



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

# THE CONSTITUTION

SEPTEMBER 2023



## Version Control

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1	31 May 2017	Constitution approved by the CA Board
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## CHAPTER 1: SUMMARY

### 1. Introduction

- 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
- 1.2 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.
- 1.3 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.
- 1.4 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](#)
- 1.5 This constitution is a living document and shall be amended as the Combined Authority continues to develop. 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.

- 1.6 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.

### Purpose of the Constitution

- 1.7 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.
- 1.8 The Constitution has 19 parts, plus a number of appendices. These are outlined below:
- 1.9 [Part 1](#): Summary and Introduction to the Combined Authority and the Combined Authority's Constitution.
- 1.10 [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.
- 1.11 [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.
- 1.12 [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.
- 1.13 [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.
- 1.14 [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

- 1.15 [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
- 1.16 [Part 8](#): Financial Regulations setting out how the Combined Authority's financial affairs are managed.
- 1.17 [Part 9](#): Procurement and Contract Procedure Rules providing an overview.....
- 1.18 [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.
- 1.19 [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.
- 1.20 [Part 12](#): Allowances which outlines the allowances received by Members of the Combined Authority.
- 1.21 [Part 13](#): Audit & Governance Committee setting out the functions and terms of reference of this statutory committee.
- 1.22 [Part 14](#): Overview & Scrutiny Committee setting out the functions and terms of reference of this statutory committee.
- 1.23 [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.

- 1.24 [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.
- 1.25 [Part 17](#): Subsidiary Companies and Shareholder Oversight providing an overview of the Combined Authority trading companies and the Shareholder Board.
- 1.26 [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](#).
- 1.27 [Part 19](#): Policies and Protocols which is a section setting out, as annexes, the policies and protocols of the Combined Authority.
- 1.28 [Appendices](#): a number of appendices to the main body of the Constitution.

#### Monitoring and Reviewing the Constitution

- 1.29 The Monitoring Officer will regularly monitor and review the operation of the Constitution.
- 1.30 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 1.31 It is the responsibility of the Combined Authority Board to review the Constitution on an annual basis.

#### Changes to the Constitution

- 1.32 The Constitution will be amended as the Combined Authority develops.
- 1.33 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 see [Chapter 18 - Officer Scheme of Delegation](#).

#### Common Seal of the Combined Authority

- 1.34 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 Thematic 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 on receipt of notification.

## 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 thematic 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 3.6 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 a 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:

#### 3.3.1.1 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.

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 Thematic 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 thematic committees to any member of the constituent councils, subject to any rules within the terms of reference of those committees. Board members nominated to a thematic 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 thematic 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 The Combined Authority Board

4.1.1 The Combined Authority Board has collective responsibility for decision-making, acting in the best interests of Cambridgeshire and Peterborough. The following functions are reserved to the Combined Authority Board:

### 4.2 Key Functions of the Combined Authority Board

4.2.1 The following key functions sit within the responsibility of the Combined Authority Board:

- (a) To set, review, keep up to date and revise the long term vision of the Combined Authority.
- (b) To agree, review, keep up to date and revise the 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 ensure the Combined Authority undertakes statutory and appropriate communication and consultation in the setting of the budget and policy framework.
- (f) Overall responsibility for the implementation and delivery of the Corporate Plan, assisted by Thematic Committees in the implementation and delivery of Priority Areas from within the Corporate Plan.
- (g) To drive future devolution and lobbying of Government.
- (h) To agree prioritisation and re-purposing of funds.
- (i) To agree approval of projects and programmes in line with the Scheme of Delegations.
- (j) Approve the Combined Authority Budget and the Mayoral Budget (and related strategy, policy, programmes, borrowing and virements over £500k).
- (k) To agree Transport Levy/Local Transport Connectivity Plan (LTCP)/Consultation on the allocation of Local Highways Maintenance Capital Grant.
- (l) To appoint the Head of Paid Service (Chief Executive), Monitoring Officer and Chief



Finance Officer (“the statutory officers”).

- (m) To consider employment matters referred by the Human Resources Committee.
- (n) Approve business cases and loans to third party businesses including wholly owned subsidiaries.
- (o) Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.
- (p) To exercise General power of competence.
- (q) Agree delegations to supporting committees.
- (r) Auditing decisions for funding approved by the Business Board for Local Growth Funds, Growth Hub funding, Energy Hub funds and Enterprise Zones funds.
- (s) Responding to Gateway Reviews.

4.2.2 In addition the Board is directly responsible for driving output of key deliverables/ performance measures for achieving good growth and ensuring that Thematic Committees and the Business Board are driving delivery of good growth key deliverables as they relate to each Thematic Committee remit.

4.2.3 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.

### 4.3 Functions Reserved to the Combined Authority Board

4.3.1 The following functions are reserved to the Combined Authority Board:

#### Strategy and Policy

4.3.2 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

4.3.3 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

- 4.3.4 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.
- 4.3.5 Consultation on the allocation of Local Highways Maintenance Capital Grant
- 4.3.6 Approve budget allocations for feasibility work from the non-transport feasibility fund
- 4.3.7 Approve business cases and loans to third party businesses including wholly owned subsidiaries;
- 4.3.8 Approve applications to bid for external funding where there are wider budgetary implications, or the bid relates to a matter outside the strategic framework.
- 4.3.9 Approval of virements of £500,000 and over;
- 4.3.10 In relation to the Mayor's General Budget, and in accordance with the Budget Framework Procedure Rules (see [Chapter 6 – Decision Making](#) and [Chapter 8 – 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

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

### Governance

- 4.3.12 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 thematic 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.
- 4.3.13 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.
- 4.3.14 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.

4.3.15 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.

#### 4.4 Voting

4.4.1 Voting arrangements are set out in [Chapter 7: Boards and Committees](#).

#### 4.5 Membership of the Combined Authority Board

4.5.1 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.

4.5.2 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.

#### 4.6 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 the thematic 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 the thematic 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 the Combined Authority Board is at least five members. These five 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.

## 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 [Chapter 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 thematic 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 5.22 below;
- (v) receive petitions in accordance with Standing Order 5.34 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 the Transparency Rules, the 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, the 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.
- 5.11.2 If the Mayor resigns or the position is vacant, the statutory Deputy Mayor shall chair the Combined Authority Board.
- 5.11.3 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.
- 5.11.4 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.
- 5.11.5 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.

## 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.
- 5.12.2 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.

### 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 a Thematic 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 thematic 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 Thematic 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 a thematic 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 Combined Authority Board or Committees

- 5.33.1 A member of the Board may ask the Mayor, another Combined Authority Board Member or the Chair of a committee, a question without notice when that item is under consideration by the Combined Authority 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 Combined Authority Board

- 5.33.2 Subject to Rule 5.33.5, a member of the Board may ask the Mayor, a member of the Combined Authority 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 Combined Authority 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 Combined Authority 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 and can only be asked by the original questioner.

#### 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

- 5.35.1 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

- 5.36.1 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.

### 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, Annex 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](#).
- 5.42.2 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.

### 5.43 Strategic Policy Debates

- 5.43.1 The Mayor, after consultation with the Chair, Board Members, Lead Members, Chairs of the Overview and Scrutiny Committee, Audit and Governance Committee and the Group Leaders, shall identify those issues of strategic policy which shall be the subject of debate by the Combined Authority.
- 5.43.2 A meeting which could also take place remotely can be scheduled to debate these policies.
- 5.43.3 The conduct of strategic policy debates shall be regulated by the Mayor, subject to the following guidelines:
  - 5.43.3.1 The policy must relate to the Authority's powers or duties or be matters that affect its residents.
  - 5.43.3.2 All members will, wherever possible, receive a briefing paper in advance of the meeting on the policy to be subject of debate.
  - 5.43.3.3 (Rules of Debate) shall not apply during strategic policy debates but the time allowed for the debate shall not normally exceed 45 minutes.
  - 5.43.3.4 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.
  - 5.43.3.5 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.
  - 5.43.3.6 This meeting can take place remotely.

## CHAPTER 6: DECISION-MAKING

### 6.1 Introduction

6.1.1 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.

### 6.2 Scrutiny of Decisions

6.2.1 An Overview and Scrutiny committees has been appointed by the Authority to scrutinise decisions taken by the Executive. The responsibilities and terms of reference of this committees are described in [Chapter 14: Overview & Scrutiny Committee](#) of the constitution. The Overview and Scrutiny committee will follow the Overview and Scrutiny Procedure Rules set out in [Chapter 14: Overview & Scrutiny Committee](#).

### 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

6.5.1 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.

## 6.6 Special Urgency Decision

6.6.1 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.

6.6.2 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.

## 6.7 Recording of Decisions Made by Officers and the Mayor

6.7.1 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,

6.7.2 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.

6.7.3 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.

6.7.4 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.

6.7.5 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.

- 6.7.6 All written records produced in accordance with Procedure Rule 6.1 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.
- 6.7.7 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.
- 6.7.8 Nothing in Procedure Rules 6.5.1 to 6.5.7 requires the disclosure of exempt or confidential information.

## 6.8 Budget Framework Procedure Rules

### Introduction

- 6.8.1 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.
- 6.8.2 Once the budget is in place it is the responsibility of the Combined Authority Board or the Mayor to implement.
- 6.8.3 The Budget Framework will comprise the following:

### Mayor's General Functions Budget

- 6.8.4 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 Local Government Finance Act 1992](#), unless funded from other sources.
- 6.8.5 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.
- 6.8.6 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.
- 6.8.7 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.
- 6.8.8 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.

6.8.9 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.

6.8.10 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.

6.8.11 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.

6.8.12 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.

6.8.13 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.

6.8.14 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.

- 6.8.15 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.
- 6.8.16 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

- 6.8.17 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.
- 6.8.18 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.
- 6.8.19 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.
- 6.8.20 The Mayor must keep accounts of payments made into or out of the Mayor's general fund.

#### Combined Authority Budget

- 6.8.21 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.
- 6.8.22 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.
- 6.8.23 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.

- 6.8.24 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.
- 6.8.25 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

- 6.8.26 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

- 6.8.27 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.
- 6.8.28 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.
- 6.8.29 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

- 6.8.30 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.
- 6.8.31 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.
- 6.8.32 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 Thematic Committees

#### 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 a Thematic 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: Standing Orders](#) 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 sub-committee
  - (c) an Officer with delegated authority from the Board;
- and the decision has been published on the Combined Authority's website and made available at the main offices of the Combined Authority. 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 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
- i) 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 Thematic Committees

- 7.1.10.1 The following rules from [Chapter 5: Standing Orders](#) shall apply to the meetings of Thematic 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.

<b>TRANSPORT &amp; INFRASTRUCTURE COMMITTEE</b>	
<b>Purpose:</b>	<p>Implement and deliver Priority Area - Improving Connectivity as set out in the Corporate Plan</p> <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</li> </ul>



	<p>of appropriate passenger transport framework</p> <ul style="list-style-type: none"> <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"/> 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 from Corporate Plan within remit of the Committee, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> LTCP Performance Measures</li> <li><input type="checkbox"/> Increasing public transport usage and sustainable travel connectivity</li> <li><input type="checkbox"/> Reduction in numbers of people killed or seriously injured on region's roads</li> <li><input type="checkbox"/> Reduced congestion on major roads</li> <li><input type="checkbox"/> Measurable improvement in connectivity for 'left behind' areas</li> </ul>
<b>Membership:</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Mayor (or their nominee)</li> <li><input type="checkbox"/> CPCA Lead Member for Transport</li> <li><input type="checkbox"/> Representative from each Constituent Authority (not represented on Committee through CPCA Lead Member position(s))</li> <li><input type="checkbox"/> Business Board Thematic Representative (x2)</li> </ul>

	Co-opted Members of the Combined Authority Board should receive an open invite to all thematic 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.
<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 by the Transport & Infrastructure Committee
<b>Voting:</b>	<p>Only the members of the Committee will be entitled to vote at meetings (not co-opted Members), 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> <p>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.</p>
<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 six meetings per year
<b>Supported by:</b>	The Committee is supported by:

<p><b>Functions</b> (key areas of focus under Corporate Plan):</p>	<p><input type="checkbox"/> Transport Advisory Group</p> <p><b>Transport Functions (recommendations to Board)</b></p> <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"/> 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> <li><input type="checkbox"/> Spending plans or plans for the allocation of transport-related funding</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>
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	<p><b>Digital Connectivity Infrastructure</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Digital resilience</li> <li><input type="checkbox"/> Smart streets and towns</li> <li><input type="checkbox"/> Broadband and mobile</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 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> <li><input type="checkbox"/> Identify and scale up existing</li> </ul>

	<p>good practice within the CPCA region, including cross portfolio working, improvements and initiatives</p> <p><input type="checkbox"/> Identify and secure resources to deliver new opportunities</p>
<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>

## 7.3 Environment and Sustainable Communities Committee

### 7.3.1 Governance

- 7.3.1.1 The Combined Authority has appointed an Environment and Sustainable Communities Committee.

<b>ENVIRONMENT &amp; SUSTAINABLE COMMUNITIES COMMITTEE</b>	
<b>Purpose:</b>	<p>Implement and deliver Priority Area – Enabling Resilient Communities as set out in the Corporate Plan.</p> <p>Development of thematic strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the Combined Authority’s 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 Combined Authority 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 (Combined Authority)</li> <li><input type="checkbox"/> Cambridgeshire &amp; Peterborough Independent Commission on Climate</li> <li><input type="checkbox"/> Oxford – Cambridge Pan Regional Partnership: Environmental Plan</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> <li><input type="checkbox"/> Non-Statutory Spatial Framework</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 from Corporate Plan 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"/> Increase in biodiversity with improvements in both common and red-list species</li> <li><input type="checkbox"/> Communities able to adapt to climate related impact (eg, flood resilience)</li> </ul>

	<input type="checkbox"/> Healthy Life Expectancy at Birth rates to increase <input type="checkbox"/> Reduction in the gap between the healthiest and the 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 (x2)  <p>Co-opted Members of the Combined Authority Board should receive an open invite to all thematic 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 <i>[insert relevant section of the Constitution]</i> 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 by the Environment & Sustainable Communities Committee
<b>Voting:</b>	Only the members of the Committee will be entitled to vote at meetings (not co-opted Members), the Chair does not

	<p>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> <ul style="list-style-type: none"> <li><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</li> <li><input type="checkbox"/> Co-opted Members cannot vote</li> <li><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</li> </ul>
<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 the CPCAs Governance Team
<b>Frequency:</b>	Minimum of six meetings per year
<b>Supported by:</b>	<p>The Committee is supported by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Regional Place Directors Advisory Group</li> </ul>
<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</li> </ul>



	<p>Identify housing initiatives and opportunities to deliver regional benefit</p> <p><input type="checkbox"/> Identify housing initiatives and opportunities to deliver regional benefit</p> <p><b>Infrastructure</b></p> <p><input type="checkbox"/> Power and water sufficiency (e.g. reservoir, renewable energy grid)</p> <p><input type="checkbox"/> Preservation of infrastructure (e.g. dykes)</p> <p><b>Social/ Communities</b></p> <p><input type="checkbox"/> Enabling creative industries</p> <p><input type="checkbox"/> Sustainable Warmth</p> <p><input type="checkbox"/> Supporting partner culture bids, e.g. City of Cambridge Culture</p> <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> <p><input type="checkbox"/> Providing advice and support to CPCA activity</p> <p><input type="checkbox"/> Helping engage with wider stakeholder networks and activity</p> <p><input type="checkbox"/> Identify and scale up existing good practice within the CPCA region, including cross portfolio working, improvements and initiatives</p> <p><input type="checkbox"/> Identify and secure resources to deliver new opportunities</p>
<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>

## 7.4 Skills and Employment Committee

### 7.4.1 Governance

- 7.4.1.1 The Combined Authority has appointed a Skills and Employment Committee.

<b>SKILLS &amp; EMPLOYMENT COMMITTEE</b>	
<b>Purpose:</b>	<p>Implement and deliver Priority Area – Ambitious Skills &amp; Employment Opportunities as set out in the Corporate Plan</p> <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</p>

	Framework.
<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"/> Devolved Adult Education Budget</li> <li><input type="checkbox"/> Other Government funded programmes (Multiply, Skills Bootcamps)</li> </ul> <p>Performance management of key performance measures from Corporate Plan 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, and high qualifications</li> <li><input type="checkbox"/> Reduced difference in household income between most deprived and least deprived areas</li> <li><input type="checkbox"/> Increase in percentage of population in well-paid employment</li> <li><input type="checkbox"/> Improved health and wellbeing as measured by ONS Health Index</li> </ul>
<b>Membership:</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Mayor (or their nominee)</li> <li><input type="checkbox"/> CPCA Lead Member for Skills &amp; Employment</li> </ul> <p>Representative from each Constituent Authority (not represented on Committee through CPCA Lead Member position(s))</p>

	<p><input type="checkbox"/> Business Board Thematic Representative (x2)</p> <p>Co-opted Members of the Combined Authority Board should receive an open invite to all thematic 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 by the Skills & Employment Committee
<b>Voting:</b>	<p>Only the members of the Committee will be entitled to vote at meetings (not co-opted Members), 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> <ul style="list-style-type: none"> <li><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</li> <li><input type="checkbox"/> Co-opted Members cannot vote</li> <li><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</li> </ul>
<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 six meetings per year
<b>Supported by:</b>	The Committee is supported by: <ul style="list-style-type: none"> <li><input type="checkbox"/> Employment &amp; Skills Board</li> <li><input type="checkbox"/> Education Advisory Group</li> </ul>
<b>Functions</b> (key areas of focus under Corporate Plan):	<p><b>Enhancing Careers Education, Information, Advice and Guidance</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cambridgeshire &amp; Peterborough Careers Hub</li> <li><input type="checkbox"/> Influencing national providers of Careers</li> <li><input type="checkbox"/> Lobbying Government for an all age careers service</li> </ul> <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 engagement and access to talent</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Implementing a Health &amp; Work Strategy to address economic inactivity and productivity</li> <li><input type="checkbox"/> Delivering Growth Works with Skills</li> </ul> <p><b>Lobbying for a second Skills Devo Deal that strengthens our current programme and delivers greater impact. Our asks:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A simplified Single devolved revenue</li> </ul>

	<p>budget for all skills programmes</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Single devolved capital budget for all skills infrastructure funding streams</li> <li><input type="checkbox"/> A Single devolved Careers budget</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"/> North Cambridgeshire Training Centre</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"/> 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>
<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> </ul>

	<input type="checkbox"/> Helping engage with wider stakeholder networks and activity <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>

## 7.5 Human Resources Committee

### 7.5.1 Governance

7.5.1.1 The Combined Authority has appointed a Human Resources Committee.

<b>HUMAN RESOURCES COMMITTEE</b>	
<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>	Development, approval management and implementation of Human Resources

	<p>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 new 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 practice</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):	<p>Key functions for the Committee to undertake:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Review and agree all new HR policies. Any amendments that are due to legislative changes or are minor operational matters will be implemented in consultation with Trade Unions and Executive Team</li> <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 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</li> </ul>

	<p>substantial changes in the responsibilities of the Head of Paid Service [Chief Executive] and Chief Officers</p> <ul style="list-style-type: none"> <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>	<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>

## CHAPTER 8: FINANCIAL REGULATIONS

### 8.1 Introduction: Financial Regulations Background and Purpose

- 8.1.1 The Combined Authority shall appoint Officers to undertake the statutory Head of Paid Service (Chief Executive), the Chief Finance Officer, who shall, for the purposes of [Section 73 of the Local Government Act 1985](#), be responsible for ensuring the proper administration of the Authority's financial affairs and Monitoring Officer roles.
- 8.1.2 These regulations shall be read in conjunction with the Single Assurance Framework, [Chapter 3: The Mayor of the Combined Authority](#), [Chapter 4: Combined Authority Functions and Responsibilities](#), [Chapter 6 \(6.8\): Decision Making: Budget Framework Procedure Rules](#), [Chapter 9: Procurement and Contract Procedure Rules](#), and [Chapter 18: Officer Schemes 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 (the 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 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 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 for the Office of the Mayor and the Combined Authority;
  - (b) ensuring, in consultation with the Monitoring Officer, lawfulness and financial prudence;
  - (c) ensuring the preparation of 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.

### 8.3 Financial Management: General

8.3.1 Budget holders must comply with the Combined Authority requirements (e.g. under sections 6, 9, and 18 as set out within these regulations).

8.3.2 The following general principles are observed in these accounting arrangements:

- (a) Calculating, checking and recording sums due to or from the Mayoral Office or Combined Authority are separated as completely as possible from the duty of collecting or disbursing them;
- (b) Officers charged with the duty of examining and checking cash transactions should not themselves be engaged in any of these transactions;

(c) All accounting records relating to the Mayoral Office and Combined Authority must be maintained in the Combined Authority's corporate financial system.

- 8.3.3 Each Officer must provide the Chief Finance Officer with necessary information for the purposes of accounting and budgetary control in accordance with issued timescales.
- 8.3.4 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.
- 8.3.5 The Chief Finance Officer is responsible for ensuring the production of the Combined Authority's Statement of Accounts in accordance with statutory deadlines and will submit the accounts to the Combined Authority's Audit and Governance Committee for approval in line with the current statutory regulations.
- 8.3.6 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.
- 8.3.7 Chief Officers are delegated responsibility for the day-to-day management, supervision and control of services provided on behalf of the Authority within the approved budget limits as set out in [Chapter 18: The Officer Scheme of Delegation](#).
- 8.3.8 Powers delegated to Chief Officers may be exercised by other Officers within the Combined Authority if the relevant Chief Officer has further delegated that power, provided that this is properly recorded and evidenced

#### 8.4 Financial Management: Control of Projects and Programmes

- 8.4.1 Project and programme management arrangements are set out within the following documents:
- (a) Combined Authority's Gateway approval process covering both revenue and capital programmes. The 10 point guide, sets out the process for the documentation to be produced and the approvals to be sought at each Gateway stage.
  - (b) The 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 will be subject to a prioritisation, appraisal, and monitoring and evaluation procedure.

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

## 8.5 Financial Management: Service and Works Agreements

- 8.5.1 The work to be performed on behalf of the Mayor and/or the Combined Authority shall be the subject of a specific agreement setting out the respective roles and duties of the Combined Authority and the delivery partner. The procurement of delivery of services and goods is specified in [Chapter 9: Procurement and Contract Procedure Rules](#).
- 8.5.2 Payments for delivery of service or goods shall be in accordance with the terms of the agreements with the delivery partner and shall not exceed the amount properly calculated to be due.

## 8.6 Financial Planning: Budgets

- 8.6.1 The annual Capital and Revenue budgets for the Mayoral Office and Combined Authority are prepared within the context of the process and timescales of planning, programming and review as agreed by the Combined Authority.
- 8.6.2 The budget will be set and approved in accordance with the [Chapter 6 \(6.8\): Decision Making: Budget Framework Procedure Rules](#).
- 8.6.3 The Chief Finance Officer will prepare a medium-term financial plan each year for submission to the Board as part of its Budget approval.
- 8.6.4 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.
- 8.6.5 Estimates of annual income and expenditure will be prepared by Officers and the Chief Finance Officer in line with the approved business planning process.
- 8.6.6 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 statutory timescales.

- 8.6.7 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 18: Officer Schemes of Delegation](#) and subject to compliance with the Combined Authority's [Chapter 9: Procurement and Contract Procedure Rules](#) and Gateway procedure.

## 8.7 Financial Planning: Virements

- 8.7.1 The Chief Finance Officer, after undertaking consultation with the Mayor and Portfolio leads where appropriate, shall be authorised to approve virements between expenditure heads up to £500,000 to be reported at the next available meeting of the Board. Anything in excess of these limits shall be reported for approval to the Authority. Virements are deemed to be:
- Revenue - a transfer between approved budget lines;
  - Capital - a movement of budget between approved capital schemes.
- 8.7.2 Changes to investment programmes involving the award of grant to external organisations is a policy matter reserved to the Board and under delegation to the Officers. Approval will be sought from the Board for changes to previously approved programme or scheme funding levels.
- 8.7.3 Virements between Capital and Revenue require the approval of the Board. In accordance with the scheme of virement and associated thresholds, the Chief Finance Officer is responsible for considering reports submitted by Chief Officers in respect of virement proposals for revenue spending.
- 8.7.4 The Chief Finance Officer is to report and seek the approval of the Chief Executive to the exercise of the virement powers of the Authority where a matter is urgent.

## 8.8 Financial Planning: Variations

- 8.8.1 Changes to the overall level of resources available in the revenue budget and capital programme is reserved to the Board. Any proposed changes will be made by the Chief Finance Officer as part of regular budget monitoring.
- 8.8.2 The Chief Finance Officer may vary the overall level of resource where an amendment is required to accommodate new grant funded activity that has been previously approved by the Board.

## 8.9 Financial Planning: Reserves



- 8.9.1 As part of the approval process for the annual budget and medium-term financial plan the Chief Finance Officer will provide a section 25 statement to the Board of the local government act 2003 to report on the robustness of the estimates made for the purpose of the calculations for the budget, and on the adequacy of the proposed financial reserves.
- 8.9.2 The Chief Finance Officer may approve the transfer to reserves of a restricted grant, being either ring fenced or subject to conditions imposed by the funder, received by the Authority where the related expenditure is not expected to be incurred in the current financial year.
- 8.9.3 As part of their duty to make arrangements for the proper administration of financial affairs, the Chief Finance Officer will manage the need for transfers to and from reserves as part of the preparation of the annual financial statements.
- 8.9.4 Requests to carry forward underspends or to establish earmarked reserves should be linked to the annual revenue budget and may only be done following review by the Chief Finance Officer and approval by the Board.

## 8.10 Control of Expenditure: Revenue and Capital

- 8.10.1 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 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.
- 8.10.2 An Officer must not order goods or services, which exceed the amount in their overall approved budget. If it becomes apparent that the Combined Authority's expenditure cannot be contained within the overall approved budget figure, this will be reported to the Board as part of their regular budget monitoring.
- 8.10.3 Unspent budgets at the year-end will be taken to reserves, unless specifically approved to carry forward by the Board.

- 8.10.3 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.
- 8.10.4 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 local Assurance Framework.
- 8.10.5 Incurring of all contractual liability must be in accordance with the approved [Chapter 18: Officer Scheme of Delegation](#) and individual accountabilities.
- 8.11 Risk Management and Control of Resources: Risk**
- 8.11.1 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.
- 8.12 Risk Management and Control of Resources: Insurance**
- 8.12.1 The Chief Finance Officer is authorised to effect all insurance cover required in connection with the business and insurable risks of the Combined Authority and to settle all claims under such insurances arranged for the Combined Authority's benefit.
- 8.12.2 Each Officer is however responsible for minimising the risk for insurance claims and putting in place risk management processes for their areas of responsibility.

8.12.3 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 material 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.

8.12.4 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.

### 8.13 Internal Control Framework

8.13.1 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 Mayoral Office and Combined Authority. 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.

### 8.14 Internal Audit

- 8.14.1 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;
  - (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.
- 8.14.2 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.
- 8.15 **External Audit**
- 8.15.1 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.

## 8.16 Assurance Responsibilities

8.16.1 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 8: Financial Management Procedure Rules](#), [Chapter 9: Procurement and Contract Procedure Rules](#) and risk management requirements.

## 8.17 Fraud and Corruption

- 8.17.1 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.
- 8.17.2 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.
- 8.17.3 Any allegations received from outside the organisation, including anonymous letters or telephone calls will be taken seriously and investigated.
- 8.17.4 All cases of theft or suspected theft of Combined Authority property (no matter where the property was kept) must be promptly reported to the Chief Finance Officer.
- 8.17.5 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.
- 8.17.6 Internal Audit shall report to the Head of Paid Service, Monitoring Officer and the Chief Finance Officer.

## 8.18 Treasury Management

- 8.18.1 The Combined Authority has adopted the [CIPFA Code of Practice on Treasury Management in Local Authorities](#). All investments of money will be made in the name of the Cambridgeshire and Peterborough Combined Authority.
- 8.18.2 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.
- 8.18.3 The Chief Finance Officer will undertake any borrowings necessary for treasury management purposes in accordance with the Treasury Management Strategy.
- 8.18.4 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.
- 8.18.5 The Chief Finance Officer will as a minimum report to the Audit and Governance Committee of the Combined Authority:
  - (a) be the end of February - 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.
- 8.18.6 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.

## 8.19 Security of Assets

- 8.19.1 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.
- 8.19.2 Assets shall not be removed from the Authority's premises, unless on official Authority business and should not be used other than for official Authority purposes or in line with arrangements sanctioned by the Head of Paid Service. All information assets such as non-public paper records, IT equipment used to access information

and the computer network, must be identified, recorded and have an appointed asset owner and be appropriately protected at all times.

- 8.19.3 Each Chief Officer must ensure that the Authority's financial system, is used appropriately by all employees within their area of responsibility.

## 8.20 Financial Systems and Procedures: Effective Management

- 8.20.1 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.

- 8.20.2 Each Officer must ensure that there are adequate, appropriate and clear reporting lines in operation within their area of responsibility.

## 8.21 Financial Systems and Procedures: Control of Expenditure - Generals

- 8.21.1 Incurring of all contractual liability must be in accordance with the approved Scheme of Delegation and individual accountabilities and in accordance with [Chapter 9: Procurement and Contract Procedure Rules](#). The Chief Finance Officer will maintain a record of all delegated authorities.

- 8.21.2 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.

## 8.22 Financial Systems and Procedures: Income Collection and Banking Arrangements

- 8.22.1 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.

- 8.22.2 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.
- 8.22.3 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.
- 8.22.4 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.
- 8.22.5 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.
- 8.22.6 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.
- 8.22.7 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.
- 8.22.8 Electronic payments are to be authorised by the Chief Finance Officer or authorised Officers.

### 8.23 Financial Systems and Procedures: Debt Management

- 8.23.1 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.
- 8.23.2 Before any debts due to or any other assets of the Combined Authority are written-off or other income is foregone the following authority shall be obtained as appropriate:
  - i. exceeding £125,000 the Board
  - ii. between £10,001 and £125,000 The Head of Paid Service and the Chief Finance Officer
  - iii. £10,000 or less Chief Finance Officer
- 8.23.3 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 Fraud Policy.

## 8.24 Financial Systems and Procedures: Purchase Orders

- 8.24.1 Each Officer must ensure that all expenditure is lawful and is subject to all local Procurement Regulations and approval processes.
- 8.24.2 From time to time, 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.
- 8.24.3 Invoices and grant claims without a purchase order will not be processed by default where exceptions to this are required these will have to be approved/requested by a Director.
- 8.24.4 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 [Chapter 18: Officer Schemes of Delegation](#) have been obtained.

## 8.25 Financial Systems and Procedures: Payment of Accounts

### *Suppliers*

- 8.25.1 No supplier payment shall be made unless supported by an invoice or pro-forma invoice, with VAT details, where appropriate.
- 8.25.2 Officers must ensure that all invoices for payment by the Combined Authority are forwarded to the Finance Team immediately upon receipt and that the appropriate purchase order number is quoted on every invoice.
- 8.25.3 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.
- 8.25.4 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.
- 8.25.5 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.

- 8.25.6 The certification of Goods Received acts as the authorisation to pay the invoices as long as the invoice matches the Goods Received entry and purchase order.
- 8.25.7 Where an invoice is exempt from the ordering process, the invoice will be subject to electronic approval by following appropriate rules of delegation.

### *Grants*

- 8.25.8 No grant payment shall be made unless supported by a grant claim.
- 8.25.9 Officers must ensure that all grants for payment by the Combined Authority are forwarded to the Finance Team immediately upon receipt and that the appropriate purchase order number is quoted on each grant claim.
- 8.25.10 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.
- 8.25.11 In order for an invoice to be paid, the responsible grant approver must confirm that the work, goods or services have been properly delivered in accordance with the order.
- 8.25.12 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.
- 8.25.13 The certification of Goods Received acts as the authorisation to pay the grant claim as long as the claim matches the Goods Received entry and purchase order.
- 8.25.14 Where a grant claim is exempt from the ordering process, the claim will be subject to electronic approval by following appropriate rules of delegation.

## **8.26 Government Procurement Cards**

- 8.26.1 Purchasing cards should only be used for official Combined Authority business and

- i. where it is time critical and normal ordering through the financial systems would not be responsive enough, or
- ii. where not feasible to order goods and services through the Authority's financial system.

8.26.2 It is the cardholder's responsibility to ensure that the purchasing card process guidance is followed. The purchasing card facility may be suspended or withdrawn permanently if the procedure is not followed.

#### 8.27 Financial Systems and Procedures: Allocation of Funding to Projects

8.27.1 The allocation of funding to projects shall be done in accordance with the processes as outlined in the local Assurance Framework.

#### 8.28 Financial Systems and Procedures: Payments to Employees

- 8.28.1 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.
- 8.28.2 Electronic time sheets and other documents to authorise the payment of wages and salaries must be certified by the appropriate Budget Holder (or nominee) 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.
- 8.28.3 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 HR manager to the payroll provider.
- 8.28.4 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.
- 8.28.5 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.

#### 8.29 Financial Systems and Procedures: Taxation

8.29.1 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.

8.29.2 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.

8.30 Financial Systems and Procedures: Expenses

- 8.30.1 All claims for payments of Officers' 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.

8.31 Financial Systems and Procedures: Travel and Subsistence

- 8.31.1 Claims, by the Mayor or independent members of the Combined Authority must be in line with the approved Member Allowance scheme and Officers claims for travel and subsistence must be in line with the approved policy.
- 8.31.2 All claims should be submitted monthly.

8.32 External Arrangements: Partnerships

- 8.31.3 The Combined Authority is responsible for approving partnership agreements where funding is to be provided by a third party.
- 8.32.2 The budget holder must present to the Combined Authority sufficient information before a decision is reached about entering a partnership agreement. This should include:
- i. the aims and objectives of the partnership;
  - ii. a scheme appraisal for financial viability of the project;
  - iii. risk appraisal;
  - iv. resources required, both financial and staffing;
  - v. audit and control requirements.

### 8.33 External Arrangements: External Funding

- 8.33.1 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.
- 8.33.2 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.
- 8.33.3 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.
- 8.33.4 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 9: PROCUREMENT AND CONTRACT PROCEDURE RULES

### 9.1 Procurement Overview

#### 9.1.1 Background

- 9.1.2 These rules set out how the Authority will contract their various requirements and how suppliers wishing to work for the Authority can access those opportunities.
- 9.1.3 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 visitors.
- 9.1.4 Depending on the nature of the procurement, the value, and any specific social interests that the contract may attract, the procurement process must be designed to facilitate competition, optimise quality, and deliver value for money across the whole life cycle of the contract.
- 9.1.5 To ensure delivery of the above, all procurements must be carried out within a specific legal framework and based on principles of equal treatment, transparency, and non-discrimination.

### 9.2 Governing Legislation

- 9.2.1 The Local Government Act 1972 section 135 requires Public Bodies to have standing orders for how they enter into contracts. These Contract Procedure Rules ("Rules") set out how the Combined Authority will deliver against this obligation.
- 9.2.2 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, **Applicable Public Procurement Legislation** and all other relevant UK Legislation; *with 'applicable' relating to the date on which the procurement is commenced/ advertised, the framework/ DPS was established or where no competitive process is required, a purchase order is raised.*
- 9.2.3 Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.
- 9.2.4 Where there is a conflict between the procurement legislation and any other relevant legislation (as identified during procurement planning) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
- 9.2.5 Central Government guidance (Procurement Policy Notes (PPNs)) and the National Procurement Policy Statement (NPPS) should be considered when designing a procurement for best practice guidance; however, they are generally not mandatory other than where specifically identified as such.

9.2.6 Guidance on when and how to apply current PPNs and the NPPS are set out in the [Combined Authority's Guidance document](#).

9.2.7 Non-compliance with any of these rules may constitute grounds for disciplinary action.

### 9.3 Application of the Rules (Regulated Procurements)

#### 9.3.1 These rules govern:

- 9.3.1.1 any contract for the supply (*for pecuniary interest*), of goods, services or works, (not exempt/ excluded under 1.4 below) **regardless** of value,
- 9.3.1.2 using Frameworks or Dynamic Purchasing Systems,
- 9.3.1.3 collaborative procurements,
- 9.3.1.4 consultancy requirements,
- 9.3.1.5 equipment hires or lease through rental agreements,
- 9.3.1.6 disposal of assets.

### 9.4 Excluded/ Exempted Contracts (Not Regulated)

9.4.1 **These rules do not apply to contracts that are classified as excluded/ exempted**, as defined by the [Applicable Public Procurement Legislation](#); including but not limited to:

- 9.4.1.1 Authority to Authority (Subsidiary) arrangements, vertical or horizontal – subject to approval by the Procurement and Contracting Manager. e.g.
  - 9.4.1.1.1 Vertical - The Combined Authority exercises a parent or similar control or joint control with other contracting authorities on the entity as it does with its own departments, the entity carries out more than 80% of its activities for the controlling authorities and there is no private sector money in the entity.
  - 9.4.1.1.2 Horizontal - Public body to public body co-operation – to achieve objectives which the authorities have in common, through an arrangement that is solely for the public interest, and the parties perform less than 20% of the services covered by the arrangement on the open market.
- 9.4.1.2 Subject matter exemptions:
  - 9.4.1.2.1 Certain types of legal advice e.g., relating to judicial proceedings and/ or dispute resolution



- 9.4.1.2.2 Certain types of financial advice e.g., funding or financing arrangements, investment services
- 9.4.1.2.3 Employment contracts
- 9.4.1.2.4 Purchases made at public auction or of goods sold due to insolvency
- 9.4.1.2.5 Land contracts (including leases, licences, and transfers)
- 9.4.1.2.6 Grants of money, these cannot be contracts as there is no consideration and they are not services required to be delivered by the Authority
- 9.4.1.2.7 Specialist Requirements e.g., concessions, emergency, public transport as defined within the current procurement legislation.
- 9.4.1.3 Any other arrangements excluded by the procurement legislation
- 9.4.2 More specific detail on what may fall into the excluded/ exempted categories is detailed within the supporting [Combined Authority's Guidance document](#), in Part 3, section 3.1.6 and reliability of that exemption/ exclusion should be confirmed by the Procurement & Contracting Manager and/ or the Monitoring Officer before incurring any expenditure.

