



## Cabinet

Thursday, 8 November 2018 at 2.00 pm

Meeting to be held at: The Ballroom, Morpeth Town Hall, Market Place, Morpeth, NE61 1LZ

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## SUPPLEMENTAL AGENDA

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7. <b>Governance Arrangements (including the adoption of the Constitution, Seal and Assurance Framework)</b>	43 - 242
8. <b>Date and Time of Next Meeting</b>	

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## COMBINED AUTHORITY

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**Date: 8 November 2018**

**Subject: Membership of the North of Tyne Combined Authority (including the allocation of Cabinet Portfolios and the appointment of the Chair and statutory officers)**

**Report of: Interim Monitoring Officer**

### **Report Summary**

This report confirms the appointment by the constituent councils of the members and substitute members of the Cabinet of the North of Tyne Combined Authority.

It also seeks Cabinet's approval to the proposed allocation of Cabinet portfolios and asks Cabinet to appoint a Chair until an Interim Mayor is appointed. It also proposes that Cabinet appoint a number of statutory officers.

### **Recommendations**

Cabinet is recommended to:

1. confirm the appointment of Cabinet members and substitute members as set out in Appendix 1;
2. agree the proposed allocation of Cabinet portfolios as set out in Appendix 2;
3. appoint a Chair; and
4. agree that the proposed statutory officers as set out in section 4 should be appointed and that the office of the Interim Monitoring Officer should be the principal office of the Authority for the service of documents.

## **1. Background Information**

- 1.1 On 2 November 2018 the North of Tyne Combined Authority (“NTCA”) was created by a statutory order made by the Secretary of State, following approval by both Houses of Parliament.

## **2. Cabinet Members and portfolios**

- 2.1 The order requires that the first item of business at the first meeting of the Authority must be the appointment of the Cabinet Members. Each constituent council must appoint two of its elected members to the Cabinet, and two more elected members to act as substitute members.
- 2.2 The table at appendix 1 sets out the members which each constituent council has appointed to NTCA’s Cabinet and also the substitute members which each constituent council has appointed.
- 2.3 The table at appendix 2 sets out the proposed allocation of Cabinet portfolios to the Cabinet members for Cabinet to consider.
- 2.5 It should also be noted that the board of the North East Local Enterprise Partnership (“NELEP”) must nominate one of its members to be appointed as a member of the Cabinet of NTCA and a further member to be appointed as a substitute member. It is understood that the NELEP will make a formal decision on these nominations at its meeting later this month.

## **3. Chair of Cabinet**

3. The order also requires that the NTCA Cabinet members must appoint one of their number to act as Chair until an Interim Mayor is appointed.

## **4. Appointment of statutory officers and designation of principal office of NTCA**

- 4.1 The Authority is required to appoint the statutory officers set out below:

### **4.2 Head of Paid Service**

The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority’s staff in accordance with section 4 of the Local Government and Housing Act 1989. It is proposed that Pat Ritchie, Chief Executive of Newcastle City Council, is appointed as NTCA’s Interim Head of Paid Service until 7 May 2019.

#### 4.3 Chief Finance Officer

The Chief Finance Officer Chief is appointed under section 73 of the Local Government Act 1985 to ensure the proper conduct of the Authority's financial affairs. It is proposed that Janice Gillespie, Head of Finance of North Tyneside Council, is appointed as NTCA's Interim Chief Finance Officer until 7 May 2019.

#### 4.4 Monitoring Officer

The Monitoring Officer is appointed under section 5 of the Local Government and Housing Act 1989 to advise on the scope of powers and authority to take decisions, and report on decisions or omissions which have led or may lead to illegality or maladministration. It is proposed that John Softly, Assistant Director Legal Services of Newcastle City Council, is appointed as NTCA's Interim Monitoring Officer until 7 May 2019.

4.5 All of the above officers will be seconded by the relevant constituent council to NTCA on a part-time basis.

#### 4.6 Scrutiny Officer

The Authority must appoint one of its officers (who cannot also be an officer of one of the constituent councils) as the scrutiny officer of the Overview and Scrutiny Committee to promote the role of the Overview and Scrutiny Committee. It is proposed that the Interim Head of Paid Services, in consultation with the chair of the Cabinet, be authorised to appoint a temporary scrutiny officer on a short-term basis, pending the recruitment of a permanent scrutiny officer.

4.6 The Local Government Act 1972 requires the Authority to specify a principal office for the service and acceptance of documents. This is purely for administrative purposes and does not mean that meetings of the Authority must be held at that address or that staff must be based there. It is proposed that this should be the office of the Interim Monitoring Officer, namely Civic Centre, Barras Bridge, Newcastle upon Tyne, NE1 8QH.

### 5. **Potential Impact on Objectives**

5.1 The appointments will enable the Authority to properly discharge its functions and assist in delivering the Authority's vision, policies and priorities.

### 6. **Key Risks**

6.1 None.

### 7. **Financial and Other Resources Implications**

7.1 The development of the Budget and Financial Plan recognises the costs associated with the appointment of statutory officers.

**8. Legal Implications**

8.1 The proposals in this report reflect the requirements of the order and other legislation relating to the Combined Authority.

**9. Consultation/Engagement**

9.1 The appointments to the Cabinet have been authorised by the constituent councils and Cabinet members have been consulted on the proposals in this report.

**10. Appendices**

Appendix 1 – Cabinet and substitute members appointed by the constituent councils

Appendix 2 – proposed allocation of Cabinet portfolios

**11. Background Papers**

None

**12. Contact Officer**

John Softly, Interim Monitoring Officer

[john.softly@newcastle.gov.uk](mailto:john.softly@newcastle.gov.uk) , Tel 0191 2777047.

Appendix 1 – Appointment of Cabinet and Substitute Members

Constituent Authority	Cabinet Members	Substitute Members
Newcastle City Council	Cllr Nick Forbes, Leader Cllr Joyce McCarty, Deputy Leader	Cllr Ged Bell Cllr Veronica Dunn
North Tyneside Council	Norma Redfearn Elected Mayor Cllr Bruce Pickard Deputy Mayor	Cllr Carl Johnson  Cllr Carole Burdis
Northumberland Council	Cllr Peter Jackson, Leader  Cllr Wayne Daley Deputy Leader	Cllr C Homer Cllr N Oliver

Appendix 2 – Allocation of Cabinet Portfolios

Portfolio	Portfolio Holder
Economic Growth	Cllr Bruce Pickard
Business Competitiveness	Cllr Nick Forbes
Place and Productivity	Cllr Peter Jackson
Education Improvement	Cllr Wayne Daley
Employability and Inclusion	Cllr Joyce McCarty
Housing and Land	Norma Redfearn Elected Mayor North Tyneside

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**Date:** 8 November 2018

**Subject:** North of Tyne Combined Authority Vision and Emerging Priorities for Early Investment

**Report of:** Head of Paid Service

## Report Summary

This report introduces the North of Tyne Combined Authority's (NTCA) Vision, the key strategic document which describes the objectives and priorities of the NTCA. In addition to setting out the strategic direction and NTCA's commitment to an inclusive economy, the Vision will guide decisions on the use of the NTCA Investment Fund, an allocation of £600m over the next 30 years.

A number of early priorities have been identified for investment, based on their strategic fit with the Vision, subject to business case evaluation. Cabinet has been asked to agree to the further development and appraisal of these projects, which will: stimulate interest in STEM [Science, Technology, Engineering and Maths] and digital skills; help people into work; encourage more businesses to locate into the area; and support rural growth.

Cabinet has also been asked to invite a number of projects to apply for funding to develop their proposals further – including enhancing broadband provision; stimulating new economic opportunities in North Shields; developing skills for the offshore and energy sectors; and developing new models to help people into work.

## Recommendations

Cabinet is recommended to:

1. Approve the Vision for the North of Tyne Combined Authority.
2. Note progress on the introduction of the Investment Fund.
3. Agree to the further development of the following projects, and to receive future reports setting out the results of their appraisal:
  - Inspiring the development of STEM and Digital skills in young people;
  - Helping residents into work;

- Attracting new businesses to the North of Tyne;
  - Enhancing Rural Business Growth.
4. Invite the following projects to apply for business case development funding:
- Local full fibre Network proposal;
  - North Shields Town Centre Redevelopment / Fish Quay;
  - Energy Central Learning Hub in Blyth;
  - Targeted employment support for areas of the Newcastle with highest unemployment levels;
  - Economic opportunities associated with Northumberland, North Tyneside and Newcastle Rail Line.

## **1. Background Information, Proposals and Timetable for Implementation**

### **1.1 North of Tyne Combined Authority Vision – Home of Ambition**

The North of Tyne Devolution Deal includes a £20 million per year Investment Fund, to be invested by the NTCA in support of its inclusive economy objectives. The deal specifies a set of impact measures that will be used to determine the success of these investments, as part of the 5-yearly gateway-review process. These include the creation of new jobs, economic growth as measured by GVA and the amount of private sector investment attracted to the area.

The North of Tyne Combined Authority's Vision is a key strategic document which sets out the vision, objectives and priorities of the NTCA. In addition to setting the strategic direction for the NTCA, it provides the basis for investment decisions.

The Vision has been developed over recent months following the agreement of the Devolution Deal and in advance of the NTCA being constituted. The Vision builds on strong economic evidence and encompasses feedback received through stakeholder engagement. It sets out key priorities and the first steps in the journey around six key pillars. Cabinet is asked to approve the Vision (attached).

The Vision will guide investment priorities. It provides the NTCA with the opportunity to take a long term strategic approach to capitalising on the area's key assets and strengths and address key economic challenges. Underpinning the Vision is the NTCA's commitment to deliver an inclusive economy. Detailed work has been undertaken to model the potential economic and social benefits of a range of different types of investment to support and inform decision making.

### **1.2 Early Investment Fund Priorities**

A number of opportunities have been identified for investment in the first few months of the NTCA. Cabinet is asked to support the further development of these opportunities, and to receive future reports summarising the result of full business case appraisal, to enable Cabinet to make a formal funding decision.

- i. Inspiring the development of STEM and Digital skills in young people*

This project is designed to inspire interest and increase take up in science, technology, engineering and mathematics (STEM) and provide exciting contexts for the teaching of a range of subjects. This will also include interventions which support the development of coding skills amongst young people.

In the North of Tyne area, uptake of STEM subjects at school is below the national average. This could hamper future growth, as the Confederation of British Industries recently identified that “a shortage of STEM knowledge among school leavers and graduates continues to pose a challenge for businesses and their continued growth”.<sup>1</sup> Promotion of digital skills is particularly important, as they increasingly underpin growth across a range of different types of businesses.

Subject to approval of full business case, this project will provide schools with voluntary opportunities to extend the depth and breadth of their existing offer in inspiring students to engage with the STEM subjects and digital skills. It will seek to draw upon existing expertise within the region – such as code clubs– and utilise our unique and inspirational assets – such as the Kielder Observatory and Segedunum Roman Fort.

*ii. Helping residents into work*

Unemployment in the North of Tyne area has recently fallen to 5.1%, but at more than 20,000 residents it remains too high and significantly above the national average. A further 129,100 residents are economically inactive (for example, because of health issues) but want to find work. As a key part of its focus on developing a more inclusive economy, the NTCA will be seeking to reduce worklessness further.

In the next few months, the NTCA is developing a partnership of housing providers to work together to reach housing tenants who are unemployed or inactive and move them into work. The partnership has applied for European Social Fund (ESF) to reach 1,500 residents and help them into work. Subject to approval of business case, the Investment Fund will enhance the early delivery of this project. In addition, a ‘returnship programme’ will work with residents who need to overcome barriers to returning to employment after a period of caring for children or family members. Both were identified as particular priorities in the North of Tyne Devolution Deal.

