



Audit & Governance Committee	Agenda Item
09 June 2023	16

Title:	Revisions to the Cambridgeshire and Peterborough Combined Authority Constitution – Scheme of Delegation
Report of:	Nick Bell
Lead Member:	Cllr Edna Murphy- Governance
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	Majority

Recommendations:

A	Review the suggested update to the Scheme of Delegation of the Combined Authority and to provide recommendations to the Board to adopt changes as revisions to the Constitution.
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Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

	The revisions to the Scheme of Delegation will enable improvements to the Combined Authority's governance as observed in DLUHC's the best value notice .
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1. Purpose

1.1	Delegations contained within the CPCA Constitution are an important mechanism to ensure that timely decisions on items can be taken whilst maintaining strong oversight and political accountability from Members of the CPCA on its activities and the actions of its Officers.
1.2	As part of the CPCA Improvement Programme the CPCA Constitution, and its constituent parts, are being reviewed. A number of recent pieces of work, including the Governance workstream of the Improvement Programme, the Procurement Review, the development of the Single Assurance Framework and comments from the Independent Improvement Board have all suggested that it is timely to review the Scheme of Delegation contained in the Constitution.

2. Proposal

2.1	The following revisions to the Scheme of Delegation are proposed:
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2.2	Increase the Key Decision financial threshold (for which items are included on the Forward Plan and for which 28 days notice need to be given prior to decision) from £500,000 to £1,000,000. This is consistent with the Key Decision financial threshold in other Combined Authorities and will ensure that both the decision making process is relatively faster for decisions of less than £1m and that the Forward Plan is an easier document to use by Members, residents and other stakeholders as it will include fewer decisions to be taken and therefore highlight the importance of those decisions it does contain.
2.3	General Delegations to all Chief Officers
2.4	Provide that any Chief Officer may procure or re-procure, award and agree contracts for goods and services not above £1 million without the need to seek authorisation from Members unless the Board has expressly requested that authorisation is sought from them or the funds are not approved in the Medium Term Financial Plan. This is consistent with practice in other Combined Authorities and will ensure that where, for instance, a bus contract needs to be retendered with no change of route then the decision can be taken rapidly by Officers to ensure minimal disruption in service.
2.5	Provide that any Chief Officer can agree Grant funding Agreements up to £1m in consultation with the Chief Finance Officer and the Monitoring Officer who is authorised to sign Grant Funding Agreements up to £1m. This is a common delegation in Combined Authorities and enables relatively smaller Grant Funding Agreements to be agreed and executed in a timely manner rather than waiting for approvals through the Board and Committee cycle.
2.6	Delegations to the Chief Executive Officer
2.7	Provide that the Chief Executive, in consultation with the Chief Finance Officer and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials, or services provided that the spend is within the Combined Authority's approved budget. Prior to exercising this delegation the Chief Executive Officer must consult the mayor, the lead member and the chair of the relevant Thematic Committee and, following the decision, must publish an Officer Decision Notice.
2.8	<p>In order to exercise the above delegation, the business case or procurement must be approved by the Board within the MTFP and, in the case of a tender or quotation, must be approved in accordance with the Authority's Contracts Procedure Rules, i.e.:</p> <ul style="list-style-type: none"> • the decision relates to the delivery of the agreed business plan for that business area; • the decision accords with any officer decision making guidance issued to Officers; • once the decision has been made the Officer complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014. <p>Decisions taken will be reported to the next available Combined Authority Board as part of a Delegated Authority report. Additionally it should be noted that Officer Decision Notices are published externally and retrospectively reported to the Board.</p>
2.9	The delegation contained in paragraphs 3.6 and 3.7 above is one that exists (in slightly varied forms) in other Combined Authorities. The aim of it is to ensure that, where a decision to proceed with a project has already been approved by the Board as part of the Medium Term Financial Plan, then the actual tender acceptance does not need to come back to the Board for decision as long as the lead member, chair of relevant Thematic Committee and the Mayor are in agreement. This speeds up execution of projects and procurements that have already been approved whilst retaining strong Member oversight.
2.10	Provide that the Chief Executive may, in consultation with the Mayor, exercise any function of the Authority which is not expressly reserved to the Board; which does not lie within the terms of reference of any committee of the Authority; or which is otherwise delegated to another specific Officer under this Scheme. This delegation is common to many Combined Authorities