## 9.5 Procurement Objectives

- 9.5.1 Procurement aims and objectives cover a variety of considerations and the specific outcomes to be achieved by a specific procurement should be agreed as part of the procurement planning process.
- 9.5.2 These objectives may include, but not be limited to, all or any of the following and their inclusion should be informed by and tailored to the specific nature and technical requirements of the procurement.
  - 9.5.2.1 Fair and transparent (and effective) competition
  - 9.5.2.2 Delivering Value for Money
  - 9.5.2.3 Maximising public benefit such as delivering Social Value
  - 9.5.2.4 Accountability/ Integrity
- 9.5.3 Further Guidance on what these mean and how to include them within a procurement is available in the [Combined Authority's Guidance document](#), and through the National Procurement Policy Statement and Public Policy Notices (PPNs).

## 9.6 Roles & Responsibilities



- 9.6.1 **The Procurement Manager (and function)** is responsible for all procurement process and compliance, including; ownership of Project Initiation Document and approvals, ownership of Gateway Process, procurement option appraisals and process design, procurement training, procurement process management (including responsibilities for all notices up to the publication of the Contract Award Notice, ownership of e-tendering portal, ownership and provision of all procurement templates (including Authority standard form contracts)), completion/ approval of procurement template and reports, and oversight of all activities relating to waivers, contract modifications or termination.
- 9.6.2 **Contract Manager** is responsible for supporting the planning for and management of all contracts (regardless of how they are procured); specifically, feeding into procurement documents relating to contract management requirements, managing all applications for waivers, exemption or modification requests, owning the contract register (ensuring that information is kept up to date and that copies of contracts are attached) and forward planning for re-procurement of cyclical requirements, supporting Project Officers with contract management including financial and quality performance reporting, ensuring compliance with the Authority Governance requirements, publication of all mandatory and optional notices as required post the publication of the Contract Award Notice, ensuring all contract subject to the Gateway Process report in accordance with the stated procedures.
- 9.6.3 **The Project Lead/ Manager** is responsible for all pre-procurement governance and budgetary approvals, overseeing all technical document creation, organising any legal documents that are required, supporting all stages of the procurement process, co-ordinating the resourcing of tender evaluation and moderation sessions, completing any procurement related reports and any pre-contract governance requirements and working with Legal to finalise contracts all in accordance with this document, relevant procurement legislation and other associated legislation.
- 9.6.4 **The Monitoring Officer** is responsible for all legal decisions and activities; whether delegated to legal representatives or being actioned on behalf of the board. In the event of a disagreement within the project team relating to approach, legislation application, or any project governance, the decision will sit with the Monitoring Officer.
- 9.7 **Separation of Duties**
- 9.7.1 As part of the commitment to transparency, accountability, and service integrity, an individual that conducts a procurement, raises a purchase order, or requests a waiver cannot also approve one.
- 9.7.2 All approval and awards therefore should be raised by one individual and approved by a different individual and in accordance with the decision value and this document.
- 9.8 **Conflicts of Interest**

- 9.8.1 Public procurement legislation, as part of ensuring that all processes are managed fairly and with integrity, will require all individuals and suppliers involved in the procurement to both identify/ disclose and mitigate any perceived and/ or actual conflicts of interest.
- 9.8.2 Compliance with this requirement will include carrying out conflict of interest assessments where there is a perceived or actual conflict identified.
- 9.8.3 All conflict-of-interest assessments must be recorded on a conflicts of interest register and kept under review during the whole life cycle of the procurement. The assessment must also include details of any mitigations taken/ to be undertaken to mitigate potentially unfair outcomes; e.g., use of Ethical Wall agreements, use of alternative evaluators, etc.
- 9.8.4 The Procurement & Contracts Manager will own the register and in conjunction with the Monitoring Officer, advise on appropriate mitigations and risks.

## 9.9 Procurement Strategy

- 9.9.1 The Authority has established a Procurement Strategy that sets out the agreed approach and standard for designing and delivering procurement procedures.
- 9.9.2 **Combined Authority's Strategy and Policy document** has been created in consideration of the **Applicable Public Procurement Legislation**, Central Government guidance (Procurement Policy Notes (PPNs), ([Procurement policy notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procurement-policy-notes))), the National Procurement Policy Statement (NPPS) [National Procurement Policy Statement.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/671111/National_Procurement_Policy_Statement.pdf), and best practice; It details the Authority's visions, medium term plan and the more immediate aims and objectives.
- 9.9.3 Officers are required to align their procurements to this Strategy; with guidance available from the Procurement and Legal teams.

## 9.10 Procurement Policy & Social Value

- 9.10.1 The Authority has created a Procurement Policy which details their commitment to delivering social value through their procurements, this being in consideration of the **Applicable Public Procurement Legislation**, the Public Sector (Social Value) Act 2012 and associated Procurement Policy Notes relating to delivering social value and the Social Value Model ([Procurement policy notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procurement-policy-notes)).
- 9.10.2 The Authority's commitments relate to creating opportunities to support the local economy, local jobs, training opportunities, as well as ensuring the wellbeing of both the staff and the communities in which we work.
- 9.10.3 Where Social Value is included within a procurement, it must be tailored to the 'purpose of the contract without increasing costs. Further detail is available in the **Combined**

**Authority's Strategy and Policy Document** and the **Procurement Guidance Document**.

### 9.11 Partnership Arrangements

9.11.1 The Authority has entered into a number of arrangements with partner authorities for the purchase of various back-office services; officers must therefore liaise with procurement before commencing a new procurement for similar/ additional requirements to ensure that those arrangements are not breached or cause relationship problems across the Authority's partners.

### 9.12 Corporate Contracts

9.12.1 The Authority has established a number of corporate contracts, including but not limited to; stationery, treasury, insurance, and ICT services. officers must therefore liaise with procurement before carrying out a separate/ an additional procurement for such requirements.

### 9.13 Use of Consultants

9.13.1 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:

9.13.1.1 The service is for a discrete (or multiple discrete) piece of work and/or is not backfilling a Combined Authority post.

9.13.1.2 The consultants are procured in accordance with these Rules.

9.13.1.3 The consultant is experienced in and fully understands all ***Applicable Public Procurement Legislations*** and agrees to be bound by them.

9.13.1.4 There is a clear specification of requirements and responsibilities set out in their appointment, including adherence to these rules and relevant legislation and that this is documented in the form of contract used.

### 9.14 Working with SMEs

9.14.1 The Authority is committed to making contracting opportunities accessible to all interested suppliers.

9.14.2 Officers, when designing a procurement, must consider the use of Lots, encouraging consortia bids, structuring the documents to be SME friendly, and setting financial participation thresholds to the minimum needed to manage risk.

### 9.15 Excluding Suppliers & Subcontractors

9.15.1 The Authority may exclude a supplier where they or one of their proposed subcontractors have exhibited behaviours that are unacceptable to the Authority.

9.15.2 Details of when and for what (mandatory and discretionary grounds) a supplier may be excluded is available in the ***Applicable Public Procurement Legislations***.

## 9.16 Identifying Opportunities

9.16.1 All advertised procurements will be advertised and managed through the Authority's e-tendering Portal. ([Opportunities - Search results \(due-north.com\)](#))

9.16.2 Suppliers wishing to bid for Authority contracts should register on the portal.

## 9.17 Contracts Register

9.17.1 All current contracts are included on the Authority Online Contract Register. This includes details of the current supplier and the current contract expiry date.

9.17.2 The register is updated with details of all new contracts, regardless of how they were procured. ([Contracts register - Search results \(due-north.com\)](#))

## 9.18 Procurement – Planning, Design, Timings & Documentation.

### 9.18.1 Overview

9.18.1.1 The activities detail in this section applies where the spend is not exempted from these rules under Section 9.4 above.

9.18.1.2 Officers, members, and others responsible for spending public funds must consider all of the following legal and best practice obligations when designing a procurement.

**9.18.1.3** No procurement may proceed without an Officer having properly completed the **Procurement Instruction Document** and evidencing that they have considered all of the planning, documentation and process considerations detailed in this document) and that they have all the required approvals in place, (e.g., value, duration, lots, budget, risk, authority to procure/ award) all in accordance with the ***Procurement Guidance Document*** and where there are significant risks or public interest, the ***Authority Gateway Process***. (*To follow*)

## 9.19 Categories of Spend

9.19.1 All spend must be categorised before a procurement process can be designed; this is due to different categories and spend purposes having different financial thresholds and expectations. The categories and sectors for consideration include

9.19.1.1 **Goods** (supplies or products), **Services** (labour, consultants, or technical resources); or **Works** (Construction Projects);

9.19.1.2 **Utilities** (Gas, electric, Water, transport e.g. Buses on a fixed network), **Light Touch** (social Care, legal services, education), **Concession** (Supplier risk/ paid by service users), **Research** (for the benefit of the public), **Exempt/ Excluded** (Not Regulated)

## 9.20 Contract Durations and Duty to Consider Lots

9.20.1 Where a procurement process is required, an estimate/ maximum value must be calculated. This requires Officers to decide the contract duration (and potential extension) and any whether the requirement may be delivered by a single or multiple suppliers.

9.20.2 In determining the above, Officers must consider, the use of Lots and the potential benefit of working with (local) SMEs (and reduce overhead costs) with the opportunity to achieve economy of scale discounts, manage market uncertainty, and the benefits of a single supplier.

9.20.3 In considering and how to make opportunities accessible to SMEs, officers **MUST** ensure that they do NOT disaggregate, or sub-divide like of similar requirements purely for the sole purpose of avoiding the rules for above threshold/ public contracts.

## 9.21 Estimating Contract Values

9.21.1 The estimated contract value must include ALL monies that could be paid over the maximum life span of the contract (or Framework/ DPS), to the successful tenderer(s) regardless of the source; e.g., all planned and potential costs, additional requirements, fees/ commissions, contract extensions and/ or prizes/ participation costs plus any contingencies, whether funded by the authority, other grants or paid by service users. The total must also include VAT.

9.21.2 This value must not be artificially inflated or disaggregated as it will feed into various decisions, including route to market, and assessing whether a supplier has the capacity (under a two times the annual value of the contract that a supplier may potentially be awarded)

9.21.3 The above calculated value, calculations and assumptions must be documented in the **Procurement Instruction Document** and where it exceeds the Authority threshold for a Key decision, this must be notified to legal.

## 9.22 Thresholds

9.22.1 Procurement Thresholds are category/ sector and value based; they determine which routes to market are available and rules must be followed.

9.22.2 The Thresholds come from the [Applicable Public Procurement Legislation](#) (or Policy Notes) and are based on the Government Procurement Agreement (GPA).

9.22.3 The rules and available routes to market are determined by whether the estimated contract value is deemed to be 'Above Threshold' (Covered Contracts) or 'Below Threshold'. [Current Thresholds PPN](#)

9.22.4 For Below Threshold spend, the following table sets out a number of routes to market and the estimated value (which include VAT) and category/ sector rules for when a route is available for use.

Table 1 – Below Threshold procurement processes

Category/ Sector	Level 1 - Single Quote	Level 2 - Request for Quotes	Level 3a & b Simple Tender
Goods (G)	£0 to £9,999	£10,000 to £29,999	£30,000 to Goods £GPA (3a)
Services (S)	£0 to £29,999	£30,000 to £49,999	£50,000 to Services £GPA (3a)
Consultancy Services	£0 to £49,999	£50,000 to £GPA	
Licences	£0 to £199,999		
ICT G & Services	£0 to £199,999		
Works	£0 to £99,999	£100,000 to £499,999	£500,000 to Works £GPA (3b)
Light Touch	£0 to £99,999	£100,000 to £299,999	£300,000 to Light Touch £GPA (3a)
Concession (ALL)	£0 to £99,999	£100,000 to £499,999	£500,000 to £GPA(3a)
Utilities	£0 to £99,999	£100,000 to £499,999	£500,000 to £GPA(3a)
Frameworks & DPS	In accordance with Framework Rules (direct award up to £199,999 (where permitted) with further competition above £200,000)		

9.22.5 Regardless of the minimum obligations, Officers may choose (or may be instructed by procurement to) conduct a procedure in line with a higher level, including one which is for Above Threshold/ Covered Procurement, including issuing a Tender/ Contract notice to invite interested suppliers to submit a Tender.



9.22.6 The Procurement Manager may also mandate such a process where the estimate contract value is very close to the relevant £GPA Threshold, or the contract is considered to be high profile/ of public interest, or where it is a condition of the funding that a specific process must be applied.

9.22.7 An explanation of what is required for each procurement process/ level is provided below and with further detail being available in the [Procurement Guidance Document](#).

### 9.23 Risk Assessments

9.23.1 Officers are required to carry out a risk assessment as part of the project initiation and planning process, and at the very least, in the following situations:

9.23.1.1 where the procurement is both a Key Decision and Above Threshold (a Covered Procurement) AND/ OR

9.23.1.2 is establish a new Framework or DPS agreement with multiple suppliers

9.23.1.3 includes a Special Purpose Vehicle,

9.23.1.4 is for a contract duration in excess of five years,

9.23.1.5 includes design liabilities and/ or collateral warranties,

9.23.1.6 involves intellectual property,

9.23.1.7 involves a significant Health & Safety consideration,

9.23.1.8 is likely to be subject to significant inflation risks, or

9.23.1.9 where the spend relates to substantial direct awards or contract extensions that carry risks under the [Applicable Public Procurement Legislation](#).

9.23.2 The outcome of the risk assessment must both be:

9.23.2.1 documented in the **Procurement Instruction Document** as it will feed into the process design and Gateway Process reporting requirement and

9.23.2.2 added to the Corporate Risk Register for monthly monitoring by the PMO and Project Lead.

### 9.24 Preliminary Market Engagement

9.24.1 Officers are required as part of designing both the procurement and the procurement documentation to consider running a **Preliminary Market Engagement** event where a contract has been assessed as high value, high profile, complex or specialist in nature,

the market is saturated, made up of SMEs, or is suitable for a consortia approach; or as otherwise directed by Procurement. This decision and reason is to be documented in the **Procurement Instruction Document** and will feed into the process design and timescales.

9.24.2 Where a **Preliminary Market Engagement** event is to be used, it must be advertised, and the Authority must take reasonable steps to ensure that participants at an event do not have an advantage in the subsequent procurement.

9.24.3 All information shared before, during or after a **Preliminary Market Engagement** event must also be included within the subsequent procurement documentation.

## 9.25 Routes to Market, Document Requirement & Timescales

9.25.1 Depending on the Level/ route to market identified Table 1 – Below Threshold procurement processes, Officers should use the following table to determine the stages, activities, and documents to be included in the design of the procurement.

Table 2a – Document and Process Requirement Checklist

		Below Threshold			
		Level 1	Level 2	Level 3a	Level 3b
Stages	Activities/ Documents	Single quote	Request for Quotes	Simple Tender (G&S)	Simple Tender (Works)
Process for identifying/ inviting suppliers to quote/ tender	Identify suitable supplier (s)	✓	✓	X	X
	Include at least 1 local supplier	✓	✓	X	X
	Invite all Suppliers to tender	X	X	X	X
	Advert on e-tendering Portal	X	X	✓	✓
	Advert on Contracts Finder	X	X	✓	✓
	Advert on Find a Tender Service	X	X	X	X
Communication methodology	Manage by email	✓	X	X	X
	Manage on portal	X	✓	✓	✓
Suitability assessment	Due Diligence Form - Capacity & Capability	X	✓	✓	X
	SSQ- Capacity & Capability	X	X	X	X
	SSQ- Selection Stage/ shortlisting	X	X	X	✓
Documentation to be provided	Specification	✓	✓	✓	✓
	Contract	✓	✓	✓	✓
	Tender Response Document	X	✓	✓	✓
	Form of Tender	X	X	✓	✓
	Tender Instruction inc. timescales	X	X	✓	✓
	RFQ Instructions	X	✓	X	X
	Price Only Evaluation model	✓	✓	X	X



Evaluation Methodology	Quality & Price Evaluation model	X	✓	✓	X
	Quality, Social Value & Price Evaluation model	X	X	✓	✓
Review/ negotiation opportunity	Acceptability Review	✓	X	X	X
	Opportunity to Negotiate	✓	✓	X	X
	Opportunity to refresh (ALL Suppliers)	✓	✓	X	X
process considerations	Min Number of evaluators	2	3	3	3
	Estimated timescales	2-4 weeks	4-6 weeks	6-10 weeks	12-14 weeks
Outcome notifications	Selection stage Outcome Letters	X	X	X	✓
	Award Outcome Letters to all suppliers	✓			
	Standstill	Optional			
	Award Notice - Contracts Finder (above £30k)	Over £30k incl. VAT			
	Contract Award Notice - Find a Tender Service	N/A			
	Modification Notice - Find a Tender Service	N/A			

For Procurement Above Threshold (Covered Procurements), the following table sets out the stages, activities, and documents to be included in the design of the procurement by Officers.

9.25.2 Further guidance on using both Tables 2a and 2b is available in the [Procurement Guidance Document](#).

Table 2b – Document and Process Requirements Checklist

		Above Threshold			Any Value	
		Level 4	Level 4	Level 4	Level 4	Level 4
Stages	Activities/ Documents	Open Tender	Other Processes	Direct Award	Use Existing Framework	Using Existing DPS
Process for identifying/ inviting suppliers to quote/ tender	Identify suitable supplier (s)	X	X	✓	X	X
	Include at least 1 local supplier	X	X	X	X	X
	Invite all Suppliers to tender	X	X	X	✓	✓
	Advert on e-tendering Portal	✓	✓	X	X	X
	Advert on Contracts Finder	✓	✓	X	X	X
	Advert on Find a Tender Service	✓	✓	X	X	X
Communication methodology	Manage by email	X	X	X	X	X
	Manage on portal	✓	✓	✓	✓	✓
Suitability assessment	Due Diligence Form - Capacity & Capability	X	X	X	X	X

	SSQ- Capacity & Capability	✓	✓	✓	X	X
	SSQ- Selection Stage/ shortlisting	X	✓	X	X	X
Documentation to be provided	Specification	✓	✓	✓	✓	✓
	Contract	✓	✓	✓	✓	✓
	Tender Response Document	✓	✓	✓	✓	✓
	Form of Tender	✓	✓	✓	✓	✓
	Tender Instruction inc. timescales	✓	✓	✓	✓	✓
	RFQ Instructions	X	X	X	X	X
Evaluation Methodology	Price Only Evaluation model	X	X	X	X	X
	Quality & Price Evaluation model	X	X	X	X	X
	Quality, Social Value & Price Evaluation model	✓	✓	✓	✓	✓
Review/ negotiation opportunity	Acceptability Review	X	X	✓	X	X
	Opportunity to Negotiate	X	✓	✓	X	X
	Opportunity to refresh (ALL Suppliers)	X	✓	X	X	X
process considerations	Min Number of evaluators	3	4	2	2	3
	Estimated timescales	12-14 weeks	over 26 weeks	2 weeks	4-12 weeks	4-12 weeks
Outcome notifications	Selection stage Outcome Letters	X	✓	X	N/A	
	Award Outcome Letters to all suppliers	✓	✓	X	✓	✓
	Standstill	Mandatory			Optional	
	Award Notice - Contracts Finder (above £30k)	✓	✓	✓	✓	✓
	Contract Award Notice - Find a Tender Service	✓	✓	✓	Optional	
	Modification Notice - Find a Tender Service	In Accordance with Legislation				

## 9.26 Legal Considerations

### 9.26.1 Contracts

9.26.1.1 Every Procurement must be accompanied by a Contract.

9.26.1.2 The contract may be a standard form, an amended standard form, a bespoke/ project specific contract, or a set of Heads of Terms; and these may be provided either in a finalised or draft form (depending on the route to market being used).

9.26.1.3 Legal are responsible for determining the appropriate form of contract and this must be documented in the **Procurement Instruction Document** as it will feed into various aspects of the process design.

9.26.1.4 The agreed form of contract must be made available to Tenderers before they are required to submit a price/ tender.

### 9.26.2 Bonds & Guarantees

- 9.26.2.1 All contracts over £250k will include an option for the Authority to request a Performance Bond and/ or a Parent Company Guarantee. The adoption and value of which are at the discretion of the relevant Director. The requirement is likely to be applied where the project or a contractor is deemed as a high risk for failure (likelihood and/or impacts). Advice is available from the procurement team, legal and finance.
- 9.26.2.2 Where a bond or guarantee is deemed necessary – this should be in a form acceptable to the Authority and in consideration of the form of contract being used

### 9.26.3 Non-Procurement Legislation

- 9.26.3.1 The design of any procurement must take into account all relevant legislation; as applies to the authority, the project, and the supply chain.
- 9.26.3.2 In the event that there is an incompatibility identified between two or more relevant pieces of legislation; this must be escalated to the Monitoring Officer for a decision.

## 9.27 Procurement Programme

- 9.27.1 In addition to the indicative timescales included in Tables 2a and 2b above, Officers will also need to plan for and include time allowances for complying with the Authority's approvals and reporting requirements. This being particularly significant where a procurement is classified as a Key Decision and/ or is to be monitored through the Gateway Process.
- 9.27.2 Officers should work with the Programme Management office (PMO) team and Contract Manager to create a procurement programme against which resource requirements can be managed.
- 9.27.3 Indicative timescales for different types of approvals are set out in the [Procurement Guidance Document](#).

## 9.28 Procurement Documentation

### 9.28.1 Overview

- 9.28.1.1 The procurement document required will depend on the selected route to market, the stages, and the activities to be completed; Tables 2a & b above set out the minimum information, process and notification requirements that must be adhered to.

### 9.28.2 Notices

- 9.28.2.1 The publication of the various notices is a legal requirement both to create effective competition and ensure transparency in the spending of public funds, the most commonly used notices and reasons for use are detailed below:
- 9.28.2.1.1A Tender/ Contract Notice – a Call for Competition / request for tenders from interested suppliers as part of ensuring effective competition
- 9.28.2.1.2A Contract Award Notice – Informing the market of a decision to award.
- 9.28.2.1.3Contract Change Notices (Modification Notices) – Informing the market that the Authority intends to make a permitted modification to a contract.
- 9.28.2.2 Where the Authority is required to be published other notices to inform the market of other plans, events, decisions and/ or report information in accordance with the **Applicable Public Procurement Legislation**, the Procurement Manager and/ or the Contract Manager will identify and publish them as required.

### 9.28.3 Instructions

- 9.28.3.1 Officers must ensure that they effectively communicate with all suppliers what the procurement process will involve (including selection and/ or negotiation stages), how long it should take and what is required from the supplier to submit a compliant quote/ tender.
- 9.28.3.2 In addition, it must detail how suppliers should communicate with the Authority during the procurement process and any rules for participation/ conditions of tendering.

### 9.28.4 Due Diligence / Standard Selection Questionnaire/ Conditions of Participation

- 9.28.4.1 It is essential that the Authority only appoint suppliers to deliver contracts that have the capability, capacity, and experience against the specific technical requirement and that they can achieve the project timescale and quality requirements.

(a) In addition, the Authority must ensure that all suppliers meet the legal, ethical, and social standards set out by Central Government. Further information on this is available at Gov.uk ([Standard Selection Questionnaire PPN](#))

### 9.28.5 Award Criteria (Evaluation Methodology)

- 9.28.5.1 Officers are required to design and effectively communication the evaluation methodology that will be applied to the tender responses submitted by suppliers.
- 9.28.5.2 This must include detailing the split between quality, social value and prices and more specifically:

- 9.28.5.2.1 For quality and social value - the detailed questions and any response guidance, the scoring methodology/ matrix, and the importance weighting to be applied to each question
- 9.28.5.2.2 For Price – what value will be evaluated (including how it will be calculated) and the weighting allocated to the price.
- 9.28.5.3 One the Invitation to tender has been launched, this Award Criteria cannot be amended.

#### 9.28.6 Form of Tender

- 9.28.6.1 All Suppliers will be required to sign a disclaimer when submitting their tender; specifically relating to their conduct during the procurement, there adherence to the condition of tendering, the acceptance of the contract terms and their agreement to hold their price open for a specific amount of time.

#### 9.28.7 Document Format

- 9.28.7.1 All documentation and communication will be issued and returned electronically, the documents may, therefore, be issued as attachment in Microsoft or Adobe formats or built into and answered in the e-tendering portal.

### 9.29 Procurement Process & Contract Management

#### 9.29.1 Procurement Launch

- 9.29.2 The Authority is required to publish a full set of procurement documents when they publish the contract/ tender notice. Table 2a & b above state when a notice is required and where it must be published.
- 9.29.3 Suppliers can access these opportunities from the following links:
  - 9.29.3.1 [E-tendering portal hyperlink \(Opportunities - Search results \(due-north.com\)\)](#)
  - 9.29.3.2 [Contracts Finder - GOV.UK \(www.gov.uk\)](#)
  - 9.29.3.3 [Find high value contracts in the public sector - GOV.UK \(www.gov.uk\)](#)

#### 9.30 Process Management

- 9.30.1 All competitive procedures (level 2 and above) must be managed through the Authority's e-tendering Portal; including all of the following activities

#### 9.31 Communication with Suppliers

- 9.31.1 All communication with suppliers should be, as far as practicable, be via electronic means; e.g., the e-tendering portal.

### 9.32 Clarifications

- 9.32.1 All clarifications (by suppliers and the Authority) must be raised and managed through the e-tendering portal.
- 9.32.2 Where a supplier asks a question, the questions and responses must be shared with all suppliers; an exception being where the supplier specifies that the question is commercially sensitive, and the Authority accepts this.
- 9.32.3 Where, as part of the evaluation process, the Authority identifies something that appears erroneous, needs to be clarified or was omitted, must also be raised through the e-tendering portal.
- 9.32.4 A record of all clarifications must be maintained.

### 9.33 Evaluation Process

- 9.33.1 Authority will identify a team Suitably Qualified and Experience Persons (SQEP) to carry out individual evaluations of their allocated question in accordance with the Selection/ Award Criteria as set out in the procurement documentation. All evaluators will then be required to attend a moderation session.
- 9.33.2 At selection stage, depending on the route to market, the Authority may down select participants, depending on which/ the design of the process.
- 9.33.3 At Award Stage, the quality, social value, and price evaluation will be carried out independently and not shared with evaluators until a formal recommendation is made.
- 9.33.4 The Authority has the right (but is not obliged) to seek clarification on the submissions as part of the process. Where this prerogative is utilised, all suppliers will be treated equally.

### 9.34 Negotiations

- 9.34.1 Negotiations will only be permitted where this is expressly stated in the procurement documentation and will be carried out in compliance with the stated process.
- 9.34.2 If a supplier attempts to negotiate a contract post award where this is not permitted, the Authority may disregard the supplier and award to the next ranked supplier.

### 9.35 Preferred Supplier Identification & Assurance

- 9.35.1 Once the evaluation process is complete, a preferred supplier will be identified, and the supplier suitability previously carried out refreshed to ensure that they are still a suitable/ capable supplier.

## 9.36 Award Decisions and Approvals

### 9.36.1 Tender Report (Audit Trail)

- 9.36.1.1 Following the completion of the procurement process, the Authority will comply with its obligations to justify and document the outcome and its recommendations. This includes where a Direct Award is made.

### 9.36.2 Award Governance

- 9.36.2.1 Before suppliers can be notified of the recommendation, the decision to award must be approved in accordance with the Authority's scheme of delegation (and depending on value/ risk, in accordance with a Gateway process)

### 9.36.3 Supplier Notifications

- 9.36.3.1 Once approved, the Authority will collate and provide each supplier with an assessment summary/supplier feedback. This to include the scores and information about the Authority's assessment (reason for the scores awarded). Unsuccessful suppliers must also be provided information relating to the successful supplier

### 9.36.4 Standstill Period & Contract Award Notice.

- 9.36.4.1 For all Above Threshold/ covered procurements, the Authority must apply a standstill period before entering into the contract. (Excluding Utilities, Light Touch or contracts awarded under a framework, in which cases a standstill period is optional)
- 9.36.4.2 The standstill period must be applied, and a Contract Award Notice published in accordance with **Applicable Public Procurement Legislation**.

## 9.37 Spend Approval & Contract Execution Thresholds

- 9.37.1 All contracts must be signed or executed in accordance with the following rules:

	Works – executed as a Deed
Monitoring Officer	All works contracts regardless of value
	Goods & Services – signed underhand
Responsible Officer	Up to £25k exc. VAT



Project Finance Officer	£50k to UK threshold exc. VAT
Project Director including Assistant Director's	Up to £250k exc. VAT
Monitoring Officer	Up to £1million exc. VAT
Key Decisions Process	Over £1million exc. VAT

- 9.37.2 A record of the contract and a copy of all executed contracts must be added to the Contract Register (with physical copies of contracts executed as a deed stored securely).

## 9.38 Contract Management

### 9.38.1 Contract Review

- 9.38.1.1 The Contract Manager will ensure that all contracts are reviewed regularly to ensure the stated deliverables are being achieved, specifically
- 9.38.1.2 Performance Management – that any included Key Performance Indicators are being satisfactorily achieved and any associated reporting is completed
- 9.38.1.3 Financial and Payment Performance (including Late Payments) – that the Authority and the Supplier are meeting their payment obligations; including making late payments were due.

### 9.38.2 Modifications

- 9.38.2.1 All modifications must be managed in accordance with the contract and in compliance of what is permitted under the **Applicable Public Procurement Legislation**.
- 9.38.2.2 A record of all changes must be made and reported in accordance with both the Authority's governance requirements and the **Applicable Public Procurement Legislation**.

### 9.38.3 Termination

- 9.38.3.1 In the event that any performance requirements are not being met, the Authority may terminate the contract in accordance with the stated contract clauses. Where required, this to be reported in accordance with the **Applicable Public Procurement Legislation**.

## 9.39 Other Procurement Considerations



### 9.39.1 Waivers & Exemption Approvals

9.39.1.1 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:

	Activity	Approval Requirements
Exemption from obtaining quotes (level 2)	Under £25k (exc. VAT) (Goods) The responsible officer must complete and sign the template	The completed (signed) form must then be approved by both Procurement and Legal
	Over £30k up to £100k (exc. VAT) (Services) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer	
	Over £100k (exc. VAT) up to £GPA threshold (Goods & Service) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer and the Project Director	
	Over £100k up to £500k (exc. VAT) (Works, Concessions, Utilities) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer	
Exemption from advertisement (level 3)	Under £GPA threshold (Goods & Service) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer and the Project Director	The completed (signed) form must then be approved by both Procurement and Legal and where a Key Decision, the individual(s) with delegated authority.
	Over £300k up to £500k (exc. VAT) (Light Touch) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer	
	Over £500k (exc. VAT) up to £GPA threshold (Works, Concessions, Utilities) Spend over this value is a Key Decision and so must be taken to Board for approval by the Project Director and Monitoring Officer	
Exemption from further competition under a framework	Over £200k up to £500k (exc. VAT) (ALL) The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer	The completed (signed) form must then be approved by both Procurement and Legal

- 9.39.1.2 Where a contract is awarded under a waiver and is over £30k Inc. VAT, a Contract Award Notice must be published on Contracts Finder and the contract added to the Contract Register
- 9.39.1.3 Where an Officer deems that the proposed expenditure is exempt from these rules, the Officer must complete a procurement exemption form regardless of value and/or category/sector. This must be approved by Procurement and Legal.

#### 9.40 Collaborative Procurements

- 9.40.1 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 **Applicable Public Procurement Legislation**, and legislation more generally,
- 9.40.2 Each Authority must comply with their own rules with regards Financial, Procurement and delegated authority requirements; and then equally, their own scheme of delegation for contract signature.

#### 9.41 Purchase Cards

- 9.41.1 The authority operates a purchase card facility; these are used for low value or one-off incidental spend where it is not efficient to carry out a competitive process.

#### 9.42 Community Right of Challenge

- 9.42.1 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.

#### 9.43 Disposal of Goods & Assets

- 9.43.1 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.

### 9.44 Grants

#### 9.45 Application Process

- 9.45.1 The Authority is the recipient and administrator of substantial funding from central government and potentially, other funders.

- 9.45.2 Where this funding is to be granted to organisation to deliver specific aims and objectives for the Cambridgeshire and Peterborough communities, this will be administered through a formal process.
- 9.45.3** This process, in support of the Authority's commitment to transparency and equal treatment, will require organisation to submit a formal Grant Application; further details of how this works and what applicants need to do to be considered for different funding can be found in the Authorities ***Grant Application Guidance Document. (To follow)***
- 9.45.4 The Authority reserves the right to apply a funding specific application process (subject to approval by the Monitoring Officer) where the Authority's standard grant application process is deemed insufficient for reasons such as the scope, the specific delivery requirements and/ or the funding and reporting obligations are complex.
- 9.46 Grant Agreements**
- 9.46.1 Where a grant is issued, it must be awarded in accordance with the Authority's process for advertising, selecting, and awarding grants.
- 9.46.2 All grants must include:
- 9.46.2.2 Details of what the applicant has committed to provide for the funding.
- 9.46.2.3 Payment details including any payment conditions and frequency; and
- 9.46.2.4 Any flow-down requirements relating to obligations that apply to the Authority; including where relevant, reporting and clawback options
- 9.46.3 All grants which include clawback options **MUST** be executed as a Deed.
- 9.47 Monitoring & Reporting**
- 9.47.1 A register of all grants issued must be maintained, this to include details of the recipient, the value, the funder, and the purpose.
- 9.47.2 Where the funding including reporting or other delivery/ payment obligations, this information must also be included in the register; e.g., conditions, monies paid, and delivery against the funding.
- 9.47.3 Where the grant includes reporting obligations, periodic meetings (as agreed as part of the grant agreement) must be held between the recipient and the Authority to ensure the recipient is both delivering as per their application and providing the required information. Notes and data from these meetings must be stored against the Grant Register.

## 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 (also see [Chapter 19, Annex 11 the Member Access to Information Protocol](#)) 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 xxx 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:
- is in the possession or under the control of the Mayor or the Authority; and
- 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 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 the Business Board. 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.
- 10.12.2 A 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: <ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ul>
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

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) <a href="#">the Companies Act 1985</a>;</li> <li>(b) <a href="#">the Friendly Societies Act 1974</a> and <a href="#">1992</a>;</li> <li>(c) <a href="#">the Industrial and Provident Societies Acts 1965</a> to <a href="#">1978</a>;</li> <li>(d) <a href="#">the Building Societies Act 1986</a>; or</li> <li>(e) <a href="#">the Charities Act 1993</a>.</li> </ul> <p>Information is exempt if and in so long as in all circumstances of the case, the public interest</p>

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 the Overview & Scrutiny committee is of the opinion that the decision should have been treated as a Key Decision, that Overview & 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, Annex 12](#)) 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, Annex 12](#).

### **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, Procedures and Protocols, Annex 13](#).

## 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, Annex 14](#). 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, Procedure and Protocols, Annex 5](#) sets out the rules which apply to such posts.

## CHAPTER 12: ALLOWANCES

**THIS CHAPTER IS PENDING AND WILL BE PRODUCED BY DECEMBER 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 To review any issue referred to the Committee by the Chief Executive, Directors, s73 Officer, Monitoring Officer or any Combined Authority Member. An issue may be referred to the Audit and Governance Committee by notifying the Monitoring Officer at least seven working days before an Audit & Governance meeting. The Chair of the Audit & Governance committee will be informed of the referral following which the Chair would decide whether the issue falls within the remit of the Audit & Governance Committee and additionally decide at which meeting the issue will be discussed.
- 13.3.28 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 At the beginning of each municipal year the Committee may appoint an independent member subject to a resolution agreed by simple majority.
- 13.4.5.1 A co-opted independent member is a committee member who does not represent any political party or constituent authority for the purposes of the Audit and Governance committee but recruited to join the committee from a Constituent Council.
- 13.4.5.2 The role description of an independent member of Audit Committee is the same as for an elected member with the only substantial difference being around decision making responsibilities. An independent member cannot vote so will not be able to take part in the decision although they can actively contribute to the discussions leading up to the vote. The objective of including such members is to increase the knowledge and experience base of the committee, reinforcing its independence.
- 13.4.5.3 The appointed independent co-opted member will not have voting rights. Therefore, their involvement on the Committee will be in a consultative manner, with their views being taken into account by voting members of the Committee.
- 13.4.5.4 The Audit and Governance committee has authority to determine the process for recruiting and appointing a co-optee and substitute.
- 13.4.6 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.

## 13.5 Chair and Vice-Chair

- 13.5.1 The Combined Authority Board shall appoint the Chair and Vice-Chair.
- 13.5.2 The Independent Member should be designated as Chair of the Audit and Governance Committee.
- 13.5.3 The Vice-Chair of the Committee should be chosen by the Committee, at its first meeting each Civic Year.