*iii. Attracting new businesses to the North of Tyne*

Job creation is at the heart of the North of Tyne’s Vision, to both increase current opportunities and compensate for the loss of jobs as a result of technological change and changes in market conditions. The Vision sets out a number of planned priorities to create the conditions to maximise opportunities for growth, including supporting innovation and championing enterprise.

It is also important to continue to attract new firms that have the potential to play a significant part in North of Tyne’s future prosperity. It is proposed that further work

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<sup>1</sup> <http://www.cbi.org.uk/insight-and-analysis/making-education-your-business-supporting-stem-in-schools/>

is undertaken to develop a mechanism for providing limited financial assistance to selected companies to help them overcome the barriers to an initial investment in the area. This would enable us to compete with a number of English regions and other countries, who already provide this support and attract jobs and private sector investment that would not otherwise be realised. This development work would include working closely with the NELEP, to avoid duplication of resources.

*iv. Enhancing Rural Business Growth*

Evidence suggests a productivity and wealth gap between the rural and urban areas, with the average annual growth in GVA per capita between 1998 and 2016 only 2.6% in Northumberland (where over half of businesses are in rural areas) compared with 3.2% for the North East LEP area. The growth of some businesses in rural areas is impeded by their distance from new markets, poor connectivity, and limited access to high quality business infrastructure and difficulties in employing skilled staff; this means that some rural communities face additional barriers to job creation and employment.

Subject to approval from Cabinet, it is proposed to undertake further development work on the creation of a North of Tyne Rural Business Growth Fund. Based on a body of good practice, and established successful delivery track record, this would enable quick and meaningful delivery of a large volume of visible, inclusive and better growth outputs and outcomes for the rural communities of North of Tyne. This project would also seek match funding from other sources including European Regional Development Fund.

### **1.3 Supporting Business Case Development**

Achieving the NTCA's Vision is dependent on interventions which are strategically aligned, offer good value for money and are deliverable. Many of the interventions being considered by the NTCA are complex and the absence of resources to develop the technical materials needed for appraisal, to prepare sufficiently for delivery and/or satisfy the expectations of potential funding partners can be a barrier to delivery.

It is recommended that NTCA identifies a small number of projects which are strongly aligned to its Vision to apply for Business Case Development Funding. This would mean that a small proportion of the NTCA Investment Fund resource is invested in the development of robust, well evidenced business cases.

Cabinet is asked to invite the following projects to apply for business case development funding:

- Local full fibre Network proposal;
- North Shields Town Centre Redevelopment / Fish Quay;
- Energy Central Learning Hub in Blyth;
- Targeted employment support for areas of Newcastle with the highest unemployment levels.

In addition, Cabinet is also asked to support the work that is being done to develop the economic business case for the economic growth and regeneration opportunities that will be opened up by the Northumberland, North Tyneside and Newcastle rail line.

These projects will then be subject to the Business Case Development Fund appraisal process, which will test their fit to the NTCA's Vision and success measures.

#### **1.4 Next Steps**

Following comments from Cabinet, the intention is that the above projects and business case applications are developed further. Subject to final approval of the NTCA Assurance Framework (see related Agenda Item), the Framework will be used in conjunction with the Vision to appraise projects and enable Cabinet to make a final decision on suitability for funding.

Further work is also being done to develop the wider operational scope of the Investment Fund. This includes engaging with partners to identify deliverable interventions that contribute to the NTCA Vision, agree impact measures and to ensure that the area can benefit from the Industrial Strategy and other funding sources. Subsequent Cabinet meetings will receive further proposals, including on how best to embed our Inclusive Economy ambitions. The Cabinet will also receive updates on other projects, including the development of a passenger service on the Northumberland, North Tyneside and Newcastle line, where an economic business case is being developed in partnership with the Department for Transport.

#### **2. Potential Impact on Objectives**

The North of Tyne Combined Authority Vision document sets the strategic objectives of the Combined Authority. The Vision details the key priorities and the first steps in the journey around six key pillars.

#### **3. Key Risks**

The Vision sets the strategic framework for the investment fund and ensures that investment decisions will be aligned to strategic priorities which deliver against the deliverables agreed with government therefore ensuring that any risks are mitigated. Any potential risks related to the emerging priorities for investment will be addressed in individual reports to Cabinet seeking a formal decision on funding allocations.

#### **4. Financial and Other Resources Implications**

There are no financial decisions arising directly out of this report, although the report does recommend that a number of projects apply for funding, where resource issues will be addressed in future Cabinet Reports.

**5. Legal Implications**

There are no legal implications arising out of this report.

**6. Consultation/Engagement**

The development of the Vision and emerging priorities for early investment have been developed over a number of months taking into account the views, comments and written submissions of a wide cross section of stakeholders and partners at events and meetings.

**7. Background Papers**

North of Tyne Devolution Deal 24<sup>th</sup> November 2017 (See link: <https://www.northoftynedevolution.com/>)

North of Tyne Vision (attached)

**8. Contact Officers**

Tom Warburton, [tom.warburton@newcastle.gov.uk](mailto:tom.warburton@newcastle.gov.uk) , 0191 2787878

## Appendix 1:

### Proposed Early Priorities and relationship to Vision

	Champion of Enterprise	Leaders of Tomorrow	Hotbed of Talent	Spark of Innovation	Network of connections	Pride of Place
1. Projects proposed to progress to appraisal stage						
Inspiring the development of STEM and Digital skills in young people		✓		✓		
Helping residents into work			✓			✓
Attracting new businesses to the NTCA area	✓					
Enhancing rural business growth	✓			✓		✓
2. Projects proposed for business case development funding						
Local Full Fibre					✓	
North Shields Town Centre and Fish Quay	✓					✓
Targeted employment support		✓	✓			
Energy Central Learning Hub	✓	✓				
Economic Opportunities – N,NT, N Rail Line	✓				✓	✓

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# HOME OF AMBITION



# NORTH OF TYNE

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Newcastle  
North Tyneside  
Northumberland

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The Vision for  
the North of Tyne  
Combined Authority





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**NORTH  
OF  
TYNE**

**HOME  
OF  
AMBITION**

For the new North of Tyne Combined Authority – spanning Newcastle, North Tyneside and Northumberland – the future focus is on positive change. We want to quickly and decisively make a real and positive impact on people’s lives, businesses and communities.

Our vision is of a dynamic and more inclusive economy, one that brings together people and opportunities to create vibrant communities and a high quality of life, narrowing inequalities and ensuring that all residents have a stake in our region’s future.

The North of Tyne area has great assets in our universities, innovative businesses, international connectivity and rich cultures. Our unique combination of city, coast and countryside offers a range of great places to live, work and bring up families.

Whether it’s high technology exploration at the bottom of the ocean, digital innovation, dramatic breakthroughs to ensure people of all ages have fulfilling lives, a must-see cultural attraction or a thriving rural enterprise, we want people and businesses to have high ambitions, and be supported to meet them.

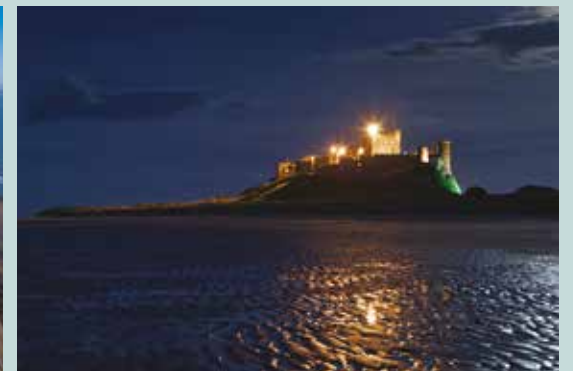
The North of Tyne Combined Authority will seek new ways to unlock potential. We will create the conditions for businesses to flourish, nurturing investment and supporting new jobs growth. And we will connect people with these opportunities. This means working for better educational outcomes and making sure that people get relevant skills and qualifications. We will support the development of vibrant communities which inspire pride, and even better digital connectivity and transport links.

Our vision is strong and unapologetically positive. It is also urgently needed. We cannot ignore the fact that, whilst we have huge economic disparities between our region and the most affluent parts of the country, there are also inequalities within our area which need to be addressed. For those who are struggling to get by, a picture of positive growth is not easy to embrace.

We also need to be able to respond quickly and flexibly. Brexit will, of course, present both opportunities and challenges; we need to negotiate a new relationship with Europe and ensure that we continue to have the skills base needed for businesses to thrive. But there are longer term challenges too, such as increasing automation, an ageing society and the global need to tackle climate change. Our communities have previously adapted to industrial transformation and we are confident that the same underlying qualities – including resilience, hard work and a sense of humour – will enable them to embrace future changes.

We have struck a deal with Government that unlocks new powers and opportunities to help meet our ambitions. We will work with neighbouring authorities and our Local Enterprise Partnership (the North East LEP) in support of our common objectives. Delivery will not, however, be the work of the public sector alone. It will require communities, businesses, the voluntary sector and our education institutions to come together to realise our potential.

Our new combined authority is at the start of a journey. We want to use the new powers and funding as effectively as possible, taking time to work with partners to build consensus on the best way to achieve economic opportunities through our six pillars of ambition.



## North of Tyne Economic Vision: Pillars of ambition

Our six key pillars, or priorities, represent the most important groups, issues and goals that we need to invest in and nurture, in order to achieve a more prosperous and inclusive future. Success for the new North of Tyne Combined Authority will mean:

### Champion of enterprise

We're securing investment, fostering trade links and creating the infrastructure needed for sustained growth and prosperity. We're using this to create opportunities and reduce inequalities across our area.

### Leaders of tomorrow

We're supporting a high quality, inclusive education system, which ensures our young people have the skills and qualifications to take up good quality training, apprenticeships and jobs.

### Hotbed of talent

We're giving everyone the opportunity to thrive – to attain a fair wage, and access good jobs with continued training and skills development available once in work. We will work with business and civil society to change working practices, working with employers committed to providing pay and conditions which enable people to take up local jobs and progress.

### Spark of innovation

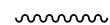
We're supporting research, business growth and the entrepreneurialism that creates jobs and new opportunities across a range of key sectors. Supporting businesses and entrepreneurs to grow and flourish.

### Network of connections

We're developing a better transport system and investing in an ever faster digital infrastructure to create stronger links across the North and internationally.

### Pride of place

We're creating communities of inspiring places, homes and spaces that support more sustainable, low carbon futures, set within an environment where people want to live, work or visit. We'll also be enhancing our flourishing tourism industry, which attracts visitors from all over the UK and further afield to explore and experience the diverse attractions of this most beautiful of places.



The Ports of Tyne, Blyth and Berwick have a rich history in commercial trade in coal mining, ship building, salt and fishing. Together they provide a vital trading gateway to world-wide markets and make a significant contribution to the wider economy and jobs.





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### Our deal with Government

The local government areas of Newcastle, North Tyneside and Northumberland share an ambitious vision for the future of their communities. To make this a reality, we have decided to create a new Combined Authority. In May 2019, local residents will have the opportunity to elect a Mayor who, together with a Cabinet drawn from the constituent local authorities, will be responsible for inclusive economic growth and regeneration in an area stretching from the River Tyne to the Scottish borders, bounded by the Pennines and the North Sea.

We have agreed a deal with Government that will secure a significant transfer of power, funding and resources to the area:

- A new, directly elected Mayor for North of Tyne to give a strong and powerful voice to our area.
- £600 million of extra money over 30 years to invest in inclusive growth.
- Local control of the £23 million annual budget for adult education.
- Projects to support a high quality inclusive education system.
- Powers to develop land for economic growth and regeneration.
- Projects that increase the growth and productivity of our rural communities.
- Working better with Government to boost trade and investment.
- Projects to grow our digital sector and low-carbon economy.
- A joint committee to manage public transport across the North East.
- A commitment to explore new opportunities for the North of Tyne in the future.
- Enhancing our flourishing tourism industry.

