission**

### **9. Recruitment, Appointment and Termination of Private Sector Members**

9.1. The private sector representatives, the Chair and the Vice Chair of the Business Board shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's Appointments Panel.

9.2. Formal Appointments Panels will be constituted as follows

<b>Position</b>	<b>Panel</b>
Appointment of a Chair	Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Lead Member for Economic Growth plus two private sector Business Board members supported by the Director of Business and Skills or his/her nominee.
Appointment of private sector board Members	Chair or Vice-Chair of the Business Board Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Lead Member for Economic Growth supported by the Director of Business and Skills or his/her nominee
Vice-Chair	Mayor of Cambridgeshire and Peterborough Combined Authority or the Combined Authority's Lead Member for Economic Growth plus two private sector Business Board members supported by the Director of Business and Skills or his/her nominee.

Interview panels will be advised by the Director of Business and Skills.



## Appendix 4 – Public Services Reform and Innovation Commission

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### Requirements for Private Sector Representatives

- 9.3. The Private Sector Board members must not:
- (a) be a member, officer of the Combined Authority, or a County Council, Unitary Council, District tier Council within the area served by the Business Board, or otherwise employed under the direction of a local authority;
  - (b) be a non-executive director or officer of an NHS Trust;
  - (c) be subject to a bankruptcy restriction order or interim order;
  - (d) be subject to a sexual risk order or be on the sexual offender's register;
  - (e) be subject to a civil injunction or criminal behaviour order;
  - (f) be disqualified from acting as a director, a charter trustee or charity trustee
  - (g) within five years before the date of submission of application, have been a director or person of significant control of a company subject to a creditor's compulsory liquidation
  - (h) within five years before the date of submission of application, have been convicted of any offence and have had passed on them a sentence of imprisonment, whether suspended or not, for a period of not less than three months without the option of a fine.
  - (i) be an active member of parliament, serve as an officer in any recognised political party or make substantial personal contributions to any recognised political party
- 9.4. Members should be employed by, or have a substantial interest (by virtue of ownership / control) in businesses in the area served by the Business Board
- 9.5. The Appointments Panel shall appoint the **private sector representatives** to the Business Board following an interview process and completion of the induction programme.
- 9.6. Each private sector representative on the Business Board is appointed in their individual capacity, and not as a representative of their employer or any other organisation. No substitute members will be appointed for private sector representatives.
- 9.7. Following a recruitment process, where there are more appointable candidates than vacancies, a reserve list of suitable candidates for the positions of Chair, Vice Chair and private sector representative will be maintained for 12 months.

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### Appointment

- 9.8. A formal offer will be made to successful candidates. On appointment Board members are required to sign a declaration affirming their understanding and commitment to the Code of Conduct.
- 9.9. Within the period of 28 days of the appointment being made to the Business Board, the Business Board shall publish a notice on its website which:
- (a) states that it has made an appointment;
  - (b) identifies each Business Board member who has been appointed and any substitute members; and
  - (c) specifies the term of office of those appointed
  - (d) publishes the members' and substitute members' register of interest form.

### Term of Appointment

- 9.10. The term of office for **private sector representatives** will normally be a maximum of three years, and subject to a maximum of one consecutive term, unless
- (a) they cease to qualify to be a member of the Business Board;
  - (b) they resign from their membership and communicate this in writing to the Monitoring Officer;
  - (c) the Business Board terminates the membership of any private sector representative which it may do at any time or
  - (d) upon receipt of a vote of no confidence by the Combined Authority Board, the Board must consider whether to terminate the terms of office of the Chair at the next meeting of the Board.
- 9.11. The term of office of **public sector** members and substitute members appointed by the Combined Authority is at their discretion; the Combined Authority Board may terminate their appointment or appoint a representative at any time, to be of effect on receipt of a notice by the Combined Authority's Monitoring Officer.

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- 9.12. The Business Board may appoint co-opted members as necessary to complement the skills and expertise on the Board. Membership may not exceed 20 members.

### **10. Chair and Vice-Chair of Business Board**

- 10.1. The Business Board will appoint a private sector representative as Chair and Vice Chair.
- 10.2. The Chair and Vice Chair shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles. This will include a public advertisement and an interview process conducted by a Business Board's Appointments Panel. The Business Board will consult widely and transparently with the business community before appointing a new Chair and Vice Chair.
- 10.3. The terms of the appointment will be set out in an appointment letter from the Combined Authority to the Chair and Vice Chair. A person ceases to be Chair or Vice Chair if they cease to be a Business Board member.
- 10.4. The terms of office of the Chair and Vice Chair will be for two (2) years with one consecutive term permitted upon unanimous vote of the Board members present and voting.
- 10.5. The Chair and Vice Chair are voting members of the Combined Authority Board.
- 10.6. The Vice-Chair will be the Chair's substitute on the Combined Authority Board.

### **Resignation of Private Sector Representatives**

#### **Resignation of the Chair**

- 10.7. Where there is a resignation of the Chair, the Vice Chair will assume all responsibilities of the Chair until the appointment of a permanent Chair, from the reserve list or following an open, transparent and non-discriminatory recruitment process.

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### **Resignation of the Vice Chair**

- 10.8. Where there is a resignation of the Vice Chair, the Chair may appoint any private sector representative into position of Vice Chair, on an interim basis until a permanent appointment is made from the reserve list or following an open, transparent and non-discriminatory recruitment process.

### **Resignation of Private Sector Representatives**

- 10.9. Where there is a resignation of any private sector representative, an appointment will be made from the reserve list or following an open, transparent and non-discriminatory recruitment process.

### **11. Code of Conduct and Register of Interests**

- 11.1. Every Business Board member must sign and comply with the Business Board member code of conduct.

### **12. Co-opted Members**

- 12.1. Where specific skills or abilities are required which are not available among existing members co-optees may be appointed to the Business Board. The appointment will be made by the Chair, in consultation with the Board, for 12 months. Co-opted members will not have voting rights and will not count towards the quorum. In accordance with Government Guidance, the maximum number of co-opted members should not exceed five.

### **13. Committees**

- 13.1. The Business Board may establish committees or sub-committees as it thinks fit to discharge its functions. The Business Board has established the following committee:

- (a) Eastern Agri-Tech Programme Board (a sub board of the Business Board);

- 13.2. The terms of reference and membership are appended at Appendix 1 and their delegation of powers are set out in Part 3.

### **14. Working Groups**

- 14.1. The Business Board may appoint informal non-decision making working groups. Any such subordinate body set up by the Business Board shall include one or more Business Board Members, as nominated by the Board. With the

## **Appendix 5 – Business Board**

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consent of the Chair, any such group may also co-opt onto it any independent person with the relevant expertise - judged against pre-determined criteria - on the issues within the remit of these groups.

- 14.2. The remit and terms of reference for any such subordinate body shall be approved by the Business Board.
- 14.3. The Business Board has established the following working group:
  - (a) Local Growth Fund Entrepreneur Assessment Panel.
- 14.4. The terms of reference and membership are appended at Appendix 2.
- 14.5. The Business Board has established the following working groups to oversee Enterprise Zone delivery and management
  - (a) Enterprise Zone Programme Board (Alconbury Weald) and
  - (b) Enterprise Zone Project Boards (Cambridge Compass).
- 14.6. The terms of reference and membership are appended at Appendix 3.

## **15. Scrutiny Arrangements**

- 15.1. The Combined Authority's Overview and Scrutiny Committee may review or scrutinise any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- 15.2. Any Business Board member may be asked to attend, or otherwise contribute to, a meeting of the Combined Authority's Overview and Scrutiny Committee.
- 15.3. The Combined Authority's Audit and Governance Committees will also review the local assurance framework and how the local assurance frameworks are operating in practice.

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### **16. Complaints and Whistleblowing**

- 16.1. Any complaint received about the Business Board will be dealt with under either the Combined Authority and Business Board's Complaints or Confidential Complaints Policy.
- 16.2. Any complaint about an individual Business Board member alleging a breach of the Code of Conduct will be dealt with in accordance with paragraph 16.1 above.
- 16.3. Any whistleblowing concerns raised about the Business Board will be dealt with under the Combined Authority and Business Board's Whistleblowing Policy.
- 16.4. Each of these procedures or policies shall be published on the Combined Authority website and accessible from the Business Board's website.

### **17. Remuneration**

- 17.1. Allowances or expenses shall be payable to Business Board members, in accordance with a scheme approved from time to time by the Combined Authority.

### **18. Secretariat Arrangements**

- 18.1. In accordance with Government requirements to have a secretariat independent of local government to support the Chair and Board, a S73 Chief Finance Officer and Monitoring Officer has been appointed to advise the Board who are independent of the Cambridgeshire and Peterborough Combined Authority.

### **19. Local Area Agreement**

- 19.1. In accordance with Government requirements for mayoral areas there is a requirement for a Local Agreement between the Business Board and the Combined Authority and the Accountable Body setting out the responsibilities of the Chair, Board and Accountable Body. (To be developed).

## **Appendix 5 – Business Board**

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### **20. Amendments to the Constitution**

- 20.1. These terms of reference will be reviewed annually. The Business Board will recommend any proposed changes to the Constitution to the Combined Authority.
- 20.2. The Combined Authority's Monitoring Officer is authorised to make any changes to any constitutional or governance documents which are required:
  - (a) as a result of any government guidance, legislative change or decisions of the Business Board, or
  - (b) to enable the documents to be kept up to date, or
  - (c) for the purposes of clarification only.

### **21. Publication of constitution and other governance documents**

- 21.1. This constitution and other governance documents shall be published on the Combined Authority website and accessible from the Business Board website.

## **Part 2 – Procedure Rules**

### **1. Meetings**

- 1.1. The Business Board shall have at least one public meeting a year which will be its Annual General Meeting.
- 1.2. The Business Board will hold annual general meetings open to the public to attend to ensure the communities that they represent can understand and influence the economic plans for the area<sup>20</sup>.
- 1.3. With the exception of 1.1 above, meetings of the Business Board shall not be open to the public unless determined otherwise by the Chair.
- 1.4. An extraordinary meeting of the Business Board may be called by the:
  - (a) Chair of the Business Board; or
  - (b) any two Members of the Business Board;
  - (c) Chief Executive of the Combined Authority.

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<sup>20</sup> Strengthening Local Enterprise Partnerships, MHC&LG, July 2018

## **Appendix 5 – Business Board**

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### **2. Agendas and Minutes**

- 2.1. Agendas and reports for the Business Board will be available on the Cambridgeshire and Peterborough Combined Authority website at least five clear working days before the meeting to which they relate in accordance with the Transparency rules in chapter 6 of the Combined Authority constitution. Any funding decisions shall be ratified by the Combined Authority as accountable body for the Business Board.
- 2.2. The public will have access to agenda, reports and minutes of public and private meetings except where they are exempt from disclosure under the Freedom of Information Act 2000 (FOIA).

### **Freedom of Information**

- 2.3. Reports will be released with the agenda, except in those cases where the information contained in the reports is exempt from disclosure under the Freedom of Information Act 2000 (FOIA). These papers will be classed as reserved papers.
- 2.4. Likely exemptions that are likely to make information reserved include but are not limited to:
  - Commercial sensitivity
  - Information provided in confidence
  - Personal data
  - Legal professional privilege
  - Information intended for publication at a future date

### **3. Attendance**

- 3.1. Business Board members may participate in meetings remotely e.g. through video conferencing or Skype. They must be able to see and hear the meeting proceedings, and be heard, and as far as possible seen, by the other Board members attending the meeting at the venue. Board members who participate in this way may vote and count towards quorum. These arrangements would not apply to the annual meeting of the Business Board or any other Business Board meetings which are held in public.
- 3.2. The membership of private sector Business Board members who fail to attend a third or more of the total number of annual scheduled Business Board meetings, shall be reviewed by the Chair, who may recommend termination of membership to the Business Board.



## **Appendix 5 – Business Board**

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### **4. Quorum**

- 4.1. No business is to be transacted at a meeting of the Business Board unless a majority of the total number of Members of the Board are present (either at the venue or remotely) which should include the majority of private sector members and at least one public sector member.
- 4.2. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **5. Decision Making and Voting**

- 5.1. Wherever possible, decisions of the Board will be by consensus, without the need for a vote. Where this is not possible a vote may be taken where the Chair considers it to be necessary to establish whether a consensus exists.
- 5.2. Each private sector Member of the Business Board is to have one vote and no Member (including the Chair) is to have a casting vote. The public sector members of the Board shall be non-voting members.
- 5.3. The vote will be by way of a show of hands and recorded in the minutes.
- 5.4. Any questions that are to be decided by the Business Board are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

### **6. Conflicts of Interest**

#### **Register of Interests**

- 6.1. It is the responsibility of Board members to ensure an up to date Register of Interests is maintained. Each Business Board member must complete and keep up to date a register of interest form required under the code of conduct. The register of interest form will be published on the Combined Authority's website within 28 days from the date of the appointment and is a condition of appointment. A member must within 28 days of becoming aware of any change in their interests provide written notification of this.
- 6.2. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board or working group meeting. Any declarations of interest made by a Business Board member at a meeting and

## **Appendix 5 – Business Board**

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any action taken, (such as leaving the room, or not taking part), will be recorded in the minutes for that meeting. The member should update their register of interest form within 7 days of the meeting if a new interest has been declared.

- 6.3. Any alleged breach of the Business Board member code of conduct will be dealt with under the Combined Authority's Member Complaints Procedure.

### **Declaration of Interests at a meeting**

- 6.4. It is the responsibility of Board members to declare any interest on any item of business being conducted at a Business Board. Where a 'pecuniary interest is declared Members will leave the meeting, where a 'non- pecuniary interest is declared, Members may remain at the meeting but not participate in business in accordance with the Board members' code of conduct.

## **7. Decisions of the Business Board**

- 7.1. The draft minutes of each meeting of the Business Board will be posted on the Combined Authority and Business Board website within 10 clear working days of the meeting taking place. The agreed minutes of each meeting will be published within two clear working days after approval at the subsequent meeting.
- 7.2. All decisions of the Business Board will be ratified at the next meeting of the Combined Authority Board. Where the Combined Authority does not agree with the recommendations, they will refer the matter back to the Business Board with the reasons and ask the Business Board to reconsider.

## **8. Urgency procedure**

- 8.1. In order to ensure that the Business Board is able to progress its business in an efficient manner, comments on urgent matters may be sought by the Chief Executive or other Statutory Officer outside the meeting cycle.

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### **Process for urgent decision making**

- 8.2. Members will receive email notification which identifies:
- (a) Details of the matter requiring comment and/or endorsement and the reason for urgency (including an explanation as to why an emergency meeting is not proposed to conduct the business);
  - (b) The date responses are required by;
  - (c) The name of the person or persons making or putting forward the proposal/decision
- 8.3. Two working days after the close of responses, the following will be circulated to all Business Board Members:
- (a) The outcome of the decision taken by Statutory Officers (including responses received in agreement and responses received in disagreement); and the date when any decision comes into effect; and
  - (b) Any mitigating action taken to address Members' stated views or concerns.

Decisions and actions taken will be retrospectively reported to the next meeting of the Business Board.

## **9. Forward Plan**

- 9.1. The Business Board will set its own work programme and its forward plan will be published in accordance with the Transparency rules in [Chapter 6 Transparency Rules, Forward Plan and Key Decisions](#) of the Combined Authority constitution.

## **Part 3 – Sub Committees - Delegations**

### **1. Delegations to Committees and Boards**

- 1.1. Delegated authority has been granted to the Eastern Agri-Tech Programme Board (a sub board of the Business Board) to make decisions about applications for grant funding on behalf of both the CA/BB and NALEP (New Anglia Local Enterprise Partnership). The terms of reference and membership are appended at Appendix 1.
- 1.2. Delegated authority has been granted to the Greater South East Energy Hub to assume the Rural Community Energy Fund management role.

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### Part 4 – Delegations

#### 1. Officer Scheme of Delegation and Proper Officers

- 1.1. In addition to the delegations set out in the Cambridgeshire and Peterborough Combined Authority, the following delegations have been granted to the following by the Business Board:
- 1.2. Delegated authority to the Director of Business & Skills, in consultation with the Chair of Business Board to approve small grants to SMEs up to the maximum limit of £150,000, subject to Section 73 Officer approval and reporting all approvals to the next scheduled meeting of the Business Board.
- 1.3. Delegate the appointment of the Energy Hub Board member (representative of the Business Board) to the Director of Business, Skills & Energy.
- 1.4. Delegated authority to the **Head of Transport**, in consultation with the Chair of the Transport Committee, at key gateway stages to deliver the agreed Wisbech Access Strategy Package works on behalf of the Business Board.

#### Version Control

Version 1	24 September 2018	Constitution approved by Business Board and CA Board
Version 2	28 May 2019	Constitution approved by Business Board and CA Board ( <b>July 2019</b> )
Version 3	2 August 2019	Amended to take account of decision of Business Board and Combined Authority Board and to include terms of reference of Enterprise Zone Programme and Project Boards.
Version 4	3 June 2020	Constitution approved by Business Board ( <b>May 2020</b> ) and CA Board ( <b>June 2020</b> )

## Appendix 1

### Eastern Agri-Tech Programme Board

#### Terms of Reference

#### Background

1. The Eastern Agri-Tech Growth Initiative brings together leading agriculture, research, science and technology assets in the East of England to strengthen a nationally significant, vibrant cluster that brings a truly global reach and impetus to the emerging UK Agri-tech sector. The (grant) funding provides a significant boost to the food, drink and horticulture sector by supporting businesses looking to invest in specialist equipment, new market and supply chain development, ways to improve productivity and efficiency, and the application and commercialisation of Research and Development.
2. The Eastern Agri-Tech Growth Initiative operates across both the Cambridgeshire and Peterborough Combined Authority (CPCA)/Business Board (BB) and New Anglia Local Enterprise Partnership (NALEP) areas and is run by the CPCA. It is promoted both directly to businesses across the food, drink & horticulture sector as well as working through key intermediaries including banks; accountants and sector specific consultants.
3. The Eastern Agri-Tech Growth Initiative has two main funds:
  - (a) An **Agri-Tech Growth Fund** which provides grants of between £10,000 and £150,000 to enhance business and jobs growth, and support product development. The Fund is aimed at supporting improvements in agricultural productivity through the introduction of new products or processes and encourage improvements to existing product/ processes and energy efficiency. The Growth funds supports the creation of new jobs and the protecting existing jobs.
  - (b) An **R&D and Prototyping Fund** which provides financial assistance to attract innovative and novel technologies. Planned research critical to the development of new products or processes within the Agri-Tech sector can be supported with grants of between £10,000 and £60,000 to cover the costs of research and development.
4. The Programme Board has been given the delegated authority to undertake this role, on behalf of the CPCA and NALEP Boards. Both the CPCA/BB and NALEP are represented on the Programme Board and will receive regular updates on

## **Appendix 5 – Business Board**

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the operation of the programme. A representative of the Business Board will Chair the Programme Board.

5. The CPCA is responsible for delivering the Agri-Tech scheme across the two geographical areas. A CPCA representative chairs the Programme Board. Agri-Tech Programme Manager CPCA, manages the scheme across the two geographical areas and acts as the Secretariat to the Programme Board. The CPCA is the Accountable Body for the programme.
6. The Programme Board's main task is to consider and take decisions on applications for grant support. The Programme Board should only see and consider an application once an application is deemed eligible and has been assessed by one of the independent team of assessors. Agri-Tech Programme Manager is responsible for ensuring that the assessors deliver quality assessments, undertake the necessary due diligence and in a timely way.
7. The Programme Board will have access to the agenda and supporting documents about each project proposal at least five days before meetings. This includes a report on each application which contains a suggested recommendation to approve or decline the application and, if approved, whether there should be any conditions to be placed on the project and/or applicant. For each meeting, the Programme Manager will record the decisions taken by the Programme Board on each application.
8. All applicants are invited to the meeting where their particular project will be considered. Each applicant will have the opportunity to give a short presentation and take questions from/provide clarification to the Programme Board. The Programme Board will judge each application fairly and on its own merits. The final decision about each application rests with Programme Board, unless the application is deemed ineligible during the assessment process in which case the Programme Manager will notify the applicant. The Programme Manager will notify all applicants of the decisions taken by the Programme Board.
9. The assessors will, if possible, attend the relevant meeting to introduce the projects for which they have assessed.
10. The Programme Board will receive regular updates from the Programme Manager on the progress of the Agri-tech programme, which will include the overall take up of the funding and the numbers of jobs created and protected.



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### Membership

11. The membership of the Programme Board shall be appointed by the Business Board. Membership of the Programme Board will include eight members, to include:

- (a) A representative of the CPCA Business Board representatives to be appointed by the Business Board (Chair)
- (b) A Councillor representative and substitute representative from Cambridgeshire County Council to be decided by the County Council
- (c) A Councillor representative and substitute representative from Norfolk County Council to be decided by the County Council
- (d) A representative from Agri-Tech East
- (e) A representative from New Anglia LEP
- (f) Three experts with experience and knowledge of agriculture and the food, drink and horticulture industry, including research, farming and food processing to include
  - i. A representative from Syngenta UK
  - ii. A representative from National Institute for Agricultural Botany
  - iii. A representative from John Innes Centre

Board Members were recruited based on their expertise and knowledge of the sector and in particular from the research and scientific community. Membership of the Programme Board will be kept under review.

12. In attendance will be:

- (a) CPCA Agri-Tech Programme Manager
- (b) Officer from Norfolk County Council
- (c) Officer New Anglia LEP

13. Whilst all appointments to the Board will be on merit, the Board will aim to maintain the gender balance and representation of those with protected characteristics on its board with the following minimum requirements:

- (a) that women make up at least one third of Board
- (b) with an expectation for equal representation by 2023, and
- (c) ensure its Board is representative of the businesses and communities they serve.



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### **Appointments to the Programme Board**

14. The Agri-tech Programme Board Members shall be appointed following an open, transparent and non-discriminatory recruitment process which assesses each candidate on merit carried out in accordance with the Business Board's diversity statement, Government Guidance and the Nolan Principles.
15. Given the specific nature of the sector, a number of activities shall be undertaken to attract the right people with the specialism required in an open and transparent way. This will include
  - (a) a public advertisement
  - (b) writing to all organisations with specialism in Agri-Tech knowledge in the Combined Authority area.
16. A selection panel will be constituted to include:
  - (a) two representatives from the Agri-Tech Programme Board and
  - (b) a Business Board member.
17. The selection panel shall make recommendations to the Business Board which would make the final decision.
18. A quorum shall be four Programme Board members. The Programme Board shall meet at appropriate intervals, ideally monthly, provided a quorum is available and there are enough applications ready for the Programme Board to consider.
19. If a Programme Board member cannot attend a meeting, they can send written comments using the assessment sheets on an application(s) to the Programme Manager who will ensure they form part of the discussion and decision taken.
20. If the Chair is unable to attend a meeting, providing that the meeting is quorate, those Board Members attending the meeting can agree a substitute chair at the beginning of the meeting.
21. When a quorum is unavailable and project decisions cannot be held over until the next available meeting, a "Virtual Meeting" can be called. In these circumstances, the Programme Manager will provide Programme Board Members with access to the project papers and invite and co-ordinate comments. The Programme Manager will provide the Chair, with a summary of the comments received and a recommendation based on these comments. The Programme Manager will then provide Programme Board Members with written confirmation of the Board's decision whether to support or decline the application(s) in question.



## **Appendix 5 – Business Board**

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### **Conflicts of Interest**

22. Every Board member must sign and comply with the Business Board member code of conduct.
23. Once an application passes the assessment and is deemed ready for the Programme Board's consideration, the Programme Manager provides the applicant(s) with the names of all Programme Board Members, in writing, and asks each applicant to confirm if any Programme Board Member is conflicted. If so, those Programme Board Members do not have access to the relevant project papers.
24. Similarly, and in the event that the applicants have not recognised that a Board Member(s) is conflicted, a Programme Board Member must declare at each meeting if a conflict of interest arises, especially where an application is received from a competitor business or from a Programme Board Member's own organisation. In either of these circumstances, the Programme Board Member(s) will not be asked for their views about the application in question and must abstain from commenting on that particular application. It must be left to the other Programme Board Members to take the appropriate decision.

### **Confidentiality**

25. All the information provided by the applicants will be treated in confidence and protected accordingly.

### **Equal Opportunities**

26. The Board should comply with the Business Board's diversity statement. The members of the Programme Board shall at all times take into consideration the principles of equal opportunity irrespective of age, gender, race, nationality, ethnic origin, sexual orientation or disability.

### **Procedure rules**

27. The procedure rules for the Business Board should apply to the Programme Board where applicable.

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### **Appendix 2**

## **Local Growth Fund – Entrepreneur Assessment Panel**

### **Terms of Reference**

#### **1. Purpose**

- 1.1. The Local Growth Fund – Entrepreneur Assessment Panel (EAP) is a formally formed sub-committee of the Business Board with delegated authority to make recommendations for funding to the Combined Authority board, which makes the final decision as the Managing Authority of the Business Board (which has no legal status or standing).
- 1.2. The Entrepreneur Assessment Panel has responsibility to provide a business focused appraised assessment and a recommendation for funding (or not) to the Combined Authority Board via a presentation made by the applicants. Applicants will be invited to make presentations to the Entrepreneur Assessment Panel, only in the event that their written application has been recommended for funding by an independent evaluator as part of the formal appraisal process.
- 1.3. The Panel aims to ensure the projects have clearly defined rationale, strategic fit, and clearly defined, measurable outputs. A report based on the Panel evaluation will be included in the final recommendation reports presented to the Combined Authority Board, by the Chair of the Business Board for ratification.

#### **2. Roles & Responsibilities**

- 2.1. Members of the Entrepreneur Assessment Panel will be nominated and elected by the Business Board. Their responsibilities are to:
  - (a) Attend bid presentation meetings – these will be presentations from projects totalling over £500k
  - (b) Produce feedback based on a pre-agreed evaluation matrix – the matrix will be provided for each project and members will be required to complete the scoring inserting comments against each score.
  - (c) Contribute to a formal report produced by the Business Board for the Combined Authority Board for ratification.

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### **3. Meeting Arrangements**

- 31. Agenda and relevant papers will be produced and circulated five working days before the EAP meet.
- 32. A report will be produced based on the scoring matrix. This report will remain in draft form until agreed by the EAP chair.
- 33. The final report will be included in the Business Board papers for note and circulated to Business Board members on a bi-monthly basis.

### **4. Frequency of Meetings**

- 41. The Entrepreneur Assessment Panel will meet as a minimum bi-monthly, the frequency may increase depending on the number of bids submitted in the current funding cycle.

### **5. Membership**

- 51. The members of the Entrepreneur Assessment Panel are:
  - (a) Mayor (Chair)
  - (b) Up to three other members of the Business Board
  - (c) Up to three further representatives of the business community
  - (d) Combined Authority officer advisor (none scoring rights)

### **6. Declaration of Interest**

- 61. Declaration of Interest will be made in accordance with the Business Board's Conflict of Interest Policy.

### **7. Confidentiality**

- 71. All the information provided by the applicants will be treated in confidence and protected accordingly.

### **8. Code of Conduct**

- 81. Every Entrepreneur Assessment Panel member must sign and comply with the Business Board member code of conduct.

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### **9. Decisions of the Entrepreneur Assessment Panel**

- 91. Applications will have been independently appraised prior to being invited to present to the Entrepreneur Assessment Panel.
- 92. Only applications over £500k will be required to present to the Entrepreneur Assessment Panel.
- 93. Each member of the Entrepreneur Assessment Panel will be required to evaluate and score the bid.

### **10. Appeals**

- 10.1. The decision made by the Entrepreneur Assessment Panel is final. There is no appeals process. If a complaint is raised it is dealt with through the CPCA complaints procedure.



## Appendix 3

### Enterprise Zone Programme

#### Terms of Reference

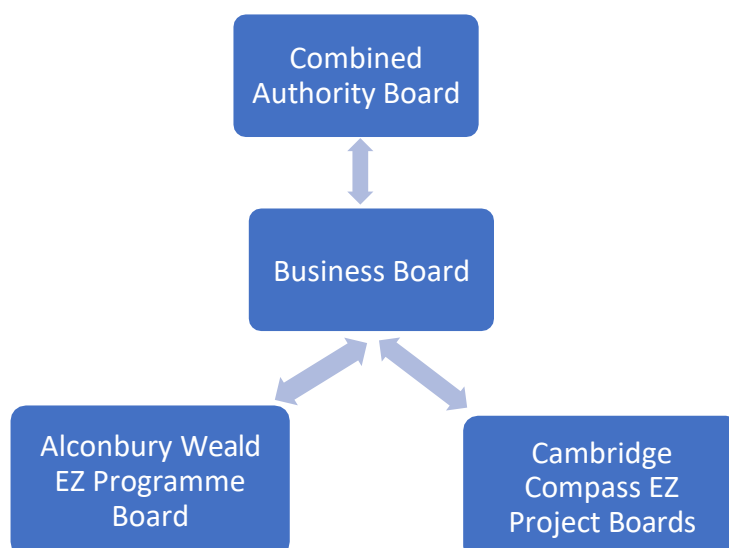
#### **1. Executive Summary**

- 1.1. Set out below is the governance arrangements between the Cambridgeshire & Peterborough Combined Authority and key stakeholders in relation to Enterprise Zone programme, for which the Business Board is responsible and the Cambridgeshire & Peterborough Combined Authority Board has overall accountability.

#### **2. Governance Structure**

- 2.1. The Business Board retains strategic oversight for the delivery of the Enterprise Zone Programme and will report to the Combined Authority Board as accountable body.
- 2.2. Overseeing Enterprise Zone delivery and management is delegated to Enterprise Zone Programme Board (Alconbury Weald) and Enterprise Zone Project Boards (Cambridge Compass).
- 2.3. The following diagram sets out how the Enterprise Zone Programme Boards align within the CPCA governance structure:

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### 3. Alconbury Weald Enterprise Zone Programme Board

#### Purpose

- 3.1. To co-ordinate the delivery of development, regeneration and management of the Enterprise Zone, focusing largely on operational matters and is responsible for co-ordinating proposed project activity from the agreed Enterprise Zone Investment & Delivery Plan for Alconbury Weald Enterprise Zone.
- 3.2. Decisions on the use of the 'Enterprise Zone and Infrastructure Fund' monies as set out at 6.1.3 of the Cambridgeshire and Peterborough Combined Authority (CPCA)/Huntingdon District Council (HDC) Alconbury Weald Enterprise Zone Memorandum of Understanding (MOU) will be decided solely by the CPCA and HDC and can only be approved by joint agreement.

#### Constitution and Membership

- 3.3. The Board will be made up of an elected member of both HDC and CPCA and an appropriate senior officer of each. The Chair should be elected by Board member and alternate on a 3-year cycle between the parties. The group may include, by invitation, representatives from local Government (BEIS), Cambridgeshire County Council the developer/land owner. Membership of the

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Alconbury Weald Enterprise Zone Programme Board will be published on the Business Board website.

### Accountability

- 3.4. The Alconbury Weald Enterprise Zone Programme Board is responsible for reporting to both the Business Board and CPCA Board as accountable body.

### Terms of Reference

- 3.5. The Alconbury Weald Enterprise Zone Programme Board will:
- (a) Develop and maintain the Alconbury Weald Enterprise Zone Investment & Delivery Plan on behalf of the Business Board;
  - (b) Update financial reports to set-out Enterprise Zone-related business rate retention, income streams and cost commitments;
  - (c) Provide quarterly output figures to inform monitoring obligations back to Government;
  - (d) Agree on managing the identity and communication of activity taking place on the Enterprise Zone in supporting the overarching programme branding;
  - (e) Maximise the benefits of the Enterprise Zone and to identify potential sources of funding to support site delivery and occupancy; and
  - (f) Prepare site updates and briefing documents for the Business Board; and
  - (g) Escalate and report on any high-level risks and conflicts to the Business Board that cannot be resolved at the Enterprise Zone Programme Board level.

### Meetings

- 3.6. The Alconbury Weald Enterprise Zone Programme Board will meet on a quarterly cycle or at such other intervals as the Board may agree. The Chair of the Alconbury Weald Enterprise Zone Programme Board may decide to cancel meetings or call additional meetings as required.

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### **4. Cambridge Compass Enterprise Zone Project Board**

#### **Purpose**

- 4.1. Project Boards are individual officer-level working groups representing each site and responsible for overseeing delivering the Enterprise Zone and to co-ordinate the delivery of developments, regeneration and management of the Enterprise Zone. The Boards will focus largely on operational matters and report to the Business Board.

#### **Constitution and Membership**

- 4.2. The Cambridge Compass Enterprise Zone Project Boards will comprise of CPCA and Local Authority officers and, in an advisory capacity, representatives from the developer or landowner/agent. The group may include, by invitation, representatives from local Government (BEIS), Cambridgeshire County Council the developer/land owner. Membership of each Cambridge Compass Enterprise Zone Project Boards will be published on the Business Board website.

#### **Terms of Reference**

- 4.3. The Cambridge Compass Enterprise Zone Project Boards will:
- (a) Develop and maintain Enterprise Zone Investment & Delivery Plan on behalf of the Business Board;
  - (b) Update financial reports to set-out Enterprise Zone -related business rate retention, income streams and cost commitments;
  - (c) Provide quarterly output figures to inform monitoring obligations back to Government;
  - (d) Agree on managing the identity and communication of activity taking place on the Enterprise Zone in supporting the overarching programme branding;
  - (e) Maximise the benefits of the Enterprise Zone and to identify potential sources of funding to support site delivery and occupancy;
  - (f) Prepare site updates and briefing documents for the Business Board; and



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- (g) Escalate and report on any high-level risks and conflicts to the Business Board that cannot be resolved at the Enterprise Zone Project Board level.

### **Meetings**

- 4.4. The Cambridge Compass Enterprise Zone Project Boards will meet at least on a quarterly basis ahead of the Business Board to allow enough time for the submission of reports and Board papers.

## *Appendix 6 – The Statutory Framework*

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## **Appendix 6 - The Statutory Framework**

### **1. Introduction**

- 1.1. This appendix provides a summary of the statutory framework for the Cambridge and Peterborough Combined Authority.

### **2. Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”)**

- 2.1. The [2009 Act](#) empowers the Secretary of State, by order, to establish as a body corporate a Combined Authority for an area.

### **3. The Cities and Local Government Devolution Act 2016 (“the 2016 Act”)**

- 3.1. The [2016 Act](#) introduced powers to provide for the election of Mayors for Combined Authority areas. The Mayor may arrange for a Deputy Mayor or any other Member or Officer of the Combined Authority to exercise a function of the Mayor. It allows a Mayoral Combined Authority to set a precept for funding Mayoral functions. It also enables combined authorities to exercise functions other than economic development, regeneration and transport and to set a levy.

### **4. The Cambridgeshire and Peterborough Combined Authority Order 2017 (“the 2017 Order”)**

- 4.1. The [2017 Order](#) established the Mayoral Combined Authority on 2 March 2017. (See Appendix 1)
- 4.2. The [2016 Act](#) introduced powers for the Secretary of State, by Order, to make provision for a function of a public authority that is exercisable in relation to a Combined Authority’s area to be a function of the Combined Authority; and for any function of a Mayoral Combined Authority to be a function exercisable only by the Mayor subject to specified conditions or limitations ([107D](#)).

#### **4.3. Highways Functions**

- 4.4. The [2017 Order](#) delegated the following functions to the Combined Authority and are exercisable concurrently with Cambridgeshire County Council and Peterborough City Council (known as upper tier authorities):
- 4.4.1. Powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc.) under section 6 of the Highways Act 1980;

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4.4.2. Certain other functions of the upper tier authorities as local highway authorities under the Highways Act 1980 as set out in the 2017 Order.

### **4.5. Local Transport Functions transferred to the Combined Authority**

4.5.1. The following functions are exercisable by the Combined Authority instead of by Cambridgeshire County Council and Peterborough City Council;

- (a) Local Passenger Transport Services under Part 4 and 5 (financial Provisions) of the Transport Act 1985
- (b) Local transport under Part 2 of the Transport Act 2000.

4.5.2. These powers and duties are set out in **Annex 1** which can be summarised as:

- (a) Duty to produce a Local Transport Plan;
- (b) Production of a Bus Strategy;
- (c) Rights to franchise local bus services within its area, subject to the completion of the process set out in the Bus Services Act 2017;
- (d) Powers to enter into quality bus partnerships and enhanced partnerships;
- (e) Responsibility for the provision of bus information and the production of a bus information strategy;
- (f) Role of Travel Concession Authority;
- (g) Financial powers to enable the funding of community transport;
- (h) Powers to support bus services.

4.5.3. Transport powers were transferred to the Combined Authority, while highway authority powers under the Highway Act 1980 remain with Cambridgeshire County Council and Peterborough City Council.

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### **4.6. Power of General Competence**

- 4.6.1. The [2017 Order](#) conferred on the Combined Authority and the Mayor, the General Power of Competence under Section 1 of the Localism Act 2011.

### **4.7. Economic Development and Regeneration Functions**

- 4.7.1. Concurrently with the Constituent Councils, the Combined Authority has:

- (a) the power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
- (b) the duties and powers under the Education Act 1996 related to the provision of education and training for persons over compulsory school age.

### **4.8. Incidental powers**

- 4.8.1. The following incidental provisions are to have the effect as if the Combined Authority were a local authority for the purposes of these provisions:

- (a) Section 113 of the Local Government Act 1972(b) (power to place staff at the disposal of other local authorities);
- (b) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);
- (c) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings);
- (d) the power to exercise related to research and collection of information under section 88 of the Local Government Act 1985.

### **4.9. Elected Mayor**

- 4.9.1. The Order created the position of Mayor for the Combined Authority area. It provides for the first election for the return of a Mayor for the area to take place on 4th May 2017, and for subsequent elections to take place on the

## Appendix 6 – The Statutory Framework

ordinary day of election in 2020 and in every fourth year after that, on the same day as the ordinary day of election.

- 4.9.2. The 2016 Act also introduced powers for the Secretary of State, by Order, for any function of a Mayoral Combined Authority to be a function exercisable only by the Mayor subject to specified conditions or limitations.
- 4.9.3. The 2017 Order makes provision for the Mayor to exercise the power to pay grants to Cambridgeshire County Council and Peterborough City Council towards expenditure incurred in relation to the exercise of its highways functions under S31 Local Government Act 2003.
- 4.9.4. The Mayor also has the General Power of Competence.
- 4.9.5. The Mayoral functions can be funded by precept under s 40 of the Local Government Finance Act 1992 (by way of budgetary approval) if they are not funded from other sources.
- 4.9.6. It makes provision to pay an allowance to the Mayor and for an independent remuneration panel to be established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003. The allowance paid must not exceed the amount specified in the recommendation made by the independent remuneration panel.
- 4.9.7. The order also states that the Mayor (or Deputy Mayor in his absence) must vote with the majority of Combined Authority Members if the vote is to be valid.
- 4.9.8. It also provides for rules for voting on specified matters, for example to reject the Mayor's budget or strategies or voting requirements for the transport plan.

## 5. Local Government Legislation

- 5.1. The Combined Authority has such other powers and duties as are conferred on a Combined Authority by any legislation.

Such powers include:

Power	Legislation
The duty to appoint a head of paid service, a Monitoring Officer and an Officer with responsibility for the	Section 4 of the Local Government and Housing Act 1989



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administration of Combined Authority's financial affairs. These Officers will be appointed in accordance with the Combined Authority's Employment Rules set out in the Constitution.	Section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000.  Section 73 of the Local Government Act 1985
The power to borrow money for a purpose relevant to its transport functions only;	S111 & S146A Local Government Act 1972
The power to appoint staff and to enter into agreements with other local authorities for the secondment of staff. Staff will be appointed in accordance with the Employment Rules set out in the Constitution	S112 & S113 Local Government Act 1972
The power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;	S120 (except 1b) , S 123, S128-S131 Local Government Act 1972
The power to accept of gifts of property for the purpose of discharging functions,	S139 (except 1b and 2) Local Government Act 1972
The power to pay subscriptions to the funds of local authority associations;	S143 Local Government Act 1972
The power to transfer securities on alternation of area	S146 Local Government Act 1972
The duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;	S17(1) Crime and Disorder Act 1998

5.2. Under the Localism Act 2011 the Combined Authority must promote and maintain high standards of conduct and adopt a code of conduct for its Members.

5.3. The Combined Authority is:

5.3.1. a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities), with the exception of general functions of the Mayor (Joint Committees);

5.3.2. a best value authority for the purpose of Section 1 of the Local Government Act 1999;

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- 5.3.3. a public body for the purpose of the Freedom of Information Act 2000. (Schedule 1 Part 2 S19B) and shall be registered as both “data controller” and “data processor” as defined by the Data Protection Act 1998;
- 5.3.4. a local authority for the purposes of the Local Authorities (Goods and Services) Act 1970 (power to supply goods and materials and to provide administrative and technical services to other public bodies).
- 5.4. Under the Openness of Local Government Bodies Regulations 2014, the public may report and commentate on public meetings of the Combined Authority.
- 5.5. The Local Government Ombudsman has power to investigate complaints of maladministration against combined authorities under the Local Government Act 1974.
- 5.6. The Local Government Act 1986 provisions regarding the prohibition of political publicity (any material which, in whole or part, appears designed to affect public support for a political party) apply to combined authorities.
- 6. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees Order 2017)**
  - 6.1. Schedule 5A of the 2009 Act (introduced by the 2016 Act) requires the Combined Authority to establish one or more Overview and Scrutiny Committees.
  - 6.2. The Committee must have power to:
    - (a) review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Combined Authority, or with the discharge of any general functions by the Mayor;
    - (b) make reports or recommendations to the Combined Authority or the Mayor with respect to the discharge of their functions; and
    - (c) make reports or recommendations to the Combined Authority or the Mayor on matters affecting the authority’s area or inhabitants.
  - 6.3. The power to review or scrutinise a decision made but not implemented includes:
    - (a) power to direct that a decision is not implemented while it is under review or scrutiny by the Committee; and
    - (b) power to recommend that the decision is reconsidered.

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- 6.4. The 2009 Act provisions enable the Secretary of State, by Order, to make further provision about overview and scrutiny Committees of combined authorities.
- 6.5. The [Cambridgeshire and Peterborough Combined Authority Order 2017](#) provides for the establishment of an Overview and Scrutiny Committee, and includes provisions relating to its membership and Chair.
- 6.6. The Chair must be an appropriate person. In relation to a Mayoral Combined Authority, this means a person who is a Member of a Constituent Authority, but who is not a member of a registered political party of which the Mayor is a member.
- 6.7. The Secretary of State has also made the [Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017](#).
- 6.8. This Order contains provisions regarding the membership of an Overview and Scrutiny Committee; the quorum for meetings; appointment of Members; appointment of Chair; reference of matters to the Committee; duty of the Combined Authority and Mayor to respond to the Committee; confidential and exempt information; the Scrutiny Officer; rights of access to documents for Members of the Committee; key decisions; general exception; and cases of special urgency.
- 6.9. Where the Chair of an Overview and Scrutiny Committee is to be an appropriate person, and the Mayor is not a member of a registered political party, a person may not be appointed as Chair of the Committee if that person is:
  - (a) a member of the registered political party which has most representatives among the Members of the Constituent Authorities on the Combined Authority; or
  - (b) where two or more parties have the same number of representatives, a member of any of those parties.
- 6.10. The 2009 Act provisions also require Combined Authorities to establish an audit Committee to review and scrutinise the Authority's financial affairs and to review and assess its risk management, internal control and corporate governance arrangements.
- 6.11. An Audit Committee must include at least one Member who is an independent person.



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6.12. The [Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017](#) defines an “independent person”, and provides that such a person may not be appointed unless the vacancy was advertised in such manner as the Combined Authority considers it likely to bring it to the attention of the public.

6.13. The quorum for meetings of Audit Committees must be no fewer than two-thirds of the total number of Members of the Committee.

### **7. The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

7.1. The [Order](#) provides for the filling of vacancies in the office of Mayor arising due to the death or resignation of the Mayor; the Mayor’s election being declared void or the office being declared vacant.

7.2. There are provisions regarding the date on which a vacancy is taken to have occurred; the giving of notice of a vacancy; the timescale for by-elections and the term of office of the person filling a vacancy.

### **8. The Combined Authorities (Mayoral Elections) Order 2017**

8.1. The [Order](#) makes provision for the conduct of elections for Combined Authority Mayors.

8.2. In particular, there are provisions requiring each candidate’s nomination paper to be prescribed by at least 100 electors (with at least 10 electors from each constituent council area) and for a deposit of £5,000 to be paid. If there are three or more candidates, the elected Mayor will be returned by the supplementary vote system.

8.3. The maximum amount a candidate may spend in election expenses is £2,362 multiplied by the total number of constituent councils, together with an additional 5.9p for every entry in the register of electors for the Combined Authority area.

8.4. Candidates who wish to have an election address included in an election booklet prepared and distributed by the Combined Authority Returning Officer will be required to pay a contribution of such reasonable amount as the Returning Officer may determine towards the expenses incurred by the Returning Officer in printing the booklet. Copies of the booklet will be delivered free of charge by the Returning Officer to each elector in the Combined Authority area.

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### **9. The Combined Authorities (Finance) Order 2017**

- 9.1. The Order includes provisions relating to Mayoral Combined Authority precepts; a Mayor's proposed budget and the procedure for the Combined Authority to consider and approve the budget; the Mayor's general fund and transitional provisions for the financial year 2017/2018.

### **10. The Bus Services Act 2017**

- 10.1. The Bus Services Act 2017 presents local authorities with new powers to bring about change and unlock the potential for the bus industry to achieve more for passengers than it does today.
- 10.2. New enhanced partnership and advanced quality partnership powers provide the framework for authorities to work side by side with operators to set a shared vision for bus services in their area. Regulations made under the new open data provisions and new ticketing powers should make it easier for passengers to use buses, move between different modes of transport and access timetables, fares and routes.
- 10.3. New franchising provisions will provide Mayors of combined authorities with equivalent powers to those available in London.

### **11. The Combined Authorities (Borrowing) Regulations 2018**

- 11.1. These Regulations provide for mayoral combined authorities to borrow money for a purpose relevant to all of their functions (other than transport functions)

### **12. The Transport Levying Bodies (Amendment) Regulations 2018**

- 12.1. These regulations amend the principal regulations (the Transport Levying Bodies Regulations 1992) to include the Combined Authority in the list of authorities who are levying bodies for the purposes of non-mayoral transport functions. These Regulations confer the power to levy the upper tier authorities Cambridgeshire County Council and Peterborough City Council to deliver transport functions. The purpose of the SI is to split the levy between the two upper tier councils in proportions appropriate to the size of their budget. The regulations enable revenue streams to be pooled making it a more attractive borrowing fund.

## *Appendix 6 – The Statutory Framework*

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### **13. The Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Functions) Order 2018**

13.1. With this Order the Mayor has the power, subject to meeting conditions set out in the Order, to levy a business rate supplement for a project that will promote economic development in the area in accordance with Sections 105B(1) and 107D(9) of the Local Democracy, Economic Development and Construction Act 2009. As the Order provides, such a supplement can be applied only to the business rate bills of businesses with rateable values of at least £50,000, and the supplement cannot exceed two pence in the point. Any supplement must be approved by a ballot of the business ratepayers concerned, achieving a majority both of business rate payers who voted in terms of the number of ratepayers and in the aggregate value of their properties.