## 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;

(c) 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.

14.2.2 The power of the Committee under paragraph 14.2.1(a) – (e) 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.

14.2.3 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.

### 14.3 Membership

14.3.2 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.

14.3.3 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.

14.3.4 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.

14.3.5 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.

14.3.6 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

14.4.2 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.

14.4.3 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.

14.4.4 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

- 14.5.2 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

- 14.6.2 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

- 14.7.2 The Committee shall meet at least once a year.
- 14.7.3 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 a thematic 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, a thematic 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, thematic 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 a thematic 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, a thematic 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 thematic 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 thematic 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 thematic 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 thematic 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

**15.1 TO BE UPDATED FOLLOWING THE REVIEW OF THE BUSINESS BOARD.**

## 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

- 16.4.1 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.
- 16.4.2 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.

- 16.4.3 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.
- 16.4.4 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'.
- 16.4.5 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.
- 16.4.6 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.
- 16.4.7 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>
Employment, office, trade, profession or vocation	Any employment, office, business, trade, profession or vocation carried on for profit or gain.
Sponsorship	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>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>
Contracts	<p>Any contract with the Combined Authority/Business Board:</p> <ul style="list-style-type: none"> <li>(a) for goods, works or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged</li> </ul> <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> <p>Any beneficial interest in land which is within the area of the 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>
Licenses	<p>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.</p>
Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <ul style="list-style-type: none"> <li>(a) the landlord is the Combined Authority or Business Board; and</li> <li>(b) the tenant is a body in which you, or a person listed in paragraph 16.5.1.2 below, has a</li> </ul>

	beneficial interest.
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 16.5.1.2 (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 £25.

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

### 16.7.1 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.

### 16.7.2 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 at least 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; or as if they were civil partners.

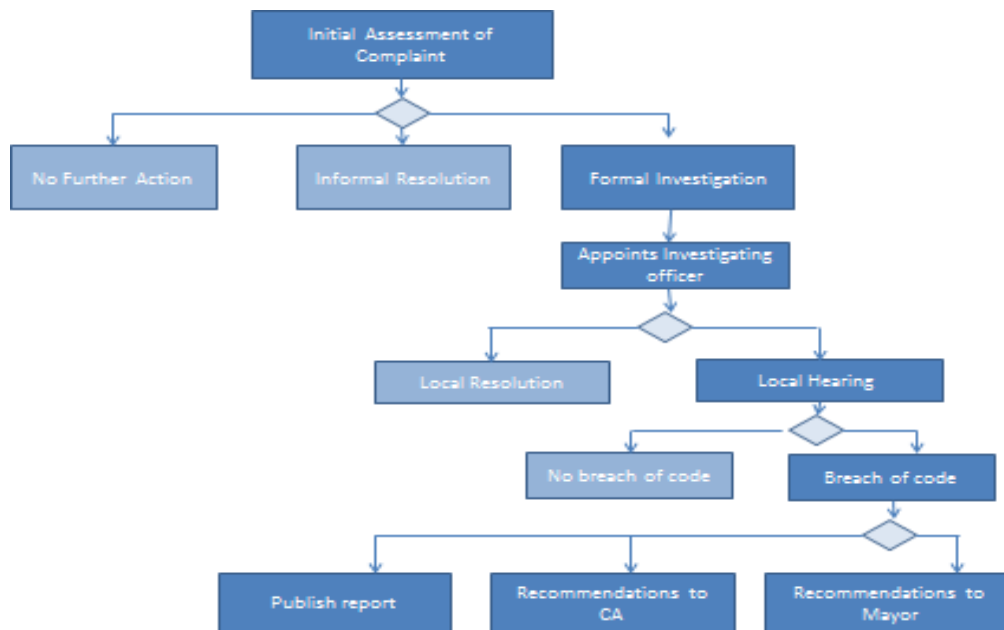
#### 16.15 Revision of these Arrangements

- 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

#### **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 may 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 seven 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 belowyou 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.

**Table 1: Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit
<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>

	(b) which has not been fully discharged
<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 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
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\*'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

## **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 HOLDINGS LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://company-information.service.gov.uk/company/11052614)

**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.  
[ANGLE DEVELOPMENTS \(EAST\) LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://company-information.service.gov.uk/company/11052614)

**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 *GrowthCo* 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.

[CAMBRIDGESHIRE AND PETERBOROUGH BUSINESS GROWTH COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

**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 HE PROPERTY COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

**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 Anglia Ruskin University.

[PETERBOROUGH R&D PROPERTY COMPANY LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](#)

## 17.2 The Shareholder Board

- 17.2.1 The Combined Authority has appointed a Shareholder Board. It should meet at least once every municipal year.
- 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 Combined Authority 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/Chief Executive Officer 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

17.3.30 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 Combined Authority Board meeting, or
- (b) in a meeting of the Shareholder Board

#### Meetings

17.3.31 The Shareholder board shall meet on a basis agreed by itself and its meetings will be held in private.

17.3.32 The quorum shall be the Mayor, one member of the Combined Authority Board, one independent co-opted member and one officer of the Combined Authority.

Interactions

17.3.33 The Shareholder Board as it considers appropriate, may:

- (a) Report and make formal recommendations to the mayor directly or to the Combined Authority 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
- 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 [Procurement and Contract Procedure Rules](#), assurance framework, monitoring and evaluation framework, [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 with 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](#);
- (f) procure or re-procure, award and agree contracts for goods and services not above £1m without the need to seek authorisation from Members unless the Combined Authority Board has expressly requested that authorisation is sought from them or the funds are not within the Combined Authority's approved budget;
- (g) 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 on behalf of the Combined Authority.

## **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 UK 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 UK thresholds up to £1m: The Chief Finance Officer or Monitoring Officer can award a contract up to £1m 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 £1m: 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 £1m 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 £1m 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) 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 that Chief Executive 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.
- (h) In order to exercise (g) above, the business case or procurement must be approved by the Combined Authority 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, ie:
  - 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](#).
  - decisions taken will be reported to the next available Combined Authority Board as part of a Delegated Authority report
- (i) 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.
- (j) To make final decisions in redundancy matters in accordance with all government guidance and statute.

- (k) 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.
- (l) To take decisions up to £1m, subject to any decisions being reported to the next Board meeting of the Combined Authority.
- (m) 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 Combined Authority Board, save for those earmarked funds and reserves which the Combined Authority 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 meeting of the Combined Authority Board after the commitment is made.

#### **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, pocedures, 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 organizational 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.
- 18.5.6 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.
- 18.5.7 To make any changes to the Assurance Framework which are required as

a result of legislative change or decisions of the Authority.

- 18.5.8 To administer the Members' Allowances Scheme.
- 18.5.9 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 the [Companies Act 2006](#) requirements and any associated requirements;
- 18.5.10 To be authorised to sign Grant Funding Agreements, outside of Combined Authority Board approval, up to £1m in consultation with the Chief Finance Officer

#### Member Code of Conduct

- 18.5.11 To deal with matters of conduct and ethical standards in accordance with the requirements of the [Localism Act 2011](#).
- 18.5.12 To support the Audit and Governance Committee in promoting high standards of conduct.
- 18.5.13 To receive complaints that any Member has failed to comply with the Code of Conduct for Members.
- 18.5.14 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.
- 18.5.15 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.
- 18.5.16 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](#).
- 18.5.17 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:
  - 18.5.18 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
  - 18.5.19 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

18.5.20 granting the dispensation is in the interests of persons living in the Combined Authority's area; or

18.5.21 it is otherwise appropriate to grant a dispensation.

18.5.22 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

18.5.23 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.

18.5.24 To settle, if appropriate, and in the interests of the Combined Authority, any actual or threatened legal proceedings.

18.5.25 To instruct Counsel and professional advisers, where appropriate.

18.5.26 To supervise the preparation of legal documents.

18.5.27 To execute documents whether by hand or under seal, and to authorise other Officers to execute documents whether by hand or under seal.

18.5.28 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.

18.5.29 To exercise the responsibilities assigned to the Monitoring Officer in this Constitution, including the Contract Procedure Rules.

18.5.30 To deal with and determine exemptions under [Section 36 of the Freedom of Information Act 2000](#).

18.5.31 To accept on behalf of the Combined Authority the service of notices, orders and legal procedures.

18.5.32 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.

18.5.33 To agree the terms for placing an officer at the disposal of another local authority.

18.5.34 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 £1m, 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	<a href="#">Section 115 (2)</a>
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#### Local Government Act 1985

Proper Administration of the financial affairs of the Combined Authority	<a href="#">Section 73</a>
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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.	<a href="#">Section 114</a>
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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	<a href="#">Section 146 (1) (a) and (b)</a>
Deposit of Documents	<a href="#">Section 225 (1)</a>
Certifications of photographic copies of documents	<a href="#">Section 229 (5)</a>
Issuing and signing of formal notices	<a href="#">Section 234 (1) and (2)</a>
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.	<a href="#">Section 100B (2)</a>
Provision of documents to the press, additional to Committee reports	<a href="#">Section 100B (7)</a>
Preparing written summaries of proceedings	<a href="#">Section 100C (2)</a>
Making arrangements for list of, and background papers to reports, to be made available for public inspection	<a href="#">Section 100D (1)</a>
Determination of documents disclosing exempt information which may not be inspected by Members	<a href="#">Section 100F (2)</a>
Signature of Summonses to Combined Authority meetings	<a href="#">Schedule 12 para 4 (2) (b)</a>
Receipt of notices regarding address to which Summons to meetings of the Combined Authority is to be sent	<a href="#">Schedule 12 para 4 (3)</a>

### **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	<a href="#">Section 100D (1) (a)</a>
Identifying and determining what are background papers	<a href="#">Section 100</a>

## CHAPTER 19: POLICIES AND PROTOCOLS

### 19.1 Introduction

19.1.1 This Chapter provides, as a series of annexes, the pr 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: [Member-Officer Relations Protocol](#)
- 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: [Disciplinary Procedure in Relation to the Head of Paid Service, Monitoring Officer and Section 73 Officer](#)
- Annex 9: [Monitoring Officer Protocol](#)
- Annex 10: [Procurement Strategy](#)
- Annex 11: [Procurement Policy](#)
- Annex 12: [Procurement Guidance Document](#)
- Annex 13: [Member Access to Information Protocol](#)
- Annex 14: [Data Protection Policy](#)
- Annex 15: [Complaints Procedure](#)
- Annex 16: [Protocol on Appointments to the Office of the Mayor](#)
- Annex 17: [Standards Committee Hearings Protocol](#)



## Annex 1: Protocol on Member Use of Resources and the Code of Recommended Practice on Local Authority Publicity

### a) 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:

- i. Office Premises
- ii. Stationery, postage, telephones, copying facilities
- iii. Administrative and Secretarial Support
- iv. Laptops
- v. Email accounts

The Combined Authority's Member Code of Conduct includes the following on use of the Authority's resources:

#### ***As a member I commit to:***

##### ***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.

### **(a) Use of Information and Communications Technology**

- a. 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.

## **(b) The Code of Recommended Practice on Local Authority Publicity**

- a. Section 2 of the Local Government Act 1986 states:

### **2.— Prohibition of political publicity.**

- (a) *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.*
- (b) *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.*
- (c) *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.

- b. 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.

- c. The Code states that local authority publicity should:
- i. be lawful
  - ii. be cost effective
  - iii. be objective
  - iv. be even-handed
  - v. be appropriate
  - vi. have regard to equality and diversity
  - vii. 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.

- d. 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.*

- e. 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.

### **(c) Personal Use of the Authority's Resources**

- a. Personal use of ICT equipment and resources is covered by the policies referred to at paragraph 2.1 above.

- b. 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**

- 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.



## Annex 3: Protocol on Member/Officer Relations



### Protocol on Member/Officer Relations

#### 1. Introduction

- 1.1 The protocol is designed to provide a guide to good working relations between Combined Authority Board Members, including the Mayor, and officers, to define their respective roles and provide some 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. However, close personal familiarity between individual Members and Officers can damage this important relationship.

- 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.
- 1.7 It is clearly important that there should be a close working relationship between Board members, committee chairs, and the relevant chief officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

## **2. Members' Role and Individual Officers**

- 2.1 A Board member who is also an elected member of a constituent authority may be asked for advice and support by an officer who is one of their constituents. Officers are entitled to seek such assistance in the same way as any other member of the public. However, members should be aware of the wider provisions of the constitution and be careful not to prejudice the Authority's position in relation to disciplinary procedures or employment matters in respect of an officer.
- 2.2 A member approached for help in such circumstances should first seek advice from the Monitoring Officer.
- 2.3 An officer should treat a Member as they would a member of the public in relation to the limited situations where they may be in personal receipt of services provided by authority.

### **Roles of Members**

- 2.4 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.
- i) Making recommendations & decisions

### **Roles of Officers**

2.5 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.

### **Respect and Courtesy**

2.6 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.

### **The Authority's Reputation**

2.7 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.

### **Undue pressure**

- 2.8 In any dealings between Members and Officers neither should try to take advantage of their position or place undue pressure on junior staff.
- 2.9 Members and Officers must always be mutually respectful, regardless of their role within the Authority. Members must not pressurise any Officer to do things s/he has no power to do, or to work outside of normal duties or hours.
- 2.10 Apart from decisions that are clearly illegal, Officers should usually carry out decisions of the Authority. However, instructions should never be given to Officers to act in a way that is unlawful. Officers have a duty to express their reservations in this sort of situation, and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible.
- 2.11 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.
- 2.12 In similar terms, Officers should not use undue influence to pressurise an individual Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.
- 2.13 The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistleblowing Policy.
- 2.14 Members should not seek to place undue pressure on junior officers through direct requests for information/advice.
- 2.15 There will be occasions when members need to contact officers, if members contact officers who are not listed in the top three tiers of officer structure, the officer who has been contacted should inform their director if required. If possible, members should avoid going directly to Officers not listed in the top three tiers.

- 2.16 As mentioned above, the Authority has adopted separate Codes of Conduct for Members and Officers. The codes aim to improve and maintain the Authority's reputation as well as protect both Mayor/ Members and Officers and so they demand very high standards of conduct.

### **3. Personal and Business Relationships**

- 3.1 Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.
- 3.2 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.
- 3.3 Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.
- 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. It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

### **4. Officers' Advice to Members**

- 4.1 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. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of senior Officers. All senior posts are 'politically restricted', which means that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However, they can speak or write in a way which is necessary in order to perform their duties properly.
- 4.5 If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Head of Paid Service. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.
- 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 There will be occasions when members need to contact officers, if members contact officers who are not listed in the top three tiers of officer structure, the officer who has been contacted should inform their director if required. If possible, members should avoid going directly to Officers not listed in the top three tiers.
- 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 Members' rights to inspect documents are contained partly in legislation and partly at common law.
- 4.10 Officers are required to serve the Authority as a whole. They are responsible to the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer, and not to individual Members whatever office they may hold.

## **5. Support Services to Board Members**

- 5.1 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.
- 5.2 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.

## **6. Member/Officer Working**

- 6.1 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.
- 6.2 Officers should not publicly criticise Authority decisions even if they do not personally agree with those decisions.
- 6.3 Collaborative working between Members and officers is essential but close personal familiarity can lead to damaging assumptions by others. Councillors and officers should inform the Monitoring Officer of any relationship either personal or family, or business connection which might be seen as unduly influencing their work in their respective roles. The Monitoring Officer will consider what action, if any, should be taken.

- 6.4 Officers work to the instructions of their managers not individual Board Members.
- 6.5 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.
- 6.6 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.
- 6.7 The advice provided and actions taken by officers should be sensitive to the political nature of the organisation, but their advice should always be independent and unbiased.
- 6.8 Board Members must consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration and financial impropriety and if they have doubts as to whether a particular decision is or is likely to be contrary to the policy framework or budget.
- 6.9 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.

## **7. Officers and Individual Members**

- 7.1 Any Board Member may request a private and confidential briefing from an Executive Director or Director on matters of QQ.U.gy 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 Executive Director or Director.
- 7.2 Briefings shall remain strictly confidential and are not to be shared with other members of the Authority unless so permitted by the relevant member.
- 7.3 Confidential information relating, for instance, to a Board member's ward/divisional cases should not normally be sought. If in exceptional circumstances members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Executive Director or Director and follow appropriate guidance.
- 7.5 Finally, 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).

7.6 The point is emphasised in the Code of Conduct.

## **8. Politically Restricted Posts**

8.1 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.

## **9. Officers and Elected Representatives from other bodies**

- 9.1 Officers may be requested to meet with Councillors or elected representatives from constituent Councils or partner organisations to provide briefings and/or policy advice.
- 9.2 Any officer requested to attend a meeting of this nature which is not held on a cross political party basis must obtain the prior authorisation of the Chief Executive

## **10. Media Relations**

- 10.1 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.
- 10.2 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.
- 10.3 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.

## **11. Member Training**

- 11.1 Board Members and all members of committees 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.

## **12. Complaints/Concerns**

### Procedure for Members

- 12.1 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.

### Procedure for Officers

- 12.2 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.
- 12.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.

## **13. Arbitration**

- 13.1 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.

## Annex 4: Guidance for Members and Officers on Publicity During the Pre-election Period

### CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY

#### PUBLICITY DURING THE PRE-ELECTION PERIOD FOR THE CITY AND DISTRICT ELECTIONS TO BE HELD ON THURSDAY, XX MAY 202X

#### GUIDANCE FOR STAFF AND MEMBERS

##### Introduction

The pre-election period for the elections upcoming at [COUNTY, CITY, DISTRICT COUNCILS AS APPROPRIATE] to be held on Thursday, XX May 202X commences on 2X<sup>th</sup> March 202X. During the period before the elections, often referred to as “Purdah”, there are restrictions on the Combined Authority’s use of publicity. Publicity means:

*“any communication, in whatever form, addressed to the public at large or to a section of the public.”*

Publicity will include press releases, other published material including on the Combined Authority’s website, media events, blogs, the hosting of visits by politicians, materials supporting local campaigns and the launching of new consultations. The legal restriction is that the Combined Authority:

*“not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party*

Generally, the Combined Authority should not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

The Mayor and Members of the Combined Authority are free to campaign on behalf of candidates and parties in the election provided they do not use the resources of the Combined Authority in doing so. Those resources would include officer time, the Combined Authority’s email system and its website.

#### **Deciding whether an activity is permitted during the pre-election period**

The first question to ask when considering whether an activity is permitted during the pre-election period is:

*‘could a reasonable person conclude that you were spending public money to influence the outcome of the election?’*

When making your decision, you should consider the following:

**You should not:**

- make references to individual politicians or groups in press releases
- produce publicity on matters which are politically controversial
- arrange proactive media or events involving candidates
- issue photographs which include candidates
- supply Authority photographs or other materials to councillors or political group staff unless you have verified that they will not be used for campaigning purposes
- continue hosting third party blogs or e-communications
- help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the Authority

**You should also think carefully before you:**

- Continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial (for example, on issues like bus transportation) and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election and you should not use councillors in press releases and events in pre-election periods. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or disagreement
- Launch any new consultations. Unless it is a statutory duty, don't start any new consultations or publish report findings from consultation exercises, which could be politically sensitive

Particular care should be taken over the use of Combined Authority social media accounts during the pre-election period.

**Decision making and business as usual**

The position remains that it is 'business as usual' unless there are very good reasons why

this should not be the case. In the vast majority of cases, the pre-election period will have no impact on normal Combined Authority business. However, it may not be appropriate to take reports to meetings of committees or the Combined Authority Board during the pre-election period which deal with matters of political controversy.

**You are allowed to:**

- Continue to discharge normal Combined Authority business
- Publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist information). An example might be a media story which is critical of the Authority, such as a media enquiry claiming that the salaries of all the Authority's senior managers have increased by five per cent. If this is not true, a response such as 'none of the Authority's senior management team have received any increase in salary in the last 12 months' is acceptable. It is perfectly right and proper that the Authority responds, as long as it is factual
- Use relevant lead officers rather than members for reactive media releases
- Use a politician who is involved in an election when the Authority is required to respond in particular circumstances, such as in an emergency situation or where there is a genuine need for a member-level response to an important event beyond the Authority's control. If the issue is so serious, it is worth considering asking a Deputy Mayor, not seeking re-election, in consultation with the Mayor and members of the Combined Authority Board

**Where Communication/Publicity is considered to be necessary**

Where outward facing communications are considered to be necessary and justified they must always follow the following principles:

- It should be the minimum required to convey the message
- It should be wholly factual and informative
- It should concentrate on the events or subject matter of the communication and should not promote or enhance or raise the profile of the Mayor or his policies or record in office
- It should not be promotional in words or tone as to enhance the Mayor's profile or image
- It should not quote the Mayor or the Mayor's personal name unless there are extenuating circumstances which make this appropriate. This principle also

applies to the Combined Authority Board

If you are in any doubt, seek advice from the Monitoring Officer, legal or communications colleagues.

## **Officers**

Officers whose posts are designated as “politically restricted” are forbidden by law from engaging in certain political activity including holding office in political parties and speaking in public or being interviewed or publishing work in support of a political party. If you are in a politically restricted post and are contemplating engaging in any political activity during the election campaign, you should seek advice from the Monitoring Officer immediately.

Officers whose posts are not politically restricted can engage freely in the political process of the election but can only do so outside working hours, and must not use Combined Authority resources, including the email system in doing so.

Authority premises must not be used to display election posters or other political material, similarly vehicles in the Authority car park should not display election posters.

## **Remote working/professional social media considerations**

While working remotely, special care should be taken to avoid any campaign materials, or association with candidates while on work-related video calls, or postings which associate officers directly with the Combined Authority (for example, Linked-In profiles).

### The issues to consider

- What activity is taking place during the pre-election period: public meetings, consultations etc.?
- Are these activities part of a statutory requirement?
- Are these activities designed to promote a policy position?
- Is the report likely to be controversial or attract particular media attention?
- What resources will be necessary to support the project during this period?
- Are politicians expected to be involved?

Chief Officer: Legal and Governance & Monitoring Officer

## 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)(b) 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.



## **Annex 6: Social Media Protocol**

### **SOCIAL MEDIA PROTOCOL FOR MEMBERS**

1. This Protocol applies to Combined Authority Members and Co-opted members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The Combined Authority encourages Members' use of new technology, including social media. This protocol is intended to help with use of social media in a way that avoids legal and reputational risk. This protocol sets out what is and is not acceptable usage of social media and complements the general rules under the Code of Conduct for Members. The Monitoring Officer and the Communications team are happy to help Members by providing additional advice and guidance as appropriate. Training could also be provided to individual Members or Groups if required.
2. **What is social media?**
  - Social media describes a range of website and online tools which allow people to interact. This includes blogs and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Instagram, TikTok and Snapchat.
  - Social media is all about sharing information and people use social media platforms to give opinions, create interest groups and build online communities and networks which encourage participation and engagement.
3. It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their role as a councillor. Social media can help you to:
  - increase your local profile as an active and engaged councillor
  - perform better as a community leader by reaching out to local residents
  - keep in touch with or obtain local views and opinion
  - be more approachable
  - campaign on local issues
4. A useful rule of thumb when using social media is that if you would not give out a piece of information or make a comment to a room full of people, then don't say it on social media.
5. Remember that, whenever you act or appear to act in your official capacity on social media, you must comply with the Combined Authority Members' Code of Conduct. The overarching rules are that you should not bring the Combined Authority into disrepute and must respect confidentiality. If you have any questions or concerns, you should speak to the Communications team in the first instance.

## **6. Things to bear in mind:**

- Any communication is capable of being misinterpreted and this includes social media. There is something about the immediacy of social media and the lack of face-to-face contact which seems to magnify the problem.
- Things happen quickly on social media and sometimes people express emotional reactions without careful consideration.

## **7. Comments can be misinterpreted or misrepresented particularly with regard to something that might be perceived as being more controversial than it was expected to be:**

- Remember that information and comments that you and others make can be broadcast to a large number of people more quickly than other media, which is a double-edged sword.
- Even if you withdraw a comment, someone may have taken a screenshot.
- The same rules apply to social media that govern the rest of your behaviour as a councillor, but you need to take extra care given their immediacy and ease of dissemination on social media.
- Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've said on the web is recorded and it is permanent so make sure that your online content and comment is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word.
- This doesn't mean that Members cannot, in the appropriate context, communicate politically but you should be careful not to say anything that you wouldn't be prepared to stand by under scrutiny or that you would not feel comfortable repeating or justifying, for example, at a public meeting.
- Be clear if you are expressing personal views. Consider adding this in your profile description.

## **8. Risks**

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Authority's reputation.
- Social engineering attacks (also known as 'phishing').
- Bullying or "trolling". An internet "troll" is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.

- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

9. In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Authority, its employees, councillors, partners and the people it serves. As such this policy aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Authority information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- The Authority's reputation is not damaged or adversely affected without just cause.

10. Some legal issues:

- Libel – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages against you.
- Copyright – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- Data Protection – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.
- Bias and Predetermination – if you are involved in making decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise the decision may be later challenged as invalid. If a person has suffered some sort of

detriment as a result of such an invalid decision, they may have a claim against the Authority for damages.

## **11. Social Media and the Code of Conduct for Members generally:**

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. It is therefore advisable that you make it clear that any views expressed are your personal view. However, in some instances you may still be deemed as acting in your capacity as a councillor depending on the circumstances.
- Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others, so to avoid doubt, it is better to spell out clearly whether you are stating personal, party or the Combined Authority corporate positions or views.
- One way of avoiding any confusion and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. You should include this information in your profile. This is an individual decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts.

## **12. Principles of the Members' Code of Conduct that may apply:**

- Treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- Comply with equality laws – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- Never bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- Do not bring the Combined Authority into disrepute – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Combined Authority.
- Do not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Apply exactly the same standards to your social media communications as you would to statements made in a more formal context.

### 13. Staying out of Trouble - Some Do's and Don'ts

#### Do:

- set and check you have the appropriate privacy settings for your blog or networking site –especially if you have a private, non-political blog. Do you want anyone to see it, or selected people? Remember that sites like Facebook often change the parameters of settings.
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- consider keeping your personal and elected member profile on social networking sites separate.
- maintain appropriate professional boundaries.
- ensure you use the Authority's facilities appropriately; if you use an Authority provided blog site or social networking area, any posts you make will be viewed as being made in your official capacity.
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- feel able to make political points but be careful about being too specific or personal if referring to individuals. General comments about another party or comments on policy or position are less likely to be viewed as a personal attack.

#### Don't:

- post social media content in haste, particularly in circumstances where your judgement might be impaired; for example, if you are angered by a comment, tired or have consumed alcohol.
- never post comments that you would not be prepared to make on paper or face to face.
- use council facilities for personal or political blogs.
- request or accept a Combined Authority employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association.
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Authority.
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about

service users, their families or friends, contractors, authority staff as well as information related to the Authority.

- represent your personal views, or those of any political party or interest group you belong to, as being those of the Authority, on any social medium.
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- make conspicuous or excessive use of social media technology during the course of an Authority committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

**14.** Members have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow members, where action could then be taken under the Councillor Code of Conduct, and the Combined Authority employees, where concerns should be raised in line with the Combined Authority member- officer protocol.

**15.** The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. 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 may not always be obvious or noticed by others.

## 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.



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.

## **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 of the Combined Authority Board to consider whether or not to approve a proposal to dismiss a statutory officer.

## Annex 9: Monitoring Officer Protocol

### 1.0 Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This protocol is to enable Members to make use of the Monitoring Officer's ability to provide them with practical advice on legality and conduct, by setting out how the Monitoring Officer will carry out his/her functions.
- 1.2 The Monitoring Officer is responsible for ensuring that the Authority and its Members act lawfully, do not cause maladministration, and comply with the Code of Conduct for Members. The Monitoring Officer is the Combined Authority's primary source of advice on all legal issues, and to Members on their legal obligations, but he/she also has specific statutory duties, such as investigating complaints of Member misconduct and making public report to the Council in cases of illegality.
- 1.3 The Combined Authority recognises that an effective Monitoring Officer, positively engaged in the discharge of the Authority's business, is essential to the effective running and sound corporate governance of the Council.
- 1.4 Section 5(1) Local Government and Housing Act 1989 requires the Combined Authority to appoint an Officer as the Council's Monitoring Officer and gives that Officer personal responsibility:
  - to report on actual, and anticipated, illegality within the Authority
  - to report cases where the Ombudsman has found maladministration on the part of the Authority
  - to maintain the Register of Members' Interests; and
  - to administer, assess and investigate complaints of Members' misconduct.

### 2.0 Working Arrangements

- 2.1 The law does not prescribe exactly how the Monitoring Officer is to carry out these functions. Therefore, this protocol describes the way the Combined Authority expects the Monitoring Officer to discharge these functions and how it expects Officers and Members to co-operate with the Monitoring Officer to enable him/her to discharge these functions effectively.
- 2.2 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on the Mayor, Members and Officers:
  - complying with all the relevant law and any relevant codes of conduct.



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- complying with any general guidance and advice provided from time to time, by the Monitoring Officer.
  - making lawful and proportionate decisions; and
  - generally not taking action that would bring the Combined Authority, their Offices or professions into disrepute.
- 2.3 The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Combined Authority. In doing so, they will also safeguard, so far as is possible, the Mayor, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 2.4. Having excellent working relations with the Mayor, Members and Officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Combined Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Mayor or the Combined Authority) will assist in fulfilling those responsibilities. The Mayor, Members and Officers must, therefore, work with the Monitoring Officer in discharging these responsibilities.
- 2.5 The Monitoring Officer issues guidance to Officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all Officers. This protocol also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual / potential transgression by the Mayor and/or the Combined Authority.
- 2.6 The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for Officers, the Mayor and Members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the Mayor and/or the Combined Authority to consider issues they/it might not wish to.
- 2.7 The Monitoring Officer and the Mayor and/or the Combined Authority should co-operate in every way possible so as to reduce the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Democratic Services, but particularly those in the Legal Services team who will, in providing corporate legal advice do so in an enabling manner, but also identify areas of particular risk and concern, assisting Officers, the Mayor and Members to achieve their objectives, but ultimately in a lawful and proper manner.
- 2.8 The following arrangements and understandings between the Monitoring Officer, the Mayor, Members and Chief Officers are designed to ensure the effective discharge of the Combined Authority's business and functions.



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## 2.9 The Monitoring Officer will:

- be alerted by the Mayor, or by Members or by Officers to any issue(s) that may become of concern to the Combined Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise.
- have advance notice of at least five working days (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Combined Authority at which a binding decision of the Combined Authority may be made) at or before the Combined Authority's meetings or any binding decision to be made by the Mayor, including in both cases, a failure to take a decision where one should have been taken.
- have the right to attend any meeting of the Combined Authority before any binding decision is taken by the Combined Authority or to be notified and where necessary meet with the Mayor before he/she makes any binding decision, including in both cases, a failure to take a decision where one should have been taken)
- in carrying out any investigation have unqualified access to any information held by the Mayor and/or the Combined Authority and to any Officer who can assist in the discharge of these functions.
- ensure the other statutory Officers are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise.
- report to the Combined Authority, from time to time, on the Constitution and any necessary or desirable changes.
- as per the statutory requirements, make a report to the Combined Authority, as necessary on the staff, accommodation, and resources they require to discharge their statutory functions
- have a special relationship of respect and trust with the Mayor, and chairs of the Combined Authority's committees, sub-committees and working groups with a view to ensuring the effective and efficient discharge of Mayoral and/or Combined Authority business
- develop effective working liaison and relationship with the Internal and External Auditor, BEIS, DLHUC and the Local Government Ombudsman (including having the authority, on behalf of the Mayor or the Combined Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary)



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- maintain and keep up-to-date relevant statutory registers for the declaration of Members' interests, gifts and hospitality.
  - give informal advice and undertake relevant enquiries into allegations of misconduct; defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved
  - have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions
  - be responsible for preparing any training programme for Members on ethical standards, Code of Conduct issues, data protection, confidentiality, and general governance of the Combined Authority.
  - ensure that the Mayor and Members and Officers of the Combined Authority are fully aware of their obligations in relation to probity.
- 2.9 To ensure the effective and efficient discharge of these arrangements, the Mayor, Members and officers will report any breaches of statutory duty or Combined Authority policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
- 2.10 The Monitoring Officer is also available for the Mayor, Members and Officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.
- 3. Monitoring the Protocol**
- 3.1 The Monitoring Officer will report to the Combined Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.
- 4. Conflicts and Interpretation**
- 4.1 Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which they have previously advised the Mayor and/or the Combined Authority, they shall consult the Head of Paid Service who may then either:
- i. refer the matter to another Officer for investigation and report to the Head of Paid Service; or
  - ii. ask another authority to make their Monitoring Officer available to investigate the matter and report to the Head of Paid Service and/or the Combined Authority as appropriate; or
  - iii. instruct another qualified person to undertake the investigation and report to the Head of Paid Service and / or the Combined Authority as appropriate.
- 4.2 Questions of interpretation of this guidance will be determined by the Monitoring Officer.

## **Annex 10: Procurement Strategy**



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## **PROCUREMENT STRATEGY**





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## Background

### Introduction to CPCA

The Cambridgeshire and Peterborough Combined Authority is a mayoral authority and as a body governed by public law are required to carry out their procurements in accordance with the Public Contracts Regulations 2015 (as amended).

The Authority, in addition to complying with its statutory obligations, is committed to delivering against best practice, government policy guidance and in response to feedback provided by any third-party individual or organisation.

### Document purpose

The Authority is updating this document to take into account the recommendations from a recent procurement review.

The document has been aligned to the National Procurement Strategy as best practice.

The document sets out the procurement function vision, aims within the broader context of the authority's corporate objectives

### Document Structure

The document is split into 4 parts

Part 1 – Background

Part 2 – Overview of the:

vision, values, and principles

aims and objectives

Part 3 – Action Plan setting out the specific areas of improvement and target outcomes for each of the next two years of the strategy.

Part 4 – Monitoring and Reporting

## Procurement Strategy for 2023-2025

### Introduction

This Part sets out the Cambridgeshire & Peterborough Combined Authority broader considerations

### Vision, Values & Principles

#### Visions

A Procurement function that delivers on compliance whilst also being efficient and effective is achieving both the contract and the Authority's broader goals

#### Values

The Authority strives to serve its community by working cooperatively with partner authorities, local businesses, local groups, and residents, whilst also leading with compassion; this to feed into the design of all procurements and through to their contract management and reporting.

#### Principles

In delivering the procurement function and strategy, the authority is committed to their processes being transparent in their requirements, creating a fair and open competition, with the goals of delivering value for money and maximising public benefit as a driving factor in defining a desirable outcome.

### Specific Aims and Objectives

In addition to considering the behaviours listed in the National Procurement Strategy, the Authority has included their own, more specific aims and objectives which came out of the external procurement review.

#### **Aims (purpose / goals/ What)**

An appropriately resourced procurement and contract management function delivering an efficient and effective service using a standardised set of templates with supporting guidance all managed through a clear and simple governance and approvals process.

#### **Objectives/ Improvements (short term outcomes)**

Increased level of appropriately skilled resource

Updated Policy and Social Value Commitments

Clearly defined Roles & Responsibilities

Updated suite of procurement and legal templates

An efficient and effective governance and approvals process

Improved Data Collection & Usage

#### **Timescales**

This strategy is designed to be delivered over a two-year period with an annual review scheduled for the end of 2024.

### **Strategy Goals (Against NPS)**

As of the date of this document, the authority's current maturity assessment against the National Procurement Strategy was calculated to be 1.8.

As part of the authority's improvement process, a number of behavioural goals have been identified and included within an Action Plan as detailed in Part 3. These goals have been tailored to the Authority's specific aims and objectives and reflect the recommendations from the external review feedback.

The goals (where relevant) include references to the recommendations from the procurement review in brackets against the relevant area)

Over the next two years the aim is to increase the authority's maturity level to between Developing to Mature (2-3)

Progress to be assessed at the end of 2024 using the National Procurement Strategy metrics and this document refined as appropriate.

## Action Plan

### Introduction

This plan is aligned to the behaviours detailed in the National Procurement Strategy 2022. It considers each of the identified behaviours within the context of the Authority's current level of maturity.



### Plan Structure

The Plan is split into, enablers, showing leadership, behaving commercially, and achieving community benefits.