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One of the most distinctive features of the area is its excellent quality of life and the diversity of natural, heritage and cultural environments. These provide a contrast between the vibrancy of its city centre and the beauty of its rural hinterland, and the ease and speed with which it is possible to move from one to the other.

## Our communities and economy

The North of Tyne Combined Authority area includes the city of Newcastle, coastal communities spanning from Tynemouth to Amble to Berwick, the market towns of Morpeth, Hexham and Alnwick, the town centres of North Shields and Wallsend and rural communities stretching from Haltwhistle to Wooler. It has a population of 819,000 with 24,000 businesses, and the total value of goods and services produced in the area stands at £17 billion.

We have a strong identity based upon a common history and a network of distinctive but interconnected communities. Many bear testament to an illustrious industrial and mining heritage. Even with a transition to a predominantly service-based economy, manufacturing continues to play an important role in both employment and defining the ongoing characteristics of communities – particularly along the Tyne and in South East Northumberland.

Our communities have responded well to these changes. Higher level skills are now better than in any other northern city region, reflecting in particular the talent of our young people. Our schools generally perform well, with children better prepared to start school and doing better at primary school than in many other parts of the country. But our area is also one of contrasts. There are pockets of poor educational outcomes and lower skills levels. Some of our rural areas have poor transport links, making accessing employment and learning difficult. Overall unemployment remains significantly above the national average, while health outcomes are below average and this is impacting on people's abilities to live lives to the full and on our productivity and wage levels.

Today, key parts of our economy include a fast-growing tech and digital sector; significant clusters and world class R&D in the energy and offshore sectors; a strong pharmaceuticals and life sciences sector; major employment in financial and professional business services; and a growing urban and rural tourism and leisure offer. The area includes two world class universities, with over 55,000 students and expertise that supports our industrial strengths.

Newcastle has a vibrant city centre and is complemented by a strong out-of-town offer, including Cobalt, the UK's largest office park situated in North Tyneside. Nationally and internationally prolific companies include The Sage Group, Proctor and Gamble, Grainger plc, Greggs plc, Piramal Pharmaceuticals and Accenture. The majority are concentrated in an 'innovation triangle' from Newcastle to Tynemouth and north to Ashington. There are large companies outside this area – including Egger in Hexham – and we have seen diversification in many of our traditionally farming communities.

We are home to the North's second largest international airport; a future high-speed rail HS2 Hub; and two major freight and passenger ports. Metro, bus and train services connect us to our neighbours in Gateshead, South Tyneside, Sunderland and County Durham. We have always been an outward looking, international and welcoming place, and provide an important strategic link between England and Scotland.

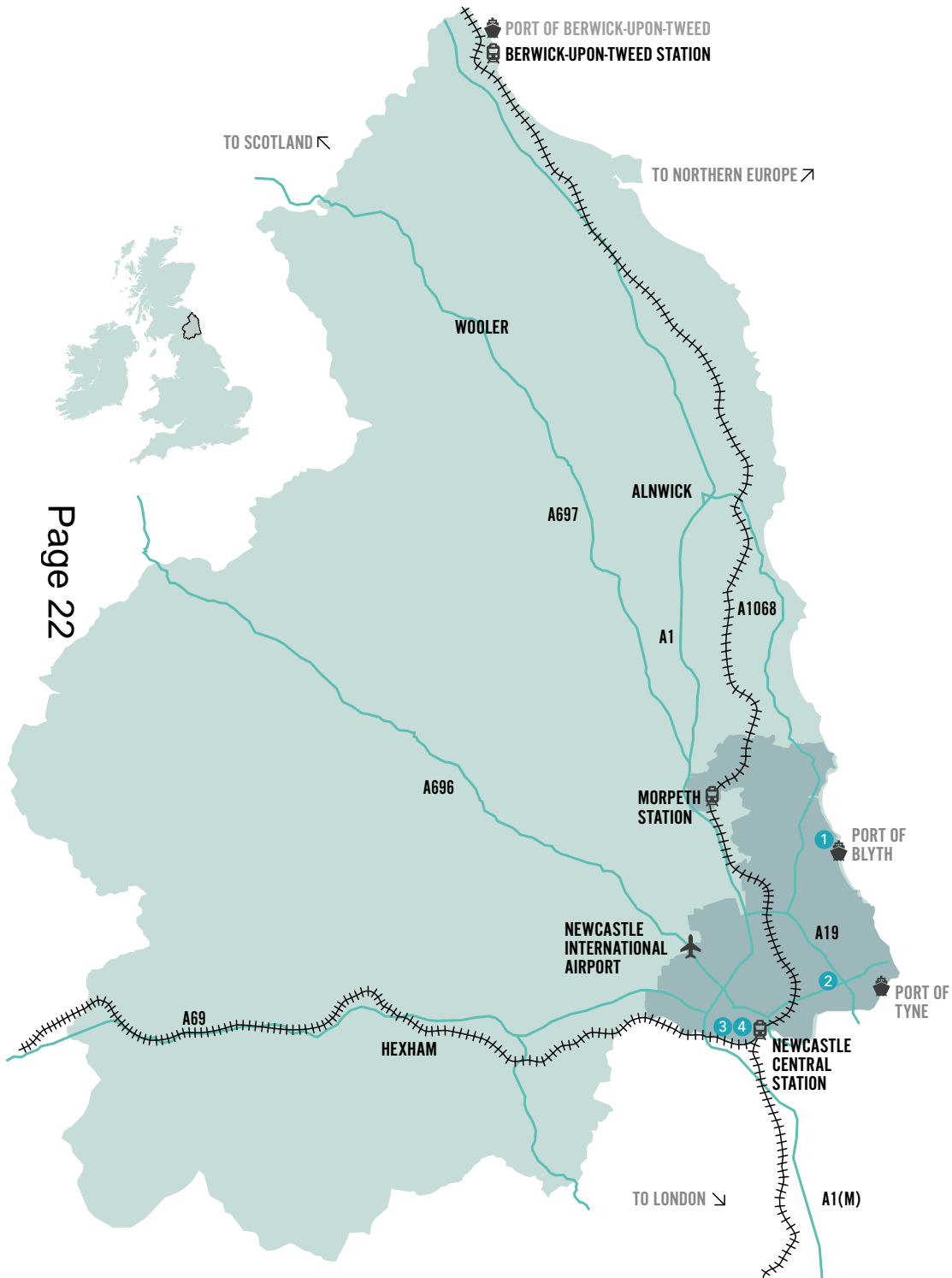
Some of the most distinctive features of the North of Tyne are the diversity of natural, environmental, heritage and cultural assets – spanning city, coast and countryside. The area boasts England's wildest and remotest National Park, an unsurpassed coastline, the Hadrian's Wall World Heritage site, Kielder dark skies and a thriving city centre offer – features that make the area an excellent destination for visitors from home and abroad.

To achieve our ambitions, we must make the most of these unique assets and opportunities, while addressing our challenges. This will enable us to move further towards a low-unemployment, high-wage economy.





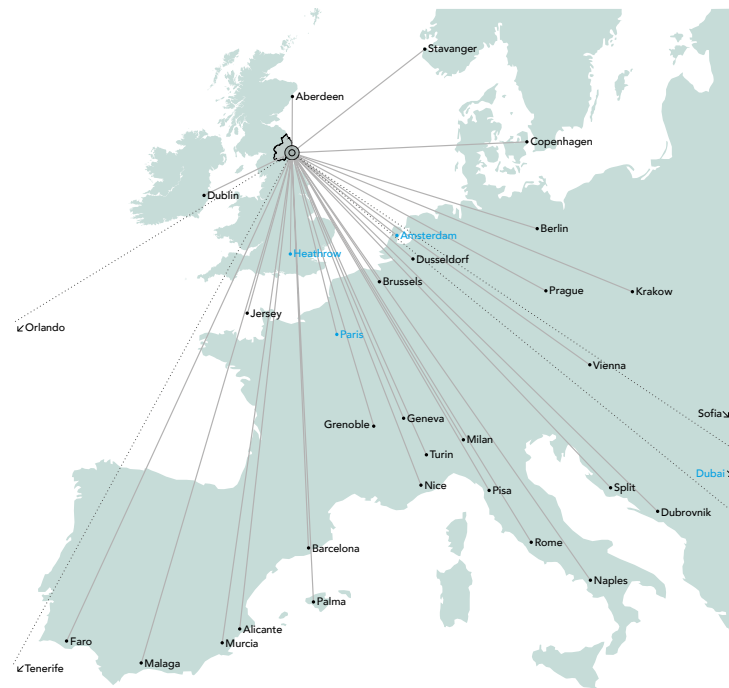
# North of Tyne area – Map



## Main map key

- North of Tyne area
- Scottish Border
- Ports of Berwick, Blyth and Tyne
- East Coast Main line and Tyne Valley Line
- Railways stations
- A-roads
- Newcastle International Airport
- Offshore Renewable Energy Catapult (ORE)
- Stellium Data Centre
- National Innovation Centre for Ageing (NICA)
- National Innovation Centre for Data (NICD)
- Industry Innovation Zone (IIZ)
- Rural Scale Up

Newcastle International Airport has direct flights to over 80 destinations including the hub airports of Heathrow, Paris, Amsterdam and Dubai



**Champion of enterprise**  
86% of jobs are located within our 'Industry Innovation Zone' (IIZ) and the area boasts a vibrant visitor economy based around the city, coast and countryside.

**Leaders of tomorrow**  
Northumbria is the top university in the UK for graduate start-ups, and Newcastle is ranked first for Computing Science research impact.

**Hotbed of talent**  
The most highly skilled workforce in the Northern Powerhouse area, with 26.4% of the working population qualified to Level 4.

**Spark of innovation**  
Part of the UK's Offshore Renewable Energy Catapult, and home to nationally significant research in the National Innovation Centres for Ageing and Data.

**Network of connections**  
Newcastle Central Station is used by over eight million passengers a year, while our Airport is the second largest in the North of England. In addition, 96% of households in the IIZ have superfast broadband or better.

**Pride of place**  
Northumberland National Park is home to England's cleanest rivers, least polluted air and darkest skies.



### Champion of enterprise

Creating the conditions needed for our businesses to flourish and attract inward investment.

We must invest in our key sectors and support our assets, including those that are world leading or have the potential for global impact. We will expand the visitor economy and also raise our profile nationally and internationally to help us attract, grow and retain companies and the best talent.

#### Our key priorities are to:

Attract further investment in businesses, infrastructure, sites and our tourism/cultural offer.

Work with senior representatives of business, universities, schools and colleges to jointly identify and address barriers to inclusive growth and increased productivity.

Support the rural economy and become a national rural scale-up exemplar.

#### The first steps in this journey include:

Launching the North of Tyne investment fund and identifying initial priorities for investment.

Establishing Mayor-led discussions with the Digital, Life Sciences, Energy and Culture sectors.

Developing our ability to market the area internationally.

### Leaders of tomorrow

Supporting a high quality, inclusive education system, which ensures our young people have the skills and qualifications to take up good quality training, apprenticeships and jobs.

Providing an excellent education to all our young people is crucial to producing good outcomes in later life. At present, educational outcomes for most of our young people are very good. However, there is variation in performance and areas for improvement, particularly to raise outcomes for disadvantaged pupils. We also need to improve transitions from education into work, to make sure our young people have the skills and qualifications needed to maximise their future opportunities and promote ongoing learning and development. We need to develop a common education framework across North of Tyne to deliver consistent focussed outcomes for young people.

#### Our key priorities are to:

Work closely with existing three Councils, education leaders and the North East LEP to continually strive for better outcomes, career-focussed learning and pathways to employment.