### **14. The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018**

14.1. The Order sets out the details of the AEB functions that are transferred to the Combined Authority with the agreement to devolve the budget. With the exception of apprenticeships, adult offender learning or provision for people aged 16 -18, the following functions contained in the Apprenticeships, Skills, Children and Learning Act (ASCL) 2009 are transferred to the Combined Authority in relation to constituent member areas:

- (a) S86 – Duty to provide appropriate Further Education to learners aged 19 and over (not to include apprenticeships, prisoner education or traineeships).
- (b) S87 – Duty to provide appropriate Further Education to learners aged 19 and over, who do not have certain specified qualifications
- (c) S88 – Duty to ensure that provision is free for relevant learners who do not have certain specified qualifications

14.2. The following powers will be exercised concurrently with the Secretary of State:

- (a) S90 – Duty to encourage learner and employer participation in education and training of people aged 19 and over (except those in adult detention).
- (b) S115 – Duty to consider/have regard to the needs of learners aged 19 and over, with Special Education Needs (other than those aged 19-25 with Educational Health Care plans, who will remain the responsibility of the Local Authorities as they are treated as 16-18 year old learners).

## **Appendix 6 – The Statutory Framework**

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- (c) S122 – Power to exchange information with providers to enable provision of Further Education to learners aged 19 and over.

### **15. Automated and Electric Vehicles Act 2018**

- 15.1. The Act includes a power for the Mayor to designate places where large fuel retailers and service area operators must provide public charging points. This is limited to locations within the defined key route networks.
- 15.2. The Government's intention is that these powers could only be exercised once the definitions of large fuel retailers and the factors that would determine the suitability of a particular location have been adopted in regulations.

### **16. The Social Housing Rents (Exception and Miscellaneous Provisions) Regulations 2019**

- 16.1. Regulation enabling the Combined Authority to fund homes for Affordable Rent'.

**Appendix 6 – The Statutory Framework****Annex 1****Transport Act 2000**

<b>Legislation</b>	<b>Duty / Power</b>
Transport Act 2000 Section 108 (As amended by Local Transport Act 2008)	To prepare a Local Transport Plan (LTP) and in developing this and carrying out functions to taken into account Government Policies and have regard to any guidance issued by the Secretary of State relating to climate change and the protection or improvement of the environment.
Transport Act 2000 Section 109	To keep the LTP under review, replacing the LTP every 5 years and to consult when preparing and reviewing the LPT.
Transport Act 2000 Section 112 (As amended by 2008 Act)	To have regards to any guidance issued by the Secretary of State and the needs of elderly or disabled persons when developing the LTP.
Transport Act 2000 Section 113A	Power of an LTA or two or more LTA's acting jointly to make an advanced quality partnership scheme.
Transport Act 2000 Section 114 (As amended by 2008 Act)	To have regard, in considering whether to make a Quality Partnership Scheme (QPS), to the desirability of making a scheme jointly with another authority and to cooperate with other authorities when carrying out functions relating to QPS.
Transport Act 2000 Section 115 (As amended by 2008 Act)	To give notice of proposal to make a QPS and to consult with specified bodies
Transport Act 2000 Section 116 (As amended by 2008 Act)	To give notice of the scheme not later than 14 days after it is made
Transport Act 2000 Section 117 (As amended by 2008 Act)	To give notice and consult specified bodies before deciding to postpone the QPS for a period not exceeding 12 months
Transport Act 2000 Section 118 (As amended by 2008 Act)	To provide the specified QPS facilities not later than the date specified and throughout the operation of the scheme
Transport Act 2000 Section 120	Power to vary or revoke QPS
Transport Act 2000 Section 123	To have regard to any guidance issued by the appropriate national authority concerning the carrying out of functions in relation to the QPS



## Appendix 6 – The Statutory Framework

Transport Act 2000 Section 123A	The power of a franchising authority, or two or more franchising authorities acting jointly, to make a franchising scheme covering the whole or any part of their area.
Transport Act 2000 Section 124 (As amended by 2008 Act)	To have regard, in considering whether to make Quality Contract Schemes (QCS), to the desirability of making a scheme jointly with another authority, to co- operate with the other authorities and to keep under review the extent to which their quality contracts are complied with.
Transport Act 2000 Section 134C	Power of an LTA (or two or more acting jointly) to make an advanced ticketing scheme (ATS) if they consider that the proposed scheme— (a) would be in the interests of the public, and (b) would contribute to the implementation of their local transport policies.
Transport Act 2000 Section 135 (As amended by 2008 Act)	Duty regarding Ticketing Schemes (TS) to co-operate with other local transport authorities and in considering whether to make a TS to have regard to the desirability of making a scheme jointly with another authority
Transport Act 2000 Section 136	To give notice of a proposal to make a TS and to consult with specified bodies
Transport Act 2000 Section 137	To make the TS and give notice of it within 14 days after it is made
Transport Act 2000 Section 139 (As amended by 2008 Act)	To consult on and determine what local bus information should be made available to the public and the way in which it should be made available
Transport Act 2000 Section 140	To make information available where satisfactory arrangements for information provision cannot be made with the operators
Transport Act 2000 Section 141	Duty regarding ss 139 and 140 to have regard to economy, efficiency and effectiveness, to the desirability of carrying out those functions jointly with another authority and to co-operate with other authorities
Transport Act 2000 Section 143	Power to obtain information relating to specified matters from operators of local services
Transport Act 2000 Section 143A	Power of a franchising authority to obtain information from operators of local services
Transport Act 2000 Section 145A (As substituted by Concessionary Bus Travel Act 2007)	To issue permits indicating entitlement to travel concessions to elderly or disabled residents who apply for one  (England National Travel Concessionary Scheme)
Transport Act 2000 Section 149 (As substituted by 2007 Act)	To reimburse the operator for providing travel concessions (ENTCS)

**Appendix 6 – The Statutory Framework**

Transport Act 2000 Section 150	To publish the proposed arrangements for reimbursing operators (ENTCS)
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**Transport Act 1985**

Transport Act 1985 Section 63(1)	Duty to secure the provision of such passenger transport services as the Council considers appropriate to meet any public transport requirements which would not otherwise be met
Transport Act 1985 Section 63(5) (As inserted by 2008 Act)	Power to enter into an agreement providing for service subsidies for the purpose of securing any service
Transport Act 1985 Section 63(6)	Power to take any measures that appear to be appropriate for the purpose of or in connection with promoting the availability and operation of public passenger transport services other than subsidised services
Transport Act 1985 Section 63(7) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to a combination of economy, efficiency and effectiveness
Transport Act 1985 Section 63(8) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to the needs of elderly or disabled persons
Transport Act 1985 Section 64	Duty to consult when formulating policies for the formulation of policies, and to publish those policies
Transport Act 1985  Section 81 (As amended by 2008 Act)	  Power to provide, maintain and operate bus stations
Transport Act 1985 Section 82 (As amended by 2000 Act)	Duty not to discriminate when exercising powers in relation to provision or operation of bus stations in relation to charges to be made for the use of any accommodation at a bus station or of any associated facilities
Transport Act 1985  Section 88	 Duty of all authorities entering into agreements providing for service subsidies in respect of education and social services functions to cooperate with one another to secure best value for money for the ratepayers of their areas
Transport Act 1985 Section 89	Duty to invite tenders for subsidised services
Transport Act 1985 Section 93	Power to establish a travel concession scheme for blind and disabled persons, children, persons over 60 and others specified in Regulations





## Appendix 6 – The Statutory Framework

Transport Act 1985 Section 92	Duty to have regard to the interests of the public and of persons providing public passenger transport services in their area when exercising functions in relation to agreements providing for service subsidies
Transport Act 1985 Section 95 (As amended by 2008 Act)	To publish particulars of the concession scheme and reimbursement arrangements for service operators
Transport Act 1985 Section 96 (As amended by 2008 Act)	To admit eligible service operators to participate in travel concession schemes
Transport Act 1985 Section 97 (As amended by 2008 Act)	To impose obligation to provide travel concessions on any operator (participation notice)
Transport Act 1985 Section 98 (As amended by 2007 Act)	Further provision in relation to participation notices
Transport Act 1985 Section 99	Power to release an operator from compulsory participation in travel concession scheme
Transport Act 1985 Section 101	Power to enforce participation in travel concession schemes
Transport Act 1985 Section 103 (As amended by 2008 Act)	Subsidies for travel concessions
Transport Act 1985 Section 105 (As amended by 2000 Act and 2007 Act)	Power to provide travel concessions on services provided by local authorities
Transport Act 1985 Section 106 (As amended by 2008 Act and Local Democracy, Economic Development and Construction Act 2009)	Power to make grants to assist the provision of transport facilities for the disabled or to support revenue expenditure incurred in providing services other than those for which a PSV licence is required





**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

# THE CONSTITUTION

JANUARY 2023



## Version Control

Revision Number	Revision Date	Comments
1	31 May 2017	Constitution approved by the CA Board
2	28 January 2018	Updated to take account of CA Board decisions made since May 2017
3	30 May 2018	Annual Review of the Constitution
4	25 July 2018	Updated to include revised portfolios
5	26 September 2018	Updated to include executive committees, scrutiny question time and other matters
6	25 September 2019	Annual Review of the Constitution
7	24 December 2019	Changes to Page 218, Appendix 5
8	28 May 2020	Changes to Chapter 18
9	20 July 2020	Change to Page 210, Appendix 4
10	7 August 2020	Appendix 5: Business Board Constitution approved by the Business Board (May 2020) and the CA Board (June 2020)
11	30 September 2020	Annual Review of the Constitution
12	21 December 2020	Changes to Chapters 1 and 17
13	3 February 2021	Changes to Chapter 8 and revised portfolios
14	9 March 2021	Updated to exclude reference to non-constituent councils and members
15	27 July 2021	Changes to Chapter 16
16 THIS VERSION	5 January 2023	Changes to be approved by the Audit & Governance Committee on 13 January 2023 and ratified by CA Board 25 January 2023

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[Cambridgeshire and Peterborough Combined Authority Order 2017](#)

## CHAPTER 1: SUMMARY

### 1. Introduction

- 1.1.1 The Cambridgeshire & Peterborough Combined Authority (the Combined Authority) is defined as the area covered by seven Constituent Authorities:
  - Cambridge City Council;
  - Cambridgeshire County Council;
  - East Cambridgeshire District Council;
  - Fenland District Council;
  - Huntingdonshire District Council;
  - Peterborough City Council; and
  - South Cambridgeshire District Council
- 1.1.2 The Combined Authority was established by Order on 3 March 1997 and exists to further the sustainable and inclusive growth of the economy of Cambridgeshire and Peterborough. It builds upon a strong history of collaboration between the Constituent Authorities, the private sector and other partners.
- 1.1.3 The Combined Authority also incorporates the role and responsibilities of the Business Board for Cambridgeshire & Peterborough (formerly the Local Enterprise Partnership), and various other statutory and non-statutory responsibilities.
- 1.1.4 This constitution reflects:
  - Experience of effective management of collaborative arrangements operating within the constituent authorities for many years
  - The commitments entered into by government and leaders' within the Combined Authority area
  - Constitutional arrangements put in place on the establishment of the Combined Authority in March 2017
  - The statutory framework established by parliament as part of the Combined Authority Order of 2017
- 1.1.5 This constitution is a living document and shall be amended as the Combined Authority continues to develop and it builds upon versions 1-n. Authority is delegated to the Monitoring Officer, in consultation with the Chief Executive of the Combined Authority, to make consequential amendments to the Constitution, in order to reflect organisational or legislative changes, or to make any minor textual or grammatical corrections. Any other changes shall be agreed unanimously by the Combined Authority Board.
- 1.1.6 This Constitution sets out the governance arrangements for the Cambridgeshire & Peterborough Combined Authority, including Mayoral and Non-Mayoral Functions. It

sets out how decisions are made and the procedures that are followed to ensure that the Combined Authority operates efficiently, effectively and is transparent and accountable.

- 1.1.7 The Constitution has 19 parts, plus a number of appendices. These are outlined below:
- 1.1.8 Part 1: Introduction to the Combined Authority and the Combined Authority's Constitution.
- 1.1.9 Part 2: Membership of the Combined Authority which outlines the establishment of the Combined Authority and the constituent authorities, the Business Board and the Co-opted members.
- 1.1.10 Part 3: The Mayor of the Combined Authority which sets out the roles and functions reserved to the Mayor. This chapter also sets out the Mayor's general functions and powers.
- 1.1.11 Part 4: The Combined Authority Functions and Responsibilities setting out who is responsible for exercising each function of the Combined Authority and its decision-makers operate, including:
  - formal meetings of the Combined Authority and its committees;
  - how to access information; and
  - procedures relating to finance and contracts.
- 1.1.12 Part 5: Standing Orders setting out how Combined Authority Board meetings and, subject to certain limitations identified in Chapter 7 [Boards and Committees] of this Constitution, to any committees or sub-committees will proceed.
- 1.1.13 Part 6: Decision-Making setting out how the Combined Authority's decision makers operate, including:
  - key decisions
  - The forward plan
  - general exception notices
  - special urgency decisions
  - the recording of decisions
  - the budget framework procedure rules
 formal meetings of the Combined Authority and its committees;
- 1.1.14 Part 7: Boards and Committees detailing the Boards and Committees, and sub-committees the Combined Authority has established to discharge its functions. The Combined Authority has established the following Boards and Committees:
  - Transport and Infrastructure Committee
  - Skills Committee
  - Housing and Communities Committee
  - Employment Committee

- 1.1.15 Part 8: Financial Regulations setting out how the Combined Authority's financial affairs are managed.
- 1.1.16 Part 9: Procurement and Contract Procedure Rules providing an overview.....
- 1.1.17 Part 10: Access to Information, Information Governance, Data Protection and Complaints setting out the rights of the public, as well as detail on how information is managed.
- 1.1.18 Part 11: Employment Rules and Regulations setting out how officers are appointed and dismissed and the role that Elected Members have in officer appointments and dismissals.
- 1.1.19 Part 12: Allowances
- 1.1.20 Part 13: Audit & Governance Committee setting out the functions and terms of reference of this statutory committee.
- 1.1.21 Part 14: Overview & Scrutiny Committee setting out the functions and terms of reference of this statutory committee.
- 1.1.22 Part 15: Business Board which is the Local Enterprise Partnership for its area and is a non-statutory body. The Business Board is independent of the Combined Authority operating as a private-public sector partnership, focussing on the key business sectors to drive growth in the Cambridgeshire and Peterborough, and wider Local Enterprise area. The Combined Authority is the accountable body for funding awarded to the Local Enterprise Partnership.
- 1.1.23 Part 16: Members which lays out the Member Code of Conduct; how Members register interests; and how complaints against members can be made and are dealt with.
- 1.1.24 Part 17: Subsidiary Companies and Shareholder Oversight providing an overview of the Combined Authority trading companies and the Shareholder Board.
- 1.1.25 Part 18: Officer Schemes of Delegation outlining the Schemes of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.
- 1.1.26 Part 19: Policies and Protocols which is a section setting out, as annexes, the policies and protocols of the Combined Authority.
- 1.1.27 Appendices: a number of appendices to the main body of the Constitution.

#### Monitoring and Reviewing the Constitution

- 1.1.28 The Monitoring Officer will regularly monitor and review the operation of the Constitution.
- 1.1.29 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 1.1.30 It is the responsibility of the Combined Authority Board to review the

Constitution on an annual basis.

#### Changes to the Constitution

- 1.1.31 The Constitution will be amended as the Combined Authority develops.
- 1.1.32 Changes to the Constitution will be agreed by the Combined Authority Board in accordance with the voting arrangements as set out in [Chapter 5 – Standing Orders](#) unless in the reasonable opinion of the Monitoring Officer a change is required in the circumstances set out in his/her delegated powers. [Chapter 18 - Officer Scheme of Delegation](#) .

#### Common Seal of the Combined Authority

- 1.1.33 The Common Seal of the Combined Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

## CHAPTER 2: MEMBERSHIP OF THE COMBINED AUTHORITY

### 2.1 The Establishment of the Combined Authority

- 2.1.1 The Cambridgeshire & Peterborough Combined Authority (Election of Mayor) Order 2017 established the Combined Authority as a Mayoral Combined Authority; and the first Mayor was elected in May 2017 (the second in May 2021). The Mayor is directly elected by the local government electorate of Cambridgeshire and Peterborough and serves a four-year term of office. The Combined Authority Mayor, by virtue of holding office, shall be a Member of, and Chair the Combined Authority Board; with responsibilities, and checks and balances on the exercise of those responsibilities, as set out by this Constitution.
- 2.1.2 The Mayor and the Combined Authority Board, and the Executive Committees will work together in collaboration, in the interests of the people of the Cambridgeshire and Peterborough. This Constitution sets out arrangements to ensure the effective conduct of the Combined Authority's business, in this spirit of collaboration, mutual respect and transparency. All members will strive to work on the basis of consensus, taking decisions through agreement. These principles shall apply irrespective of the statutory basis for the exercise of those powers; whether through the powers and responsibilities of the Mayor, the Combined Authority, or the Business Board. The powers of the Mayor are to be exercised through collaboration within the Combined Authority Board, and in partnership with all relevant stakeholders.

### 2.2 Constituent Authorities

- 2.2.1 Each of the Constituent Councils shall appoint a Member (usually its Leader) to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member). All appointments shall be for a one-year term.
- 2.2.2 A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.
- 2.2.3 A Member or Substitute Member may resign by giving written notice to the Proper Officer of their Constituent Council, and the resignation takes effect on the receipt of the notice. The relevant Constituent Council shall notify the Combined Authority forthwith of the resignation.
- 2.2.4 Each Constituent Council shall at any time be entitled to terminate the appointment of a Member or Substitute Member appointed to the Combined Authority and replace that Member or Substitute Member.



- 2.2.5 The Constituent Council must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority. The new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice was given, or such longer period not exceeding one month.

## 2.3 Business Board

- 2.3.1 The Business Board will nominate one of its Members, normally the Chair, to be a Member of the Combined Authority and another Member to act in the absence of the appointed Member (the Substitute Member).
- 2.3.2 The Combined Authority will consider the nomination and appoint the Business Board Member and the Business Board Substitute Member. Each appointment shall be for a one-year term.
- 2.3.3 A person will cease to be a Member or a Substitute Member of the Combined Authority if they cease to be a Member of the Business Board that nominated them. The Business Board shall appoint or nominate a replacement as soon as possible.
- 2.3.4 A Member or Substitute Member may resign by giving written notice to the Chair or Vice-Chair of the Business Board, and the resignation takes effect on the receipt of the notice. The Business Board shall notify the Combined Authority forthwith of the resignation.
- 2.3.5 Where the Business Board terminates an appointment and nominates another of its Members in that person's place, it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.
- 2.3.6 The Combined Authority must consider the appointment of the nominated Business Board Member at the next meeting of the Combined Authority. The new appointment shall take effect and the previous appointment terminate upon the determination of the appointment by the Combined Authority.

## 2.4 Co-opted Members

- 2.4.1 The Combined Authority may invite organisations with direct responsibility for functions relevant to the Combined Authority objectives to become Co-opted Members to attend the Combined Authority Board and these Co-opted Members may take part in the debate. All decisions on Co-opted Members shall be made formally by proposal and report at a Combined Authority Board meeting.
- 2.4.2 A proposal for an authority to be given Co-opted Member status may be made by any Constituent Council Member or the Mayor and must be agreed by a two-thirds majority

of those present and voting. Co-opted Member status takes effect upon agreement by the Board.

- 2.4.3 Co-opted Member status confers no legal status and no entitlement to vote and is an informal arrangement to promote a strategic approach to joint working in the development of significant policy issues.
- 2.4.4 A Co-opted member organisation shall be represented at meetings of the Combined Authority Board by a named representative or a named Substitute. Notice of the names of the Co-opted Members' representative or Substitute must be provided to the Monitoring Officer by the Co-opted Member organisation at least two working days prior to attendance at any meeting of the Board.
- 2.4.5 Such representative or substitute may participate in the debate on issues relevant to their organisation and must comply with the terms of the Constitution as they relate to debate, but they will not have entitlement to vote on any issue or agenda item.
- 2.4.6 The Chair of any meeting of the Combined Authority may require the Co-opted Members' named representative or named substitute to absent themselves from any meeting of the Combined Authority at the Chair's discretion.

## CHAPTER 3: THE MAYOR OF THE COMBINED AUTHORITY

### 3.1 Roles and Functions Reserved to the Mayor of the Combined Authority

- 3.1.1 The Mayor and the other Members of the Combined Authority will work closely together. Specifically, the Mayor:
- (a) will provide overall leadership and chair Combined Authority Board meetings;
  - (b) may nominate lead member responsibilities, the membership and chairs of executive committees to each member of the seven Constituent Councils who will act in a supporting and advisory function to the Mayor and Combined Authority for their respective policy areas; and
  - (c) will also be a member of the Business Board recognising the importance of the Business Board's role and the private sector in any growth strategies or delivery for the Combined Authority area.
- 3.1.2 The Mayor must appoint a statutory Deputy Mayor of the Combined Authority. The role of the statutory Deputy Mayor is set out in paragraph 3.6 below. The Mayor may also appoint a non-statutory Deputy Mayor and the role of the non-statutory Deputy Mayor is set out in paragraph n below.

### 3.2 General Functions of the Mayor

- 3.2.1 The Mayor will exercise the following general function:
- 3.2.1.1 The Mayor may pay a grant to Cambridgeshire County Council and Peterborough City Council to meet expenditure incurred by them as highways authorities. The Mayor must exercise this function under section 31 Local Government Act 2003 concurrently with a Minister of the Crown.
  - 3.2.1.2 Prior to the payment of the grant the Mayor must consult the Combined Authority.
  - 3.2.1.3 Members and officers of the Combined Authority may assist the Mayor in the exercise of the function to pay grant.

### 3.3 Powers of the Mayor

3.3.1 The Mayor may exercise a general power of competence (section 1 Localism Act 2011) to do anything that the Combined Authority may do:

3.3.1.2 Where the general power of competence:

- (a) involves the transfer of property, rights or liabilities of the Combined Authority to or from the Constituent Councils, or
- (b) is used to prepare and publish a statement setting out a strategy for spatial development in the Combined Authority area, the Mayor must secure the unanimous consent of all Members of the Combined Authority, or Substitute Members acting in their place.

3.3.2 The Mayor may otherwise individually exercise a general power of competence to do anything that the Combined Authority may do subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.

3.3.3 The Mayor may exercise their power to ask the Secretary of State for Transport to make regulations under Section 11 of the Automated and Electric Vehicle Act 2018 requiring large fuel retailers and service area operators to provide public charging points and to ensure public charging points are maintained and easily accessible. The power would be limited to large fuel retailers in the area within their authority.

### 3.4 Nominations to Lead Member Responsibilities and to Executive Committees

3.4.1 The Mayor and the Combined Authority Board shall agree lead member responsibilities in respect of the Combined Authority functions.

3.4.2 The Mayor shall nominate the agreed lead member responsibilities and membership (including the Chair) of any executive committees to any member of the constituent councils, subject to any rules within the terms of reference of those committees. Board members nominated to an executive committee may nominate their substitute member on the Board or another member from a constituent council to be a member of the committee. The Board member shall also nominate a named substitute member.

3.4.3 The nominations to lead member responsibilities and the nominated membership and chairs of any executive committees shall be reported to the Combined Authority Board for formal approval by a simple majority vote which must include the Mayor.

### 3.5 Mayor's Budget and Spending Plans

- 3.5.1 The Mayor must also set a budget and consult the Combined Authority Board on their spending plans and draft budget in accordance with the Budget Framework Procedure Rules (see Chapters 6: Decision Making and Chapter 8: Financial Regulations).
- 3.5.2 Any Mayoral budget, strategies and spending plans must be approved by the Combined Authority Board in accordance with the special voting rules (see Chapter 6 – Decision-Making).

### 3.6 Deputy Mayor

- 3.6.1 The Mayor must appoint one Member of the Combined Authority to hold the statutory functions as Deputy Mayor. This statutory Deputy Mayor shall:
  - (a) hold office until the end of the term of office of the Mayor;
  - (b) cease to be statutory Deputy Mayor if at any time the Mayor removes them from office, they resign as Deputy Mayor or they cease to be a Member of the Combined Authority;
  - (c) act in the place of the Mayor if for any reason the Mayor is unable to act, or the office of Mayor becomes vacant.
- 3.6.2 If a vacancy arises in the office of statutory Deputy Mayor, the Mayor shall immediately appoint another Member of the Combined Authority to the post of statutory Deputy Mayor.
- 3.6.3 If the Mayor is unable to act or the office of Mayor is vacant; and the statutory Deputy Mayor is unable to act, the Monitoring Officer shall call a meeting of the Combined Authority Board to take decisions, by simple majority, in the absence of the Mayor.
- 3.6.4 For reasons of good governance, the Mayor may appoint a second non- statutory Deputy Mayor from amongst the Constituent Council members as they think appropriate.
- 3.6.5 The non-statutory Deputy Mayor shall preside over any meeting of the Combined Authority called to make decisions in the absence of the Mayor and statutory Deputy Mayor.
- 3.6.6 Should the statutory Deputy Mayor be appointed as Chair of the Combined Authority in the absence of the Mayor, the non-statutory Deputy Mayor shall be appointed as the Vice-Chair.

### 3.7 Delegation of Functions Reserved to the Mayor

3.7.1 The Mayor may arrange for:

- (a) the statutory Deputy Mayor to exercise any general function of the Mayor;  
or
- (b) another Member or officer of the Combined Authority to exercise any such function.

3.7.2 The Mayor shall produce a scheme of delegation for any delegated functions.

3.7.3 The financing of a Mayoral Combined Authority can be met from precepts by the Combined Authority (section 107G, 2009 Act). However, the Mayor has no power to borrow money (section 107D(8), 2009 Act).

### 3.8 Mayoral Decisions

3.8.1 Any Mayoral decisions will be made in accordance with the Constitution including the Transparency Rules, Forward Plan and Key Decisions (see Chapter 6 – Decision-Making).

## CHAPTER 4: THE COMBINED AUTHORITY FUNCTIONS AND RESPONSIBILITIES

### 4.1 Functions Reserved to the Combined Authority Board

4.1.1 The following functions are reserved to the Combined Authority Board:

#### Strategies and Plans

4.1.2 The adoption of, and any amendment to or withdrawal of the following plans and strategies:

- (a) The Mayor's growth ambition statement;
- (b) Business Plan;
- (c) Business cases for key priority projects identified in the Business Plan;
- (d) Local Industrial Strategy;
- (e) Local Transport Connectivity Plan;
- (f) Bus Strategy;
- (g) Approval of the key route network;
- (h) Skills Strategy;
- (i) Housing Strategy;
- (j) Investment Strategy;
- (k) Non-Statutory Strategic Spatial Plan;
- (l) Market Town Masterplans for Growth;
- (m) Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Holding Company;
- (n) Other strategies and plans as agreed.

#### Frameworks

4.1.3 The adoption of, and any amendment to or withdrawal of the following framework documents:

- (a) Assurance Framework;
- (b) Monitoring & Evaluation Framework.

#### Financial Matters

4.1.4 The adoption of, and any amendment to or withdrawal of the following financial documents:

- (a) The non-mayoral Combined Authority budgets;
- (b) Approval of carry forward of any underspent balances between financial years;
- (c) Annual spending plans for the allocation of transport-related funding;
- (d) Treasury Management Strategy including approval of borrowing limits;
- (e) Medium Term Financial Plan and Capital Programme
- (f) Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.

4.1.5 Consultation on the allocation of Local Highways Maintenance Capital Grant

4.1.6 Approve budget allocations for feasibility work from the non-transport feasibility fund

4.1.7 Approve business cases and loans to third party businesses including wholly owned subsidiaries;

4.1.8 Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.

4.1.9 Approval of virements of £500,000 and over;

4.1.10 In relation to the Mayor's General Budget, and in accordance with the Budget Framework Procedure Rules (see Chapter *n* – Financial Regulations):

- (a) The approval of the draft budget (or revised draft budget) or
- (b) The decision to veto the draft budget (or revised draft budget) and approval of the Mayor's draft budget incorporating the Combined Authority Board's recommendation as the relevant amounts and calculations.

## 4.2 Accountable Body

4.2.1. Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.

## 4.3 Governance

4.3.1 Decisions related to:

- (a) Adoption and amendment of the Constitution;



- (b) Establishment and membership of Committees and Sub-Committees;
- (c) Establishment and membership of Joint Committees and Commissions;
- (d) Approve the nomination of lead member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;
- (e) Approval of Mayoral Allowance and any other allowance schemes;
- (f) Appointment of an Independent Person of the Audit and Governance Committee;
- (g) Appointment of Statutory Officers;
- (h) Delegation of functions to third parties;
- (i) Establishment of Trading Companies;
- (j) Any other matters reserved to the Board.

4.3.2 The Combined Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and Chief Finance Officer.

4.3.3 The Combined Authority Board shall have the power to reserve decisions to itself which would otherwise be taken by the Executive Committees.

#### 4.4 Membership of the Combined Authority Board

4.4.1 The Combined Authority Board consists of the Members as set out below:

- (a) The Mayor, or Deputy Mayor acting in the Mayor's absence
- (b) An elected Member appointed by each of the Constituent Councils or Substitute Members acting in their place;
- (c) A Representative of the Business Board or Substitute Members acting in their place;
- (d) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.

4.4.2 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period, they cease to be a Member of the Board.

## 4.5 Functions of the Combined Authority

4.5.1 The functions of the Combined Authority are grouped into lead member responsibilities, allocated to Constituent Council Members of the Combined Authority and include the following responsibilities:

- (a) To lead and champion their allocated lead member functions;
- (b) To act as key spokesperson for the Combined Authority within their respective Constituent Councils
- (c) To chair and lead a committee where established;
- (d) To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board;
- (e) To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;
- (f) To liaise with Members holding similar lead member responsibilities within the Constituent Councils.
- (g) To lead on the development of key strategic documents for approval by the Combined Authority;
- (h) To develop and present investment proposals to the Combined Authority;
- (i) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;
- (j) To input into any future devolution proposals and public sector reform.

## 4.6 Executive Bodies

4.6.1 The Combined Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

## 4.7 Working Groups

4.7.1 The Combined Authority may establish informal working groups. These groups will be non-decision making groups of Officers and Members.

## 4.8 Membership

- 4.8.1 The Combined Authority shall appoint the membership of all executive committees, sub-committees, joint committees and working groups, including the appointment of the Chair, Substitute Members and any Co-opted Members. In accordance with Chapter 3, the Mayor shall nominate the membership and chairs of any executive committees to the Board for approval.
- 4.8.2 The political balance rules apply to all committees, sub-committees and joint committees where political groups are formed. Where political groups are not formed the Combined Authority has agreed that at least one member of a party not of the same political affiliation as the Mayor shall be appointed to all committees.
- 4.8.3 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Monitoring Officer.

## 4.9 Quorum

- 4.9.1 The quorum for all committees, sub-committees and working groups is at least two-thirds of the total number of Members and may be no fewer than three Members.

## 4.10 Access to Meetings

- 4.10.1 The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees (see Chapters 6: Decisions; and 10: Access to Information, Information Governance, Data Protection and Complaints). These rules do not apply to working groups and commissions.

## CHAPTER 5: STANDING ORDERS

### 5.1 Introduction

5.1.1 These rules apply to Combined Authority Board meetings and, subject to the limitations set out in Chapter 7: Boards and Committees of this Constitution to any committees or sub-committees of the Board.

### 5.2 Types of Meetings

5.2.1 There are three types of meeting:

- The Annual Meeting of the Combined Authority;
- Ordinary meetings;
- Extraordinary meetings.

### 5.3 Annual Meeting

5.3.1 The Combined Authority will normally hold an Annual Meeting (between 1 May and 30 June) following Constituent Councils' Annual Meetings.

5.3.2 The Annual Meeting will:

- (i) note the appointment of Members of Constituent Councils and the Business Board (and their Substitute Members);
- (ii) receive any declarations of interest from Members;
- (iii) approve minutes of the last meeting;
- (iv) appoint any or Co-opted Members;
- (v) approve lead members responsibilities;
- (vi) appoint such executive Committees as the Combined Authority considers appropriate, their membership and the Chair and Vice-Chair;
- (vii) appoint the Overview and Scrutiny Committee and Audit and Governance Committee (including their terms of reference, size, the allocation of seats to political parties in accordance with the political balance requirements) in accordance with nominations received from Constituent Councils;
- (viii) appoint the Chair and Vice-Chair of the Audit and Governance Committee;
- (ix) agree the programme of the Ordinary Meetings of the Combined Authority for the forthcoming year, and appropriate advanced

- notification of other planned meetings of Committees; and
- (x) be followed by an Ordinary Meeting to consider any other business set out in the notice convening the meeting.

5.3.3 The Combined Authority Board may decide at subsequent meetings to dissolve Committees, alter their terms of reference or to appoint new Committees.

## 5.4 Ordinary Meetings

5.4.1 The Combined Authority Board will decide on the number of Ordinary Meetings to hold in each municipal year in addition to its annual meeting. Each meeting will be held at a time and place as the Combined Authority decides.

5.4.2 Ordinary Meetings will:

- (i) approve the minutes of the last meeting;
- (ii) receive any declarations of interest from Members;
- (iii) receive any announcements from the Mayor;
- (iv) receive questions from, and provide answers to the public in accordance with Standing Order n below;
- (v) receive petitions in accordance with Standing Order n below;
- (vi) receive and consider reports from its Officers, Committees and Sub-Committees and working groups;
- (vii) deal with any business from the last Combined Authority meeting; and
- (viii) consider motions on notice and any other business specified in the summons to the meeting.

5.4.3 Unless otherwise determined by statute, the Chair may vary the order of the agenda at their absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

5.4.4 If any issues arise at a meeting in relation to interpretation of the meeting procedure rules the Chair's decision shall be final.

## 5.5 Urgency

5.5.1 The Chair may determine that an item of business that has not been open to prior public inspection, should be considered at the meeting as a matter of urgency. Any urgent items shall comply with Transparency Rules, Forward Plan and Key Decisions (see Chapter 6: Decision Making).

## 5.6 Extraordinary Meetings

5.6.1 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.

5.6.2 The business to be conducted at an Extraordinary Meeting shall be restricted to the items of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Chair may at their absolute discretion permit other items of business to be added to the agenda for the efficient discharge of the Combined Authority's business.

## 5.7 Notice of Meetings and Agendas

5.7.1 Notice of meetings, agendas and reports will be published in accordance with the Transparency Rules, Forward Plan and Key Decisions (see Chapter 6: Decision-Making and Chapter 10: Access to Information, Information Governance, Data Protection and Complaints).

## 5.8 Public Access

5.8.1 As set out in Chapter 10: Access to Information, Information Governance, Data Protection and Complaints, every meeting of the Combined Authority shall be open to the public, except where the public are excluded during the whole or part of the proceedings in certain circumstances. Copies of the agenda and any additional papers will be available for the public and media representatives.

## 5.9 Attendance

5.9.1 The Monitoring Officer shall record the attendance of each Member at the meeting.

## 5.10 Notice of Substitute Members

5.10.1 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the Member for whom they are the designated substitute where the Member will be absent for the whole of the meeting;
- (b) after they, or the Member they are substituting for, has provided the Monitoring Officer with notice of the substitution before the commencement of the meeting in question;
- (c) where an adjourned meeting is reconvened, and it is essential for that Substitute Member to continue to attend to comply with good governance.

5.10.2 Substitute Members will have all the powers and duties of an ordinary Member of the Combined Authority for the duration of the meeting at which they act as Substitute but will not be able to exercise any other special powers or duties exercisable by the person for whom they are the Substitute.

## 5.11 Chair and Vice-Chair

5.11.1 From the point at which he or she takes office, the Mayor will act as Chair to the Combined Authority. The Mayor shall appoint a statutory Deputy Mayor holding statutory powers as Vice-Chair of the Combined Authority.

5.11.1 If the Mayor resigns or the position is vacant, the statutory Deputy Mayor shall chair the Combined Authority Board.

5.11.2 Following the appointment of the Deputy Mayor as Chair, the Combined Authority must appoint a Vice-Chair from among its Members and the appointment is to be the first business transacted. If the Mayor has appointed a second Deputy Mayor, he or she shall be the Vice-Chair.

5.11.3 A person ceases to be Chair or Vice-Chair of the Combined Authority Board if they cease to be a Member of the Combined Authority.

5.11.4 If a vacancy arises in the office of Chair or Vice-Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority Board, or, if that meeting is to be held within 14 days of the vacancy arising, at the following meeting. The appointment of Chair must be the first business transacted. The appointment of the Vice-Chair should be the first business

transacted after the appointment of the Chair of the Board.

## 5.12 Quorum

5.12.1 No business shall be transacted at any meeting of the Combined Authority Board unless at least five Members are present at the meeting, including:

- (a) the Mayor, or the Deputy Mayor acting in place of the Mayor, and
- (b) at least four other Members appointed by the Constituent Councils, or Substitute Members acting in their place.

5.12.1 If the Mayor is not in post, or if for any reason

- (a) the Mayor is unable to act, or the office of Mayor is vacant, and
- (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant,

no business shall be transacted at any meeting of the Combined Authority Board unless at least five Members of the Constituent Councils, or their Substitute Members, are present at the meeting.

## 5.13 Declarations of Interest in Meetings

5.13.1 Where a Member attends a meeting of the Combined Authority Board, Committees or Sub-Committees they must declare personal interests and disclosable pecuniary interests not already notified in the register of interests as defined in the Members' Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

5.13.2 All Members and their Substitute Members, and Co-opted Members and their Substitute Members shall also complete a Declaration of Interest form.

5.13.3 In addition, where in relation to any meeting a Member has declared a disclosable pecuniary interest in a matter, the Member must leave the room for the duration of the discussion on that matter.



## 5.14 Rules of Debate

- 5.14.1 The Chair will be responsible for the management of the meeting and will introduce each item on the agenda in the order they appear on the agenda or such order as the Chair considers most effective for the conduct of the meeting.
- 5.14.2 The Chair may invite the Mayor (if in attendance) a Member or Officer to present the item for debate. An Officer includes a contractor for services whose work/contract is relevant to the item.
- 5.14.3 The Chair will decide the order in which speakers will be heard and may permit both Members and Officers to speak on the item.
- 5.14.4 Members will remain seated when speaking and must address the Chair.
- 5.14.5 Speeches must be directed to the subject under discussion or to a personal explanation or point of order.
- 5.14.6 The Chair shall at his discretion determine the time permitted for speeches and the number of speeches to be made by any Member or Officer.
- 5.14.7 A Member may move a motion without giving notice as required by paragraph 5.15 below based upon recommendations in a report or may move amended or alternative recommendations.
- 5.14.8 If an amendment is moved the mover of the original motion has the right of reply on the debate concerning the amendment.
- 5.14.9 The mover of the motion has a right of reply at the end of the debate immediately before it is put to the vote.

## 5.15 Motions Submitted in the Name of a Member

- 5.15.1 Any Member of the Board appointed by a Constituent Council or the Business Board may give notice of a motion for consideration at any ordinary meeting of the Combined Authority.
- 5.15.2 The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers, duties or responsibility, or which affect the area of the Combined Authority or part of it or its citizens. He/she shall keep a record of the date and time at which every motion is delivered to him/her.
- 5.15.3 The motion must not be:
  - (a) illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of Combined Authority or Constituent Council staff;

(b) substantially the same as a motion which has been put at a meeting of the Combined Authority in the past year.

- 5.15.4 Unless the Chair of the Combined Authority Board is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority Board shall be delivered to the Monitoring Officer in writing not later than 12:00 on the sixth working day before the day of the Combined Authority meeting, but not including the day of the meeting itself.
- 5.15.5 Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the Member giving notice states that they propose to move it to a later meeting or withdraw it.
- 5.15.6 At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply.
- 5.15.7 Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority, but the motion has not been moved and seconded (for whatever reason) that motion shall lapse.
- 5.15.8 Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority Board or at a later meeting selected by the Member proposing the motion.

## 5.16 Amendments to Motions

5.16.1 An amendment shall be relevant to the motion and shall either:

- (a) refer the matter to the appropriate body or individual for consideration or reconsideration;
- (b) leave out words; or
- (c) insert or add words, as long as the amendment does not have the effect of negating the motion.

5.16.2 Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of.

5.16.3 However, the Chair may permit two or more amendments to be discussed

together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.

- 5.16.4 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

## 5.17 Voting

### General Voting

- 5.17.1 Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:

- (a) the Mayor;
- (b) a Constituent Council Member or a Substitute Member acting in that Member’s place; and
- (c) a Member appointed from the Local Enterprise Partnership.

- 5.17.2 Except decisions to which special voting arrangements apply, all decisions of the Board shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.

- 5.17.3 If a vote is tied it is deemed not to have been carried.

- 5.17.4 If there is a deadlock, the matter shall be brought back to the next meeting of the Combined Authority Board.

- 5.17.5 The proceedings of the Combined Authority are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

- 5.17.6 If for any reason:

- (a) the Mayor is unable to act, or the office of Mayor is vacant, and
- (b) the deputy Mayor is unable to act, or the office of deputy Mayor is vacant, the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

### Special Voting

5.17.7 A decision on a question relating to:

- (a) amendments to the Constitution;
- (b) determining a request by an organisation to become a Co-opted Member on the Combined Authority Board;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) present and voting.

5.17.8 A decision on a question relating to:

- (a) the Transport Plan;
- (b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils present and voting to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

### 5.18 Voting on the Mayoral Matters

5.18.1 A decision on a question relating to a proposal by the Mayor to exercise the general power of competence which involves:

- (a) property, rights and liabilities passing between the Combined Authority and any Constituent Authorities; or
- (b) the preparation and publication of the Mayor's strategy for spatial development in the Combined Authority area;

requires a unanimous vote by all Members of the Combined Authority appointed by the Constituent Councils (or their Substitute Members).

- (c) A decision to reject the Mayoral budget, Mayoral strategy or Mayoral spending plan requires a vote in favour by at least two-thirds of all Members appointed by Constituent Councils (or their Substitute Members). The two-thirds must be present and voting.

## 5.19 Recorded Votes

- 5.19.1 A Member may ask prior to the vote or immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.
- 5.19.2 Where Members vote on the budget, the vote will be recorded.
- 5.19.3 On the request of any Member of the Authority, supported by two other Members appointed by separate Constituent Councils before a vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for, abstained or against that question or did not vote

## 5.20 Voting on Appointments

- 5.20.1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## 5.21 Minutes

- 5.21.1 The minutes of the proceedings of each meeting of the Combined Authority Board, or any Committee or Sub-Committee of the Combined Authority Board, shall be retained by the Combined Authority and shall include the names of Members and Substitute Members present at any meeting.
- 5.21.2 The minutes must be signed at the next ordinary meeting of the Combined Authority by the Chair. No discussion shall take place upon the minutes except about their accuracy. Any signed minutes are to be received in evidence without further proof.
- 5.21.3 Until the contrary is proved a meeting of the Combined Authority Board or its Committees or Sub-Committees, a minute of whose proceedings has been signed in accordance with paragraph 5.21.2, is deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting are deemed to have been duly qualified.

## 5.22 Questions by the Public

- 5.22.1 Members of the public, who are residents of the Combined Authority area or work in the area, may ask questions of a Member of the Combined Authority at Combined Authority Board meetings, including at an Extraordinary Meeting, or at an Executive Committee. For Extraordinary Meetings, the question must relate to the item on the agenda.
- 5.22.2 Where there is an item on the agenda that in the opinion of the Chair has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.
- 5.22.3 The Chair may agree that a member of the public asking a question do so via remote access technology. Where this access fails during a meeting, the Chair may elect to ask an Officer to read the question out, or the question to not be heard and for a written answer to follow.

## 5.23 Questions by the Members

- 5.23.1 The Overview and Scrutiny Committee has adopted a pre-scrutiny model whereby it meets before every Combined Authority Board meeting to scrutinise the Board's agenda. At this meeting, the Committee shall discuss and formally agree by means of a vote a list of questions to be raised at the next Combined Authority Board meeting following discussion with officers and relevant executive board members. The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting.
- 5.23.2 The agreed list of questions shall be raised by the Chair, on behalf of the Committee, at the next Combined Authority Board meeting; the questions must be acknowledged and the Mayor will deal with the question or statement, or request that an appropriate Member or Officer reply orally. If this is not possible, the Overview and Scrutiny Committee will be provided with a written answer within ten working days.
- 5.23.3 Members of Constituent Councils should submit any questions on items on the Combined Authority Board agenda to the Overview and Scrutiny Committee scrutinising that Board agenda. Requests to speak at meetings of the Combined Authority Board on items on the Board's agenda will then be at the discretion of the Mayor.
- 5.23.4 Members of Constituent Councils may also ask questions of a Member of the Combined Authority at executive committees.

5.23.5 Members of Constituent Councils may ask questions of a Member of the Combined Authority at a Combined Authority Board meeting which do not relate to an item on the Combined Authority Board agenda, including at an Extraordinary Meeting, provided the question is not substantially the same as a question which has been put to the Board by the Chair of the Overview and Scrutiny Committee or one of its Executive Committees, and in relation to an Extraordinary Meeting that it relates to an item on the agenda.

#### 5.24 Time Limit

5.24.1 The total time allocated for questions by the public and Members shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

#### 5.25 Order of Questions

5.25.1 Questions raised by the Chair of Overview and Scrutiny Committee will be taken first at the relevant item followed by questions submitted by the public. Priority will be given to questions on items on the agenda for the meeting, or issues where decisions are expected before the next meeting. Questions will be taken at the meeting in the order in which they were received.

#### 5.26 Notice of Questions

5.26.1 A question may only be asked if it has been submitted in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address and contact details of the questioner, the name of the organisation if the question is being asked on their behalf, details of the question to be asked, and the name of the Member of the Combined Authority Board to whom it is to be put.

#### 5.27 Number of Questions

5.27.1 At any one meeting no person may submit more than one question.

#### 5.28 Scope of Questions

5.28.1 If the Monitoring Officer considers a question:

- (a) is not about a matter for which the Combined Authority has a responsibility or which affects its area;
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Combined Authority staff;
- (c) is substantially the same as a question which has been put at a meeting of the Combined Authority Board or an executive committee in the past year;
- (d) is substantially the same as a question which has been put at a meeting of the Combined Authority Board by the Chair of the Overview and Scrutiny Committee; or
- (e) requires the disclosure of confidential or exempt information

they will inform the Chair who will then decide whether or not to reject the question.

## 5.29 Record of Questions

- 5.29.1 The Monitoring Officer shall record the question and will immediately send a copy to the Member to whom it is to be put. Rejected questions will be recorded including the reasons for rejection.
- 5.29.2 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

## 5.30 Asking the Question at the Meeting

- 5.30.1 The Chair will invite the questioner to put the question to the Member named in the notice. Up to two minutes are allowed for putting the question. Subject to the exception at 5.22.3 above, if a questioner who has submitted a written question is then unable to be present, they can ask for a written response or that their question be read out by the clerk. No debate will be allowed on the question or response.



### 5.31 Supplementary Questions

5.31.1 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and must not introduce new material. One minute is allowed for putting the supplementary question.

### 5.32 Answers

5.32.1 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

### 5.33 Questions by Combined Authority board members

#### **On reports or minutes of the CA Board or Committees**

5.33.1 A member of the Board may ask the Mayor, another CA Member or the Chair of a committee, a question without notice when that item is under consideration by the CA Board, or upon any minute of a meeting of that forum which has been published since the last meeting of the Board.

#### **Written Questions on notice at CA Board**

5.33.2 Subject to Rule 5.33.5, a member of the Board may ask the Mayor, a member of the CA Board, The Chair of any committee or sub-committee, Lead Members; or the Chair of (or other member representing) any other forum in relation to which the CA has powers or duties or which affect the area of the Authority.

#### **Questions set out in the agenda**

5.33.3 Questions for which notice has been given will be listed on the agenda in the order in which notice was received, unless a member submits more than one question, or the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

5.33.4 Where a member submits more than one question, other questions from other members will be asked before their second question.

#### **Notice of questions**

5.33.5 A member may only ask a question under 5.33.2 if either:-

- They have given at least four clear working days' notice in writing of the question to the Monitoring Officer; or
- The question relates to urgent matters and they have the consent of the Mayor or the Deputy mayor acting in place of the mayor and the content of the question is given to the Monitoring Officer by 9.00am on the day of the meeting.