	and enables the Chief Executive to act on issues which may fall between the remits of Board, other committees and specified Officers to ensure that the Authority is not hindered by a delay in decision making in such circumstances.
2.11	Provide that the Chief Executive is able to make final decisions in redundancy matters in accordance with all government guidance and statute. This is a usual delegation to a Chief Executive in Combined Authorities and the wider public sector and its insertion in the scheme of delegation fills a gap within the Constitution.
2.12	Provide that the Chief Executive is able to commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Board, save for those earmarked funds and reserves which the Board specifically reserves the right to itself or another Committee to approve and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next Board meeting after the commitment is made. This delegation, or similar variants of it, is common in Combined Authorities to enable the CEO to commit funds from earmarked reserves and funds where the Board has already approved what the fund/reserve is for. This speeds up execution of key projects and activities rather than waiting for the next Board cycle.
2.13	The Monitoring Officer
2.14	To make any changes to the standing orders, committees' terms of reference, policies, or officer delegation scheme of the Authority which are required as a result of legislative change or decisions of the Authority.
2.15	To make any changes to the Assurance Framework which are required as a result of legislative change or decisions of the Authority.
2.16	To administer the Members' Allowances Scheme.
2.17	To be authorised to take all necessary steps to manage and safeguard any shareholding the Combined Authority owns in a company including but not limited to granting permissions, giving consents, amending and signing shareholder agreements and compliance with Company Act 2016 requirements and any associated requirements;
2.18	To be authorised to sign Grant Funding Agreements up to £1m in consultation with the Chief Finance Officer
2.19	All of the above proposed delegations to the Monitoring Officer are usual within Combined Authority Constitutions and speed up the process of changes to the Constitution in the case of new legislation or the Authority's decisions.

3. Background

3.1	The Authority approves strategies and policies which determine the framework in which operational decisions are made. Strategic overarching decisions are reserved to the Board for decision (such as approving the budget and the capital programme).
3.2	Officers implement decisions made by the Authority (or any decision-making committee of the Authority). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions. In doing so, decision making by officers is subject to other control measures. These include: - <ul style="list-style-type: none"> • The Constitution, including Procurement and Contract Rules and Financial Regulations, • an Officers' Code of Conduct, a Gifts and Hospitality Policy and the Conflicts of Interest

	<p>Policy,</p> <ul style="list-style-type: none"> • organisational values, • an Anti-fraud, Bribery and Corruption Policy, and • internal audit and risk management arrangements.
3.3	When taking an officer decision under the Scheme of Delegation the Officer must determine, having regard to the implications of the decision, whether further consultation with other officers and/or Members is appropriate, and should have regard to any guidance issued.
3.4	Recent improvement related work from the Procurement Review undertaken by PWC and the development of the Single Assurance Framework (which is being developed to come to the Board for approval in September and which will incorporate the proposals contained within this report, if approved) has identified a need to review existing levels of delegation to ensure that governance works as effectively as possible in CPCA – i.e. that it provides strong decision making and oversight powers for Members on all important decisions and performance whilst not burdening the Member governance structure with relatively straightforward and uncontentious decisions which slows down decision making and hinders Best Value.
3.5	When making the proposals for changes to delegations outlined in this report, consideration has been given to the processes and delegated levels operated by other Combined Authorities across England.

4. Appendices

4.1	Appendix 1 - Marked up copy of Scheme of delegation with proposed changes
4.2	Appendix 2 - Clean copy of Scheme of delegation with proposed changes

5. Implications

Financial Implications

5.1	Outlined in the report
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Legal Implications

6.1	<p>The Combined Authority is obliged to adopt and maintain a Constitution and Standing Orders. Section 101 of the Local Government Act 1972 allows the adoption of a scheme of officer delegations to ensure that it is clear that identified Chief Officers have the power to take decisions that are not reserved to elected members.</p> <p>An effective Scheme of Delegation supports Value for Money by ensuring that decisions can be taken on a timely basis whilst ensuring strong member oversight and political accountability.</p>
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Public Health Implications

7.1	None specifically
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Environmental & Climate Change Implications

8.1	None specifically
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Other Significant Implications

9.1	There are no other significant implications
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Background Papers

10.1	None
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