Develop a new relationship with post-16 skills and training providers, including through the use of the Adult Education Budget, to better align our skills offer to the needs of the local labour market. This will include an increasing focus on technical skills and STEM (Science, Technology, Engineering and Maths) subjects.

Work together to explore the scope for developing a joint approach to school improvement.

#### The first steps in this journey include:

A unique opportunity to develop an Education Challenge Proposal focusing on ambitious improvements in learning and teaching from birth to work.

## Hotbed of talent

Empowering our people with the skills and resources they need to take ownership of their futures and secure good jobs with fair wages.

We want everyone to have the opportunity to thrive, with access to good employment and progression. Supporting the availability of good quality, well paid work, while providing the right support for people to access these jobs and further training, is crucial to our economic and social success.

### Our key priorities are to:

Work with partners to implement better ways to help people into work – from a fragmented system to a more co-ordinated approach.

Work with employers to increase opportunities for continued training and skills development, supporting career progression.

### The first steps in this journey include:

Introducing an Inclusive Economy Board to design new approaches with partners.

Considering how all the investment decisions of the Combined Authority can help contribute towards an inclusive economy.

## Spark of innovation

Creating innovative, long-term opportunities for growth that reflect a transforming economy.

Our economy is changing rapidly. Digitisation and automation is already influencing many jobs, and this process of change is expected to accelerate further. We will work with our employers, universities, the North East LEP and other partners to increase the rate of innovation, entrepreneurialism and business growth, which are key to long-term success, increased competitiveness and higher wages.

### Our key priorities are to:

Encourage the development of start-up and scale-up businesses.

Support existing businesses to grow and attract talent, increase graduate retention and encourage entrepreneurs.

Work with partners to support the uptake of new technologies and clean growth.

Support the universities in innovation transfer to businesses – especially in the key areas of Ageing, Science, Digital and Data Analysis, and Energy Systems and Engineering.

### The first steps in this journey include:

Developing propositions that support the delivery of the UK's Industrial Strategy.

## Network of connections

Connecting communities to employment and training opportunities through good quality, even faster, digital connectivity and better transport.

Digital infrastructure, including in our rural areas, is becoming increasingly important as we adopt new technologies and ways of working. At the same time, reliable, efficient and healthy ways to get around are key to connecting all communities to the opportunities that our growth presents.

### Our key priorities are to:

Support the development of new and sustainable transport solutions to connect business with markets and people with sustainable employment.

Improve intra-regional transport infrastructure – including connectivity to rural areas.

Improve digital infrastructure within the area, and develop new national and international links.

### The first steps in this journey include:

Developing the case for further Government and private sector investment in digital infrastructure including superfast broadband and improving mobile coverage in some of our rural areas.

Promoting the area as a test bed for early adoption and development of new digital technologies.

Continuing to support the delivery of international digital connectivity investment by the private sector – including the North Sea Connector fibre-optic cable to Denmark.

Working up a business case using evidence of the significant economic growth and regeneration potential of the Northumberland, North Tyneside and Newcastle rail line. This will include developing a vision that realises the benefits with future investors, funders and users.

## Pride of place

Supporting and developing vibrant communities, which provide opportunities, choice and inspire pride.

Our vision for North of Tyne is of a place that makes us all proud. We'll know that we have been successful when we see sustainable communities with more affordable homes and more good jobs, and where health, education, wages and employment prospects are increasing.

We'll also be enhancing our flourishing tourism industry, which attracts visitors from all over the UK and further afield to explore and experience the diverse attractions of this most beautiful of places.

### Our key priorities are to:

Increase the rate of homebuilding and raise quality – in line with the adopted and draft Local Development Frameworks.

Prepare a Joint Infrastructure Plan to support this growth.

Invest in developments that improve quality of environment, create new employment opportunities and increase sustainability.

Develop and promote key cultural and tourism assets.

Champion and pioneer a low carbon approach which delivers lower emissions and affordable warmth.

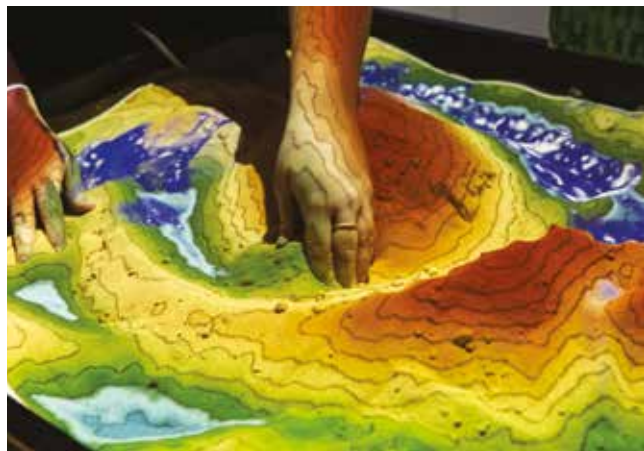
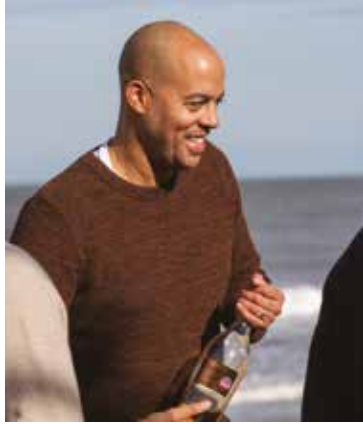
### The first steps in this journey include:

Working with the new Housing and Land Board to develop a strong housing vision.

Securing early investment from the Government's Housing Infrastructure Fund.

Preparing key project business cases to unlock further investment.

Working together to promote the North of Tyne visitor economy.



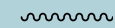
## Next steps

This report outlines our shared ambitions and the first steps to realising them. The election of a Mayor for the North of Tyne Combined Authority in May 2019 will bring enhanced powers and profile, and we will be seeking opportunities to secure additional resources and powers from HM Government.

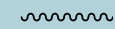
North of Tyne is a leader of industry, a land of ideas, a place of potential. And nothing should hold us back in making our vision a reality.

## This is North of Tyne.

### For more information



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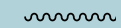


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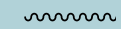


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### About this document



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### Thank you

The North of Tyne Combined Authority wishes to thank everyone who made this publication possible, especially stakeholders who contributed to the development of the priorities, and those who helped with access for photography, or were photographed themselves.



**Champion of enterprise**

- Work with key sectors
- Invest in infrastructure and assets
- International linkages
- Inward investment
- Support rural economy



**Leaders of tomorrow**

- Inclusive education
- Training
- Apprenticeships
- Jobs and careers



**Hotbed of talent**

- Employment support
- In work training and skills
- Fair wages



**Spark of innovation**

- Growth and entrepreneurialism
- Tech and digital
- Subsea and offshore
- Life sciences, health, ageing
- Culture and tourism
- Professional and business services
- Supporting businesses/entrepreneurs



**Network of connections**

- Improving transport systems
- Low carbon and low emissions
- Digital inclusion
- Digital infrastructure



**Pride of place**

- Sustainable development
- Low carbon futures
- More and better homes
- Environmental improvements
- Cultural and tourism assets



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**Date:** 8 November 2018  
**Subject:** Process to appoint an Interim Mayor  
**Report of:** Interim Monitoring Officer

## Report Summary

This report sets out the process and timetable to appoint the Interim Mayor.

## Recommendations

Cabinet is recommended to agree the process and timetable set out in this report, including the setting up of an ad hoc panel to consider the applications and make a recommendation to Cabinet.

### 1. Background information

- 1.1 The order which created the North of Tyne Combined Authority (“NTCA”) includes a requirement to appoint an Interim Mayor to act until the elected mayor takes office in May 2019. The appointment can only be made by NTCA after undertaking an application procedure in accordance with the order.
- 1.2. To be eligible to be appointed as Interim Mayor, the order provides that:
  - 1.2.1 the candidate must be resident in the area of any one of the constituent councils;
  - 1.2.2 the candidate must hold elected office as:
    - a. an elected mayor or elected member of a constituent council;
    - b. the Northumbria Police and Crime Commissioner; or
    - c. a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the area of NTCA;

- 1.2.3 the candidate must have submitted an application to NTCA for the position; and
- 1.2.4 the candidate must have been nominated by at least one Cabinet member.
- 1.3 Cabinet must decide who should be appointed as Interim Mayor by way of a simple majority vote. The Interim Mayor is to be an additional member of the Cabinet. Therefore, if the person appointed is already one of the Cabinet Members appointed by a constituent council, that constituent council may appoint another member to the Cabinet.

## **2. Application process**

- 2.1 Subject to Cabinet's approval, the application process will be as set out below.
- 2.2 All eligible candidates will be contacted by e-mail on 8 November to notify them of the position and directed to a single bespoke e-mail address from which they can obtain further information and an application form.
- 2.3 All applicants must submit their completed application by noon on 26 November.
- 2.4 It is proposed that an ad hoc appointment panel (comprising one Cabinet member from each of the three constituent councils) be set up to consider the eligible applications received. In considering the applications, the panel will have regard to the need for the Interim Mayor to be able to:
- understand the policy context and aims of NTCA;
  - effectively chair meetings of NTCA;
  - ensure appropriate decisions are made as to the operation of NTCA and the Investment Fund; and
  - participate in announcements and events relating to NTCA
- 2.5 Having considered the applications received, the panel will make a recommendation to the next meeting of the Cabinet on 4 December 2018.

## **3. Potential Impact on Objectives**

- 3.1 The appointment of an Interim Mayor is a legal requirement of the order and will ensure that NTCA is fully operational.

## **4. Key Risks**

- 4.1 None.

## **5. Financial and Other Resources Implications**

- 5.1 There are no financial implications arising directly from this report.

## **6. Legal Implications**

- 6.1 The legal implications are set out in the body of this report.



**7. Consultation/Engagement**

7.1 The proposed appointment process has been discussed with Cabinet members.

**8. Appendices**

None

**9. Background Papers**

None

**10. Contact Officer**

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## COMBINED AUTHORITY



**Date:** 8 November 2018

**Subject:** Appointments to Committees and Other Bodies, and Programme of Committee Meetings

**Report of:** Interim Monitoring Officer

### Report Summary

This report seeks Cabinet approval of the appointments to NTCA's Committees and to other bodies, as well as the proposed programme of Committee meetings.

### Recommendations

The Cabinet is recommended to:

- i. agree the appointments to the Overview and Scrutiny Committee set out in Appendix 1;
- ii. agree the appointments to the Audit and Standards Committee set out in Appendix 1 and authorise the Interim Monitoring Officer, in consultation with the Chair of Cabinet, to undertake a process to appoint an independent co-opted member to Chair that Committee and a process to appoint 2 independent persons for the purposes of the standards regime (as set out in paragraphs 3.2 to 3.4 of this report);
- iii. agree the appointments to the Housing and Land Board set out in Appendix 2;
- iv. appoint 3 members of NTCA's Cabinet to the Joint Transport Committee and 3 members to act as substitute members;
- v. appoint 2 members to the Tyne and Wear Subcommittee of the Joint Transport Committee and 2 members to act as substitute members;
- vi. agree the appointments to the Joint Overview and Scrutiny Committee (which relates to the work of the Joint Transport Committee) as set out in Appendix 3;

- vii. agree the appointments to the Joint Audit Committee (which relates to the work of the Joint Transport Committee) as set out in Appendix 3;
- viii. appoint one member of NTCA’s Cabinet to Transport for the North (“TfN”) and another member to act as a substitute member of TfN;
- ix. appoint one member to be a member of the TfN Scrutiny Committee and another member to act as a substitute member of TfN’s Scrutiny Committee; and
- x. agree the schedule of Cabinet and committee meetings at Appendix 4.