### **Question and Response**

5.33.6 Each question shall be put and answered in turn without discussion. The question should be put within one minute and the response should not exceed two minutes.

5.33.7 A Member may submit no more than two written questions for a meeting. An unanswered question will receive a written answer circulated later to the questioner.

5.33.8 An answer may take the form of:-

- A direct oral answer;
- Where the desired information is in a publication of the CA or other published work, a reference to that publication; or
- Where the reply cannot be conveniently given orally, a written answer circulated later to the questioner.

### **Supplementary question**

5.33.9 A member asking a question under Rule 5.33.2 may ask one supplementary question without notice of the Member to whom the first question was asked which shall be put and answered without discussion. The supplementary question must arise directly out of the original question or the reply.

### **Time limit**

5.33.10 The time allocated for questions on notice under Rule 5.33.2 shall be no more than 15 minutes (subject to the Mayor's discretion to extend this period). A question in progress, on reaching the time limit will be permitted to continue at the discretion of the Mayor.

## **5.34 Petitions from the Public**

5.34.1 Petitions with at least 500 signatures may be presented to the Combined Authority Board. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Chair will refer the matter to another appropriate body or to the Chief Executive, unless a relevant item appears elsewhere on the Agenda.

5.34.2 A petition should be received by the Monitoring Officer no later than midday three working days before the day of the meeting.

### 5.35 Attendance by committee or subcommittee chairs

The Chair of any of the Authority's committees or sub-committees may be invited to attend and speak at any meeting of the Authority to:-

- present any reports or recommendations of that committee or sub-committee; or
- answer questions about any matter set out in the minutes of that committee or sub-committee; or
- contribute to discussion about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are Chair.

### 5.36 Conduct at Meetings: Member not to be Heard Further

5.34.3 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

### 5.37 Conduct at Meetings: Member to Leave the Meeting

5.37.1 If the Member continues to behave improperly after such a motion is carried, the Chair or another Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### 5.38 Conduct at Meetings: General Disturbance

5.38.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he or she thinks necessary.

### 5.39 Conduct at Meetings: removal of a Member of the Public

5.39.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### 5.40 Conduct at Meetings: Clearance of Part of a Meeting Room

5.40.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

#### 5.41 Suspension of Procedure Rules

- 5.41.1 All of these procedure rules except those provided for in statute may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting and requires a two-thirds majority of those present and voting.
- 5.41.2 The Protocol on the Webcasting of Meetings which can be found in Chapter 19: Policies and Protocols, Appendix 7 shall apply to the webcasting of the meetings of the Combined Authority and its committees.

#### 5.42 Photography, Audio/Visual Recording of Meetings and Blogging/Tweeting

- 5.42.1 Please see Chapter 10: Access to Information, Information Governance, Data Protection and Complaints.

5.43 The proceedings of the Authority are not invalidated by any vacancy among its Members or any defect in the appointment or qualifications of any Member.

#### **Strategic Policy debates**

- 5.44 The Mayor, after consultation with the Chair, Board Members, Lead members, Chairs of the overview and scrutiny committees, Audit and Governance and the Group Leaders, shall identify those issues of strategic policy which shall be the subject of debate by CA.
- 5.45 A meeting which could also take place remotely can be scheduled to debate these policies.
- 5.46 The conduct of strategic policy debates shall be regulated by the Mayor, subject to the following guidelines:
- 5.47 The policy must relate to the Authority's powers or duties or be matters that affect its residents.
- 5.48 All members will wherever possible, receive a briefing paper in advance of the meeting on the policy to be subject of debate.
- 5.49 (Rules of Debate) shall not apply during strategic policy debates but the time allowed for the debate shall not normally exceed 45 minutes.
- 5.50 The Chief Executive, after consultation with the Mayor, shall be authorised to invite representatives of constituent authorities or of partner organisations to participate in the debate, as appropriate.
- 5.51 No formal decisions shall be taken upon the matter under consideration but the views and conclusions of the Board upon the matter shall be forwarded to the relevant body responsible for policy development/review, as appropriate.
- 5.52 This meeting can take place remotely.

## CHAPTER 6: DECISION-MAKING

**6.1** All decisions of the Authority should be made in accordance with the following principles: -

- (i) proportionality (meaning the action must be proportionate to the results to be achieved);
- (ii) due consultation (including the taking of relevant professional advice);
- (iii) respect for human rights;
- (iv) presumption in favour of openness and complete transparency and an expectation that reports will be drafted so that, wherever practicable, any exempt information is extracted and placed in a separate appendix in order that the remainder of the report may be considered in open session;
- (v) clarity of aims and desired outcomes;
- (vi) due consideration to be given to all options to guard against any form of predetermination in any decision-making process; and
- (vii) The public sector equality duty
- (viii) Consideration of the outcome of any consultation;
- (ix) Only relevant matters to be taken into account.
- (x) Due weight to be given to all material considerations;
- (xi) Lawfulness and financial propriety, and
- (xii) All decisions should be evidence-based.

### SCRUTINY OF DECISIONS

6.2 Overview and scrutiny committees have been appointed by the Authority to scrutinise decisions taken by the Executive. The responsibilities and terms of reference of these committees are described in Chapter 13 of the constitution. The overview and scrutiny committee will follow the Overview and Scrutiny Procedure Rules set out in Chapter 13.

### 6.3 Key Decisions

6.3.1 A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:

- (a) result in the Combined Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or

- (b) have a significant effect on communities living or working in an area made up of two or more wards or electoral divisions in the area.

6.3.2 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.

6.3.3 A key decision which is considered to have a 'significant' effect on communities should usually be of a strategic rather than operational nature and have an outcome which will have an effect upon a significant number of people living or working in the area and impact upon:

- (a) the amenity of the community or;
- (b) quality of service provided by the Authority

6.3.4 Subject as below, a key decision may not be taken by the decision maker unless:

- (a) it is in the Forward Plan on the Combined Authority's website;
- (b) at least 28 clear days' notice has been given, or if this is impracticable, the decision has complied with the provisions set out in paragraph 6.3 or 6.4 below as they may apply; and
- (c) notice of the meeting has been given in accordance with these rules.

## 6.4 The Forward Plan

6.4.1 The Forward Plan will be prepared by the Mayor in consultation with the Chief Executive and published by the Monitoring Officer at least 28 clear days before the date of the meeting to which it refers.

6.4.2 The Forward Plan will include matters which are key decisions to be taken by the Combined Authority, its Committee or Sub-Committees, the Mayor, an Officer, or a Joint Committee when discharging their functions. It will include in so far as the information is available or might reasonably be obtained:

- (a) that a key decision is to be made on behalf of the Combined Authority;
- (b) the matter about which a decision is to be made; where the decision taker is an individual, his/her name and title, if any; and, where the decision taker is a body, its name and details of its membership;
- (c) the date on which, or period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision maker for consideration about that matter;
- (e) the address from which copies of any document listed is available, subject to any prohibition or restriction on their disclosure;
- (f) that other documents relevant to those matters may be submitted to the decision maker; and
- (g) the procedure for requesting details of those documents (if any) as they become available;
- (h) whether the decision proposed to be taken will include confidential or exempt information and require the meeting to be private to consider the item, either in full or in part, and the relevant exemption category.

6.4.3 Where any matter involves the consideration of exempt information or confidential information (as defined above) or the advice of a political adviser or assistant, a summary of the matter shall be included in the Forward Plan but the exempt or confidential information or the advice, as the case may be, need not be included.

## 6.5 General Exception

6.3.1 Where publication of the intention to make a key decision is impractical, the decision may still be taken if:

- (a) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee (or if there is no such person, each Member of

the Overview and Scrutiny Committee) by written notice of the matter to which the decision is to be made, including why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case;

- (b) the Monitoring Officer has made copies of that notice available to the public at the Combined Authority's office and its website, and
- (c) at least five clear days have elapsed since the Monitoring Officer complied with (a) and (b) above.

#### 6.4 Special Urgency Decision

6.4.1 Where the date by which a key decision must be taken means the General Exception rule cannot be followed, then the decision can only be taken where the decision maker has obtained agreement from:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no such person or the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Combined Authority Board; or
- (c) where there is no Chair of either, the Vice-Chair of the Board;

that the making of the decision is urgent and cannot reasonably be deferred.

6.4.2 As soon as reasonably practicable after agreement has been given, a notice must be available to the public at the Combined Authority's Offices and on its website, setting out the reasons for urgency and why the decision could not reasonably be deferred.

#### 6.5 Recording of Decisions Made by Officers and the Mayor

6.5.1 Where an officer or the Mayor makes a decision, including under specific delegation from a meeting of a decision-making body, the effect of which is:

- (a) to grant a permission or licence,
- (b) to affect the rights of an individual; or



- (c) to award a contract or incur expenditure which, in either case, materially affects the Combined Authority's financial position,

6.5.2 The decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information:

- (a) the date the decision was taken
- (b) a record of the decision taken along with reasons for the decision
- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.

6.5.3 The Combined Authority has determined that where the effect of an officer decision is to award a contract or incur expenditure, the value of the contract or expenditure above which it is to be considered as materially affecting the Combined Authority's position is to be £250,000.

6.5.4 The duty imposed by Procedure Rule 6.5.1 above is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and the duty does not require administrative and operational decisions to be recorded.

6.5.5 All written records produced in accordance with Procedure Rule 6.5.1 above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public:

- (a) at all reasonable hours, at the offices of the Combined Authority; and
- (b) on the Combined Authority's website.

6.5.6 All written records produced in accordance with Procedure Rule 16.1 above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

6.5.7 Any background papers must be retained and made available for inspection by

the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

- 6.5.8 Nothing in Procedure Rules 6.5.1 to 6.5.7 requires the disclosure of exempt or confidential information.

## 6.6 Budget Framework Procedure Rules

### Introduction

- 6.6.1 The Budget Framework is the name given to the procedures that must be followed before the budget is finally approved. These rules set out how the Combined Authority will make decisions on the budget.
- 6.6.2 Once the budget is in place it is the responsibility of the Combined Authority Board or the Mayor to implement.
- 6.6.3 The Budget Framework will comprise the following:

### Mayor's General Functions Budget

- 6.6.4 The costs of the Mayor that are incurred in, or in connection with, the exercise of Mayoral functions is to be met from precepts issued by the authority under section 40 of the 1992 Act, unless funded from other sources.
- 6.6.5 The Mayor may make a bid for gain share funds as part of his/her proposed budget which may or may not be agreed by the Combined Authority Board.
- 6.6.6 The Mayor must, before 1 February in any financial year, notify the Combined Authority of the Mayor's draft budget in relation to the following financial year.
- 6.6.7 The draft budget must:
- (a) set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayor's general functions; and
  - (b) include the relevant amounts and calculations.
- 6.6.8 The Combined Authority Board must review the Mayor's draft budget and may make a report to the Mayor on the draft budget. Any report:
- (a) must set out whether or not the Combined Authority would approve

the draft budget in its current form; and

- (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.

6.6.9 The Mayor's draft budget shall be deemed to be approved by the Combined Authority unless the Board makes a report to the Mayor before 8 February.

6.6.10 Where the Combined Authority Board makes a report, it must specify a period of at least five working days beginning on the day after the day on which the Mayor receives the report within which the Mayor may:

- (a) decide whether or not to make any revisions to the draft budget; and
- (b) notify the Combined Authority Board of the reasons for that decision and, where revisions are made, the revised draft budget.

6.6.11 When the period specified by the Combined Authority Board in paragraph 6.6.10 above has expired the authority must determine whether to:

- (a) Approve the Mayor's draft budget (or revised draft budget); or
- (b) veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor.

6.6.12 The Mayor's draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the period of five working days beginning with the day after the date on which the period specified in 6.6.10 above expires.

6.6.13 Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the authority.

6.6.14 Where the Mayor has failed to notify the Combined Authority Board of the Mayor's draft budget before the 1 February, then the Combined Authority Board must determine the relevant amounts and calculations that are to be used for the financial year.

- 6.6.15 Any decision under 6.6.14 above must be decided by a two-thirds majority of the Members, or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question at a meeting of the Board.
- 6.6.16 Immediately after any vote is taken, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

### Mayor's General Fund

- 6.6.17 The Mayor must keep a fund (to be known as the Mayor's general fund) in relation to receipts arising, and liabilities incurred, in the exercise of the Mayor's general functions.
- 6.6.18 All of the Mayor's receipts in respect of the exercise of the Mayor's general functions must be paid into the Mayor's general fund.
- 6.6.19 All of the Mayor's expenditure in respect of the exercise of the Mayor's general functions must be paid out of the Mayor's general fund.
- 6.6.20 The Mayor must keep accounts of payments made into or out of the Mayor's general fund.

### Combined Authority Budget

- 6.6.21 Each year, the Chief Executive and Chief Finance Officer shall prepare a draft budget for the Combined Authority, consistent with statutory requirements and principles of sound financial management. The draft Budget shall include all aspects of Combined Authority expenditure and income for the forthcoming financial year, irrespective of the source of income, and of the powers under which expenditure is brought forward. The draft Budget shall also be prepared in the context of the Investment Plan.
- 6.6.22 If any part of the draft Budget proposes expenditure incurred in, or in connection with, the exercise of Mayoral functions defined under the [Combined Authorities \(Finance\) Order 2017](#), which cannot be met through other sources, and where this position is confirmed by the Monitoring Officer and Chief Finance Officer, the draft Budget may set out a proposal to precept the constituent authorities, under section 40 of the Local Government Finance Act 1992. Otherwise, the draft Budget shall confirm that a precept is not proposed.
- 6.6.23 The draft Budget shall be submitted to the Combined Authority Board for consideration and approval for consultation purposes only, before the end of December each year. The Combined Authority Board will also agree the timetable for consultation and those to be consulted. The consultation period shall not be less than four weeks, and the consultees shall include Constituent

Authorities, the Local Enterprise Partnership and the Overview and Scrutiny Committee.

6.6.24 Before 1 February, having taken into account the draft Budget, the consultation responses, and any other relevant factors, the proposed budget for the following financial year, including the Mayor's budget, shall be submitted to the Combined Authority Board.

6.6.25 Within five working days, the Combined Authority Board shall meet to consider the Budget. A report may be agreed by a majority of the Combined Authority to:

(a) approve the budget as proposed; or

(b) propose amendments to the budget; and

(c) if amendments are proposed to the Mayor's budget, agree a date, at least five working days from the date the report is published, for a further meeting to re-consider the budget.

#### Mayor's Consideration of Report

6.6.26 If the Board propose changes to the Mayor's budget, the Mayor shall publish a report in advance of the meeting responding to the proposals set out by the Combined Authority Board. The report may support some or all of the proposals made by the Board with reasons why the Mayor supports or rejects those proposals. The draft budget shall be amended to reflect any proposals which are supported by the Mayor.

#### Combined Authority Board's Decision on Budget

6.6.27 The draft Budget shall be further considered at the meeting established under 6.6.25 (c) above. A two-thirds majority of the Members (six Members), or Substitute Members acting in their place, of the Combined Authority Board present and voting on the question may decide to reject the Mayor's budget and approve the draft Budget incorporating the Combined Authority's recommendations contained in the report to the Mayor. Otherwise, the draft budget is approved.

6.6.28 Immediately after any vote is taken at a meeting established under 6.6.25 (c), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or

who abstained from voting.

- 6.6.29 A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

Decisions that Contravene the Budget or the Plans or Strategies in the Policy Framework

- 6.6.30 Financial Regulations contain provisions allowing virement. Subject to those provisions, the Mayor, the Combined Authority Board, Committees of the Combined Authority Board and/or any Officers or Joint Committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework set out in [Chapter 4 - Combined Authority Board Functions](#), paragraph 1. Only the Combined Authority Board can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.
- 6.6.31 Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the Combined Authority Board.
- 6.6.32 Decisions of the Combined Authority Board, its Committees, Sub-Committees or a Joint Committee or Officers, must be in line with the policies set by the Combined Authority Board. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:
- (a) where the Combined Authority has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
  - (b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or
  - (c) changes to a policy which would normally be agreed annually or periodically by the Mayor or Combined Authority Board following

consultation, but where the existing policy document is silent on the matter under consideration.

## CHAPTER 7: BOARDS AND COMMITTEES

### 7.1 Procedure Rules of Executive Committee Meetings

#### 7.1.1 Access to Meetings

- 7.1.1.1 The rules outlined in [Chapter 10 – Access to Information, Information Governance, Data Protection and Complaints](#) apply to all committees, sub-committees and joint committees. -

#### 7.1.2 Membership

- 7.1.2.1 The membership of committees is set out in its terms of reference.
- 7.1.2.2 If a member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the committee, then, subject to certain exceptions, they cease to be a member of the committee.
- 7.1.2.3 A person will cease to be a member or a substitute member of an Executive Committee if they cease to be a Member of the Constituent Council that nominated or appointed them. The Combined Authority Board Member shall appoint or nominate a replacement as soon as possible.
- 7.1.2.4 A member or substitute member may resign by giving written notice to the Monitoring Officer, and the resignation takes effect on the receipt of the notice.
- 7.1.2.5 The relevant Combined Authority Board Member shall at any time be entitled to terminate the appointment of a member or substitute member nominated by them and replace that member or substitute Member.
- 7.1.2.6 The Combined Authority Board Member must give written notice of the new nomination and the termination of the previous nomination to the Monitoring Officer. The termination will take effect immediately.
- 7.1.2.7 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Combined Authority Board Monitoring Officer and shall be reported to the following of the Board for ratification.

#### 7.1.3 Quorum

- 7.1.3.1 No business is to be transacted at a meeting of the Committee unless at



least two-thirds of the total number of Members on the Committee are present.

#### 7.1.4 Chair and Vice-Chair

- 7.1.4.1 The Combined Authority Board shall appoint the Chair on the recommendation of the Mayor and they shall be the lead member for the functions of the committee. The Chair shall be selected from one of the seven constituent council representatives on the committee or the Mayor. No vice-chair shall be appointed. The committee shall appoint a chair for the meeting when the chair is absent.
- 7.1.4.2 Lead members have a strategic role in leading the development of future policy and budget allocations for approval at the Board or the committee. They work directly with officers to give guidance in the development of future policy. A chair shall fulfil this same role and has an additional responsibility of chairing a committee to operate within the agreed delegations for matters approved by the Board.

#### 7.1.5 General Voting

- 7.1.5.1 Each voting Member shall have one vote. There shall be no casting vote. A “Member” includes:
  - (a) the Mayor (or deputy Mayor acting in his/her place) where the Mayor has accepted an appointment on the committee; and
  - (b) a Constituent Council Member (or his/her nominee) or a Substitute Member acting in that Member’s place.
- 7.1.5.2 Except decisions to which special voting arrangements apply, all decisions of the committee shall be decided by a majority of voting members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 7.1.5.3 If a vote is tied it is deemed not to have been carried.
- 7.1.5.4 If there is a deadlock, the matter shall be referred up to the next meeting of the Combined Authority Board.
- 7.1.5.5 The proceedings of the committee are not invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

7.1.5.6 If for any reason:

(a) the Mayor is unable to act or the office of Mayor is vacant, and

(b) the deputy Mayor is unable to act or the office of deputy Mayor is vacant,

or

(c) the Mayor has decided not to take place on a committee the other members of the combined authority must act together in place of the Mayor taking decisions by a simple majority.

7.1.6 Special Voting

7.1.6.1 Special voting arrangements are set out, Chapter 5 paragraph 5.17.7 – 5.17.8 of the constitution.

7.1.6.2 A decision on a question relating to:

(a) the Transport Plan;

(b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.

7.1.7 Recorded Votes

7.1.7.1 A Member may ask immediately after the vote is taken, that their vote is recorded in the minutes of the relevant meeting.

7.1.8 Reference up to the Combined Authority Board

7.1.8.1 Where a majority of members consider appropriate, a matter on the agenda may be referred for decision by the Combined Authority Board.

The report together with the committee's recommendations will be placed on the agenda of the next meeting of the Combined Authority Board for decision.

#### 7.1.9 Minutes and Call-in of Committee Decisions

- 7.1.9.1 The Monitoring Officer shall publish details of decisions of the committee on the Combined Authority website and to all Members of the Committee, the Board Members and the Overview and Scrutiny Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.
- 7.1.9.2 Three Members of the Board may call-in a decision of the committee by notifying the Monitoring Officer. The power to call in an executive decision should only be used in exceptional circumstances. The decision will not be implemented and will be referred to the Combined Authority Board for review and decision.
- 7.1.9.3 On receipt of a call-in request, the Monitoring Officer shall:
  - (a) notify the Mayor, Members of the Combined Authority Board, Members of the Committee and Members of the Overview and Scrutiny Committee, of the call-in; and
  - (b) either call a meeting of the Board or refer the matter to the next scheduled Board meeting.
- 7.1.9.4 The Overview and Scrutiny Committee shall have five days after publication of the committee's decisions to call in a key decision, in accordance with the Overview and Scrutiny Committee's call in arrangements set out in Chapter 14: Overview and Scrutiny Committee.
- 7.1.9.5 An Executive decision (if not yet implemented) is subject to Call-In when made by:
  - (a) the Board as a whole body;
  - (b) A committee or subcommittee
  - (c) an Officer with delegated authority from the Board;
 and the decision has been published on the CA's website and made available at the main offices of the CA. The Record of Decision will bear the date on

which it is published and, subject to general exceptions, will specify the date on which the decision will come into force, and may then be implemented unless the decision is called in.

7.1.9.5 During the period between the decision being made and coming into force, any request for the call-in:

- (a) Must include the detailed reasons/grounds for the Call-In. The member will provide:
- Details of the decision to be called in
  - Which of the principles of decision making have not been followed and in what way(s)
  - The names of the councillors requesting the call-in
  - The action already taken to resolve the matter, including representations made to the decision maker

7.1.9.6 The grounds in support of a request for 'call in' are:-

- a) Inadequate consultation
- b) Inadequate evidence
- c) Decision outside the Budget and Policy Framework
- d) Decision not proportionate to the desired outcome
- e) Decision open to challenge on human rights
- f) Insufficient Legal, governance and Financial consideration
- g) Decision not within the power of the Decision maker.
- h) The 'call in' request would need to demonstrate that it is reasonable to 'call in' the decision and it is for the Chairman of Overview and Scrutiny to assess what is reasonable.
- j) The member must confirm that they have considered the principles of decision making in the constitution

7.1.9.7 Upon receipt of the call- in request, the Monitoring Officer shall consult with the Chair, or Vice Chair of the Overview and Scrutiny Officer in their absence, and shall determine whether or not the Call-in is in accordance with the requirement of these rules.

7.1.9.8 If the Call-In is accepted, the decision will be put on hold pending a decision of the Board.

7.1.9.9 If the Call in is not accepted, the Monitoring officer will provide reasons for the refusal to the member(s) requesting the Call-in.

7.1.9.10 The Monitoring Officer will provide a report for the meeting in respect of the Call-In which will include the procedure for the Call-In hearing.

### **Exemption from call- in**

- 7.1.9.11 A matter may not be Called-in if it has already been considered by the Scrutiny Committee or if the decision is urgent and any delay would prejudice the interest of the council or the public in the opinion of the Monitoring Officer.
- 7.1.9.12 A decision will relate to a matter which is urgent if any delay caused by the Call-In process would:
- (a) be highly likely to result in the Council incurring significant additional expenditure or loss of significant additional income; or
  - (b) be highly likely to result in significant damage to the Council's reputation; or
  - (c) prevent the Council from meeting its legal obligations.
- 7.1.9.13 The Overview and Scrutiny Committee will take precedence over the Board in the matter of a Call-in. The Overview and Scrutiny Committee is the committee statutorily responsible to Review or scrutinise actions taken or decisions made by the authority.

## **7.1.10 Application of Chapter 5 [Standing Orders] to Executive Committees**

- 7.1.10.1 The following rules from Chapter 5 [Standing Orders] shall apply to the meetings of Executive Committees with any necessary modification - Rule 5.4 [Ordinary Meetings and Urgency], Rule 5.7 [Notice of Meetings and Agendas], Rule 5.8 [Public Access], Rule 5.9 [Attendance], Rule 5.10 [Notice of Substitute Members], Rule 5.13 [Declaration of Interests], Rule 5.14 [Rules of Debate], Rule 5.21 [Minutes], Rule 5.22 [Questions by the Public] [not including rules on Petitions from the public], Rule 5.23 [Questions by Members], Rule 5.34-5.38 [Conduct at Meetings] and Rule 5.40 [Photography, Audio/Visual recording of Meetings and Blogging/Tweeting].

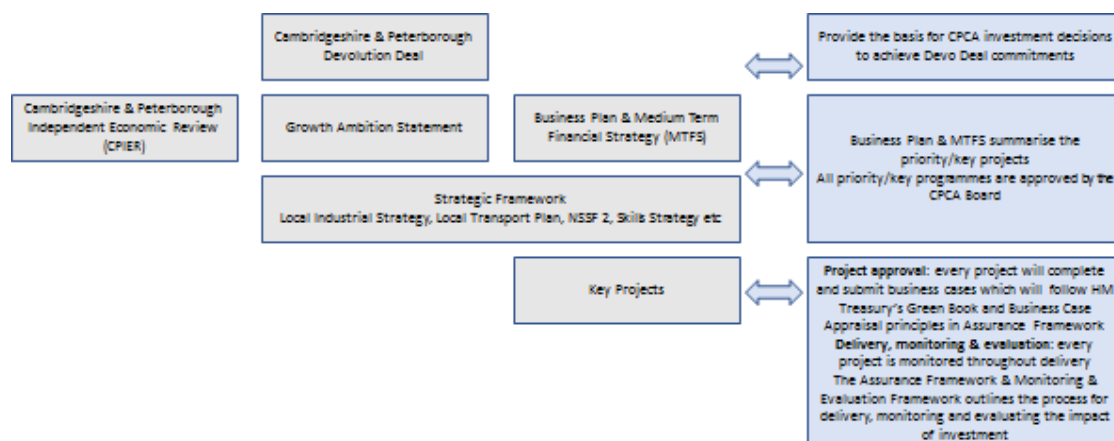
## **7.2 Transport and Infrastructure Committee**

### **7.2.1 Governance**

- 7.2.1.1 The Combined Authority has appointed a Transport and Infrastructure Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

### **7.2.2 Introduction**

- 7.2.2.1 The Transport and Infrastructure Committee operates within the terms agreed by the Combined Authority Board.
- 7.2.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy Local Transport Plan and Bus Strategy). These are known as 'reserved matters' or "the budget and policy framework".
- 7.2.2.3 The committee has responsibility for agreeing transport and infrastructure programmes and projects within the budget and policy framework.
- 7.2.2.4 The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.2.2.5 The committee can initiate proposals for the Combined Authority Board to consider.
- 7.2.2.6 The committee shall apply the weighted voting rights that the Combined Authority Board applies to transport matters as set out in the committee procedure rules.
- 7.2.2.7 The budget and policy framework is summarised below:



## 7.2.3 Terms of Reference

### Functions

- 7.2.3.1 The Transport and Infrastructure Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):
- (1) The Local Transport Plan
  - (2) Bus Strategy
  - (3) Transport budget, including any transport levy
  - (4) Annual programme of strategic transport projects

- (5) Creation of the key route network
- (6) Delegation of passenger transport functions to delivery partners,
- (7) Business Cases for key priority projects identified in the Business Plan, or
- (8) Any other matters reserved to the Combined Authority Board

7.2.3.2 The committee shall exercise the Combined Authority's functions for the following:

- 7.2.3.2.1 Oversee the development and maintenance of the Local Transport Plan and Bus Strategy and any other key strategies reserved to the Combined Authority Board, including overseeing consultation and engagement processes, and making recommendations to the Board.
- 7.2.3.2.2 Oversee the development of all business cases for key priority projects as identified in the Business Plan. All business cases for priority projects require Cambridgeshire and Peterborough Combined Authority Board approval.
- 7.2.3.2.3 Approve the commissioning of feasibility studies to be funded from the transport feasibility study fund. This is unallocated budget for in- year determination of spend.
- 7.2.3.2.4 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 7.2.3.2.5 Oversee the development and approve transport policies and programmes not reserved to the Combined Authority Board.
- 7.2.3.2.6 When appropriate, ensure effective engagement and consultation is in place and can be evidenced.
- 7.2.3.2.7 Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for transport and infrastructure projects in the Business Plan and funded from allocation within the Medium Term Financial Plan.
- 7.2.3.2.8 Monitor the delegation of passenger transport functions to delivery partners.
- 7.2.3.2.9 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.
- 7.2.3.2.10 Monitor agreements with the Minister or strategic highways companies for the exercise of functions relating to the strategic network.
- 7.2.3.2.11 Oversee strategic relationships with national bodies (Network Rail), utility providers and other key stakeholders.

- 7.2.3.2.12 Matters initiated by the committee can be referred up to the Board for decision.
- 7.2.3.2.13 The Combined Authority Board may decide to refer further individual matters to the committee.

#### 7.2.4 Strategic and Budget Framework

- 7.2.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

#### 7.2.5 Accountability

- 7.2.5.1 The Committee is accountable to the Combined Authority Board.

#### 7.2.6 Membership

- 7.2.6.1 The Transport and Infrastructure Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.2.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 7.2.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Boards and Committees, paragraph 7.1.
- 7.2.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.



### 7.2.7 Voting

7.2.7.1 Weighted voting rights apply to all transport related decisions and transport funding as set out in Chapter 7: Boards and Committees, paragraph 7.1.5.

### 7.2.8 Lead Director

7.2.8.1 The Lead Director for the Committee is the Director Delivery & Strategy

### 7.2.8 Working Groups

7.2.9.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.

7.2.9.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.

## 7.3 Skills Committee

### 7.3.1 Governance

7.3.1.1 The Combined Authority has appointed a Skills Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

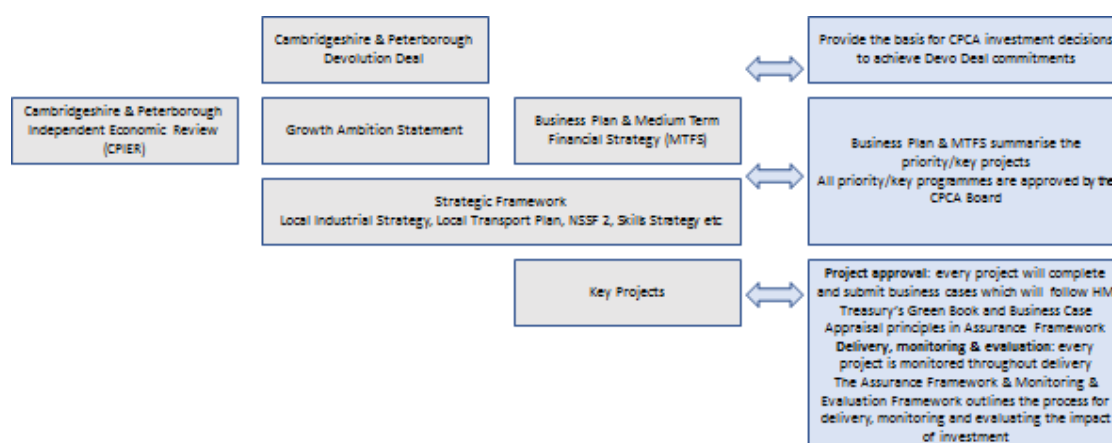
### 7.3.2 Introduction

7.3.2.1 The Skills Committee operates within the terms agreed by the Combined Authority Board.

7.3.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priorities and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and Skills Strategy). These are known as 'reserved matters' or "the budget and policy framework".

7.3.2.3 The committee has responsibility for agreeing education and skills programmes and projects within the budget and policy framework.

- 7.3.2.4 The committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.3.2.5 The committee can initiate proposals for the Combined Authority Board to approve.
- 7.3.2.6 The committee is responsible for overseeing the work of the Employment and Skills Board, an advisory panel of the Skills Committee, and any sub-groups set up by the Board.
- 7.3.2.7 The budget and policy framework is summarised below:



### 7.3.3 Terms of Reference

#### Functions

- 7.3.3.1 The Skills Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):
- (1) Skills Strategy
  - (2) Projects to be included in the Business Plan and Medium Term Financial Plan
  - (3) Business cases for key priority projects identified in the Business Plan, or
  - (4) Any other matters reserved to the Combined Authority Board
- 7.3.3.2 The Skills Committee shall exercise the Combined Authority's functions for the following:

- 7.3.3.2.1 Oversee the development and maintenance of the Skills Strategy and any other strategies reserved to the Combined Authority Board, including overseeing consultation processes, and making recommendations to the Board.
- 7.3.3.2.2 Oversee the development of all business cases for key priority projects identified in the Business Plan.
- 7.3.3.2.3 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 7.3.3.2.4 Approve the commissioning of delivery partners where this is required and authorise the staged release of budget for education and skills projects in the Business Plan and funded from Medium Term Financial Plan.
- 7.3.3.2.5 Oversee the development and approve all other education and skills programmes and projects not reserved to the Combined Authority Board.
- 7.3.3.2.6 Ensure effective engagement and consultation is in place and can be evidenced.
- 7.3.3.2.7 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.
- 7.3.3.2.8 Oversee coordination with:
  - (a) Department of Work and Pensions on the Work and Health Programme, and
  - (b) Department for Education on the Opportunity Area programme.
- 7.3.3.2.9 Oversee the delivery of the Health and Care Sector Work Academy (Innovation Pilot)
- 7.3.3.2.10 Matters initiated by the committee can be referred up to the Board for decision.
- 7.3.3.2.11 The Combined Authority Board may decide to refer further individual matters to the committee.

#### 7.3.4 Strategic and Budget Framework

- 7.3.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

### 7.3.5 Accountability

- 7.3.5.1 The Committee is accountable to the Combined Authority Board.

### 7.3.6 Membership

- 7.3.6.1 The Skills Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.3.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 7.3.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Board and Committees, paragraph 7.1.
- 7.3.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.

### 7.3.7 Lead Director

- 7.3.7.1 The Lead Director for the Committee is Director Business and Skills

### 7.3.8 Working Groups

- 7.3.8.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Officers and Members.

- 7.3.8.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.
- 7.3.8.3 The following group has been established with the terms of reference set out below:

#### (a) Employment and Skills Board

### 7.3.9 Employment and Skills Board

#### 7.3.9.1 Governance

- 7.3.9.1.1 The Combined Authority has appointed an Employment and Skills Board. The Board is an advisory board to the Skills Committee and is the Skills Advisory Panel for the purposes of the governance arrangements for the devolution of the Adult Education Budget. This reflects the requirement to provide an inclusive, advisory role for the Combined Authority, Employers, Providers and Customers.

#### 7.3.10 Terms of Reference

- 7.3.10.1 Provide strong leadership on skills in the local area, engaging with employers and providers and providing skills advice to the accountable board of the Combined Authority's Skills Committee.
- 7.3.10.2 Advise on the strategic direction, determine priorities and monitor progress of the devolved Adult Education Budget.
- 7.3.10.3 Develop a clear understanding of current and future local skills needs and the local labour market as well as the present skills and employment support provision in the local area.
- 7.3.10.4 Focus on the needs of future learners and employers which have been identified by local partners, including colleges, university providers and employers.
- 7.3.10.5 Establish systems to ensure the student voice is heard.
- 7.3.10.6 Raise the profile of apprenticeships with local employers and providers.
- 7.3.10.7 Work closely with careers advisory services to ensure that learners are informed about potential career routes within a local area, and that all careers information and guidance is informed by up-to-date local labour market information.
- 7.3.10.8 Be underpinned by a stakeholder group including all providers.
- 7.3.10.9 Produce robust, authoritative evidence-based skills & labour market analysis

and skills provision in Cambridgeshire & Peterborough.

- 7.3.10.10 Build knowledge of the range of both local, regional and national employment provision that exists or is planned.
- 7.3.10.11 Present data analysis and share it with the wider employer and provider communities to ensure that their perspective on the local labour market and local employment and skills system is reflected.
- 7.3.10.12 Provide analysis to inform the development and the implementation of the 'People' element of the Local Industrial Strategy.

### 7.3.11 Task & Finish Groups

- 7.3.11.1 From time to time it may be necessary to establish a skills task and finish group, and other skills specialists may be invited to join these meetings. Any group would need to be sponsored by an Employment and Skills Board member, who may or may not chair the group, depending on the issues under consideration. Any discussions or agreed actions will be reported back to the Employment and Skills Board.

### 7.3.12 Membership

- 7.3.12.1 There will be a maximum of 20 members including the Chair. The Chair shall be a private sector member of the Cambridgeshire and Peterborough Combined Authority Business Board or a member of the Skills Committee.
- 7.3.12.2 The Board will comprise of at least 10 business people from across the Cambridgeshire and Peterborough Combined Authority area who between them will represent a variety industry sectors, different sizes of businesses, profit, and social enterprise businesses, The Board shall consist of
  - (a) employers, those with knowledge and experience of skills and education, and Cambridgeshire & Peterborough representatives;
  - (b) at least three to represent the publicly funded sector of the economy including but not limited to government, NHS, education and training and skills providers;
  - (c) One position will be retained for the Community and Voluntary sector.
- 7.3.12.3 When a member is unable to attend a meeting, they may provide a

substitute, provided such substitute has delegated authority to represent their organisation. Members are expected to attend at least 70% of meetings.

### 7.3.13 Role of Employment and Skills Board Members

7.3.13.1 The specific role of a Board Member is to:

- (a) use their experience and knowledge to help shape strategy and policy on learning and skills development;
- (b) influence the prioritisation, planning and investment in skills supply and the shape of delivery;
- (c) support the strategic aims of the Cambridgeshire and Peterborough Business Board;
- (d) represent a range of people, organisations or views, not just their own or that of their organisation.

7.3.13.2 The Board will adopt good practise and its members will act within the General Duties and Obligations set out in its terms of reference and adopt the following values:

- (a) championing to influence and lead by example;
- (b) developing enterprising solutions that are creative;
- (c) Partnership working across the private, public and third sector;
- (d) sharing best practise;
- (e) being inclusive of each locality and community across Cambridgeshire and Peterborough.

7.3.13.3 All board members and observers shall be required to comply with the Combined Authority's Code of Conduct and all members and substitute members shall also be required to complete a Declaration of Interest form.

### 7.3.14 Observers

- 7.3.14.1 Specialists may be invited by the Chair to attend specific Board meetings or Agenda items where expertise is required.
- 7.3.14.2 Occasional observers may request to attend a meeting through the Chair.

### 7.3.15 Specialist Forums and Groups

- 7.3.15.1 The Cambridgeshire & Peterborough Education and Skills Board has a number of specialist advisory groups that will feed into the decision-making processes. These Forums will be working groups of the Cambridgeshire & Peterborough Education and Skills Board. These forums are advisory and non-decision making. These include:
  - (a) **Existing Provider Forums**; there are a number of existing forums operating within the Cambridgeshire & Peterborough Combined Authority area, and these can be supported to articulate a voice on skills to the Employment and Skills Board.
  - (b) **An Adult Education Budget Skills Group**; a specialist group for Adult Education Budget funding only with the twelve identified grant funded institutions indigenous or contiguous to the Cambridgeshire & Peterborough Combined Authority area.
  - (c) **A Data Analysis Group**; formed to provide an analysis of the local skills and labour markets to develop robust Labour Market Intelligence.
- 7.3.15.2 The Forum(s) will:
  - (a) Provide a voice about the Skills Funding system.
  - (b) Advise the Education and Skills Board on matters of vocational training and employment scheme delivery.
  - (c) Advise the Employment and Skills Board on short, medium and long- term strategies associated with skills funding.



- (d) Identify freedoms, flexibilities, and improvements that could be made to government and local funded training provision so that the Employment and Skills Board can promote changes that will improve local provision.

## **7.4 Housing and Communities Committee**

### **7.4.1 Governance**

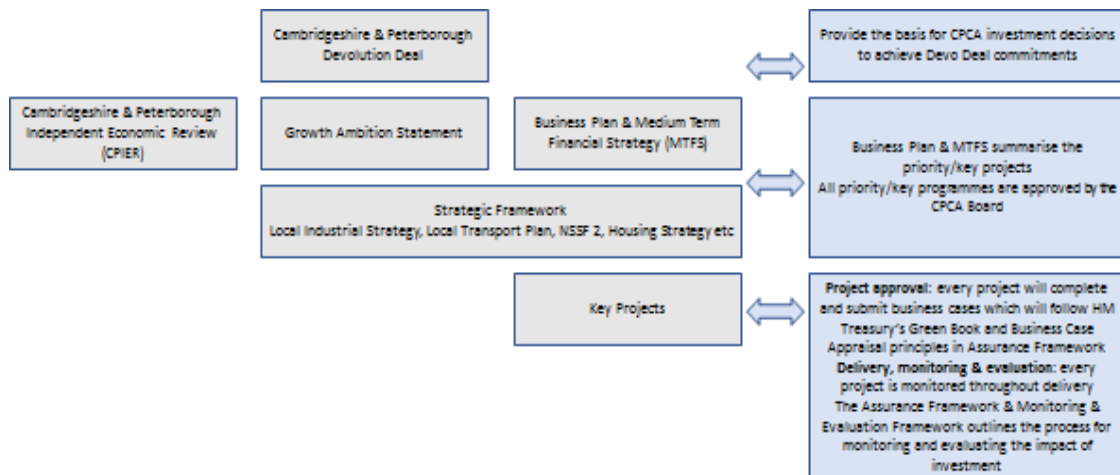
- 7.4.1.1 The Combined Authority has appointed a Housing and Communities Committee. The committee is an executive committee of the Combined Authority Board. It takes decisions within the strategic and budgetary framework agreed by the Combined Authority Board.

### **7.4.2 Introduction**

- 7.4.2.1 The Housing and Communities Committee operates within the terms agreed by the Combined Authority Board.
- 7.4.2.2 The Combined Authority Board retains responsibility for agreeing its strategies, key priority projects and the budget as set out in Chapter 4 of the Constitution (for example Annual Business Plan, Medium Term Financial Strategy and the Housing Strategy). These are known as 'reserved matters' or "the budget and policy framework".
- 7.4.2.3 The Committee has responsibility for agreeing housing and community policies and projects within the budget and policy framework set by the Combined Authority Board.
- 7.4.2.4 The Committee shall have responsibility for ensuring all programmes and projects comply with the Assurance Framework, and that they are monitored and evaluated in accordance with the Monitoring and Evaluation Framework.
- 7.4.2.5 The Committee can initiate proposals for the Combined Authority Board to consider.
- 7.4.2.6 The budget and policy framework is summarised below:



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY



### 7.4.3 Terms of Reference

#### Functions

7.4.3.1 The Housing and Communities Committee may make recommendations on the following matters to the Combined Authority Board (reserved matters):

- (1) Housing Strategy
- (2) Any other matters reserved to the Combined Authority Board.

7.4.3.2 The committee shall exercise the Combined Authority's functions for the following:

- 7.4.3.2.1 Oversee the development and management of the Housing Strategy and any other key strategies reserved to the Combined Authority Board, including consultation and engagement processes, and making recommendations to the Board.
- 7.4.3.2.2 Oversee the development of, and approve all policies arising from the Housing Strategy.
- 7.4.3.2.3 Ensure all programmes and projects are within the scope of the strategic and budget framework approved by the Board.
- 7.4.3.2.4 Ensure effective engagement and consultation is in place and can be evidenced.
- 7.4.3.2.5 Approve the commissioning of delivery partners where this is required.
- 7.4.3.2.6 Authorise the staged release of budget for housing projects to be funded from:

(a) £100m Affordable Housing Programme, allocated for affordable housing within the Cambridgeshire and Peterborough Combined Authority area to include:

- £60m grant funding
- £40m revolving funding, allocated to the Housing Company

(b) £70m Affordable Housing Programme allocated to Cambridge City Council.

7.4.3.2.7 Act as Accountable Body for the release of the Housing Infrastructure Funding for the Cambridge Northern Fringe East housing project.

7.4.3.2.8 Consider the Business Plan, Annual Accounts and Shareholders Agreement for Cambridgeshire and Peterborough Combined Authority Development Company and make recommendations to the Combined Authority Board.

7.4.3.2.9 Oversee the development and approve all other housing and community programmes and projects not reserved to the Combined Authority Board including but not limited to those relating to:

- (a) Culture and Tourism
- (b) Oversee delivery of the Connecting Cambridgeshire Project by Cambridgeshire County Council

7.4.3.2.10 Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.

7.4.3.2.11 Matters initiated by the committee can be referred to the Board.

7.4.3.2.12 The Combined Authority Board may decide to refer further individual matters to the committee.

#### 7.4.4 Strategic and Budget Framework

7.4.4.1 The Committee should ensure schemes contribute and meet the targets in the agreed strategic and budget framework. Any decisions must be within the parameters agreed by the Board.

#### 7.4.5 Accountability

- 7.4.5.1 The committee is accountable to the Combined Authority Board.

#### 7.4.6 Membership

- 7.4.6.1 The Housing and Communities Committee shall comprise eight members to include the Mayor or their nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.4.6.2 Where the Mayor does not take up their appointment on a committee. The membership shall be seven members comprising a Board member from each of the seven constituent councils or their nominees.
- 7.4.6.3 The Combined Authority Board shall appoint the committee and substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to executive committees. See also Chapter 7: Boards and Committees, paragraph 7.1 and Chapter 4: Combined Authority Functions and Responsibilities, paragraph 4.4.
- 7.4.6.4 Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in Chapter 2: Membership of the Combined Authority, paragraph 2.4 of the constitution apply to committees.

#### 7.4.7 Lead Director

- 7.4.7.1 The Lead Director for the Committee is Director Housing.

#### 7.4.8 Working Groups

- 7.4.8.1 The Committee may establish informal working groups to assist with the delivery of its objectives. These groups are non-decision making groups of Members of the Committee and officers.

- 7.4.8.2 The remit and terms of reference for any such subordinate body shall be approved by the committee.

## 7.5 Employment Committee

### 7.5.1 Governance

- 7.5.1.1 The Combined Authority has appointed an Employment Committee. The committee is an executive committee of the Combined Authority Board.

### 7.5.2 Terms of Reference

- 7.5.2.1 The functions of the Employment Committee are:

- 7.5.2.1.1 To make recommendations to Combined Authority Board on the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer ("the statutory officers").
- 7.5.2.1.2 To appoint chief officers.
- 7.5.2.1.3 To establish, as required, a Statutory Officer Investigatory Panel with authority to make recommendations to the Combined Authority as to the dismissal arising from disciplinary action [as defined at paragraph 2.2 below] of any of the statutory officers. The membership of this Panel shall be as set out in the Officer Employment Procedure Rules.
- 7.5.2.1.4 To take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.
- 7.5.2.1.5 To take disciplinary action against Chief Officers in circumstances capable of resulting in the dismissal of those officers and to suspend and keep under review any suspension of those officers.
- 7.5.2.1.6 To determine appeals by Chief Officers against decisions made in relation to grievance proceedings.
- 7.5.2.1.7 To determine employment procedures for the officers of the Combined Authority, including dismissal procedures.
- 7.5.2.1.8 To determine local terms and conditions of employment for officers of the Combined Authority.
- 7.5.2.1.9 To consider, and recommend appropriate actions where necessary, in response to proposals relating to changes within a Department's /Division's structure which involve substantial changes in the responsibilities of the Head of Paid Service [Chief Executive]

and Chief Officers.

7.5.2.1.10 To promote and pursue a policy of equal opportunities in employment.

7.5.2.1.11 To determine policies relating to local government pensions and discretionary compensation for early termination of employment. Upon the commencement of the Restriction of Public Sector Exit Payments Regulations to approve applications for waivers under the Regulations.

7.5.2.2 For the purposes of paragraph 7.5.2.1:

**“Chief Officer” means:**

(a) a person for whom the head of the authority's paid service (Chief Executive) is directly responsible;

(b) A person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service (Chief Executive);

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Chief Officer.

**“Deputy Chief Officer” means:**

“a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.”