Within each of those section, a number of areas for improvement have been identified, with the goals being Authority specific and details the specific improvements to be achieved (although not always quantified)

Procurement Capability & Talent			
Developing talent includes professionalisation of Authority procurement talent, addressing recruitment and retention of procurement talent and developing agile procurement talent that can address commercial challenges and innovation in the procurement role.			
Areas	current	Target Year 2024	Target 2025
Resourcing levels (Procurement operating model)	Current team 1 No FTE Procurement & Contracts Manager 1 No FTE Procurement Officer 1 No FTE Procurement Assistant	Proposed team Addition to the team of 1 no FTE Contracts Manager An additional 2 no FTE Procurement Officer Access to external support to facilitate delivery against the 2024	Proposed team Team structure review in consideration of progress against the below action plan activities and overall strategy Identify outstanding or newly identified activities against team capacity and capability and then address the resourcing requirement in consideration of the tasks
Training	Currently team training The Procurement Manager is working towards ILM qualification	Propose Team Upskilling Carry out a team skills review/ create skills matrix and training plan Course on Contract Law Basics Training on new Procurement Bill	Skills review Update skills and training matrices, identify at least two courses for each individual to continue with upskilling commitment

## Delivery Considerations

The achievement of these goals will be dependent on:

- funding and approval to recruit
- a budget for staff training and upskilling



## Digital Technology

Why is it Important - Rapid use of data is critical for understanding how to manage procurements and contracts. Increasing data and transparency date is available, along with artificial intelligence, and making good use of this will be key to managing the pressures on Local and Combined Authorities

Areas	current	Target Year 2024	Target 2025
Electronic Tendering	Developing Use of electronic tendering and quotations system for some tenders or quotes (either as a dedicated system or tender box rental)	Mature Use of electronic tendering and quotations system for all tenders or quotes (either as a dedicated system or tender box rental)	N/A
Contract Management	Minimum Limited procurement and contract management information available via static sources.	Developing Some procurement and contract management Information available online to all stakeholders with appropriate search and filtering.	Developing Working towards Comprehensive procurement and contract management information available online to all stakeholders with appropriate search and filtering
Spend Data	Minimum Only basic information available regarding contracts awarded and spend both on and off contract and this is controlled by finance. Available data not classified to facilitate strategic procurement planning	Developing Update technology to provide more detailed breakdown of spend both against contracts and standard reporting classifications. Usage limited to finance	Developing Technology can be used to provide spend dash boards and can be used by procurement and senior managers to aid if planning and cost management of contracts.

## Delivery Considerations

The achievement of these goals will be dependent on:

Resourcing to enable all procurements to be managed centrally

budget for the additional module and training in its use

Finance systems being able to link to the procurement system and export data in a useful format and which can be manipulated to produce dashboards and other reports




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## Stakeholder Engagement

What it is: Councillors set the Authority's vision and strategic priorities and must be satisfied that the procurement and commercial arrangements for their delivery are robust. Councillors make key decisions, particularly in major projects, and maintain oversight of the performance of key contracts, agreeing corrective action where necessary. Councillor engagement needs to be supported through training, good procurement and commercial advice and reporting arrangements.

Why it is important: When councillors are fully engaged with procurement and commercial matters, the quality of decision-making is better, and oversight and accountability are improved. Councillor engagement leads to better project delivery and better outcomes for the local community

Areas	current	Target Year 2024	Target 2025
Engaging Councillors	<p>Developing</p> <p>Councillor engagement is varied depending on the nature of the procurement, the value, and the political sensitivity</p>	<p>Mature</p> <p>Establish a set protocol for engaging with councillors with the aim of their input adding value/ improving the outcome of the procurement</p>	<p>Leader</p> <p>Increase engagement levels across all procurements based on an objective criterion and include a post award mechanism for monitoring the benefits of engagement</p>
Engaging Senior Management	<p>Developing</p> <p>Senior managers acknowledge the role of procurement but there is limited engagement throughout the process and decision making</p>	<p>Mature</p> <p>Establish a Gateway Process which is managed through a procurement committee made up of senior managers across various considerations, e.g., financial, legal</p>	<p>Leader</p> <p>Review Gateway process and introduce a lesson's learned protocol that links back to the Gateway process so as to measure the benefits of the process and allow process improvements</p>
Process	<p>Developing</p> <p>Although there is a structured approach to how procurements are managed (as set out in the</p>	<p>Mature</p> <p>Establish a clear set of guidance that includes clear roles and responsibilities of all individuals involved in a procurement and procedures to be followed in different</p>	<p>Leader</p> <p>Review guidance document, including gathering feedback from across the Authority on how clear the</p>

	Contract Procurement Rules) it is still not clear what the role of procurement is or exactly how all procurements are to be managed	situations and ensure they are effectively communicated to all officers, managers, and stakeholders  CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY	processes are and whether the roles and responsibilities as defined are delivering effective / improved outcomes
Training & Development	Minimum  Currently there is no formal training programme for officers and managers; but rather, training is delivered on an <i>ad hoc</i> basis	Mature  Establish a clear set of training requirement for officers, senior managers, and stakeholders; including, the updated CPRs, the procurement Bill, contract management, procurement templates and the Gateway Process. Create an attendance/ training register	Leader  Review training matrix and current skill level in consideration of procurement outcomes, through the use of lessons learned processes and feed this into the training programme for the year
Working With Partners – Culture	Minimum  Currently there is silo working with some individuals carrying out procurements without input from procurement or considering involvement from other teams (including partner Authorities)	Developing  Communicate the Authority's commitment to a shift from silo working and a culture of 'one team' both within the Authority and where appropriate, working with partner Authorities	Mature  Establish a centralised 'one team' approach to procurement whereby all procurements consider the needs/ enable input from the whole Authority and are delivered in a consistent
<p>1.1.1 Delivery Considerations</p> <p>The achievement of these goals will be dependent on:</p> <p>External support to aid in developing a Stakeholder Engagement Strategy</p> <p>A commitment from Stakeholders to work with procurement and external advisors to agree the required processes and subsequent training for relevant individuals.</p>			



## Behaving Commercially



What it is: There are many ways in which commercial opportunities can be created through the strategic management of the commercial cycle and the services and assets delivered through the contracts it creates. Commercialisation is a broad and important subject to the sector. This key area is confined to how officers, working with the procurement team, should work to identify and create commercial opportunities.

Why it is important: As funding and revenue is reduced, organisations are required to look at other means of reducing funding deficits. Commercial opportunities can be created in many ways, including procurement design, and collaborative and innovative procurements

Areas	current	Target Year 2024	Target 2025
Forward Planning	<p>Developing</p> <p>Forward planning is limited to governance/ reporting requirements rather than for strategic procurement purposes</p>	<p>Mature</p> <p>Forward planning is undertaken on all strategic and cyclical contracts to enable input from procurement/ commercial, adoption of lessons learned and opportunity to discuss any shared contracting opportunities with partner Authorities</p> <p>The Gateway process and lessons learned process to link into this.</p>	<p>Leader</p> <p>Forward planning for contracts has developed to form an integral part of the organisation's budget setting and expenditure forecasting process</p> <p>Procurement procedures, including the gateway process, are updating accordingly to reflect any practical changes to process</p>
Option Appraisals	<p>Developing</p> <p>Currently these are undertaken on high value/ high risk procurements only with the option appraisal focussing on the route to market</p>	<p>Mature</p> <p>Establish a policy/ guidance and embed this requirement within the Gateway process, a requirement for all relevant procurements to undertake an option appraisal that considers commercial, social and risk factors</p>	<p>Leader</p> <p>Review the option appraisal process and seek to extend it out to include a broader range of contracts and working collaboratively with partner authorities in conducting the options appraisal.</p> <p>Include reviewing the recommendation from the options appraisal in the lessons learned activities</p>
Market & Supplier Engagement	<p>Minimum</p> <p>Sometimes undertaken if time permits, the procurement is novel, or there is a political imperative</p>	<p>Mature</p> <p>Establish a policy/ guidance and embed this requirement within the earliest stage of the forward planning/ Gateway process, for all relevant procurements.</p>	<p>Leader</p> <p>Outcomes from market and supplier research are used to shape and determine the content and timing of the procurement process used.</p> <p>Outcomes are also used to contribute to the risk management process and options appraisal process.</p>

		<p>This to also include guidance on how the gathered information is to be used and managing potential supplier advantage.</p> 	Procurement input is viewed as an integral aspect of market and supplier research and analysis
Tendering	<p>Developing</p> <p>Focus still on compliance and standard cost and quality ratios but innovation sometimes considered.</p> <p>Tenders are mainly viewed as legal documents but written in plain language.</p> <p>Procurement team is sometimes invited to contribute to the planning phase.</p>	<p>Mature</p>  <p>Focus is on balancing costs, quality, social value, and innovation.</p> <p>Tenders are considered a collaborative effort by the project team, procurement and legal</p> <p>The tendering process, including the planning phase of the procurement are embedded into the procurement guidance</p>	<p>Leader</p> <p>Tendering is seen as an essential, important, and commercial process with all parties to be involved from early planning, through the conduct of a procurement up to award, and being appropriately resourced to do so.</p> <p>The strategy for tendering is reviewed and update (and potentially embedded into the Gateway process) where relevant</p>
Performance Reporting	<p>Minimum</p> <p>Performance reporting is minimal and predominately relates to grant funding conditions</p>	<p>Mature</p> <p>Performance reporting is carried out for both commercial and social value commitments and this information is collated and reported quarterly for all strategic contracts</p>	<p>Leader</p> <p>Performance reporting is seen as an integral part of the organisation's culture with reports on commercial and social benefits achieved are included in each contract's performance dashboard</p> <p>This information is used to update the authority's procurement policy and strategy</p>
Post Contract Review	<p>Minimum</p> <p>These are uncommon and tend to focus on poor contract performance</p>	<p>Developing</p> <p>Post contract reviews are to be undertaken on all high risk/ high value procurements with the aim of improving outcomes and identifying commercial opportunities</p>	<p>Mature</p> <p>Post contract reviews are undertaken as a general process on all contracts.</p> <p>Procurement is part of the team that participate in these reviews so that learning can be utilised in future procurements</p>
1.1.2 (1)	<p>Delivery Considerations</p> <p>The achievement</p> <p>(1) Internal resource to manage and monitor delivery against these actions</p>		



- (2) External support to aid in developing a processes and templates
- (3) A commitment from stakeholders to feed into the design of these processes




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### Establishing a Procurement Hub *(Not based on the NPS behaviour/ areas)*

What it is: There are many ways in which commercial opportunities can be created through the strategic management of the commercial cycle and the services and assets delivered through the contracts it creates. Commercialisation is a broad and important subject to the sector. This key area is confined to how officers, working with the procurement team, should work to identify and create commercial opportunities.

Why it is important: As funding and revenue is reduced, organisations are required to look at other means of reducing funding deficits. Commercial opportunities can be created in many ways, including procurement design, and collaborative and innovative procurements

areas	current	Target Year 2024	Target 2025
Procurement Operating Model <i>(Including, Procurement Policy, Roles &amp; Responsibilities, Procurement Guidance, Contract management, &amp; Delegated Authority)</i>	This information is included in the Contract Procedure Rules and a separate procurement policy document	Create separate documents that detail <ul style="list-style-type: none"> <li>Procurement Guidance (including roles and responsibilities, delegated authority)</li> <li>Procurement Policy</li> <li>Contract Management</li> </ul>	Carry out a staff survey to identify areas of improvements, relating to process and usability of the templates, and implement accordingly
Procurement Templates <i>(Improve Procurement scrutiny)</i>	There is a current suite of procurement templates including instruction documents, response templates etc, held by procurement in a local drive.	Update the suite of procurement documents to work with the new strategy, in consideration of the Procurement Bill and to cover various procurement scenarios  Update business case and programme templates  Make the templates available centrally  Provide training on usage	Carry out a staff survey to identify areas of improvements, relating to process and usability of the templates, and implement accordingly
Legal Templates <i>(Contracts and Grant Agreements)</i>	Currently officers are 'recycling contracts' without input from Legal	Create an updated suite of documents that are owned and managed by legal, but which can be	Carry out a staff survey to identify areas of improvements relating to process and usability of the templates, and implement accordingly

		accessed but not issued without appropriate approvals in place.	
Gateway Process ( <i>Improve procurement scrutiny</i> )	No current process in place	 <p>Design and implement a gateway process that covers the various stages of a procurement with the application being based on value, risk, political interest, or another identified requirement.</p> <p>Consult stakeholders and senior managers on the process</p> <p>Set up a Gateway approval committee</p>	Carry out a staff survey to identify areas of improvements relating to process and benefits/ issues identified, and implement accordingly
Lessons Learned	<p>Minimum</p> <p>Currently the use of a formal lessons learned process is <i>ad hoc</i> and limited</p>	<p>Developing</p> <p>Lesson learned activities to be carried out following the award of a contract all strategic procurements; this to be embedded in the gateway process and finding used to refresh procurement documents and guidance</p>	<p>Mature</p> <p>Lesson learned activities to be extended to include other stages (gateways) for strategic procurements and training to be delivered off the back of the findings.</p>
Staff Programme of Training			
<p>1.1.3 Delivery Considerations</p> <p>(1) The achievement</p> <p>(1) Internal resource to manage and monitor delivery against these actions</p> <p>(2) External support to aid in developing processes and templates</p> <p>(3) A commitment from stakeholders to feed into the design of these processes</p>			

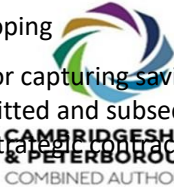
## Managing Contracts



What it is: Contract and relationship management is the process by which all contracts and variations are managed effectively to control costs, secure the quality and timeliness of agreed outcomes and performance levels, and minimise the occurrence of risks.

Why it is important: Poor contractor performance or commercial failure can increase delivery costs, seriously damage an Authority's reputation and its ability to deliver effective services and support to local communities. Lack of contract management can result in commitments made during the procurement period not being realised.

area	current	Target Year 2024	Target 2025
Information Storage and Accessibility <i>(Including the contract register)</i>  <i>(Implement a contract management tool)</i>	Developing  Contracts register exists via the e-tendering portal.  Data held is generally limited to contracts awarded through the portal so many not be up to date, but efforts are being made to increase data quality and the percentage of third party spend listed on the register.	Mature  Purchase of contract management module  Contracts register is dynamic and provided through the e-tendering portal.  Fully visible to the whole Authority with read, write, edit, and search capabilities for all contract owners and managers.	Leader  Contract register is fully accessible and includes all Authority spend  Information is always up to date with comprehensive, complete, and accurate records on all contracts. Contracts register has action or renewal alerting capabilities for contract owners and managers
Change Control <i>(Contract management process)</i>	Minimum  No change control policy in place except for isolated contracts	Developing/ Mature  A change control process/ guidance exists and is used to capturing all contract changes for all strategic contracts	Leader  All contract changes and variations processed through change control stored on the contracts register. Details shared online with contract managers, owners, and contractors.
Supplier Financial Distress <i>(Refresh legal templates)</i>	Minimum/ Developing  Recognition of a need for early engagement with suppliers and some strategic contracts do include a financial distress clause	Developing/ Mature  The Authority has a structured approach, as part of the contract management process, for engaging with suppliers in financial difficulties  All standard form contracts to include an appropriate financial distress clause	Leader  Financial distress clause included in all contracts and reviewed in consideration of the contract nature and risk levels.

Savings & Benefits Delivery (Contract management process)	Minimum Savings and benefits are delivered from some contracts but not a part of any formal process.	Developing  Create a formal process for capturing savings and reporting benefits committed and subsequently delivered from all staff	Mature Savings capture from contracts and benefits realisation is applied uniformly across the organisation and reported quarterly to councillors/ CA Board.
Recognition & Cultural Acceptance	Minimum There is no recognition by the organisation of contract and relationship management. Only job roles which are fully designated to managing contracts are designated as contract manager in their title	Developing There is recognition by the organisation of the importance of contract and relationship management  Job roles are designated as contract manager or contain specific contract and management activity in their content description in some departments	Mature Contract and relationship management is recognised by the organisation as being essential to its overall performance.  Job roles are designated as contract and relationship manager or contain contract and relationship management activity in their content description as a formal policy.  Performance is reviewed with job holders in their annual appraisals
Skill & Knowledge	Minimum Staff have limited access to any contract and relationship management skills (since COVID) and knowledge programmes.	Developing Staff have access to general contract management training given as a one-off exercise rather than an ongoing skills enhancement programme	Mature Contract and relationship management is acknowledged as a core competency across the organisation.  Briefings on contract and relationship management are given in all induction and management programmes.  Refresher programmes are available to all staff involved in contract and relationship management
1.1.4 (1)	Delivery Considerations The achievement <ul style="list-style-type: none"> <li>(1) Internal resource to manage and monitor delivery against these actions</li> <li>(2) External support to aid in developing processes and templates</li> <li>(3) A commitment from stakeholders to feed into the design of these processes</li> </ul>		

## Managing Strategic Risk



What it is: A series of actions and policies designed to reduce or even eliminate the probability of a perceived risk occurring and minimising the detrimental effects that may occur should it materialise.

Why it is important: The occurrence of any risk, particularly when it could be foreseen, can have a devastating impact on the organisation's reputation and the lives of the people it serves, the quality of the services that it provides, and even its financial viability.

area	current	Target Year 2024	Target 2025
Strategic Risk	<p>Minimum</p> <p>Currently strategic risk is not the focus of procurement.</p>	<p>Developing</p> <p>To extend the procurement strategy to cover</p> <ul style="list-style-type: none"> <li>• Modern Slavery</li> <li>• Supply Chain &amp; contractor Failure</li> <li>• GDPR</li> <li>• Fraud &amp; Financial Loss</li> <li>• External Events</li> </ul> <p>At the level of developing</p>	<p>Developing</p> <p>Embed the additional strategic activities into all authority procurements at the level of Mature</p>

This area is to be updated as part of the 2024 refresh


## Creating Social Value



What it is: Social value is about improving economic, social, and environmental wellbeing from public sector contracts over and above the delivery of the services directly required and at no extra cost.

Why it is important: Experience from procurements let by councils that have fully integrated social value requirements has shown that a minimum of +5 per cent to +20 per cent social value (according to sector) can be obtained on contract value by way of direct community benefits

Consideration	current	Target Year 2024	Target 2025
Social Value Policy	<p>Minimum</p> <p>No specific corporate-wide policy in place.</p> <p>Although procurements do, on an adhoc basis, seek to achieve social value from the procurement</p>	<p>Developing</p> <p>Social value is recognised as a core principle supported by a published social value policy and implementation strategy.</p> <p>Requirements are tailored to reflect size and scope of contracts</p> <p>Training for officers on social value to be provided</p>	<p>Developing/ Mature</p> <p>Social value implementation is underpinned by an overarching social value statement which is reviewed annually.</p> <p>Process and policy are in place to identify which contracts should include social value.</p>
Measuring Social Value	<p>Minimum</p> <p>Measuring social value in a very limited way</p>	<p>Developing</p> <p>The Authority's chosen way of measuring social value has been mapped to meet their specific policies.</p> <p>Outcomes are weighted where appropriate to council and local priorities.</p>	<p>Developing/ Mature</p> <p>The 'golden thread' is maintained between the measurement standard, corporate strategy, and the Authority's social value policy</p> <p>Measurement of social value is generated across all procurements above a threshold.</p>
Procurement	<p>Minimum</p> <p>Social value is considered in contracts. Social value is included in quality assessments as part of the quality and price matrix.</p>	<p>Developing</p> <p>Social value is included in all tenders over an agreed threshold.</p> <p>The Authority's measurement standard is adopted for all relevant tenders and consideration is given to contract size and scope to determine the measures to be applied.</p>	<p>Developing/ Mature</p> <p>Social value is included within procurement policies, and these are made available to all potential suppliers.</p> <p>The Authority's relevant standards are published to allow bidders to prepare their approach to social value in advance of tenders being published</p>

Contract Management Reporting	<p>Minimum</p> <p>Contracts are not monitored in any coherent way for social value post award.</p> <p>Limited or informal social value reporting and feedback only.</p>	<p>Developing</p>  <p>Specific, targeted social value is included within the procurement stage.</p> <p>These are bound into the contract and performance monitored</p>	<p>Developing / Mature</p> <p>Annual feedback to the Combined Authority Board and Overview &amp; Scrutiny committee on social value creation. Robust reporting is in place on progress and delivery and published annually.</p> <p>Processes are in place to ensure lessons learnt and feedback is incorporated for continuous practice improvement including benchmarking.</p> <p>Meetings are regularly held with contractors to discuss delivery of social value</p>
Supporting SMEs	<p>Minimum</p> <p>Although there is a desire to support local SMEs, there is minimal commitment/ methodology to deliver this</p>	<p>Developing</p> <p>To extend the procurement strategy to cover</p> <ul style="list-style-type: none"> <li>Policy</li> <li>Relationships</li> <li>Engagement</li> <li>Procurement</li> <li>Contract Management</li> </ul>	<p>Developing</p> <p>Embed the additional strategic activities into all Authority procurements at the level of Mature</p>
1.1.5	Delivery Considerations		
(1)	The achievement		
	<p>(1) Internal resource to manage and monitor delivery against these actions</p> <p>(2) External support to aid in developing processes and templates</p> <p>(3) A commitment from stakeholders to feed into the design of these processes</p>		



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## Monitoring and Reporting

### Monitoring

Monitoring against the goals within the strategy will be an annual review process.

This will include consulting with various stakeholders and an assessment against the National Procurement Strategy behaviours

### Reporting

Following each review, a report on progress will be shared with the board and updates to the strategy recommended.

### Updating

This document will be updated following either an annual review or if updated guidance is issued by government such that it makes any of the goals no longer appropriate.



## **Annex 11: Procurement Policy**



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## **PROCUREMENT POLICY**



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## Introduction

The Cambridgeshire and Peterborough Combined Authority recognises its responsibility for procuring the delivery of its corporate objectives in an economically, environmentally, and socially responsible Manner.

The Authority's procurement approach is supported by the Public Services (Social Value) Act 2012, this both requires and enables authorities to consider the wider impacts of a contract and to the community in which serve.

This policy sets out a number of key topics across the social, economic & environmental considerations and then details how these will be considered across the whole life of a contract.

This procurement policy is governed by all relevant Statutes pertaining to the Combined Authority, including the Best Value Duty. To demonstrate this Duty procurements will need to focus on price and quality as well as the wider areas noted below

## Policy Focus 2023/ 2024

Key topics on which our sustainable procurement approach is focused is set out below

Topic Area	Social	Economic	Environmental
Stakeholder Engagement	✓	✓	✓
Equality, Diversity & Wellbeing	✓		
Ethical Supply	✓	✓	✓
Supporting SMEs and Local Businesses	✓	✓	✓
Supporting Third Sector & Social Enterprise	✓	✓	✓
Training, education, and employment opportunities (including for individuals with protected characteristics)	✓	✓	
Commitment to pay the Living Wage	✓	✓	
Carbon Emissions & Energy Usage reductions (including Net Zero)	✓	✓	✓
Protection of Wildlife	✓		✓
Supporting Community Projects	✓	✓	✓
Waste Reduction, re-use & recycle	✓	✓	✓
Improved reporting	✓	✓	



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## Embedding Social Value into Procurement

The above topics will be addressed through the following levers

**Procurement Instruction Document** – asking what the social, environmental, and economic impacts of the contract are and ensuring appropriate impact assessments are carried out and a sustainable procurement strategy agreed before a procurement is launched

**Selection Questionnaire** – asking targeted questions which seek identify suppliers with an appropriate track record in considerations of the agreed sustainable procurement strategy

**Invitation to Tender** – including requirements within the method statement questions and award criteria that will ensure that the successful supplier will deliver against the agreed sustainable procurement strategy

**Specification** – embedding all of agreed policy topics within the specification to ensure all bidders understand the authority's and project expectations; against which tender submission can be transparently assessed.

**Accessibility** – taking steps to remove unnecessary barriers to supplier participation

- Removing or reducing financial turnover thresholds, where financial risk is not high, to enable small firms or start-ups are not excluded;
- Dividing larger contracts into **lots** so that small organisations with limited capacity can bid for part of the contract;
- Ensuring the procurement process is accessible to bids from **consortia** or partnerships;
- Engaging in **supplier engagement** with the market, prior to major tender exercises, to ensure local bidders understand the process.

## Specific Policy Commitments

*We will*

### Stakeholder Engagement

- ❖ Consult with stakeholders, partner authorities, the supply chain and service users to ensure the procurement is designed and managed to optimise delivery outcomes and facilitate efficient governance.

### Equality, Diversity & Wellbeing

- ❖ Embed our commitment to equality, diversity, and wellbeing into all of our procurements and contracts
- ❖ Reward suppliers who are active in promoting inclusivity and supporting wellbeing within their own organisation's processes and throughout their supply chain

### Ethical Supply

- ❖ Encourage suppliers who provide goods or services (including from overseas) to be aware of the impact of these sourcing decisions (including Modern Slavery (PPN 02/23), fairtrade or other relevant accreditations).

### Supporting SMEs and Local Businesses

- ❖ Recognise the benefit of sourcing locally where possible



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- ❖ Design the procurement/ contract structure to be accessible to SMEs, e.g., use of lots, reducing turnover requirements, application of PPN 11/20 reserving below threshold procurements, etc.
- ❖ Encourage tier one suppliers appointed by the authority to work with SMEs/ local suppliers where practicable to support a sustainable local economy

### **Supporting Third Sector & Social Enterprise**

- ❖ Take steps to ensure our procurement process is as accessible as possible to third sector and social enterprise bidders, by identifying and removing barriers to their participation, and by recognising alternative bidding models, including partnership and consortium bids.
- ❖ Encourage suppliers to take steps to make supply chain opportunities accessible to relevant local third sector organisations and social enterprises.
- ❖ Provide regular engagement and information sessions to ensure local third sector organisations and social enterprises understand the procurement process, and to receive their feedback.

### **Training, education, and employment opportunities (including for individuals with protected characteristics)**

- ❖ Encourage suppliers to support employment opportunities for people from disadvantaged categories – such as those not in education, employment or training (NEET), long term unemployed, people with physical disabilities, learning disabilities or mental health problems, ex-offenders, and ex-armed forces personnel.
- ❖ Encourage suppliers to engage with local training providers to support developing the local workforce and creating local opportunities; e.g., work experience, career events, apprenticeships, placements.

### **Commitment to pay the Living Wage**

- ❖ Include in all in scope contracts, the requirement to pay the living wage in accordance with the Living Wage Foundation accreditation rules.

### **Carbon Emissions & Energy Usage reductions (including Net Zero)**

- ❖ Encourage suppliers to have Carbon Reduction Plans and to commit to achieving Net Zero by 2050

### **Protection of Wildlife**

- ❖ Encourage suppliers, as part of their environmental impact assessments for relevant projects, to demonstrate how they will seek to preserve, and potentially enhance local wildlife as part of delivering the contract.

### **Supporting Community Projects**

- ❖ Encourage suppliers, as part of their social value considerations, to identify how they can support community projects

### **Waste Reduction, re-use & recycle**

- ❖ Seek to reduce the impact of goods, services and works through waste minimisation - including packaging waste, construction waste, the disposal of any consumables, and the disposal of assets at end of life

- ❖ Encourage suppliers to take action to reduce waste and promote re-use, remanufacture and recycling at every level of the supply chain

### **Improved reporting**

- ❖ Encourage suppliers to agreed and regularly report on both their organisation achievements and what they have specifically delivered for the authority against their tendered/ contracted commitments.

### **Contact Us**

Chantel Allott

Procurement & Contracting Manager [chantel.allott@cambridgeshirepeterborough-ca.gov.uk](mailto:chantel.allott@cambridgeshirepeterborough-ca.gov.uk)



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## **Annex 12: Procurement Guidance Document**



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# **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY**

## **PROCUREMENT GUIDANCE DOCUMENT**

# PART 1 - OVERVIEW

## Background

### Introduction to CPCA



The Cambridgeshire and Peterborough Combined Authority is a mayoral authority and as a body governed by public law as defined in [Regulation 2\(1\)](#) the Public Contracts Regulations 2015 (as amended) and are therefore required to carry out their procurements in accordance with that Legislation.

The Authority, in addition to complying with its statutory obligations, is committed to delivering against best practice, government policy guidance and in response to feedback provided by any third-party individual or organisation.

### Document purpose

The Authority has created this document to take into account the recommendations from a recent procurement review.

The document has created to supplement the updated CPCA Contract Procedure Rules, Procurement Strategy and Procurement Policy, whilst also adopting best practice.

The document sets out the activities across the whole life cycle of a contract with the aim of supporting officers to deliver both compliant and effective procurements.

### Document Structure

The document is split into X parts

Part 1 – Background

Part 2 – Procurement Instruction Document

Part 3 – Procurement planning

Part 4 – Procurement Design

Part 5 – Procurement Administration

### Document Use

This document must be used alongside the other procurement documents detailed in 1.2 above, the wider constitution and other relevant policies.

It has been designed to provide detailed guidance for officers and members throughout the contracting life span.

Any deviation from the processes in this document **MUST** be approved by the Procurement & Contracts Manager and/ or Legal and the relevant Director.

## PART 2 - PID

### Procurement Instruction Document



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#### Document Purpose

The role of this document is to ensure officers have considered a variety of factors, and carried out certain activities, along with evidencing that the procurement has the required funding approved and delegated authority to award.

No procurement may proceed until this document has been properly completed with the required level of detail and signed off by the Procurement & Contracts Manager.

The following summarise the sections of the form, along with guidance on what is required along with the level of detail expected.

Officers are required to ensure that the information provided is both accurate and sufficiently detailed; a lack of detail or any ambiguity in the completed document may result in the procurement launch being delayed.

Officers may complete this form themselves and submit or use it to support the planning of their procurement; specifically, working with procurement to complete each element and through those discussions, deciding how best to determine and describe their requirements and then design the procurement

The completed **Procurement Instruction Document** will be used to classify the procurement and to determine whether the requirement should use an existing arrangement and/ or whether the project must be monitored through the **Procurement Gateway Process**.

The completed **Procurement Instruction Document** will also be used to determine the level of support that will be required from the Procurement team and if the responsible Officer requires any specific training before they proceed with the procurement.

#### Project scope

Officers need to set out whether the procurement is for good (supply), Services or Works; or mixed. This to be in line with the PCRs **Regulation 2** and in consideration of the relevant CPV codes.

Officers need to provide an overview of the project including its; aims and objectives, timescales, roles, and responsibilities, and any unique or otherwise distinguishing consideration that could influence how a procurement is designed or the contract is delivered.

#### Contract Duration

Officers are required to explicitly detail the length of the contract to be awarded. This must include details of any initial contract duration, and any options to extend

Officers must justify the reason for the proposed duration and explain the rules under which the contract can be extended; the duration and extensions reasons must provide genuine benefits to the Authority and not be as a means to circumvent the need to reprocure.

Where officers are proposing a total duration in excess of 5 years, they must justify this decision by explaining

how they will ensure the contract delivers value for money,

how they will ensure that the contract is delivering against best practice;

how they ensure a culture of continuous improvement; and

the benefits that this approach provides to the Authority

In the event that the reason for the contract duration or the justifications for the proposed extensions are not considered acceptable, Officer may be required to revisit or reduce the proposed contract duration.



### **Specifications (Regulation 42)**

Officers need to detail whether their requirements are based on an; input, output, or outcome-based specification; along with detailing any deviations/ changes in approach and to which elements the alternative approach applies.

Officers need to explain why that approach has been adopted, along with details of the anticipated benefits and/ or concerns relating to that approach; with particular reference to any deviations that have been included.

In additions, officers need to include details of whether the specification has considered and/ or incorporated input from

previous lessons learned (contract specific or general),

market engagement,

external technical advisors, or

other factors or parties

along with why something has or has not been adopted.

This all with the aim of ensuring it meets the authority's needs whilst also delivering Best Value.

### **Policy Considerations**

Officers, need to detail, how through the procurement process, they will deliver against both the overarching procurement objectives as set out at section 9.5 of the CPRs, and the social value commitments as set out in the authority's Procurement Policy.

### **Use of Lots (Regulation 46)**

In structuring the requirements, officers are required to evidence that they have considered whether the opportunity is suitable for SMEs to deliver, or if, through the use of Lots, it could become SME accessible; and then document the reason for the resulting decision.

Officers should note that the procurement does not need to be a framework agreement for the requirement to be split into Lots

### **Variant Bids (Regulation 45)**

Officers, need to consider whether there may be a benefit in allowing bidders to submit variant bids.

Officers need to evidence that they have considered this option, and where permitted, how they will fairly evaluate the variant bid in the context of the broader evaluation methodology.

Any inclusion of a variant bid option will be subject to approval by Procurement.

### **Preliminary Market Engagement (Regulation 40)**

Officers are encouraged to carry out market engagement to inform both the technical requirements and the procedure.

Officers must document why they have or have not run an event

Where officers have run an event, officer must detail

How the event was published

when the event was,  
who attended (individual names and companies)  
summarise the key discussions, and  
what information has been carried through to the specification



this may be by way of an attachment to the form.

### **Project budget calculations (Regulation 5)**

Officers must, through the competition of this section, demonstrate that their proposed contract is affordable; the following information must be provided as a minimum

Estimated contract value – considering scope and duration (including extensions)  
Details of how that value was calculated (including input from external experts)  
Available (approved) budget – along with date and evidence of approval  
Impact of the procurement coming in above this estimate

### **Evidence of Delegated Authority**

Officers are required, were stipulated by the constitution, to document and evidence that the proposed contract has been through the required approvals process pre procurement and also detail, where relevant, if the outcome of the procurement needs to be reported on before the contract can be awarded.

This to include a summary of the approval, the date and a link to the decision

### **Risk Assessments**

Officers must detail any risk assessments that have been carried out; risks to be considered include

Time constraints  
Budget constraints  
Internal resourcing constraints  
Funding obligations  
Seasonal impacts (construction, education)  
Stakeholder considerations  
Social or Environmental considerations

For each assessment, officers must detail how the identified risks will be mitigated or managed; where this is not possible, officers must detail who, on behalf of the Authority, has accepted those risks and agreed the contract is to be procured (and ultimately, awarded).

The following risks have their own sections and as such do not need to be included here

Prior Involvement  
TUPE  
Conflicts of Interest  
Programme/ critical dates

### **Prior Involvement of Candidate or Tenders (Regulations 41)**

Officers are required, under the PCRs, to treat Candidates and Tenderers equally and to ensure fair competition

Officers are therefore required to evidence that they have considered whether the prior involvement of candidates or tenders could impact the competition; specifically, where a contract is being renewed, where there has been a Preliminary Market Engagement event, or where any other supplier has had some input into the design of the contract specification.

In any of these cases, Officers must detail what the prior involvement was and then detail/ evidence that they have taken appropriate measures to ensure that competition is not distorted.

### **TUPE (Regulation 18 & 41)**

Where a procurement includes TUPE, officers must detail what impact this has on the procurement; specifically, timescales, cost risks etc.

Officer must summarise input from HR and Legal on the risks to the procurement.

Officers must detail all measures taken to manage the identified risk including

- Provision of incumbent provider(s)

- Collation and sharing of TUPE information

- Inclusion of contract clause to manage post selection resource cost changes

Officers must detail how they propose to continue to manage any TUPE associated risks throughout the procurement and award period.

### **Conflicts of Interest (Regulation 24)**

Officers are required to identify any potential conflicts-of-interest that may arise throughout the procurement and award process.

Officers are required to complete an initial conflict of interest assessment pre -procurement launch and attach it to the [Procurement Instruction Document](#)

### **Programme Considerations**

Officers are required to provide the following information as a minimum

- Date any current/ existing contract expires

- Details of any mobilisation requirements (including TUPE) – detailing activities and key dates

- Details of any internal or external approval requirement needed before contract signature/ go live.

- Details of time allocated to administer the selected procurement process including contingency (Regulation 47)

- Detail of any planned leave of key officers

In addition, and as a contingency, Officer's need to detail whether, where applicable, the current contract has an option to extend, details of what that option permits and whether there is approval to apply the extension if needed. Alternatively, the officer needs to demonstrate that, in the event of an unavoidable delay, how they might otherwise ensure an essential service is provided.

### **Legal Considerations**

Officers must detail who in legal they have consulted with and the form of contract to be used to award the contract.

Officers should include detail of any deviations from the Authorities/ Industry standard forms, specifically, changes to

- Insurance levels

- Liabilities

- Termination, step in rights or performance obligations

- Variations or Extensions

In the event that a detailed contract cannot be created, Officers, with input from Legal, must detail why and what the proposed approach is to agreeing a contract with potential suppliers.

### **Route To Market**

Officer may propose how they would choose to procure the required contract and include an explanation as to why this is their preference; the options being

- To use an existing corporate contract

- To use a CCS framework

- To use another accessible Framework (subject to approval by procurement), or

- Run an advertised procurement (Open, Restricted, Competitive Procedure with Negotiation (CPN))

Officers, where proposing the CPN, must detail what they would be seeking to negotiate (e.g., certain terms within a draft contract).

However, the final decision as to how a contract is procured will be for procurement and legal to agree.

### **Urgent Decisions**

In the event of an urgent decision (potentially including a direct award) officer should speak to procurement before completing any forms and drafting any procurement documents so as to ensure the correct process is being adopted.

### **Further Guidance**

Officers are advised to review the sections below before completing their Procurement Instruction Document or creating and procurement specific documentation.

# PART 3 – PROCUREMENT PLANNING

## Procurement Categorisation

### Category 1 – Public Contracts - Definitions



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#### Goods

*Regulation 2 - contracts which have as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products, whether or not the contract also includes, as an incidental matter, siting and installation operations; e.g.; tangible items*

Stationery, furniture, uniforms

vehicles

#### Service

*Regulation 2 - contracts which have as their object the provision of services other than those referred to in the definition of “public works contracts”; e.g., labour. Under the broad heading of services, the authority has distinguished some sub-categories, the purpose of which is to distinguish threshold for advertisement and forms of contract.*

**General labour** - Cleaning, transport, security

**Consultancy services** – these tend to involve advice and a desire to rely on the consultants’ advice and by extension, their Professional Indemnity Insurance (PI) examples include - construction consultants, HR services, financial services, cultural services.

#### Licences

These are an anomaly. Depending on what they are for, and how they are supported, they may be considered as either goods or services.