## **1. Background Information**

- 1.1 Under the terms of the statutory order which created NTCA, the Authority must have an Overview and Scrutiny Committee and an Audit Committee. The order also created a Joint Transport Committee between NECA and NTCA to maintain integrated transport arrangements across the region. This report sets out the steps which it is proposed that NTCA should take to meet these requirements.

## **2. Overview and Scrutiny Committee**

- 2.1 The Order provides that the Authority must have an overview and scrutiny committee which comprises at least 3 members from each constituent council. The composition of the Committee must reflect political balance across the authority as a whole. Taking account of political balance within each constituent council, this leads to the following membership:

|                |                              |
|----------------|------------------------------|
| Newcastle      | 2 Labour; 1 Liberal Democrat |
| North Tyneside | 3 Labour                     |
| Northumberland | 2 Conservative; 1 Labour     |

Each council must also appoint 3 substitute members on the above basis.

- 2.2 Under the terms of the Order, the Cabinet must appoint the Chair of the Committee who must be an appropriate person, ie an elected member from a group other than the Mayor’s group or (if the Mayor is not affiliated to a political group) an elected member from a group other than the majority group across the Authority area as a whole. A decision as to the Chair of the Committee will therefore be taken when the Interim Mayor has been appointed.

## **3. Audit and Standards Committee**

- 3.1 The Order provides that the Authority must have an Audit Committee which comprises at least 3 members from each constituent council and at least 1 independent co-opted member. It is proposed that this committee also deals with standards matters. As with the Overview and Scrutiny Committee, this Committee must reflect political balance across the Authority, which results in the same

allocation of seats as set out in paragraph 2.1 above.

#### Independent member of Audit and Standards Committee

- 3.2 As mentioned above the Committee must include (at least) one independent co-opted member, ie someone who will be a member of the Committee but is not also a member or officer of NTCA or any of the constituent councils. The independent member can only be appointed after NTCA has advertised the position and considered applications for the position. It is therefore proposed that the Interim Monitoring Officer, in consultation with the Chair of Cabinet, be authorised to undertake the process to appoint an independent member, with the final decision being made by Cabinet at a subsequent meeting. It is also proposed that the independent member should be the Chair of the Committee, but that Cabinet should appoint one of the constituent council members as vice-chair.

#### Independent Persons for the standards regime

- 3.3 Under the Localism Act 2011, NTCA is required to have a code of conduct for members and to put in place arrangements for dealing with allegations that members have breached the code of conduct. As part of those arrangements, the Authority must appoint at least one Independent Person who will be consulted before any decision is made on any allegation. That person must not be a member of any of the constituent councils and also cannot be the same person who is the *independent member* of the Audit and Standards Committee. It is proposed that the Authority appoint 2 Independent Persons for the purposes of the standards regime (which should ensure that at least one of them is always available to act).
- 3.4 Again, the Independent Persons can only be appointed after the Authority has advertised the positions and considered applications for the positions. It is therefore proposed that the Interim Monitoring Officer, in consultation with the Chair of Cabinet, be authorised to undertake the process to appoint the Independent Persons, with the final decision being made by Cabinet at a subsequent meeting.

### **4. Housing and Land Board**

- 4.1 The Housing and Land Board is an advisory body which will support the Cabinet in the delivery of its housing growth ambitions. The Board, which is not a committee or subcommittee of NTCA, will include representatives from the private and public sectors and central government. Its proposed membership (including Chair) is set out at Appendix 2.

### **5. Joint Transport Committee, Tyne and Wear Subcommittee, Joint Overview and Scrutiny Committee, and Joint Audit Committee**

- 5.1 The Authority must appoint 3 of its members to the Joint Transport Committee and 3 further members as substitute members. The Authority must also appoint 2 members (and 2 substitute members) to the Tyne and Wear Subcommittee of the Joint Transport Committee to represent Newcastle and North Tyneside Councils.
- 5.2 As part of the joint transport arrangements, NTCA must also appoint members to the Joint Overview and Scrutiny Committee (which will consider the work of the

Joint Transport Committee). This committee comprises 14 elected members (ie 2 from each of the constituent councils in NTCA and NECA) and 2 independent members (ie 16 in total). Under the terms of the order, the composition of the Joint Overview and Scrutiny Committee must reflect the political balance across the area of the seven local authorities, which leads to the following allocations for the North of Tyne constituent councils:

Newcastle upon Tyne: 1 Labour; 1 Liberal Democrat  
North Tyneside: 2 Labour  
Northumberland: 2 Conservative

5.3 Similarly, NTCA must also appoint members to the Joint Audit Committee (which will consider the work of the Joint Transport Committee). The committee comprises 7 elected members (one from each constituent council) and an independent chair and vice-chair (ie 9 in total). Again, the composition of the Joint Audit Committee must reflect the political balance across the area of the seven local authorities, which leads to the following allocations for the North of Tyne constituent councils

Newcastle upon Tyne 1 Liberal Democrat  
North Tyneside: 1 Labour  
Northumberland: 1 Conservative

5.4 The proposed appointments to the Joint Overview and Scrutiny Committee and the Joint Audit Committee are set out in appendix 3.

## **6. Transport for the North**

6.1 Under the terms of the order, NTCA becomes a constituent member of Transport for the North ("TfN"), which is the statutory subnational transport body for the northern area. Cabinet therefore needs to appoint one of its members to be the Authority's representative on TfN and another one of its members as a substitute representative. Cabinet also needs to appoint one of its members to be a member of TfN's Scrutiny Committee and another of its members to act as a substitute member.

## **7. Programme of Cabinet and committee meetings**

7.1 A proposed programme of meetings of NTCA's Cabinet and committees is included at Appendix 4 for approval.

## **8. Potential Impact on Objectives**

8.1 The appointments to the committees and other bodies referred to in this report will enable the Authority to discharge its functions in accordance with the Order and its Constitution.

**9. Key Risks**

9.1 None.

**10. Financial and Other Resources Implications**

10.1 Any costs associated with the Committees and associated programme have been considered in development of the Budget and Financial Plan..

**11. Legal Implications**

11.1 The legal implications are set out in the body of this report.

**12. Consultation/Engagement**

12.1 Cabinet Members have been briefed previously on the requirements to appoint to the various committees and other bodies set out in this report.

**13. Appendices**

Appendix 1 – Appointments to Committees and Other Bodies

Appendix 2 – Programme of Cabinet and Committee Meetings

**13. Background Papers**

None

**12. Contact Officer**

John Softly, Interim Monitoring Officer

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Appendix 1

Appointments to NTCA's Overview and Scrutiny Committees

| Constituent Authority  | Members                                           | Substitute Members                                |
|------------------------|---------------------------------------------------|---------------------------------------------------|
| Newcastle City Council | Cllr L Wright<br>Cllr S Fairlie<br>Cllr A Lower   | Cllr R Higgins<br>Cllr M Williams<br>Cllr G Stone |
| North Tyneside Council | Cllr S Graham<br>Cllr M Hall<br>Cllr G Bell       | Cllr M Thirlaway<br>Cllr S Day<br>Cllr S Cox      |
| Northumberland Council | Cllr G Roughead<br>Cllr G Stewart<br>Cllr G Davey | Cllr R Dodd<br>Cllr B Flux<br>Cllr S Dungworth    |

Appointments to NTCA's Audit and Standards Committees

| Constituent Authority  | Members                                               | Substitute Members                                       |
|------------------------|-------------------------------------------------------|----------------------------------------------------------|
| Newcastle City Council | Cllr C Penny-Evans<br>Cllr A Chisholm<br>Cllr A Lower | Cllr J P Stephenson<br>Cllr L Hobson<br>Cllr G Stone     |
| North Tyneside Council | Cllr R Glindon<br>Cllr D Cox<br>Cllr M Rankin         | Cllr A McMullen<br>Cllr J Hunter<br>Cllr K Lee           |
| Northumberland Council | Cllr M Swinburn<br>Cllr J Watson<br>Cllr S Dickinson  | Cllr C Seymour<br>Cllr J I Hutchinson<br>Cllr M Richards |

Appendix 2

Appointments to NTCA's Housing and Land Board

| <b>Name</b>               | <b>Representing</b>                                    |
|---------------------------|--------------------------------------------------------|
| Sir Edward Lister (Chair) | Chair of Homes England                                 |
| Norma Redfearn CBE        | Elected Mayor North Tyneside                           |
| Pat Ritchie               | Chief Executive - Newcastle City Council               |
| Cllr John Riddle OBE      | Housing Portfolio Lead – Northumberland County Council |
| Cllr Joyce McCarty        | Deputy Leader – Newcastle City Council                 |
| John Godfrey              | Director of Corporate Affairs – Legal & General        |
| Mark Henderson            | Chief Executive – Home Group                           |
| Professor Glenda Cook     | Professor of Nursing – Northumbria University          |
| Paul Fiddaman             | Chief Executive – Karbon Homes                         |
| Andrew Saunderson         | Director of Development – Grainger PLC                 |
| Cllr Robbie Moore         | Northumberland County Council                          |
| Peter Jordan              | Group Director – Persimmon Homes                       |
| Richard Lambert           | Chief Executive of the National Landlords Association  |
| Stephen Bell OBE          | Chief Executive – Changing Lives                       |

### Appendix 3

#### Appointments to the Joint Overview and Scrutiny Committee

| Constituent Authority  | Members                               | Substitute Members                |
|------------------------|---------------------------------------|-----------------------------------|
| Newcastle City Council | Cllr C Penny-Evans<br>Cllr A Lower    | Cllr D Greenhough<br>Cllr G Stone |
| North Tyneside Council | Cllr R Glindon<br>Cllr S Graham       | Cllr S Day<br>Cllr W Samuel       |
| Northumberland Council | Cllr H G H Sanderson<br>Cllr G Castle | Cllr R Gibson<br>Cllr G Stow      |

#### Appointments to the Joint Audit Committee

| Constituent Authority  | Members         | Substitute Members |
|------------------------|-----------------|--------------------|
| Newcastle City Council | Cllr A Lower    | Cllr G Stone       |
| North Tyneside Council | Cllr A McMullen | Cllr N Craven      |
| Northumberland Council | Cllr M Swinburn | Cllr J G Watson    |

Appendix 4

Programme of Committee Meetings, Municipal Year 2018/19

| <b>Committee</b>                | <b>Day / Time</b> | <b>Nov 2018</b> | <b>Dec 2018</b> | <b>Jan 2019</b> | <b>Feb 2019</b> | <b>Mar 2019</b> | <b>Apr 2019</b> | <b>May 2019</b> | <b>Jun 2019</b> |
|---------------------------------|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Cabinet                         | Tue<br>2pm        | 8               | 4               | 15              | 5               | 12              | 2               |                 | 4               |
| Audit and Standards Committee   | 2pm               |                 |                 | 24              |                 |                 | 4               |                 |                 |
| Overview and Scrutiny Committee | 2pm               |                 | 17              |                 |                 | 21              |                 |                 |                 |
| Housing and Land Board          | Fri<br>12pm       | 23              |                 |                 |                 |                 |                 |                 |                 |

**Venues:** Meetings will rotate across various venues of the constituent local authorities.



**Date:** 8 November 2018

**Subject:** Governance Arrangements (including the adoption of the Constitution, Seal and Assurance Framework)

**Report of:** Interim Monitoring Officer

### **Report Summary**

This report seeks Cabinet's approval to adopt the Combined Authority's Constitution and Common Seal, and agree with central government the Assurance Framework in relation to the operation of the Investment Fund.

### **Recommendations**

Cabinet is recommended to:

- i. adopt the Constitution annexed at Appendix 1;
- ii. adopt the Common Seal of the Authority, a facsimile of which is appended to this report at Appendix 2;
- iii. authorise the Interim Head of Paid Service, in consultation with the Chair of the Cabinet, to finalise the terms of the Assurance Framework; and
- iv. authorise the Interim Monitoring Officer to complete the Assurance Framework.