But a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a Deputy Chief Officer.

**“Disciplinary Action” means:**

“any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Combined Authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Combined Authority has undertaken to renew

such a contract”

### 7.5.3 Membership

- 7.5.3.1 The Committee shall comprise eight members to include the Mayor or his/her nominee and a Board Member from each of the seven constituent councils or their nominee. The Chair must be a Board member.
- 7.5.3.2 The Combined Authority Board shall appoint the members of the Committee, and their substitute members. With the exception of the Chair, Board members may nominate another member from their constituent council to be a member of the Committee in their place. The Board member shall also nominate a named substitute member. Nominations are in consultation with the Mayor and subject to approval by the Board. In principle, neither the Mayor nor the Board will seek to exercise their voting rights to veto or vote against the appointment of constituent council members to the Committee or the Sub-Committees.
- 7.5.3.3 The Procedure Rules of Executive Committee Meetings at Chapter 7: Boards and Committees of this Constitution shall apply to the proceedings of the Committee.

## CHAPTER 8: FINANCIAL REGULATIONS

### 8.1 Introduction: Financial Regulations Background and Purpose

- 8.1.1 The Combined Authority is a local authority for the purposes of the Local Government Act 1972. The Combined Authority will appoint Officers to undertake the statutory Head of Paid Service (Chief Executive), Chief Finance Officer and Monitoring Officer roles.
- 8.1.2 These regulations shall be read in conjunction with the Assurance Framework, [Chapter 4 - Combined Authority Functions and Responsibilities](#) , [Chapter 3 - The Mayor of the Combined Authority](#), Chapter 6 – Decision Making: Budget Framework Procedure Rules, [Chapter 9 – Procurement and Contract Procedure Rules](#), and the [Chapter 18 - Officer Scheme of Delegation](#).
- 8.1.3 These regulations lay down for the guidance of Members and Officers, principles to be followed in securing the proper administration of the Combined Authority's financial affairs and shall be reviewed at intervals of not more than three years. It is not expected that all aspects of these financial regulations will be required from day one, but to be in place to support the Combined Authority over time.
- 8.1.4 The Chief Finance Officer, as the Officer responsible for the proper administration of the Combined Authority's financial affairs, shall report to the Combined Authority Board any significant failure to comply with these regulations which comes to his/her attention.
- 8.1.5 The Head of Paid Service and the Chief Finance Officer shall be responsible for the accountability and control of all resources managed by them on behalf of the Combined Authority.
- 8.1.6 For the purposes of complying with these regulations, the Chief Finance Officer shall be provided with any information he/she may require and shall have access to any documents and records as necessary.
- 8.1.7 Whenever any matter arises which may involve financial irregularity the Chief Finance Officer and the Monitoring Officer shall be notified immediately, and if an irregularity is disclosed the matter shall, at the discretion of the Chief Finance Officer and after consultation with the Head of Paid Service, be referred by them to the Combined Authority Board.
- 8.1.8 Further, in a case where the Head of Paid Service advises that there is *prima facie* evidence of a criminal offence having been committed, the matter shall be reported to the Police forthwith.
- 8.1.9 The Combined Authority's financial transactions are governed by the Local Government Act 2003 and the Accounts and Audit Regulations 2015 as





amended.

8.1.10 Officers and Members of the Board will maintain the confidentiality of the Combined Authority's business and will not reveal confidential information about the Combined Authority or its finances.

## 8.2 Chief Finance Officer's Duties

8.2.1 The Chief Finance Officer's statutory duties are to:

- (a) provide financial advice to the Combined Authority on all aspects of its activity, including budgets (which shall include the budget for the Office of the Mayor), strategic planning and policymaking to ensure the effective and efficient use of resources;
- (b) advise on the security of assets;
- (c) secure the Combined Authority's banking arrangements;
- (d) provide a treasury management function, including loans and investments, in accordance with the Combined Authority's policy;
- (e) ensure the Mayor and the Combined Authority follows guidelines contained within relevant manuals, instructions, and policies;
- (f) produce the Annual Statement of Accounts in accordance with the latest statutory requirements and best practice.

8.2.2 The responsibilities of the Chief Finance Officer include:

- (a) Making arrangements for the proper administration of the financial affairs of the Office of the Mayor and the Combined Authority;
- (b) ensuring, in consultation with the Monitoring Officer, lawfulness and financial prudence;
- (c) ensuring a balanced budget;
- (d) ensuring effective systems of internal control;



- (e) advising on anti-fraud and anti-corruption strategies;
- (f) acting as the Combined Authority's Money Laundering Reporting Officer in accordance with good practice;
- (g) ensuring that statutory and other accounts fairly present the financial position;
- (h) maintaining a continuous review of the financial framework;
- (i) establishing suitable accounting policies and ensuring that they are applied consistently in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom;
- (j) ensuring that budget provision is identified and exists for all existing and new employees.

8.2.3 All Officers must consult and seek approval of the Chief Finance Officer before introducing or amending any records, forms or procedures relating to income and expenditure. The Chief Finance Officer will see that uniform systems are adopted throughout the Combined Authority to ensure that opportunities for fraud and corruption are minimised.

8.2.4 Failure to comply with these regulations may constitute misconduct.

REMAINDER TO BE UPDATED APRIL 2023













































## CHAPTER 9: PROCUREMENT AND CONTRACT PROCEDURE RULES

### 9.1 Procurement Overview

#### 9.1.1 Procurement Definition

- 9.1.1.1 Public Sector procurement is the process of acquiring goods, services and works for the delivery of an Authority's obligation to its residents and regional visitor. The process must be carried out within a specific legal framework and based on principles of equal treatment, transparency and non-discrimination such that for contracts over a specified value or specific social interest may be tendered for by any interested and appropriately qualified organisation. This is to ultimately achieve the optimal solution that also provides value for money across the whole-life of the process and contract.

#### 9.1.2 Governing Legislation

- 9.1.2.1 The Local Government Act 1972 section 135 requires Public Bodies to have standing orders for how it enters into contracts. These Contract Procedure Rules ("Rules") set out how the Combined Authority will deliver against this obligation.
- 9.1.2.2 All Procurements for Contracts, by Combined Authority staff or members (including where managed by an external organisation or public body on the Authority's behalf), MUST comply with these Rules, the Combined Authority's Financial Regulations and all applicable and UK Legislation; specifically (but not limited to):
- a. The Local Government Act 1972
  - b. Public Contract Regulations 2015 (PCRs)
  - c. Concession Contracts Regulation 2016 (CCRs)
  - d. Equality Act 2010
  - e. Bribery Act 2010
  - f. Localism Act 2011
  - g. Social Value Act 2012
  - h. Modern Slavery Act 2015
  - i. General Data Protection Regulation 2016 (SI 2016\679)
  - j. Freedom of Information Act 2000
  - k. Transparency Code 2015
  - l. National Procurement Policy Statement 2021

- 9.1.2.3 Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.
- 9.1.2.4 Where there is a conflict between the procurement legislation and any other relevant legislation as listed above (or otherwise identified during the process) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
- 9.1.2.5 Central Government guidance (Procurement Policy Notes (PPNs)) should be considered for best practice but do not override these rules or legislation.
- 9.1.2.6 Government has issued a procurement policy note (05/21) requiring that contracting authorities familiarise themselves with the contents of the National Procurement Policy Statement. The Statement advises that contracting authorities should have regard to the following national priorities in their procurement where it is relevant to the subject matter of the contract, and it is proportionate to do so:
- creating new businesses, new jobs and new skills
  - tackling climate change and reducing waste, and
  - improving supplier diversity, innovation and resilience
- 9.1.2.7 The National Procurement Policy Statement affirms the requirement to comply with legal obligations including those in the UK-EU Trade and Cooperation Agreement, and these obligations include the binding commitment to fair and open competition which is assured by the Public Contracts Regulations.
- 9.1.2.8 The procurement policy note also advises that contracting authorities should consider whether they have the right policies and processes in place to manage the key stages of commercial delivery identified in this statement where they are relevant to their procurement portfolio. They should consider whether they have the right organisational capability and capacity with regard to the procurement skills and resources required to deliver value for money.
- 9.1.29 Non-compliance with any of these rules may constitute grounds for disciplinary action.

### 9.1.30 Application of the Rules

#### **These rules govern**

- 9.1.30.1 ALL purchases of works, goods and services (including consultancy requirements and equipment hire or lease through rental agreements) across the whole Combined Authority, regardless of value, as covered by Chapter 1 and 2 of the PCRs and not excluded by Regulation 10, PCRs.
- 9.1.30.2 The use of external frameworks and Dynamic Purchasing Systems.
- 9.1.30.3 Procurements under the Light Touch Regime Procurements, as covered by



Chapter 3 of the PCRs.

9.1.30.4 Below threshold procurements under Chapter 8 of the PCRs.

9.1.30.5 The procurement of Concession contracts as set out in the CCRs.

9.1.30.6 ALL collaborative procurements with other public bodies.

9.1.30.7 The Disposal of Assets or goods by the Combined Authority.

**They DO NOT apply to:**

9.1.30.8 Supply of works, goods and services by the Authority to another authority, subject to the agreement of the Procurement and Contracting Manager.

9.1.30.9 Purchases through local authorities, government bodies or public agencies, (eg police, health or other similar authorities) where the procurement rules of that organisation have been approved by the Procurement and Contracting Manager as complying with these Rules, or the contract is agreed in cooperation or partnership eg section 75 agreements.

9.1.30.10 Public body to public body co-operation - contracts with other public bodies where the parties come together to deliver a public service, under the following conditions:

(a) achieve objectives which are common to both parties; and

(b) the arrangement is solely for the public interest; and

(c) the parties perform less than 20% of the services covered by the arrangement on the open market.

9.1.30.11 In-house awards (this is where the Combined Authority awards a contract to an entity it controls or controls jointly with other contracting authorities) as prescribed in regulation 12 PCRs. This exemption will only apply if all of the following conditions are met:

(a) The Combined Authority exercises a similar control or joint control with other contracting authorities on the entity as it does with its own departments;

(b) The entity carries out more than 80% of its activities for the controlling authorities;

(c) There is no private sector money in the entity.

9.1.30.12 Employment contracts.

9.1.30.13 Purchases made at public auction or of goods sold due to insolvency.

- 9.1.30.14 Land contracts (including leases, licences and transfers).
- 9.1.30.15 Grants of money, these cannot be contracts as there is no consideration and they are not services required to be delivered by the Authority.
- 9.1.30.16 Funding or financing arrangements.
- 9.1.30.17 Any other arrangements excluded by the PCRs.

### 9.1.31 Services Excluded under Regulation 10 PCRs

9.1.31.1 The services excluded under Regulation 10 PCRs:

- (a) Legal advice that may lead to or is in preparation for Judicial Proceeding, or representation at judicial proceedings;
- (b) Arbitration or conciliation;
- (c) the purchase or sale of any interest in land, (including leasehold interests);
- (d) Financial advice for the sale, purchase or transfer of sureties;
- (e) Audio-visual/radio broadcasts;
- (f) Arbitration/legal advice for either the preparation or representation in legal proceedings that may result in a court hearing;
- (g) Loans;
- (h) Employment contracts between an individual and the Combined Authority;
- (i) Public transport by rail or metro;
- (j) Political campaigns;
- (k) Civil Defence

9.1.31.2 Where there is any doubt as to whether the procurement is covered by these rules, officers are required to seek advice from the Procurement and Contracting Manager.

## 9.2 Procurement Objectives

9.2.1 The Combined Authority seeks to achieve more than just the practical element of the contract from the procurement process; as such, every contract must be let in consideration of the following objectives:

- (a) Regulatory Compliance (open markets and equal opportunity for all providers, fair & transparent process in accordance with the procurement principles in Regulation 18 PCRs);
- (b) Accountability;
- (c) Value for Money (proportionality, efficiency and economy);
- (d) Efficient Procurement Process;
- (e) Support of Horizontal Policies such as implementing social, environmental and industrial commitments, at a proportionate level, in accordance with the Combined Authority's Policies and Procurement Guidance Document.

9.2.2. Excluding item 1 – the level of priority of each of the other objectives is to be set by the Combined Authority, as detailed in this document.

### 9.2.3 Roles and Responsibilities

9.2.3.1 The following lists detail the various procurement activities and where the responsibilities for each sit.

#### Procurement and Contracting Manager (directly or through delegation)

- (a) Responsibility for the Rules, guidance documents and procurement templates.
- (b) Design, implementation and management of a Procurement Gateway Process.
- (c) Provision of Procurement Advice and assistance on all expenditure, including route to market and contract choice.

- (d) Overview and management of any frameworks and corporate contracts.
- (e) Oversee all exemptions to the PCRs and these rules.
- (f) Organising and running market engagement events.
- (g) Provision of advice on commercial structure and evaluation methodology.
- (h) Appointment of external legal support for complex procurements.
- (i) Management of the e-tendering portal.
- (j) Tender Moderation.
- (k) Signing off All Regulation 84 Tender Reports for process compliance.
- (l) All formal Procurement correspondence.
- (m) Collating/populating all Contract Documents and ensuring signature
- (n) Oversee contract monitoring and all contract variations.
- (o) Attendance at bi-annual contract management meetings.
- (p) Management and monitoring the Contract Register.
- (q) Forward Planning of cyclical requirements.

Chief Finance Officer (directly or through delegation)

- (a) Development and implementation of the Financial Regulations.
- (b) Approving budgets for procurement of contracts.
- (c) Signing of All Regulation 84 Tender Reports for budgetary compliance.

Monitoring Officer (directly or through delegation)

- (a) General advice as required.

- (b) Lawfulness and governance of complex procurement decisions taken.
- (c) Provision of any legal document requirements and support managing external legal services.
- (d) Signing of All Regulation 84 Tender Reports for governance compliance.
- (e) Approval of all contract documents before signature.
- (f) Approval of all waivers to these rules.
- (g) Approval of any contracts awarded under Regulation 32.

#### Directors

- (a) Project approval and authority to proceed.
- (b) Signing of All Regulation 84 Tender Reports for Award Approval.

#### Contract Managers

- (a) To following the instructions of the Procurement and Contracting Manager and Monitoring Officer.
- (b) Development of Project Initiation Documents and Gateway reports.
- (c) Confirmation of Project Budget & Authorisation to Procure.
- (d) Creation of Contract Specification and Contract Management requirements.
- (e) Managing any technical enquiries during a procurement process.
- (f) Evaluation of tender returns.
- (g) Complete the tender report.
- (h) Manage the delivery of the contract in accordance with the specification, tender return and the contract management processes included in the contract.

All Officers Must:

- (a) Comply with the Combined Authority's Financial Regulations.
- (b) Declare any gifts or hospitality received either before, during or after the procurement to the Head of Procurement.
- (c) Not disclose any confidential information to unauthorised persons.
- (d) Conduct the procurement process in a fair, open and transparent manner.
- (e) Ensure the process delivers value for money.

**9.2.4 Use of Consultants**

9.2.4.1 Where the Combined Authority requires the technical input of industry experts/ consultants to either resource and/or manage a procurement or inform a specification, or deliver a particular process; officers are required to ensure the following is applied:

- (a) The service is for a discrete (or multiple discrete) pieces of work and/or is not backfilling a Combined Authority post.
- (b) The consultants are procured in accordance with these Rules.
- (c) The Consultant is experienced in and fully understands all Public Procurement Legislations and agrees to be bound by them.

There is a clear specification of requirements and responsibilities set out in their appointment, including adherence to these rules and that this is documented in the form of contract used.

**9.2.5 Procurement Process Planning**

9.2.5.1 As part of the initial procurement planning process, officers are required to consider the impact of legislation, financial and time constraints along with any of project specific requirements.

1. Category of Spend

9.2.5.2 The procurement process to be applied is firstly determined by the category of

spend and then the contract value, such that before beginning the process this needs to be ascertained.

#### 9.2.5.3 The categories of spend are

- (a) Goods (supplies or products);
- (b) Services (labour, consultants or technical resources);
- (c) Works (Construction Projects);
- (d) Light Touch Regime Services (Hospitality/ Catering, Education/ Training, Security, Legal Services);
- (e) Concession Contracts (contracts where the supplier's revenue is through the exploitation of an asset e.g. running a café owned by the authority);
- (f) Regulation 32 PCRs (Non-competitive Direct Awards);
- (g) Regulation 10 PCRs Excluded Contracts;
- (h) Regulation 14 PCRs Research & Development.

### 9.3 Contract Value Estimation

9.3.1 The estimated value of a contract is based on either; the money to be paid by the Authority to the successful tenderer (Regulation 6 PCRs) or the value to the market (Regulation 8 CCRs) of the contract.

9.3.2 A contract value should be calculated as follows:

- (a) A lump sum contract – this is a one-off, capital project, only used by one project/team where the contract value is the total budget available (including any contingency).
- (b) A periodic contract – this is where there is an annual, regular, potentially on-going requirement, by the authority – the contract value is the potential annual spend (across the whole Authority) multiplied by the number of years the contract is to run (including any extensions).
- (c) A concession contract – this is a term contract over a number of years whereby the revenue is paid based on usage levels, and usually by the service users, without any guarantee of full recompense or profit.

9.3.3. The value of any contract is the TOTAL maximum, potential or reasonably foreseeable spend over the whole duration of the contract (including extensions) for a given requirement.

9.3.4 The Authority MUST NOT disaggregate or sub-divide like or similar requirements for the purpose of avoiding the procurement from being regulated. (Regulation 5, PCRs or Regulation 7, CCRs). Procurements below these thresholds are still subject to delivering value for money but the nature of the procurement process may be defined by the authority and needs to be proportionate to the value, effort and market interest in consideration to the nature of the purchase.

**(a) See Schedule 1 for current thresholds across all relevant legislations**

#### **9.4 Partnership Arrangements**

9.4.1 The authority has entered into a number of arrangements with partner authorities for the purchase of various back office services; officers are required to liaise with procurement before commencing an external procurement to ensure that those arrangements are not breached or cause relationship problems across the authority's partners.

#### **9.5 Procurement Gateway Process**

9.5.1 The Procurement and Contracting Manager in consultation with the Monitoring Officer, shall publish and oversee a gateway process that reviews and approves the approach to procurement and ensures that these rules, legislation and best practice are adhered to along with monitoring the delivery of value for money and social obligations. This process to be monitored by an officer board based on value and/ or complexity. The details of the Procurement Gateway Process will be maintained on the Combined Authority internal website.

##### Pre- Procurement Contract Approvals

9.5.2 Where the procurement is not required to be monitored under the gateway process the project officer must still provide evidence to the Procurement and Contracting Manager that they have the necessary director, committee or board approvals to procure and subsequently award a contract based on specified value.

9.5.3 The Project Officer must also liaise with the Governance team to ascertain if the procurement is a Key decision and based on this, place the contract on the Forward



Plan in accordance with the Authority's Constitution.

## **9.6 Procurement Timescales**

9.6.1 Officers should allow the following minimum timescales for each of the identified routes:

- (a) Single quote - approximately two weeks
- (b) Three quotes - approximately six weeks
- (c) Below FTS threshold tender - approximately 10 weeks
- (d) Above FTS threshold tenders - OPEN procedure – approximately 14 weeks
- (e) Negotiated Procurement - at least 26 weeks

## **9.7 Application of Non-Procurement Legislation**

9.7.1 Officers are required to consider whether the procurement process and decisions are affected by other relevant legislation. A list of the more obvious ones to be considered and their impact on procurement are available in the procurement guidance documents and will need to have been considered as part of the Gateway process to ensure a holistic approach is adopted and transparently procured.

## **9.8 Conflicts of Interest (Regulation 24 PCRs)**

9.8.1 The Public Procurement Legislations are designed to prevent corrupt practices and the application of any preferential treatment or discrimination of any suppliers. As such the following rules apply:

All members, officers, contract managers or organisations procuring on behalf of the Combined Authority must avoid any potential conflict between their own (or family/ friends) interests and the interests of the Combined Authority as detailed in the Combined Authority's Code of Conduct.

9.8.2 Where an interest (financial or personal) is identified this must be reported to the Procurement & Contracting Manager such that any identified risks can be minimized. Where such a conflict is identified and cannot be suitably mitigated to the Procurement & Contracting Manager's satisfaction, that person may not participate in the procurement or evaluation process.

## **9.9 Separation of Duties**

9.9.1 A procurement, contract, purchase order or waiver cannot be raised and approved by the same person.

9.9.2 Where a contract manager completes the practical element of a procurement process, a procurement form or makes another recommendation, the award must be agreed by a Director.

## **9.10 Risk Assessment**

9.10.1 Officers are required to complete a risk assessment for approval by finance and legal on all procurements that are deemed high risk based on the following

- (a) Is of political or public interest;
- (b) Is over FTS threshold;
- (c) Is being awarded under Regulation 32 PCRs; or
- (d) Is being varied/extended under Regulation 72 PCRs;
- (e) Includes the setting up of a Special Purpose Vehicle;
- (f) Includes a lease arrangement, advance payment or holding funds on behalf of another entity;
- (g) Is for a duration over five years;
- (h) Includes design liability, intellectual property rights or a requirement for collateral warranties.

9.10.2 Officers should use the Combined Authority's standard templates and ensure they are added to the corporate risk register before the procurement commences and then monitored throughout the process and life of the contract.

## **9.11 Bonds and Parent Company Guarantees**

9.11.1 The requirement for a bond or parent company guarantee (and its value) is at the discretion of the relevant Director.

9.11.2 An optional requirement for a Bond or Parent Company Guarantee should be included as part of all procurements over £250k such that it creates both; a means to assess the financial stability of a tenderer and an option to mitigate any identified performance risks of the preferred supplier. Evidence of the bond's availability (even if not required) should be obtained before award.

9.11.3 Where the project or a contractor is deemed as a high risk for failure (likelihood and/or impacts), advice should be sought from Procurement, Finance and Governance in deciding if the provision of the bond is required.

9.11.4 Where a bond or parent company guarantee is deemed necessary – this should be in a form acceptable to the Combined Authority and in consideration of the form of contract being used.

## 9.12 Routes to Market

9.12.1 The route to market is selected based on a number of considerations as set out below.

Where possible, **Officers are recommended to consider whether to use either an existing framework (or one procured by a partner authority) so as to minimise procurement costs and process time.**

Where the value is below FTS threshold or it has been agreed with procurement that the requirement is non-standard, or a framework may not deliver the optimal solution, be that because the supplier base is unsuitable or too limited, framework rates do not offer value for money or the requirement requires an ability to negotiate, then alternative routes should be considered in conjunction with procurement and legal or through the 'gateway' process.

These processes available are as set out below.

## 9.13 Process Types

9.13.1 Procurements can be split into two categories; regulated and non-regulated.

### Non-Regulated (below FTS Threshold) Procurements

9.13.1.1 These can, in addition to using the regulated routes, be used based on value:

**Direct Award** – a single supplier quote from a local/SME supplier who is selected based on previous knowledge, a recommendation or a local supplier list (where one exists).

**Quotes Process** – between three and five suppliers are selected to provide a quote detailing how they will deliver a project and the costs. Suppliers to be selected based on being local/ SMEs with either previous knowledge, on a recommendation or from a local supplier list (where one exists).

### Regulated (above FTS Threshold ) Procurements

**OPEN Tender (Regulation 27 PCRs) – DEFAULT ROUTE** - single stage, advertised process. This route is for standard purchases where the requirements are clear – it does **not** include any scope for negotiation of any of the element of the tendered information. All compliant submissions must be evaluated.

**RESTRICTED Process (Regulation 28 PCRs)** – two stages, advertised process. This route is for standard purchases where the requirements are clear – it does **not** include any scope for negotiation of any of the element of the tendered information. Suppliers are shortlisted to tender following an initial supplier qualification process. This route is most suited to extensive markets to ensure proportionality of process and cost.

**COMPETITIVE PROCESS with NEGOTIATION (Regulation 29 PCRs)** – multi-stage, advertised process. Includes the ability to negotiate on predefined elements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of negotiations based on the predefined scoring criteria. This is used where the desired outcome of the procurement is known but how it is to be achieved is less clear.

**COMPETITIVE DIALOGUE (Regulation 30 PCRs)** – multi-stage, Advertised process. Includes the ability to discuss and define any unknown requirements. Suppliers are shortlisted to tender following a supplier qualification process, and then following each round of dialogue based on the predefined scoring criteria. This is used where the desired outcome of the procurement is unclear as is how it is to be achieved.

**INNOVATIVE PARTNERSHIP (Regulation 31 PCRs)** – multi-stage this is used where you want to purchase something that isn't already available in the market and needs to be created. The procurement process is based on a set of minimum requirements and desirable outcomes – the process can only be used with the approval of Procurement.

**FRAMEWORK (Regulation 33 PCRs)** – This can be procured through any on the procedures in this list and is an arrangement with one or more suppliers to provide the requirements on an as required basis with no fixed commitment. The Framework has a maximum duration of four years and subsequent awards can be made either by a direct award based on the framework prices or through further competition and evaluation – depending what has been specified in the Framework Agreement. Contracts awarded under the framework can run past the framework end date where set up to

facilitate this.

**DYNAMIC PURCHASING SYSTEM (DPS) (Regulation 34 PCRs)** - this is an approved list, on to which suppliers can be added at pre agreed intervals. Suppliers are added based the completion of the first stage of a RESTRICTED procedure and their demonstration of technical ability and previous experience. All subsequent awards must be through further competition and price/ quality evaluation.

**FURTHER COMPETITION** (from an existing framework) – this is where you are inviting the suppliers already on a compliantly procured framework or DPS to submit a qualitative proposal and price for your specific requirements. (where this is from a framework the prices/rates are capped at the framework prices.

**BESPOKE COMPETITIVE PROCESS** – this can only be used under the Light Touch Regime and will be defined and managed by procurement. **(Regulation 76, PCR or Regulation 36 CCR).**

**DESIGN COMPETITION (Regulation 80 PCRs)** - These are for the design of unique construction projects.

**NEGOTIATED PROCEDURE WITHOUT ADVERTISEMENT – (Regulation 32 PCRs)** – this route can only be used in exceptional circumstances and must be agreed by Procurement and the Monitoring Officer and documented on a waiver. Potential for use include: lack of competition, urgency or exclusive rights.

## 9.14 Below FTS Threshold Requirements

9.14.1 The procurement process is to be selected based on its category and its value, this is to ensure that the process is proportionate, transparent and can demonstrate value for money in consideration of the project requirements and other constraints such as urgency or protected rights.

### Goods and Services Contracts

- (a) Single quote up to £9,999
- (b) Three quotes between £10,000 and £49,999 (RFQ process)
- (c) Advertise on Contracts Finder between £50,000 and the FTS threshold (Tender Process)

### Recruitment Consultant Appointments

- (a) Single quote up to £24,999
- (b) Three quotes between £25,000 and £99,999 (RFQ process)

- (c) Advertise on Contracts Finder between £100,000 and threshold (Tender Process)

#### Works and Concession Contracts

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £499,999 (RFQ process)
- (c) Advertise on Contracts Finder between £500,000 and above FTS threshold (Tender Process)

#### Light Touch Regime (including training and legal requirements)

- (a) Single quote up to £49,999
- (b) Three quotes between £50,000 and £199,999 (RFQ process)
- (c) Advertise on Contracts Finder between £200,000 and above FTS threshold (Tender Process)

#### Quotes Process

- 9.14.2 Where requests for quotations are made, these should be from local suppliers where possible and where permissible under the law, either from a known local list or identified through the e-tendering portal of registered suppliers. Where none are known, the opportunity may be advertised at the officer's discretion.

#### Contracts Finder (Tender Process)

- 9.14.3 Where an opportunity is to be advertised based on the above, or is published in any other way (eg on the e-tendering portal, through an industry magazine or some form of social media) it must also be advertised on Contracts Finder. Any advertised, below FTS threshold procurement, must follow that of a single stage/open tender with no option for shortlisting.

#### Waivers

- 9.14.4 Where a below FTS threshold contract, based on value, requires a competitive process and there is an urgency, protected right, technical expertise or other reason that is accepted by the Monitoring Officer and Chief Finance Officer as delivering best value to the authority, a waiver may be used to enable the officer to seek a single quote and carry out a direct award to that organisation. This process is set out in the procurement guidance documents.

### **9.15 Above FTS Threshold Requirements**

- 9.15.1 All Above FTS threshold procurements must be advertised (unless procured under Regulation 32 PCRs) on the e-tendering portal, Contracts Finder and Find A

Tender Service (FTS).

9.15.2 The choice of which route to market should apply depends on the likely number of interested participants, the contract requirements and complexity and the need to negotiate, in accordance with Regulation 26. Further information is available in the procurement guidance documents and above at 9.13.1

## 9.16 Use of Frameworks

9.16.1 Where the decision is to utilise an existing Framework for the appointment of consultants or routine requirements, the choice of methodology should be based on the rules of the framework and compliance with PCRs

## 9.17 Advertisement (Regulations 48, 49, 52 and 106 PCRs)

9.17.1 Where a direct award/ or quotes process is not permitted by these rules or by exception under either these rules or the Regulations; and where the award is not via an approved framework, the procurement opportunity must be advertised as follow:

- (a) Contracts Finder (**Regulations 52 & 106 PCRs**) - where specified in this document or where they are regulated under any of the public procurement legislations
- (b) FTS – where they are regulated/ value exceed the values as set out in Schedule 1
- (c) Authority e-tendering portal – where an advert is placed under one of the above requirements it must also be advertised on the e-tendering portal
- (d) Additional adverts – where the opportunity is advertised, officers may also place adverts on the Authority website, trade publications or social media.

## 9.18 Market Engagement (Regulation 40 PCRs)

9.18.1 Where an advertised process is to be used, and before commencing a process, it is essential to understand the market make up and possible supply options, specifically

- (a) Is the Market a Monopoly or is it saturated?
- (b) Is the requirement able to be delivered by a single supplier or does it require sub-contracting?



(c) Can the contract requirements be met by local SMEs?

(d) Is the contract suitable for a consortia solution?

9.18.2 All engagement must be overseen by Procurement and participants should be invited through an advertisement on the e-tendering portal and carried out in a transparent manner (eg supplier days) that treats all possible procurement participants equally and without discrimination such that the activity is artificially restricts or impairs competition.

## 9.19 Procurement Processes

All procurements are to be issued using either the authority's standard templates or the templates provided by the framework's owner as applicable.

**Additional information on the following processes and documents is available within the procurement templates, policy documents and through the procurement guidance documents.**

## 9.20 Direct Award

9.20.1 This option does not require officers to create a set of tender documents; instead, they should discuss their requirements with the selected organisation and these should then be written up, priced and submitted by that organisation to the authority for approval. Once agreed, they should then be attached to the authority's standard Purchase order or Service terms and conditions and awarded as set out below.

## 9.21 Request for Quotation (RFQ)

9.21.1 This option uses a single procurement document to set out the contract and specification requirements along with how the submission will be qualitatively and financially assessed. This to be requested from the three selected companies. The submissions should be evaluated in accordance with this document and then a contract concluded with the successful organisation using the terms and conditions attached to the RFQ in accordance with the award process below.

## 9.22 Advertised Tender

9.22.1 The documents needed for an advertised procurement will depend on the contract value and the selected route to market; the tender pack will include some or all of the following:



## 9.23 Due Diligence Document

9.23.1 Where a tender is unregulated and thus an SSQ is not used, the due diligence (financial and company status) checks must be used to ensure that the successful tenderer is commercially capable and stable to deliver the contract.

### (a) Standard Selection Questionnaire (SSQ)

9.23.2 This document is to be used for above FTS threshold tenders and has three parts; Parts 1 and 2 are set down by central government and cannot be amended. Part 3 can be populated with the qualitative requirements of the project and used as a mechanism to shortlist in a multi staged process (Regulations 57, 58 and 65 PCRs).

### (b) Invitation to Tender (ITT) (or ITN or ITN Final) (Regulation 54 PCRs)

9.23.3 This document sets out the details of the procurement process and the process requirements along with the rules that interested (or shortlisted) tenderers must follow to ensure that their bid is compliant. Further guidance and adaptation of the standard template should be sought from procurement.

### (c) Specification (Regulation 42 PCRs)

9.23.4 This document must clearly and concisely set out the Authority's specific contract requirements and depending on the whether these are input, output or outcome based, the details by which these may be deemed to be achieved or demonstrated.

9.23.5 When using an input specification, officers should ensure that they are suitably up to date with current technology and developments. Specifications should be based on performance or industry standards and only use a brand, model or part number where it is impossible to sufficiently define the requirement any other way. Where this is relied on the specification must state 'or equally approved'.

9.23.6 Where the technical expertise is absent or dated, an output or outcome specifications should be used to ensure that an up to date solution is achieved along with value for money.

9.23.7 Where social or other policies are to be considered, these must be clearly specified and where possible, hyperlinks to their location included in the procurement documents.

### (d) Terms of Business/Contracts

9.23.8 The choice of contract shall be in a form approved by the Legal team and will be based on the nature of the spend and the project complexity along with the route to market, officers must engage with the Legal team at the concept of the procurement to enable sufficient time for consideration and drafting.

9.23.9 Where the selected procurement process does not allow for negotiations, officers are advised to ensure that the requirements identified to Legal are not prohibitive or anti-competitive such that they may limit competition and the ability to achieve a successful, value for money outcome.

**(e) Tender Submission Document**

9.23.10 ALL Tenders MUST be evaluated using the principle of Most Economically Advantageous Tender (MEAT).

**(f) Quality Requirements – Method Statements (Regulation 67 PCRs)**

9.23.11 Officers are recommended to use a split of 60% price and 40% quality. Where this is not felt to be the best means by which to select the most suitable supplier, this may be adjusted to an 80:20 split in either direction following a discussion with Procurement.

9.23.12 Method Statement Questions should be drafted to elicit responses that supplement the specification and in consideration that the responses become part of the contract and performance requirements.

9.23.13 The weighting (importance) of each method statement question must be clearly set out as must the requirements of the scoring criteria.

9.23.14 The questions, as a minimum should seek to understand the skills of the delivery team, the timescales for delivery, any quality or health and safety considerations and how the contract can be used to support the local economy, protect the environment or deliver other social benefits.

**(g) Pricing Requirements**

9.23.15 The tender documents must set out how the price should be calculated and evaluated. This could be a lump sum or a schedule of requirements/ bill of quantities. Where a schedule is used and exact quantities are unknown the document must include details of estimated quantities (unless part of the submission is for them to quantify a resource) to ensure that the evaluation is fair and transparent. Where a schedule of pricing is used, officers may weight particular elements if they are more significant to the success and delivery of the project; where this is required officers must liaise with procurement and finance to ensure the pricing model is fair and representative of the contract requirements.

**(h) Form of Tender**

9.23.16 Along with the method statement and pricing submission, tenderers are required to confirm that they have no conflicts of interest with the authority and that they

have not colluded or otherwise engaged in unethical or illegal practices in order to collate their submission.

#### **9.24 Use of/Reliance on Subcontractors (Regulations 63 and 71 PCRs)**

- 9.24.1 The authority must allow a tenderer to rely on subcontractors for economic or technical capacity, experience or professional qualifications unless the task that they seek to subcontract is deemed a critical task; specifically where this would dilute accountability or the performance management of essential elements of the contract.
- 9.24.2 The authority, when setting out its procurement requirements, may stipulate that where subcontracting is relied on that the tenderers sets out the share of the contract to be subcontracted and where they are to be relied upon, may insist that all such subcontractors complete an SSQ or the authority's Due Diligence document (where applicable) to enable the authority to assess their suitability to deliver an Authority contract.

#### **9.25 Tender Communications (Regulations 22 and 51 PCRs)**

- 9.25 All procurement processes (except for direct awards) must be managed electronically through the authority's e-tendering portal. All notices, tender documentation and awards must be published through the portal and all communications (Q&A) must be published openly unless deemed commercially sensitive.

#### **(i) Evaluation Process and Clarifications (Regulation 56 PCRs)**

##### **Due Diligence**

- 9.26 These checks should be completed before the price and quality evaluation process as they assess the financial stability of a tenderer. Where a concern is identified this should be referred to finance and legal for consideration and a decision made as to whether they should be disqualified to protect the successful performance of the contract.

##### **Standard Selection Questionnaires (Regulations 57 and 58 PCRs)**

- 9.27 Where this is provided in a single stage process this should be assessed before the qualitative or pricing submission. Any concerns identified should be clarified with the tenderer before deciding if they should be disqualified.
- 9.28 Where this document is used to shortlist in a two or multi-stage process the Part 1 & 2 elements should be assessed first and any concerns identified should be clarified with the tenderer before evaluating part 3 and shortlisting

##### **Quality Submissions**

9.29 These must be evaluated by at least three, suitably skilled individuals using the predefined criteria and the specification.

9.30 Evaluators must make notes as to the rationale for each individual score and provide question specific feedback to be used in the moderation process and ultimately shared with the unsuccessful tenderer.

9.31 Where the information is unclear or incomplete a clarification process must be carried out.

### **Pricing Submissions**

9.32 This must be carried out separately to the quality evaluation, in accordance with the process set out in the tender documentation and must be verified by the relevant member of the finance team to validate its accuracy.

9.33 Where the pricing is incomplete or excessively low, a clarification process must be completed with the support of procurement.

### **Post-tender Clarifications**

9.34 Submitted information may be clarified or explained but not amended or supplemented.

#### **(j) Missing Information**

9.35 Where information is missing, this may be confirmed to the tenderer but may not be supplied by them. Where this has an impact on the total price, tenderers must either honour the total price submitted or withdraw.

#### **(k) Price Calculation Errors**

9.36 Where an arithmetical error is identified and can be corrected without the need to seek clarity or additional information, this should be done and advised to the tenderer for agreement. Where this has an impact of increasing the total price, tenderers must either honour the initial total price submitted or withdraw their offer.

#### **(l) Abnormally Low Pricing (Regulation 69 PCRs)**

9.37 Where a tenderer's price is significantly lower than anticipated by the authority or in comparison with other tenders received; the authority must seek clarity from the tenderer on how they have priced the tender at this level and demonstrate that it is commercially viable and sustainable. Where such assurances are either not provided or not plausible then the authority should disqualify the submission.

#### **(m) Post-tender Negotiations**

9.38 Post Tender Negotiations shall not be used to degrade the original tender requirements or price unless:

- (a) ALL the received tenders came in over budget
- (b) Other special circumstances

9.39 In these circumstances, all tenderers that have submitted a tender shall be given the opportunity to resubmit against a revised or reduced specification.

9.40 All other negotiations shall only be undertaken in accordance with Law and in agreement with Procurement and Legal.

#### **(n) Moderation**

9.41 Following the individual scoring of the quality method statement responses, the evaluation panel, overseen by procurement, must meet and agree a common score for each question along with an agreed justification for the scores and question specific feedback for the tenderer.

#### **(o) AWARD Process**

9.42 Where a formal gateway process has been used to commence and decide on the procurement process, a further review should be completed before the decision to award. In all case, the following stages must be completed.

##### **9.43 Tender Report (Regulation 84 PCRs)**

9.43.1 All advertised tenders must, before award, have a completed tender report approved by procurement, legal and finance before any notifications are sent or contracts collated.

##### **9.44 Notifications (Regulations 55 & 86 PCRs) & Standstill (Regulation 87 PCRs)**

9.44.1 All notification or outcome letters must be approved by procurement and signed by the Procurement and Contracting Manager.

9.44.2 All tenderers (successful and unsuccessful) must be notified, in writing, of the outcome of the evaluation process at the same time. Unsuccessful tenderers must be provided with feedback which details the relative advantages of the successful tenderer.

9.44.3 Where the procurement is regulated (and even on below FTS threshold processes where advised by procurement) the authority must issue and apply a standstill period with the award letters not being issued until after this period has expired.

#### **9.45 Supplier De-briefing**

9.45.1 Following the notification of the procurement outcome, unsuccessful tenderers may request feedback in addition to that provided in the letters; this must be agreed and supported by procurement to ensure that only allowed information is shared and that it is done so in a non-discriminatory manner.

#### **9.46 Letters of Intent**

9.46.1 Letters of intent give the contractor the authority to proceed prior to the execution and dating of contract; however, they should only be used where there is a genuine need and genuine benefit to the Authority, such as to:

- (a) facilitating the ordering of goods where there are long lead times;
- (b) enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements;
- (c) facilitate TUPE requirement.

9.46.2 All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason it must be agreed by the Monitoring Officer.

9.46.3 Where a letter of intent is issued it must specify its intent and include a maximum liability, which cannot exceed £100,000 unless otherwise agreed by the Monitoring Officer.

#### **9.47 Contract Award**

9.47.1 All tender processes must be concluded by way of a duly signed or executed document.

9.47.2 Contracts MUST not be awarded until all checks have been completed and evidence of any qualifications and certificates provided.

9.47.3 The award must be as per the specification issued and the tender received (including any clarifications) and not a conditional or counteroffer.

#### **9.48 Contract Approval**

9.48.1 Contracts must be executed by signature or as a deed as follows, following consultation and approval from the Chief Finance Officer and Monitoring Officer:

Goods & Service

- (a) Up to £25k – Responsible Officer

- (b) Up to £100k – Finance
- (c) Up to £250k – Project Director
- (d) Up to £500k – Monitoring Officer, Chief Finance Officer, Chief Executive

9.48.2 All works contract to be executed as a deed to ensure a 12-year latent defect period is applied.

9.48.3 Copies of all executed contracts must be provided to the Procurement and Contracting Manager for inclusion in the contracts register

#### **9.49 Contract Award Notices (Regulation 50 PCRs)**

9.49.1 Award Notices must be published in accordance with the following decisions.

- (a) Where a new Framework or Contract is let and it is over the FTS threshold – in FTS and on Contracts Finder.
- (b) Where the procurement is via a mini competition from a framework and is over £30k – on Contracts Finder
- (c) Where the contract value is over £30,000 but under the FTS threshold – on Contracts Finder.

#### **Contract Register & Transparency Code**

9.49.2 All contracts over £5,000 must be published on the Authority's contract register, this to include a scanned copy of the completed contract and any waiver/ decision or process approval documentation.

#### **9.50 Document Retention**

9.50.1 All documents issued and received via the e-tendering portal will be stored indefinitely on the portal.

9.50.2 Any other information not held on the portal will be in accordance with the Authority's retention policy.

#### **(p) Contract Management**

9.51 The Authority is committed to ensuring that in addition to procuring its contracts compliantly, effectively, economically and in consideration of the community it serves; that they will be appropriately performance managed to ensure the intention and



benefits promised are delivered and within the contracted value.

### **9.52 Contract Performance Management**

9.52.1 The Contract owner must ensure that performance management meetings are held at appropriate intervals and that these meetings and any decisions made are properly documented and formally recorded such that they can be relied on.

### **9.53 Supplier Payment Generally**

9.53.1 As a responsible authority, payments against contracts should be managed efficiently and without detriment to the suppliers and at most, within 30 days on receipt of the invoice in accordance with government guidance

### **(q) Construction Contracts**

**9.54** Payments on construction contracts must comply with the form of contract used and where practical, should comply with the Construction Supply Chain Partner as far as reasonable possible to do so.

### **(r) Late Payments**

9.55 Where payments are late, suppliers are entitled to claim statutory late payment interest unless otherwise documented in the contract.

### **9.56 Contract Review**

9.56.1 Where a formal gateway process has been used in the initial decision making and subsequent award decision, a further review should be carried out to consider contract performance against the initial advertised requirements and budget and to monitor ongoing compliance with these rules and legislation.

### **9.57 Performance Failures**

9.57.1 Where a Performance failure is identified the following must be applied:

- (a) Legal are consulted as to permissible measures under the contract.
- (b) Management meetings are held more frequently with the interval being based on the severity of the failure.
- (c) A remedial plan is agreed and signed.



- (d) Revised, intermediate performance targets are set out and monitored to ensure improvement and performance failure resolution within the agreed timescales.

9.57.2 Where the above measures do not deliver the required improvements within the required timescales, legal should be consulted to escalate the remedial requirements or initiate the termination of the contract.

### **9.58 Contract Termination for Performance**

9.58.1 Where performance failure under the contract cannot be remedied or where there has been a case of insolvency or other organisation failure, the officer should seek advice from legal and agreement by the Monitoring officer to terminate the contract.

### **9.59 Contract Variations/Extensions (Regulation 72 PCRs)**

9.59.1 A Contract should only be extended or varied in accordance with any options specifically included in the original procurement documentation.

9.59.2 Where no such provision exists; a contract can only be extended or varied with the agreement of the Director and/or Monitoring Officer (depending on value) and documented through the approval of a waiver, as follows:

- (a) The additional requirement is still in scope of the original specification and does not equate to a new requirement or something that is materially different to that advertised such that it requires a new process.
- (b) The extension or variation does not present an unacceptable risk to the authority eg had the changes been known, others would have participated in the opportunity or a better price could have been achieved.
- (c) The additional requirement does not take it over the FTS threshold when it was procured using a below FTS process.
- (d) The additional value does not exceed more than 10% if goods & services or 15% if works of the original, advertised value (This can be approved by the Director subject to available funds).
- (e) The additional value of any extension or variation is not a material change, the need was unforeseeable, there is a proprietary right or there is urgency and the change does not exceed more than 50% of the original, advertised

value (Monitoring Officer).

9.59.3 The application of any extension or variation

- (a) must be in the Authority's best interest;
- (b) must demonstrate value for money;
- (c) cannot be until after a new Due Diligence Check has been completed.

9.59.4 Once approved, Legal must be engaged to provide the necessary legal documentation to record the variation or extension and then the signed version of this and the waiver must be added to the contract register.

## **9.60 Lessons Learned**

9.60.1 At the close of the contract, the gateway process must be concluded with a lessons learned exercise and this information should be shared to ensure ongoing process improvements and best practice.

## **(s) Other Procurement Considerations**

### **9.61 Procurement on Behalf of Partner Authorities**

9.61.1 Where the authority is required under its own powers or at the request of a partner authority to procure on its behalf, those procurements must comply with legislation, these rules and the other authority's rules.

9.61.2 Where there is a conflict between these rules and the other authority's rules then the following apply:

- (a) Financial, procurement or other approvals to procure or award must be the those of the authority for which the contract is let
- (b) Contract signatory requirements to be those of the authority signing the contract
- (c) Procurement Process to be followed will be these in compliance with the relevant legislation

### **9.62 Purchase Cards**

9.62.1 The authority operates a purchase card facility; these are available, with the approval of Finance.

9.62.2 Purchase cards are to be used for low value or one-off incidental spend where it

is not efficient to carry out a competitive process. Purchase cards **MUST NOT** be used to bypass corporate contracts or these rules without the express permission of Procurement and the appropriate Director.

9.62.3 The principle of disaggregation applies to spend on purchase cards both in relation to the individual and the Authority as a whole.

### **9.63 Grants (Law)**

9.63.1 Where a grant is issued, it must be awarded in accordance with the authority's process for advertising, selecting, awarding and monitoring grants.

9.63.2 All grants over £25,000 **MUST** be executed as a Deed.

### **9.64 Community Right of Challenge**

9.64.1 Section 81 of the Localism Act 2011 permits relevant bodies (charities, community bodies, town and parish Authority Services and Staff) to submit Expressions of Interest to provide Authority Services. Corporate Services shall maintain and publish a timetable for the submission of interest. Any such expressions shall be forwarded to the Transformation Team.

### **9.65 Disposal of Goods and Assets (Authority Requirement)**

9.65.1 Where the Authority has goods or assets that are no-longer required these are to be disposed of through a closed-bid auction process. The Authority has an eBay account for this purpose and any department wishing to use it needs to do so through the Procurement team.

### **9.66 Procurement Schedules**

9.66.1 Please see schedule 1 for threshold by procurement category.

9.66.2 Please see Schedule 2 for a summary table of procurement rules by category and value.

### **(t) Waivers**

9.67 Where an officer seeks to deviate from the requirements of this document a waiver must be completed and approved in accordance with the following rules:

#### **1. Exemptions to the requirement to carry-out a quotes process**

1.1. This must be drafted by the responsible officer and agreed by procurement and legal.

#### **2. Exemptions to the requirement to advertise on Contracts Finder**

2.1. This must be drafted by the responsible officer and be approved by

procurement, legal and Director with budget responsibility.