#### ICT – goods & services

In some instances, the Authority may wish to buy goods and services from a single supplier for efficiencies and maintenance purposes. For ICT, this includes the following

IT equipment and consumables (even if it includes installation)

**IT Advisor services** – the Authority has distinguished this service from other consultancy services due to the complexity of the requirement and risk to the authority if the services were to become unavailable.

#### Works

The term works tends to refer to construction and is defined under Regulation 2 as *contracts which have as their object any of the following*:-

*the execution, or both the design and execution, of works related to one of the activities listed in [Schedule 2](#);*

*the execution, or both the design and execution, of a work;*

*the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work;*

Officers should note that

Not all construction activities amount to “works”, and

if the requirement is limited to just the design, then this is a service rather than works.

As a basic rule of thumb, construction includes both the provision of materials (goods) and the provision of labour (services); and if the majority of the costs is good/ materials then the contract is likely to be classified as works, whereas if the majority of the costs is labour, then the contract is likely to be services. E.g.;

Installing a new heating system is works (the boiler and pipe work being expensive) whereas servicing a boiler is services – labour intensive (with just a few parts)

*A definitive list is included in [Schedule 2](#); and is based on CPV (Common Procurement Vocabulary)*

### **Excluded/ Exempted Contracts - Regulation 10**

Some services do not require the Authority to run a procurement; examples include legal services associated with court proceeding, financial services associated with loans, employment contracts etc.

Before any such contract is awarded, officers must liaise with legal and procurement to firstly ensure that the requirement is indeed exempt and also to add the contract to the contract register (transparency requirement)

## **Category 2 - Concession Contracts**

Concessions contracts are a discrete form of contract and are governed by the [Concession Contracts Regulations 2016](#)

Concessions are defined as –

*a contract for pecuniary interest concluded in writing and entrusting the execution of works to one or more economic operators, the consideration for which consists either solely in the right to exploit the works that are the subject of the contract or in that right together with payment; and*

*involve real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire shall not be merely nominal or negligible.*

Examples include

Bus contracts where the whole of the service cost is paid by service users with minimal subsidy from the Authority

Providing a café service in a council building where their costs are paid by customers using the café (and potentially supported by lower rent payments)

## **Category 3 – Light Touch Contracts**

Light touch Contracts are defined within Regulations 74-76 of the Public Contracts Regulations and [Schedule 3](#); these include the purchase of the following service

Legal Service – general legal advice

Education Services – training, courses

Social Care

Cultural services

Officers should liaise with procurement if they think that their contract falls within the definition of Light Touch

## Category 4 – Utilities Contracts - Definitions

Utilities Contracts are those that include the provisions of

Gas & Heat

Electricity

Water

Transport Services (including Bus routes, railways, tramways)

Ports & Airport

Postal Services

Extraction of Oil and Gas

The Authority does not generally get involved in the procurement of utilities, an exception being transport contracts.

However, not all bus contracts will be utility contracts (or concessions) and as such, officers must liaise with procurement to understand which category/ regulations the procurement needs to be administered under.

## Procurement Obligations

### Overview

Officers need to be mindful that to achieve the optimal and an effective outcome from a procurement (Best Value) there needs to be considerable thought and upfront planning.

Every procurement is unique and although this document sets out a number of standard stages and activities, they all need to be tailored to the specific needs of the contract being procured.

The rest of this section details a number of considerations (decisions) that need to be addressed as part of the planning stage

The outcome of these decisions will determine which routes to market are permitted and most likely to achieve the contract requirements.

### Applicable Legislation

The Authority 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



In addition to the above legislation, the Authority must also comply with its own Contract Procedure Rules, Procurement Strategy, Procurement Policy, and the guidance within this document.

## Procurement Policy Notes (PPNs)

The Authority, as a non-central body, is not mandated to adopt all or any of the Procurement Policy Notes (PPNs).

However, as part of our commitment to delivering Best Practice, the Authority has decided to adopt the following PPNs and as such, ALL procurements must be designed in accordance with this guidance. (Further advice is available from procurement if Officers are unsure how to embed these commitments within their contracts.

PPN 03/23 – Standard Selection Questionnaire (SQ)

PPN 02/23 - Tackling Modern Slavery in Government Supply Chains

PPN 01/23 – Requirements to Publish on Contracts Finder

PPN 03/22 – Updated guidance on Data Protection legislation

PPN 10/21 – Thresholds and Inclusion of VAT

PPN 04/21 – Managing Conflicts of Interest

PPN 05/21 – National Procurement Policy Statement (NPPS)

With regards the following PPNs, the Authority has decided to adopt the aims and principles but not the exact means of achieving them

PPN 06/23 – Commercial Playbooks

PPN 06/21 – Taking Account of Carbon reduction plans

PPN 11/20 – reserving below threshold procurements

PPN 06/20 – taking account of social value in the procurement of public contracts

PPN 01/18 – Supply chain visibility

PPN 01/17 – Transparency Principles

ALL PPNs and relevant guidance on the aims and how to include them in a procurement can be accessed [here](#).

How the above should be applied/ considered is detailed in the relevant parts of this document.





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## CPCA Aims and Objectives

The procurement of any contract has the potential to deliver a broader set of benefits than conventionally included within the contract requirements/ specification.

Officers, in addition to complying with current public procurement legislation and the above PPNs, must also ensure that the procurement design, documents and process consider, and where appropriate, are aligned to the CPCA broader aims and objectives; including

The Procurement Policy

CPCA Growth Strategy

Business Plan

Digital Skills Strategy

Skills Strategy

Growth Ambition Strategy

Local Economic Recovery Strategy

Local Transport Plan

Cambridgeshire & Peterborough Independent Economic Review – CPIER

In the event that the inclusion of the above may add cost or create procurement risk, the decision as to what to adopt and how must be discussed with procurement and the relevant director.

The decision of what to include from the above, how, and why, (including any decision not to align with the above) must be documented in the Project Instruction Document.

## Funding Obligations

Officers must also ensure that where a project is being funded by a grant or other central government funding, that any obligations (social, environmental, or economical) included within the funding conditions

The requirements and how they have been adopted within the procurement design must be documented in the **Procurement Instruction Document**.

## Estimating Contract Values & Thresholds

### Overview

The estimated value of the contract is used to inform a variety of decisions, including

Whether the available budget is likely to be sufficient to deliver the requirements,

Whether the opportunity needs to be advertised,

How it should be advertised,

What level of turnover interested bidders must be able to demonstrate with regards their capacity to bid, and later in the life of the contract, the value by which the contract can lawfully be varied.

- 5.2.1 Officers therefore need to accurately calculate and document how they have calculated a contract's value, detailing what they have and have not included in their calculation, in line with the following;

## Calculating Contract Values

The estimated value of a contract is based on either;

the money to be paid by the Authority to the successful tenderer ([Regulation 6](#) PCR's) or

the value to the market ([Regulation 9](#) CCR's) of the contract.

A contract value should be calculated as follows:

**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).

**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 and any contingency for potential deviations from expected levels of requirement).

**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.

On high-value high-risk contracts, officers should consider whether a Should-cost-model (SCM) should be calculated, in accordance with the Commercial Playbook, to verify that the budget and estimated costs are realistic, and any bids received affordable.

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. Officers need to be able to justify this value and must not artificially inflate this value "just in case"

This "value" is the value that will be used within the advert for the opportunity (or inform the range to be included in the advert) and as such needs to be a "correct" as possible.

The Authority MUST NOT disaggregate or sub-divide like or similar requirements for the sole purpose of preventing the requirement to administer an above threshold procedure.

Where the estimated contract value is genuinely below these current thresholds, officers are still required to demonstrate that the procurement is 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.

## Procurement Thresholds

Where the estimated contract value exceeds the thresholds below, officers will be required to procure the contract competitively either through the use of an appropriate Framework or through the administration of an above threshold route to market as detailed in section 7 below,

### Above Threshold - PPN 10/21 - New Threshold Levels from 1 January 2022

#### The Public Contracts Regulations (Inclusive of VAT)

Supplies & Services - £213,477

Works - £5,336,937

Light Touch Regime for Services - £663,540

### The Utilities Contracts Regulations (Inclusive of VAT)

Supplies and Services - £426,955

Works - £5,336,937



### The Concession Contracts Regulations (Inclusive of VAT)

Services or works - £5,336,937

#### Below Thresholds

Category/ Sector	Level 1 - Single Quote	Level 2 - Request for Quotes	Level 3a & b Simple Tender (advertised)
Goods (G)	£0 to £9,999	£10,000 to £29,999	£30,000 to Goods £GPA (3a)
Services (S)	£0 to £29,999	£30,000 to £49,999	£50,000 to Services £GPA (3a)
Consultancy Services	£0 to £49,999	£50,000 to £GPA	
Licences	£0 to £199,999		
ICT G & Services	£0 to £199,999		
Works	£0 to £99,999	£100,000 to £499,999	£500,000 to Works £GPA (3b)
Light Touch	£0 to £99,999	£100,000 to £299,999	£300,000 to Light Touch £GPA (3a)
Concession (ALL)	£0 to £99,999	£100,000 to £499,999	£500,000 to £GPA(3a)
Utilities	£0 to £99,999	£100,000 to £500,000	£500,000 to £GPA(3a)
Frameworks & DPS	In accordance with Framework Rules (direct award up to £199,999 (where permitted) with further competition above £200,000)		

The Authority is permitted to set their own rules as to when they will advertise an

opportunity/ contract to the open market.

The table below sets the values at which officer will be required to seek quotes or advertise the opportunity on Contracts Finder.

In the event that there is a limited market, urgency or some other reason where a there is not time to run a process, (above or below threshold) officers should speak to procurement to consider if there are any alternative means by which to deliver their requirements.

Furthermore, the above values are the minimum requirements for each category, officers are permitted to carry out an advertise process at any value where it is considered potentially beneficial to do so (being mindful of the increased time and cost of process compared to any saving that the competition may produce)

# PART 4 – PROCUREMENT DESIGN

## Below Threshold - Routes to Market (Regs 105-112) (PCRs15)



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### Overview

The method of procuring a contract will depend on the value of the contract, the nature of the requirements, available timescales, and contract complexity and risk factors.

Details of the various routes to market are set out below.

### Licences

These are an anomaly. Depending on what they are for, and how they are supported, they may be considered as either goods or services.

For the purpose of purchasing them on behalf of the Authority, officers should liaise with procurement to discuss their requirement and then in accordance with section 3 and the value of the licence for 3 years, (assuming it is required for that long), will need to liaise with legal to agree the licence terms.

In the event that the value exceeds the threshold for Goods & Services (section 7 below), officer will need to liaise with procurement to ascertain if a procurement is required or whether the required licence is a monopoly e.g., Microsoft.

### Single Quote (Level 1)

Generally, Officers may only use this route where the contract value has been calculated to be both Below Threshold and permitted by the Authority's Contract Procedure Rules

This route does not require an advert/ notice.

Officers must collate a written specification, obtain an appropriate form of contract from legal and then use this information as a basis for identifying a supplier who has the appropriate experience, capability, and capacity to deliver the scope, value, and risk, within the required timescales; and ideally local.

Officers must then obtain a formal offer in writing from the identified Supplier to ensure that the proposal both meets the Authority's requirements and demonstrates Value for Money

In the event that the proposal is either above budget and/ or would benefit from some technical changes, the Officer may seek to negotiate an improved offering from the supplier. In the event where this is necessary or desirable, it must be agreed with and overseen by Procurement.

Officers should allow 2 to 4 weeks for this route to market

In the event that there are no known suitable suppliers, then the requirement must be tendered,

### Request for Quotes (Level 2)

As with the above, Officers may only use this route where the contract value has been calculated to be both Below Threshold and permitted by the Authority's Contract Procedure Rules

This route does not require an advert/ notice.

As with the Singles Quote process, a specification and contract must be collated, along with an award criteria/ evaluation methodology which may involve evaluating only the price, or both quality and price.

Officer must identify at least three suppliers to invite to submit a quote and at least one should be local. In the event that there are no or not enough known suitable suppliers, then the requirement must be tendered as a Level 3 process,

In the event that all proposals are above budget, the Officer may refine the technical requirements and invite all suppliers who submitted an initial response to refine and resubmit. In the event where this is necessary, it must be agreed with and overseen by Procurement.



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Officers should allow 4 to 6 weeks for this route to market

### Simple Tender (Level 3a - Goods & Services) (Regulations 105 to 112) (PCRs15)

Officers may only use this route where the contract value has been calculated to be both Below Threshold and permitted by the Authority's Contract Procedure Rules (including where there are no known suppliers such that Level 1 and 2 cannot be used).

Again, a specification and contract must be collated, along with Due Diligence and an Evaluation Methodology which will be assessed as a single stage/ activity. Due Diligence should consider the experience, capability, and capacity of the supplier to deliver the contract (Backward Looking), and the Evaluation Methodology should assess both quality and price (Forward Looking), and these requirements and scoring considerations must be shared with all suppliers equally.

An advert/ below threshold tender notice must be placed on [Contracts Finder](#) (CF), all documents must be attached electronically, suppliers must be provided with a reasonable amount of time to write and submit their tender and all compliant tenders must be evaluated.

Officers should allow 6 to 10 weeks for this route to market

### Simple Tender (Level 3b – Works) (Regulations 105 to 112) (PCRs15)

Officers must follow the above process with one optional difference. The Due Diligence included in Level 3a may be substituted for the use of the Standard Selection Questionnaire (SSQ) or PAS91 Construction PQQ (Reg. 111) AND this may be included as a separate selection stage following which only the successful suppliers will be permitted to submit a tender for evaluation.

Officers should allow approximately 12 to 14 weeks

## Above Threshold - Routes to Market (Regs 26-30 inc.) (PCRs15)

### Open Tender (Regulation 27)

This is the default route to market for Above Threshold, advertised procurements

This route to market does NOT allow any form of negotiation at any stage (during the procurement, after identifying the preferred bidder or post contract signature)

Officers must collate **a comprehensive suite of documents** for issue to suppliers via the e-tendering portal.

An advert/ notice must be placed on both [Find a Tender Services](#) (FTS) and [Contracts Finder](#) (CF), and all documents must be attached electronically.

These documents must include both the SSQ (Conditions of Participation) and the Evaluation Methodology (Award Criteria – Questions and Scoring for both quality and price). The procurement documentation must clearly detail the sequence for which these two documents will be assessed; e.g., SSQ first and then only those tenders where the supplier has passed the SSQ requirements or tender first and then only the SSQ of the preferred supplier.

Once the evaluation process is complete, the Authority will identify the preferred supplier; specifically, the bidder with the highest score

The Authority is then required to formally notify all bidders of the outcome of this process; this includes for the

Winning bidder - Their scores and the reason for those scores for EVERY question and in consideration of each of the bullet points of the question

Losing Bidder – their scores and the reason for those scores AND the winning bidder scores and the reason for those scores; specifically, ***the characteristics and relative advantages of the successful*** for EVERY question and in consideration of each of the bullet points of the question

Officers should allow approximately 14 weeks for this process (including a standstill period)

Officers are required to publish an award notice on Contracts Finder/ Find a Tender based on value once the contract has been signed.

## Restricted Tender (*Regulation 28*)

This route to market is a two-stage process for Above Threshold procurements, and is to be used where the market has been assessed to be saturated (based on market research or officer expertise)

This route to market does NOT allow any form of negotiation at any stage (during the procurement, after identifying the preferred bidder or post contract signature)

Officers must collate a **comprehensive suite of documents** for issue to suppliers via the e-tendering portal.

An advert/ notice must be placed on both [Find a Tender Services](#) (FTS) and [Contracts Finder](#) (CF), and all documents must be attached electronically.

These documents must include both the

SSQ (Conditions of Participation) and instructions

the Evaluation Methodology (Award Criteria – Questions and Scoring for both quality and price) and instructions.

All documents must be issued together and at the same time as the Advert

The completion of these documents by the bidders and their evaluation will take part in two stages

Bidders must complete and submit their response to the SQ, the Authority then evaluate this in accordance with the instructions, and based on the scores, select those bidders to progress on to tender stage (detail of how many having been set out in the instructions).

- (4) Selected Bidders then complete the tender stage documents and submit their response in accordance with the instructions. The Authority then evaluate these responses against the award matrix to identify the bidder with the highest score.

Once the evaluation process is complete, the Authority will identify the preferred supplier; specifically, the bidder with the highest score

The Authority is then required to formally notify all bidders of the outcome of this process; this includes for the

Winning bidder - Their scores and the reason for those scores for EVERY question and in consideration of each of the bullet points of the question

- (5) Losing Bidder – their scores and the reason for those scores AND the winning bidder scores and the reason for those scores; specifically, ***the characteristics and relative advantages of the successful*** for EVERY question and in consideration of each of the bullet points of the question

Officers should allow approximately 22 weeks for this process (including a standstill period)

Officers are required to publish an award notice on Contracts Finder/ Find a Tender based on value once the contract has been signed.



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## Competitive Procedure with Negotiations (*Regulation 29*)

Officers may only use a CPN in the following situations

*the needs of the contracting authority cannot be met without adaptation of readily available solutions;*

*they include design or innovative solutions;*

*the contract cannot be awarded without prior negotiation because of specific circumstances related to the nature, the complexity, or the legal and financial make-up or because of risks attaching to them;*

*the technical specifications cannot be established with sufficient precision by the contracting authority with reference to a standard, European Technical Assessment, common technical specification, or technical reference;*

Officers must justify to procurement why they wish to use this procedure and the specific benefits they are seeking to achieve; this to then be agreed by procurement. A failure to development of the specification or the contract (including failing to run a market engagement event) will not be an accepted reason.

An advert/ notice must be placed on both [Find a Tender Services](#) (FTS) and [Contracts Finder](#) (CF), and all documents must be attached electronically.

From a practical perspective, this route to market builds on the Restricted Procedure in that the SQ/ selection stage is the same and the initial tenders and how they are evaluated is also the same; however, there are the following distinctions

The specification and/ or the contract may include some elements that would benefit from market input to finalise, and these are to be developed during the negotiation stage of the procedure

The procurement documents must identify all “Minimum Requirements” (non-negotiable elements) as well as setting out clearly the purpose of the negotiations and what is to be negotiated. The Award criteria is also non-negotiable.

The procurement documents must also set out whether the Authority reserves the right to accept initial tenders (having the effect of this process being the same as the Restricted Procedure) and/ or transparently detail how the Authority will decide whether to negotiate or not.

The authority may also, in the instruction document, include an option to down select the number of bidders to participate in negotiations following the evaluation of initial tenders ([Regulation 65](#)).

The process for the negotiations and how they are to be managed must be clearly explained in the procurement documents, including how the Authority will decide to end the negotiation stage and request final tenders (Best and Final Offers)

Once the Authority has decided to request final tenders, they must update the procurement documents to reflect the discussions and decisions made during negotiations (being mindful of confidential information of individual bidders and that the Minimum Requirement must NOT be changed, nor can the award criteria))

Once the Authority has requested final tenders, the procedure revert to a Restricted Procedure in that it does NOT allow for any further negotiation at any stage (during the procurement, after identifying the preferred bidder or post contract signature)

The final evaluation and identification of a preferred supplier follows that set out above for the Restricted Procedure.





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Officers should allow a minimum of 6 to 12 months for this process.

Officers are required to publish an award notice on Contracts Finder/ Find a Tender based on value once the contract has been signed.

## **Competitive Dialogue (Regulation 30)**

This is a multi-stage, advertised process.

It includes the ability to discuss and define any unknown requirements.

Suppliers are shortlisted to tender following a supplier qualification process (SQ), and then invited to participate in a number of rounds of dialogue based on the predefined scoring criteria.

This is used where there is only a high-level outcome specification, and it is unclear as to what (or part of it) is to be achieved.

This route is complex and takes a substantial amount of time and so will only be available where specified by procurement

Officers should allow a minimum of 9 to 18 months for this process.

## **Frameworks (Regulation 33) (PCRs15)**

A Framework Agreement is an arrangement with one or more suppliers (a closed (approved) list) 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 on what has been specified in the Framework Agreement.

Suppliers are appointed to the Framework following a full tendering exercise that has assessed both quality and price.

The Framework Agreement signed by successful Suppliers sets out the rules of participation in the Framework, specifically, terms and conditions, details of how any call-off contract will be awarded, the rules of participation in the competitions, what within the call of contracts can be modified as part of a further competition, maximum prices rates) scope of call-off contracts, and other general behaviours/ requirements of a supplier under the Agreement. It does not guarantee any level of commitment or any exclusivity.

When selecting a Framework to use for a specific requirement, all and only those suppliers that are party to the selected Framework Agreement may be considered/ invited to participate in a further competition. You cannot “pick” which supplier to invite or mix and match across multiple frameworks to create a list of suppliers to invite to submit a tender.

Contracts awarded under the Framework Agreement must be priced using the rates as follows

Direct Awards – must be based on the framework rates as submitted in response to the procurement process.

Further Competition – can either be priced using the framework rates as submitted or offer a reduced rate. However, the pricing cannot exceed these rates.

Contracts awarded under the framework can run past the framework end date where clearly permitted by the Framework Agreement.

A framework can be established through the use of any of the above procedures, depending on potential market interest

### **New Framework Agreements**

The Authority is allowed to establish their own Framework Agreements.



A contract notice is required to advertise the opportunity/ the new Framework Agreement where the total potential spend exceeds the published thresholds.

An advert/ notice must be placed on both *Find a Tender Services* (FTS) and *Contracts Finder* (CF), and all documents must be attached electronically.

Officers would be required to provide a comprehensive specification and provide some indicative quantities; along with detailing how many suppliers are to be appointed to the framework and the overarching Framework Agreement duration.

In addition, officers would need to detail how they intend to award contracts under the Framework Agreement (direct award or mini competition) so as to ensure equal treatment.

Once established, the framework can only be used in accordance with how it has been set up.

A Contract Award Notice is required at the point that the authority establishes a new Framework Agreement.

Officers should allow approximately 22 weeks for this process (including a standstill period)

### **Existing Framework Agreements**

Officers should consider using a pre-existing Framework or where available; subject to it meeting the following requirements.

Before a Framework can be used, Procurement must assess whether it is accessible (excluding for CCS let arrangements) and carry out an assessment to ensure the required contract specification is in-scope of the framework specification, that the permissible contractual options are suitable for the proposed contract, and that the pricing model/ rates offer Value for Money.

Where a Framework is used, it must be in accordance with the Framework rules.

Officers should use the framework procurement templates and evaluation methodology where available and adapt them to meet the contract requirements.

Officers may, where permitted by the Framework Agreement, issue an Expression of Interest to all suppliers on the framework to identify which will respond to the opportunity. This may include, in some cases, some qualification requirements, again where expressly permitted by the Framework Agreement.

This route to market does not allow for a discrete SSQ assessment (Officers can NOT ask any backward-looking questions relating to experience or past performance). If Officers are concerned that the suppliers on the Framework Agreement do not have the required experience or expertise, they should not use that Framework Agreement.

Where the Framework allows for Direct Award, if the framework sets a value cap for the option this must be complied with, where no value cap is stated, officers must seek approval from procurement to direct award a contract in excess of £200,000

No advert/ notice is required for this route to market; however, officers are required to publish an award notice on Contracts Finder/ Find a Tender based on value.

Officers should allow a minimum of 8 to 14 weeks (including a standstill period) for this process

Officers should allow a minimum of 8 to 14 weeks (including a standstill period) for this process

## **Commonly Used (approved) Frameworks**

Crown Commercial Services Frameworks

Eastern Shires Purchasing Organisation Frameworks

Homes England Frameworks

Highways England Frameworks

National LGPS Frameworks



## **Dynamic Purchasing Systems (DPS) (Regulation 34) (PCRs15)**

A Dynamic Purchasing System is a modern day approved list for a specific scope of requirements with one or more suppliers. It must be set up and used as follows

This list refreshes at set intervals during the life of the DPS and as such is an open (approved) list.

The PCRs do not set an explicit maximum duration for running a DPS, but officers need to be pragmatic with the fact that its size will continue to grow with every refresh such that it could become unmanageable and include obsolete suppliers.

Suppliers are appointed to the DPS following SQ process and against a DPS agreement; as such, although their experience and expertise may have been assessed, they have not been assessed for either quality or price.

The DPS agreement sets out the rules of participation in the DPS, specifically, for what and when they need to notify the Authority of changes e.g., financial, legal structure etc., the rules of participation in the competitions, contract terms and conditions, how responses to competitions will be evaluated and any other information that Bidders must comply with when submitting a response. It does not guarantee any level of commitment or any exclusivity.

When selecting a DPS to use for a specific requirement, all and only those suppliers that are party to the DPS Agreement may be considered/ invited to participate in a competition. You cannot “pick” which supplier to invite or mix and match across multiple DPSs to create a list of suppliers to invite to submit a tender.

Competitions run under a DPS must be electronically managed.

Contracts awarded under a DPS must be by way of a competition which evaluates both quality and price and must be evaluated against the scoring matrix as published with the procurement documents when the DPS was launched.

Contracts awarded under the DPS can run past the DPS end date where clearly permitted by the DPS Agreement.

A DPS is fundamental administered as a split Restricted Procedure procurement;

stage 1 the SQ admits them to the DPS, and

stage two the tender – selects the supplier to be awarded the contract

There is no mandatory requirement to apply a standstill period; however, it is best practice and as such, a 10-day standstill period is to be adopted.

There is no requirement to publish an award notice when suppliers are admitted onto the DPS, but the Authority is required to publish a Contract Award Notice when a contract is awarded under a DPS

## **New Dynamic Purchasing Systems (DPS)**

The Authority is allowed to establish their own DPS

A contract notice is required to advertise the opportunity/ the new DPS where the total potential spend exceeds the published thresholds.

An advert/ notice must be placed on both [Find a Tender Services](#) (FTS) and [Contracts Finder](#) (CF), and all documents must be attached electronically.

Officers would be required to provide a comprehensive specification and provide some indicative quantities; along with detailing how suppliers are to be appointed to the DPS, the overarching DPS Agreement duration and the award criteria for future competitions.

Once established, the DPS can only be used in accordance with how it has been set up.

Officers should allow in excess of 8 weeks to establish a new DPS and then a further 6 weeks minimum to carry out a competition under the DPS and a further 2 weeks for a standstill period.

Officers must publish a Contract Award Notice once a contract has been signed

### **Existing Dynamic Purchasing Systems (DPS)**

Officers should consider using a pre-existing DPS or where available; subject to it meeting the following requirements.

Before a Framework can be used, Procurement must assess whether it is accessible (excluding for CCS let arrangements) and carry out an assessment to ensure the required contract specification is in-scope of the framework specification, that the permissible contractual options are suitable for the proposed contract, and that the pricing model/ rates offer Value for Money.

Where a DPS is used, it must be in accordance with the DPS rules.

As Bidders have been admitted onto the DPS by way of their SQ submission, it is not permissible to ask any further SQ/ backward looking questions at award stage; if officers are concerned as to the suitability/ experience of the suppliers on the DPS they should not use that DPS.

Officers should use the DPS procurement templates and adapt them to meet the contract requirements and use the evaluation methodology as published

Officers should allow 6 weeks minimum to carry out a competition under the DPS and a further 2 weeks for a standstill period.

Officers must publish a Contract Award Notice once a contract has been signed

### **Direct Awards (Negotiated Procedure without prior publication - Regulation 32) (PCRs15)**

*As the purpose of the PCRs is to ensure effective competition, the use of a direct award above threshold is restricted to where it is absolutely necessary*

Grounds for Direct Award include

***where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the contract are not substantially altered***

*where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:—*

*the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,*



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*competition is absent for technical reasons,*

*the protection of exclusive rights, including intellectual property rights, but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;*

*insofar as is strictly necessary where, **for reasons of extreme urgency brought about by events unforeseeable by the contracting authority**, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.*

In the case of (b)(ii) above, officers will be required to publish an Expression of Interest using a PIN to evidence that competition is absent (there is only one supplier) before a direct award on such grounds will be agreed

In the event of (c) above, the urgency must not have come about through poor planning. In the event that the authority has known of the requirement for more than 4 weeks, it is unlikely that the officer will be given approval to award a contract under this route to market and will need to either identify a suitable framework or run a compliant competitive process (e.g. an accelerated Open Procedure with a 15 day tender period in accordance with Regulation 27(5) and a 10 day standstill period.

In any of the above cases, where the Authority agrees to allow a direct award under one of the above grounds, the Authority will publish a Voluntary Ex Anti Transparency (VEAT) Notices and apply a standstill period before being able to enter into a contract with any supplier. Following award/ contract execution, the Officer will also be required to publish a Contract Award Notice.

Officers should allow at least 2 weeks for the publication of the VEAT notice in addition to the time needed to collate the specification and contract and execute it.

## Light Touch Procurement (*Regulations 74-76*)(*PCRs15*)

Light Touch procurements are subject to a slightly more flexible set of rules and a higher threshold before a Contract Notice is required.

Where a contract value is above threshold set out above, the Authority must publish an advert/ notice on [Find a Tender Services](#) (FTS) and [Contracts Finder](#) (CF), and all documents must be attached electronically.

The Contract Notice/ call for competition must including details of the

conditions for participation,

time limits for contacting the contracting authority, and

the award procedure to be applied.

Officers need to set out the procurement procedure comprehensively and transparently, they may either adopt any of the Part 2 PCR Procedures adopt a slightly modified version of one of those procedures or design their own.

In all of the above options, the Officer must clearly set out in the procurement document the selection and award procedures, and any scope for negotiation or dialogue, and how the preferred bidder will be identified.

In designing the award criteria, officers may take into account any of the following

the need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services;

the specific needs of different categories of users, including disadvantaged and vulnerable groups;

the involvement and empowerment of users; and

innovation

Also, unlike other procedures, there may be occasions for which these requirements may be changed during the procedure; subject to the change not having discriminatory effects on any of the Bidders.

Furthermore, there is no mandatory requirement to apply a standstill period to a contract to be let under the Light Touch Regime; however, in accordance with best practice, the Authority has taken the decision that a standstill period will be applied in all but the most exceptional circumstances.

In all of the above option, the approach and any decision to amend it mid procurement will require the approval of the Procurement & Contracts Manager.

Officers should allow between 8 and 26 weeks, and a further 2 weeks for a standstill period, depending on the design of the procedure.

Officers must publish a Contract Award Notice once a contract has been signed

## Concession Contract Procurements (CCRs16)

The procurement of Concession Contracts is governed by a different piece of legislation; specifically, [The Concession Contracts Regulations 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2016/1112)

The Threshold at which the CCRs applies is substantially higher for services than the PCRs and there is no equivalent to the requirements of Regulations 105 to 112 in the CCRs; (No mandated requirement to advertise on Contracts Finder)

The CCRs do not include prescriptive procedures as with the PCRs however it is still built on the general principles of requiring the Authority to “*treat economic operators equally and without discrimination whilst also acting in a transparent and proportionate manner*”.

As with LTR procurements, officers can simply adopt one of the PCR Part 2 Procedures and/ or adopt and tweak which ever procedure will most likely deliver the best outcome and achieve Best Value.

Officers will still be required to publish Contract Notices and Contract Award Notices on [Find a Tender Services](#) (FTS) (Although it is not mandatory to publish any notices on [Contracts Finder](#) (CF) the Authority has taken the decision to do so voluntarily as best practice) and all documents must be attached electronically

Where an officer believes their contract amounts to a concession contract (as per the definition provided at 3.2 above), they must engage with procurement and legal to discuss their requirements and agree how the procurement should be designed/ administered in consideration of the above and the specifics of the CCRs

## Utilities Contracts Regulations (UCRs16)

The procurement of Utilities Contracts is governed by a different piece of legislation; specifically, [The Utilities Contracts Regulations 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2016/1112)

The Threshold at which the UCRs apply vary with regards goods and services and there is no equivalent to the requirements of Regulations 105 to 112 in the UCRs. (No mandated requirement to advertise on Contracts Finder)

The UCRs are also built on the general principles of requiring the Authority to “*treat economic operators equally and without discrimination whilst also acting in a transparent and proportionate manner*”.

The UCRs, much like the PCRs include a number of prescribe procurement procedures which in the main, can be matched to those found in the PCRs. However, there are some differences/ flexibilities in the UCR version of the procedures that need to be accommodated/ complied with. These include

There is no need to justify the use of a negotiated procedure

The Negotiated Procedure with prior call for competition has more flexibility than its PCR counterpart.

There are no Prior Information Notices

Officers will still be required to publish Contract Notices and Contract Award Notices on [Find a Tender Services](#) (FTS) (Although it is not mandatory to publish any notices on [Contracts Finder](#) (CF) the Authority has taken the decision to do so voluntarily as best practice) and all documents must be attached electronically

Where an officer believes their contract amounts to a Utilities contract (as per the definition provided at 3.4 above), they must engage with procurement and legal to discuss their requirements and agree how the procurement should be designed/ administered in consideration of the above. It is worth noting that the Authority may choose to apply the PCRs and their more rigorous procedures and low thresholds if deemed beneficial to the Authority.

## Evaluation Methodologies

### General Principles

In designing an evaluation methodology, Offices must have regard to the following recommended approaches whilst also seeking to deliver value for money

The Award Criteria must (In accordance with [Regulation 67](#))(PCRs)

relate to the subject-matter of the contract,

be sufficiently clear, measurable, and specific,

not break the rules on technical specifications,

be proportionate as a means of assessing tenders, having regard to the nature, complexity, social value considerations and the estimated cost of the contract.

All questions asked at award stage must be forward looking and seek relevant technical and/ or social value information from suppliers on how they will deliver this contract in consideration of the Specification and Contract.

All Pricing information requested must either relate to a lumpsum/ fixed prices or a schedule of rates; for the latter, an evaluation model must be created and shared with suppliers to assist them with competitively tendering.

Where the evaluation methodology includes legal considerations such as proposed amendments, assumption, or qualifications; Legal must be part of both the question and scoring matrix design.

The relative importance of each of the technical and Social Value questions along with the price/ costs must be clearly identifiable within the Award Criteria; usually as a percentage of the whole (out of 100).

In addition, the Authority must also provide suppliers with a clear and relevant scoring matrix for each question or potentially, groups of questions. It is important that the language and requirements in the scoring matrices link back to the question(s) and the relevant parts of the Specification.



Only criteria clearly detailed within the scoring matrices will be able to be considered during evaluation.

Once the Authority has invited tenders, questions and scoring matrices must not be amended.

All evaluators must be "Suitably Qualified and Experienced Persons (SQEP) for the question they are evaluating

Evaluators will evaluate each of their allocated question individually.

Evaluators do not need to evaluate all questions but the MUST evaluate all responses to a specific question

Where the process includes multiple stages, this process will be applied consistently for all stages so as to ensure a fair, consistent, and transparent process.

In the event that there is an inconsistency or an obvious error in the tender response, the Authority reserves the right to clarify this with the supplier in accordance with this document.

The Authority will evaluate pricing/ cost submissions in accordance with the methodology set out in the Instruction Documents and independently from the quality evaluation process.

In the event that the submission includes an arithmetical error that can be rectified without the provision of any additional or different information, the Authority reserves the right to make the correction.

Where, as part of the evaluation process, the price is considered to be 'Abnormally Low', the Authority must notify the supplier and give them an opportunity to demonstrate they are able to deliver the contract for the price/ that the rates are sustainable. Where the explanation is unsatisfactory, the Authority reserves the right to disregard the tender.

## Single Quotes

Where it is permitted by the CPRs and these rules to obtain a single quote, Officers are required to identify a local supplier and they need to identify a means by which to check that it offers value for money against at least two of the following

A comparison of the cost against the budget

A comparison of the rates received against industry standards where such rates exist

A comparison of the costs/ rates received against a Framework Agreement that could be used

Another means of demonstrating value for money in agreement with procurement and finance

In the event that there are no local suppliers, or the quote exceeds the budget and/ or there are no other means than the budget to demonstrate value for money, the Procurement and Contracting Manager may, in consultation with finance, may require that a quotes process be used instead. Any such decision is to be recorded on the contract register.

In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed

## Request for Quotes

Where it is permitted by the CPRs and these rules to obtain quotes; officers are required to obtain three, one of which as a minimum, should be from a local supplier.

Officers may either evaluate these on a

price only basis (up to £100k), or

quality and price basis.



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Where evaluating on a quality/ price basis,

Officers may apply a split in the region of 80:20 to 20:80 and

Officer should include up between 2 and 4 method statement questions depending on value and complexity of the requirement. This may or may not include a question on social value, depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions and with a focus on ensuring Best Value.

The evaluation of the quotes must be by at least 2 evaluators and their scores must be moderated so as to ensure that the scoring criteria has been applied correctly.

- In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed

## Simple Tenders – Goods & Services

Where it is permitted by the CPRs and these rules to carry out a simple tender for Good & Services (3a), officers must collate a suite of procurement documents in accordance with Part 4.

Officers are required to evaluate these on a quality: price, Most Economical and Advantageous Tender basis

Officers may apply a split in the region of 70:30 to 30:70 and

Officer should include up between 3 and 5 method statement questions depending on value and complexity of the requirement.

Officers must include a question on social value (environmental, Skills, Carbon, local business focused), depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on ensuring Best Value.

The evaluation of the simple tenders must be by at least 3 evaluators and their scores must be moderated so as to ensure that the scoring criteria has been applied correctly.

Officers are required to complete a tender report and make a recommendation for award in that tender report.