## **1. Constitution and the seal**

- 1.1 The North of Tyne Combined Authority ("NTCA") was established on 2 November 2018 by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 ("the Order").

- 1.2 The proposed Constitution of NTCA, a copy of which is annexed at Appendix 1, expands on the decision-making framework set out in the Order. It sets out the roles and responsibilities within the Authority in terms of decision-making, the various procedural rules which apply to decision-making, and the codes and protocols which Members and Officers must follow when acting on behalf of the Authority. The Constitution will continue to be developed as the Authority develops its priorities, plans and strategies.
- 1.3 As a corporate body, the Authority is required to have a Common Seal for use when it enters into certain contracts and other documents as deeds. An impression of the proposed seal, incorporating the formal name of the Authority, is annexed at Appendix 2.

## **2. Assurance Framework**

- 2.1 An essential element of the Devolution Deal is the Investment Fund, under which central government will allocate £20m of funding each year for the next 30 years. As part of the Devolution Deal, NTCA is required to enter into an Assurance Framework with the Ministry of Housing, Communities and Local Government (MHCLG). The Assurance Framework sets out the key roles and responsibilities in relation to decision-making on the allocation of the Investment Fund. In doing so, it helps ensure that decision-making and recording of decisions is transparent and that there are procedures in place to deal with any requests for information, conflicts or complaints. A key requirement of MHCLG is that the Authority has in place robust, detailed, 'Green-Book style' business case processes and that these are subject to rigorous independent assessment.
- 2.2 The terms of the Assurance Framework have been developed over recent months between officers from the constituent councils and MHCLG officials. NTCA's Cabinet Members have been consulted on the content of the Assurance Framework. The terms are largely settled but Cabinet is asked to delegate authority to the Interim Head of Paid Services, in consultation with the Chair of Cabinet, to finalise the terms of the Assurance Framework.

## **3. Potential Impact on Objectives**

- 3.1 The approval of the matters set out in this report will enable the Authority to become fully operational.

## **4. Key Risks**

- 4.1 None.

## **5. Financial and Other Resources Implications**

- 5.1 There are no financial implications arising directly from this report.

**6. Legal Implications**

6.1 The legal implications are set out in the body of this report.

**7. Consultation/Engagement**

7.1 The development of the proposed Constitution and Assurance Framework have involved a number of officers across the constituent councils and Cabinet members have been briefed on these matters during this process.

**8. Appendices**

Appendix 1- Constitution

Appendix 2 – Impression of the Authority's Common Seal

**9. Background Papers**

None

**10. Contact Officer**

John Softly, Interim Monitoring Officer

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# COMBINED AUTHORITY



Issue No.01  
November 2018

## NTCA Constitution



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- 5.1            Code of Conduct for Members
- 5.2            Code of Conduct for Officers
- 5.3            Member/Officer Relations Protocol
- 5.4            Anti-Fraud and Corruption Policy
- 5.5            Whistleblowing Policy

**Part 6            Mayoral and Members' Allowance Scheme**

**Appendices**

- i.                Table of Powers and Duties**

## **Part 1.1**      **Overview of the North of Tyne Combined Authority**

### **1. Introduction**

- 1.1 This is the constitution of the North of Tyne Combined Authority (referred to in the constitution as “the Authority” or “NTCA”).
- 1.2 A combined authority is a legal body set up under national legislation which enables a group of councils to collaborate and take collective decisions across council boundaries.
- 1.3 The North of Tyne Combined Authority was created on 2 November 2018 by a legal order<sup>1</sup> made by the Secretary of State following a period of public consultation. The area of the Authority includes the areas of the councils of Newcastle upon Tyne, North Tyneside and Northumberland. Those three councils are the “constituent councils” of NTCA and their combined area is referred to in this constitution as the “Combined Area” or the “North of Tyne Area”.

### **2. The Devolution Deal**

- 2.1 NTCA was established to give effect to a “minded to” devolution deal which was agreed between the three councils, the North East Local Enterprise Partnership (“LEP”) and central government in November 2017. That deal was confirmed when the legal order mentioned above was made.
- 2.2 The devolution deal represents a significant shift of powers, funding and responsibility from central government to the local level. The deal enables the three councils to pursue through NTCA a shared ambition for an inclusive economy.
- 2.3 NTCA will have a £600m investment fund, worth £20m a year over 30 years, which is expected to generate £1.1 billion for the local economy, create 10,000 new jobs and leverage £2.1 billion in private sector investment.
- 2.4 As well as this £600m of extra money to invest in the North of Tyne area, the deal includes:
- a new, directly elected Mayor for North of Tyne to give a strong and powerful voice to the area;
  - projects to improve education, skills and help people get into work;
  - local control of the £23 million per year budget for adult education;
  - powers to develop land for economic growth and regeneration;
  - projects that increase the growth and productivity of rural communities;
  - better working with Government to boost trade and investment;
  - projects to grow the digital sector and low-carbon economy;
  - a joint committee to manage public transport across the North East; and
  - a commitment to explore new opportunities for the North of Tyne in future.

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<sup>1</sup> The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018

- 2.5 The deal will enable NTCA to develop a truly integrated approach to promoting inclusive growth, taking a longer-term approach that transforms the physical fabric of deprived communities, raises aspirations, builds an effective labour force to meet business demand and skills needs, and connects communities with employment and learning opportunities.
- 2.6 The future focus for NTCA is on positive change – to quickly and decisively make a real and positive impact on people’s lives, businesses and communities. The vision is of a dynamic and more inclusive economy, one that brings together people and opportunities to create vibrant communities and a high quality of life, narrowing inequalities and ensuring that all residents have a stake in the region’s future. In May 2019, local residents across the North of Tyne area will have the opportunity to elect a Mayor for the Authority who, together with a Cabinet drawn from the constituent councils and the LEP, will be responsible for delivering this vision.

### **3. Relationships with other bodies**

- 3.1 NTCA’s functions primarily relate to economic development, skills, housing and regeneration. NTCA does not replace the three constituent councils, nor does it take away any of their statutory powers.
- 3.2 Whilst NTCA has certain transport functions, these are dealt with through a joint transport committee made up of members from both NTCA and the North East Combined Authority (“NECA”) which comprises the areas of Durham, Gateshead, South Tyneside and Sunderland Councils. This ensures that the integrated transport arrangements across the North East region are maintained. The joint transport committee will continue the work to improve strategic transport connectivity across the region and to international markets.
- 3.3 NTCA is committed to working with neighbouring local authorities, combined authorities and our Local Enterprise Partnership (LEP) in support of common objectives. The LEP covers the areas of both combined authorities, ie NTCA and NECA, and therefore it encompasses the area of the seven local authorities in the North East region. As the North East moves forward, the seven local authorities will maintain their shared commitment to creating the conditions for economic growth and working collaboratively across the wider North East geography where it makes sense to do so on areas of common interest.
- 3.4 Effective engagement between NTCA, the LEP and the wider business community is critical to delivering our ambitions for the area. The LEP arrangements have delivered a significant number of development and growth projects which have begun to transform the North East area and provide an effective framework to manage and commission the multi-million-pound investment programmes designed to improve and support the North East’s economy. The seven authorities will continue to work closely with and through the LEP in delivery of the Strategic Economic Plan.

## **Part 1.2**

## **Overview of decision-making arrangements**

### **1. Introduction**

1.1 The later parts of the Constitution (ie Parts 2 to 6) set out the detailed decision-making arrangements which apply to NTCA. The sections below are intended to provide a short guide to how NTCA works. It should be stressed that, if there are any questions of interpretation, then the detail set out in the later parts of the Constitution will take precedence over the short guide below.

### **2. The legal status of NTCA**

2.1 NTCA is a mayoral combined authority. It has a range of functions which are set out in the statutory order which created it (“the Order”) and in other legislation. Some of these are identified as being Mayoral Functions. Decisions on these functions must be made by the Mayor. Decisions on all other functions must be taken by the Mayor and representatives of the constituent councils acting together as the Cabinet.

### **3. The Cabinet**

3.1 The Cabinet comprises the following members (“Cabinet Members”):

- a. the Mayor (or Interim Mayor up to the election of the Mayor in May 2019);
- b. 2 representatives from each constituent council; and
- c. a representative of the North East Local Enterprise Partnership (“LEP”).

3.2 Each constituent council will also nominate 2 substitute members to represent the constituent council in the absence of either of its Cabinet Members. Similarly, the LEP will nominate a substitute member to represent it in the absence of its Cabinet Member.

3.3 The Cabinet will also be able to appoint a person, nominated by the Mayor, to undertake the role of the Mayor’s Ambassador for Business. He or she will be invited to attend Cabinet meetings as an observer but will not be a Cabinet Member. Other Mayoral Ambassadors for other sectors may be appointed in the future.

### **4. The Mayor and the Interim Mayor**

4.1 The first election of the Mayor will take place in May 2019. The next election will take place in 2024 and from that point there will be a 4 year term of office. Each election of the Mayor will take place on the “ordinary day” of election in the relevant year, ie the date when local authority elections are normally held. The Mayor must appoint one of the Cabinet Members as Deputy Mayor, who will carry out the responsibilities of the Mayor when he or she is absent.

4.2 Prior to the election of the Mayor in 2019, the Cabinet of NTCA will appoint an Interim Mayor to carry out certain aspects of the role of the Mayor.

## **5. Cabinet decision-making**

5.1 The Mayor will be the Chair of the Cabinet. Prior to the election of the Mayor, the Interim Mayor will be the Chair of the Cabinet.

5.2 As noted above, decisions on Mayoral Functions must be made by the Mayor ("Mayoral Decisions"). Decisions on all other functions are matters for Cabinet ("Cabinet Decisions").

5.3 Cabinet Decisions will be taken at Cabinet meetings. For decisions to be taken at a Cabinet meeting, the Mayor, Deputy Mayor or Interim Mayor must be present and each constituent council must be represented by at least one of their appointed Cabinet Members.

5.4 As far as is reasonably possible, all decisions taken by Cabinet will be by way of consensus. However, if it is not possible for all members of Cabinet to agree on a particular issue, then a vote will be taken. The following Cabinet Members will be entitled to vote:

- a. the Mayor or (in his/her absence) the Deputy Mayor\*; and
- b. one of each constituent council's Cabinet Members\*\*

*(\* Prior to the election of the Mayor, the Interim Mayor may vote if he or she is also a member of one of the constituent councils.)*

*(\*\* It is for each constituent council to decide which of its appointed Cabinet Members shall exercise its vote and, if those Cabinet Members are absent, which of its substitute members should exercise that vote.)*

5.5 Each voting member of the Cabinet, including the Mayor, will have one vote. Most decisions will be taken by way of a simple majority. No Cabinet Member has a casting vote. If the vote is tied, then the proposal is not approved.

5.6 Certain significant matters must be approved by the voting Cabinet Members appointed by all 3 constituent councils. These include key strategy documents of the NTCA and its budget. They are set out at para 4.11 of Part 2.1

5.7 If a Cabinet Decision is made but the Mayor votes against that decision, then the Mayor may seek a review of that decision within 24 hours of it being made. Such a review will require Cabinet to reconsider the decision and the Cabinet may then confirm or change its original decision. Cabinet Decisions will also be subject to call-in by NTCA's Overview and Scrutiny Committee (see section 10 below).

5.8 All decisions taken by Cabinet will ordinarily be made in public. Decisions will be recorded and published (unless there are specific reasons why non-publication is permissible).

5.9 In order to promote efficient decision-making, Cabinet may also delegate certain decisions to a committee or officer of NTCA. Cabinet has approved a range of delegations to officers which are set out in Part 2.9.