### **3. Exemptions to the requirement to carry out an advertised process**

- 3.1. This must be drafted by the responsible officer and be approved by procurement, the relevant Director and the Monitoring Officer.

### **4. Requests to vary a contract in value or time**

- 4.1. This must be drafted by the responsible officer and be approved by procurement, the relevant Director, the Chief Finance Officer and the Monitoring Officer.

### **5. Waiver Contract Documents**

Once a waiver has been agreed, a formal contract or variation instruction completed and signed/executed. The completed documents must be added to the contract register.

## **9.68 Procurement Policy**

- 9.68.1 Best practice dictates that organisations should have an overarching Procurement Policy in place to offer clear guidance to officers when procuring goods and services, whilst at the same time supporting the organisations' priorities and strategic themes; otherwise there is a risk that officers do not have guidelines to follow to ensure that the Combined Authority is not open to challenge because of its procurement activities.
- 9.68.2 The Combined Authority Procurement Policy at Chapter 19: Policies and Protocols, Appendix 10 offers clear guidance to ensure that procurements comply with both statutory requirements and the Combined Authority's own constitutional requirements.
- 9.68.3 The Policy ensures the Combined Authority is better placed to reduce the likelihood of subsequent challenges to non-compliant procurements.
- 9.68.4 Responsible procurement is defined as "the process whereby organisations meet their needs for goods, services and works in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment". The Public Services (Social Value) Act 2012 provides the relevant legislative framework and requires local authorities to consider these wider benefits when procuring and entering into contracts. The Act applies to public services contracts and framework agreements to which the Public Contracts Regulations 2015 apply and aims to provide a tool to assist commissioners to get more value for money out of procurement.
- 9.68.5 Under the Public Services (Social Value) Act 2012, the CA must consider before starting the process of procurement of services how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area,

and how, in conducting the process of procurement, it might act with a view to securing that improvement.

- 9.68.6 This social value duty is balanced by obligations to ensure fair and open competition as set out in the Public Contracts Regulations 2015 which state, *inter alia*, that award criteria must be 'linked to the subject matter' of the contract in question and must be contract-specific and not aimed at assessing the business or corporate policies of the tenderer.
- 9.68.7 Contracting authorities are entitled to decide not to award a contract to the tenderer submitting the most economically advantageous tender where they have established that the tender does not comply with applicable obligations in the fields of environmental, social and labour law established by retained laws in the UK-EU Trade and Cooperation Agreement, national law, or collective agreements. The list of such obligations is prescribed and must be strictly construed. If the tenderer is not in breach of any of those obligations the contracting authority is bound to select its bid if it is the most economically advantageous tender.

## CHAPTER 10: ACCESS TO INFORMATION, INFORMATION GOVERNANCE, DATA PROTECTION AND COMPLAINTS

### Access to Information

#### 10.1 Access to Information Procedure Rules

10.1.1 These rules are a summary of rights to attend meetings of the Authority its Boards, Committees and Sub-Committees, and of access to documents held by the Authority and the elected Mayor for the Cambridgeshire & Peterborough Combined Authority. The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's and the Mayor's possession, conferred by the Local Government Act 1972 and by some other legislation.

#### 10.2 Access to Meetings

- 10.2.1 A meeting of the Authority (including meetings of its Board, Committees and Sub-Committees) is open to the public, except as stated in the rules within this section (10.2) and 10.3 below.
- 10.2.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
- 10.2.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, and of the Authority itself, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.
- 10.2.4 Attendance does not provide an automatic or guaranteed right to speak at meetings.
- 10.2.5 Public meetings may be filmed or recorded in accordance with this Chapter 5: Standing Orders, paragraph 5.40.

### 10.3 Access to Agenda and Connected Papers

- 10.3.1 Copies of the agenda and reports for a meeting of the Authority or of any of its Boards, Committees or Sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The agendas and reports will be published on the Authority's website.
- 10.3.2 The agendas and reports will be made available to members of the public present at a meeting; and will be made available, on request, to the media.

### 10.4 Inspection of Minutes

- 10.4.1 After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection by being published on the Authority's website.

### 10.5 Inspection of Background Papers

- 10.5.1 Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.
- 10.5.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request. Where reasonably practicable, a link to the background papers will be published on the Authority's website.

## 10.6 Additional Access for Members of the Authority

10.6.1 Any document in the possession or under the control of the Mayor or the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a Member (subject to Rule xxx9.13 below) and must be available for inspection for at least five clear days before the meeting except:

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda

10.6.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by the Mayor or a Member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

10.6.3 Where it appears to the proper Officer that compliance with Rules 9.10 or 9.13 below, in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.

## 10.7 Additional Rights of Access to Documents for Members of the Overview & Scrutiny Committee

10.7.1 Subject to Rule 10.7.3 below, a Member of the Overview & Scrutiny Committee of the Authority is entitled to a copy of any document which:

- (a) is in the possession or under the control of the Mayor or the Authority; and
- (b) contains material relating to:
  - (i) any business that has been transacted at a meeting of a decision-making body of the authority;



(ii) any decision that has been made by the Mayor under the authority granted to him by statute, regulation, order, directive or the Authority;

(iii) any decision that has been made by an officer of the authority for which he is responsible to the Mayor or the Authority.

10.7.2 Subject to Rule 10.7.3 below, where a member of an overview and scrutiny committee requests a document which falls within Rule 10.7.1 above, the Mayor and/or the Authority must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request is received.

10.7.3 No Member of the Overview & Scrutiny Committee is entitled to a copy of any document or part of a document that contains exempt or confidential information unless the Monitoring Officer considers it is relevant to an action or decision that that member is reviewing or scrutinising or any review contained in any programme of work of a scrutiny committee or sub-committee which he is a member of; or which contains advice provided by a political adviser or assistant.

10.7.4 Where the Mayor or the Authority determines that a member of the Overview & Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in Rule 10.7.3 above, it must provide the Overview & Scrutiny Committee with a written statement setting out its reasons for that decision.

## 10.8 Publication of Additional Information

10.8.1 The Authority must maintain a register stating the name of the Mayor, every Member and their appointing council or local enterprise partnership. The register is published on the website and is also open to inspection by the public at the offices of the Authority at 2<sup>nd</sup> Floor Pathfinder House, St. Mary's Street, Huntingdon, Cambridgeshire, PE29 3TN between the hours of 09:00 and 16:30 on working days.

10.8.2 The Authority will maintain a list specifying the powers delegated by it or by the Mayor to its Officers, and stating the title of the Officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection, but excludes delegations of less than six months' duration.

## 10.9 Financial Documents

10.9.1 The Mayor or a Member of the Authority has a right to inspect the Authority's

accounts.

- 10.9.2 Any local government elector for the district of a constituent Council or a non-constituent Council has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2015 (as amended).
- 10.9.3 At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them except that no personal information about a member of the Authority's staff or any other identifiable person is required to be disclosed.

#### 10.10 Documents Deposited with the Combined Authority

- 10.10.1 Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

#### 10.11 Other Documents

- 10.11.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
- 10.11.2 Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
- 10.11.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public.

#### 10.12 Fees

- 10.12.1 No fee will be charged for providing the facility of inspecting background

papers.

10.12.2A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

### 10.13 Meaning of Exempt Information

10.13.1 Exempt information means information falling within the following seven categories and within schedule 12A of the Local Government Act 1972, subject to the qualifications listed below:

CATEGORY	
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations; or negotiations, or contemplated consultations; or negotiations, in connection with any labour relations matter arising between the authority; or a Minister of the Crown and employees of; or office holders under the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

### QUALIFICATIONS

Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under:

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974 and 1992;
- (c) the Industrial and Provident Societies Acts 1965 to 1978;
- (d) the Building Societies Act 1986; or
- (e) the Charities Act 1993.

Information is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## 10.14 Procedure Before Taking a Key Decision

10.14.1 Subject to Rule 6.3 (general exceptions) and Rule 6.4 (special urgency) a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question at the offices of the Authority and on its website;
- (b) where the decision is to be taken at a meeting of the Authority or one of its committees/sub-committees, notice of the meeting has been given in accordance with the rules regarding the notice for meetings.

10.14.2 Where a decision has been made by the Mayor, the Authority or an Officer and was not treated as being a Key Decision and a relevant overview and scrutiny committee is of the opinion that the decision should have been treated as a Key Decision, that overview and scrutiny committee may require the decision maker to submit a report to the authority within such reasonable period as the committee may specify.

10.14.3 A report under Rule 10.14.2 must include details of the decision and the reasons for the decision; the decision maker; and the reason the decision maker is of the opinion that the decision was not a Key Decision.

## Information Governance

### 10.15 Why the Combined Authority collects information about individuals (or groups)

10.15.1 The Combined Authority collects and processes various categories of personal information at the start of, and for the duration of an individual (or groups) relationship with it. The Combined Authority will limit the collection and processing of information to what is necessary to achieve one or more legitimate purposes as identified below. The Combined Authority uses personal information for a limited number of purposes and always in line with its responsibilities, and where reasonable the wishes of the individual (or group), where there is a legal basis to use personal information and in relation to the rights of the individual (or group).

10.15.2 The Combined Authority processes personal information:

- For the purpose for which information was provided, for example services the Combined Authority has/is providing in relation to transport, public service reform, business and skills, and housing
- To enable the Combined Authority to communicate with the individual (or group) and for the provision of services therein
- To monitor the Combined Authority's performance in providing services; to gather statistical information to allow the Combined Authority to plan future provision of services; and to obtain opinion about our services
- To meet various legal requirements
- For the prevention and/or detection of crime
- To process financial transactions including grants and payments directly involving the Combined Authority or where it is acting on behalf of other government bodies
- For general processing where the individual (or group) has given consent for the Combined Authority to do so
- Where it is permitted under the Data Protection Act, for example, to comply with legal obligations, or for the Combined Authority to seek legal advice or undertake legal proceedings
- For marketing purposes to keep the individual (or group) updated on the latest news and services

## 10.16 Ways in which the Combined Authority collects information

### Face-to-Face

10.16.1 The Combined Authority may keep a record of an individual (or groups) visit to it to assist in the delivery and improvement of the services that it provides. Any such records that include personal information will be kept securely.

### Telephone calls

10.16.2 Ordinarily, the Combined Authority will inform an individual (or group) if it records or monitors any telephone calls made to it. The Combined Authority may do this to increase the security of an individual (or group) so that it has a record of a call taking place and/or for training and quality purposes.

### Emails

10.16.3 If you email us, we may keep your email as record that you have made contact. This includes your email address. We will not include any personal or otherwise confidential information in any email we send to you unless it is sent securely or you have agreed to us contacting you with this information. We would also recommend that you keep the amount of personal or confidential information you send to us via email to a minimum.

### Online

10.16.4 On the Combined Authority's website there will be links to other external websites which are provided for the information and convenience of visitors. The data protection policy (see Chapter 19 – Policies and Protocols: Appendix 10) applies solely to the Cambridgeshire and Peterborough Combined Authority. The Combined Authority is not responsible for the content of external websites. It is recommended that when visiting external websites time is taken to read the privacy notices provided by them.

## 10.17 What the Combined Authority does with the information from individuals (or groups)

10.17.1 When deciding what personal information to collect, use and hold, the Combined Authority is committed to making sure that it:

- Only collects, holds and uses personal information where it is necessary and fair to do so
- Keeps personal information secure and safe

- Securely disposes of any personal information when it is no longer required
- Is open with the individual (or group) on how it uses information and who it shares it with
- Adopts and maintains high standards in handling any personal information

10.17.2 The Combined Authority may disclose personal information to a third party, but only where this is required by law, where that third party needs that information to provide a service on behalf of the Authority, or where it is otherwise allowed under the Data Protection Act. The Combined Authority will strive to make sure that the third party has sufficiently robust systems and procedures in place to protect personal information

#### 10.18 Who the Combined Authority may share information with

10.18.1 The Combined Authority will not share information outside of the Cambridgeshire and Peterborough Combined Authority except:

- (a) Where the Combined Authority has the permission of the individual (or group)
- (b) Where required for the service the Combined Authority is providing
- (c) Where the Combined Authority is required by law and by law enforcement agencies, judicial bodies, government, tax authorities or other regulatory bodies
- (d) With third parties, external partners, and agencies assisting the Combined Authority in delivering a service to the individual (or group)
- (e) With external partners to improve, and advance the service the Combined Authority provides to the individual (or group)

#### Data Protection

10.19.1 The Cambridgeshire and Peterborough Combined Authority is a controller for the purposes of the Data Protection Act 2018. The Authority collects, processes and stores a wide range of information, including personal information to deliver services efficiently. The Combined Authority is responsible for managing the information that it holds and recognises

this is important information to residents. The Combined Authority takes its responsibilities seriously and uses personal information fairly, correctly and safely in line with the UK's data protection laws.

10.19.2 The Combined Authority Data Protection Policy is set out in Chapter 19 – Policies, Procedures and Protocols, appendix 10.

## Complaints

10.20.1 The Combined Authority is committed to providing high-quality services for all members of the public, businesses and organisations. The Combined Authority welcomes customers' views and uses them to improve services.

10.20.2 The Combined Authority has a two-stage policy:

### Informal Complaint

10.20.3 The Combined Authority will always wish to deal with a complaint as quickly and efficiently as possible. Therefore, the Combined Authority will always try to deal with a complaint informally. Staff at the Combined Authority will do their absolute best to settle the complaint without the complainant needing to do anything else.

### Formal Complaint

10.20.4 If the complainant has spoken to Combined Authority staff about their complaint but they have not been able to put things right, or they are not happy with the outcome, the next step is to make a formal complaint in writing to the Monitoring Officer.

10.20.5 The Complaints Policy describes how the Combined Authority deals with complaints and the role of the Local Government and Social Care Ombudsman. This can be found at Chapter 19 – Policies and Protocols, Appendix 11.



## CHAPTER 11: EMPLOYMENT RULES AND REGULATIONS

### 11.1 Introduction

11.1.1 These rules set out how officers are appointed and dismissed and the role that Elected Members have in officer appointments and dismissals.

### 11.2 Definitions

11.2.1 For the purpose of these rules the definitions of “Chief Officer”, “Deputy Chief Officer”, and “Disciplinary Action” are as set out in Chapter 7: Boards and Committees of this Constitution relating to the Employment Committee.

### 11.3 Appointment of Head of Paid Service, Monitoring Officer, Section 73 Officer and Chief Officers

11.3.1 Where the Combined Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73(1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer the Employment Committee will draw up a statement specifying:

- (a) the duties of the Officer concerned; and
- (b) any qualifications or qualities to be sought in the person to be appointed.

Where it is not proposed that the appointment be made exclusively from among the Combined Authority’s existing officers the Committee will make arrangements for:

- (c) the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (d) for a copy of the statement referred to above to be sent to any person on request

Where a post has been advertised in accordance with paragraph (c) above the Committee will:

- (e) interview all qualified applicants for the post or select a short list of

such qualified applicants and interview those included on the short list.

Where no qualified person has applied the Committee will:

- (f) make further arrangements for advertisement in accordance with paragraph (c) above.

- 11.3.2 The Combined Authority Board will approve the appointment of the Head of Paid Service (Chief Executive), the Monitoring Officer and the officer with the responsibilities set out in section 73(1) of the Local Government Act 1985 (Chief Finance Officer) (“the statutory officers”) following the recommendation of the Committee.
- 11.3.3 Appointments of Chief Officers will be made by the Committee.
- 11.3.4 All decisions on the appointment of Chief Officers, or decisions on recommendations to the Combined Authority Board on the appointment of statutory officers, made by the Committee shall be decided by a majority of voting Members, subject to that majority including the vote of the Mayor, or the Deputy Mayor acting in place of the Mayor.
- 11.3.5 Where it is necessary to appoint an interim Head of Paid Service [Chief Executive], Monitoring Officer, or Section 73 Officer [Chief Finance Officer] on an urgent basis that appointment shall be made by the Employment Committee.
- 11.3.6 When making decisions as to the appointment or dismissal of statutory officers and Chief Officers the Employment Committee shall include the Mayor or Deputy Mayor in their place.
- 11.3.7 The appointment of officers at or below Deputy Chief Officer level shall be the responsibility of the Chief Executive or of any officer nominated by them in relation to a particular appointment.

#### 11.4 Avoiding Conflicts of Interest in the Appointment Process

- 11.4.1 Any person seeking appointment as an Officer of the Combined Authority shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece (“relative”) of an existing Member or Officer or the partner of such persons.
- 11.4.2 No candidate related to a Member or Officer as described above will be appointed as Head of Paid Service or as a Chief Officer without the agreement of the Mayor.
- 11.4.3 An Officer or Member must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of an officer, or prospective officer who is a relative, partner, partner of a relative or friend.

Friendship connotes a relationship going beyond regular contact with colleagues in the course of employment.

11.4.4 Any applicant who directly or indirectly seeks the support of any Member for any appointment within the Combined Authority will be disqualified from the recruitment process.

11.4.5 No Member of the Combined Authority shall seek support for any person for appointment with the Combined Authority. This shall not be interpreted to mean that Members and officers are precluded from giving a written reference for a candidate for submission with an application for employment as appropriate.

## 11.5 Dismissals and Disciplinary Action

11.5.1 Only the Combined Authority Board may dismiss the Head of Paid Service (Chief Executive), the Section 73 Officer (Chief Finance Officer) or the Monitoring Officer ("the statutory officers") as a result of disciplinary action following the recommendations of the Statutory Officer Investigatory Panel.

11.5.2 A statutory officer may not be dismissed by the Combined Authority unless the relevant procedures set out in these Rules have been complied with.

11.5.3 The Statutory Officer Investigatory Panel shall have authority to take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers.

11.5.4 The Employment Committee will have authority to dismiss Chief Officers. Any Chief Officer so dismissed shall have a right of appeal to the Combined Authority Board in accordance with the Authority's Appeals Procedures.

11.5.5 The Mayor or the Deputy Mayor in their place shall be a member of the Statutory Officer Investigatory Panel which meets to consider a dismissal or recommendation for dismissal under paragraph 11.5.1 or 11.5.3.

11.5.6 Members will not be involved in the dismissal of any officer at or below Deputy Chief Officer level except where such involvement is necessary for the investigation or inquiry into alleged misconduct through the Combined Authority's disciplinary procedures as adopted from time to time.

## 11.6 Avoiding Conflicts of Interest in Dismissals and Disciplinary Action

11.6.1 No member or substitute member who has sat as a member of the Statutory Officer Investigatory Committee or Employment Committee when a recommendation or decision has been made as to the dismissal or disciplining of an officer under Section 5 above shall sit as a member of the Combined Authority Board when it considers any such recommendation or an appeal by the officer



against any such decision.

## 11.7 Employee Code of Conduct

11.7.1 All officers are required to sign an agreement to be bound by the Employee Code of Conduct and all Chief Officers and Deputy Chief Officers are required to complete a register of interests form in accordance with the Code.

## 11.8 Officer Appointments to the Mayoral Office

11.8.1 Certain designated posts within the Mayoral office will be subject to the protocol at Chapter 19: Policies and Protocols, appendix 12. These posts are:

- (a) Chief of Staff
- (b) Mayoral Adviser, and
- (c) Senior Policy Adviser.

## 11.9 Politically Restricted Posts

11.9.1 Certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act 1989. The Protocol on Political Restriction at Chapter 19: Policies and Protocols, appendix 5 sets out the rules which apply to such posts.

## CHAPTER 12: ALLOWANCES

**THIS CHAPTER WILL BE PRODUCED BY APRIL 2023**

## CHAPTER 13: THE AUDIT & GOVERNANCE COMMITTEE

### 13.1 Governance

13.1.1 The Combined Authority has appointed an Audit and Governance Committee. The committee is a statutory, non-executive committee.

### 13.2 Functions

13.2.1 The Audit and Governance Committee shall have the following statutory powers to:

- (a) review and scrutinise the authority's financial affairs;
- (b) review and assess the authority's risk management, internal control and corporate governance arrangements;
- (c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
- (d) make reports and recommendations to the Combined Authority in relation to reviews conducted under paragraphs (a) (b) and (c);
- (e) implement the obligation to ensure high standards of conduct amongst Members.

### 13.3 Terms of Reference

13.3.1 The Audit and Governance Committee shall undertake the following for both the Combined Authority and the Business Board:

#### Accounts

13.3.2 Approve the annual statement of accounts.

#### Governance

13.3.3 Review corporate governance arrangements against the good governance framework.

13.3.4 Review the Annual Governance Statement prior to approval to ensure it

properly reflects the risk environment and supporting assurances.

13.3.5 Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships.

13.3.6 Monitor the Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances.

13.3.7 Monitor the anti-fraud and whistle blowing policies and the complaint process.

#### Internal Audit

13.3.8 Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners.

13.3.9 Review internal audit requirements undertaken by the Combined Authority.

13.3.10 Approve the internal audit plan.

13.3.11 Consider reports and assurances from the Chief Finance Officer in relation to:

(a) Internal Audit performance;

(b) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;

(c) Risk management and assurance mapping arrangement;

(d) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

#### External Audit

13.3.12 Review the annual accounts.

13.3.13 Consider the annual external audit of the Combined Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns.

#### Financial Reporting

13.3.14 Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined Authority Board.

- 13.3.15 Consider any issues arising from External Auditor's audit of the account.
- 13.3.16 Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA's Code of Practice.
- 13.3.17 Maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary.

#### Code of Conduct

- 13.3.18 Ensure the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- 13.3.19 Assisting the Members and Co-opted Members to observe the Code of Conduct.
- 13.3.20 Advising the Combined Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- 13.3.21 Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct.

#### Subsidiary Companies of the Combined Authority

- 13.3.22 Assisting the Combined Authority in fulfilling its oversight responsibilities in relation to reviewing and monitoring activity of the trading companies.
- 13.3.23 Advising the Combined Authority Board on any matters within the Committee's powers pertaining to the trading companies.
- 13.3.24 Providing appropriate review and challenge of the Combined Authority's governance arrangements of its trading companies and its appointments to the boards of the companies.
- 13.3.25 Providing appropriate review and challenge on the financial information provided to the Combined Authority by the trading companies.
- 13.3.26 Commissioning, where appropriate, the Combined Authority's internal audit function to undertake discrete activity relating to the Authority's governance of its trading companies

#### General

- 13.3.27 Report and make recommendations to the Combined Authority in relation to the above.

### 13.4 Membership

- 13.4.1 The Combined Authority Board shall decide the size and membership of the





Audit and Governance Committee and shall include one Independent Person.

- 13.4.2 In appointing Members to the Committee, the Combined Authority Board must ensure that the Members of the Committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils when taken together.
- 13.4.3 The Committee may not include any Officer of the Combined Authority or of a constituent council.
- 13.4.4 The Combined Authority Board shall appoint at least one Substitute Member from each constituent council.
- 13.4.5 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

### 13.5 Chair and Vice-Chair

- 13.5.1 The Combined Authority Board shall appoint the Chair and Vice-Chair.

### 13.6 Sub-Committees

- 13.6.1 The Committee may appoint one or more sub-committees and arrange for the discharge of any of its functions by any such sub-committee.
- 13.6.2 The Committee shall appoint a hearings panel to hear any complaints where the Member is alleged to have breached the Code of Conduct.

### 13.7 Hearing Panel (Sub-Committee to the Audit & Governance Committee)

- 13.7.1 The Hearings Panel is a Sub-Committee of the Audit and Governance Committee.
- 13.7.2 The Panel has the following functions:

- (a) When matters are referred by the Monitoring Officer granting dispensations to Members and Co-opted Members allowing them to:

- (i) participate in the debate; and/or
- (ii) vote on any matter in which they have a disclosable pecuniary interest;

- (b) On matters being referred by the Monitoring Officer deciding whether complaints concerning Members should be investigated;
- (c) Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints procedure;
- (d) The agreement of relevant procedures for the undertaking of its functions, when appropriate to be included within the Constitution

### 13.8 Requests to Audit & Governance

13.8.1 The Mayor or the Combined Authority Board may resolve to ask the Committee to review any of its functions including:

- (a) The authority's financial affairs;
- (b) The authority's risk management, internal control and corporate governance arrangements;
- (c) the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions.

### 13.9 Reference of Matters to Committees

13.9.1 Any of the following may request a matter to be included on the agenda of the Audit and Governance Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:

- (a) any Member of the Audit and Governance Committee;
- (b) any Member of the Combined Authority; and
- (c) any Member of a Constituent Council of the Combined Authority.

13.9.2 An "excluded matter" means any matter which is a local crime and disorder matter.

13.9.3 Any request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must have regard to these reasons. The request must be submitted to the Monitoring Officer who

will arrange for the Chair of the Committee to determine whether the item should be placed on the agenda of the next available meeting.

13.9.4 If the Committee decides not to exercise any of its powers in relation to the request it must notify the referring Member of its decision; and the reasons for it.

13.9.5 The Committee shall provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

### 13.10 Procedure Rules: Access to Meetings

13.10.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency Rules, Forward Plan and Key Decisions in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints](#)

### 13.11 Procedure Rules: Meetings

13.11.1 The Committee will meet at least once a year.

13.11.2 An extraordinary meeting of an Audit and Governance Committee may be called by:

(a) the Chair of the Committee; or

(b) the Head of Paid Service.

### 13.12 Procedure Rules: Quorum

13.12.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

### 13.13 Procedure Rules: Voting

13.13.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.

13.13.2 Members of the Committee who are appointed other than from the Constituent Councils shall be non-voting Members of the Committee but may be given voting rights by resolution of the Combined Authority.

13.13.3 Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried. No deadlocked decisions of the

Committee shall be referred to the Combined Authority Board.

#### 13.14 Procedure Rules: Conflicts of Interest

13.14.1 Members must comply with the Member Code of Conduct.

13.14.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.

13.14.3 Such a Member may only attend the Committee to:

- (a) make representations;
- (b) answer questions; or
- (c) give evidence about the decision.

#### 13.15 Appointment of Independent Person

13.15.1 The Committee must have at least one independent person. The appointment must be made by the Combined Authority Board.

13.15.2 A person is independent if the person:

- (a) is not a Member, Co-opted Member or Officer of the authority;
- (b) is not a Member, Co-opted Member or Officer of a parish council for which the authority is the principal authority;
- (c) is not a relative, or close friend, of a person within sub-paragraph (a) or; and
- (d) was not at any time during the past five years been:

(i) a Member, Co-opted Member or Officer of the authority; or

(ii) a Member, Co-opted Member or Officer of a parish council for which the Authority is the principal Authority.

#### 13.16 Term of Office of the Independent Person



13.16.1 Each independent person will serve a term of four years, which may be renewed up to a maximum of one further term (ie total maximum eight years).

### 13.17 Appointments Process for the Independent Person

13.17.1 The vacancy for the Independent Person must be advertised in such manner as the Combined Authority considers is likely to bring it to the attention of the public. The person must submit to the Combined Authority an application to fill the vacancy, and the person's appointment has been approved by a majority of the Members of the Combined Authority Board.

13.17.2 The position of Independent Person shall be advertised on the Combined Authority's website, along with the website of each constituent authority.

### 13.18 Procedures at Meetings

13.18.1 The Combined Authority Standing Orders at Chapter 5 will apply.

## Annex 1

The current membership of the Audit and Governance Committee is one member from each constituent council and one independent person (eight members). The quorum is six members.

## CHAPTER 14: THE OVERVIEW & SCRUTINY COMMITTEE

### 14.1 Governance

14.1.1 The Combined Authority Board has appointed an Overview and Scrutiny Committee. The committee is a statutory, non-executive committee.

### 14.2 Functions

14.2.1 The Committee shall have the power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with:
- (b) the discharge of any functions which are the responsibility of the Combined Authority;
- (c) the discharge by the Mayor of any general functions;
- (d) any Combined Authority decision in its role as accountable body for the Business Board. The Combined Authority's Scrutiny Officer shall ensure that this includes appropriate scrutiny of Business Board decision-making and achievements.
- (e) make reports or recommendations to the Combined Authority Board:
  - (i) with respect to the discharge of any functions that are the responsibility of the authority;
  - (ii) on matters that affect the authority's area or the inhabitants of the area;
  - (iii) make reports or recommendations to the Mayor;
  - (iv) with respect to the discharge of any general functions;
  - (v) on matters that affect the authority's area or the inhabitants of the area.

14.2.1 The power of the Committee under paragraph 2.1(a) includes the power to

review or scrutinise a key decision made but not implemented and to:

(a) direct that a decision is not to be implemented while it is under review by the Committee, and

(b) recommend that the decision be reconsidered.

14.2.2 In the exercise of its functions set out in the Constitution, the power of the Committee shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.

### 14.3 Membership

14.3.1 The Combined Authority must appoint at least one Member from each of the Constituent Councils to the Committee. The membership of the Committee taken as a whole shall reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils collectively.

14.3.2 The Combined Authority may appoint at least one Substitute Member from each Constituent Council. The Substitute Members shall be from the same political party as the Member being substituted to maintain the political balance.

14.3.3 A change in the party political composition of any of the Constituent Councils, shall require a review of the membership of the Committee in order to determine whether any amendment to its membership is required. If the review requires a change in membership, Constituent Councils will be advised of any changes they will need to make to their appointments at the earliest opportunity.

14.3.4 The Overview and Scrutiny Committee may not include any Member or Substitute Member of the Combined Authority including the Mayor nor any Officer of the Combined Authority or of any of the Constituent Councils.

14.3.5 Within the period of 28 days of the appointment being made to the Committee, the Combined Authority shall publish a notice on its website which:

(a) states that it has made an appointment;

(b) identifies each Member of the Committee who has been appointed and any Substitute Members; and

(i) specifies the term of office of those appointed.

(c) The term of office shall be one year from the date of the Annual Meeting of the Constituent Councils that appointed them to the Committee unless:

(i) they cease to be an elected Member of the Constituent Councils that appointed them;

(ii) they no longer wish to participate in the scrutiny arrangements and communicate this in writing to the Proper Officer of their Constituent Councils;  
or

(iii) the Combined Authority is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Committee.

14.3.6 The Monitoring Officer has delegated authority to accept changes to membership of committees notified by constituent councils during the municipal year to ensure there is a full complement of members or substitute members at committee meetings.

#### 14.4 Chair and Vice-Chair

14.4.1 The Committee shall appoint the Chair and Vice-Chair of the Committee and the Chair and Vice-Chair will be elected Members of one of the Constituent Councils.

14.4.2 The Committee must ensure that the person appointed as the Chair is an “appropriate person” who is an elected Member of one of the Constituent Councils but is not a Member of the registered political party of which the Mayor is a member.

14.4.3 Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is:

(a) a member of the registered political party which has the most representatives among the Members of the Constituent Councils on the Combined Authority, or



- (b) where two or more parties have the same number of representatives, a Member of any of those parties.

#### 14.5 Working Groups

- 14.5.1 The Committee may appoint informal non-decision making working groups to contribute to and inform the scrutiny process.

#### 14.6 Procedure Rules: Access to Meetings

- 14.6.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Transparency rules in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints](#).

#### 14.7 Procedure Rules: Meetings

- 14.7.1 The Committee shall meet at least once a year.
- 14.7.2 An extraordinary meeting of the Committee may be called by:

- (a) the Chair of the Committee; or
- (b) any five Members of the Committee; or
- (c) the Chief Executive of the Combined Authority.

#### 14.8 Procedure Rules: Quorum

- 14.8.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members on the Committee are present.

#### 14.9 Procedure Rules: Voting

- 14.9.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no Member (including the Chair) is to have a casting vote.
- 14.9.2 Any questions that are to be decided by the Committee are to be decided by a simple majority of the Members present and voting. If a vote is tied on any matter it is deemed not to have been carried. No deadlocked decisions of the Committee shall be referred to the Combined Authority Board.
- 14.9.3 In the sole instance of a tied vote on the matter of the election of a Chair the

matter shall be resolved by a coin toss, conducted by an officer of the Combined Authority.

#### 14.10 Procedure Rules: Conflicts of Interest

14.10.1 Members must comply with the Member Code of Conduct within this Constitution.

14.10.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a Member of the decision-making body which made that decision.

14.10.3 Such a Member may only attend the Committee to:

- (a) make representations;
- (b) answer questions; or
- (c) give evidence about the decision.

#### 14.11 Work Programme

14.11.1 The Committee will set its own work programme.

#### 14.12 Requests to Overview & Scrutiny

14.12.1 The Mayor or Combined Authority Board may ask the Committee to review any of its functions or assist in developing budget and policy proposals.

#### 14.13 Reference of Matters to Committees

14.13.1 Any of the following may request a matter to be included on the agenda of the Overview and Scrutiny Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:

- (a) any Member of the Overview and Scrutiny Committee;
- (b) any Member of the Combined Authority; and
- (c) any Member of a Constituent Council of the Combined Authority.

- 14.13.2 An “excluded matter” means any matter which is a local crime and disorder matter.
- 14.13.3 The request must be submitted to the Monitoring Officer who will arrange for the item to be placed on the agenda of the next available meeting. The request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must have regard to these reasons.
- 14.13.4 If the Committee decides not to exercise any of its powers to review or scrutinise decisions made, or other action taken, in connection with:
- (a) the discharge of any functions which are the responsibility of the authority;
  - (b) in connection with the discharge by the Mayor of any general functions; it must notify the Member of its decision; and the reasons for it.
- 14.13.5 The Committee must provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

#### 14.14 Attendees

- 14.14.1 The Committee shall have the power to:
- (a) require Members (including the Mayor and Deputy Mayor), members of an executive committee or Officers of the Combined Authority to attend before it to answer questions, or provide information about any matter within its terms of reference;
  - (b) request any Business Board member to attend, or otherwise contribute to, a meeting of the Combined Authority’s Overview and Scrutiny Committee;
  - (c) invite other people, including members of the public, to attend meetings of the Committee to give evidence.
- 14.14.2 Where the Committee requires a Member, Officer or others to attend, the Monitoring Officer shall inform them in writing giving at least five clear working days’ notice of the meeting. The notice will state:

- (a) the date of the meeting they are required to attend;
- (b) the nature of the item; and
- (c) whether they must produce any papers for the Committee.

- 14.14.3 A Member or Officer must comply with any notice they are given.
- 14.14.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Committee shall consult with the Member or Officer to arrange an alternative date.
- 14.14.5 A person is not obliged to answer any question which he or she would be entitled to refuse to answer in relation to court proceedings.

#### 14.15 Publishing Reports or Recommendations

- 14.15.1 The Committee may publish any report or recommendations but:
  - (a) must exclude any confidential information; and
  - (b) may exclude any relevant exempt information.
- 14.15.2 Where information is excluded, the Committee:
  - (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
  - (b) must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

#### 14.16 Notice

- 14.16.1 The Committee may by notice require the Combined Authority or the Mayor within two months of receiving any report or recommendations, to:
  - (a) consider the report or recommendations;
  - (b) respond to the Committee indicating what (if any) action the



Combined Authority or the Mayor proposes to take;

- (c) publish the response, if the Overview and Scrutiny Committee has published the report or recommendations.

14.16.2 The Combined Authority or the Mayor shall comply with any notice given.

#### 14.17 Publishing a Response

14.17.1 In publishing the response, the Combined Authority or the Mayor:

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

14.17.2 Where information is excluded, the Combined Authority or the Mayor:

- (a) may replace so much of the document as is necessary to exclude the exempt or confidential information with a summary which does not disclose that information; and
- (b) if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

#### 14.18 Publication of Decisions

14.18.1 The Monitoring Officer shall publish details of key decisions of the Mayor, the Combined Authority Board, an executive committee and Officers on the Combined Authority website and to all Members of the Committee. Where the decision is made at a meeting, this shall be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.

#### 14.19 Call-in of Combined Authority and Mayoral Decisions

14.19.1 The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:

- (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued; and
- (b) the power to recommend that the decision be reconsidered.

14.19.2 Subject to the consent of the Combined Authority to the proposals and arrangements, the Committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of key decisions made but not yet implemented and its arrangements in connection with those powers.

14.19.3 A decision on a matter dealt with under the urgency provisions set out in Chapter 6: Decisions may be implemented immediately.

14.19.4 Any other key decision of the Mayor, Combined Authority Board, executive committees or an Officer may be implemented after 5.00pm of the fifth clear working day after the publication of the decision, unless it is called-in.

14.19.5 If a key decision of an executive committee is called in by the Combined Authority Board, the call in arrangements for overview and scrutiny shall be suspended until the Board have met. In accordance with these rules the Board's decision will be published and any key decisions will be subject to call-in.

#### 14.20 Process for Call-in of Combined Authority or Mayoral Decisions

14.20.1 Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, an executive committee or an Officer for scrutiny by notifying the Monitoring Officer.

14.20.2 On receipt of a call-in request, the Monitoring Officer shall:

- (a) notify the Mayor, Members of the Combined Authority, members of the executive committee or Officer of the call-in; and
- (b) call a meeting of the Overview and Scrutiny Committee to scrutinise the decision.

#### 14.21 Call-in: Scrutinising the Decision

14.21.1 The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.

14.21.2 Where the Committee has scrutinised a decision, it may:

(a) endorse the decision; or

(b) refer the decision back to the Mayor, Combined Authority Board, the executive committee or the Officer for reconsideration, setting out, in writing the nature of its concerns.

14.21.3 A decision which has been endorsed by the Committee may be implemented immediately.

14.21.4 Where a decision has been referred back, the Mayor, the Combined Authority Board, the executive committee or Officer shall hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Committee were received by the Combined Authority unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent.

14.21.5 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Combined Authority's, Constituent Councils' or the public's interests. Otherwise, a decision which has been recommended for re-consideration may not be implemented.

#### 14.22 Call-in: Reconsidering the Decision

14.22.1 The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.

14.22.2 The Mayor, Combined Authority, the executive committee or the Officer may confirm, amend or rescind the decision.

14.22.3 A decision which has been confirmed or amended may be implemented immediately.

#### 14.23 Linking Sub-Regional Scrutiny with Local Scrutiny

14.23.1 Where a constituent council has scrutiny arrangements, The Scrutiny Officer of each Constituent Council will ensure that the work programme and minutes relating to the work carried out by the Combined Authority's Overview and Scrutiny Committee are circulated appropriately within their own Constituent Councils' scrutiny arrangements.

#### 14.24 Additional Rights of Access to Documents for Members of the Overview & Scrutiny Committee

14.24.1 Additional rights of access to documents for Members of the Overview and Scrutiny Committee are set out in [Chapter 10: Access to Information, Information Governance, Data Protection and Complaints.](#)

#### 14.25 Scrutiny Officer

14.25.1 The Combined Authority shall appoint a "Scrutiny Officer" to

(a) promoting the role of the Committee; and

(b) providing support and guidance:

(i) to the Committee, its Working Groups and its Members, and

(ii) to Members of the Combined Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.

14.25.2 The Combined Authority may not designate as the Scrutiny Officer any Officer of a constituent council of the Combined Authority.

#### 14.26 Questions by the Public

14.26.1 Councillors of Constituent Authorities and members of the public who are residents of the Combined Authority area or work in the area may ask questions to the Overview and Scrutiny Committee, including at an Extraordinary Meeting. For Extraordinary Meetings, the question must relate to the item on the agenda.



14.26.2 The total time allocated for questions by the public shall normally be limited to a maximum of 30 minutes, but the Chair shall have the discretion to add a further 15 minutes.

14.26.3 Where there is an item on the agenda that has attracted significant public attendance, that matter shall normally be taken early in the agenda, unless the Chair agrees there is a compelling reason to do otherwise.

#### 14.27 Order of Questions

14.27.1 The order in which first these and then other questions shall be presented to the meeting shall be determined by a draw. The draw shall be conducted by the Monitoring Officer prior to the meeting.

#### 14.28 Notice of Questions

14.28.1 A question may only be asked if notice has been given in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner.

#### 14.29 Number of Questions

14.29.1 At any one meeting, no person may submit more than one question.

#### 14.30 Scope of Questions

14.30.1 If the Monitoring Officer considers a question submitted:

- (a) does not relate to the Committee's role and responsibilities or related to an item that the committee is scrutinising;
- (b) is illegal, improper, defamatory, frivolous or offensive including if it makes unfair claims about Members of the Combined Authority or Constituent Authority staff;
- (c) is a question that should more appropriately be addressed to another party such as the Combined Authority Board or the Mayor;

(d) is substantially the same as a question which has been put at a meeting of the Overview and Scrutiny Committee in the past year;

(e) requires the disclosure of confidential or exempt information.

14.30.2 The Monitoring Officer will inform the Chair who will then decide whether to reject the question, or if (c) applies, to refer it to the Board.

#### 14.31 Record of Questions

14.31.1 The Monitoring Officer shall record the question and will immediately send a copy to the Chair and relevant shadow **lead member**. Rejected questions will be recorded including the reasons for rejection.

14.31.2 Written answers will be provided after the meeting to the person who submitted the question. Copies of all questions will be circulated to all Members. Questions and answers will be added to the Combined Authority website.

#### 14.32 Asking the Question at the Meeting

14.32.1 The Chair will invite the questioner to put the question to the Committee. Up to two minutes are allowed for putting the question. If a questioner who has submitted a written question is then unable to be present, they can ask for a written response. No debate will be allowed on the question or response.

#### 14.33 Supplementary Questions

14.33.1 Unless due to time shortage and the need to answer other questions means there is insufficient time for supplementary questions, a questioner may also put one supplementary question without notice to the committee. A supplementary question must arise directly out of the original question or the reply. One minute is allowed for putting the supplementary question.

#### 14.34 Answers

14.34.1 Up to two minutes are allowed for answering a question or supplementary question. Any question which cannot be dealt with because of lack of time will be dealt with by a written answer.

## Annex 1

The current membership of the Overview and Scrutiny Committee is two Members from each constituent Council. (14 Members). The quorum is 10 members.

## **CHAPTER 15: THE BUSINESS BOARD**

**TO BE UPDATED FOLLOWING THE REVIEW OF THE BUSINESS BOARD.**

**CHAPTER TO BE COMPLETED APRIL 2023**

## CHAPTER 16: MEMBERS

### 16.1 Principles of Public Life

16.1.1 The Code of Conduct is intended to promote high standards of behaviour amongst the Members and Co-opted Members of the Combined Authority, including Members of the Business Board.

16.1.2 The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

#### **i. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **ii. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **iii. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **iv. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **v. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **vi. Honesty**

Holders of public office should be truthful.

#### **vii. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## 16.2 Member Code of Conduct and Protocols

16.2.1 The Member Code of Conduct forms Annex 1 to this Chapter.

16.2.2 The Protocol on Gifts and Hospitality forms Annex 2 in Chapter 19: Policies and Protocols.

16.2.3 The Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity forms Annex 1 in Chapter 19: Policies and Protocols.

## 16.3 Complaints Against Members of the Combined Authority

16.3.1 As a Member or Co-opted Member of the Combined Authority or Business Board, and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

16.3.2 Accordingly, when acting in your capacity as a Member or Co-opted Member:-

- (a) You must act in a manner consistent with the Board's diversity statement and treat your fellow Board Members, members of staff and others you come into contact with when working in their role with respect and courtesy at all times.
- (b) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
- (c) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (d) When carrying out your public duties or Business Board duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, on evidence.

- (e) You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office or position.
- (f) You must be as open as possible about your decisions and actions and the decisions and actions of your authority or Business Board in addition, you should be prepared to give reasons for those decisions and actions.
- (g) You must declare any private interests, both pecuniary and non-pecuniary, including membership of any Trade Union, political party or local authority that relate to your public or Business Board duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest. This includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests', see 16.4, below.
- (h) You must, when using or authorising the use by others of the resources of your authority or Business Board, ensure that such resources are not used improperly for political purposes or personal purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (i) You must promote and support high standards of conduct when serving in your public post or Business Board post, in particular as characterised by the above requirements, by leadership and example.

#### 16.4 Registering and Declaring Pecuniary and Non-pecuniary Interests

You must, within 28 days of taking office as a Member or Co-opted Member, notify your authority's Monitoring Officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a Member, Co-opted Member or Business Board member, notify your authority's Monitoring Officer of any non-

pecuniary interest which your Authority or Business Board has decided should be included in the register or which you consider should be included if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

Members should review their individual register of interest before each board meeting and decision-making committee meeting. They must declare any relevant interest(s) at the start of the meeting.

If an interest has not been entered onto the authority's register, then the Member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your authority or Business Board places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

You are required to sign a document stating that you have read, understood and agree to abide with the requirements set out in part 1 of the Code of Conduct outlined above.

## 16.5 Interests

### 16.5.1 Disclosable Pecuniary Interests

16.5.1.1 Disclosable pecuniary interests are specified in the table below:

	<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
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1.	Employment, office, trade, profession or vocation	<p>Any employment, office, business, trade, profession or vocation carried on for profit or gain.</p> <p>For the Business Board, this should include remunerated public sector roles such as councillors.</p>
2.	Sponsorship	<p>Any payment or provision of any other financial benefit (other than from Combined Authority/Business Board) which is paid as a result of carrying out your duties as a Member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
3.	Contracts	<p>Any contract with the Combined Authority/Business Board:</p> <p>(a) for goods, works or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> <p>This includes a contract between the Combined Authority/Business Board and any organisation in which you, or a person specified in paragraph 1.2 below, has a beneficial interest.</p> <p><b>For Business Board Members only</b></p> <p>Your declaration should include any contracts by any organisation named in 1 above.</p> <p>Any contract for goods, works or services entered into by any organisation named at 1. where either party is likely to have a commercial interest in the outcome of business being decided by the Business Board.</p>

4.	Land	<p>Any beneficial interest in land which is within the area of combined authority.</p> <p><b>For Business Board Members only</b></p> <p>Any beneficial interest you or any organisation listed in 1 may have in land or property which is within the Business Board area which is likely to be affected by a decision made by the Business Board.</p>
5.	Licences	Any licence (alone or jointly with others) to occupy land in the Combined Authority's area (or Business Board's area for Business Board Members) for a month or longer.
6.	Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is the Combined Authority or Business Board; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 1.2 below, has a beneficial interest</p>
7.	Securities	<p>Any beneficial interest in securities of an organisation under 1 where:</p> <p>(a) that body (to your knowledge) has a place of business or land in the Combined Authority's area (or Business Board's area for Business Board Members); and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 1.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

#### 16.5.1.2 You must declare an interest if:

It is your interest, or  
It is an interest of:

- (i) your spouse or civil partner;
  - (ii) a person with whom you are living as husband and wife, or
  - (iii) a person with whom you are living as if you were civil partners.
- and you are aware that that other person has the interest.

### 16.5.2 Other Disclosable Interests

16.5.2.1 You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

16.5.2.2 You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships.

### 16.5.3 Registration of Disclosable Pecuniary Interests and Other Interests

16.5.3.1 Subject to paragraph 16.5.5 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Combined Authority/Business Board; or
- (b) your election or appointment (where that is later) notify the Monitoring Officer in writing of any disclosable pecuniary interests and other interests you have at that time.

16.5.3.2 Subject to paragraph 16.5.5 (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer in writing of that new pecuniary interest or change.

### 16.5.4 Disclosable Pecuniary Interests in Matters Considered at Meetings or by a Single Member

16.5.4.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:

- (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter;
- (b) if you have not already done so, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure;
- (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting;
- (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit and Governance Committee participate in any vote, or further vote, taken on the matter at the meeting.

### 16.5.5 Sensitive Interests

16.5.5.1 Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code and the details of the sensitive interest do not need **to be disclosed to a meeting**, although the fact that you have a sensitive interest must be disclosed.

## 16.6 Related Documents

16.6.1 The following documents also provide guidance on the Standards of Conduct expected of Members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Combined Authority's Constitution.