In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed

## Simple Tenders Works

Where it is permitted by the CPRs and these rules to carry out a simple tender for works (3b), officers must collate a suite of procurement documents in accordance with Part 4.

Officers may utilise a two-stage process and down select the number of bidders to be invited to tender.

At Selection Stage – Offices are required to use the Standard SQ Parts 1 & 2 along with the financial and insurance questions from Part 3 and at least two project specific questions

The Project Specific questions should require the bidder to submit case studies that demonstrate that they have the required skills and expertise, as well as having previously delivered similar requirements.

The case studies should share the 100% score between them as appropriate for the nature of the questions and their importance against the specification.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on providing confidence in the bidders' ability to deliver the contract.



At Award Stage - Officers are required to evaluate these on a quality: price, Most Economical and Advantageous Tender basis

Officers may apply a split in the region of 70:30 to 30:70 and

Officer should include up between 3 and 5 method statement questions depending on value and complexity of the requirement.

Officers must include a question on social value (environmental, Skills, Carbon, local business focused), depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on ensuring Best Value.

The evaluation of the simple tenders at both selection and award stage must be by at least 3 evaluators and their scores must be moderated so as to ensure that the scoring criteria has been applied correctly.

Officers are required to complete a tender report that details any decision to down select post selection and also detail who the preferred Bidder is and a recommendation for award.

In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed

## **Direct Award under a Framework**

Where it is permitted by the CPRs, these rules and the selected Framework Agreement to make a direct award, the Officer must comply, and evidence compliance with the referenced rules by way of a tender report detailing the following;

Where in the Framework it states that Direct award is permitted and the rules for applying a direct award

A copy of the desk-top exercise carried out by the Officer including the criteria that were applied in identifying the preferred bidders

Details of the rates to be paid under the framework for the direct award and how this delivers value for money (e.g., the supplier selected was the cheapest on the framework, or they were the cheapest of those who demonstrated the required expertise and have availability at the required time)

In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed

## **Mini Competition under a Framework**

Where it is decided to use an existing Framework Agreement (CPCA owned or otherwise), officers are required to conduct the further competition as follows

Create a set of questions and a pricing model aligned to what is permitted under the framework agreement

Where permitted by the framework, officers should seek to utilise a quality/ price split of 60:40 (the reason for the split favouring quality being that the price element is capped by the framework rates)

Officer should include up between 3 and 5 method statement questions depending on value and complexity of the requirement.

Officers must include a question on social value (environmental, Skills, Carbon, local business focused), if permitted by the Framework Agreement and depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions and in accordance with what is permitted under the framework

The evaluation of the further competition tenders must be by at least 3 evaluators and their scores must be moderated so as to ensure that the scoring criteria has been applied correctly.

Officers are required to complete a tender report and make a recommendation for award in that tender report.

In the event that the value of the contract exceeds £25k, officers must publish a Contract Award Notice on Contracts Finder once the contract is signed. In addition, where the contract value exceeds the thresholds set out in section 5 above, officers should also apply a voluntary standstill period and publish a Contract Award Notice on FTS

## Direct Award Reg 32

As with a direct award below the threshold for the nature of the requirements, officers are still required to evidence that the proposed contract delivers Best Value.

The means for demonstrating this will depend on the nature of the requirements, the reason for the direct award, the proposed value of the contract and the timescales for delivering the requirements; officers are therefore required to liaise with procurement, legal and finance and this is to then be agreed prior to agreeing the award.

Officers, when negotiating with a supplier under Regulation 32, should still aim to include some form of Social Value in line with PPN 06/20 and the associated guidance. In the event that this is not practical, Officers must seek approval from procurement not to include this requirement.

The means of selecting the supplier, how the proposal was assessed for Best Value, the inclusion of social value or not, and the justification for the direct award must all be documented in a tender report and approved in accordance with the contract value before the mandated VEAT notice and subsequent Contract Award Notice are published.

## Above Threshold Procedures

- For all above threshold procurement, officers must collate a comprehensive suite of procurement documents in accordance with Part 5.

Officers may utilise any of the routes to market set out in this Part, as permitted under the relevant legislation.

### For an Open Procedure

SQ - Offices are required to use the Standard SQ Parts 1 & 2 along with the financial, insurance and references questions from Part 3 as a minimum (Section 10.4.1 below). There is no requirement to include Project Specific questions or case study requirements (section 10.4.2 below)

Award Stage - Officers are required to evaluate on the basis of Most Economical and Advantageous Tender with a split between quality: price,

Officers may apply a split in the region of 70:30 to 30:70 and

Officer should include up between 3 and 8 method statement questions depending on value and complexity of the requirement.

Officer may (as this is an Open Procedure) include a question on past experience and this can be scored or on a pass/ fail basis. (Officers should speak to procurement on how best to include such a requirement so as to ensure Best Value and effective competition)

Officers must include a question on social value (environmental, Skills, Carbon, local business focused), depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on ensuring Best Value. (Where an experience-based question is being included, this may need a different scoring matrix, more aligned with the SQ standard matrix) (Officers may also need to use/ create a different scoring matrix for the social value question, depending on its structure and content – advice should be sought from procurement)

### **Multi-Staged Process (RP, CPN, CD)**

- At Selection Stage – Offices are required to use the Standard SQ Parts 1 & 2 along with the financial and insurance questions from Part 3 and at least two project specific questions

The Project Specific questions should require the bidder to submit case studies that demonstrate that they have the required skills and expertise, as well as having previously delivered similar requirements.

The case studies should share the 100% score between them as appropriate for the nature of the questions and their importance against the specification.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on providing confidence in the bidders' ability to deliver the contract.

At Award Stage - Officers are required to evaluate these on a quality: price, Most Economical and Advantageous Tender basis

Officers may apply a split in the region of 70:30 to 30:70 and

Officer should include up between 3 and 8 method statement questions depending on value and complexity of the requirement.

Officers must include a question on social value (environmental, Skills, Carbon, local business focused), depending on the scope of the contract.

A scoring matrix must also be created that is aligned to those questions (based on the Authority's standard approach, and with a focus on ensuring Best Value. (Officers may need to use/ create a different scoring matrix for the social value question, depending on its structure and content – advice should be sought from procurement)

The evaluation of an above threshold procurement, at both selection and award stage, must be by at least 3 evaluators (potentially up to 5) and their scores must be moderated so as to ensure that the scoring criteria has been applied correctly.

Officers are required to complete a tender report that details any decision to down select post SQ stage and also, where permitted, post initial tenders/ between dialogue meetings) and also detail who the preferred Bidder is and a recommendation for award.

Before a contract can be signed,

Officers must issue a [Regulation 86](#) notice (outcome/ standstill letter) to all bidders (successful and unsuccessful) at the same time (further detail on what is required is set out in section 10 below), and

Officers must apply a mandatory standstill period of 10 days ending at midnight on the final day (which cannot end on a weekend).

Officers must publish a Contract Award Notice on both Contracts Finder and Find a Tender once the contract(s) is signed.

## Rules on Drafting Questions & Scoring Matrices

### General Guidance

Officers are to consider carefully what questions they ask bidders to answer.

The questions asked must be in accordance with the following

SQ – backward looking – ***“what has the company done in the past that demonstrates they have the capability to deliver this contract’s requirements?”***

Award – forward looking – ***“how will you deliver this contract going forward?”***

### Selection Questions

**The SQ questions are/ can be used to**

Check the bidder has an appropriate track record ([Reg 57](#)); AND

that they have the capability and capacity; AND

(potentially) to select which bidders to shortlist to invite to tender

**Post selection, the responses to the SQ fall away**

The questions should focus on the parts of the specification which are the most risky, complex, or are critical to the delivery of a high-quality/ on-time contract

They should seek to provide confidence that the suppliers shortlisted can all deliver the contract

They should not be something you want to interrogate at award stage.

## 9.3 Technical Questions

### 1.0.0 The Award Questions

- ( ) Need to relate to the subject matter of the contract; AND
- (i) Need to work seamlessly with the specification and the contract; AND
- (ii) Will be used to Identify the preferred bidder; AND
- (iii) Will become contractual and used to manage the delivery of the contract

### 1.0.1 The number of questions asked should be asked based on the following

- ( ) The value of the contract
- (a) The complexity of the contract
- (b) The form of specification

**Input Specifications** – very prescriptive detail on what is required, maybe 2 to 3 questions, should focus on getting assurance bidders can deliver and on time.

- ( ) **Output Specification** – sets out the output to be achieved, maybe 3 to 5 questions, should focus on how, when, who will deliver that output, to the required quality and on time.

- (i) **Outcome Specification** – sets out the purpose of the contract, maybe 5-8 questions, should focus on what, how, when why and who will deliver that outcome, along with the quality, timescales, and budget.
- 1.0.2 Officers should, in designing their questions, consider (clearly identify in the question) which parts of the specification and/ or contract the bidder needs to address in their response
- 1.0.3 Officers should start by setting the scene to each question and then
  - ( ) Ensure they are actually asking a question/ seeking specific information (rather than simply making a statement)
  - (i) Ensure that the wording of the question does not allow bidders to simply answer yes or no
  - (ii) Avoid using double negative
  - (iii) Avoiding using convoluted or complicated terminologies, acronyms or other shorthand that could create confusion or difference in interpretation.
  - (iv) Not ask for information that only an incumbent could provide
  - (v) Only ask for information that is irrelevant to contract delivery
- 1.0.4 Where a question includes multiple bullet points that need to be responded too, officers need to decide and make clear whether the weighting of the question applies as a whole or whether each of the individual bullet points in the question have a discrete weighting's within the overall.
- 1.0.5 Officers should also make clear if they want the response submitted in a particular format, sequence, or other presentation requirements. (NB, if it isn't in the question or the scoring matrix then you can consider it!)

## Social Value Questions

- 1.0.6 As with drafting technical questions, the need to relate to the subject matter of the contract and Bidders need to understand what is expected from them
- 1.0.7 Officers may include their own specific social value requirements within the specifications such as
  - ( ) Net Zero compliance

Real Living Wage Employer by the Living Wage Foundation,

Apprenticeships

Skills and development

OR

Officers may choose to select questions from the Social Value Model (PPN 06/20) [PPN 06/20 Social Value Model](#)

Where officer select themes/ questions from the model, they may include the questions verbatim or use them as an idea and tailor them to their contract. Equally, they may use the scoring matrix as issued, or modify it to meet their requirements. [Social Value Model scoring matrix](#) and guidance

Where officers are using themes and the principles of the Social Value Model but modified, this must be made very clear and bidders may “assume” that they can pick an answer from their library of Social Value Model, model answers



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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.

## Commercial Questions - written

In some cases, in addition to the evaluation of price/ cost, officers may also wish to ask for written explanations/ assurance that the price/ completed cost model etc. are both realistic and sustainable.

In creating such a question, officers need to identify what they consider to be their key risk or concerns and then create a question that through links back to the commercial model/ price that would allow the bidder to address those risk/ concerns and provide confidence that if awarded the contract, they won't come back asking for more money or the contract will fail.

Officers should involve finance in the drafting of any such questions and ensure that those who will be involved in the evaluation of the commercial element (price and this question) are suitably qualified to evaluate the answer). This quest cannot be evaluated by the technical team or with reference to the technical responses.

As with the technical questions, the question needs to relate to the technical and legal requirements and need a bespoke scoring matrix that picks up on the risks and considerations that the question seeks to address and the level of confidence that the response provides.

## Legal Questions

In most procurements (Open and Restricted) Bidders are simply required to accept the terms and conditions as issued (as there is no scope to negotiate make changes post issue of the procurement documents)

It is accepted that in CPNs and CD procedures that one of the most common elements to be finalised during such discussions is the contract/ legal obligations and is often linked to resolving a number of assumptions and qualifications.

Where the contract is open to amendment, officers need clearly set out what information they require from bidders and how they are going to consider/ accept or score such information.

As with any evaluation, officer need to ensure that

all bidders are treated equally,

the question/ evaluation is focused on the needs of the contract and risk; and

that the approach is transparent and applied as stated.

Any questions or evaluation of legal consideration must be discussed and agreed with legal and will require legal to evaluate the response to ensure accurate evaluation and fair treatment.

## 1.1 Page count/ word restrictions

1.1.0 Officers will also need to consider how many words/ pages they will allow bidders in which to respond to the required questions (too many and you get a lot of waffle, too few and you get high-level basic details only); as such response restrictions should be proportionate to

( ) The number of points in the question to be answered

- (i) How much of the specification they need to address/ develop/ explain in answering the question
- (ii) The form of specification being used and the level of detail that is required to make the specification when read with the responses, performance manageable.
- (iii) The amount of time it will take bidders to respond, evaluators to evaluate and the authority to moderate; along with the available timescales
- (iv) Whether the response needs; a programme, CVs, flow charts, policies, or other evidence to provide assurance that the supplier isn't just "talking the talk when they can't walk the walk".

## 1.2 Financial Evaluation

- 1.2.0 Depending on the nature of the contract, the financial evaluation may be based on a lump sum, an annual cost, a schedule of rates, service user costs
- 1.2.1 Where a lump sum or annual cost are the logical outcome of bidders completing the pricing document (often an excel document) then it is this value that should be evaluated
- 1.2.2 Where the pricing document requires bidder to provide rates; be that for requirements that will be paid for by the authority or the service users, those rates need to be translated into a value that can be evaluated.
  - ( ) A value for "evaluation purposes only" ideally should be based on an indicative set of usage levels provided by the authority and based on historic information. The reason for this usage data being provided by the authority (for evaluation purposes only) is to ensure a level playing field and to prevent bidders from trying to "game" the evaluation process by low-balling prices of activities that are used less and loading prices that will be used often. It also aids in levelling the playing field where there is an incumbent.
  - (a) Due to the complexity of some contracts, it may be necessary to use an external consultant to create this pricing model for evaluation purposes and where relevant, the model should consider the guidance included in the Commercial Playbooks around SCMs.
  - (b) Once created, officers should try to "break" or manipulate the model before using it so as to satisfy themselves that it is not "gameable"
- 1.2.3 Once there is a value that can be evaluated the officer needs to discuss with procurement the optimal way to evaluate that price.
- 1.2.4 The most commonly used approach is the calculation of a relative score, other options include the Price per Quality Point, or a banding system
- 1.2.5 Relative Pricing**
  - ( ) This mechanism works as follows
    - ( ) The lowest priced bid score the maximum score available
    - (i) The rest of the bidders are score relative to the lowest bid as follows
    - (ii)  $\frac{\text{Lowest Price}}{\text{Bidder's Price}} \times \text{price weighting} = \text{bidder's price score}$
  - (a) This approach can cause bidders to price lower than they might otherwise as it creates a perception that there is a "race to the bottom"





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### 1.2.6 Price Banding

( ) This mechanism works as follows

( ) The procurement document includes a table whereby for a range of values, the bidder can calculate their price score out of a possible 30% as follows

Over £1,000,000	fail
750,000 – 999,999	10%
500,000 – 749,999	20%
250,000 – 499,999	30%
250,000 or less	Abnormally low/ fail

### Maximum Price

Sometimes the aim of the procurement is to maximise service delivery against a budget, in such cases, it may be preferable not to use a relative price of a price banding that favours the lowest price. In such cases, the above table should be reversed and those that use the whole budget score highest.

### 1.2.7 Price per Quality Point (PCP)

1.2.8 This approach seeks to reward bidders for providing a quality offering and is calculated as follows

- ( ) The quality part of the evaluation uses the whole 100% of the score.
- (a) The quality responses are scored as per any quality questions, weighted, and then totalled
- (b) The bidder's price is then divided by their quality score; such that, the higher the quality score, the lower the PCP
- (c) The Bidder with the lowest PCP wins.
- (d) An obvious concern with this method is that bidders could unnecessarily "gold plate" their offering. Officers can, to protect against this risk, include a maximum cost that bidders can submit. This must be made very clear along with the consequences of submitting a price above this maximum (e.g., exclusion from the procurement)
- (e) This evaluation methodology is the required methodology for a Competitive Dialogue; but should be considered for any procurement where there is a high emphasis on quality needed.

1.2.9 Officers should discuss all of the above with procurement before finalising their evaluation methodology as the method of evaluating price can impact whether the outcome of the procurement actually provides Best Value.



# PART 5 - PROCUREMENT ADMINISTRATION

## Procurement Documentation Requirements

### Instruction Document (ITT) (*Regulation 54-56*)(*PCRs2015*)



Every procurement that is Level 2 or above must include an instruction document.

Officers are to use the Authority's templates and tailor it to the contract's specific requirements.

This document must clearly set out the process (and Procedural Requirements) to be followed, including

Background information – who the authority is, what they are seeking to achieve and any other relevant information

An overview of the technical requirements, funding obligations or pertinent contractual obligations e.g.; insurances

Details of which procurement procedure has been adopted, the detailed procurement process (including were relevant, details of all stages), and indicative timescales

Details of all documents being made available to Bidders to allow them to submit a response

Details of how bidders are to submit clarifications and communicate with the authority

Evaluation Methodology

SQ - Were there is a discrete selection stage – details of what is required, how the submitted information will be evaluated and how bidders will be selected to participate in the next stage of the procurement

Award - details of what is required from bidders (quality & price), how the submitted information will be evaluated and how the preferred bidders will be identified

Multi-stage procurements only

The purpose of the multi-stage approach

Details of whether initial tenders can be accepted

Details of Minimum Requirements and the Award Criteria

Details of how the Authority will decide to proceed to negotiation/ dialogue

Details of how bidders will be down selected between stages (Regulation 63)

Detail of how the negotiation meeting/ dialogue meetings will be administered and information shared

Details of how they Authority will determine that the negotiation stage is complete

Details of the Standstill process

Pre-Award Supplier Assurance/ Due Diligence

Conditions of Tendering – all of the do's and don'ts of participating in the procurement process.

Form of Tender, anti-collusion certificate etc

Where the procurement requires supplier assurance, the elements to be revisited must be clearly documented in both the SSQ and the Instruction document. Equally, the impacts of any adverse changes must also be clearly stated; e.g., a supplier may be eliminated if they fail the SSQ or there are major concerns identified at award stage and those concerns cannot be mitigated with PCG or a Bond.



Where the process is multi-staged, this document must be updated as the procurement progresses.

## Due Diligence Assessment

Where a selection stage is not permitted (Levels 1, 2 & 3a), the Authority may still assess a basic level of supplier capacity and capability, this to generally include turnover, Profit Margins, and relevant ratios

Officers must liaise with Procurement and Finance to identify the most appropriate and thus required assessments in consideration of the contract value, any risks identified above and the potential impact of contract failure during delivery.

This assessment should then result in a simple pass or fail.

## Standard Selection Questionnaire (SSQ Parts 1 & 2)(Regulation 57)(PCRs)

Where a procurement is following either a Level 3b or Level 4 procurement, the Authority may set Conditions of Participation

The Authority must use the central government issued questionnaire as the foundation for this assessment. An unacceptable response to this questionnaire may result in the supplier being excluded

This part of the template includes the mandatory questions and is built into the e-tendering portal for bidders to respond to on-line.

The Authority must provide scoring guidance (what amounts to a pass or a fail) against each of the SSQ on the portal, to ensure transparency and fair competition.

In exceptional circumstances the SQ may be submitted as a word document for Bidders to download, complete and return; but only where agreed by the Procurement and Contracting Manager.

## Standard Selection Questionnaire (SSQ Part 3)(Regulation 58)(PCRs)

Where an Open Procedure is being followed, officers need to consider which of the following should also be assessed on a purely pass/ fail basis; specifically

suitability to pursue a professional activity;

Qualifications & Accreditations

economic and financial standing;

turnover & ratios & P&L

Insurance

technical and professional ability.

References – Pass/ Fail

Other – Based on PPN Guidance

Data Protection – Commitment - Pass/ Fail

Health & Safety – Commitment - Pass/ Fail

Carbon Reduction – Commitment - Pass/ Fail

Skills & Apprenticeships – Commitment - Pass/ Fail



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## Tackling Modern Slavery - Commitment - Pass/ Fail

Where a Level 3b or a Level 4 Restricted, CPN or CD procedure is being used and the authority wishes to select the most skilled and experienced supplier/ down select before award stage ([Regulation 63](#)), officers may in addition to the optional questions detailed in 7.4.1 above, may include additional/ project specific questions as follows

Technical Questions that test how the supplier has deliver all or specific parts of the technical requirements, as included in the specification, previously (Backward looking)

Organisation Capacity, skills, and experience (generally)

Questions asked at SQ stage must be backward looking – “what has the organisation done in the past?”, it should not include questions about individual staff or performance commitments

Officers should note that where something is assessed at SQ stage, it should not also be assessed at award stage.

Furthermore, the response to the SQ questions do not generally become part of the final contract; where this is the case, Officers should not ask questions at SQ where they would wish to include the commitment in the contract

Officers are required to include details of how the responses to these questions will be evaluated. The scoring matrix should be based on the authority’s standard approach but tailored to meet the specific requirements of the questions being asked.

## Technical Specification (Regulation 42)

Specifications are not a legal document but are often the most legally significant document

*“Technical specifications shall afford equal access of economic operators to the procurement procedure and shall not have the effect of creating unjustified obstacles to the opening up of public procurement to competition.”*

Specifications should be based on Performance and Functionality

Ultimately the specification document will become a schedule of the contract and will be one of the mechanisms through which officers will manage the resultant contract.

The specification should not be drafted in isolation to the other procurement documents and should be input into by all affected stakeholders and where possible, a sample of service users. In particular, its content feeds into

Procurement strategy

Selection requirements

Award requirements (questions and scoring matrix)

Form of contract and specific contract obligations

Key Performance Indicators

Where a requirement is particularly technical, officers need to determine whether they have the technical experience and expertise to draft the specification or whether they need to instruct an external specialist to draft the document for/ with them.

Furthermore, officers should consider whether to carry out a market engagement event to feed into the specification or if there is any other research that they could carry out to ensure that the specification is both appropriate and competitive.

Where officers seek input from an external technical expert (individual or organisation) or engage with the market to ask questions or review the proposed specification, officer must ensure that they consider any potential (or perceived) conflict of interest (Reg 24) or unfair advantage (Reg 40 and 18) and take all reasonable steps to manage those risks

There are three types on specification commonly used, these are set out below.

**Input-based specification** – are traditional form of specification; substantial, exacting and very prescriptive in what, how, when

Will need to include precise details regarding (for example):

- What is wanted (product, model, colour, size, etc.)
- How the contract is to be performed
- By when and even by who

**Output-based Specification** - the output is described but not how to achieve it, and

Will need to include details regarding

- What is wanted (e.g., a hospital with many beds, a block of flats each with a footprint of X)
- Minimum standards
- Timescales
- Budget

**Outcome-based specification** – defines the purpose of the project or contract, and

Will need to include details regarding

- the function or performance that a solution must fulfil for the end-users
- quantify the desired outcomes (if possible)

Examples of these approaches is included below regarding the requirement to build a bridge.

An **Input specification** would talk about the materials that would be used, their depth and consistency, the volume of asphalt required, the British Standards regulations for these materials and the methods of preparing the surfaces along with a detailed bill of quantities, plans and schedule.

An **Output specification** would describe what you want –a bridge that has a hard surface, which is 2m wide and has a warranty of workmanship and materials.

An **Outcome specification**, on the other hand, would simply explain why you are commissioning this project in the first place. You want to provide the shortest and most convenient means of pedestrian access from the main road to the entrance of an office block which would allow 500 pedestrians to use it simultaneously between the hours of 06:00 to 19:00 on working days.

It is possible to have a specification that is “broadly” based on one approach, but with elements of the others; however, unusual “restrictions” or levels of “discretion” can actually make it very difficult for bidders to provide a compliant solutions.

Officers need to be careful, with regards any approach to creating a specification, that they do not

Include a requirement that is so prescriptive that it is anti-competitive

Specify a requirement based on brand, serial number etc unless they include the option to offer “equivalency”

Where a specification does include a product brand/ model number and bidders are invited to submit an equivalence, it is the responsibility of the Bidder to demonstrate how their proposed solution is equivalent and this should be clearly set out in the Instruction document in the conditions of tendering section.

In addition to the specification approach, it is important that the document is structured in a clear and logical order and that where possible, the requirements are explicit rather than implied (especially in an open and restricted procedure where there is no scope to negotiate/ develop the specification throughout the procedure).

The Specification should also include (and link back to the contract) specific sections on

**Quality Assurance Standards and environmental management standards (Regulation 62 (PCRs))**

- ISO accreditations
  - Quality Control
  - Cyber Security
  - Business Continuity Plans
- Performance requirements – including KPIs, service levels and service credits (where relevant)

**Economic, Innovation-Related, Environmental, Social or Employment-Related Consideration (Regulation 70 (PCRs))**

- Social Value - (Social Value Act 2012)
- Policies and commitments

**Subcontracting** and reliance on the capacity of others (Regulations 63 & 71 (PCRs))

- Sub-contracting and supply chain management expectations

**Contract Management**

- Roles & Responsibilities – Bidder v Authority
- Delays and remedies
- Reporting/ Contract Management

**Termination assistance/ exit planning** – including TUPE

**Specification Risks**

Bidders decide whether to participate in the procurement based on the content of the specification document, a poor document may reduce effective competition

Ambiguous, poorly written specifications can result in

may result in significant number of clarifications and extensions to the procurement timeline

bidders submitting very different solutions which cannot then be evaluated on a like for like basis

may require alteration post award which creates a procurement risk

Officers are encouraged to engage with procurement and legal as soon as possible so as to ensure that all essential considerations are included within the specification document.

## Award Questions Response Document

### Overview

Officers are required to populate the procurement response template with their questions.

It is important that the evaluation methodology and the response requirements are very clear, and that bidders understand what is expected from them

The aim is that by putting everything in one place and requiring them to complete our template that bidders do not accidentally miss answering a question or submit in a format that make it difficult for evaluators to evaluate.

Officers should also consider, where using different scoring matrices for different questions/ question types, whether to include the relevant scoring matrix after each question so as to remove any risk of ambiguity.

Officers are encouraged to engage with procurement before completing this document.

### Most Economical & Advantageous Tenders (MEAT)

The default evaluation approach is to assess both quality and price; the split of the 100% score between the two considerations will depend on the route to market, value, specification, and complexity. As such, it is essential that officers, when completing this template, clearly identify the split to be applied to the different categories of question, include as follows,

In the event that there is a written commercial question, the weighting for this question should be within the price share of the split.

Likewise, social value questions, the weighting should be taken from the quality share of the split.

In the event that the legal requirements are evaluated, this needs to be clear and should generally be a pass/ fail assessment.

### Quality

Officers need to clearly detail in the template, the weighting share of each question; this should be as a portion of the whole, e.g., if quality has a share of 60% then the total of all quality questions (including social value) must be 60%

### Price

Officers need to summarise in this document what information they require for “price” and how it will be evaluated.

Ideally, the way in which the pricing information is requested, should align to how the price was calculated in section 5.2 above.

Where the pricing requirement is to be based on a schedule of rates, then a “pricing model” is required or where the use of the PCP is being considered, then how this is included in this document should

be discussed with procurement with clear links to the explanation that will be included within the instruction document.

### **Social, Economic and Environmental**

As with other quality questions, officers need to include details of the questions and the question weighting in this section.

## **Contract Document**

This document must provide the supplier with all of the information needed to understand the performance obligations that they will need to adhere to. Some key considerations being

Performance management considerations including KPI reporting, change management and termination

Payment Obligations and Mechanism including prompt payment to the supply chain and managing indexation and/ or inflation risks

Liabilities, insurance, collateral warranties, and Intellectual Property

Details of Health & Safety and/ or environmental considerations

Details of relevant public sector legislation (GDPR, FOI, EIR etc)

Where the procurement process allows for negotiations/ dialogue, the document may be published in draft with the non-negotiable requirements clearly identifiable as mandatory.

Officers should liaise with legal on the drafting of this document as soon as a draft specification is available as the two documents need to be consistent and coherent.

## **Clarification Record**

Procurement will create a clarification log for all procurements

Officers will be required, working with procurement, to answer all of the clarification questions asked by bidders throughout the procurement process.

This document will be shared with evaluators and may also become part of the contract (or inform updates to procurement document/ the contract in a multistage procurement)

## **Form of Tender**

The Authority must publish a Form of Tender that all suppliers must sign and return with their tender submission, and which must include as a minimum the following declarations:

That they have complied with the rules of the procurement (Procedural requirements) and satisfied the conditions of participation

They have not acted in a way that would be assessed by the Authority as being unacceptable/ subject to either mandatory or discretionary exclusion e.g., bribery, corruption, fraud etc

That they have the authority to submit a tender and that the price is fixed for the stated duration.

Where a procurement procedure is based on a two stage or multi-stage procedure, officers should ensure that it is clear in the instruction document at which point this must be completed and submitted by bidders.



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## Evaluation records

All evaluators are required to document their evaluation of every question for every bidder that they score.

These records must include

- their name and date;

- the question number and title;

- all of the question sub-requirements;

- comments against each limb of the relevant scoring matrix (ideally against each of the questions' sub-requirement);

- a score in accordance with the relevant scoring matrix; and

- a summary of the reason for that score including, "what they did well and what they could do better"

Evaluators should make their notes digitally and these must be issued to procurement ahead of moderation and must NOT be deleted

Officers are also required, as part of their evaluation, to send any clarification requirements that they have through to procurement. Once all of the evaluators have submitted the questions and score sheet, procurement will then collate and issue these questions to the bidders and the response will be discussed at moderation. As with other clarifications, these may be included in the contract/ used to inform subsequent stages where applicable.

## Moderation Records

The individual scores of each evaluator must be collated in a moderation spreadsheet

At moderation, the moderator must document

- The individual evaluators' initial summaries,

- A chronology of the discussions for each question and each bidder;

- The consensus scores for each question for each bidder;

- And a reason (documented for each evaluator) why there have (if there have) been any changes to an evaluator's initial score

Any clarifications questions asked as a result of moderation and how that response has been considered.

## SSQ Report

where applicable, the results of the qualitative selection and reduction of numbers pursuant to regulations 65 and 66, namely

- the names of the selected candidates or tenderers and the reasons for their selection;

- the names of the rejected candidates or tenderers and the reasons for their rejection;

Details of if a higher than "twice the estimated contract value" is used in the SQ assessment along with a justification for the increased threshold, such as reference to special risks.





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## SSQ Outcome Letters

Following the outcome of a selection stage, officers will be required to notify bidders of the outcome of their evaluation and moderation process.

Officers must notify all bidders at the same time

Although there is no automatic requirement to provide feedback as part of these letters, Bidders are entitled to request feedback under Regulation 55; specifically, “the reasons for the rejection of its request to participate” and this must be provided within 15 days of the request.

The Authority has therefore decided, that in accordance with best practice, that Officers should provide bidders with the following

    Their scores, and

    The reason for their score

        And thus, the reason for their rejection

As there are no “preferred” Tenderer at SQ stage, there is no requirement to provide them with the “characteristics and relative advantages of the successful tender”,

## Initial Tender Outcome Letters

Although there is no formal requirement at this point around notifications, officers are encouraged to communicate with tenderers in a fair and transparent manner and in accordance with what was stated in the instruction document and in line with any decisions being made.

Where this letter is informing bidders that they have not been selected to participate in the next stage, then in accordance with Regulation 55, officers are required to notify “*any tenderer that has made an admissible tender of the conduct and progress of negotiations and dialogue with tenderers*”.

Officers must liaise with procurement as to what exactly should be included in the notification being mindful that the procurement is still live

## Tender Outcome/ Standstill Letters

For all tendered procurements, officers must notify bidders of the outcome of their evaluation and moderation exercise.

Officers are recommended to apply a voluntary standstill period for all procurement with a value that is “above threshold” regardless of whether a standstill period is mandatory

Where a regulation 87 standstill period is applied (mandatory or voluntary) the authority has committed to providing an outcome letter/ Regulation 86 notification to all bidders. This decision has been taken in line with best practice, to aid bidders in using unsuccessful outcomes to improve future tenders and to protect the authority from the risk of a claim of ineffectiveness.

## Tender Report / Regulation 84 Report (PCRs)(Level 3 and 4)

Officers are required to create a tender (evaluation and decisions) report; this should include as a minimum

Introduction and Background to the procurements

Details of the contract value, duration, any lots, regional packages, or other relevant information

Details of the procurement procedure (including when using an existing framework or DPS), the stages and where a CPN or CD, the justification for the use of that procedure along with minimum requirements or any other key information

A justification for the use (or not) of Lots

The evaluation methodology including the questions and scoring matrices

Details of the evaluators and which questions they were evaluating

Details of how many tenders were received along with any issues, non-compliances etc

Details of any training provided to evaluators

Details of any templates or other guidance issued to evaluators

Details of any clarifications raised by evaluators or during moderation

Details of any moderation templates, the process applied and the date of the meetings

Details of any issues that arose during the evaluation or moderation process and how they were managed

A summary of the moderation scores, weighted scores, and total

Details of the commercial evaluation process and the scores (including calculations)

Details of any abnormally low clarifications/ tenders rejected where found to be abnormally low

A table summarising all technical and commercial scores

The name of the successful tenderer and the reasons why its tender was selected

Details of any learned

Details of any governance in place/ required before the contract can be signed

Appendices

Appendix A – Award Criteria

Appendix B – Scoring Matrices

Appendix C - Evaluator SQEP record

Appendix D – Moderation Notes

Appendix E – Pricing Calculation

Appendix F - Governance/ budget approval

Appendix G – Conflict-of-Interest Register

Appendix H – Details of any Prior Involvement Measure taken

Appendix I – A copy of the SQ Report

## Conflict of Interest Register

The Authority has an obligation to create and maintain a Conflict-of-Interest Register.

Officers are therefore required, at every stage of a procurement, to notify procurement where there is even a minor change in circumstances that could amount to or be perceived as amounting to a conflict-of-interest.

Regulation 24 details that

*the concept of conflicts of interest shall at least cover any situation where relevant staff members have, directly or indirectly, a financial, economic, or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.*

*“relevant staff members” means staff members of the contracting authority, or of a procurement service provider acting on behalf of the contracting authority, who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure*

## Letters of Intent

Following the completion of a procurement process/ a standstill period, the officer may, where it is deemed necessary due to potential delays in executing a contract, seek to issue a letter of intent to the preferred bidder.

Any such letter of intent should be approved by legal, procurement and finance and in accordance with the Scheme of Delegation and the value of the letter.

This to be an exception process rather than the rule.

## Notices

### Prior Information Notice (*Regulation 48*)(PIN)

Officers can use a PIN in a number of different ways; including

**As a call for competition** ahead of a procurement using either a Restricted Procedure or a Competitive Procedure; subject to the following

it refers specifically to the supplies, works or services that will be the subject-matter of the contract to be awarded;

it indicates that the contract will be awarded by restricted procedure or competitive procedure with negotiation without further publication of a call for competition and invites interested economic operators to express their interest;

it contains all the required information as per the link below

it has been sent for publication between 35 days and 12 months prior to the date on which an invitation is sent for the purposes of regulation 54(1) or (2).

As a means to publicise a **Market Engagement Event**

As a means to **shorten the time period for receipt of Tenders** as follows

Open Procedure – reduced to 15 days

Restricted Procedure – Tender stage reduced to 10 days

CPN – Tender stage reduced to 10 days

The above being reliant on the PIN having been published in accordance with the following

the prior information notice included all the information required in regulation 48(2), insofar as that information was available at the time the prior information notice was published;

the prior information notice was submitted for publication between 35 days and 12 months before the date on which the contract notice was submitted.

A PIN may NOT be used for multiple purposes, e.g., a call for competition and to shorten the time for the submission of tenders. Advice should be sought from procurement is considering using a PIN as part of the procedure.

The notice needs to include specific information and as such officers must liaise with procurement to collate this information; further detail is available at [Information to be included in notices](#) (Part B or Part I for TLR)

## Contract Notice – Find a Tender Service (*Regulation 49*)

A Contract Notice is used as **a call for competition** (advert for above threshold procurements) (value or benefit to the supplier)

As a call for competition is required for the following

Open Procedure, Restricted Procedure, CPN or a CD

A Procedure to launch a Light Touch Regime Procurement

Establishing a Framework or a DPS

A procurement launched in accordance with the Utilities Contracts Regulations 2016

A procurement launched in accordance with the Concessions Contracts Regulations 2016

It is NOT required when

The competition is being let under an established framework of DPS

The call for competition was via a PIN

The contract is being awarded under Regulation 32

The value of the procurement is below threshold

The notice needs to include specific information and as such officers must liaise with procurement to collate this information; further detail is available at [Information to be included in notices](#) (Part C or Part H for LTR or CCR)

## Contract Award Notice – Find a Tender Service (*Regulation 50*)

A contract award notice tells the market **that you have awarded** an above threshold contract (value or benefit to the supplier)

It is MANDATORY in the following situations

A contract or Framework Agreement has been awarded following an Open Procedure, Restricted Procedure, CPN or a CD Procedure

An Award under Regulation 32

An award under a DPS

An award of a Utilities Contract

An award of a Concessions Contract

Is RECOMMENDED (and therefore **is required**) in the following situation

A call-off under a framework agreement

An Award following a Light Touch procurement procedure



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The notice needs to include specific information and as such officers must liaise with procurement to collate this information; further detail is available at [Information to be included in notices](#) (Part D or Part J for CCR or LTR))

## **Voluntary Ex Anti Transparency Notice (VEAT) – Find a Tender Service**

Transparency Notices are to be used where a direct award has been made under Regulation 32. The notice must be published by Procurement and must be published for a period in excess of 10 days (a standstill period) before the contract can be signed.

