



## OFFICER DECISION NOTICE (ODN)/MAYORAL DECISION NOTICE (MDN) FORM

**NOTE: Please read process sequence on page 6 before completing this form. Please hover over the text box for instructions on completion.**

1. Officer Decision or Mayoral Decision No.	ODN286-2021
2. Decision Title	Constitutional Amendment – Deletion of references to non-constituent members
3. Name of Officer/Mayor making the decision	Robert Parkin, Monitoring Officer
4. Date of decision	03/03/2021
5. Responsible Director, if applicable. Please leave blank if this is a decision to be made by the Mayor.	Kim Sawyer, Director of Corporate Services and Chief Executive
6. Form author and contact details:	Dermot Pearson, Solicitor
7. Does your form include exempt or confidential information?	No
8. Is it a key decision?	No If YES, please complete Question 9.
<b>9. KEY DECISIONS ONLY</b>	<b>Section 9 only needs to be completed if the decision is a key decision.</b>
Insert forward plan ref number	Click or tap here to enter text.  The key decision must be on the forward plan for at least 28 days before the decision is made. Please insert reference number from the published forward plan. If it is not in the forward plan, please contact the Governance Team for advice.



Date of decision	<input type="text" value="Click or tap here to enter text."/> <p>Insert the date when the decision intends to be made. The date should be the date it is published on the website. it is your responsibility to ensure it is on the website. The decision cannot be implemented on the date of publication as it is subject to call in. Normally only the Mayor can make a key decision.</p>
Date report published on the website	<input type="text" value="Click or tap here to enter text."/> <p>Send a copy of the form to the Scrutiny Officer for circulation to the Overview and Scrutiny Committee</p>
Implementation Date	<input type="text" value="Click or tap to enter a date."/> <p>Insert the proposed date for implementation. The decision cannot be implemented until 5 clear working days after the date the decision was taken and published on the website. The decision is subject to call in during that period, so you need to check with the Scrutiny Manager that it has not been called in at the end of the call in period.</p>
Does the report have an annex that contains exempt information?	<input type="text" value="Choose an item."/> <p>If yes, specify number of exempt annex (eg Annex 1), the reason for exemption and explain the application of the public interest test. Keep the exempt information separately from this form on the shared drive.</p>

<p>10. Description of decision/proposal</p> <p><b>Please consult with Legal prior to completing this section.</b></p>	<p>The Combined Authority’s Constitution makes reference to “non-constituent members” which are neighbouring local authorities which have been invited to join the Combined Authority, but which are not full Members. This decision removes references to non-constituent members from the Constitution on the basis that the Cambridgeshire and Peterborough Combined Authority Order 2017 makes no provision for non-constituent members of the Combined Authority.</p> <p>The references to “non-constituent members” to be deleted are in the following Chapters and Sections of the Constitution:</p> <p>Chapter 1 – Summary – Section 4 – Members of the Combined Authority</p> <ul style="list-style-type: none"> <li>• Paragraph 4.1(d)</li> </ul> <p>Chapter 2 – Membership of the Combined Authority – Section 4 – Non-Constituent Members</p> <ul style="list-style-type: none"> <li>• Paragraphs 4.1 to 4.7</li> </ul> <p>Chapter 4 – Combined Authority Board Functions – Section 2 – Membership of the Board</p> <ul style="list-style-type: none"> <li>• Paragraph 2.1(d)</li> </ul> <p>Chapter 5 – Proceedings of Meetings – Section 3 – Annual Meeting, Section 12 – Declaration of Interests in Meetings and Section 16 - Voting</p> <ul style="list-style-type: none"> <li>• Paragraph 3.24</li> <li>• Paragraph 12.2</li> <li>• Paragraph 16.7</li> </ul>
---	--