16.6.2 The Audit and Governance Committee (see Chapter 13) Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code.

## 16.7 Complaints against Members of the Combined Authority

### 16.5.5 Introduction

16.7.1.1 The Combined Authority has adopted a Member Code of Conduct which applies to:

- (a) all members of the combined authority, and co-opted members;
- (b) all members of its committees or sub-committees.

16.7.1.2 The code sets out how members will conduct themselves when carrying out combined authority business. All members must adhere to the code.

#### 16.5.6 Making a Complaint

16.7.2.1 A complainant alleging a failure to comply with the Code should submit their complaint in writing to the Legal Counsel and Monitoring Officer for initial assessment.

16.7.2.2 The complaint must set out:

- (i) who was involved;
- (ii) the alleged misconduct;
- (iii) when and where it occurred; and
- (iv) how the complainant wants the complaint resolved.

also

- (v) the name and a contact address or email address of the complainant.

16.7.2.3 The complainant should complete a complaint form available from the Combined Authority's website. Complaints can be made in writing without completing the form, but if information is missing, the complainant might be asked to resubmit the complaint by completing a form.

16.7.2.4 The Combined Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

16.7.2.5 Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked for confidentiality the Monitoring Officer will not disclose their name and address to the member complained about without prior consent.

16.7.2.6 Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the complainant agreeing to give evidence at the hearing.

## **16.8 Stage 1: Initial Assessment of Complaint(s) Received**

16.8.1 The Monitoring Officer will:

- 16.8.1.1 acknowledge the complaint within five working days of receiving it;
- 16.8.1.2 notify a member about any complaint against them;
- 16.8.1.3 undertake an initial assessment of the complaint to determine whether the complaint should be investigated.

16.8.2 Where a complaint may relate to a member in their capacity as a Member of a constituent council, the Monitoring Officer will consult with the Monitoring Officer of the relevant council.

16.8.3 Any complaints about the Police and Crime Commissioner or his/her substitute will be referred to the Police and Crime Panel.

16.8.4 The Monitoring Officer may decide to consult the Independent Person.

16.8.5 The Monitoring Officer will decide the complaint should be dealt with under stage 2 of the procedure – informal resolution. (Stage 2) or whether to proceed to a matter for formal investigation (Stage 3). The Monitoring Officer will have regard to a range of factors including:

- 16.8.5.1 whether there is sufficient information upon which to base a decision;
- 16.8.5.2 how serious the alleged action is;
- 16.8.5.3 is the complaint politically motivated, vexatious or tit for tat?
- 16.8.5.4 has there been any delay between the action complained of and the complaint?
- 16.8.5.6 do the allegations relate to actions occurring whilst the subject member was acting in their official capacity?
- 16.8.5.7 the opinion of the elected member regarding the complaint.

16.8.6 The initial assessment will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.

16.8.7 Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.

16.8.8 Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.

16.8.9 If the complaint identifies criminal conduct or breach of other regulation by any

person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

## 16.9 Stage 2: Informal Resolution

16.9.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may include:

- 16.9.1.1 an **explanation** by the member of the circumstances surrounding the complaint;
- 16.9.1.2 an **apology** from the member;
- 16.9.1.3 an agreement from the member to attend relevant **training** or take part in a **mentoring** process;
- 16.9.1.4 an offer of **mediation or conciliation** between the member and the complainant; or
- 16.9.1.5 **any other action** capable of resolving the complaint.

## 16.10 Stage 3: Formal Investigation

16.10.1 If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.

16.10.2 The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.

16.10.3 The investigating officer would normally:

- 16.10.3.1 write to the member complained of;
- 16.10.3.2 provide them with a copy of the complaint;
- 16.10.3.3 ask the member to provide their explanation of events;
- 16.10.3.4 identify what documents they need to see; and
- 16.10.3.5 make a list of interviewees.

16.10.4 In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay

notifying the member until the investigation has progressed sufficiently.

16.10.5 At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.

16.10.6 Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the Monitoring Officer. The Combined Authority aims to conclude the investigation stage within three months of a complaint being received.

16.10.7 The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report.

16.10.8 If the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will either:

16.10.8.1 seek a local resolution; or

16.10.8.2 send the matter for local hearing before the Hearings Panel.

## 16.11 Local Resolution

16.11.1 The Monitoring Officer may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action agreed. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit and Governance Committee for information but will take no further action.

## 16.12 Local Hearing

16.12.1 The Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the Audit and Governance Committee, which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

16.12.2 The Hearings Panel is a Sub-Committee of the Combined Authority's Audit and Governance Committee and will consist of three members of the Committee.

16.12.3 The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairperson of the



Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.

16.12.4 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel.

16.12.5 The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

16.12.6 The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

16.12.7 Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairperson will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

### 16.13 Actions Hearing Panel can take for Failure to Comply with the Code

16.13.1 The Combined Authority has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may:

- (a) publish its findings in respect of the member's conduct;
- (b) report its findings to Combined Authority for information;
- (c) recommend to the Constituent Council or to the Combined Authority that they be removed from any or all Committees or Sub-Committees of the Combined Authority;
- (d) recommend to the Mayor that the member be removed from particular lead member responsibilities;
- (e) recommend to the Combined Authority to remove the member from any

or all outside appointments to which they have been appointed or nominated by the authority;

- (f) recommend to Combined Authority that it restricts the member from contacting specified Combined Authority's officers.

16.13.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.

16.13.3 At the end of the hearing, the Chairperson will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.

16.13.4 The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson of the Hearings Panel and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Combined Authority meeting.

#### 16.14 Independent Person

16.14.1 The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.

16.14.2 The Independent Person is a person appointed by a positive vote from a majority of all the members of Combined Authority. A person cannot be "independent" if they –

- i. are, or have been within the past five years, a member, co-opted member or officer of the combined authority, constituent council or any parish council within the Combined Authority area;
- ii. are a relative or close friend, of a person within paragraph (a) above. For this purpose, "relative" means:

spouse or civil partner;

living with the other person as husband and wife or as if they were civil partners;

grandparent of the other person;

a lineal descendent of a grandparent of the other person;  
 a parent, sibling or child of a person within i or ii;  
 a spouse or civil partner of a person within paragraphs iii, iv or v; or  
 Living with a person within paragraphs iii, iv or v as husband and wife;  
 1. or as if they were civil partners.

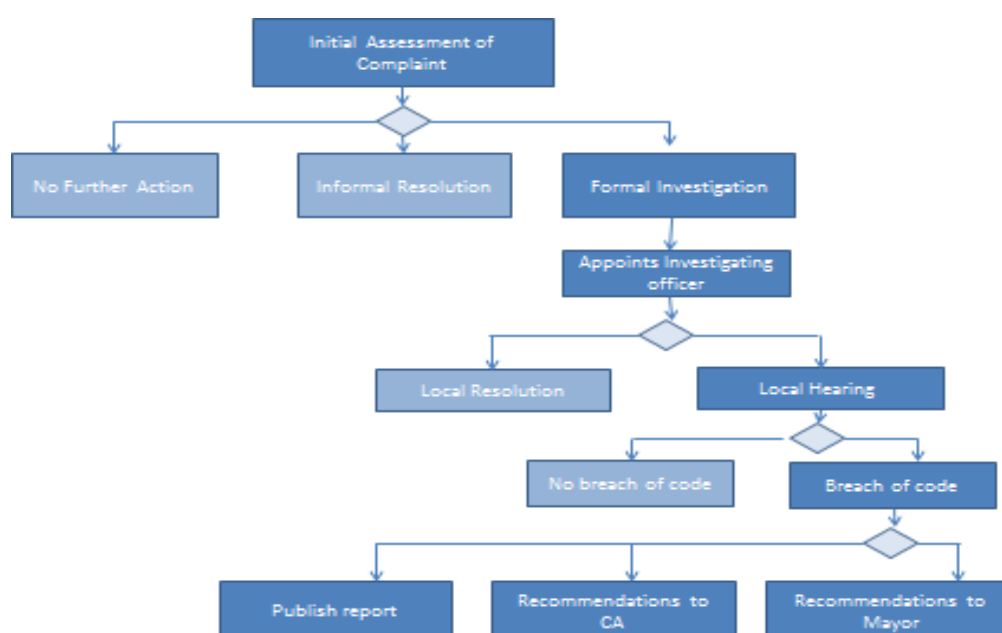
### 16.15 Revision of these Arrangements

16.15.1 The Combined Authority may, by resolution, agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

### 16.16 Appeals

16.16.1 There is no right of appeal for a complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

16.16.2 If a complainant feels that the authority has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.



## Annex 1: Code of Conduct

### Purpose

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow members, Authority officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

### Application of the Code

The Code of Conduct applies to you when you are acting in your capacity as a member, co-opted member, member of the Business Board or representative of your Authority, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media. Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

### The Seven Principles of Public Life

Everyone in public office at all levels – ministers, civil servants, members, Authority officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

### Model Member Conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of member

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community

- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

### Specific Obligations of General Conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act as a member, including representing your Authority on official business and when using social media

#### **(b) As a member I commit to:**

#### Civility

##### **1. Treating other members and members of the public with civility.**

##### **2. Treating Authority employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the Authority, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

#### Bullying and Harassment

##### **3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate,

denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as '*unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

### Impartiality of Officers of the Authority

#### **4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.**

Officers work for the Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### Confidentiality and Access to Information

#### **5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**

#### **6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

### Disrepute

#### **7. Not bringing my role or Authority into disrepute.**

Behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other members and/or your Authority.

### Your Position

#### **8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the Authority provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

### Use of Authority Resources and Facilities

#### **9. Not misusing Authority resources.**

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.

### Interests

#### **10. Registering and declaring my interests.**

You need to register your interests so that the public, Authority employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer and more detail is set out in appendix B.

### Gifts and Hospitality

**11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.**

**12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you. You should familiarise yourself with the Authority's Protocol on Gifts and Hospitality.

### Breaches of the Code of Conduct

Most members conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any members who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.



## Code Appendix A

The principles are :

### Selflessness

Holders of public office should act solely in terms of the public interest.

### Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. Accountability Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. Honesty Holders of public office should be truthful.

### Honesty

Holders of public office should be truthful.

### Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Code Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the Authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

### Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
  - (a) your own financial interest or well-being;
  - (b) a financial interest or well-being of a friend, relative, close associate; or
  - (c) a body covered by table 1 below
 you must disclose the interest.

Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

**(c) Table 1: Disclosable Pecuniary Interests**

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Authority) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Authority —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p>

<b>Land and Property</b>	Any beneficial interest in land which is within the area of the Authority. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer
<b>Corporate Tenancies</b>	Any tenancy where (to the member's knowledge)— (a) the landlord is the Authority; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Authority; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'director' includes a member of the committee of management of an industrial and

provident society.

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

**(d) Table 2: Other Registerable Interests**

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

- Anybody -
- (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

## CHAPTER 17: SUBSIDIARY COMPANIES AND SHAREHOLDER OVERSIGHT

### 17.1 Introduction

17.1.1 The Combined Authority currently has the following subsidiary companies registered with Companies House:

**Angle Holdings Limited:** Incorporated in September 2019, Angle Holdings was originally set up to be a holding company for all CPCA companies. It is, however, the holding company for Angle Developments (East) Limited only.

**Angle Developments (East) Limited:** A housing development company incorporated in September 2019 and owned in the main by Angle Holdings. It was incorporated with the intention of delivering affordable housing schemes and forming joint ventures with local developers in order to contribute to the housing element of the 2017 devolution deal for Cambridgeshire and Peterborough.

**Cambridgeshire & Peterborough Business Growth Service Limited:** Incorporated in August 2020 to act as a fund management and contracting vehicle to procure the private sector to deliver growth coaching, skills brokering and inward investment promotion. The company was also established to enable the management of an allocated amount of Local Growth Fund finance to be used as grant or equity investment in businesses in the area. The company has three major services reflecting the initial aims. These are:

*The Business Growth Service:* targeting places and companies that will have the most impact on our goal to shift to a more inclusive growth dynamic across sub-economies;

*The Inward Investment Service:* for a new all-economy foreign direct investment and capital investment promotion service for the promotion of employment space and employment property development opportunities to investors and companies from the UK and overseas; and,

*The Skills Service:* a digital and physical service connecting business with skills providers and talent, including targeted support to double the number of apprenticeships over five years.

**One CAM Limited:** Incorporated in September 2020 and established as a special purpose vehicle, as a necessary and best-practice step for delivering the infrastructure intended as part of the Cambridgeshire Automated Metro. This company was placed into dormancy, following its final Board meeting in December 2021, and will be formally struck-off the register at Companies House.

**Peterborough HE Property Company Limited:** Incorporated in June 2020 the *Propco1* is a special purpose vehicle to deliver the new University on the embankment site in Peterborough. The Propco1 is the SPV for phase 1 of the programme and comprises of the Combined Authority, Peterborough City Council and the academic delivery partner, Anglia Ruskin University.

**Peterborough R&D Property Company Limited:** Incorporated In November 2020 for the construction of a Research & Development building which will deliver an Advanced Manufacturing Innovation Eco-System for Peterborough. *Propco2* is a joint venture between the Combined Authority and Photocentric Limited.

## links to Companies House website for each company

### 17.2 The Shareholder Board

17.2.1 The Combined Authority has appointed a Shareholder Board.

17.2.2 The Shareholder Board operates within the terms agreed by the Combined Authority Board.

### 17.3 The Shareholder Board Terms of Reference

17.3.1 The Shareholder Board forms part of the overall governance arrangements for the Authority in relation to companies and other legal entities which are wholly or partly owned or controlled by the Authority (including where such control comes about indirectly, such as via a loan agreement) (each a "Subsidiary" and together the "Subsidiaries").

17.3.2 The Purpose of the Shareholder Board is to advise the mayor in the exercise of his/her responsibility for the authority's functions corporate shareholder of a company or group of companies and in their role to represent the interest of

the Authority as Shareholder Representative at meetings of a company.

### Membership and Arrangements

17.3.3 The members of the Shareholder Board will be set to the mayor and three members of the combined authority consisting of:

- One member of the Conservative party
- One member of the Labour party
- One member of the Liberal Democrat party
- At least one but no more than two co-opted members who will be independent persons providing relevant expertise and appointed on merit
- The Chair or representative of the Overview and Scrutiny committee to act in the capacity of an observer
- The Chair or representative of the Audit Governance committee to act in the capacity of an observer
- The Chair or representative of the Business Board to act in the capacity of an observer
- The Chief Executive Officer or their representative

17.3.4 Each Shareholder Board member may nominate a substitute to attend a meeting in their place.

17.3.5 The Shareholder Board will be supported by officers as advisors primarily consisting of:

- Chief Finance Officer or representative
- Chief Legal Officer or representative
- An officer with experience relevant to the business of the company
- Other officers as may be required or suitably experienced non-Executive Director

17.3.6 Board advisory officers may nominate an alternate officer to attend a meeting in their place.

17.3.7 The Shareholder Board will appoint the Mayor as Chair of the Shareholder Board and the shareholder representative of the authority. If the Chair is not



present at the start of a meeting of the Shareholder Board, those members present will appoint one of the members present to chair that meeting.

17.3.8 Additional advisors, who do not need to be officers or members of the Authority, may be invited to attend the Shareholder Board as required but will not have voting rights.

17.3.9 The Board will need to follow and have regard to the rules set out in the Constitution including the finance procedure rules.

#### Role of the Shareholder Board

17.3.10 The Shareholder Board will have a role in ensuring proper governance of the Authority's Subsidiaries, such role to include:

17.3.11 Monitoring performance and information from each Subsidiary, in particular on financial and other risks and escalating such risks within the Authority as appropriate.

17.3.12 Exercising decisions relating to the authority's role as shareholder, member, owner, lender, or other position of significant control over the Subsidiary, where those decisions have been delegated to the Shareholder Board.

17.3.13 Making reports and recommendations to the CA Board on areas outside of the Shareholder Board's delegated authority.

17.3.14 Agreeing and entering into a Shareholder Agreement with each of the Authority's Subsidiaries.

17.3.15 The necessary oversight, from a shareholder's perspective, that the parameters, policies, and boundaries, that the Authority has established are being adhered to including a regular review of whether the Subsidiary provides the most effective vehicle to deliver the outcomes it requires and whether there are viable alternative models which might offer a more effective means of delivering its priorities.

17.3.16 An articulation of what success looks like in terms of delivery models to meet objectives such as achieving social outcomes and/or a return on investment.

17.3.17 Agree a mechanism to communicate the shareholder's views to the Subsidiary by effecting systematic engagement between the Chair/CEO and shareholder role to assure effective performance against strategy and governance.

17.3.18 Provide a holistic review of risk to the authority offered by all active Subsidiaries.

- 17.3.19 Consider and advise on the duties and if any, the training needs of potential Directors to allow them to competently assume this role.
- 17.3.20 Making representations to the Directors on the Business Plans of the Subsidiary Companies or other organisations set out in this report.
- 17.3.21 Receiving reports from the Directors where appropriate, on the progress and conduct of business in accordance with the approved Business Plan.
- 17.3.22 Reporting to the Board on the performance of the Subsidiary Companies.
- 17.3.23 Undertaking due diligence on the various Subsidiary Companies to ensure liabilities are known and accounted for within the authority.
- 17.3.24 Deciding whether a particular Subsidiary needs to be under the oversight of a specific service area.
- 17.3.25 In the case of forming a new Subsidiary, the Board will first scrutinise the business case for forming the Subsidiary to clarify the service components to be delivered, outcomes sought and options for how these may be delivered and undergo an effective comparison of alternative delivery models to ensure that the objectives, timescales, and drivers of forming the Subsidiary is the optimum approach and an advisory paper will be submitted to Board for a decision.
- 17.3.26 It is expected that each Subsidiary will enter into a form of agreement with the Authority (whether as owner, controller or lender) setting out the basis of the relationship between them (each a "Shareholder Agreement").
- 17.3.27 A detailed description of the Shareholder Board's role in relation to each Subsidiary will be set out in the relevant Shareholder Agreement.
- 17.3.28 Authority to make decisions on behalf of the Authority is delegated to the Shareholder Board for each Subsidiary as follows:
- 17.3.29 Oversight of any decisions that can only be made by the shareholder, (whether as "reserved matters" under the Shareholder Agreement and Articles of Association or pursuant to the relevant legislation applicable to that Subsidiary) such as:

- (a) approval of Shareholder Agreement with each Subsidiary.

- (b) approval of annual Business Plan and deviations from Business Plan.

- (c) approval of key appointments (including appointment, removal and or replacement of Directors) and ensuring that the Authority appointments to the board of a Subsidiary comply with the Authority's constitution.
- (d) borrowing money, granting security and giving of guarantees
- (e) issuing Legal proceedings outside of ordinary business
- (f) altering in any respect the articles of association of a Subsidiary or any other governing document
- (g) altering the rights attached to any of the shares in a Subsidiary
- (h) approving the registration of any person as a shareholder or member of a Subsidiary
- (i) ensuring that subsidiaries or the subsidiaries interests are not competing against or conflicting with, other subsidiaries or their interests
- (j) entering contracts that have a material effect on business of the CA, are outside of the business plan or significant in relation to the size of the business and/or the business plan
- (k) establishing proper arrangements to manage potential conflicts of interest in respect of Officers and/or members appointed to the board of a Subsidiary
- (l) approval of pay and pension arrangements in respect of both key employees of the Subsidiary and CPCA Officers appointed to the board of a Subsidiary and ensure that decisions made to make termination payments are in line with the law and the Subsidiary's controlling documents
- (m) varying ownership and the amount of a Subsidiary's issued share capital and winding up of Subsidiary

(n) altering the name of any Subsidiary

#### Decision-making

17.3.20 The Mayor or nominee of the mayor may make decisions concerning companies in which the Authority is or proposed to become shareholder either:

(a) in a CA Board meeting, or

(b) in a meeting of the Shareholder Board

#### Meetings

17.3.21 The Shareholder board shall meet on a basis agreed by itself and its meetings will be held in private.

17.3.22 The quorum shall be the Mayor, one member of the CA Board, one independent co-opted member and one officer of the CPCA

#### Interactions

17.3.23 The Shareholder Board as it considers appropriate, may:

(a) Report and make formal recommendations to the mayor directly or to the CA Board;

(b) Make reports to and consult the Overview and Scrutiny committee;

(c) Make reports to and consult the Audit and Governance committee.

## CHAPTER 18: OFFICER SCHEMES OF DELEGATION

### 18.1 PART 1: Officer Scheme of Delegations

#### 18.1.2 Introduction

18.1.2.1 The Combined Authority has a Scheme of Delegation to Chief Officers and a Schedule of Proper Officers for its functions in accordance with section 101 of the Local Government Act 1972.

18.1.2.2 A Chief Officer in the context of this Constitution means

- Chief Executive of Combined Authority and Business Board, and Head of Paid Service,
- Chief Finance Officer, and
- the Monitoring Officer,
- Corporate Directors
- any other posts defined as Chief Officer in the Employment Procedure rules.

18.1.2.3 Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority or constituent councils if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced.

18.1.2.4 Any decisions or actions taken by a Chief Officer or other person on behalf of a Chief Officer, must be in accordance with:

- (a) the provisions of the Openness of Local Government Bodies Regulations 2014;
- (b) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and codes of practice;
- (c) the Constitution, including the Combined Authority [Chapter 9: Contract Procedure Rules](#), assurance framework, monitoring and evaluation framework, [Chapter 9: Contract Procedure Rules](#) and [Chapter 8: Financial Management Procedure Rules](#), and [Chapter 6: Decision Making](#);
- (d) the revenue and capital budgets of the Combined Authority, subject to

any variation which is permitted by the Financial Regulations; and

- (e) any policy or direction of the Combined Authority or any Committee acting in exercise of powers delegated to that Committee by the Combined Authority.

18.1.2.5 Officers may exercise delegated powers to take any decision in relation to the functions of the Combined Authority including Mayoral functions except where:

- (a) the matter is reserved to the Combined Authority or the Mayor by law or by the Constitution;
- (b) the matter is a function which cannot by law be discharged by an Officer;
- (c) the Combined Authority or a Committee, Sub-Committee or Joint Committee to which the Combined Authority is a party, or in the case of a mayoral function, the Mayor has agreed that the matter should be discharged otherwise than by an Officer;
- (d) the Head of Paid Service has directed that the Officer concerned should not exercise a delegated function;
- (e) any other limitation of the exercise of delegated authority is set out in this Constitution or is specifically restricted in any decision of the Combined Authority.

18.1.2.6 Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.

### 18.1.3 General Delegations to all Chief Officers

18.1.3.1 Chief Officers will be responsible for the following within their areas of responsibility:

- (a) the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits;
- (b) day to day management of staff in accordance agreed human

resource policies and procedures;

- (c) acting on behalf of and in the name of the Combined Authority, where necessary in consultation with the Mayor, relevant **Lead Member** or Chief Executive and/or other appropriate Officers;
- (d) dealing with press enquiries and issuing press releases;
- (e) investigative contraventions of legislation applicable to the functions under their control, and also in respect of these functions to exercise the powers and conferred by the Regulation of Investigatory Powers Act 2000, the European Communities Act 1974 (and associated regulations) and the Police and Criminal Evidence Act 1984.

## 18.2 Contracts and Accounts

- 18.2.1 All contracts shall be dealt in accordance with Contract Procedure Rules and Financial Regulations as may be agreed from time to time by the Combined Authority.
- 18.2.2 Contracts below £5,000: The decision to award the contract and any written terms must be agreed in writing by a Chief Officer unless they have delegated that authority.
- 18.2.3 Contracts between £5,000 and £50,000: The Chief Officer can award a contract up to £50,000 in value.
- 18.2.4 Contracts between £50,000 and EU thresholds: A report to authorise the award of the contract must be sent to Legal Services, and the Finance Officer for approval by the Chief Finance Officer or Monitoring Officer.
- 18.2.5 Contracts within EU thresholds up to £500,000: The Chief Finance Officer or Monitoring Officer can award a contract up to £500,000 in value upon receipt of a contract award report. An award report to authorise the award of the contract must be sent to Legal Services and the Finance Officer for approval by the Chief Finance Officer.
- 18.2.6 Contracts above £500,000: Requires a Combined Authority Board decision or the Mayor for mayoral functions before award of the contract.
- 18.2.7 Contract rule exemptions: Granted entirely at the discretion of the Chief Finance Officer or Monitoring Officer.
- 18.2.8 Assigning and novating contracts: Needs approval of the relevant Chief Officer and the Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.
- 18.2.9 Terminating Contracts: Needs approval of the Chief Finance Officer and the

Monitoring Officer. If over £500,000 it will also need a Combined Authority Decision.

### 18.3 Delegations to the Chief Executive

- 18.3.1 To exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 18.3.2 To be responsible for the coordination of the Combined Authority's functions including mayoral functions.
- 18.3.3 To provide a comprehensive policy advice service and in particular to advise on the Combined Authority's plans and strategies.
- 18.3.4 To be responsible for the appointment, and grading, and dismissal of staff up to and including Deputy Chief Officer level.
- 18.3.5 To be responsible for the organisation and proper management of the Combined Authority's staff including proposing changes to the management structure and the number and grades of staff required.
- 18.3.6 To authorise a Chief Officer to act in his/her absence on any matter within his/her authority.
- 18.3.7 To discharge any function of the Combined Authority which:
  - (a) has not been specifically delegated to another Officer, Committee or reserved to the Mayor or the Combined Authority Board;
  - (b) has been delegated to another Officer where that Officer is absent or otherwise unable to act (excluding the statutory functions of the Monitoring Officer and Chief Finance Officer).
  - (c) To take any action which is required as a matter of urgency in consultation (where practicable) with the Mayor, the Monitoring Officer and the Chief Finance Officer, and in accordance with the Transparency Rules, Forward Plan and Key Decisions ([Chapter 6: Decision Making](#)).
  - (d) To provide any response to any Government consultation, subject to consultation with the Mayor of the Combined Authority and the relevant Lead Member.



- (e) To co-ordinate public relations for the Authority, including the approval of press releases on behalf of the Authority having consulted where appropriate the Mayor or relevant Lead Member as necessary.
- (f) Nominate, appoint and remove, in consultation with the Mayor (as Chair) and the Vice-Chair of the Combined Authority Board, representatives on the board of companies, trusts and other bodies, of which the Combined Authority is a member, and to agree Constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within their Constitutions.
- (g) To exercise the general power of competence on behalf of the Combined Authority in the absence of any specific delegation acting in the best interests of the Combined Authority, subject to:
  - i. consultation with the Monitoring Officer and the Chief Finance Officer; and
  - ii. reporting to the next meeting of the Combined Authority Board on the exercise of that power.
- (h) To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

#### **18.4 Delegations to the Chief Finance Officer**

- 18.4.1 The Chief Finance Officer shall be the designated the Proper Officer under section 73 of the Local Government Act 1985.
- 18.4.2 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control.
- 18.4.3 To take all actions required on borrowing, investment and financing subject to the submission to the Audit and Governance Committee and Combined Authority of an annual report of the Chief Finance Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 18.4.4 To effect all insurance cover required in connection with the business of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.

- 18.4.5 To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.
- 18.4.6 To submit all claims for grant to the UK Government or the European Community (EC).
- 18.4.7 To set up and operate such bank accounts as are considered appropriate and make all necessary banking arrangements on behalf of the Combined Authority.
- 18.4.8 To consider reports of Officers on any likely overspending in relation to revenue expenditure, and to approve transfers between expenditure heads up to a maximum of £100,000.
- 18.4.9 To send out all accounts for income due to the Combined Authority.
- 18.4.10 To authorise electronic payments.
- 18.4.11 To collect all money due to the Authority and write-off bad debts in accordance with the Financial Procedure Rules. Legal action should be undertaken in consultation with the Monitoring Officer.
- 18.4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 18.4.13 To administer the scheme of Members' allowances.
- 18.4.14 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011.
- 18.4.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 18.4.16 To be the Officer nominated, or to nominate in writing another Officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any Regulations made under that Act.
- 18.4.17 To exercise the responsibilities assigned to the Chief Finance Officer in this Constitution, including Financial Regulations and the Contract Procedure Rules.
- 18.4.18 To incur expenditure, within the revenue budget, in accordance with the approved budget limits and Financial Regulations.
- 18.4.19 To incur expenditure on capital schemes, in accordance with the Capital Programme and Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.
- 18.4.20 Approve applications to bid for external funding where there are no wider budgetary implications or the bid relates to a matter within the strategic framework.
- 18.4.21 To arrange internal audit in accordance with the Accounts and Audit Regulations 2015 and relevant professional guidance.
- 18.4.22 Internal Audit Officers on producing appropriate identification shall have authority to:

- (a) enter at all reasonable times on any land, premises or other assets of the

Combined Authority;

- (b) obtain access to all records, documents, cash, stores, equipment and correspondence relating to any financial or other transaction of the Combined Authority;
- (c) require and receive such explanations as are necessary concerning any matters under examination;
- (d) require Officers or Members of the Combined Authority to produce cash, stores, or any other Combined Authority property, which is under their control.

## 18.5 Delegations to the Monitoring Officer

18.5.1 Under section 5 of the Local Government and Housing Act 1989, the Combined Authority shall appoint a Monitoring Officer.

18.5.2 To provide advice on the scope of powers and authority to take decisions.

18.5.3 If it appears to the Monitoring Officer that any proposal, decision or omission by the Combined Authority has given rise to or is likely to give rise to unlawfulness or maladministration, he/she will prepare a report to the Combined Authority with respect to that proposal, decision or omission.

18.5.4 To monitor and review the operation of the Constitution on an annual basis, and to make changes to the Constitution in the circumstances set out below:

- (a) a legislative requirement;
- (b) a minor variation which is of a non-substantive nature to enable them to be kept up to date and in order;
- (c) required to be made to remove any inconsistency or ambiguity; or
- (d) required to be made so as to put into effect any decision of the Combined Authority or its committees or any organisational changes.

18.5.5 Any such change made by the Monitoring Officer to this Constitution shall come into force with immediate effect. The Monitoring Officer will report any changes made to the Combined Authority Board as soon as is reasonably possible.

### Member Code of Conduct

- 18.5.6 To deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011.
- 18.5.7 To support the Audit and Governance Committee in promoting high standards of conduct.
- 18.5.8 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.
- 18.5.9 To determine, after consultation with the Independent Person, whether to reject, informally resolve or investigate any complaint received, and to take such action as is necessary to implement that determination in accordance with the complaints procedure.
- 18.5.10 To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation.
- 18.5.11 To prepare and maintain the Authority's Register of Members' Interests and ensure it is available for inspection and published on the Combined Authority's website as required by the Localism Act 2011.
- 18.5.12 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer considers that:
  - 18.5.13 without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - 18.5.14 without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - 18.5.15 granting the dispensation is in the interests of persons living in the Combined Authority's area; or
  - 18.5.16 it is otherwise appropriate to grant a dispensation.
- 18.5.17 To keep a register of gifts and hospitality in accordance with the Protocol on Gifts and Hospitality and to arrange for its publication on the Authority's website.

### Legal Matters

- 18.5.18 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Combined Authority, as may be necessary to protect and promote the Combined Authority's interests.
- 18.5.19 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.
- 18.5.20 To instruct Counsel and professional advisers, where appropriate.
- 18.5.21 To supervise the preparation of legal documents.
- 18.5.22 To execute documents whether by hand or under seal, and to authorise other Officers to execute documents whether by hand or under seal.
- 18.5.23 To complete all property transactions and contractual arrangements where terms have been agreed by the Combined Authority, a Committee or Chief Officer acting under delegated authority.
- 18.5.24 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.
- 18.5.25 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 18.5.26 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.
- 18.5.27 Under Section 223 of the Local Government Act 1972 to authorise Officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Combined Authority.
- 18.5.28 To agree the terms for placing an officer at the disposal of another local authority.
- 18.5.29 To be responsible for determinations in relation to and maintenance of the list of politically restricted posts.

## **18.6 PART 2: Schedules of Proper Officers**

### **18.6.1 Introduction**

- 18.6.1.1 There are a number of specific references in the 1972 and 1985 Local Government Acts, which call for functions to be undertaken by what is termed the "Proper Officer". The following Schedules list such references and identify the Chief Officers responsible for their discharge:

### **18.6.2 Head of Paid Service**

- 18.6.2.1 The Head of Paid Service is appointed the Proper Officer for the purpose of any enactment unless this Constitution has designed another Officer as Proper Officer.

### 18.6.3 Chief Finance Officer

- 18.6.3.1 The Chief Finance Officer is appointed the Proper Officer in relation to the following:

To take decisions up to £500k, subject to any decisions being reported to the next Board meeting of the Combined Authority.

#### Local Government Act 1972

Receipt of money due from Officers	Section 115 (2)
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#### Local Government Act 1985

Proper Administration of the financial affairs of the Combined Authority	Section 73
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#### Local Government Finance Act 1988

To report in consultation with the Monitoring Officer if there is or is likely to be unlawful expenditure or an unbalanced budget.	Section 114
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### 18.6.4 Monitoring Officer

- 18.6.4.1 The Monitoring Officer is appointed the Proper Officer in relation to the following:

#### Local Government Act 1972

Declaration and Certificates with regard to securities	Section 146 (1) (a) and (b)
Deposit of Documents	Section 225 (1)
Certifications of photographic copies of documents	Section 229 (5)



Issuing and signing of formal notices	Section 234 (1) and (2)
Determination of those reports which should be available for public inspection prior to a meeting of the Combined Authority, and its Committees and those which are likely to be heard in private and consequently which should not be released to the public.	Section 100B (2)
Provision of documents to the press, additional to Committee reports	Section 100B (7)
Preparing written summaries of proceedings	Section 100C (2)
Making arrangements for list of, and background papers to reports, to be made available for public inspection.	Section 100D (1)
Determination of documents disclosing exempt information which may not be inspected by Members	Section 100F (2)
Signature of Summonses to Combined Authority meetings	Schedule 12 para 4 (2) (b)
Receipt of notices regarding address to which Summons to meetings of the Combined Authority is to be sent.	Schedule 12 para 4 (3)

### 18.6.5 General

- 18.6.5.1 All Officers in whose name reports are submitted to the Combined Authority are appointed the Proper Officers in relation to the following:

### Local Government Act 1972

Compilation and retention of lists of background papers and copies of the relevant documents and reports; and	Section 100 D (1) (a)
Identifying and determining what are background papers	Section 100 D (5)





## CHAPTER 19: POLICIES AND PROTOCOLS

### 19.1 Introduction

19.1.1 This Chapter provides, as a series of annexes, the policies and protocols of the Combined Authority, as follows:

- Annex 1: Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity
- Annex 2: Gifts and Hospitality Protocol
- Annex 3: Protocol on Member-Officer Relations
- Annex 4: Guidance for Members and Officers on Publicity During the Pre-election Period
- Annex 5: Politically Restricted Posts Protocol
- Annex 6: Social Media Protocol
- Annex 7: Webcasting of Meetings Procedure
- Annex 8: Monitoring Officer Protocol
- Annex 9: Procurement Policy
- Annex 10: Data Protection Policy
- Annex 11: Complaints Procedure
- Annex 12: Protocol on Appointments to the Office of the Mayor

## Annex 1: Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity

### (c) Introduction

- The Combined Authority provides resources to its elected members and to members of the Business Board in order to assist them in performing their duties. These resources include:
  - Office Premises
  - Stationery, postage, telephones, copying facilities
  - Administrative and Secretarial Support
  - Laptops
  - Email accounts
- The Combined Authority's Member Code of Conduct includes the following on use of the Authority's resources:

#### **19 As a member I commit to:**

##### **9. Not misusing Authority resources.**

*You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a member. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given to you to help you carry out your role as a*

*member more effectively and not to benefit you personally. You should familiarise yourself with the Authority's Protocol on Member Use of Resources and the Code of Recommended Practice on Publicity.*

Any breach of the requirements of this protocol will be deemed to be a breach of the Member code of Conduct. If any elected member wishes to have advice on the use of the Authority's resources they should contact the Authority's Monitoring Officer.

**(d) Use of Information and Communications Technology**

- All use of ICT by elected members is subject to the Authority's ICT policies which govern the use of laptops, the Authority's networks and mobile devices provided by the Authority. These policies also apply to the Authority's officers.

**(e) The Code of Recommended Practice on Local Authority Publicity**

- Section 2 of the Local Government Act 1986 states:

**2.— Prohibition of political publicity.**

*(d) A local authority shall not publish [, or arrange for the publication of,] any material which, in whole or in part, appears to be designed to affect public support for a political party.*

*(e) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters—*

- *whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*
- *where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.*

*(f) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.*

This prohibition applies to all publicity produced by the Authority but is of particular importance during the period before elections.

- This prohibition applies to the Authority and the government has issued the Code of Recommended Practice on Local Authority Publicity under section 4 of the 1986 Act. Section 6 of the 1986 Act defines “publicity” as:

*“any communication in whatever form, addressed to the public at large or a section of the public”*

And the Code confirms that this will include paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material which is created by third parties.

- The Code states that local authority publicity should:
  - be lawful
  - be cost effective
  - be objective
  - be even-handed
  - be appropriate
  - have regard to equality and diversity
  - be issued with care during periods of heightened sensitivity

The Code confirms that, except during periods of heightened sensitivity, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. However, publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

- The Code refers to periods of heightened sensitivity before elections and referendums and requires local authorities to pay particular regard to the legislation on publicity during such periods. The Code states:

*During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.*

- It is, therefore, not permitted for members to use the Authority’s resources for political purposes such as promoting a particular candidate or political party in an election or a particular outcome in a referendum.

#### **(f) Personal Use of the Authority’s Resources**

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- Personal use of ICT equipment and resources is covered by the policies referred to at paragraph 2.1 above.
  - As above at paragraph 1.2, the Member Code of Conduct reminds members that resources and facilities provided to them by the Authority are provided to help them carry out their roles as members more effectively and not to benefit them personally.

## Annex 2: Gifts and Hospitality Protocol

### 1 Introduction

- 1.1 This protocol applies to the Mayor, Combined Authority Board Members, Business Board Members and Members of the Combined Authority's Committees and Boards when they act in that capacity. It also applies to co-opted members of the Combined Authority's Committees who are not elected members of the Combined Authority's constituent councils. It should be read in conjunction with the Member Code of Conduct. For the purpose of dealing with any complaints about the conduct of Members this Protocol is deemed to form part of the Member Code of Conduct. The Code of Conduct for the officers of the Combined Authority also imposes obligations on officers in relation to the declaration of gifts and hospitality.

### 2 Gifts and Hospitality

- 2.1 Gifts and Hospitality will include any gift, hospitality, offer or favour which is offered to a Member personally, whether or not the gift or hospitality is accepted. The definition includes gifts and hospitality offered to either a Member or to the family and friends of Members which arise from the position of the Member and common examples would be:
- Any offer of a gift of goods or services without payment;
  - Any offer of goods or services at a discount not available to the public;
  - Any offer of food, drink, travel or accommodation;
  - Any invitation to attend a cultural or sporting event without payment or at a discounted rate;
- 2.2 If you accept gifts and hospitality when it is not appropriate to do so it can damage both your own reputation and the reputations of the Combined Authority and any constituent council of which you are a member. In some circumstances, as set out in paragraph 3 below you may commit a criminal offence by accepting gifts or hospitality. As set out in the Member Code of Conduct, you should avoid placing yourself under any obligation to people or organisations that might try to influence you inappropriately in your work for the Combined Authority.
- 2.3 The decision on whether to accept a particular offer of a gift or hospitality is a matter for you. Whether you should accept a gift or hospitality will depend upon all the circumstances in which the offer is made but you should also consider how the acceptance of the gift or hospitality will be perceived by others. If in doubt you should always seek advice from the Combined Authority's Monitoring Officer or the Chair of the Combined Authority's Audit & Governance Committee.

2.4 The kind of gifts or hospitality it may be appropriate to accept would include:

- Gifts worth less than £25 such as calendars, diaries, pens and flowers;
- Gift and hospitality provided by a public body;
- Simple refreshment provided at a meeting such as tea, coffee and biscuits;
- A simple working meal at which business is discussed;

But whether an individual offer should be accepted will always depend on all the circumstances and you should note the rules set out in paragraph 4 below about registration of gifts and hospitality. You must never solicit any gift or hospitality as a Member.

2.5 The kind of gifts it would not be appropriate to accept would include:

- Any gift in the form of cash or another form of direct payment;
- Any gifts in the form of holidays, including accommodation or travel arrangements;
- Any gift or hospitality intended to influence what you do as a Member or to put you under an obligation to the donor. In particular you should not accept any offer from a person or organisation which is involved in, or which may become involved in the future in
  - Any procurement exercise being run by the Combined Authority;
  - Any application for a grant, loan or other financial assistance from the Combined Authority;
  - Any legal dispute with the Combined Authority;
- Any gift or hospitality that is of significant value or where the value is disproportionate in the circumstances;

2.6 If you suspect that the motive behind an offer of a gift or hospitality is an inducement for you to make a particular decision or a reward for doing so you must decline it. Similarly, if accepting a gift or hospitality would be open to misinterpretation you should decline it.

2.7 This protocol only applies to gifts and hospitality you may receive in your capacity as a Member of the Combined Authority and does not apply to gifts and that are not related to your position as a Member, such as birthday or Christmas gifts from family and friends. If you are also an elected member of one of the Combined Authority's constituent councils you will also be subject to your council's Code of Conduct and rules on gifts and hospitality.

### **3 The Criminal Law**

3.1 Under the Bribery Act 2010 it is a criminal offence to request, agree to receive or accept a financial or other advantage as a reward for the improper performance of any function of a public nature.

- 3.2 If you believe a person or organisation may have been offered a bribe, you should immediately report the matter to the Combined Authority's Monitoring Officer or to the Police.

#### **4 Registration of Gifts and Hospitality**

- 4.1 You must register any offer of a gift or hospitality with an estimated value of at least £25 with the Combined Authority's Monitoring Officer within 28 days of its receipt. The registration must include details of the source of the gift or hospitality, a description, its estimated value, whether the gift or hospitality was accepted and what the Member has done with a gift.
- 4.2 If you are offered gifts or hospitality with a total value of at least £100 from the same source over a twelve month period you should register them with the Monitoring Officer regardless of whether any individual offer had an estimated value of at least £25.
- 4.3 If you are not sure of the value of the gift or hospitality it is good practice to register it anyway.
- 4.4 The Register of Gifts and Hospitality will be published on the Combined Authority's website.

#### **5 Breaches of this Protocol**

- 5.1 Breaches of this Protocol will be dealt with as breaches of the Member Code of Conduct. The Audit & Governance Committee has oversight of the Member Code of Conduct and responsibility for hearing complaints about Member conduct which have been referred to them by the Combined Authority's Monitoring Officer.
- 5.2 Allegations of any breach of this Protocol should be made in writing to the Combined Authority's Monitoring Officer.

#### **6 Advice and Support**

You should seek advice from the Combined Authority's Monitoring Officer or the Chair of the Audit & Governance Committee if you are uncertain how to deal with an offer of a gift or hospitality.



## Annex 3: Protocol on Member/Officer Relations

The purpose of this Protocol is to guide Members and officers of the Combined Authority in their relations with one another.

### Introduction

- 1.1 The Member Officer protocol is designed to provide a guide to good working relations between Combined Authority Members, including the Mayor, and officers, to define their respective roles and provide principles governing conduct. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.2 The protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
- 1.3 This protocol will also apply to co-opted members of committees/boards.
- 1.4 Members and Officers are all public servants who depend on each other in carrying out their work. Members are responsible to the people of the Combined Area who they serve for as long as their term of office lasts, while Officers are responsible to the Authority. Their job is to give impartial advice to the Cabinet and to the Authority's committees and subcommittees as well as individual Members, and to carry out the Authority's work.
- 1.5 Mutual respect between Members and Officers is essential to good local government. Mutual respect and courtesy should prevail in all meetings and contacts (both formal and informal) between Members and Officers. To be most effective Members and Officers will work closely and cohesively together.
- 1.6 The relationship has to operate without any risk of compromising the ultimate responsibilities of Officers to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members.

### Roles

- 2.1 Role of Members: Members have many different roles:
  - a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
  - b) Developing and reviewing policy and strategy.
  - c) Monitoring and reviewing policy implementation and service quality.

- d) Members express political values and support the policies of the political party or group to which they belong (if any).
- e) Representing their communities and bringing their views into the Authority's decision-making processes, thus becoming advocates for their communities.
- f) Being involved in partnerships with other organisations as community leaders.
- g) Representing the Authority on other bodies and acting as ambassadors for the Authority.
- h) Members may have roles relating to their position as members of the Board or Overview and Scrutiny Committee or other committees and sub committees of the Authority.

**2.2 Roles of Officers:** Officers' main roles are as follows:

- a) Providing advice to the Board, to the Authority's committees and subcommittees and Members to enable them to fulfil their roles.
- b) Managing and providing services for which they are responsible.
- c) Being accountable for ensuring those services are efficient and effective.
- d) Advising the Board, the Authority's committees and subcommittees and Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.
- h) Representing the Authority on external organisations.

**3. Principles of Behaviour**

**3.1 Respect and Courtesy:** An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public and partners.

**3.2** The relationship between officers and Board Members should be characterised by mutual respect and courtesy and recognition of each other's roles and responsibilities. Board Members have the right to challenge officers' reports and actions, but they should avoid personal and or/public attacks, and ensure their criticism is fair and constructive.

**3.3** Officers should not publicly criticise Authority decisions even if they do not personally agree with those decisions.

**3.4 The Authority's Reputation:** Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- 1) protect and promote the legitimacy of democratic local government;
- 2) promote a positive relationship between Members and Officers and be careful not to undermine it;
- 3) avoid criticism of the Authority when formally representing it; and
- 4) avoid personal criticism of other Members and Officers.

3.3 Undue Pressure: It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office.

3.4 Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles which Members must understand and respect. Members should have particular regard to any advice given by them.

3.5 A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined Authority property and services.

3.6 Members should always direct requests for information/ advice through the Chief Officers. They should never go directly to Junior Officers as this can put undue pressure on individuals.

3.7 To assist Members in decision making they should be informed of all legal and financial considerations, and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Authority decision, the Member concerned should draw this to the attention of the Head of Paid Service.

3.8 Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.

3.9 Personal/ Business Relationships: It is important not to allow any personal or business connection or relationship with any other Member or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.

3.4 Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

#### **4. Member Officer Working**

- 4.1 Advice: Members are entitled to ask the Chief Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the Authority. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.
- 4.2 It is important for the Chief Officers to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their constituent council areas and be invited to Authority initiated events within or affecting their constituent council areas.
- 4.3 Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources.
- 4.4 Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority and when implementing its lawful decisions, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions.
- 4.6 Officers can advise Members on matters relating to the Authority's business. When seeking advice the Members should approach the Chief Officers in the first instance. They will direct the Members to the appropriate lead officer who will normally be at Director/ Head of Service level.
- 4.7 Junior Officers should not be approached directly with requests for information or advice, in such a circumstance the Officer should inform his or her manager about the request(s) in order to enable a matter to be properly dealt with.
- 4.8 Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Member of the Board) cannot be used when acting in a different capacity (for example, when representing his/her ward).
- 4.8 Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others. Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled in the Constitution.
- 4.9 Working relationship: Officers work to the instructions of their managers not individual Board Members.
- 4.10 Board Members must not require officers to change their professional advice or take any action which the officer considers unlawful or illegal or which would amount to a breach of officers roles and responsibilities, maladministration or breach of a statutory duty.

4.11 Board Members should not raise matters relating to the conduct or capability of an officer or of officers collectively at meetings held in public or in the press. Any concerns should be raised using the appropriate procedure.

4.12 The Authority has a statutory duty to positively promote equality. Members and officers should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and the protected characteristics set out in The Equality Act 2010.

4.13 Briefings: Any Board Member may request a private and confidential briefing from an Chief Officer on matters of policy which have already been or may be discussed by the Authority or within its decision-making or advisory process. All requests should be made to the appropriate Chief Officer..