## **Modification Notice – Find a Tender Service**

Modification Notices are required where a change is made to a contract in accordance with [Regulation 72](#) as follows

72(1)(b) – for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—

cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement,

would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;

72(1) (c) - where **all** of the following conditions are fulfilled:—

the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;

the modification does not alter the overall nature of the contract;

any increase in price does not exceed 50% of the value of the original contract or framework agreement.

The notice needs to include specific information and as such officers must liaise with procurement to collate this information; further detail is available at [Information to be included in notices](#) (Part G)

## **Contract Notice – Contracts Finder (*Regulation 106*)**

An contract notice (call for competition) must be placed on Contracts Finder where both of the following apply

The value of the contract is in excess of £30k (including VAT) AND

The Authority has, in some means, advertised the opportunity elsewhere (e.g., the authority's website, the authority's e-tending portal or any form of social media or written publication)

The information to be published on Contracts Finder shall include at least the following:—

the internet address at which the procurement documents are accessible;

the time by which any interested economic operator must respond if it wishes to be considered;

how and to whom such an economic operator is to respond; and

any other requirements for participating in the procurement.

## Contract Award Notice – Contracts Finder (Regulation 108)



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A contract award notice is required for EVERY contract award that has a value (or benefit to the supplier) that is over £30k (including VAT)

The following information to be published on Contracts Finder:—

the name of the contractor;

the date on which the contract was entered into;

the value of the contract.

## Procurement Process Management

### E-tendering portal

Where an officer is using any a procedure, then it must be managed through the Authority's e-tendering portal.

The administration of the e-tendering portal will be by Procurement, with input from the project officer.

The e-tendering portal has been set up to allow the Authority to manage their procurements using a variety of procedures (in accordance with Current Public Procurement Legislation and the Authority's CPRs) and using different process methodologies (online questions or document exchange).

The procedure and how the portal will be used will depend on the value and scope of the procurement, how well developed the requirements are, the nature and format of the information to be issued and received in return, and the complexity of the requirements and whether there is a requirement for a multi-stage procedure to demonstrate Best Value.

The process methodology will depend on the nature of the purchase, the value, the stage and the complexity. E.g., SQ is usually managed through the use of online questions and evaluation whereas, construction award stage method statements questions are usually managed as "document exchange" and then evaluated offline. The decision as to which methodology will be used will be decide by procurement.

Overall, the e-tendering portal will support and evidence that the Authority is complying with its obligations; specifically, equal treatment, non-discrimination, and transparency.

On a practical level, the e-tendering portal will enable the Authority

Manage the practical procurement activities

Evidence process-compliance and equal treatment of bidders

Ensure transparency, including but not limited to

- Advertise an opportunity

- Share documents/ information equally

- Communicate with Bidders

- Receive and respond of clarification requests

- Publish award notices

- Store contracts and related documentation.,



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## Communications (*Regulation 22*) (*PCRs2015*)

All communication with bidders must be through the e-tendering portal; the exception being where the procedure allowing for negotiation or dialogue meetings which can take place in person.

All communications must be shared with all bidders unless it is a clarification that the bidder has highlighted as being commercially sensitive and it is accepted by the authority that it is indeed commercially sensitive

A log of all communications/ clarifications must be collated and attached to the tender report

## Preliminary Market Engagement (*Regulation 40*) (*PCRs2015*)

Where a Market Engagement Event is being held, it must be advertised on Contracts Finder and where appropriate (based on value) on Find a Tender Service as a Future Opportunity/ PIN

Where a Market Engagement Event is being held, it must be made accessible to all interested parties, allow parties sufficient time to plan/ arrange for the best person within their organisation to attend (e.g., a minimum of two weeks' notice)

Managed online or if in person, with an option to join online.

If there is a specific "Request for Information" that the event is seeking to understand, this may be shared in advance of the event and if possible, suppliers who cannot attend the event should be allowed to submit their input electronically through the e-tendering portal

Should be a structured event with slides

Have a note taker present to document all information shared, all questions asked, and all responses provided

Should have a register of attendance

Should result in an information pack that can be shared with all tenderers when the procurement is launched so as to aid in demonstrating equal treatment/ levelling the playing field

The information from the event and the learnings used to inform the specification and the delivery model should be attached to the Tender Report

## Managing Conflicts of Interest (*Regulation 24*) (*PCRs2015*)

Officers are required to stay sensitive to the fact that the risk around Conflict-of-Interest is an evolving risk and work with procurement to constantly monitor and mitigate such risks.

In the event that a COI is identified, Officers must initially seek to remove the affected individual from participation in the procurement; where this is not possible due to technical reasons, they must discuss options with procurement to manage both the perceived and actual risk that it presents to the integrity of the procurement.

In the event that there are no other individuals that can evaluate alongside or instead of the conflicted person, the risk must be escalated to legal and alternative measures (such as bringing in additional, external evaluators to support the process)

## Confidentiality (*Regulation 21*) (*PCRs2015*)

Officers are required, throughout the procurement process, to be mindful to the confidential nature of the content of the submissions, some of the questions that may be asked, and the outcome of the evaluation process before the formal announcement to the market.



Officers must therefore not discuss or share any of this information outside of those involved within the procurement exercise.

During the evaluation period, evaluators are also required to keep their individual evaluations and scores confidential until the moderation meeting.

In the event that an officer/ evaluators is unsure whether something is confidential, they should liaise with procurement and legal for advice.

## Clarifications (*Regulation 56(4)*)(*PCRs2015*)

Bidders are allowed, during the procurement procedure, to ask clarification questions where something is unclear or conflicting or missing. Officers are required to provide any such information requested by procurement promptly.

It is essential that officers answer any such questions accurately and as fully as possible and not to discriminate against a bidder by being less forthcoming for some bidders than they are for others.

Evaluators during the evaluation process may also ask clarification questions. Any such questions must be issued to procurement to review before being issued to the bidders.

Clarification questions are not an opportunity for bidders to change or supplement their response, only to clarify where something is unclear, conflicting, or clearly erroneous and can be resolved without the bidder needing to resubmit a response in full or in part.

A Register of all such clarifications will be maintained by procurement

## Moderation

Once all evaluators have completed their individual evaluations, they must ALL meet to discuss and agree a consensus score and reason for each award criteria (individual questions).

The moderation meeting must be managed by an independent person (usually a member of the Procurement team) to ensure that the evaluation process and outcome is in accordance with the procedure and award criteria as detailed in the Instruction Document, and that all evaluators are active participants in the discussion such that the consensus score is represents the Authority's assessment of the submission.

## Negotiations

Where the procurement is Above Threshold and the route to market/ procurement design has expressly allowed for negotiation/ dialogue, this will be carried out in accordance with process detailed within the Instruction Document.

The negotiation/ dialogue meetings may be managed virtually or in person and all suppliers will be given the same opportunity to discuss and potentially improve their proposal and/ or price in accordance with the process stated aims and objectives as detailed in the Instruction Document.

The Authority reserves the right to use any non-commercially sensitive information to update their specification and/ or the contract before re-issuing/ inviting re-submission of proposals by suppliers.

## Assurance

Where a procurement process has taken longer than 6 months, the Authority will repeat either the Due Diligence or Selection/ Participation assessments relating to financial standing, and risk (in accordance with what was stated in the Instruction Document) to ensure the preferred bidder still meets the Authority's standards.



In the event that the supplier fails this assurance review, the Authority will disregard the supplier/ their tender and potentially award the contract to the second placed supplier, subject to them passing the same assurance checks.

## Recommendations

Once the evaluation and moderation process is complete, the Authority will combine all of the final, weighted scores to both rank the suppliers and to identify which supplier(s) are the preferred supplier(s).

## Supplier Notifications (*Regulation 86*) (*PCRs2015*)

As per the procurement documents section above, all tenderers must be notified at the same time following the competition of the procurement process

## Standstill (*Regulation 87*) (*PCRs2015*)

As per the procurement documents section above, a standstill period is to be applied for all above threshold value contracts.

## Contract Execution

Once the standstill period has ended, officers must liaise with legal to collate a contract to be signed.

Once the contract has been signed by the bidder and the authority a copy must be sent to procurement to be placed on the contract register.

## Contract Award Notice

Once the contract is signed, a Contract award Notice must be placed on both Contracts Finder and where applicable (based on value) must also be placed on Find A Tender Service.

## Contract Management

### Procurement Pipeline

Officers are required to effectively plan for all procurements.

Officers must notify procurement and legal of potential procurements as follows

Cyclical contracts – 12 months' notice

Capital project – at the point that funding is approved; or at least 6 months' notice

Funding Projects – at the point that the application for funding is submitted, but with at least 3 months' notice

The procurement pipeline must be reviewed and updated quarterly

The Pipeline will be published on the procurement pages to aid suppliers with planning for future opportunities.

### Contracts Register

All contracts, once signed must be added to the Contract Register

The contract register will be published on the authority website to aid suppliers with planning for future opportunities

All quarterly (or otherwise) reports must be attached to the contract register to demonstrate appropriate management and to provide a clear audit trail of performance, issues, and resolutions

All contract modifications must be attached to the contract register

All performance related notifications must be attached to the contract register

All payment deductions that are made must be formally notified to the supplier and recorded on the contract register

## Contract Storage

All contracts that are signed electronically are to be stored on the contract register

Contracts that require sealing must both be scanned and stored on the contract register and the originals then stored in a fireproof cabinet at the CPCA offices.

## Document Retention (*Regulation 83*) (*PCRs2015*)

All procurement documents issued and received via the e-tendering portal, all evaluation notes, moderation records and related reports and recommendations must be added to the project on the e-tendering portal and all such documents will be stored indefinitely on the portal.

All executed contract documents, financial and performance reports, change notices or other relevant contract management documents must be stored on the contract register part of the e-tendering portal and will be stored indefinitely

Any other information not held on the portal will be in accordance with the Authority's retention policy.

## Contract Review

Meeting must be held periodically (Annually/ quarterly/ monthly) in accordance with the contract and any additional measures that may have been introduced.

## Performance Management

Contract performance against stated Key Performance Indicators must be monitored on a monthly/ quarterly basis (depending on what was detailed in the contract) and reported to the Audit & Governance Committee quarterly.

An annual report on contract performance against all current contracts must be collated as part of a commitment to continuous Improvement and this information must be reported/ the relevant information published annually as required by this document and ***Applicable Public Procurement Legislation***.

Where a performance failure is identified the following must be applied:

Legal are consulted as to permissible measures under the contract.

Management meetings are held more frequently with the interval being based on the severity of the failure.

A remedial plan is agreed and signed.



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Revised, intermediate performance targets are set out and monitored to ensure improvement and performance failure resolution within the agreed timescales.

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.

## Financial Management

The Authority is required to make payments against its contracts within at most, 30 days.

In addition, the Authority must monitor and ensure payments throughout the supply chain of all Authority contracts are being made in accordance with relevant legislation and best practice.

For each and all contracts, a register of payments made, late payments, additional payments over and above the original contract value and any deductions, must be collated and reported to the Audit & Governance Committee quarterly.

An annual report on payment performance against all current contracts must be reported/ the relevant information published annually as required by this document and **Applicable Public Procurement Legislation**.

Where a payment is late, a supplier is entitled to claim statutory late payment interest unless otherwise documented in the contract

In addition, payments on construction contracts must comply with the form of contract used and where practical, should comply with the Construction Supply Chain Charter as far as reasonably possible to do so.

## Social Value Reporting Management

Officers are required, in addition to other performance measures, to collate information at quarterly meetings on how the supplier has performed against the social value commitments made in the submission.

All such reports must be added to the contract register with other quarterly reports.

## Contract Modifications (*Regulation 72*) (PCRs)

Where an Officer proposes to change (modify or extend) a contract that was subject to an Above Threshold competitive procedure, they must liaise with Procurement and Legal to complete the appropriate template and carry out a compliance and risk assessment as to whether the change is a permitted modification.

The completed template must then be approved as follows

By Finance – to confirm that there is available budget

By the Director – to confirm the additional requirement (time and/ or goods and service) are justified

By Legal – where the authority for the contract was subject to a key decision and that the delegation allows for the additional spend.

Once the change/ modification is approved, it must be formally instructed in accordance with the terms of the contract and signed by both parties. A copy of this contract amendment must be added to the contract register and any change in value/ duration amended accordingly.

Any agreed changes must be reported by way of a Modification/ Change Notice in accordance with the **Applicable Public Procurement Legislation**.

## Contract Exit

For all cyclical requirements, a year before the contract is expected to expire, the Contract Manager must meet with the Project Officer and supplier and start planning both for the contract exit and procurement of the replacement contract.

Where the contract will require a mobilisation period, and/ or TUPE obligations, the Contract Manager must involve both HR and Legal in early discussions so as to ensure all legal obligations are managed accordingly.

A lessons learned activity should also be initiated at this point to enable and ensure continuous improvement.

## Contract Termination (*Regulation 73*)(PCRs2015)

The Authority reserves the right to terminate a contract in any of the following situations

Where an express clause has been included that allows termination for convenience

Where the supplier's performance under the contract cannot be remedied or

Where there has been a case of insolvency or other organisation failure,

in which case the Officer should seek advice from Legal and Procurement to terminate the contract.

Any contract terminated for performance must be formally noted on the Contract Register and where applicable under the **Applicable Public Procurement Legislation** this information should be published.

## Contract Termination *Other*

Officers must inform procurement and legal if for any reason they wish to terminate a contract

Potential reasons for termination include

Performance failures

Insolvency/ administration

Convenience (where expressly permitted in the contract)

Where a contract is terminated, the authority must assess if the reason for termination is one that must be reported to the cabinet office.

The reasons for the termination must be added to the contract register, along with the date and any relevant financial information.

## Lessons Learned

At the close of the contract, or as part of the contract exit planning, a lessons learned activity should be carried out in accordance with the gateway process.

This information should be shared with officers involved in procurement activities to ensure ongoing process improvements and best practice



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## Approvals

### Award a Contract


The following table sets out who can approve/ sign/ execute a contract and for what value.

Existing Delegated Authority	Works – executed as a Deed	
Monitoring Officer	Up to £500k + VAT	Up to £600k Inc. VAT
Key Decisions Process	Over to £500k exc. VAT	Over £600k inc. VAT
Existing Delegated Authority	Goods & Services – signed underhand	
Responsible Officer	Up to £25k exc. VAT	Up to £30k inc. VAT
Project Finance Officer	Up to £100k exc. VAT	Up to £120k inc. VAT
Project Director	Up to £250k exc. VAT	Up to £300k inc. VAT
Monitoring Officer	Up to £500k exc. VAT	Up to £600k inc. VAT
Key Decisions Process	Over to £500k exc. VAT	Over £600k inc. VAT

### 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

	Activity	Approval Requirements
Exemption from obtaining quotes (level 2)	Under £25k (exc. VAT) (Goods)  The responsible officer must complete and sign the template	The completed (signed) form must then be approved by both Procurement and Legal
	Over £30k up to £100k (exc. VAT) (Services)  The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer	
	Over £100k (exc. VAT) up to £GPA threshold (Goods & Service)  The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer and the Project Director	

	<p>Over £100k up to £500k (exc. VAT) (Works, Concessions, Utilities)</p> <p>The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer</p>	 <p><b>CAMBRIDGESHIRE &amp; PETERBOROUGH</b> COMBINED AUTHORITY</p>
Exemption from advertisement (level 3)	<p>Under £GPA threshold (Goods &amp; Service)</p> <p>The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer and the Project Director</p>	The completed (signed) form must then be approved by both Procurement and Legal and where a Key Decision, the individual(s) with delegated authority.
	<p>Over £300k up to £500k (exc. VAT) (Light Touch)</p> <p>The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer</p>	
	<p>Over £500k (exc. VAT) up to £GPA threshold (Works, Concessions, Utilities)</p> <p>Spend over this value is a Key Decision and so must be taken to Board for approval by the Project Director and Monitoring Officer</p>	
Exemption from further competition under a framework	<p>Over £200k up to £500k (exc. VAT) (ALL)</p> <p>The responsible officer must complete and sign the template and also have it approved by the Project Finance Officer, the Project Director, and the Monitoring Officer</p>	The completed (signed) form must then be approved by both Procurement and Legal

Where a contract is awarded under a Waiver and is over £30k Inc. VAT, a Contract Award Notice must be published on Contracts Finder and the contract added to the contract Register

## Exemptions

Where an officer deems that the proposed expenditure is exempt from these rules, the officer must complete a procurement exemption form regardless of value and/ or category/ sector. This must be approved by procurement and legal.

## Modifications

All modification reports must be approved by the appropriate persons

Approval will be based firstly on whether the modification is expressly permitted by the contract and then the following

and was therefore approved as part of the overall approval, the relevant director can approve the modification

Whether the modification is expressly permitted by the contract, and there is available budget to cover the extension, but it was not part of the initial approval, the modification must be approved by the relevant director and finance

Whether the modification is expressly permitted by the contract, but there is no available budget to cover the extension, this must be referred to finance and based on the value of the required modification, escalated to whoever within the Scheme of Delegation, has the authority to approve the additional budget.



Where the modification is unplanned but has been assessed to be a lawful modification, approval is to be based on the revised total contract value and is subject to there being budget (approved or subject to approval) to cover the modification.

A copy of the approved modification report along with all required approvals (by email or signature) must be attached to the contract register and reported as appropriate.

# Useful hyperlinks

## General Links

[The Public Contracts Regulations 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Utilities Contracts Regulations 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[The Concession Contracts Regulations 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Procurement policy notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[National Procurement Policy Statement.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

**Procurement Instructions Document**

**Procurement Gateway Process**

[Current Thresholds PPN](#)

[Standard Selection Questionnaire PPN](#)

[Contract Register](#)

[E-tendering Portal](#)





# Appendices

## Appendix 1 - Roles & Responsibilities



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### Procurement and Contracting Manager (directly or through delegation)

Responsibility for the Rules, guidance documents and procurement templates.

Design, implementation, and management of a Procurement Gateway Process.

Provision of Procurement Advice and assistance on all expenditure, including route to market and contract choice.

Overview and management of any frameworks and corporate contracts.

Oversee all exemptions to the PCRs and these rules.

Organising and running market engagement events.

Provision of advice on commercial structure and evaluation methodology.

Appointment of external legal support for complex procurements.

Management of the e-tendering portal.

Tender Moderation.

Signing off All Regulation 84 Tender Reports for process compliance.

All formal Procurement correspondence.

Collating/populating all Contract Documents and ensuring signature

Oversee contract monitoring and all contract variations.

Attendance at bi-annual contract management meetings.

Management and monitoring the Contract Register.

Forward Planning of cyclical requirements.

Chief Finance Officer (directly or through delegation)

Development and implementation of the Financial Regulations.

Approving budgets for procurement of contracts.

Signing of All Regulation 84 Tender Reports for budgetary compliance.

### Procurement Contract Manager responsibilities

Notices

Pipeline Notice – new – annually – only if annual spend is over £100m in relevant contracts

Contracts Detail Notice (and Contract) - published within 30 days of contract signature

Payment Compliance Notice – bi-annually

Contract Change Notice – previously contract modification notice and only required for a Reg72(1)(b) and (c) modification – will be required for all modifications – there is significant concern how to manage this for construction and what actually amount to a modification

Contract Termination Notice – new – if required

Performance Information - annually

### **Collate**

monthly spend information

quarterly performance information

collate details of supplier that have failed the SQ assessment and report where required

monthly monitor the excluded/ debarment list from central government

details of any contract terminations and report where required

Details of all subcontractors being used and monitor these against the excluded/ debarment list

### **Own the Conflict-of-Interest Register**

Create a general and project specific conflict of interest register

Monthly/ procurement stage updates to the register

Escalate any concerns to procurement manager/ legal

### **Contract Change Register**

Record all changes made to contracts for compliance with reporting and also Reg 72/ Schedule 8 rules

### **Activities**

Attend all contract management meetings for governance and reporting

Weekly review of all registers to ensure up to date

Provide support to procurement manager as deputy, portal management, attending meetings

## **Monitoring Officer (directly or through delegation)**

General advice as required.

Lawfulness and governance of complex procurement decisions taken.

Provision of any legal document requirements and support managing external legal services.

Signing of All Regulation 84 Tender Reports for governance compliance.

Approval of all contract documents before signature.

Approval of all waivers to these rules.

Approval of any contracts awarded under Regulation 32.

Directors

Project approval and authority to proceed.

Signing of All Regulation 84 Tender Reports for Award Approval.

## **Project/ Contract Managers**

To following the instructions of the Procurement and Contracting Manager and Monitoring Officer.

Development of Project Initiation Documents and Gateway reports.

Confirmation of Project Budget & Authorisation to Procure.

Creation of Contract Specification and Contract Management requirements.

Managing any technical enquiries during a procurement process.

Evaluation of tender returns.

Complete the tender report.

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:**

Comply with the Combined Authority's Financial Regulations.

Declare any gifts or hospitality received either before, during or after the procurement to the Head of Procurement

Not disclose any confidential information to unauthorised persons.

Conduct the procurement process in a fair, open, and transparent manner.

Ensure the process delivers value for money.



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## **Annex 13: Member Access to Information Protocol**

### **Scope**

1. This protocol applies to all formal meetings of the Cambridgeshire and Peterborough Combined Authority. References to meetings of the Combined Authority include meetings of the Combined Authority Board, Business Board, any committee or sub-committee appointed by the Combined Authority. These provisions do not affect any other rights to information arising under any standing orders of the Combined Authority, or by law.

### **Summary**

2. The CPCA will adopt a default position of sharing information held on request, with overview and scrutiny committee members. However, there may exceptionally be instances where confidential and exempt documents cannot be provided to members for example because this may result in legal proceedings against the CPCA, if confidentiality is breached. In those instances, where it is determined that a copy of a document or part of any such document cannot be shared with overview and scrutiny committee members, officers should provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.

### **Members Rights to Information**

3. Members are free to request from the Cambridgeshire and Peterborough Combined such information as they may reasonably need in order to assist them in discharging their role as members, having regard to any special responsibility, e.g. Lead member, chair of the Cambridgeshire and Peterborough Combined Board or committee.
4. The legal rights of members to inspect Cambridgeshire and Peterborough Combined Authority documents arise partly from statute and partly from the common law (judicial decisions).
5. Members have the ability to ask for information in accordance with their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a member of the Cambridgeshire and Peterborough Combined Authority. This can range from a request for general information about some aspect of the Cambridgeshire and Peterborough Combined Authority's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Paid Service or the Monitoring Officer or Statutory Scrutiny Officer.
6. In cases of doubt, members should approach the Monitoring Officer for assistance.
7. As regards the legal rights of members to inspect Cambridgeshire and Peterborough Combined Authority documents, these are covered partly by statute and partly by the common law.
8. Members have a statutory right to inspect any Cambridgeshire and Peterborough Combined Authority document which contains material relating to any business which is to be transacted by the Cambridgeshire and Peterborough Combined Authority. This right applies irrespective of whether the member is a member of the Committee or Subcommittee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply

to documents relating to certain items which may appear as a confidential item on the agenda for a meeting.

9. The much broader common law rights of members remains intact and are based on the principle that any member has a right to inspect Cambridgeshire and Peterborough Combined Authority documents so far as his/her access to the document is reasonably necessary to enable the members properly to perform his/her duties as a member of the Cambridgeshire and Peterborough Combined Authority. This principle is commonly referred to as the 'need to know' principle.
10. The exercise of this common law right depends therefore, upon an individual member being able to demonstrate that she/he has the necessary 'need to know'. In this respect a member has no right to 'a roving commission' to go and examine documents of the Cambridgeshire and Peterborough Combined Authority. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the Head of Paid Service (with advice from the Monitoring Officer). In the event of dispute, the question falls to be determined by the Monitoring Officer in association with the Head of Paid Service.
11. Member's 'need to know' will normally be presumed where the information clearly relates to the discharge of a function of Cambridgeshire and Peterborough Combined Authority.
12. Whilst the term 'Cambridgeshire and Peterborough Combined Authority document' is very broad and includes for example, any document produced with Cambridgeshire and Peterborough Combined Authority resources, it is accepted by convention that a member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
13. Further and more detailed advice regarding members' rights to inspect Cambridgeshire and Peterborough Combined Authority documents may be obtained from the Monitoring Officer.
14. Finally, any Cambridgeshire and Peterborough Combined Authority information provided to a member must only be used by the member 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 Cambridgeshire and Peterborough Combined Authority. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

## **Correspondence**

15. Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member without the consent of that member and vice versa. Correspondence includes both hard copy memoranda or letters and email.
16. Most official letters on behalf of the Cambridgeshire and Peterborough Combined Authority will normally be sent in the name of the appropriate officer rather in the name of a member, particularly when dealing with operational or service delivery matters.



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17. However, it will be appropriate in certain circumstances (e.g. representations to Government) for correspondence to be sent in the name of member(s) or the Mayor of Cambridgeshire and Peterborough Combined Authority. Letters which create legal obligations or give instructions on behalf of the Cambridgeshire and Peterborough Combined Authority and which are sent out in the name of a member should always be agreed in consultation with the Head of Paid Service, and on legal matters on advice from the Monitoring Officer.

## **Publicity and Press Release**

18. Cambridgeshire and Peterborough Combined Authority is accountable to the residents of the Cambridgeshire and Peterborough area. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and ratepayers.
19. Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code requires that all local authorities shall have regard to its provisions in coming to any decision on publicity.
20. Officers and members of the Cambridgeshire and Peterborough Combined Authority will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, officers and/or members should initially seek advice from the Corporate Communications Manager who will refer the matter to the Head of Paid Service. Particular care should be paid to any publicity used by the Cambridgeshire and Peterborough Combined Authority around the time of an election. Particular advice will be given on this by the Monitoring Officer as appropriate.
21. For the sake of clarity the Code does not apply to press releases and publicity that members may arrange and distribute in their individual political capacity rather than through the Cambridgeshire and Peterborough Combined. Members should not use Cambridgeshire and Peterborough Combined resources for party political purposes.

## **The Statutory Position**

22. Section 100F of the Local Government Act 1972 (as amended) (the Act) provides that any document that is in the possession or under the control of a principal council( which includes a Combined Authority), and contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee of the Council, shall be open to inspection by any member of the Council.
23. This does not require the document to be disclosed if it appears to the Proper Officer that it contains exempt information under Schedule 12A of the Act. However, under the Local Government (Access to Information) (Variation) Order 2006, the document will still



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be open to inspection by members if it contains the following:

24.

- (a) Information relating to the financial or business affairs of any particular person (including the Council holding that information), except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (b) Information which reveals that the Council proposes:
  - i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - ii) to make an order or direction under any enactment.

All agendas, reports and other documents and proceedings of committees and sub-committees shall be treated as confidential and shall not be disclosed unless and until they become public in the ordinary course of the Council's business.

### **The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017**

25. Section 10 of the 2017 Order provides additional rights of access to documents for members of overview and scrutiny committees.

- (1) Subject to paragraph (3), a member of an overview and scrutiny committee or a sub-committee of such a 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 that authority; or
    - ii) any decision that has been made by an individual member of that combined authority.
- (2) Subject to paragraph (3), where a member of an overview and scrutiny committee or a sub-committee of such a committee requests a document which falls within paragraph (1), the combined authority or the mayor must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the combined authority receives the request.
- (3) No member of an overview and scrutiny committee is entitled to a copy—
  - (a) of any such document or part of a document as contains 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 contained in any programme of work of such a committee or sub-committee of such a committee; or





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- (b) of a document or part of a document containing advice provided by a political adviser.
  - (4) Where the combined authority or the mayor determines that a member of an 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 paragraph (3), it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.
  - (5) In this article, references to an overview and scrutiny committee include references to a sub-committee of such a committee.
- 26. Where the Executive determines to refuse such a request it must provide the Overview & Scrutiny committee with a written statement setting out its reasons for that decision.

## **FOIA and EIR**

- 27. Members can, like a member of the general public, also request information from the Cambridgeshire and Peterborough Combined Authority under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). The Information Commissioner's Office publishes guidance on access rights and the exemptions that may be applicable under FOIA and EIR.

## **Local authority accounts**

- 28. The Local Audit and Accountability Act 2014, and the Accounts and Audit Regulations 2015 provide a right to inspect, question and make objections to the Cambridgeshire and Peterborough Combined Authority's auditor, take copies of statements of accounts and auditors' reports. These rights are explained fully in the National Audit Office guidance but are restricted to prevent access to documents containing personal information about staff.
- 29. In addition, s.228(3) of the Act provides that: "The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts".

## **The common law 'need to know'**

- 30. Under common law principles, all members have the right to access information held by their authority where it is reasonably necessary to enable them to properly perform their duties as a member.
- 31. However, there will be instances in which members may not be allowed access to information if the information is not needed as part of fulfilling their role.
- 32. If a member is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the member would have to show good cause why sight of them is necessary to perform their duties.





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## **Notice of Meetings**

33. The Cambridgeshire and Peterborough Combined Authority will give at least five clear days' notice of any meeting by posting details of the meeting at offices and on its website. Where exceptionally this period of notice cannot be given, notice will be given as soon as the meeting is convened.

## **Access to agendas and reports before meetings**

34. The Cambridgeshire and Peterborough Combined Authority will publish the agenda and reports (that are not exempt from publication) on its website at least five clear days before the meeting, or if a meeting is convened at less than five clear days' notice as soon as it is convened.

## **Papers**

35. The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
  - (a) discloses any facts or matters on which the report or an important part of the report is based; and
  - (b) have been relied on to a material extent in preparing the report; and
  - (c) do not include:
    - i) published works or
    - ii) exempt or confidential information
36. Background papers are published on the Cambridgeshire and Peterborough Combined Authority's website and available for public inspection at Cambridgeshire and Peterborough Combined Authority offices.
37. The Cambridgeshire and Peterborough Combined Authority will make background papers available for public inspection for four years after the date of the meeting/decision.

## **Supply of copies**

38. The Cambridgeshire and Peterborough Combined Authority will supply copies of any agenda, reports and background papers that are open to public inspection to any person, electronically (wherever possible) or, on payment of a charge for copying and postage, in hard copy.

## **Access to minutes etc. after meetings**

39. The Cambridgeshire and Peterborough Combined Authority will retain and make available copies of the following for six years after a meeting or the taking of a decision:
  - (a) the minutes of the meeting and/or records of decision taken, together with the reasons, excluding any part of the minutes that discloses exempt or confidential information and also excluding, if appropriate in the opinion of the Monitoring



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Officer any part of the minutes of proceedings when the meeting was not open to the public;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## Annex 14: Data Protection Policy



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# Data Protection Policy

March 2023





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## Version History

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V1	New – October 2021	New	Susan Hall	Rochelle Tapping	Audit & Governance Committee 24/9/21 Combined Authority Board 27/10/21
V2	March 2023	Annual revision/Audit requirement	Susan Hall	Edwina Adefehinti	Edwina Adefehinti



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Data Protection Contact		
Contact Details	Email	Phone
Sue Hall	<a href="mailto:dpo@cambridgeshirepeterborough-ca.gov.uk">dpo@cambridgeshirepeterborough-ca.gov.uk</a>	07706 341719



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### **“If you only read this page then....”**

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- Do** only ask for the information you need to do the job and only keep it for as long as you need to
- Do** be clear about why you are collecting the data
- Do** only use information for the reason it was collected and seek advice if you need to use it for something else
- Do** dispose of paper records and emails securely
- Do** use strong passwords to protect devices and data
- Do** use secure and encrypted devices
- Do** make sure you know who you are talking to and check their identity if you need to
- Do** check someone's email or postal address before you send anything and make sure you always update records
- Do** check what is in an envelope or email before you send
- Do** use the report if any data is lost/misplace/misused, for advice or if someone asks to see information held about them or wants their information deleted
- Don't** share personal information unless you are sure you can and you know who is asking
- Don't** assume that someone's consent lasts forever and covers everything
- Don't** leave PCs, laptops and phones unlocked or share your passwords
- Don't** leave personal information on show on desks or in vehicles - make sure it's secure
- Don't** open emails or click on links if you don't recognise the sender - speak to IT
- Don't** write comments about an individual that we cannot defend - they have a right to see them
- Don't** ignore a possible data breach - the sooner it is reported, the sooner it can be dealt with
- Don't** think data protection does not matter, it does!





## Introduction

**& PETERBOROUGH**  
CITY COUNCIL

We need to collect and use different types of information about people that we provide services for and communicate with in order to deliver those services. These could include current, past and prospective employees, contractors, and suppliers.

In addition, we may occasionally be required by law to collect and use certain types of information to comply with the requirements of government departments for business data.

The UK General Data Protection Regulation and Data Protection Act 2018 are pieces of law which we will call (“UK GDPR”) and (“DPA 2018”) respectively, together, “**data protection legislation**”. These explain the requirements and safeguards which we must be applied to personal data to ensure the rights and freedoms of living individuals are not compromised.

Data protection means when we record and use personal information then we must be open about how the information is used and it must be kept secure. It applies to how we collect, use, share, keep, delete and destroy personal information when we use personal information, we have to ensure we comply with data protection legislation.

This policy applies to all personal data held by or on our behalf. It includes manual/paper records and personal data that is electronically processed by computer systems.

## Why do we have a policy?

The purpose of this policy is to make sure that we:

- Comply with the law in respect of the data we hold about people
- Protect our customers, employees and other individuals
- Protect the organisation when a data breach happens
- Follow good practice

We recognise we have a responsibility to make sure we comply with all of our data protection duties. We also have to ensure that all of our employees and suppliers not only understand but comply with data protection legislation.



## Who does the policy cover?

This policy applies to anyone accessing or using personal information, including for example: employees, temporary or contract staff, volunteers, work placements, contractors, suppliers, service providers or other partners or agencies.

We have to make sure that anyone delivering a service on our behalf complies with this policy and others to make sure our data is safe.

## What are our responsibilities?

There are seven Data Protection Principles with which we must comply with in relation to personal information. In summary, personal information will be:-

- 1. Processed fairly and lawfully in a transparent way**
- 2. Obtained only for one or more specified and lawful purposes and not further processed in a manner incompatible with that purpose**
- 3. Adequate, relevant and limited to what is necessary**
- 4. Accurate and where necessary, kept up to date**
- 5. Not be kept for longer than is necessary**
- 6. Protected by appropriate technical and organisational measures**
- 7. We are accountable and take responsibility for what we do with personal data**

This means that we will:-

- a) make sure that when we ask for information then we are fair to the people whose information we ask for and use,
- b) explain why we are asking for the information and what we will do with it,
- c) make sure we only ask for the information we need,
- d) make sure the information we hold is up-to-date and accurate,
- e) make sure we only keep it for as long as we need to,
- f) ensure that we have processes in place to protect the information whether it is on paper or electronic,
- g) ensure that we won't send information abroad unless there are the proper safeguards,
- h) make sure that people can exercise their data protection rights.

In addition we will also:-

- have someone with specific responsibility for data protection (Data Protection Officer, or DPO),
- make sure all employees know that they are responsible for data protection and know what good practice is,
- train staff to manage and handle information correctly,
- support staff to manage and handle personal information correctly,
- respond to any queries about handling personal information promptly and courteously,
- review how we use personal information to make sure we are always complying,
- ensure staff know when they can share information with others.



## Lawful basis for processing

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We must have a lawful reason to use personal information and special category data. This will be one of the six legal bases in Article 6 of the UK GDPR for personal information:

- (a) **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) **Vital interests:** the processing is necessary to protect someone's life.
- (e) **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

For special category data then this will be one of the 10 legal bases in Article 9 of the UK GDPR:

- (a) **Explicit consent:** the individual has given clear consent for you to process their special category data for a specific purpose.
- (b) **Employment, social security and social protection:** if authorised by law and we have identified a condition in Part 1 of Schedule 1 of the DPA 2018.
- (c) **Vital interests:** the processing is necessary to protect someone's life.
- (d) **Not-for-profit bodies:** who process special category data in connection to the activities of charity, clubs, political parties, churches etc.
- (e) **Made public by the data subject.**
- (f) **Legal claims or judicial acts** if necessary to establish, exercise or defend legal claims.
- (g) **Reasons of substantial public interest** with a basis in law and we have identified one of the 23 specific substantial public interest conditions set out in Part 2 of Schedule 1 of the DPA 2018.
- (h) **Health or social care** with a basis in law and we have identified a condition in Part 1 of Schedule 1 of the DPA 2018.
- (i) **Public health** with a basis in law and we have identified a condition in Part 1 of Schedule 1 of the DPA 2018.
- (j) **Archiving, research and statistics** with a basis in law and we have identified a condition in Part 1 of Schedule 1 of the DPA 2018.



We should be able to say which applies. If you are not sure, then you should speak to the Data Protection Officer.

## What are your responsibilities?

All of us, whether permanent or temporary, are required to read, understand and accept any policies and procedures that relate to the personal data that we may handle in the course of our work.

All of us must:

- understand the main points of the Data Protection legislation,
- identify and report any risks their line manager,
- make sure that customers understand their rights,
- identify any breaches or loss of data and report them,
- identify and report any rights requests to the Data Protection Team.

## People have rights

Data protection legislation has introduced a set of rights for people. These are explained below and how we meet these.