<p>11. Authorisation</p> <p><b>Please consult with Legal Team prior to completing this section.</b></p>	<p><b>This decision has been taken under:</b></p> <p>1. Constitution - Chapter 17 – Officer Scheme of Delegation and Proper Officers – Section 6</p> <p>[Delegations to the Monitoring Officer] – Paragraph 6.4 - delegation to monitor and review the operation of the Constitution.</p> <p>Click or tap here to enter text.</p>
<p>12. Background Information</p>	<p>The Orders creating some of the Combined Authorities make provision for non-constituent members of those Combined Authorities. However there is no reference to non-constituent members or authorities in the Local Democracy, Economic Development and Construction Act 2009 [as amended].</p> <p>The amendments to the Constitution will be reported to the Combined Authority Board</p>



<p>13. Alternative options considered.</p>	<p><b>List alternative options considered and rejected including the reason for rejection. NOTE: Do not leave this section blank or put 'None'. There is always an alternative even if it is to do nothing.</b></p> <p><i>The alternative option would be to leave the Constitution unamended. Given that there is no reference to "non-constituent members" in the Cambridgeshire and Peterborough Combined Authority Order 2017 that would not be appropriate.</i></p>	
<p>14. Financial Implications</p>	<p>There are no financial implications.</p>	
<p>15. Comments from Finance Team</p>	<p>Click or tap here to enter text.</p>	
<p>16. Comments from Legal Team</p>	<p>Click or tap here to enter text.</p>	
<p>17. Consultation</p> <p><b>Please retain emails to show the relevant officers have approved the decision/proposal.</b></p>		<p><i>Please insert the name of consultee and date of written approval or insert N/A</i></p>
	<p><i>Chief Executive</i></p>	<p>NA</p>
	<p><i>Responsible Director/Chief Officer</i></p>	<p>NA Click or tap here to enter text.</p>
	<p><i>Monitoring Officer</i></p>	<p>ROBERT PARKIN – 03.03.21</p>
	<p><i>S73</i></p>	<p>NA Add date and name or N/A Click or tap here to enter text.</p>
	<p><i>Portfolio Holder</i></p>	<p>NA</p>
	<p><i>Other</i></p>	<p>NA</p>
<p>18. Declarations/Conflicts of Interests (only if the decision falls under the 'Express authorisation' category)</p>	<p>NA</p>	



19. Supporting documentation - please include any relevant reports	Click or tap here to enter text.  <i><b>NOTE - all of this information must be retained for public inspection for a period of at least 4 years – there is no provision for the release of exempt/confidential information).</b></i>	
20. Officer/Mayor signature	Signature: R PARKIN  Name: ROBERT PARKIN	<b>Date</b>  <b>03/03/2021</b>
<b>21. Please send the completed, signed form to Sue Hall. The Decision will be recorded on the Decision Notice Register and published on the website.</b>		



### **Officer or Mayoral Decision Notice**

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, the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made.

### **Key Decisions**

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.
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**.
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
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.

The process sequence below will assist you to complete this form

### **Process Sequence**

**All questions on the form must be completed.**

1. Email Sue Hall for ODN/MDN number. Please include a description of the decision in your email to Sue. Sue will then email you an ODN number.
2. Please complete questions 1 to 9 on the form. Only complete question 9 if the decision is a key decision.
3. Speak to the Legal team prior to completing questions 10 and 11.
4. Complete questions 12 and 13.
5. Complete question 14, speaking to the finance team first, if you are unsure. Send the form to the finance team who will complete question 15.
6. Send form to the legal team (legal officer who is assisting you) to complete question 16.
7. Please complete question 17, as applicable with the relevant consultees. This is the person/s who approved of the decision and will always include the s73 Officer and the Monitoring Officer. You must insert their name and the date which written approval was received. All emails showing approvals by relevant officers need to be kept and stored in the folder with the ODN. Please send these to Sue Hall. If a contract exists, a copy needs to be attached to the ODN. Please insert N/A for consultees that are not applicable to the decision.
8. Complete Q18 and Q19. Supporting documents will include contracts, reports, approval emails, links to CA Board or Committee Reports etc.
9. Q20 When the decision notice is complete, it must be signed off by the correct authorised person.
10. The completed signed form must be sent to Sue Hall.