4.14 Briefings shall remain strictly confidential and are not to be shared with other members of the Authority unless so permitted by the relevant member.

4.15 Any official information provided to a member must only be used by the Board Member solely for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the Council).

## **5. Confidentiality**

5.1 Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules in the Constitution, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information and exempt information.

5.2 Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- ☐ they have the consent of a person authorised to give it,
- ☐ they are required by law to do so,
- ☐ the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
- ☐ the disclosure is reasonable and in the public interest, and made in good faith and in compliance with the reasonable requirements of the authority.

5.3 Board/Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant board/ committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the board/ committee.

## **6. Political Activity**

6.1 There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:

- a) being a Member of Parliament, a Member of the European Parliament or a local authority member;
- b) acting as an election agent or sub agent for a candidate for any of those bodies;
- c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
- d) canvassing on behalf of a political party or an election candidate;
- e) speaking in public in support of a political party; and
- f) publishing written or artistic works affecting support for a political party.

## **7. Media**

7.1 All relations with the media must be conducted in accordance with the Authority's agreed procedures and the law on Local Authority publicity. Media inquiries relating to official business should be referred to the Communication Team.

7.2 Officers will make every effort to keep Board Members informed of media interest in Authority activities relevant to their responsibilities especially regarding strategic or contentious matters.

7.3 Any officer assisting a member with media relations must act at all times in the interests of the whole Authority and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Authority.

## **8. Social Media**

8.1 The Combined Authority supports and encourages the use of social media. Social media has become an every-day communications tool for Members and the people they represent, and the potential for using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

8.2 Social Media use must be in line with the Combined Authority's Social Media Protocol [currently in development]

8.3 The Communications Team can provide useful assistance and guidance on the use of social media for both Members and Officers.

## **9. Support services to Members**

9.1 Board Members are provided with access to ICT (information and communication technology) systems and to support services (e.g. diary management, correspondence handling, typing, printing, photocopying etc.) to enable them to better perform their role as Board Members.

9.2 Members should not use – and officers should not provide – such access and support services in connection with party political or campaigning activity or for purposes not related to Combined Authority business, except that ICT access may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, the Authority's systems, or increase the support required from officers.

## **10. Member Training**

10.1 Board Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes, but is not limited to, the necessary skills to take advantage of the ICT facilities made available to them.

## **11. Complaints and Concerns**

11.1 Procedure for Members: If a Board Member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Executive Director or Director. If their concerns relate to an Executive Director or Director the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer. Where necessary, internal HR processes will be undertaken.

11.2 Procedure for Officers: If an officer is unhappy with the conduct or behaviour of a Board Member they should seek to resolve the matter by appropriate discussion and involvement of their Executive Director or Director.

11.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

11.4 Arbitration: When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer, who may also involve the head of HR where s/he judges that appropriate.

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## **Annex 4: Guidance for Members and Officers on Publicity During the Pre-election Period**



## Annex 5: Politically Restricted Posts Protocol

### 1.0 INTRODUCTION

- 1.1 The Combined Authority Constitution outlines the delegations to the Monitoring Officer one of which states they are responsible for determinations in relation to, and maintenance of, the list of politically restricted posts. Political restriction means that certain posts are “politically restricted” for the purposes of Part I of the Local Government and Housing Act, 1989 and the Local Government Officers (Political Restrictions) Regulations, 1990 is applied to Combined authorities by section 21(1)(jb) of the Act meaning the Combined Authority is subject to the same rules on political restriction as its constituent councils.

### 2.0 THE EFFECT OF POLITICALLY RESTRICTED ROLES

- 2.1 The 1989 Act sets out the posts which are to be politically restricted within a local authority. The effect of political restriction is to prevent the postholder from:
- (1) Being elected or appointed as a member of a local authority [this does not apply to membership of a parish council];
  - (2) Announcing or allowing anyone else to announce their candidature for election as a member of the House of Commons, European Parliament, Scottish Parliament, Welsh Assembly or a local authority (as above);
  - (3) Continuing in the employment of the authority once notice of resignation has been given to stand as a candidate for the House of Commons;
  - (4) Acting as an election agent or sub-agent for a candidate for election to one of the bodies above;
  - (5) Being an officer of a political party or any branch of such a party or a member of any committee or sub-committee of such a party or branch if such duties require participation in the general management of the party or branch acting on behalf of the party or branch in dealings with people other than members of the party or associated political party;
  - (6) Canvassing on behalf of a political party or on behalf of a candidate for election to any of the bodies above;
  - (7) Speaking to the public at large or to a section of the public with the apparent intention of affecting public support for a political party;
  - (8) Publishing any written or artistic work of which the postholder is the author or co-author or any written work or collection of artistic works in which the postholder has acted in an editorial capacity or permitting anyone else to publish such a work or collection if that work appears intended to affect public support for a political party. Specifically excluded

from this restriction is the display by a politically restricted post holder of a poster or other document on property occupied as a home or on a vehicle or article used by the post holder.

- 2.2 The restrictions on public speaking and publishing written or artistic works at (7) and (8) do not preclude a politically restricted postholder from engaging in those activities to the extent it is necessary of the proper performance of their official duties.
- 2.3 Where a post is politically restricted the terms and condition of appointment or employment for the postholder are deemed to incorporate these restrictions.

### 3.0 POLITICALLY RESTRICTED POSTS

- 3.1 The 1989 Act sets out those posts which are politically restricted, for the purposes of the Combined Authority these fall into five categories:

- (a) Statutory Officers

[for the Combined Authority these are the Head of Paid Service [the Chief Executive], Monitoring Officer and section 73 Officer]

- (b) Non-statutory Chief Officers

[These are officers for whom the head of the authority's paid service is directly responsible, who report to directly or who are directly accountable to the head of paid service but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]

- (c) Deputy Chief Officers

[These are officers who are required to report directly or who are directly accountable to one or more of the Chief Officers but this does not include officers whose duties are solely secretarial or clerical or in the nature of a support service]

- (d) Political assistants appointed under section 9 of the Act

- (e) Other postholders whose posts are included in a list of posts where the duties of the post consist in or involve one or both of giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or speaking on behalf of the authority on a regular basis to journalists or broadcasters.

- 3.2 Postholders whose posts are politically restricted on the basis that their duties involve advising the Combined Authority or its committees or sub-committees, or due to their duties involving speaking to journalists or broadcasters may apply to the Head of Paid Service for exemption from political restriction. An exemption may be granted if the

Head of Paid Service is satisfied that the duties of the post do not involve those activities.

- 3.3 Table 1, below, contains the roles that are automatically politically restricted under section 2 of the Local Government and Housing Act 1989 and the Local Democracy, Economic Development and Construction Act, 2009. The table contains posts formerly filled by colleagues no longer working for the Combined Authority but who were included in the last audit of politically restricted posts undertaken by the Combined Authority. For the purpose of this undertaking these roles are retained in the table as they may have been filled.

*Table 1*

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## **Annex 6: Social Media Protocol**

## Annex 7: Webcasting of Meetings Procedure

### General

- 1.1. The Combined Authority has agreed that meetings of the Combined Authority Board, Executive Committees, Audit & Governance Committee and Overview & Scrutiny Committee can be transmitted live on the internet (webcast), and the recordings made available on the website for 12 months.
- 1.2. Other meetings may also be webcast, as and when required, subject to the approval of the Chairman and members present. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Combined Authority is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly, the following will apply to all meetings to be webcast by the Council:
  - 1.2.1. The Mayor/Chairman of the meeting has absolute discretion to terminate or suspend the webcast at any time and for any reason which the Mayor/Chairman deems reasonable. This may include public disturbance or other disruption of the meeting.
  - 1.2.2. No exempt or confidential agenda items shall be webcast and no part of any meeting will be webcast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
  - 1.2.3. Subject to (d) below, all archived webcasts will be available to view on the Council's website for a period of 12 months.
  - 1.2.4. Archived webcasts or parts of webcasts may be removed from the Council's website if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Council's or the public's interests. Content may also be removed if the Monitoring Officer considers it necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

- 
- 1.2.5. If the Monitoring Officer has decided to take such action he/she/they must notify all elected Members in writing as soon as possible of his/her decision and the reasons for it. Council anticipates that the need to exercise this power will occur only on an exceptional basis.
- 1.2.6. Any elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.
- 1.2.7. At the start of each meeting to be recorded, an announcement will be made to the effect that the meeting will be webcast and the Mayor/Chairman will make the following statement: 'May I remind everyone present that this meeting will be broadcast live via the internet and the record will be archived for future viewing.'
- 1.2.8. As part of the process for asking public questions residents will be advised that the meeting will be streamed on the internet and a copy of the meeting retained on the website. If an attendee (other than an elected member of the Council) does not wish to be filmed whilst addressing the meeting (unless they are included in the proceedings) ordinarily if members of the public are participating the meeting Clerk will provide advice on the best place to position themselves to ensure no image of the attendee is taken and the webcast operator will focus the camera on the Mayor/Chairman.
- 1.2.9. At the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-  
WEBCASTING NOTICE Please note: this meeting may be filmed for live broadcast via the Combined Authority's website with recorded content available to view on its website for a period of 12 months.
- 1.3. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should notify the Mayor/Chairman at the start of the meeting and sit out of range of the cameras.
- 1.4. Any queries regarding the webcasting of meetings should be referred to the Monitoring Officer.

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Members of the public are permitted to film or record Councillors and officers at any Council meetings that are open to the public and press. The Combined Authority permits photography and social media reporting of all its public

## **Annex 8: Disciplinary Procedures in Relation to the Head of Paid Service, Monitoring Officer and Section 73 Officer**

- (a) The procedures for disciplinary action and dismissal of the Head of Paid Service [Chief Executive], Monitoring Officer and Section 73 Officer [“the statutory officers”] match the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended] which apply to the Combined Authority’s constituent councils.
- (b) Only the Combined Authority Board may dismiss the statutory officers following the procedure set out in this Annex and following the recommendation of a Statutory Officer Investigatory Panel constituted as set out below.
- (c) In any case where disciplinary action, as defined in Chapter 12 of the Constitution (Employment Committee) is to be taken against one of the statutory officers the Employment Committee shall establish a Statutory Officer Investigatory Panel to deal with the matter. The Panel shall have the authority to take disciplinary action short of dismissal against a statutory officer and to recommend to the Combined Authority Board that a statutory officer be dismissed.
- (d) The Statutory Officer Disciplinary Panel shall be made up of all the members of the Employment Committee or their substitute members, including the Mayor or Deputy Mayor acting in their place, together with at least two independent persons appointed by the Combined Authority or by other local authorities in England under section 28(7) of the Localism Act 2011 subject to the rules on appointment of independent persons to the Panel set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 [as amended].
- (e) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Combined Authority Board must take into account, in particular
  - any advice, views or recommendations of the Panel;
  - the conclusions of any investigation into the proposed dismissal; and
  - any representations from the relevant officer.
- (f) Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as an independent person under the 2011 Act.
- (g) The Panel must be appointed at least 20 working days before a meeting



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of the Combined Authority Board to consider whether or not to approve a proposal to dismiss a statutory officer.





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## **Annex 9: Monitoring Officer Protocol**



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## **Annex 10: Procurement Policy**



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

# **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY**

## **PROCUREMENT POLICY**

**November 2022**



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## 1. Introduction

This document sets out the procurement approach to be applied by any person purchasing Goods, Services or Works on behalf of the Cambridgeshire and Peterborough Combined Authority (CPCA). It is complementary to Chapter 16 – Contract Procedure Rules of CPCA's Constitution and it is designed to detail the overarching approach to public spending and the strategy by which best value and compliance is to be achieved.

## 2. Organisation Classification

The Cambridgeshire and Peterborough Combined Authority is classified as a Contracting Authority as defined in Regulation 2(1) of the Public Contract Regulations 2015.

## 3. Applicable Legislation & Policy

The CPCA is required to operate in accordance with the following Legislation

- The Local Government Act 1972
- TFEU principles and precedence (specifically the Treaty of Rome and the European Union Laws)
- Public Contract Regulations 2015 (PCR2015) as amended from time to time including by The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021
- Concession Contracts Regulation 2016
- Bribery Act 2010
- Equalities Act 2010
- Localism Act 2011
- Social Value Act 2012
- Modern Slavery Act 2015
- General Data Protection Regulation 2018
- Transparency Code 2015
- Public Procurement Policy Notes

The first item in the above list requires the authority to publish its Standing Orders on how it manages its contracting requirements (Chapter 16 - Contract Procedure Rules) as part of its Constitution; this being available at the following link - [Contract Procedure Rules](#) The CPCA, as part of this section of the Constitution, sets out a basic workflow and series of decisions regarding; budget, conventional route to market options, practical processes, approval





requirements and final award, and is based on the minimum and most commonly applied requirements, as directed by the PCR2015.

The remainder of how the above requirements in legislation and Policy are to be achieved are detailed below.

## 4. Policy Requirements

This Policy document must be read in conjunction with the Constitution and strictly applied to ensure both:

- 1) the application of the following Treaty Principles;
  - a) equality of treatment
  - b) transparency
  - c) mutual recognition
  - d) proportionality
- 2) evidence of compliance with the Public Contract Regulation 2015 and the Concession Contract Regulations 2016;
- 3) an efficient, effective and economic outcome from every procurement;
- 4) a proportionate procurement process that balances procurement costs and delivery savings;
- 5) support and push for the socio-economic commitments of the area, Authority and its members where possible and to the largest extent permitted by law, including:
  - Net Zero policies and outcomes by all contractors, suppliers and in works contracts, promoting
  - Real Living Wage to all directly employed staff, (individuals) contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.
- 6) The above are to be achieved through the adherence to the following processes, decisions, actions and documentation.

## 5. Reasons for Compliance

Officers are required to comply with the Contract Procedure Rules and this Policy

- To ensure that the Authority obtains best value when it buys works, goods or services
- To demonstrate true and fair competition and public accountability
- To ensure consistency
- To prevent bribery and corruption, whilst ensuring probity



- To ensure a full audit trail and transparency
- To protect the interests of the Authority, its officers, elected Members, tax payer funds and the public.
- To abide by legislation, government guidance and policy and the Authority's socio-economic commitments.
- To minimise the risk of challenge, project a project from delay and prevent the likelihood of incurring additional costs or paying damages

## 6. Procurement Planning

Officers need to plan ahead for their required purchases, this to include the following stages

- Financial Approvals – this to include the initial budget allocation and any delegated authorities to award
- Project team – who will support the process from a financial, procurement, legal and a sponsor perspective
- Documentation requirements – internal or external templates
- Process approvals – internal or external panels or boards or funding requirements
- Process durations (excluding any approvals)
  - Single quote - approximately two weeks
  - Three quotes - approximately six weeks
  - Below threshold tender - approximately 10 weeks
  - Above threshold tenders - OPEN procedure – approximately 14 weeks
  - Negotiated Procurement - at least 26 weeks
- Award requirements – this to include the completion of the Officer Decision Notice, approval by the Chief Executive and the (CA Board or Mayoral Decision) if over £500,000 and any Standstill requirements where applicable (The above requirement includes contracts of the same value being novated or assigned).

The Find a Tender Service (“FTS”) threshold is currently at £189,330+VAT and £4,733,252+VAT for services and works respectively but these will change after the 31/12/2021 to £213,477 **including** VAT and £5,336,937 **including** VAT respectively.

## 7. Procurement Documents

All procurements must include the following information, where practical, using the CPCA standard templates and requirements (to be supplied as templates by the procurement team where necessary).



- Either a **Request for Quotations** (“RFQ”) or **Invitation to Tender** (“ITT”) document that details the process to be followed, the rules of participation and the method by which the procurement will be managed, evaluated and awarded.
- A **Contract Specification** or set of **Employers Requirements– Included in the ITT**
- A **Standard Selection Questionnaire** (“SSQ”) document (may only be used on above EU threshold processes) used to assess mandatory and discretionary disqualifications and a supplier’s overall suitability to contract with the CPCA. – Included in the ITT for open procurement process only or a separate document for other processes.
- A **Due Diligence Information Document** that enables the CPCA to assess the stability and commercial suitability of the organisation to deliver the contract – Included in the ITT
- A Set of **Method Statement Questions** that direct the supplier to specify and explain how they will deliver the specifics of the project’s requirements. – Included in the ITT
- A **Pricing Document** to be completed – To be attached to the ITT as part of the tender documents
- The **Contract Terms and Conditions**– To be attached to the ITT as part of the tender documents
- Any additional, supporting; charts, drawings, data sheets, explanatory notes etc.

## 8. Tender Specifications (law & CPCA requirements)

The tender specification needs to adequately define the CPCAs requirements; this could be as an input, output or outcome spec.

When using an input specification, officers cannot name a manufacturer, brand, model or part number; the requirement needs to be defined by its functionality and performance. Where it is impossible to define a requirement without naming a product; the specification must state, ‘or equally approved’.

The specifications must be relevant to the subject matter of the procurement and they must not be drafted so as to narrow competition artificially.

Officers defining the contract requirements must therefore be suitably experienced (and for an input specification; up-to-date with current standards, technology and trends) such that the tender documentation will facilitate a suitable offering and a manageable contract.

## 9. Procurement Route Decisions

Officers are required to consider their route to market based on the nature of the purchase, whether the total contract value exceeds a requirement to advertise (over £25k) and the FTS threshold, and under which of the following categories that spend falls;

- **Category 1 - Public Contracts** - Works, Goods or Services contracts where there is a definitive requirement with certainty of profit
- **Category 2 - Concession Contracts** – where there is an investment or risk on return by the supplier such that there is no certainty of profit; e.g. café services
- **Category 3 - Light Touch Regime Contracts** – where the cross-border markets are limited as suppliers are usually required to be locally based and knowledgeable; e.g. legal services, education, catering

Each of these Categories has an FTS threshold for advertising and as such two different strategies by which to engage with the market. The Current FTS thresholds are available at the following link - [Public Procurement thresholds 2020/2021 – Tenders Direct Blog](#)

In selecting the optimal route to market, officers are required to demonstrate that their selected route achieves primarily value for money and secondly promotes the Authority's commitments; generally this will require evidence of the supplier having been selected through a competitive procedure be that in the establishment of a competitively procured corporate contract or framework (by the CPCA or another approved organisation), or through a project specific competition. The level of competition required is set out below.

When awarding/signing Contracts following a procurement route, the officers are required to fill in the relevant form to each route (as described in the [Decision Matrix spreadsheet](#)) and obtain necessary approvals as indicated within the relevant form used. Templates of the relevant forms can be found [HERE](#).

### 9.1. Below threshold – all categories

(Supplemental to paragraph 18.1 of Chapter 16 of the CPCA's Constitution)

- under £50,000 officers are required to seek three local quotes where available as a preference unless the technicality of the requirement is so specialist that this overrides the socio-economic commitments of the CPCA in which case an advert may be required to seek interest from appropriately qualified organisations
- over £50,000 officer are required to either utilise a corporate contract or an existing framework, wherever possible (as listed below), or to place an advertisement and invite



tenders using the CPCA standard templates above and procurement process detailed below.

## 9.2. Above threshold – Category 1

Over the FTS threshold officers are **required to consult with procurement** and to carry out an [options appraisal](#) (using the CPCA standard form) in consideration of the following

- consider and evaluate the use of existing frameworks; specifically
  - Crown Commercial Services Frameworks
  - Eastern Shires Purchasing Organisation Frameworks
  - Homes England Frameworks
  - Highways England Frameworks
  - National LGPS Frameworks
  - Any other framework in which we have been explicitly named and financially accounted for.

Where a framework is used, the officer must comply with the processes as set out in the original procurement. Where there is an option for either direct award or mini competition, officers must consider the following.

- Where the contract value is over the FTS Threshold, a mini competition must be applied
- Where the contract value is under the FTS Threshold, and the framework allows for direct awards for such values, the officer may apply either option (subject to the advice by the procurement department, and) depending on
  - The technical requirements of the contract
  - The suitability of the suppliers on the framework
  - Any conflicts between this appointment and other project related contracts
  - Criticality of timescales
  - Historic project knowledge where the initial appointment was suitable procured.

Where a framework is not available or they are deemed unsuitable, and in considerations of the requirements of the category, officers must advertise the opportunity and select the route based on the following options listed below:

### Single Appointment Requirements



- OPEN tendering must be the default option – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process; however
- RESTRICTED tendering may be used where the market is extensive and the cost to the CPCA and the market against the process is disproportionate to the value of the contract such that a short-listing stage is advantage to all parties. EVERYTHING must still all be disclosed upfront
- COMPETITIVE PROCEDURE WITH NEGOTIATION tendering may be used where EVERYTHING is not known upfront as how the outcomes are to be achieved need market involvement.

#### **Multiple Appointment Requirements**

- FRAMEWORK AGREEMENT - these are procured in accordance with any of the routes above and can include single or multiple requirements (LOTS), single or multiple suppliers and single or multiple awards. It is a closed list once awarded and has a maximum duration of 4 years. The initial process and any subsequent awards must comply with the principles of equal treatment and transparency and comply with both the PCR 2015 and the processes defined in the framework documents.
- DYNAMIC PURCHASING SYSTEMS these are open lists, they are established using the SSQ and a minimum level of quality and previous experience requirements; suppliers are added to categories if approved and any award under the DPS must be by way of a mini competition which evaluates price and quality.

#### **9.3. Above threshold – Category 2**

- OPEN tendering must be applied – it requires the disclosure of EVERYTHING up front to EVERYONE and as such best demonstrates an open, fair, inclusive and transparent process

#### **9.4. Above threshold – Category 3**

- There are no prescribed routes to market, the process must be defined on a project by project basis and must comply with the TFEU principles of equality, transparency fair treatment of suppliers and proportionality.



## 10. Tender Process & Communication – Category 1 & 2

All Procurement information and tender requirements **MUST** be shared equally with ALL interested parties; to facilitate this, the following rules regarding information distribution, communications and storage, must be followed.

ALL information must be shared and managed **ELECTRONICALLY**, and where specified below, **managed through the CPCA e-tendering portal**

### 10.1. Under £10k – quotes

Single quotes must be obtained by email and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

### 10.2. Non-advertised (three) quotes - £10k - £50k

Where three quotes are obtained directly from three local suppliers, these can be requested by email. Once evaluated the selected supplier's quote must be and accepted by way of a purchase order which is issued electronically and includes a description of the purchase and the total price to be paid.

### 10.3. Advertised quotes - £25k - £50k

Where an officer cannot identify 3 local suppliers from whom to obtain quotes, the opportunity must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

### 10.4. Advertised Tenders – over £50k

Where a contract has a value that exceeds £50k and the opportunity cannot be awarded through an existing framework then it must be advertised on Contracts Finder (via the e-tendering portal) and an appropriate set of procurement documents collated so as to clearly and transparently define the project requirements and enable interested parties to submit a compliant and competitive quote. These processes are to be loaded and overseen by procurement.



All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.5. Regulation compliant Tenders**

Above FTS threshold tenders must be both advertised on Contract Finder and in the Find a tender Service (FTS)(via the e-tendering portal – currently Proactis) and an appropriate set of procurement documents collated so as to clearly and transparently define the procurement process to be followed along with the all project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.6. Mini Competition from a Framework**

Where the CPCA are utilising an existing Framework under which they intend to carry out a further competition to obtain a competitive quote from interested parties, the process and all the tender documentation and correspondence must be managed through the CPCA e-tendering portal. The project officer must utilise the framework templates where stipulated (ours where not) to clearly and transparently communicate all of the project requirements so as to enable interested parties to submit a compliant and competitive quote.

All correspondence regarding the tender process, documentation and requirements must be managed through the portal and all information shared equally with all interested parties by way of the public notification function. The evaluation outcome and award must be noted in the system and any decision reports attached.

#### **10.7. Direct Award from a Framework**

Where a framework includes an option to award directly the officer must first identify which supplier best matches their requirements in consideration of performance ability, delivery timescales, cost, experience, ability to resource, conflicts of interest and any other requirements that are particular to the project that demonstrate a justifiable reason for using that supplier over another – this decision making process must be agreed with procurement





and documented by way of an email that can be attached to the contract register when the contract is added.

#### **10.8. Direct Award without advertisement**

In some circumstances there may be a justification to award without advertisement or competition; in either and/ or both cases a [Direct Award Template.docx \(sharepoint.com\)](#) must be completed to document and justify this decision and this must be signed in accordance with the requirements of the form.

- Direct Award instead of seeking three quotes below for below FTS Threshold
- Direct award without advertisement or competition for above FTS Threshold- this is covered in Regulation 32 of the Public Contract Regulations 2015 for which exemptions there are certain criteria
  - Monopoly – this must be demonstrated through a single response to an expression of interest published on Contracts Finder (Below threshold) or on the FTS
  - Urgency – This is where the requirement must be addressed sooner than the time required for Threshold procurement – however – the urgency must not be of the CPCA's making e.g. poor planning.
  - In response to a procurement having been completed in a compliant manner and the outcome not achieving the requirement of the tender documents – in this case a single supplier can be selected to negotiate with.

All decisions regarding this must be agreed with legal and procurement and recorded in the Direct Award Template.

### **11. Tender Process & Communication – Category 3**

#### **11.1. Below Light touch regime threshold**

There are no requirements to advertise below Light Touch Regime threshold – however, the CPCA are still required to ensure that the expenditure demonstrates value for money. Officers are also required to ensure they have approval to spend the funds and this and the choice of suppliers should be agreed by the budget holder and the email evidencing this attached to the relative entry on the contract register.

This specifically applies to contentious legal, education, training, catering services procurement processes for the CPCA and others which are included under Section 3 or the PCR2015.



### **11.2. Above Light touch regime threshold**

The practical process for this type of procedure must follow 10.5 above and the details of the process as set out in the Invitation to Tender.

## **12. Advertising Opportunities and Awards**

- Framework Award Notices –
  - Over the FTS threshold, an award notice should be published in the FTS and on Contracts Finder within 30 days from award of contract.
  - Under the FTS threshold - and over £25k an award notice must be published on Contracts Finder within 30 days from award of contract.
- Advertised Opportunities & their Award Notices –
  - Above FTS Level - Any contract that exceeds the FTS threshold must have both the opportunity published in the FTS in accordance with the selected route to market and then , also published on Contracts Finder within 30 days from award of contract.
  - Below the FTS threshold – where the opportunity has been advertised an award notice must also be published using the same mechanisms
- Not-advertised Opportunities & their Award Notices –
  - Three Quotes – where the value exceeds £25k an award notice must be published on Contracts Finder
  - Single Source – where the value exceeds £25k an award notice must be published on contracts finder and where the value exceeds the FTS threshold and is awarded subject to Regulation 32 and VEAT notice must be published and a 10 day stand still period applied.
  - Light Touch Regime below FTS procurements do not need the opportunity advertised but where over £25k, the award must be notified on Contracts Finder

## **13. Tender Evaluation Approach**

### **13.1. Single quote**

Purchases made using a single quote are only evaluated for compliance with request and budget.



### **13.2. Three Quotes**

Purchase made after seeking three quotes (that have not been advertised should be made to the lowest priced suppliers.

### **13.3. Advertised Tender Processes**

Tenders that are advertised must be evaluated for the on the Most Economical and Advantageous Tender where both quality and price are considered.

The default split for evaluation is 60% quality and 40% price but this can be adjusted to a split of 70:30 or 80:20 to reflect the requirements of the contract.

### **13.4. Mini Competition FW**

Mini competitions must be evaluated using the process detailed in the framework documents.

### **13.5. Direct Award FW**

Where a framework enables a direct award process to be applied then procuring officer must document the rationale for how MEAT has been applied in accordance with the framework evaluation criteria and this should be agreed with procurement before the award is made.

### **13.6. Direct Award without Competition**

The process of selecting the supplier to whom the CPCA will direct award will need to provide evidence of some form of evaluation criteria (such as size, experience, references, previous experience by the CPCA or another known Local Authority) as the requirements and pricing that establish the contract will be part of a negotiation process post selection.

## **14. Tender Evaluation Process**

The Treaty Principles are paramount during this stage of the process – failure to apply the specified criteria exactly or fairly is the greatest risk of process failure and Challenge.

The scoring allocation for each section of the criteria must be evaluated from an absolute perspective using a predefined scale and must not include comparison of one supplier against another such that, in theory, a supplier can calculate their own score before they submit their tender.

The recommended approach is set out in the CPCA standard Invitation to Tender (ITT) and should only be amended with agreement from procurement.



The Evaluation Process should address the following three main headings with recommended sub-headings as listed below

**14.1. Price**

- A Schedule of Rates or Basket Price
- A Lump sum fixed price
- A sufficiency Ratio

**14.2. Quality**

- Contract delivery processes and Mechanisms
- Resources and technical ability required to deliver the contract
- Timescales and critical path
- Risks & mitigations
- Quality Control
- Health & Safety including Safeguarding, environmental protection,

**14.3. Social, economic and environmental requirements**

- Putting the Mayor's values at the heart of public procurement, namely
  - Compassion
  - Co-operation
  - Community

as described in more detail in the [Combined Authority's Sustainable Growth Statement](#).  
Real Living Wage to all self-employed, contractors and contractors' staff working for the Authority for more than two hours per week for eight consecutive weeks.

- Local jobs, staff training, apprenticeships and work experience etc.
- Volunteering to support local projects
- Net Zero carbon footprint policies and outcomes by all contractors, suppliers and in works contracts, promoting
- Other Environmental protection matters such as; protection of wildlife, product specification, whole life costing, recycling and waste minimisation etc.
- Local spend, local supply chain, local investment

Subject to all requirements in Chapter 16, paragraph 25 of the CPCA Constitution and in the spirit of recent drive of the UK government for environmental protection as an increasingly important criterion for public procurements, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2021):

- a) a criterion regarding Net Zero compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

Additionally, and in line with the Authority's commitments for accreditation as a Living Wage Employer by the Living Wage Foundation, all CPCA procurements shall always include forthwith as of the date of this policy version (November 2021):

- b) a criterion regarding Real Living Wage compliance and this criterion shall receive the maximum weighting permitted by current legislation, to the reasonable assessment of the procurement and legal teams.

The content of this paragraph 14.3 will be reviewed and updated to increase the weighting received by Net Zero considerations, subject to and in accordance with new impending legislation on the back of the results of the consultation: [Green Paper: Transforming public procurement](#).

#### **Definitions:**

"Net Zero" above means a policy and all the practical measures taken by a potential bidder in a procurement by which this bidder ensures and achieves zero balance between the amount of greenhouse gas produced and the amount removed from the atmosphere in its operations.

"Real Living Wage" is the hourly rate payable by organisations to their employees and contractors as this is set by the Living Wage Foundation, which corresponds to the hourly rate working people need to afford a minimum 'decent' standard of living.

#### **14.4. Other Considerations**

- Business Continuity Plans
- ISO accreditations
- GDPR processes
- Policies and commitments

### **15. Post Tender Clarifications**

Where, as part of the evaluation process, there are areas of uncertainty, these may be clarified by way of the Q&A process available through the portal.

Any Information received via the Q&A process can only be used to ensure an accurate understanding of the submission and that a fair score has being applied. No new or additional information can be considered or used to re-determine the scores.

Where the intended clarification process is to be managed by way of a meeting, the process for how the responses to questions are to be evaluated and contribute to the final score must be clearly defined within the tender documents and must represent a fair and transparent process. Where such information results in the scores being adjusted, this must be clearly documented on the tender score sheets and in the Tender Report.

Where the clarification relates to price, officers may seek an explanation regarding any anomalies or omissions, but the prices CANNOT be changed. If an item has not been priced individually it is assumed to be provided at no extra costs; if this principle would make the overall contract delivery unsustainable as per above, then the tender may need to be discounted. This can only happen following a clarification process and MUST be reviewed by Procurement before such a decision is made.

Where an arithmetical error is identified, this can be corrected by the CPCA but the error must be confirmed by an independent party (ideally Internal Audit) and confirmed as acceptable by the Tenderer before any further consideration is given to the tender. If the corrected price is considered undeliverable by either the Tenderer or the CPCA then the submission may need to be discounted.

## **16. Abnormally Low Tenders**

Where the evaluator identifies a concern as to the accuracy or deliverability of the submitted prices or a conflict between the pricing and the commitment in the method statements, or there is concern that they have been calculated to distort or manipulate the evaluation process, Officers are advised to liaise with Procurement to carry out a review (in accordance with the PCR2015) to ascertain if the submission is sustainable or if it should be dismissed from further evaluation. Any decision must be agreed by Procurement and the Project Sponsor and be appropriately documented.

## **17. Tender Report**

Following any competitive procurement being completed and the Most Economical and Advantageous Tender identified, over the value of £25,000, the responsible officer must complete a Regulation 84 compliant Tender report [Tender Award Report Template.docx \(sharepoint.com\)](#) (as per CPCA template) which must be signed by the person with authority to agree the expenditure and sign the contract.



A copy of the completed Report (and any supporting documents) must be stored against the project on the Contract register as a private attachment and made available to Central Government upon request.

## **18. Tender Award & Standstill**

Once approval to award has been received, ALL suppliers must be notified at the same time with their correspondence being issued to them through the e-tendering portal.

Standstill is a 10 calendar day waiting period between the notification of an intention to award and the actual award; it is there to enable disappointed or disgruntled suppliers to question or challenge the decision before the contracts are practically awarded and once past, the process protects the CPCA from a claim of ineffectiveness

Although the requirements for Standstill is only mandatory on above FTS threshold advertised procurements, the CPCA policy is to apply a standstill period of 10 days in the following situations

- Above FTS threshold competitions
- Below FTS threshold procurements that have been advertised on Contracts Finder
- All contracts awarded from a framework using a mini competition over £25k where an award notice is published
- All Direct Awards without Competition where a VEAT notice is published.

The use of a standstill period will protect the CPCA from an awarded contract being made ineffective but cannot protect against damages.

## **19. Tender Feedback**

ALL participants in a procurement process are entitled to receive feedback on their tender submission and their performance compared to the successful supplier.

Officers are required to record the justification for their scores as part of the evaluation process and it the collated and moderated comments that must be provided to the supplier as part of the notification correspondence

Officers are advised to agree this feedback with procurement before issuing to ensure it is both sufficient to comply with the PCR2015 and does not breach the requirement to protect commercially sensitive information or personal data which would be a breach of other Public Sector obligations.



## **20. Contract Documents**

All contracts must be in writing, must be collated and signed in accordance with the constitution and must clearly specify the goods, works or services to be provided, including a programme of delivery, the specification and the tender response (including pricing and method statements), terms of payment, and any other terms and conditions agreed, together with exit procedures for when the contract either comes to its natural end or is terminated early, perhaps because the contractor has not fulfilled his contractual obligations, as a minimum and then an electronic copy stored on the contract register.

## **21. Contract Register**

All contracts over £5,000 in value MUST be included on the e-tendering contract register. Where the procurement process has been managed through the e-tendering portal all of the required information can be migrated to the register as part of the procurement workflow within the system.

Where a contract has been awarded through either a waiver, quotes process or a direct award mechanism, these MUST be manually added and all the supporting documentation appended to ensure a full audit trail of the decision processes. The Waiver and Direct Award forms all include a section at the end of each form labelled 'Contract Register Information' which will need to be completed by the instructing officer and sent to the Procurement inbox, along with the signed contract.

This list of contracts held must be available to the public and the supporting documents must be available on request by Central Government or to facilitate a response to an FOI if received.

## **22. Other Governance Requirements**

### **22.1. Freedom of Information**

In addition to suppliers being entitled to be advised on the outcome and administration of a procurement process, other interested parties may also wish to have access to that information.

Officers should seek guidance from the Governance team and Procurement before disclosing any information to ensure confidential personal data and commercially sensitive financial constructs, trade secrets and intellectual property are suitably redacted before any documents are shared.





## **22.2. Conflicts of Interest**

The Public Contract Regulations and overarching legislation is designed to prevent corrupt practices and any preferential treatment or discrimination of any UK or EU supplier. As such the following rules apply:

All members, officers, senior managers or organisations procuring on behalf of the CPCA must avoid any potential conflict between their own interests and the interests of the CPCA as detailed in the CPCA's Code of Conduct.

Where an interest (financial or personal) is identified this must be reported to the relevant Head of Service (as this is defined in the Constitution) and Procurement such that any identified risks can be minimized. Where such a conflict is identified that person may not participate in the procurement or evaluation process. Where this is not practical, mitigation steps must be agreed with Procurement and Audit.

## **22.3. Prevention of Bribery and Corruption**

Officers, members and consultants working on behalf of the CPCA are not permitted to request or accept any form of gratuity from any suppliers.

Where evidence suggests inappropriate action or events have occurred, a contract may be terminated immediately, and any losses to the CPCA arising from the termination recovered from the supplier.

Any elected Member of the CPCA, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the improper acts must report that to the Monitoring Officer.

## **22.4. Prevention of Organised Crime & Modern Slavery (law)**

Organised crime includes involvement in: illegal drugs, fire arms, fraud and financial crimes, money laundering, child sexual exploitations, organised immigration and human trafficking, cyber-crime and organised acquisitive crime.

Officers are required to complete a due diligence process, before awarding a contract, to ensure that the CPCA is not party to any such illegal or immoral behaviour. This must continue to be monitored throughout the life of the contract.

## **22.5. Late Tenders**

Late tenders can only be accepted as follows



- There has only been one return
- It is less than 5 minutes late
- The other tenders have not been issued to the project officer
- The Project Manager has agreed their inclusion to facilitate competition (under £100,000)
- The relevant Director has agreed their inclusion to facilitate competition (over £100,000)

## **22.6. Letters of Intent**

Letters of intent give the contractor the authority to proceed prior to the execution and dating of the contract. However, they should only be used where there is a genuine need and benefit to the CPCA such as to:

- facilitating the ordering of goods where there are long lead times
- enable design work to commence immediately where not doing so would have an adverse effect on the overall project deadlines and planning requirements
- Other project constraints that put the delivery at risk

All letters that fall under the points above must be agreed with legal and signed by the relevant Director. Where a letter of intent is required for any other reason it must be agreed by the relevant Director prior to issue.

Where a letter of intent is issued it must include a maximum liability of £100,000 unless otherwise agreed by the Chief Executive.

## **22.7. Extensions or Variations to a Contract**

A Contract should only be extended or varied in accordance with any such options included in the original procurement and contract.

Where no such provision exists; a contract can only be extended or varied as follows

- The additional requirement is still in scope of the original specification and does not equate to a new requirement which should have a new process
- The extension or variation does not present an unacceptable risk to the Authority; e.g. had the changes been known, others would have participated in the opportunity or a better price could have been achieved
- The additional requirement does not take it over the FTS threshold when it was procured using a below FTS process



- The additional value does not exceed more than 10% of the original advertised value, or more than 50% if certain requirements are satisfied (as per legal and procurement department's instructions).
- The length of the extension is only 'sufficient for a new procurement and market conditions'.

The application of any extension or variation

- must be in the council's best interest ;
- must demonstrate value for money;
- must be after a new Due Diligence Check has been completed.

The approval must be in consideration of the Authority's requirements above and be based on the total of both the original and all extension values.

## **22.8. Contract Management**

22.9 The CPCA is committed to ensuring that in addition to procuring its contracts effectively and economically, that they will be efficiently managed to ensure the benefits promised are delivered. In addition, any documents appertaining to amendments or additions to the contract must be added to the contract register and any duration there listed amended accordingly.

22.10 All contracts must have a nominated officer to act as contract manager for the whole contract.

22.11 All contracts which exceed the EU threshold values, or which are high-risk, must be subject to regular, formal review with the contractor.

22.12 Officers must not terminate a contract prior to its expiry date without obtaining legal advice. Early termination requires the approval of the Chief Finance Officer.

22.13 If payments to a contractor are to be withheld or if there is a problem with a contract which may result in early termination, then legal advice must be sought.

22.14 Value for money reviews must take place as a minimum on an annual basis and before any contract extension.

## **23. Urgent decisions outside the budget or policy framework**

23.1 Officers discharging executive functions may need to take a decision which is contrary to the Council's policy framework or contrary to or not in accordance with the budget approved by the CA Board if the decision is a matter of urgency. This may include a situation where services are stopped abruptly and if not re-procured as soon as possible, will cause disruption to services to residents and/or functions of the CA. However, such a decision may only be taken: -

- 23.2 If it is not practical to convene a quorate meeting of the CA Board urgently; and
- 23.3 If the Chair of overview and scrutiny committee agrees that the decision is a matter of urgency.
- 23.4 If the Mayor and/or the relevant lead members agrees that it is urgent.
- 23.5 If the approval of the Chief Executive officer, Chief Finance Officer and Monitoring Officer is obtained.
- 23.6 If the reasons why it is not practical to convene a quorate meeting of the CA Board and the consent of the Chair of Overview and Scrutiny and Mayor's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 23.7 In the absence of the Chair of the Overview and scrutiny committee, the consent of the Vice-Chair of the overview and scrutiny committee will be obtained.
- 23.8 In the absence of the Mayor, the consent of the Deputy Mayor will be obtained.
- 23.9 In the absence of both the Chair and Vice Chair of the Overview and Scrutiny committee, the consent of the Mayor or Deputy Mayor will be sufficient.
- 23.10 Following the decision, the decision taker will provide a full report to the next available CA Board explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 23.11 The decision maker will have regard to the decision-making principles and the CA's Financial management Procedure rules in the constitution.
- 23.12 Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or officers discharging executive functions to implement the CA's policy will not exceed budgets allocated and grants available.

## **24. Responsibilities**

- 24.1 Responsibility of Directors - Directors have a duty to ensure that officers dealing with contracts have written authority to do so and comply with all appropriate rules.
- 24.2 Responsibilities of Officers- Officers dealing with contracts must have written authority to do so. Officers must ensure that procurement projects have policy approval and budgetary provision, and the sources of funding must be agreed and stated.

## Annex 10: Data Protection Policy

<https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/governance/transparency/codes-ofconduct-and-policies/Data-Protection-Policy.pdf>

## Annex 11: Complaints Procedure

## Annex 12: Protocol on Appointments to the Office of the Mayor

### 1. General

1.1. There are three posts within the Mayoral Office which are appointed on a different basis to other Combined Authority posts. In particular:

- (a) The contracts of employment for these posts automatically end on the expiry of the Mayor's term of office;
- (b) The individuals are accountable for their performance of their duties to the Mayor;
- (c) The individuals are subject to additional requirements as to their conduct, as set out below, which do not apply to other Combined Authority officers.

### 2. The Legal Basis of Mayoral Appointments

2.1. Political assistants are an established part of the local government landscape and are provided for in legislation including:

- Section 9 of the Local Government and Housing Act 1989;
- The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002; and
- The West of England Combined Authority Order 2017

2.2. There is no specific statutory authority for the appointment of political assistants in the Combined Authority. These posts within the Mayoral Office are appointed by the Mayor using the general power of competence conferred on him by Article 12 of the Cambridgeshire and Peterborough Combined Authority Order 2017.

- 2.3. The posts are subject to political restriction on the basis that the duties of the postholders consist in or involve giving advice on a regular basis to the Mayor themselves. The statutory provision at section 2(3) of the Local Government and Housing Act 1989 refers to giving advice to the “authority” and does not refer to advising a Mayor, but in the context of a Mayoral Combined Authority the reference to the “authority” can be taken to include the Mayor.
- 2.4. These posts are subject to additional restrictions as to the conduct of the postholders over and above those which apply to officers of the Combined Authority whose posts are politically restricted. The purpose of these additional restrictions is to ensure that any potential conflict between the postholders being paid from public funds and having access to public resources and with their participation in party politics is managed.
- 2.5. Provided appropriate safeguards are in place the appointment of these officers is a legitimate and lawful use of the general power. These officers perform a valuable role in allowing the Mayor to obtain political advice without compromising the impartiality of other officers.

### 3. Duties

3.1. These postholders’ duties include the following:

- (a) Reviewing papers going to the Mayor, drawing attention to any aspect which they think has particular implications for the Mayoralty;
- (b) Ensuring that sensitive political points are handled properly;
- (c) Giving policy guidance on behalf of the Mayor on any aspect of the Combined Authority’s business relating to their job description and give advice to the Mayor accordingly;
- (d) Asking questions of relevant officers, probing, checking facts and research findings;
- (e) Preparing policy papers which can generate long-term policy thinking within the Combined Authority;
- (f) Contributing to policy planning within the Combined Authority, including ideas which extend the existing range of options available to the Mayor with a political viewpoint in mind;
- (g) Helping to brief Members of the Board, MPs and external

officials on issues of Mayoral policy; liaising with outside interest groups; representing the Mayor at meetings and elsewhere;

- (h) Speechwriting and related research, including adding a greater degree of political content to material prepared by other Combined Authority officers;
- (i) Representing the views of the Mayor to the media, only where they have been authorised by the Mayor to do so (NB for the sake of clarity this means that these officers may not speak on behalf of the authority or the Mayor to journalists or broadcasters, except in exceptional circumstances);
- (j) Managing other mayoral appointees and Combined Authority staff appointed by the Chief Executive who provide administrative or clerical support to the Mayoral Office but the dismissal of staff, determining grievances raised by them or altering their terms and conditions of employment are the responsibility of the Chief Executive.
- (k) Attending interview panels for senior Combined Authority staff, as observers, but decisions to appoint rest with the Chief Executive or the Director for that employee. Such attendance to be with the consent of the Chair of the Employment Committee.

#### **4. Additional Requirements as to Conduct**

4.1. These postholders are subject to all codes, protocols, guidance and agreements which apply to the conduct of officers of the Combined Authority and the restrictions which apply to politically restricted posts. In addition, they are subject to the following requirements:

- (a) Officers appointed directly by the Mayor should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Mayor, the Board, other officers or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence or received in confidence from others.
- (b) All officers appointed directly by the Mayor should not use Combined Authority resources for party political activity. They

are employed to serve the objectives of the Authority; it is this which justifies their being paid from public funds and being able to use public resources and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of public servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes.

- (c) In order to provide effective assistance to the Mayor, officers appointed directly by the Mayor should work closely with the senior managers in the Authority and establish relationships of confidence and trust, and should develop effective professional relationships with Members of the Combined Authority Board.
- (d) Any individual terms and conditions agreed as part of the interview process cannot amend or preclude these terms and conditions but additional terms and conditions may be agreed between the Mayor and the prospective employee, subject to consultation and agreement with the Chief Executive.
- (e) Following receipt of any item or hospitality of a value of £25 or more, all Mayoral appointees should, within 28 days, update the register of gifts and hospitality accordingly. The register will be placed on the CPCA website. The Audit & Governance Committee is responsible for monitoring and reviewing the register through the Annual Governance Statement.
- (f) In advising the Mayor on issues in relation to a particular functional body, Mayoral appointees should be mindful of potential conflicts of interest and the need to register and declare any and all relevant interests.

## 5. Process for Mayoral appointments

5.1. The following sets out the process which will be applied to the appointment of officers within the Mayoral team:

- (a) Appointments must be made on merit. Recruitment to these posts must be by way of public advertisement and interview.
- (b) The process for selection of suitable candidates must be clear and test that an individual's knowledge, skills, experience and attributes meet the requirements of the role. In order to do this, a job description and person specification will be prepared for each role. An interview process to assess candidates' suitability for the role is required and each candidate must be assessed against





the job description and person specification.

- (c) The Mayor should be satisfied that the individual is competent to perform the required role, based on the contents of the job description and on an assessment of candidates' skills and experience.
- (d) All job descriptions will be evaluated to independently assess the salary level for the role.
- (e) Guidance will be given to candidates during the recruitment and appointment process, and to appointees following their appointment, explaining the implications of these political restrictions.
- (f) Offers of employment will be subject to the standard employment checks.
- (g) The Mayor must report the appointments to the Board at the next scheduled meeting (this has historically been done through a Mayoral announcement at the beginning of the meeting).
- (h) In all other regards, appointees will have the same basic terms and conditions of employment as CPCA staff appointed by the Head of Paid Service.
- (i) In the event that any grievance or disciplinary issue arises in respect of Mayoral appointees this will be considered and, as necessary, investigated through arrangements decided by the Chief Executive, who is responsible for taking any further action as he / she deems necessary.