All requests received should be directed to: The

Data Protection Officer  
2<sup>nd</sup> Floor Pathfinder House  
St Mary's Street Huntingdon  
Cambs PE29  
3TN

Telephone: 07706 341719

Email: [dpo@cambridgeshirepeterborough-ca.gov.uk](mailto:dpo@cambridgeshirepeterborough-ca.gov.uk)

## The Right to be Informed

This means that people have a right to be told what we are doing with their information. We need to be clear and transparent about what we do because this helps build understanding and trust about what we do.

The way we normally tell people about what we do is in what we call a privacy notice. Our privacy notice is available on our website at the link <https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/governance/transparency/codes-of-conduct-and-policies/Data-Protection-Policy.pdf> so that people can easily find it.

## The Right of Access

If we hold information about a person, then they have a right to see their own information. There are a few exceptions to this rule, such as data held for child protection or crime detection / prevention purposes, but most individuals will be able to have a copy of the data held on them. We may have to redact some of the information if we cannot share something with a person.

## The Right of Rectification

If a person believes that any of the information that we hold about them is inaccurate, then they have a right to request that we restrict the processing of that information and to rectify the inaccurate personal information. Please note that if the request is to restrict processing their information, we may have to suspend the services provided. We have to respond with a month.

## The Right to Erasure

This is popularly known as the “right to be forgotten”. It means that people can ask us to delete or remove information if there no strong reason for us to keep it.

We don’t have to delete information. The table below indicates when we may agree to delete and when we will not

To delete...	Or not to delete...
We no longer need the information	to exercise the right of freedom of expression and information
We should not have the information	We need to keep it to comply with a legal obligation
Our customer withdraws their consent	We need to keep for public health purposes
Legally we should have deleted it	It is of public interest for scientific/historical research or statistical purposes
Our customers object to what we are doing, and we cannot justify keeping the information	We need to keep it for the defence of legal claims

We always need to listen and understand why someone is asking us to delete. We may have to keep some information, for example it is about safeguarding or health and safety. We should still take into account the customer’s concerns and look what we can do to help reduce any distress or concerns they may have.

## The Right to Restrict Processing

A person has the right to block or suppress the use of their information. If someone does ask us to restrict the use of their information, then it means that we can retain the information but not use it any further.

We will need to keep some information to ensure that we maintain the restriction.

## The Right to Data Portability

Where we have requested a person’s permission to process their personal information or they have provided us with information for the purposes of entering into a contract with us, then they have a right to receive the personal information you provided to us in a portable format.



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## The Right to Object

An individual can object to what we are doing with their data where if it is based on:

- our legitimate interests or
- public interest or statutory duty or
- direct marketing or
- purposes of scientific/historical research and statistics.
- if the processing is for the exercise of official authority vested in the Authority

The objection must relate to the person's particular situation.

## Rights related to automated decision-making including profiling

A person has the right to not be the subject of a decision if it is based on automated processing and it produces a legal effect or significant effect on them.

The right does not apply where processing is necessary for the performance of a contract, authorised by law (including fraud) or there is explicit consent.

## What does 'it' mean?

### Personal Information

Personal information is information about a living individual who you can identify directly or indirectly from that information. It may also be possible to identify an individual from that and other information which is in the possession of, or likely to come into our possession. It also includes any expression of opinion about the individual and any indication of our intentions. It is also important to note that information to identify a living person is not limited to names and full addresses. Mapping point data can also potentially identify a person as can limiting the address to postcode.

### Special Categories of Personal Information

Special categories of personal data, formerly known as sensitive personal data, means personal data consisting of information as to -

- the racial or ethnic origin of the data subject,
- his/her political opinions,
- his/her religious beliefs or other beliefs of a similar nature,
- whether he/she is a member of a trade union
- genetics
- biometrics
- his/her physical or mental health or condition,
- his/her sexual life,
- sexual orientation

In addition, we would consider the following to be sensitive:

- the commission or alleged commission by him/her of any offence,
- any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings,
- credit card/debit card details pertaining to the data subject



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## **Data Controller**

The Cambridgeshire and Peterborough Combined Authority is a data controller and will be responsible for ensuring compliance with data protection legislation. It means, on some occasions, that we determine what data is collected and how it is used.

Where someone acts completely on behalf of the authority then we are still the data controller.

You should refer to the contract for providing a service to understand who the data controller is.

## **Joint Data Controller**

There will be occasions where two or more controllers jointly determine what information is collected and why. This could be with Cambridgeshire County Council or Peterborough City Council for example. We need to make sure that customers understand when this is the case.

You should refer to the contract for providing a service to understand when joint controllers exist.

## **Data Processor**

A data processor is the person/service who use the information as per the controller's instructions. A data processor does not own the data and cannot use it for purposes other than stated in the contract or where permitted. Any use or sharing of data should not be done without the written consent of the data controller.

You should refer to the contract for providing a service to understand who the data processor is.

## **Data Controller-Data Processor Relationship - Contracts**

Where the controller and processor are not the same ie Cambridgeshire and Peterborough Combined Authority and Cambridgeshire County Council, the relationship must be underpinned by a contract.

It is very important that we have a contract in place for us to deliver services or for something to be done on our behalf. The contract has a really important role to play because it makes sure that all concerned understand what should be delivered.

Any contract must contain detailed schedules of the data to be processed as well as the clauses regarding the arrangements for the use, storage, retention and deletion of data by that external party. In all cases, Legal Services will review every contract and ensure that it meets requirements. The contract between the authority and suppliers will make clear that the liabilities and duties of data protection legislation which must be complied with.

Advice on the process for buying and providing services can be obtained from the Data Protection Officer.



### When data is lost or goes missing...

We hold information which can be personal and sensitive information but also, for example, commercially sensitive information or simply data.

We must take every care to avoid a data breach by protecting personal information but also by taking steps to avoid losing any data.

In the unlikely event of data being lost or shared inappropriately, it is vital that appropriate action is taken to minimise any associated risk as soon as possible. You should refer to our data incident reporting policy which covers the process and complete the data incident reporting form.

You must report any breaches, suspected or confirmed, to the Data Protection Officer.

### Keeping Information

We may have to keep information, but it must only be kept for as long as we need to. We will store personal information securely in our IT systems or in hard copy in line with our retention schedule.

We will destroy hard copy personal information securely by using the confidential waste bin and electronic records via IT.

More can be found in our Retention Policy.

### Location of our information

It is important that we understand where our information is. This does not mean just it's on our devices or on the authority's network. We have to think about where that information really is and the same applies to any data we share or provide to others. This means where servers are or where a cloud/data centre is.

When the UK left the EU, this meant that transfers of information needed to be *permitted* under the UK GDPR. There are provisions in the UK GDPR to enable this flow of information. In order for information to flow from EEA countries, UK needed to be provided with an *adequacy decision* by the EU which it currently has. The UK has also recognised the EU adequacy decisions for non-EEA countries - Andorra, Argentina, Faroe Islands, Guernsey, Isle of Man, Israel, Jersey, New Zealand, Switzerland, and Uruguay.

If the information is being transferred to a country where there is no adequacy decision, such as USA, then we must ensure that we have appropriate safeguards in place. If this is the case, then you should speak to the Data Protection Officer and Legal.

### How we handle information

Whenever we handle information then we should do so securely. This should mean that information we store is securely in systems protected by usernames and passwords or filing cabinets that are locked. It also means making sure that only people who should see that information have access. When we share or send information then we should make sure that it is secure.





The sharing of personal information must be by secure means such as secure email or secure file sharing may also be used after review by IT and in line with our IT policy. Failure to comply with this policy will result in the appropriate action being taken under either the relevant policy or contract.

## **The Sharing of Personal Information**

We will only share personal information where a legal gateway exists, or consent has been obtained. Sharing means telling someone some information about them or another person and sharing means giving a supplier a list of people.

You should make sure you know whether you should share personal information and consult the Data Protection Officer if you are not sure.

### **Disclosures permitted by law**

There will be occasions where the disclosure of personal information will be permitted in law such as for the prevention and detection of crime or safeguarding of vulnerable individuals. We will always seek a written request confirming the reason for the disclosure where consent has not been obtained and will evaluate that request before responding. Equally we need to make our own requests in a lawful and proper way.

### **Information sharing agreements**

Any sharing of personal information between organisations may be best supported by an agreement that makes clear what is being shared, why and how. It helps us ensure we are complying with data protection legislation.

Further guidance on the completion of Information Sharing Agreements can be obtained from the Legal department of the Combined Authority.

### **Testing of systems**

We may need to test that computer systems are developed to bring greater efficiency, benefits, and security work appropriately. In order to do so then we will need to consider using personal data in that testing. The first consideration will always be whether personal data is required for testing and the default will be that it is not with anonymised or randomly generated data being used. However, this may not fully test the functionality of a system, therefore consideration must be given to the use of a data snapshot from the live or current system.

We will undertake a data protection impact assessment prior to the use of any current or identifiable data to ensure that this is appropriate and that the appropriate safeguards are in place prior to the export, import and testing. The data will only be held in the test system for the period of testing and then removed. If the testing of the system is being undertaken by a partner or a processor then the same process will apply.

## **Privacy and the value of information**

Data protection is all about privacy. When we use information about people then we have an impact on their privacy in some way.



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This could be when we think about buying a new IT system or running a new project or service. It means we need to think about the impact on our customers; how will it affect them? Will it make a change on their lives? Are there any risks that we need to think about? The changes in data protection in 2018 made it mandatory that we have to consider the impact and show that we have. Please refer to the Data Protection Impact Guidance for further information.

## **Data Protection Impact Assessments (DPIA)**

There are two levels of a DPIA; the screening process to work out whether you need to do a DPIA is the starting point. This should always be completed whenever there are projects, new or changed service activities, or new ICT that could potentially impact on the privacy of individuals.

The completed screening checklist should be shared with the Data Protection Officer to determine whether any further assessment is required. They will inform you as to whether a DPIA is needed.

These can be published so it is important to make sure we have assessed impact and risk.

## **Only use what you need to use**

It can be helpful to think about what level of information you need to use. Do you need to use every bit of information we hold about a person? Can you limit what you do use? You may only need ages and post code for example rather than their name, address, date of birth, NI number, health details and ethnicity.

There are other ways of using personal information without sharing who that person is.

### *Anonymisation of data*

Data can be anonymised ie removal of information which could lead to the identification of an individual. It should be almost statistical because there should be no way that you can identify any individual person. It is not enough to remove the name and address. You should approach the Data Protection Officer for more detailed guidance.

### *Pseudonymisation*

Where it is not necessary to share personal data but anonymised is not sufficient, then consideration should be given to the pseudonymising approach. This means when information is supplied it is not identifiable to the user but the individual producing the information has a “key” to identify.

## **Information as an asset**

When information is organised, stored, used, and analysed then it is an asset that we can use. This means that we need to make sure it is managed properly. This management means that we know what we hold, where it is held, how long for and its qualities. This will help us use the information we have much more efficiently and better because we will understand it more.



## Roles

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### Chief Executive

The Chief Executive has overall accountability and responsibility for data protection. The Chief Executive is required to provide assurance that all risks relating to data protection and information security are effectively managed and mitigated.

The Chief Executive has delegated responsibility for compliance with the Data Protection Act (including the implementation of this policy and other related policies) to Senior Information Risk Owner.

### Senior Information Risk Owner (SIRO)

The named SIRO is responsible for:

- leading and fostering a culture that values, protects, and uses information for the success of the organisation and benefit of its customers,
- overall ownership of the Information Governance policies,
- act as the champion for Information Governance and provide written advice to the on the status of matters within the authority,
- owning the organisation's overall information risk policy and risk assessment processes and ensuring they are implemented consistently ,
- advising the Chief Executive or relevant accounting officer on the information risk aspects of his/her statement on internal controls,
- owning the organisation's information incident management framework,
- ensuring that they receive appropriate training to fulfil the SIRO role.

### Data Protection Officer

The Data Protection Officer will:

- manage the compliance with data protection legislation and FOIA,
- maintain an awareness of all IG/IM issues within the authority,
- review and update policies in line with local and national and best practice requirements,
- review and audit all processes and procedures where appropriate and on an ad-hoc basis,
- ensure all line managers and staff are aware of the requirements of these policies and guides,
- set a list of minimum expectations for security standards for IT systems.
- 

### Information Risk Group

The authority has a group chaired by the SIRO and attended by representatives of all departments. This is a key group to determining strategy and having oversight of all things data protection.

### Responsibilities of Managers

All managers are required to ensure that they and their staff understand this policy and any associated procedures. They are responsible for ensuring that staff are informed and updated on any changes made to this policy.

All managers must identify and report any risks or breaches to the Data Protection Officer. All line managers must ensure that their staff undertake data protection training and



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refresher training which will be undertaken annually.

### *Additional responsibilities for Managers - Temporary Staff*

It is a requirement that all temporary staff, agency staff, volunteers, work placement students and all managers requesting access to systems for these temporary workers, should read, and undertake to comply with these compliance guidelines. Managers should ensure that any such staff are trained and understand data protection responsibilities.

## **Responsibilities of Members**

All Members have responsibilities in their own right and when considering the use of personal information for any particular purpose, they should take into account the context in which that information was collected to decide whether their use of the information will be fair and lawful.

Members should also refer to the relevant “Code of Conduct”, which is intended to promote high standards of behaviour amongst the Members of the authority, and which is available in the Constitution which can be found on our website.

## **Responsibilities of all staff**

All staff have a responsibility and a duty to abide by the authority’s policies and procedures in handling personal data as well completing any mandatory training provided. They must report any risks or breaches to the Data Protection Officer.

Any breach of this policy or linked to data protection may be considered under the authority’s disciplinary policies.

## **Policy Review**

A review of this policy will take place annually to take account of any new or changed legislation, regulations or business practices.

## **Monitoring Compliance**

Compliance with this policy and related standards and guidance will be monitored and findings will be reported to the Data Protection Officer.

## **Potential fines for non-compliance with GDPR**

The Information Commissioner can issue a monetary penalty for failing to comply with Part 3 of the Act. There are two tiers of penalty higher maximum and the standard maximum.

The higher maximum amount is £17.5million or 4% of the total annual worldwide turnover in the preceding financial year, whichever is higher.

## **Compensation**

The GDPR gives an individual the right to claim compensation if damage is suffered as a result of the company breaking data protection law. The ICO cannot award compensation

For further information on compensation, please click on link below: [Taking your case to court and claiming compensation | ICO](#)



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## ICO address

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or via their website: <https://ico.org.uk/>

## Annex 15: Complaints Procedure



### HOW YOU CAN MAKE A COMPLAINT TO THE COMBINED AUTHORITY

The Combined Authority has a two-stage policy:

#### Stage One – Informal Complaint

We always wish to deal with your complaint as quickly and as efficient as possible, so we will always try to deal with your complaint informally. This means that you should phone or take your complaint to the office or person who dealt with your enquiry.

Our staff will do their absolute best to settle your complaint without you needing to do anything else.

#### Stage Two – Formal Complaint

If you have spoken to our staff about your complaint but they have not been able to put things right, or you are not happy with the result, the next step is for you to make a formal complaint in writing to the Monitoring Officer.

By law, every Combined Authority must designate one of its senior officers as the Monitoring Officer. The Monitoring Officer is responsible for ensuring that the Combined Authority acts and operates within the law.

You can make a complaint in a number of ways:

- [submit your complaint via our Contact Us form](#)
- write to Complaints, Cambridgeshire & Peterborough Combined Authority, 2nd Floor, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN

When you contact us, please detail your name and address (including your postcode) and your phone number.

If you prefer, you can ask a friend or relative to speak or write to us for you. **We will need your written consent if you would like someone to act on your behalf.**

#### WHAT HAPPENS NEXT?

The Monitoring Officer will ask a Director who has not been involved in your original complaint to look into your complaint.

If we cannot resolve your complaint immediately, we will write to you within three working days to let you know we have received your complaint. We will give you a reference number and let you know that we are investigating your complaint. This information will make it easier for you to contact the person dealing with your complaint if you need to.

The Director will investigate your complaint, take any necessary action and make sure they send a written reply within 15 working days.

If your complaint needs more investigation, and we cannot send you a written reply within 15 working days, we will write to you and let you know when you will receive a written reply.

If you wish to make an appointment to discuss a complaint please contact the Monitoring Officer.

### **AIMS OF THE COMPLAINTS POLICY**

Our complaints policy aims to ensure that customers:

- know where and how to complain to us
- receive an acknowledgement and information on the progress of their complaint
- receive an appropriate response and action is taken where we have failed to provide a satisfactory service.

We are committed to treating all our customers fairly and equally.

We will use complaints to review and improve the way we provide services.

### **WHAT IS A COMPLAINT?**

A complaint is an expression of dissatisfaction about the standard of service the Combined Authority provides.

There are some complaints that will not be dealt with under this policy such as:

- Where legal processes are involved – where a legal challenge is being made regarding whether a decision or action is lawful;
- Where there is a more appropriate individual or organisation to deal with your complaint, such as a tribunal, Ombudsman or another local organisation or council;
- We would not normally deal with complaints about something that happened more than a year ago;
- Complaints about members of the Combined Authority – elected councillors have a separate complaints process and the Monitoring Officer can advise you about this.
- [\*\*Whistleblowing policy – there is a separate policy relating to whistleblowing\*\*](#)

- Complaints about Freedom of Information (FOI) requests. We have a separate policy for these types of complaints.
- The full Complaints Policy can be found [here](#).

## **CHOOSING THE CORRECT ORGANISATION**

Before raising a complaint to the Cambridgeshire and Peterborough Combined Authority (the Combined Authority), it's important to ensure that you have raised the complaint with the correct organisation.

- The Combined Authority has not replaced existing local authorities; there are seven individual councils in the Cambridgeshire and Peterborough area who deliver the vast majority of services for your community
- The Combined Authority is separate from the Greater Cambridgeshire Greater Peterborough Local Enterprise Partnership and the Greater Cambridge Partnership (formerly called the "City Deal")
- The Combined Authority has not replaced companies and organisations providing public transport in Cambridgeshire and Peterborough area.

If you have a complaint about any transport services or street related matter, please contact your local authority for your area:

- Peterborough City Council
- Cambridgeshire County Council

If you have a complaint about the Greater Cambridge Partnership, visit their [contact us](#) page for more details.

## **WHAT IF I STILL DO NOT FEEL HAPPY WITH THE RESPONSE?**

If you have been through stages one and two of the complaints procedure and you are still not happy with the results of the investigations, you can write to the Local Government and Social Care Ombudsman.

### **Local Government Ombudsman**

You can contact the Local Government and Social Care Ombudsman about your complaint at any time. However, the Ombudsman usually gives the Combined Authority the opportunity to investigate first.

You can contact the Local Government and Social Care Ombudsman in a number of ways:



- Local Government & Social Care Ombudsman, PO Box 4771,  
Coventry CV4 0EH
- Phone: 0300 061 0614  
Text: 'call back' to 0762 480 3014  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Leaflets about how to complain to the Local Government and Social Care Ombudsman can be found in our partner council's offices or any library.

[Complaints policy - Cambridgeshire & Peterborough Combined Authority  
\(cambridgeshirepeterborough-ca.gov.uk\)](http://cambridgeshirepeterborough-ca.gov.uk/complaints-policy)

## Annex 16: 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



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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.

## Annex 17: Standards Committee Hearings Protocol



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### STANDARDS COMMITTEE HEARINGS PROTOCOL

1. This Hearing Procedure sets out how the Combined Authority("CA") deals with Sub-Committee hearings.
2. There is specific terminology used in relation to this CA function and therefore **Appendix A** gives definitions of the main terminology used in the procedure.
3. Both the member who is the subject of a complaint, and the person making the complaint will have been informed if it has been decided that the complaint should be investigated.
4. Once the Investigating Officer has carried out their investigation, the subject of the complaint and the complainant will receive a copy of the draft report and will have the opportunity to make comments. The Investigating Officer will update their report accordingly and issue the final report. The Investigator's Report may find that:
  - There has been a breach of the Code of Conduct.
  - There has been no breach of the Code of Conduct.
5. The Monitoring Officer will receive the Investigating Officer's draft report along with the subject of the complaint and the complainant to ensure that all issues have been investigated as the duty to maintain standards rests with the Monitoring officer.

6. The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report. 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
7. The Monitoring Officer will also seek the view of the Independent Person before making a decision.
8. If the Monitoring Officer decides that the matter should go to a hearing, then the pre-hearing process is started.

## **Pre-Hearing Process**

9. This process is designed to ensure that matters at the hearing are dealt with fairly and efficiently. A letter will be sent to the subject of the complaint, proposing an initial date for the hearing.
10. The Subject Member is asked to indicate any needs they may have on the day of the hearing, whether they would wish to have the matter heard in private and how many witnesses they would like to call.
11. The pre-hearing process is also used to identify disagreements in the evidence presented in the Investigating Officers report, any other evidence the Subject Member wishes the Sub-Committee to take into account and any factors that the Subject Member believes should be taken into account as mitigation, if they are found to have breached the Code.
12. A meeting may then be convened with the Chair of the Sub-Committee. At this stage, information from both the Subject Member and the Investigating Officer are considered. The Chair will make decision as to the witnesses to be called, the administrative arrangements to be made and the date of the final hearing.



13. All of the information submitted during this process assists the formulation of the agenda for the hearing. This agenda and the covering letter are then sent to the Subject Member, the complainant and the witnesses.

14. At this stage the hearing agenda is confidential. The Sub-Committee will then make a decision on the day of the hearing as to whether the hearing should be carried out in public or in private. If the hearing is carried out in public, the papers will be made openly available at this stage.

### **Standards Committee Hearings**

15. The purpose of the Standards Sub-Committee is to allow the Sub-Committee to consider the evidence supplied by both the Subject Member and the Investigating Officer and make a decision as to:

- The findings of fact.
- Whether the Subject Member has breached the Code of Conduct; and
- Any sanction if it is found that the Subject Member has breached the Code of Conduct.

16. To hear the matter, a Sub-Committee is formed. The Sub-Committee will comprise of three members.

### **17. Agenda**

#### **i. Preliminary Items - Opening the Meeting of the Sub-Committee**

There are a number of preliminary items which will be considered when the meeting is opened. Some of these items are standard items which are found on Sub-Committee agendas and some are unique to the hearing process.

#### **ii. Apologies and Disclosures of Interest**

At the beginning of the meeting the Chair of the Sub-Committee will ask for any apologies and will ask members of the Sub-Committee to disclose the existence and

nature of any personal or prejudicial interests which they have in the case, and to withdraw from consideration of the case if so required.

### **iii. Quorum**

The Chair will then check that the meeting is quorate to ensure that the correct members are sitting on the Sub-Committee before the hearing is commenced.

### **iv. Introductions**

- At the start of the hearing, the Chair will introduce each of the members of the Sub-Committee, the Member, the Independent Person, the Investigator, the Legal Advisor, the Committee Support Officer and any other officers present.
- The Investigating Officer or the Subject Member may choose to be represented by a solicitor or barrister during the hearing, or with the permission of the Sub-Committee, another person. It must be noted that the Member must bear the cost of such representation.

### **v. The Role of the Legal Advisor**

The Chair will then explain the role of the Legal Advisor. The Sub-Committee may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the matters put before them in private. The substance of any legal advice given to the Sub-Committee at any stage in the proceedings will be shared with the parties present.

### **vi. Outline of the Hearing Procedure**

- The Chair will confirm that all present know the procedure which the Sub-Committee will follow in determining the case. The Chair will remind the Sub-Committee that although this is a formal meeting, it is not judicial and evidence is not given under oath. The standard of proof to be met is on the 'balance of probabilities', as in civil proceedings and not 'beyond all reasonable doubt', as in criminal proceedings. The Chair will then ask the hearing if there are any questions, before continuing.

- At this stage the Sub-Committee will resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.
- The Chair will consider whether or not there are opportunities for conciliation that would be beneficial to the process. The Chair may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.
- If the Subject Member is not present at the start of the hearing and has not indicated his/her wish to proceed regardless:

(a) The Chair will ask the Legal advisor whether the Member has indicated his/her intention not to attend the hearing.

(b) The Sub-Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for a failure to attend.

(c) If the Sub-Committee is satisfied with the reasons it will adjourn the hearing to another date.

(d) If the Sub-Committee is not satisfied with the reasons, or if the Subject Member has not given any reasons, the Sub-Committee will decide whether to consider the case and make a determination in the absence of the Subject Member or adjourn the hearing to another date.

## **vii. Exclusion of the Press and Public**

The Chair will ask the Member, the Investigator and the Legal advisor to the Sub-Committee whether they wish to ask the Sub-Committee to exclude the press or public from all or any part of the hearing. If any of them do so request, the Chair will ask them to put forward reasons for so doing and ask for responses from the others and the Sub-Committee will then determine whether to exclude the press and public from all or any part of the hearing. Further details are set out at **Appendix B**.



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## **vii. Presentation of the Monitoring Officer's Report**

At the end of the preliminary matters, the Monitoring Officer (usually also acting as the Legal Advisor to the hearing) will present their report. This report will summarise the pre-hearing process which has taken place, and outline whether or not the Subject Member has disagreed with any of the findings of fact in the Investigating Officer's report.

(a) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigator's report, the Sub-Committee may then make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigator's report and proceed directly to consider whether any action should be taken.

(b) If the Member identifies additional points of difference, the Chair will ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she will then ask the Investigator (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Sub-Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigator's report but which the Member did not identify as a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.

The Monitoring Officer will then ask the Sub-Committee to endorse the pre-hearing directions.



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## CONDUCTING THE HEARING

### 18. Findings of Fact - Are there Disputes?

#### Introduction

This section is concerned with agreeing the findings of fact. Any facts which are disputed by the Subject Member must normally have been stated during the pre-hearing process.

- (i) If the Subject Member disagrees with any relevant fact in the Investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence. After considering the member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:
  - (a) Disagree with the Subject Members explanation, accept the facts as they are presented in the Investigating Officer's report and continue with step three of the hearing.
  - (b) allow the Subject Member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary.
  - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigator to be present if they are not already.
- (ii) If there is no disagreement about the facts, the Sub-Committee can move on to the next stage of the hearing;
- (iii) On the facts, has the Code been breached?
- (iv) **Investigator's Representations (and witnesses, if appropriate)**
  - (a) If there is a disagreement on the findings of fact the Investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the Investigator may call any necessary supporting witnesses to give evidence.
  - (b) The Sub-Committee may give the Subject Member an opportunity to challenge any evidence put forward by any witness called by the Investigator.



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- (c) If the Subject Member disagrees with most of the facts, it may be sensible for the Investigator to start by making representations on all the relevant facts, instead of discussing each fact individually.
- (v) **Subject Member's Representations (and witnesses if appropriate)**
- The Subject Member should then have the opportunity to make representations to support their version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.
- (vi) Both the Subject Member and Investigating Officer will then have an opportunity to 'sum-up' the main points of the argument.
- (vii) At any time, the Sub-Committee may question any of the people involved or any witnesses. The Investigator may be given an opportunity to challenge any evidence put forward by witnesses called by the Subject Member.

## 19 Decision

- (i) The Sub-Committee will usually move to another room or ask all the attendees apart from the Legal Adviser to vacate the room to consider the representations and evidence in private. On their return, the Chair will announce the Hearing Sub-Committee's findings of fact.
- (ii) The Sub-Committee will take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (iii) The Sub-Committee's function is to make a determination on the findings of fact. It will do this by way of majority voting. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Legal Advisor. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Sub-Committee.



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## 20. On the Facts, has the Code been Breached?

### Introduction

- (i) The Sub-Committee then needs to consider whether, based on the facts it has found, the Subject Member has failed to follow the Code. The Sub-Committee may, at any time, question anyone involved on any point they raise in their representations.
- (ii) **Investigator's Representations (and witnesses, if appropriate)**
  - (a) The Sub-Committee should then consider any representations on whether the Code has been breached from the Investigator.
  - (b) The Investigating Officer may also, at this point, call witnesses if permission is granted by the Sub-Committee.
  - (c) The Subject Member may be given an opportunity to challenge any evidence put forward by any witness called by the Investigator.
- (iii) **Subject Member's Representations (and witnesses, if appropriate)**
  - (a) The Subject Member will be invited by the Chair to give relevant reasons why the Sub-Committee should decide that they have not failed to follow the Code.
  - (b) The Subject Member may, at this point also call witnesses if permission is granted by the Sub-Committee. The Investigator may be given an opportunity to challenge any evidence put forward by witnesses called by the Subject Member
  - (c) Both the Subject Member and the Investigating Officer will then have an opportunity to 'sum up' the main points of the argument.
- (iv) **Sub-Committee's Decision**
  - (a) At the conclusion of the Member's response, the Chair will ensure that each member of the Sub-Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigator's report.
  - (b) The Sub-Committee will then move to another room to consider the representations. On their return, the Chair will announce the Sub-Committee's decision as to whether the Subject Member has failed to follow the Code.



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- (c) The Sub-Committee will take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (d) The Sub-Committee's function is to make a determination on whether the Member has breached the Code of Conduct. It will do this by way of majority voting. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Legal Advisor. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Sub-Committee.
- (e) If the Sub-Committee decides that the Code has not been breached, it will inform the Subject Member and the Sub-Committee will dismiss the complaint.

## **21. Sanctions**

### **(i) Introduction**

- (a) If the Sub-Committee decide that there has been a breach of the Code of Conduct by the Member concerned, they will then go on to consider sanctions. The sanctions available to the Sub-Committee can be found at **Appendix C.**
- (b) Factors to be taken into account when considering what sanction may be applicable are set out at **Appendix D.**
- (c) Mitigating factors are set out at **Appendix E.**

### **(ii) Investigator's Representations**

- (a) The Sub-Committee will consider any verbal or written representations from the Investigating Officer as to:
  - whether the Hearing Sub-Committee should apply a sanction; or
  - what form any sanction should take.

### **(iii) Subject Member's Representations (and character witnesses, if appropriate)**



- (a) The Subject Member may introduce agreed character witnesses to make a statement in support of the Subject Member.
- (b) The Sub-Committee will consider any verbal or written representations from the Subject Member as to:
- whether the Sub-Committee should apply a sanction; or
  - what form any sanction should take

(c ) Both the Subject Member and the Investigating Officer will then have an opportunity to ‘sum up’ the main points of the argument.

#### iv. Sub-Committee’s Decision

- (a) The Sub-Committee may question the Investigator and Subject Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
- (b) The Sub-Committee will then deliberate in private to consider whether to impose a sanction on the Subject Member and, if so, what sanction it should be.
- (c) On their return, the chair will announce the Sub-Committee’s decision as to the sanction that the Sub-Committee will recommend.

## **22. Recommendations to the Authority**

- (i) Regardless of whether or not the Sub-Committee find that Subject Member has breached the Code of Conduct, the Sub-Committee may make recommendations to the authority, with a view to promoting high standards of conduct among Members.

## **23. Close of the Meeting**

- (a) The Chair will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.
- (b) A short written decision will be agreed by the Sub-Committee and made available on the day of the Sub-Committee.

**24.** 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.

**25.** 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. 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.

## APPENDIX A

### Terminology



(a) 'Subject Member' means the member of the authority who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.

(b) 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer and his or her nominated representative).

(c) "The Case" is the subject case of the Investigator's report.

(d) "The Sub-Committee Support Officer" means an officer of the authority responsible for supporting the Sub-Committee's discharge of its functions and recording the decisions of the Sub-Committee.

(e) "The Chair" refers to the person presiding at the hearing.

(f) "The Sub-Committee" means a Sub-Committee of the Combined Authority's Audit and Governance Committee appointed to hear the matter.

(g) 'Legal Advisor' means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.



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## **APPENDIX B**

### **Access to Standards Committee Hearings and Exempt Information**

1. At the hearing, the Sub-Committee will consider whether or not the public should be excluded from any part of the hearing.
2. The Sub-Committee has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The committee should take into account Article 6 of the *European Convention on Human Rights*. The Sub-Committee also has a duty to act fairly and within the rules of natural justice. There is a clear public interest in promoting public confidence in the integrity and honesty of public authorities. Therefore, the hearing should be held in public unless the Sub-Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.



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## **APPENDIX C**

### **Sanctions Available to the Sub-Committee**

The sanctions which are available are any, or any combination, of the following:

- (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.



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## **APPENDIX D**

### **Factors to be taken into Account**

In considering the sanction the Sub-Committee may take into account the following factors, along with any relevant circumstances:

- (a) What was the Subject Member's intention?
- (b) Did the Subject Member know that they were failing to follow the Code of Conduct?
- (c) Did the Subject Member get advice from officers before the incident? Was that advice acted on or ignored in good faith?
- (d) Has there been a breach of trust?
- (e) Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- (f) What was the result of failing to follow the Code of Conduct?
- (g) What were the potential results of the failure to follow the Code of Conduct?
- (h) How serious was the incident?
- (i) Does the Subject Member accept they were at fault?
- (j) Did the Subject Member apologise to the relevant people?
- (k) Has the Subject Member previously been warned or reprimanded for similar misconduct?
- (l) Has the Subject Member failed to follow the Code of Conduct before?
- (m) How will the sanction be carried out? For example, who will provide the training or mediation?
- (n) Are there any resources or funding implications?

## **APPENDIX E**

### **Mitigating and Aggravating Factors**

#### **Aggravating Factors**

- (a) Dishonesty.
- (b) Continuing to deny the facts despite clear contrary evidence.
- (c) Seeking unfairly to blame other people.
- (d) Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- (e) Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.
- (f) Failing to heed appropriate advice or warnings of Officers of the Combined Authority.

#### **Mitigating Factors**

- (a) An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
- (b) A Member's previous record of good service.
- (c) Substantiated evidence that the member's actions have been affected by ill-health.
- (d) Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the Member.
- (e) Compliance with the Code since the events giving rise to the determination.
- (f) Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.

<b>APPENDICES TO THE CONSTITUTION</b>	
<b>APPENDIX 1</b>	LEAD MEMBER RESPONSIBILITIES
<b>APPENDIX 2</b>	CO-OPTED MEMBERS
<b>APPENDIX 3</b>	



## APPENDIX 1

Lead Member Responsibilities	Key Responsibilities	Lead Member
<p>Mayor</p> <p>(Also Lead Member for Policy and Investment &amp; Growth)</p>	<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>Chair of Combined Authority: nominating <b>lead member responsibilities</b> and chairs of executive committees</p> <p>Public sector reform</p> <p>Lead Member of the Business Board (local enterprise partnership) for the Combined Authority. 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>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> <li>• Place-based growth strategies including Market Towns and Core Cities</li> <li>• Enterprise zones Impact of Brexit</li> </ul> <p>Ambassador for Cambridgeshire and Peterborough to secure inward investment</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>	<p>Dr Nik Johnson, Mayor</p>
<p>Deputy Mayor (statutory)</p> <p>Transport and Infrastructure</p> <p>Chair of the Transport and Infrastructure Committee</p>	<p>The Deputy Mayor carries a statutory responsibility and acts on behalf of the Mayor as designated or in their absence.</p> <p>Development of Local Transport Plan (for approval by Board)</p> <p>Sustainable transport 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> <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>Cllr Anna Smith</p>



Lead Member Responsibilities	Key Responsibilities	Lead Member
Lead Member for Governance	Effective governance of the Combined Authority, including transparency and openness	Cllr Edna Murphy
Skills 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> <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>	Cllr Lucy Nethsingha
Communities and Environment Joint Chair of the Environment and Sustainable Communities Committee	<p>To act as lead and champion in the cause of:</p> <ul style="list-style-type: none"> <li>• Responding to Climate Change</li> <li>• Leading on the recommendations of the Cambridgeshire and Peterborough Independent Commission on Climate Change</li> <li>• Zero Carbon and carbon reduction</li> <li>• Renewable energy</li> <li>• Strategic relationships with public bodies, the private sector and voluntary groups on environmental issues</li> </ul>	Cllr Bridget Smith
Housing Joint Chair of the Environment and Sustainable 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> <p>Delivery of the £100M housing devolution investment fund for the Combined Authority area</p> <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>Social action and the voluntary, community and social enterprise sector</p> <p>Community Lead Member and Responsibility for the consultation strategy</p>	



Lead Member Responsibilities	Key Responsibilities	Lead Member
Public Health	<p>To act as lead and champion in the cause of:</p> <p>Wellbeing and Public Health issues across all Portfolios</p> <p>Co-ordinating the work of the Combined Authority in preventative health</p> <p>Embedding public health across the work of the Combined Authority</p> <p>Maximising health improvement and minimising health harms; Reducing health inequalities</p> <p>Mental wellbeing, including promoting mental health and tackling stigma</p> <p>Healthy life expectancy; Healthy start to life</p> <p>Healthy active ageing</p> <p>Lead on Covid-related public health infrastructure and related community support for the Combined Authority</p> <p>Strategic relationships with Cambridgeshire &amp; Peterborough CCG and health providers in the Combined Authority area</p> <p>To promote reductions in health inequalities across the Combined Authority area</p>	Cllr Chris Boden
Devolution & Place	<p>Future devolution deals including securing new powers and associated budget responsibilities for the Combined Authority</p> <p>Development of a Shared Vision and Place narrative</p> <p>Stakeholder engagement</p>	Cllr Sarah Conboy

## APPENDIX 2

### **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY BOARD CO-OPTED MEMBERS**

The Co-opted Member organisations appointed to the Combined Authority Board are:

The Police and Crime Commissioner for Cambridgeshire
Cambridgeshire and Peterborough Fire Authority
Cambridgeshire and Peterborough Integrated Care Board

## **APPENDIX 3**

## **APPENDIX 3**

**TO FOLLOW**



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
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