## **6. Mayoral decision-making**

- 6.1 The Mayor has the following powers under the Order:
- a. the creation of Mayoral Development Corporations to support development on strategic sites in the North of Tyne area; and
  - b. certain compulsory purchase powers.
- 6.2 Subject to the comments below, the Mayor does not generally require the approval of other Cabinet members to make a Mayoral Decision except that, where the Mayor proposes to exercise either of the above powers, he or she can only do so with the consent of the Cabinet members appointed by the constituent councils in whose area the land in question lies.
- 6.3 Each year the Mayor must prepare a draft annual budget for his or her areas of responsibility for the coming financial year. The draft budget shall set out the Mayor's spending plans and how the Mayor intends to meet the costs of his or her functions. The Mayor has the power (under the Combined Authorities (Finance) Order 2017) to set a precept on local council tax bills to help pay for their work.
- 6.4 The Cabinet may amend the Mayor's budget proposals if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.
- 6.5 The Mayor will make Mayoral Decisions in an open and transparent manner during the course of formal Cabinet meetings (except for urgent Mayoral Decisions where the Chair of Overview and Scrutiny Committee has agreed the grounds for urgency).
- 6.6 The Mayor may decide to ask the Deputy Mayor, a Cabinet member or officer of NTCA to make decisions on his/her behalf.
- 6.7 All Mayoral Decisions will be recorded and published (unless there are any specific reasons why non-publication is permissible). As with Cabinet Decisions, Mayoral Decisions are subject to call-in by the Overview and Scrutiny Committee (see below).

## **7 Joint Transport Committee**

- 7.1 Under the terms of the Order, NTCA is required to exercise certain transport functions and responsibilities jointly with NECA, which covers the areas of Durham, Gateshead, South Tyneside and Sunderland. This is achieved through a Joint Transport Committee which comprises 3 representatives appointed by NTCA and 4 representatives appointed by NECA. Most of the decisions of the Joint Transport Committee are made by way of a simple majority but certain decisions require unanimity.

## **8 Housing and Land Board**

- 8.1 NTCA has established a Housing and Land Board to provide robust governance on an integrated strategic approach to improving the quality and quantity of homes in the North of Tyne area.

8.2 The Board is an advisory rather than decision-making body. Its membership includes Cabinet Members of NTCA and representatives from central government as well as other key public sector and private sector stakeholders.

## **9 Inclusive Economy Board**

9.1 NTCA has also established an Inclusive Economy Board with the aim of advising the Cabinet on shaping its policies and driving forward a new model of delivery to create an Inclusive Economy consistent with the Authority's Inclusive Economy Policy Statement.

9.2 Again, the Board is an advisory rather than decision-making body.

## **10 Overview and Scrutiny Committee**

10.1 Scrutiny of the decisions of the Mayor and Cabinet will be carried out by an Overview and Scrutiny Committee comprising 3 representative members from each of the constituent councils (and those members must not be members or substitute members of NTCA's Cabinet).

10.2 In accordance with the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 the composition of the Committee must reflect political balance taken across the constituent councils as a whole. The Chair of the Committee will be an Appropriate Person (as defined in the 2017 Order), ie an elected Member of the Overview and Scrutiny Committee who is not of the same political party as the Mayor.

10.3 The Overview and Scrutiny Committee will be entitled to call-in and scrutinise decisions taken either by the Cabinet or the Mayor. Following such call-in of a decision the Committee may refer the matter back to Cabinet or the Mayor for further consideration. In appropriate situations where a matter is urgent formal procedures will be adopted whereby the Chair of the Overview and Scrutiny Committee may agree that a matter will not be subject to the call-in process.

10.4 Scrutiny of the decisions of the Joint Transport Committee are dealt with by a separate joint overview and scrutiny committee established between NECA and NTCA.

## **11 Audit and Standards Committee**

11.1 The responsibility for fulfilling the audit and risk responsibilities and for dealing with matters relating to the Code of Conduct for Members of NTCA will be undertaken by the Audit and Standards Committee. The Committee will comprise 3 members from each constituent council and one independent person who will be a co-opted member of the Committee.

11.2 The audit and risk responsibilities of the Joint Transport Committee are dealt with by a separate joint audit committee established between NECA and NTCA.

## **PART 2 - RESPONSIBILITY FOR FUNCTIONS**

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## **Part 2.1 – The Cabinet**

### **1. Overview**

- 1.1 The members of NTCA are collectively referred to as “the Cabinet”.
- 1.2 The Cabinet is responsible for exercising all decision-making powers on behalf of NTCA except where:
  - 1.2.1 the decision relates to a Mayoral Function (see Part 2.2 below); or
  - 1.2.2 the decision relates to a transport function which is the responsibility of the Joint Transport Committee (see Part 2.3 below).
- 1.3 Cabinet may also delegate the responsibility for a decision to a committee of NTCA or an officer of NTCA.

### **2. Membership**

- 2.1 The Cabinet comprises the following members (“Cabinet Members”):
  - 2.1.1 the Mayor (or Interim Mayor up to the election of the Mayor in May 2019);
  - 2.1.2 two elected members<sup>2</sup> from each constituent council as appointed by that constituent council; and
  - 2.1.3 a representative of the LEP as nominated by the LEP and appointed by the Cabinet.
- 2.2 Each constituent council will also appoint two substitute elected members to represent the constituent council in the absence of its Cabinet Members. Similarly, the LEP will nominate a substitute member to represent it in the absence of its Cabinet Member and the Cabinet shall appoint that substitute member. (The members appointed or nominated pursuant to this paragraph are referred to as “Substitute Members”.)
- 2.3 The Cabinet will also be able to appoint a person, nominated by the Mayor, to undertake the role of the Mayor’s Ambassador for Business. He or she will be invited to attend Cabinet meetings as an observer but will not be a Cabinet Member.
- 2.4 The process for the appointment of the Mayor’s Ambassador for Business (and other Mayoral Ambassadors) is set out at paragraph 6 of Part 2.2 below.

### **3. Term of membership**

- 3.1 A Cabinet Member or a Substitute Member other than the Mayor shall cease to be a Cabinet Member or Substitute Member if they cease to be
  - 3.1.1 a member of the constituent council that appointed them; or
  - 3.1.2 a member of the LEP that nominated them.

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<sup>2</sup> For the purposes of these provisions an elected mayor of a constituent council is to be treated as an elected member of that council.

- 3.2 A person may resign as a Cabinet Member or Substitute Member by serving written notice on:
- 3.2.1 the proper officer of the constituent council which appointed them; or
  - 3.2.2 the chair or vice-chair of the LEP which nominated them
- and the resignation shall take effect on receipt of the notice by the proper officer of the constituent council or chair or vice-chair of the LEP (as the case may be).
- 3.3 Where a Cabinet Member's or Substitute Member's appointment ceases by virtue of paragraphs 3.1 or 3.2 above:
- 3.3.1 the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to NTCA and appoint another of its elected members in that person's place; or
  - 3.3.2 the LEP must, as soon as practicable, give written notice of that fact to NTCA and nominate another of its members in that person's place and, on receipt of that notice, the Cabinet shall appoint that person as a Cabinet Member at its next meeting.
- 3.4 A constituent council may at any time terminate the appointment of a Cabinet Member or Substitute Member appointed by it and appoint another one of its members in that person's place by giving written notice to NTCA. The said termination and appointment shall take effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) which may be specified in the notice.
- 3.5 The LEP may at any time terminate the appointment of a Cabinet Member or Substitute Member nominated by it and nominate another of its members in that person's place by giving written notice to NTCA. Subject to paragraph 3.6 below the said termination and appointment shall take effect at the end of the period of one week beginning with the date on which the notice is given or such longer period (not exceeding one month) which may be specified in the notice.
- 3.6 At its next meeting the Cabinet shall appoint as a Cabinet Member the replacement member nominated by the LEP.

#### **4. Cabinet Meetings**

- 4.1 Cabinet Decisions will be taken at meetings of Cabinet. Cabinet meetings will be conducted in accordance with the principles set out below and the Cabinet Procedure Rules at Part 3.1 of this Constitution.

#### **Quorum**

- 4.2 For decisions to be taken at a meeting of Cabinet, the following Cabinet Members must be present:

- 4.2.1 a Cabinet Member or Substitute Member from each constituent council who is entitled to vote (see paragraph 4.8 below);
- 4.2.2 the Mayor or the Deputy Mayor (acting in the place of the Mayor) or (in the period prior to the election of the Mayor) the Interim Mayor, acting Interim Mayor, or Vice Chair in the absence of the Interim Mayor.

### Chair

- 4.3 The Cabinet shall appoint one of the Cabinet Members to act as Chair until an Interim Mayor is appointed. The appointment of a Chair is to be the first business transacted after the appointment of Cabinet Members at the first meeting of the Cabinet.
- 4.4 A person ceases to be the Chair of the Cabinet if they cease to be a Cabinet Member. If a vacancy arises in the office of Chair, the Cabinet shall appoint a new Chair at its next ordinary meeting or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.
- 4.5 Where the Cabinet has appointed an Interim Mayor:
  - 4.5.1 the Interim Mayor becomes the Chair of the Cabinet;
  - 4.5.2 the Cabinet may appoint one or more Vice-Chairs from among the Cabinet Members who shall act as the Chair of the Cabinet in the absence of the Interim Mayor or an Acting Interim Mayor; and
  - 4.5.3 the appointment of any such Vice-Chair must take place as the first item of business of the first meeting of the Cabinet following the appointment of the Interim Mayor.
- 4.6 If a vacancy arises in the office of Interim Mayor, the Cabinet:
  - 4.6.1 may appoint a Vice-Chair as Acting Interim Mayor to exercise the functions of Interim Mayor until a permanent appointment of a new Interim Mayor can be made; and
  - 4.6.2 must commence an appointment process in accordance with paragraph 4 of Part 2.2 of this Constitution to fill the vacancy at the next ordinary meeting of the Cabinet or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.
- 4.7 Upon their election, the Mayor shall become the Chair of the Cabinet. The Deputy Mayor (as appointed by the Mayor) shall act as the Chair of the Cabinet in the absence of the Mayor.

### Voting rights and procedure

- 4.8 Only one of the Cabinet Members appointed by each constituent council shall be entitled to vote on any decision to be taken by Cabinet. Each constituent council shall notify NTCA as to which of its Cabinet Members shall be entitled to vote (“the Voting Member”). The other Cabinet Member appointed by that constituent council shall not be entitled to vote (“the Non-voting Member”) unless the Voting Member is absent or agrees that the Non-voting Member should be allowed to vote in their place. If both its

Cabinet Members are absent, then the constituent council shall notify NTCA which of its Substitute Members shall be entitled to vote.

- 4.9 The following Cabinet Members are entitled to vote on decisions to be taken by Cabinet:
- 4.9.1 one Cabinet Member or Substitute Member appointed by each constituent council (in accordance with paragraph 4.8);
  - 4.9.2 the Mayor (or in the absence of the Mayor) the Deputy Mayor; and
  - 4.9.3 the Interim Mayor if that person is also a member of a constituent council.

The Cabinet Member and the Substitute Member nominated by the LEP are not entitled to vote (unless the Cabinet agrees by a majority vote that the said Cabinet Member shall be entitled to vote and, in their absence, that the said Substitute Member shall be entitled to vote).