<b>APPENDICES TO THE CONSTITUTION</b>	<b>TO BE PRESENTED BETWEEN JANUARY – APRIL 2023</b>





**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

Agenda Item No: 5

## Governance Arrangements

To: Audit & Governance Committee

Meeting Date: 13 January 2023

Public report: Yes

Lead Member: Deputy Mayor Councillor Anna Smith

From: Jodie Townsend  
Governance Improvement Lead

Key decision: No

Forward Plan ref: N/A

Recommendations: The Audit & Governance Committee is recommended to:

- a) **Support Combined Authority Board functions and responsibilities set out in Appendix A**
- b) **Support delegations to Thematic Committees set out in 3.3.2 to 3.3.4 of this report**
- c) **Support changes to Thematic Committees set out in 3.5.1 to 3.5.2 of this report**
- d) **Support Executive Committee terms of reference set out in Appendices B to E**
- e) **Support Lead Member role profile in Appendix F**
- f) **Note improvement actions set out in this report**
- g) **Provide comment and feedback on the content of the report**

Voting arrangements: A simple majority of all Members present and voting

### 1. Purpose

- 1.1 The Audit and Governance Committee is responsible for keeping under review the governance arrangements, such as the constitution, of the Combined Authority and is empowered to make recommendations to the Combined Authority Board.
- 1.2 The review of governance provided conclusions and recommendations designed to reshape the governance framework at the Combined Authority. The Improvement Plan that followed

and which was endorsed by Board on 19 October 2022 incorporates and builds upon the majority of those recommendations. Item 5

- 1.3 This report sets out proposed changes to governance arrangements at the Combined Authority in line with the recommendations within the review of governance and the actions within the Improvement Plan. These proposed changes will be presented to Board on 25 January 2023.
- 1.4 A number of these changes will lead to constitutional change. The Audit & Governance Committee is asked to consider the content of the report, endorsing the proposed changes and noting the additional improvement actions that will also be taken.

## **2. Background**

- 2.1 In response to the review of governance and concerns raised by the external auditors, the Improvement Plan endorsed by Board in October 2022 contains a number of governance arrangement improvement requirements. These are set out in Workstream B of the Improvement Plan.
- 2.2 These improvement outcomes have a clear interdependency with Workstream A of the Improvement Plan, particularly developing a Strategic Corporate Plan (with deliverables) to take the Combined Authority to the end of current Mayoral Term alongside identified Mayoral ambitions.
- 2.3 The Governance Framework must reflect the Strategic Framework in that it should provide the platform for effective decision-making, strategy development, implementation and appropriate monitoring in line with the Strategic Objectives of the Combined Authority. A key driver for proposals has been aligning Corporate Plan responsibilities within the Committee structure.
- 2.4 The key background to this paper, including the key drivers and justification for its content can be found in the Review of Governance and the Improvement Plan, links to both are included in section 12 of this report.

## **3. Proposed Governance Arrangements**

- 3.1 The following proposed governance arrangements aim to deliver a clear focus on the Corporate Plan, provide clarity on roles and responsibilities, respond to key drivers above and deliver Improvement Plan outcomes. The proposals set out a committee structure with key functions within that structure at Board and supporting Committees to support delivery of the Corporate Plan.
- 3.2 The proposed governance arrangements are set out under each appropriate Improvement Plan outcome that they will contribute to achieving.

### **Improvement Outcome B1: The Board's ways of working have been reset to enable it to operate in an effective and strategic manner**

- 3.3 The Audit & Governance Committee is asked to consider and support the following proposed governance arrangements made in support of delivering Improvement Outcome B1 of the Combined Authority Improvement Plan:
  - 3.3.1 Enhanced terms of reference for the Board set out in **Appendix A**
  - 3.3.2 Board delegates ability to Thematic Committees to implement strategy approved by Board, taking operational decisions within Policy & Budget Framework

3.3.3 Board delegates to Thematic Committees approval of items included within an approved Medium Term Financial Plan to be drawn down by the relevant Thematic Committee at the appropriate time, this creates delegation for Thematic Committees to move project budget (as identified in MTFP) from 'subject to approval' to 'approved'. Item 5

3.3.4 Board delegates to Thematic Committees power to approve applications to bid for external funding opportunities where they are within the Combined Authority strategic framework. Where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework then the decision to bid must be a decision of Board (or where time restrictions apply a decision taken by both the Mayor and appropriate Lead Member which is subsequently reported to Board).

3.4 In support of Improvement Outcome B1 the Audit & Governance Committee is asked to note the following actions that will be implemented at the earliest opportunity:

- ☐ New 'Member Friendly' Board report template and report writing training for report authors
- ☐ Implementation of a 6 month Forward Plan that reflects Corporate Plan
- ☐ Adjusted Board and Committee cycle with longer feed into pre-meeting process
- ☐ Board to move to a 6-8 week cycle
- ☐ Member Development Programme proposal developed for LSM consideration
- ☐ Mayor is supported by CPCA Officers in utilising tool of Mayoral Advisory Groups as appropriate in support of developing Mayoral ambitions

**Improvement Outcome B2: Executive Committee ways of working are reset to enable them to operate in a more effective manner**

3.5 The Audit & Governance Committee is asked to consider and support the following proposed governance arrangements made in support of delivering Improvement Outcome B2 of the Combined Authority Improvement Plan:

3.5.1 Housing & Communities Thematic Committee be replaced by a Environment & Sustainable Communities Thematic Committee

3.5.2 Thematic Committees be chaired by relevant CPCA Lead Member(s)

3.5.3 Terms of Reference for Environment & Sustainable Communities Committee set out in **Appendix B** be approved

3.5.4 Terms of Reference for Skills & Employment Committee set out in **Appendix C** be approved

3.5.5 Terms of Reference for Transport & Infrastructure Committee set out in **Appendix D** be approved

3.5.6 Employment Committee to be renamed Human Resources Committee and terms of reference set out in **Appendix E** be approved (*note proposed change to membership*)

3.6 In support of Improvement Outcome B2 the Audit & Governance Committee is asked to note the following actions that will be implemented at the earliest opportunity:

- ☐ Minutes of Thematic Committee meetings will be included in the Agenda Pack for CPCA Board meetings for noting to ensure wider Board awareness of Thematic Committee activity and an opportunity to debate activity if required
- ☐ Business Board representative to be appointed by the Business Board as a non-voting member for each Thematic Committee (with exception of Human Resources Committee)

### Improvement Outcome B3: Transitional Committee Structure implemented

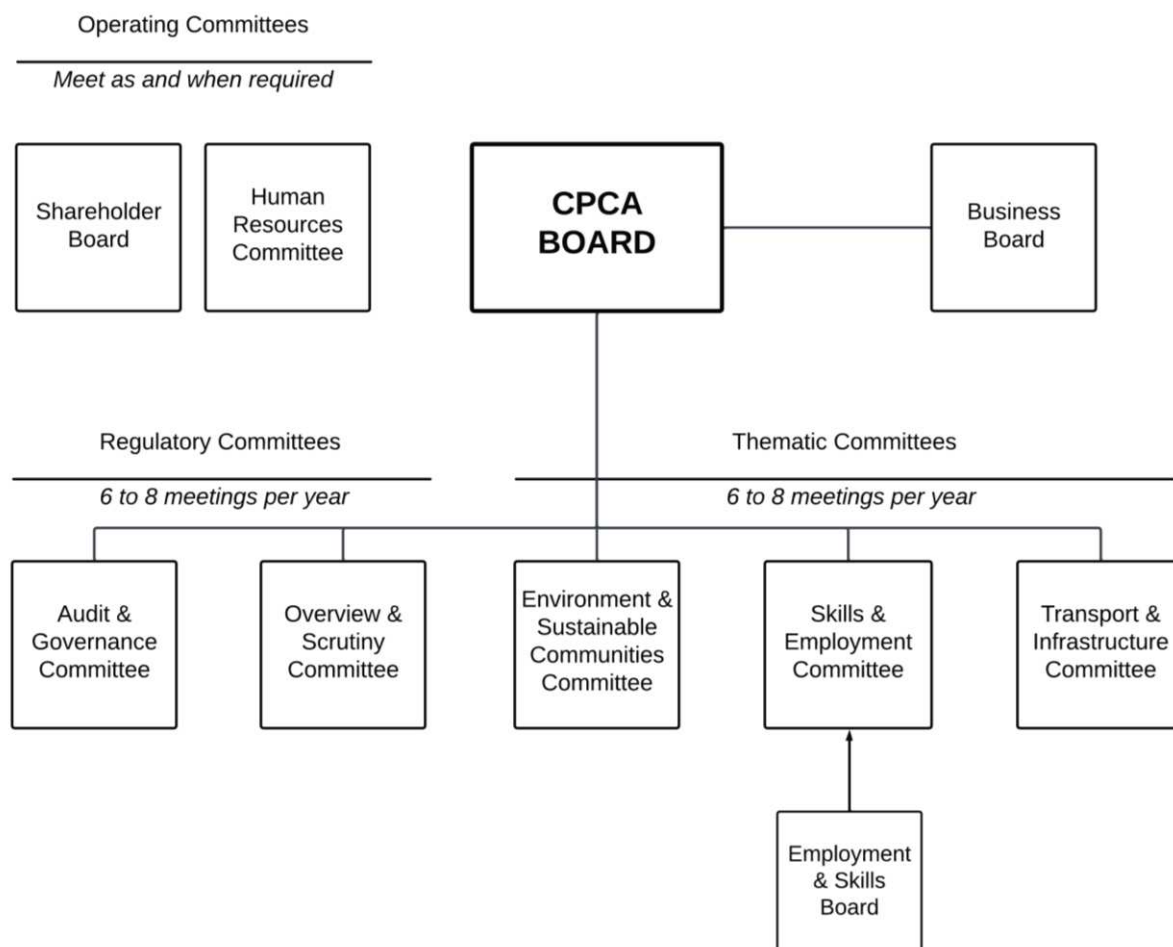
3.7 The Audit & Governance Committee is asked to support Appendix F and note the following proposed governance arrangements proposed in support of delivering Improvement Outcome B3:

3.7.1 Principle that all Constituent Council Leaders are offered a Portfolio Lead Role appointed by Mayor that is in line with Constituent Council responsibilities

3.7.2 Agreement that each Constituent Council substitute appointment to Board play a lead supporting role for their Leader in delivering their Board and Lead Member responsibilities

3.7.3 Approval of role profile set out in **Appendix F** for CPCA Lead Members

3.7.4 The Committee structure for the Combined Authority until the Annual General Meeting of the CPCA in June 2025 be as follows:



### Improvement Outcome B4: Policy space for Board is developed and aligned to the policy development process

3.8 The Audit & Governance Committee is asked to note the following proposed governance arrangements proposed in support of delivering Improvement Outcome B4:

3.8.1 Leaders Strategy Meeting terms of reference as set out in Appendix I

### Improvement Outcome B5: Informal governance mechanisms are in place that reset ways of working with constituents and partners

3.9 The Audit & Governance Committee is asked to note the following informal governance arrangements developed in support of delivering Improvement Outcome B5:

- Informal Advisory Groups consisting of lead Constituent Council officers and CPCA Officers be set up in support of Thematic Committees as follows:
  - Place Advisory Group (consisting of Constituent Council Directors of Place)
  - Finance Advisory Group (consisting of Directors of Finance)
  - Education Advisory Group (consisting of Directors of Education and Regional Schools Commissioner)
  - Transport Advisory Group (consisting of Greater Cambridgeshire Partnership, Directors of Transport and key Transport Partners)
  - Legal Advisory Group (consisting of Constituent Council Directors of legal and monitoring officers)
- Informal Advisory Groups key functions be as follows:
  - to support the work programme of relevant Thematic Committee
  - coordinating and monitoring delivery of Thematic specific action plans
  - ensure appropriate links and communication channels are developed and maintained between constituent authorities, CPCA, key partners and government agencies
  - sharing information and good practice as necessary to ensure effective joined up, cross-local authority boundary working and improved performance - forward planning effectively, to ensure the timely consideration of issues within the Thematic Committees remit and to allow for analysis of emerging opportunities and risks and consideration of steps to either exploit or minimise their impact
  - formulate advice to Members of the Committee on areas within its remit

#### 4. Reasons for proposal

- 4.1 The proposals set out above for approval and noting by Board have been developed as part of the improvement journey that the Combined Authority finds itself on, these proposals have been developed to directly mitigate against findings made in the 2022 review of governance and the significant areas of concern raised by the external auditors to the Audit & Governance Committee in June 2022.
- 4.2 The review of governance concluded that the CPCA needed to establish solid governance foundations and fundamentals that are critical to supporting wider ownership of governance, identification of purpose and approach, and creating more trusted, open decision-making.
- 4.3 Providing appropriate governance arrangements and seeking to create conditions to support effective, efficient and transparent decision-making within the Combined Authority is the intended goal of these proposals.
- 4.4 In short the intended benefits of all the proposals above are to:
  - Ensure direct alignment of governance arrangements with the Corporate Plan
  - Provide clear roles and responsibilities regarding key functions
  - Create a Strategic focused Board
  - Empower Thematic Committees with the ability to make decisions to drive implementation of Board approved strategy
  - Reduce the burden of business on Board and Council Leaders
  - Seek wider constituent council engagement, involvement and collaboration in delivering the CPCA agreed objectives



- 4.5 Greater justification in support of the proposals, the key drivers for them and the benefits that can be delivered as a result can be found in the review of governance and the Improvement Framework report to Board (July 2022), links to both are included in section 12 of this report. Item 5

## **Significant Implications**

### **5. Financial Implications**

- 5.1 Additional costs associated with the proposals as set out in this paper, such as those required for Member Development, to provide additional secretariat support to Committees or to fund activities of advisory groups, will need to be provided for from within existing revenue budgets and be approved by the Board

### **6. Legal Implications**

- 6.1 The review of governance arrangements will need to ensure that the recommendations are legal and adhere to processes within the Cambridgeshire and Peterborough Order 2017 and other relevant legislation. When implementing a change in governance it is necessary to comply with the Local Government Acts. Any changes may require an update to the Council's Constitution

### **7. Appendices**

- 7.1 Appendix A – Proposed CPCA Board Terms of Reference
- 7.2 Appendix B – Proposed terms of reference for Environment & Sustainable Communities Committee
- 7.3 Appendix C – Proposed terms of reference for Skills & Employment Committee
- 7.4 Appendix D – Proposed terms of reference for Transport & Infrastructure Committee
- 7.5 Appendix E – Proposed terms of reference for Human Resources Committee
- 7.6 Appendix F – Proposed Lead Member Role Profile
- 7.7 Appendix G – Proposed terms of reference for Leaders Strategy Meeting

### **8. Background Papers**

- 8.1 July 2022 Improvement Assessment Report to Board: [Document.ashx \(cmis.uk.com\)](#)
- 8.2 2022 Review of Governance: [Document.ashx \(cmis.uk.com\)](#)
- 8.3 External Auditor letter to Audit & Governance Committee: Cambridgeshire & Peterborough Combined Authority - VFM Significant Risk Letter ([cmis.uk.com](#))
- 8.4 October 2022 Chief Executive Assessment Report to Board: Agenda Item No ([cmis.uk.com](#)) + [Document.ashx \(cmis.uk.com\)](#)
- 8.5 October 2022 Improvement Plan: [Document.ashx \(cmis.uk.com\)](#)





## COMBINED AUTHORITY BOARD FUNCTIONS AND RESPONSIBILITIES (TERMS OF REFERENCE)

The Board has collective responsibility for decision-making, acting in the best interests of Cambridgeshire and Peterborough

### Key Functions of the Combined Authority

The following key functions sit within the responsibility of the Combined Authority Board:

- (a) To set long term vision of the Combined Authority
- (b) To agree strategic objectives for the Combined Authority
- (c) To agree key strategy and policy for the Combined Authority
- (d) To adopt, amend or withdraw any major strategy or policy
- (e) To drive future devolution and lobbying of Government
- (f) To agree prioritisation and re-purposing of funds
- (g) To agree approval of projects and programmes in line with the Scheme of Delegations
- (h) Approve the Combined Authority Budget and the Mayoral Budget (and related strategy, policy, programmes, borrowing and virements over £500k)
- (i) To agree Transport Levy/ LTCP/ Consultation on the allocation of Local Highways Maintenance Capital Grant
- (j) To appoint the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer ("the statutory officers")
- (k) To consider employment matters referred by the Employment Committee
- (l) Approve business cases and loans to third party businesses including wholly owned subsidiaries
- (m) Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework
- (n) To exercise General power of competence
- (o) Agree delegations to supporting committees
- (p) Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.
- (q) Responding to Gateway Reviews

The Combined Authority Board will have responsibility for driving performance of key deliverables/ performance measures for achieving good growth, ensuring that Thematic Committees and the Business Board are driving delivery of good growth key deliverables as they relate to each Thematic Committee remit.

The Combined Authority Board retains a number of functions which are reserved for the Board, it can delegated authority to approve, amend or withdraw any major strategy or policy to Thematic Committees in support of delivering its functions

## Functions reserved to the Combined Authority Board

The following functions are reserved to the Combined Authority Board:

### Strategy & Policy

- ☐ The adoption of, and any amendment to or withdrawal of any major strategy or policy including the Mayor's growth ambition statement, Corporate Plan, Local Industrial Strategy, Local Transport Connectivity Plan, Skills Strategy and others.

### Frameworks

- ☐ The adoption of, and any amendment to or withdrawal of the following framework documents:
  - (a) Assurance Framework
  - (b) Monitoring & Evaluation Framework
  - (c) Performance Management Framework
  - (d) Risk Management Framework

### Financial Matters

- ☐ The adoption of, and any amendment to or withdrawal of the following financial documents:
  - (a) The non-mayoral Combined Authority budgets;
  - (b) Approval of carry forward of any underspent balances between financial years;
  - (c) Annual spending plans for the allocation of transport-related funding;
  - (d) Treasury Management Strategy including approval of borrowing limits;
  - (e) Medium Term Financial Plan and Capital Programme
  - (f) Fiscal Strategy to reflect any taxation proposals, such as Business Rates, Local Taxation, and to approve any requests to Government for additional powers.
- ☐ Consultation on the allocation of Local Highways Maintenance Capital Grant
- ☐ Approve budget allocations for feasibility work from the non-transport feasibility fund
- ☐ Approve business cases and loans to third party businesses including wholly owned subsidiaries;
- ☐ Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.
- ☐ Approval of virements of £500,000 and over;
- ☐ In relation to the Mayor's General Budget, and in accordance with the Budget Framework Procedure Rules (see Chapter – Financial Regulations):
  - (a) The approval of the draft budget (or revised draft budget) or
  - (b) The decision to veto the draft budget (or revised draft budget) and approval of the Mayor's draft budget incorporating the Combined Authority Board's recommendation as the relevant amounts and calculations.

### Accountable Body

- ☐ Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.

### Governance

Decisions related to:

- (a) Adoption and amendment of the Constitution;
- (b) Establishment and membership of Committees and Sub-Committees;
- (c) Establishment and membership of Joint Committees and Commissions;
- (d) Approve the nomination of lead member responsibilities and membership and chairs of executive committees and sub-committees upon recommendation from the Mayor;

- (e) Approval of Mayoral Allowance and any other allowance schemes;
- (f) Appointment of an Independent Person of the Audit and Governance Committee;
- (g) Appointment of Statutory Officers;
- (h) Delegation of functions to third parties;
- (i) Establishment of Trading Companies;
- (j) Any other matters reserved to the Board.

The Combined Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and Chief Finance Officer.

The Combined Authority Board exercises the right to call for consideration any decision taken by a Thematic Committee in line with the process and grounds set out in the constitution and subject to the statutory powers of the Overview & Scrutiny Committee, if they believe that decision has not taken into account (a) the level of expenditure (b) potential for reputational risk and/or (c) politically contentious nature of a decision when:

- ☐ Taking a decision as part of implementing a strategy approved by Board
- ☐ taking operational decisions within Policy & Budget Framework
- ☐ approval of items included within an approved Medium Term Financial Plan
- ☐ approval of applications to bid for external funding opportunities where they are within the Combined Authority strategic framework.

Combined Authority Board Member(s) should notify the Monitoring Officer within two working days of the decision being taken if they wish to undertake such consideration.

#### Membership of the Combined Authority Board

The Combined Authority Board consists of the Members as set out below:

- (a) The Mayor, or Deputy Mayor acting in the Mayor's absence
- (b) An elected Member appointed by each of the Constituent Councils or Substitute Members acting in their place;
- (c) A Representative of the Business Board or Substitute Members acting in their place;
- (d) Co-opted Members (non-voting) invited to attend who shall be present to contribute on issues related to the organisation they represent.

If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period, they cease to be a Member of the Board.

#### Lead Member Functions

The following functions of the Combined Authority are grouped into lead member responsibilities, allocated to Constituent Council Members of the Combined Authority and include the following responsibilities:

- (a) To lead and champion their allocated lead member functions;
- (b) To act as key spokesperson for the Combined Authority within their respective Constituent Councils
- (c) To chair and lead a committee where established;

- (d) To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board;
- (e) To provide leadership for their geographical area within the collective Combined Authority into future devolution proposals and public sector reform;
- (f) To liaise with Members holding similar lead member responsibilities within the Constituent Councils.
- (g) To lead on the development of key strategic documents for approval by the Combined Authority;
- (h) To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas;
- (i) To input into any future devolution proposals and public sector reform.
- (j) To delegate (a) –(i) to a designated member, including members of their constituent authorities when unable to act for any reason

### Executive Bodies

The Combined Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

### Working Groups

The Combined Authority may establish informal working groups. These groups will be non-decision making groups of Officers and Members.

### Membership

The Combined Authority shall appoint the membership of all executive committees, sub-committees, joint committees and working groups, including the appointment of the Chair, Substitute Members and any Co-opted Members. In accordance with Chapter 3, the Mayor shall nominate the membership and chairs of any executive committees to the Board for approval.

The political balance rules apply to all committees, sub-committees and joint committees where political groups are formed. Where political groups are not formed the Combined Authority has agreed that at least one member of a party not of the same political affiliation as the Mayor shall be appointed to all committees.

The Monitoring Officer has delegated authority to accept changes to membership of committees notified by Board members during the municipal year to ensure there is a full complement of members or substitute members at committee meetings. The new appointment shall take effect after the nomination has been approved by the Monitoring Officer.

Voting arrangements for the Board are set out in section [insert section] of the constitution.

### Quorum

The quorum for Combined Authority Board is at least at least five members. These five members must include the Mayor or Deputy Mayor acting in the place of the Mayor and four members or substitute members, appointed by the constituent councils.

The quorum for committees, sub-committees and working groups may be no fewer than four Members (excluding Human Resources Committee where it is two thirds).

#### Access to Meetings

The Transparency Rules, Forward Plan and Key Decisions apply to all committees, sub-committees and joint committees (see Chapters 6: Decisions; and 10: Access to Information, Information Governance, Data Protection and Complaints). These rules do not apply to working groups and commissions.

## APPENDIX B

## Proposed Terms of Reference for the Environment &amp; Sustainable Communities Committee

Environment & Sustainable Communities Committee	
<b>Purpose</b>	<p>Development of thematic strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the CAs strategic objectives</p> <p>Oversee implementation of thematic strategy and key policy, taking decisions within the strategic and budgetary framework agreed by the Board to deliver strategy and key policy.</p> <p>Drive delivery of key strategic performance measures (as set out in corporate plan and key supporting strategy)</p> <p>Oversight and management of the development and delivery of thematic business cases, programmes and projects, ensuring that they are contributing to the delivery of CA Strategic Objectives and the Annual Business Plan.</p> <p>Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.</p>
<b>Accountable to:</b>	Cambridgeshire & Peterborough Combined Authority Board
<b>Accountable for:</b>	<p>Development, management and implementation of key strategy and policy relevant to remit of Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Climate Action Plan</li> <li><input type="checkbox"/> Cambridgeshire &amp; Peterborough Independent Commission on Climate</li> <li><input type="checkbox"/> OxCam Arc Environmental</li> <li><input type="checkbox"/> Green Homes (including approval of Green Homes Grants)</li> <li><input type="checkbox"/> Water/Power infrastructure (no strategy developed)</li> </ul> <p>Oversight and management of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Net Zero Programme</li> <li><input type="checkbox"/> Sustainable Warmth Programme</li> <li><input type="checkbox"/> Affordable Housing Programme</li> </ul> <p>Performance management of key performance measures within remit of the Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reduction in CO2 emissions</li> <li><input type="checkbox"/> (Most productive farmland in the country is protected</li> <li><input type="checkbox"/> Increase in biodiversity</li> </ul>



	<input type="checkbox"/> Communities able to adapt to climate related impact (eg, flood resilience) <input type="checkbox"/> Healthy Life Expectancy at Birth rates to increase <input type="checkbox"/> Reduction in the gap between the healthiest and least healthiest place <input type="checkbox"/> Reduction in percentage of households living in fuel poverty
<b>Membership:</b>	<input type="checkbox"/> Mayor (or their nominee) <input type="checkbox"/> CPCA Lead Member for Housing <input type="checkbox"/> CPCA Lead Member for Environment & Climate Change <input type="checkbox"/> Representative from each Constituent Authority (not represented on Committee through CPCA Lead Member position(s)) <input type="checkbox"/> Business Board Thematic Representative  <p>Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in [insert section] of the constitution apply to committees.</p>
<b>Chair:</b>	The Committee will be jointly chaired on a rotational basis by the CPCA Lead members for Housing and for Environment & Climate Change
<b>Vice Chair:</b>	A vice-chair will be appointed at a Committee meeting at which appropriate CPCA Lead Members are not present
<b>Voting:</b>	<p>Only the voting members of the board will be entitled to vote at meetings, the Chair does not exercise a casting vote.</p> <p>Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible. Where consensus is not possible the provisions of the Constitution shall apply as follows:</p> <input type="checkbox"/> Each Member of the Committee is to have one vote and no Member including the Chair is to have a casting vote <input type="checkbox"/> Co-opted Members cannot vote <input type="checkbox"/> Any matter put to a vote will be decided on a show of hands. A decision will require a minimum of 4 voting members present and voting
<b>Quorum:</b>	No business shall be transacted unless representatives of four Constituent Authorities or more are present at a meeting
<b>Servicing:</b>	The Committee will be serviced by CPCAs Governance Team
<b>Frequency:</b>	Minimum of 6 meetings per year
<b>Supported by:</b>	The Committee is supported by:

	<input type="checkbox"/> Regional Place Directors Advisory Group
<b>Functions:</b> (key areas of focus under Corporate Plan)	<p><b>Environment &amp; Climate</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Climate Action Plan / Doubling Nature (incl. EVs)</li> <li><input type="checkbox"/> Alternative Fuel Strategy deliverables</li> <li><input type="checkbox"/> Sustainable agriculture</li> <li><input type="checkbox"/> Nature restoration</li> <li><input type="checkbox"/> Greater South East Net Zero Programme</li> <li><input type="checkbox"/> Retrofit in Care Homes and Village Halls</li> </ul> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain the oversight of the build out of the affordable housing programme and the re-payment of the Loan Book Identify housing initiatives and opportunities to deliver regional benefit</li> <li><input type="checkbox"/> Identify housing initiatives and opportunities to deliver regional benefit</li> </ul> <p><b>Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Power and water sufficiency (e.g. reservoir, renewable energy grid)</li> <li><input type="checkbox"/> Preservation of infrastructure (e.g. dykes)</li> </ul> <p><b>Social/ Communities</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Enabling creative industries</li> <li><input type="checkbox"/> Sustainable Warmth</li> <li><input type="checkbox"/> Supporting partner culture bids, e.g. City of Cambridge Culture</li> </ul> <p>The Committee can approve projects detailed in the Medium Term Financial Plan marked subject to approval.</p>
<b>Lead Member Functions:</b>	<p>Support the Lead Member for Housing and the Lead Member for Environment &amp; Climate Change by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Providing advice and support to CPCA activity</li> <li><input type="checkbox"/> Helping engage with wider stakeholder networks and activity</li> <li><input type="checkbox"/> Identify and scale up existing good practice within the CPCA region, including cross portfolio working, improvements and initiatives</li> <li><input type="checkbox"/> Identify and secure resources to deliver new opportunities</li> </ul>
<b>Review:</b>	<p>Reviewed annually and/or following adoption of new Corporate Plan</p> <p>The review process will include consideration of co-opted membership that will support the Committees remit</p>

## Appendix C – Proposed terms of reference for Skills & Employment Committee

Skills & Employment Committee	
<b>Purpose</b>	<p>Development of thematic strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the CAs strategic objectives</p> <p>Oversee implementation of thematic strategy and key policy, taking decisions within the strategic and budgetary framework agreed by the Board to deliver strategy and key policy.</p> <p>Drive delivery of key strategic performance measures (as set out in corporate plan and key supporting strategy)</p> <p>Oversight and management of the development and delivery of thematic business cases, programmes and projects, ensuring that they are contributing to the delivery of CA Strategic Objectives and the Annual Business Plan.</p> <p>Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.</p>
<b>Accountable to:</b>	Cambridgeshire & Peterborough Combined Authority Board
<b>Accountable for:</b>	<p>Development, management and implementation of key strategy and policy relevant to remit of Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Employment and Skills Strategy</li> <li><input type="checkbox"/> Work, Health and Wellbeing Strategy</li> </ul> <p>Oversight and management of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Coordination with Department of Work and Pensions on the Work and Health Programme and;</li> <li><input type="checkbox"/> Department for Education on the Opportunity Area programme</li> </ul> <p>Performance management of key performance measures within remit of the Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Closing the skills gap with the national average for: a) Peterborough b) Fenland c) pockets within wider Cambridgeshire</li> <li><input type="checkbox"/> An increase in % of the population qualified to Levels 2, 3 and 4.</li> <li><input type="checkbox"/> Reduced difference in household income between most deprived and least deprived areas</li> <li><input type="checkbox"/> Reduction in percentage of population claiming support allowances and credit due to attaining well-paid employment</li> <li><input type="checkbox"/> Improved health and wellbeing</li> </ul>

<b>Membership:</b>	<input type="checkbox"/> Mayor (or their nominee) <input type="checkbox"/> CPCA Lead Member for Skills & Employment <input type="checkbox"/> Representative from each Constituent Authority (not represented on Committee through CPCA Lead Member position(s)) <input type="checkbox"/> Business Board Thematic Representative  <p>Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in [insert section] of the constitution apply to committees.</p>
<b>Chair:</b>	The Committee will be chaired by the CPCA Lead member for Skills & Employment
<b>Vice Chair:</b>	A vice-chair will be appointed at a Committee meeting at which appropriate CPCA Lead Members are not present
<b>Voting:</b>	<p>Only the voting members of the board will be entitled to vote at meetings, the Chair does not exercise a casting vote.</p> <p>Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible. Where consensus is not possible the provisions of the Constitution shall apply as follows:</p> <input type="checkbox"/> Each Member of the Committee is to have one vote and no Member including the Chair is to have a casting vote <input type="checkbox"/> Co-opted Members cannot vote <input type="checkbox"/> Any matter put to a vote will be decided on a show of hands. A decision will require a minimum of four voting members present and voting
<b>Quorum:</b>	No business shall be transacted unless representatives of four Constituent Authorities or more are present at a meeting
<b>Servicing:</b>	The Committee will be serviced by CPCAs Governance Team
<b>Frequency:</b>	Minimum of 6 meetings per year
<b>Supported by:</b>	<p>The Committee is supported by:</p> <input type="checkbox"/> Employment & Skills Board <input type="checkbox"/> Education Advisory Group
<b>Functions:</b> (key areas of focus under Corporate Plan)	<p><b>Enhancing Careers Education, Information, Advice and Guidance</b></p> <input type="checkbox"/> Cambridgeshire & Peterborough Careers Hub <input type="checkbox"/> Influencing national providers of Careers <input type="checkbox"/> Lobbying Government for an all age careers service

	<p><b>Delivery of Lifelong learning and workforce skills</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Continue to target the delivery of the Skills Fund (AEB and Free Courses for Jobs)</li> <li><input type="checkbox"/> Skills Bootcamps to better meet local need</li> <li><input type="checkbox"/> Improve numeracy and number-confidence among our citizens through delivery of Multiply</li> </ul> <p><b>Employer access to talent</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improve the supply of skilled and ready workforce through local co-ordination of the whole Employment and Skills System and control of post-19 skills budgets</li> <li><input type="checkbox"/> Implementing a Health and Work Strategy to address economic inactivity and productivity</li> </ul> <p><b>Growth Works with Skills</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improving brokerage and employer engagement</li> <li><input type="checkbox"/> Making skills easily accessible and increase technical education and careers</li> </ul> <p><b>Building Skills Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> FE Cold Spots</li> <li><input type="checkbox"/> ARU Peterborough Phase 3</li> <li><input type="checkbox"/> Centre for Green Technology at Peterborough College</li> <li><input type="checkbox"/> Net Zero Centre at Wisbech</li> <li><input type="checkbox"/> NCTC</li> </ul> <p><b>Generic</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide leadership in developing an approach to future devolution of powers from Government to the region on matters of Skills and Employment</li> <li><input type="checkbox"/> Lobbying for a second Skills Devo Deal that strengthens our current programme and delivers greater impact. To include a simplified Single devolved revenue budget for all skills programmes and a Single devolved capital budget for all skills infrastructure funding streams. Also a single devolved Careers budget</li> <li><input type="checkbox"/> To consider and advise upon major policy change</li> </ul> <p>The Committee can approve budgets and projects detailed in the Medium Term Financial Plan marked subject to approval including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approval of employment projects detailed in approved MTFP</li> <li><input type="checkbox"/> Approval of AEB Budget as detailed in MTFP</li> <li><input type="checkbox"/> Approval of commissioning of delivery partners where this is required and authorise the staged release of budget for education and skills projects detailed in and funded from the MTFP</li> </ul>
<p><b>Lead Member Functions:</b></p>	<p>Support the Lead Member for Skills and Employment by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Providing advice and support to CPCA activity</li> <li><input type="checkbox"/> Helping engage with wider stakeholder networks and activity</li> </ul>

	<input type="checkbox"/> Identify and scale up existing good practice within the CPCA region, including cross portfolio working, improvements and initiatives <input type="checkbox"/> Identify and secure resources to deliver new opportunities
<b>Review:</b>	<p>Reviewed annually and/or following adoption of new Corporate Plan</p> <p>The review process will include consideration of co-opted membership that will support the Committees remit</p>

## Appendix D – Proposed terms of reference for Transport & Infrastructure Committee

Transport & Infrastructure Committee	
<b>Purpose</b>	<p>Development of thematic strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the CAs strategic objectives</p> <p>Oversee implementation of thematic strategy and key policy, taking decisions within the strategic and budgetary framework agreed by the Board to deliver strategy and key policy.</p> <p>Drive delivery of key strategic performance measures (as set out in corporate plan, the LTCP and key supporting strategies)</p> <p>Oversight and management of the development and delivery of thematic business cases, programmes and projects, ensuring that they are contributing to the delivery of CA Strategic Objectives and the Annual Business Plan.</p> <p>Ensure all programmes and projects comply with the Assurance Framework and are monitored and evaluated in line with the Monitoring and Evaluation Framework.</p>
<b>Accountable to:</b>	Cambridgeshire & Peterborough Combined Authority Board
<b>Accountable for:</b>	<p>Development, management and implementation of key strategy and policy relevant to remit of Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The Local Transport and Connectivity Plan suite of policy and strategic documents including implementation plans</li> <li><input type="checkbox"/> Bus Strategy and implementation of appropriate passenger transport framework</li> <li><input type="checkbox"/> Transport budget, including any transport levy</li> <li><input type="checkbox"/> Annual programme of strategic transport and infrastructure projects</li> <li><input type="checkbox"/> <del>Creation of the key route network</del></li> <li><input type="checkbox"/> Delegation of passenger transport functions to delivery partners</li> </ul> <p>Oversight and management of:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Agreements with the Minister or strategic highways companies for the exercise of functions relating to the strategic transport and infrastructure networks</li> <li><input type="checkbox"/> Strategic relationships with national bodies (Network Rail, Great British Railways, National Highways), utility providers and other key stakeholders</li> <li><input type="checkbox"/> Delegation of passenger transport functions to delivery partners</li> </ul> <p>Performance management of key performance measures within remit of the Committee, including:</p>

	<input type="checkbox"/> LTCP Performance Measures <input type="checkbox"/> Increasing public transport usage and sustainable travel connectivity <input type="checkbox"/> Reduction in numbers of people killed or seriously injured on region's roads <input type="checkbox"/> Population increasingly choosing active travel options <input type="checkbox"/> Reduced congestion
<b>Membership:</b>	<input type="checkbox"/> Mayor (or their nominee) <input type="checkbox"/> CPCA Lead Member for Transport <input type="checkbox"/> Representative from each Constituent Authority (not represented on Committee through CPCA Lead Member position(s)) <input type="checkbox"/> Business Board Thematic Representative  <p>Co-opted Members of the Combined Authority Board should receive an open invite to all executive committees to enable them to attend for items of interest. If a co-opted member wishes to attend and speak at the meeting, they should notify the relevant Chair prior to the meeting. The rights and responsibilities of co-opted members as set out in the relevant paragraphs in [insert section] of the constitution apply to committees.</p>
<b>Chair:</b>	The Committee will be chaired by the CPCA Lead Member for Transport
<b>Vice Chair:</b>	A vice-chair will be appointed at a Committee meeting at which appropriate CPCA Lead Members are not present
<b>Voting:</b>	<p>Only the voting members of the Board will be entitled to vote at meetings, the Chair does not exercise a casting vote.</p> <p>Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible. Where consensus is not possible the provisions of the Constitution shall apply as follows:</p> <input type="checkbox"/> The committee shall apply the weighted voting rights that the Combined Authority Board applies to transport matters as set out in the committee procedure rules.
<b>Quorum:</b>	No business shall be transacted unless representatives of four Constituent Authorities or more are present at a meeting
<b>Servicing:</b>	The Committee will be serviced by CPCAs Governance Team
<b>Frequency:</b>	Minimum of 6 meetings per year
<b>Supported by:</b>	<p>The Committee is supported by:</p> <input type="checkbox"/> Transport Advisory Group
<b>Functions:</b>	<b>Transport Functions (recommendations to Board)</b>



(key areas of focus under Corporate Plan)	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Local Transport &amp; Connectivity Plan (Suite of policy and strategic documents including implementation plans)</li> <li><input type="checkbox"/> Bus Strategy and implementation of appropriate passenger transport framework</li> <li><input type="checkbox"/> Transport budget, including any transport levy</li> <li><input type="checkbox"/> Annual programme of strategic and sustainable transport and infrastructure projects</li> <li><input type="checkbox"/> <del>Creation of the key route network</del></li> <li><input type="checkbox"/> Delegation of passenger transport functions to delivery partners</li> <li><input type="checkbox"/> Assessment of innovative forms of transport to allow for the potential appropriate implementation within the region</li> </ul> <p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reform the bus network (including assessing bus framework options, including franchising) and bus sustainability</li> <li><input type="checkbox"/> Rail and station improvements</li> <li><input type="checkbox"/> Road enhancements and improvements</li> <li><input type="checkbox"/> Strategic freight improvements</li> <li><input type="checkbox"/> Other transport planning initiatives, including fiscal measures, neighbourhood improvements</li> <li><input type="checkbox"/> Alternative vehicles infrastructure, such as electric and hydrogen</li> <li><input type="checkbox"/> Road safety - Vision Zero and junction upgrades</li> </ul> <p><b>Active Travel</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cycling schemes</li> <li><input type="checkbox"/> Micro-mobility</li> <li><input type="checkbox"/> Walking routes</li> </ul> <p><b>Digital Connectivity Infrastructure</b></p> <p><b>Generic</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provide leadership in developing an approach to future devolution of powers from Government to the region on matters of Transport</li> <li><input type="checkbox"/> Lobbying of government and sub national transport bodies</li> <li><input type="checkbox"/> To consider and advise upon major policy change</li> <li><input type="checkbox"/> To bid for funds made available by government</li> <li><input type="checkbox"/> Respond to key transport consultations that will impact on the Combined Authority</li> </ul> <p>The Committee can approve budgets and projects detailed in the Medium Term Financial Plan marked subject to approval including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approval of Transport projects detailed in approved MTFP</li> <li><input type="checkbox"/> Approving the commissioning of delivery partners where this is required and authorising the staged release of budget for transport and infrastructure projects in the Business Plan and funded from allocation within the Medium Term Financial Plan.</li> </ul>
<b>Lead Member Functions:</b>	<p>Support the Lead Member for Skills and Employment by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Providing advice and support to CPCA activity</li> <li><input type="checkbox"/> Helping engage with wider stakeholder networks and activity</li> </ul>

	<input type="checkbox"/> Identify and scale up existing good practice within the CPCA region, including cross portfolio working, improvements and initiatives <input type="checkbox"/> Identify and secure resources to deliver new opportunities
<b>Review:</b>	<p>Reviewed annually and/or following adoption of new Corporate Plan</p> <p>The review process will include consideration of co-opted membership that will support the Committees remit</p>

## Appendix E – Proposed terms of reference for Human Resources Committee

Human Resources Committee	
<b>Purpose</b>	<p>To discharge the functions of the authority in respect of the appointment, dismissal or other disciplinary action relating to the Chief Officers in accordance with the Constitution and any relevant employment policies and procedures.</p> <p>Development, management and review of human resources policy to assist delivery of the CAs strategic objectives.</p>
<b>Accountable to:</b>	Cambridgeshire & Peterborough Combined Authority Board
<b>Accountable for:</b>	<p>Development, approval management and implementation of Human Resources Policy.</p> <p>To make recommendations to the Combined Authority Board on the appointment of the Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (“the statutory officers”)</p> <p>To determine:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Appointment of Chief Officers</li> <li><input type="checkbox"/> Approval of Human Resources Policies</li> <li><input type="checkbox"/> To take disciplinary action falling short of dismissal against the statutory officers and to suspend and keep under review any suspension of those statutory officers</li> <li><input type="checkbox"/> To take disciplinary action against Chief Officers in circumstances capable of resulting in the dismissal of those officers and to suspend and keep under review any suspension of those officers</li> <li><input type="checkbox"/> To determine appeals by Chief Officers against decisions made in relation to grievance proceedings</li> <li><input type="checkbox"/> To determine employment procedures for the officers of the Combined Authority, including dismissal and redundancy procedures</li> <li><input type="checkbox"/> To determine local terms and conditions of employment for officers of the Combined Authority</li> <li><input type="checkbox"/> Oversee whistleblowing and grievance policy and procedure</li> </ul>
<b>Membership:</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Mayor (or their nominee)</li> <li><input type="checkbox"/> Representative appointed by each Political Party represented at Combined Authority Board</li> </ul>
<b>Chair:</b>	The Committee will be chaired by the Mayor or their nominee
<b>Vice Chair:</b>	A vice-chair will be appointed at a Committee meeting at which appropriate CPCA Lead Members are not present

<b>Voting:</b>	Voting is by a show of hands and shall be decided by a majority of those present and voting
<b>Quorum:</b>	No business shall be transacted unless representatives of 3 Constituent Authorities or more are present at a meeting
<b>Servicing:</b>	The Committee will be serviced by CPCAs Governance Team
<b>Frequency:</b>	Called as and when required
<b>Supported by:</b>	The Committee is supported by: <ul style="list-style-type: none"> <li><input type="checkbox"/> The Combined Authority's Director/Head/Manager of Human Resources or their representative</li> </ul>
<b>Functions:</b> (key areas of focus under Corporate Plan)	Key functions for the Committee to undertake: <ul style="list-style-type: none"> <li><input type="checkbox"/> Establish and undertake, as required, a Statutory Officer Investigatory Panel with authority to make recommendations to the Combined Authority as to the dismissal arising from disciplinary action [as defined at paragraph 2.2 below] of any of the statutory officers. The membership of this Panel shall be as set out in the Officer Employment Procedure Rules</li> <li><input type="checkbox"/> Consider, and recommend appropriate actions where necessary, in response to proposals relating to changes within a Department's/Division's structure which involve substantial changes in the responsibilities of the Head of Paid Service [Chief Executive] and Chief Officers.</li> <li><input type="checkbox"/> Promotion and pursuit of policies of equal opportunities in employment</li> <li><input type="checkbox"/> Determine policies relating to local government pensions and discretionary compensation for early termination of employment. Upon the commencement of the Restriction of Public Sector Exit Payments Regulations to approve applications for waivers under the Regulations.</li> </ul>
<b>Review:</b>	Reviewed annually and/or following adoption of new Corporate Plan  The review process will include consideration of co-opted membership that will support the Committees remit

## Appendix F – Proposed Lead Member Role Profile

### Purpose:

- ☐ To lead and champion their allocated lead member functions in consultation with the Mayor
- ☐ To act as key spokesperson for the Combined Authority within their respective Constituent Councils
- ☐ Chair and manage the business of relevant thematic committee where established in accordance with its Terms of Reference, the Constitution of the Combined Authority and with the Members Code of Conduct and with the highest standards of legal and ethical behaviour and probity
- ☐ To drive engagement and collaboration in their allocated lead member area with relevant Constituent Council lead members (or equivalent) and key partners

### Key duties and responsibilities:

- ☐ To provide leadership for officers on the development of key strategic documents or investment proposals for approval by relevant committees or the Combined Authority Board
- ☐ To provide leadership for their lead member area within the collective Combined Authority into future devolution proposals and public sector reform
- ☐ To liaise with Members holding similar lead member responsibilities within the Constituent Councils
- ☐ To lead on the development of key strategic documents for approval by the Combined Authority
- ☐ To develop and present investment proposals to the Combined Authority
- ☐ To communicate with the public on matters within their portfolios and to be accountable for their portfolio areas
- ☐ To input into any future devolution proposals and public sector reform

## Appendix G – Proposed terms of reference for Leaders Strategy Meeting

Leaders Strategy Meeting	
<b>Purpose</b>	<p>To act as the political policy and strategy development forum for the Combined Authority</p> <p>To engage, brief and prepare Board Members</p>
<b>Membership:</b>	Combined Authority Board Membership
<b>Chair:</b>	CPCA Mayor
<b>Supported by:</b>	<p>CPCA Executive Team</p> <p>Regional Chief Executives Group</p>
<b>Servicing:</b>	The Committee will be serviced by CPCAs Chief Executive Unit
<b>Frequency:</b>	Monthly, with a minimum of 3 in-person meetings per year
<b>Functions:</b> (key areas of focus under Corporate Plan)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Provide an informal opportunity for the region's political leadership to meet and discuss matters of shared interest</li> <li><input type="checkbox"/> Receive briefings on region-wide issues impacting Constituent Authorities of the CA and the CA itself</li> <li><input type="checkbox"/> Provide an opportunity to 'horizon scan' potentially contentious or difficult issues expected to arise in the medium term.</li> <li><input type="checkbox"/> Debate, discuss and develop key Combined Authority strategy and policy direction</li> <li><input type="checkbox"/> Discuss and agree devolution approach</li> <li><input type="checkbox"/> Debate, discuss and develop the regional vision for Cambridgeshire and Peterborough</li> <li><input type="checkbox"/> To brief Board Members on upcoming Board agenda items</li> <li><input type="checkbox"/> To engage Board Members in the production and content of Board reports prior to publication in order to provide an early steer to content and clearance of drafts</li> <li><input type="checkbox"/> To own and manage the Forward Plan</li> <li><input type="checkbox"/> To engage Board Members in key debates and discussion on topics before they are formally added to Forward Plan</li> <li><input type="checkbox"/> To provide briefings and oversight of items considered at Executive Committees</li> <li><input type="checkbox"/> To provide oversight of delivery (project pipeline progress and challenges, learning, benefits realised)</li> </ul>