- 4.10 Each voting member of the Cabinet, including the Mayor, will have one vote. Save for those matters set out in para 4.11 below, Cabinet decisions will be taken by way of a simple majority. No Cabinet Member has a casting vote. If a vote is tied, then the proposal is not approved.
- 4.11 A decision on the following matters can only be made with the approval of each constituent council's Cabinet Member or Substitute Member who is entitled to vote:
- 4.11.1 the adoption of any strategic growth plan as provided for in this Constitution or the alteration, withdrawal or replacement of that plan;
  - 4.11.2 the approval of growth schemes set out in any strategic growth plan, or the alteration, withdrawal or replacement of that plan;
  - 4.11.3 the approval of NTCA's annual budget excluding any spending plans related to the functions conferred on the Mayor under Part 2.2 of this Constitution or the functions conferred on the Joint Transport Committee under Part 2.3 of this Constitution;
  - 4.11.4 the approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of NTCA or the alteration, withdrawal or replacement of those limits or that strategy;
  - 4.11.5 the approval of such other plans and strategies as may be determined by NTCA and set out in this Constitution excluding any plans or strategies related to the functions conferred on the Joint Transport Committee under Part 2.3 of this Constitution; and
  - 4.11.6 the approval of NTCA's Constitution and standing orders and any amendments (save that the Monitoring Officer is authorised to make such amendments to give

effect to changes in the law which apply directly to NTCA and which need to be reflected in its Constitution and to make typographical and stylistic corrections or improvements).

#### Mayoral review

- 4.12 If a Cabinet Decision is made but the Mayor votes against that decision, then the Mayor may seek a review (“Mayoral Review”) of that decision by making an application to the Monitoring Officer within 24 hours of the decision being made. The request for a review must be in writing and should state the Mayor’s reasons for disagreeing with the decision.
- 4.13 Where an application for review is made in accordance with paragraph 4.12, the Cabinet must reconsider the decision at a subsequent meeting (which shall generally be held at the expiry of the period during which a Cabinet decision may be called in by the Overview and Scrutiny Committee under Part 3.3 of this Constitution). At that meeting the Cabinet will consider the reasons for the request for the review and reconsider its original decision. The Cabinet must then vote on the question under consideration in accordance with paragraphs 4.8 to 4.11 above. NTCA must publish the reasons for any decision taken following a further vote on a question under these provisions. These must be published on the Combined Authority’s website as soon as reasonably practicable. A Cabinet decision made under this paragraph 4.13 shall not be subject to a further Mayoral Review.

#### Validity of proceedings

- 4.14 The proceedings of the Cabinet are not invalidated by any vacancy among the Cabinet Members or Substitute Members or by any defect in the appointment or qualifications of any Cabinet Member or Substitute Member.

### **5. Committees and other bodies**

- 5.1 In addition to the committees and other bodies set out in this Part 2 of the Constitution the Cabinet may establish:



5.1.1 such other committees or subcommittees as it sees fit (which may include the co-option of any member of a constituent council or other persons); and

5.1.2 such advisory boards and ad-hoc working groups as it considers may be expedient to assist it.

**6. Delegations**

6.1 The Cabinet shall maintain and publish a scheme setting out where responsibility for the exercise of the Cabinet's functions is delegated:

6.1.1 to a committee or subcommittee;

6.1.2 to an officer of NTCA; or

6.1.3 by way of joint arrangements with another authority.

6.2 The delegations to officers are set out at Part 2.9 of this Constitution.

## **Part 2.2 – The Mayor**

### **1. Overview**

- 1.1 The Mayor of NTCA is directly elected by the electorate across the North of Tyne area. The Mayor is a member of NTCA's Cabinet and chairs meetings of Cabinet. The Mayor's role in Cabinet decision-making (including the ability of the Mayor to seek a Mayoral Review of a Cabinet decision) is set out in Part 2.1 of this Constitution. Furthermore, some functions of NTCA can only be exercised by the Mayor as set out in paragraph 7 below.
- 1.2 Prior to the election of the first Mayor in May 2019 NTCA shall appoint an Interim Mayor to chair Cabinet meetings and discharge certain aspects of the Mayor's role (see below).

### **2. Term of office**

- 2.1 The first election of the Mayor will take place on 2 May 2019. The next election will take place in 2024 and from that point there will be a 4 year term of office. Each election of the Mayor will take place on the "ordinary day" of election in the relevant year, ie the date when local authority elections are normally held.
- 2.2 The Mayor's term of office begins on the fourth day after the day of the poll at the election for a Mayor. It ends on the third day after the day of the poll at the next election for a Mayor.

### **3. Deputy Mayor**

- 3.1 The Mayor must appoint one of the Cabinet Members as Deputy Mayor, who will carry out the responsibilities of the Mayor when he or she is absent.
- 3.2 The Deputy Mayor holds office until the end of the term of office of the Mayor, provided that a person will cease to be the Deputy Mayor if at any time:
  - 3.2.1 the Mayor removes the person from office;
  - 3.2.2 the person resigns as Deputy Mayor; or
  - 3.2.3 the person ceases to be a Cabinet Member.

3.3 If a vacancy occurs in the office of Deputy Mayor, the Mayor must appoint another Cabinet Member as Deputy Mayor.

3.4 The Deputy Mayor must act in place of the Mayor if for any reason:

3.4.1 the Mayor is unable to act; or

3.4.2 the office of Mayor is vacant.

3.5 If for any reason:

3.5.1 the Mayor is unable to act or the office of Mayor is vacant; and

3.5.2 the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant

the other Cabinet Members must act together in place of the Mayor, taking decisions by a simple majority.

#### **4. Interim Mayor**

4.1 Prior to the first election of the Mayor, the Cabinet must appoint as a Cabinet Member (in addition to the Cabinet Members set out in paragraphs 2.1.2 and 2.1.3 of Part 2.1 above) a person who shall be known as “the Interim Mayor”.

4.2 A person is eligible for appointment as the Interim Mayor if:

4.2.1 they are resident in the area of any one of the constituent councils; and

4.2.2 they hold elected office (both at the date of application for the position of Interim Mayor and at the date of appointment as the Interim Mayor) as:

a. an elected member of a constituent council;

b. an elected mayor of a constituent council;

c. the Northumbria Police and Crime Commissioner; or

d. a Member of Parliament or Member of the European Parliament with a constituency wholly or partly within the North of Tyne area.

4.3 A person may only be appointed as Interim Mayor if –

4.3.1 the person is eligible to be appointed under paragraph 4.2;

4.3.2 the person has submitted an application in accordance with any application procedure and timetable determined by NTCA;

4.3.3 the person has been nominated by at least one Cabinet Member in accordance with the said application procedure and timetable following consideration by the Cabinet of all applications for the office; and

4.3.4 the appointment has been approved by a simple majority of the voting Cabinet Members at a meeting of the Cabinet.

- 4.4 The Interim Mayor must cease to hold office on 6 May 2019.
- 4.5 A person may resign as Interim Mayor by written notice served on the proper officer of NTCA and the resignation will take effect on receipt of the notice by the proper officer.
- 4.6 The Cabinet may terminate the appointment of the Interim Mayor, provided that the voting Cabinet Members (other than the Interim Mayor) vote in favour of a resolution to terminate such appointment at a meeting of the Cabinet.
- 4.7 Where a person ceases to be an Interim Mayor by virtue of paragraph 4.5 or 4.6, the Cabinet may appoint a further Interim Mayor in accordance with this paragraph 4.
- 4.8 Where the Interim Mayor would also be a Cabinet Member by virtue of being appointed by a constituent council under paragraph 2.1.2 of Part 2.1, the Interim Mayor will cease to be treated as a Cabinet Member appointed under paragraph 2.1.2 of Part 2.1 and the constituent council must appoint another of its elected members to be a Cabinet Member under that paragraph.

## **5. Mayor's Political Adviser**

- 5.1 The Mayor may appoint one person as the Mayor's Political Adviser. Such person shall be appointed as an employee of NTCA.
- 5.2 No appointment under paragraph 5.1 may extend beyond:
- 5.2.1 the term of office for which the Mayor who made the appointment was elected;  
or
- 5.2.2 where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- 5.3 A person appointed under paragraph 5.1 is to be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 (political restriction of officers and staff) as holding a politically restricted post under a local authority. Subject to paragraph 5.4 below, section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups) shall apply to an appointment under paragraph 5.1 as if the appointment were made in pursuance of that section and NTCA was a relevant authority for the purposes of that section.
- 5.4 Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph 5.1 as if the words "and that the appointment terminates" to the end of that subsection were omitted.

## **6. Mayor's Ambassador for Business**

- 6.1 The Mayor may nominate one person to be the Mayor's Ambassador for Business and the Cabinet will appoint such a person to that role if a majority of voting members agree to the appointment, subject to paragraphs 6.2 and 6.3.

- 6.2 Any person who satisfies the following conditions is eligible to be nominated for appointment as the Mayor's Ambassador for Business:
- 6.2.1 the person is resident, or operates a business, in the area of one of the constituent councils; and
  - 6.2.2 the person is proposed to be the Mayor's Ambassador for Business by a recognised business organisation.
- 6.3 A person may not be appointed as the Mayor's Ambassador for Business unless they submit an application (in accordance with any application procedure and timetable determined by the Cabinet) and they satisfy both conditions in paragraph 6.2 at the date of their appointment.
- 6.4 The Mayor's Ambassador for Business will hold his/her position for as long as the Mayor holds office or the Mayor, with the support of the majority of the voting members of Cabinet, terminates the Ambassador's appointment.
- 6.5 The Mayor's Ambassador for Business will attend Cabinet meetings as an observer but shall not be entitled to remain during those parts of a Cabinet meeting when the press and the public have been excluded.
- 6.6 The Mayor's Ambassador for Business will comply with NTCA's Code of Conduct for Members.
- 6.7 To assist and advise NTCA in fulfilling its responsibilities, further Mayoral Ambassadors representing other sectors such as the Community and Voluntary Sector may be appointed by a majority of the voting Cabinet Members.

## **7. Mayoral functions**

- 7.1 Under the terms of the Order the following functions are general functions which can only be exercised by the Mayor.
- 7.1.1 the compulsory acquisition of land under section 9(2) of the Housing Regeneration Act 2008 or section 17(3) of Housing Act 1985; and
  - 7.1.2 the designation of Mayoral Development Areas and creation of Mayoral Development Corporations under sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the Localism Act 2011.
- 7.2 Subject to the requirements set out below, the Mayor does not generally require the approval of other Cabinet members to make a decision on the functions set out in paragraph 7.1 above except that, where the Mayor proposes to exercise such functions, the Mayor can only do so with the consent of:
- 7.2.1 (in the case of the functions in paragraph 7.1.1 above) the Cabinet Members or Substitute Members appointed by the constituent council(s) whose area contains any part of the land to be acquired compulsorily;

7.2.2 (in the case of the functions in paragraph 7.1.2 above) the Cabinet Members or Substitute Members appointed by the constituent council(s) whose area contains any part of the land in question; and

7.2.3 (in the case of the exercise of the functions relating to town and country planning contained in section 202(2) to (4) of the 2011 Act in respect of land in the area of the Northumberland National Park Authority) the Northumberland National Park Authority.

7.3 The Mayor will make Mayoral Decisions in an open and transparent manner during the course of formal Cabinet meetings (except for urgent Mayoral Decisions where the Chair of Overview and Scrutiny Committee has agreed the grounds for urgency). The other Cabinet Members shall be entitled to make representations to the Mayor during the course of a Cabinet meeting before he or she makes a Mayoral Decision.

## **8. Mayoral Budget-setting**

8.1 Each year the Mayor must prepare a draft mayoral budget for his or her areas of responsibility for the forthcoming financial year. The draft mayoral budget shall set out for the forthcoming year the Mayor's strategies, spending plans, and how the Mayor intends to meet the costs of his or her functions. The Mayor has the power (under the Combined Authorities (Finance) Order 2017) to set a precept on local council tax bills to help pay for their work.

8.2 The Cabinet may amend the Mayor's draft strategies, spending plans and budget proposals if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.

8.3 In the event that the Mayor subsequently proposes any variation to the Mayor's strategies, spending plans and budget proposals, then this variation shall be presented to and considered by Cabinet, and may be amended by Cabinet if 2/3 of the Cabinet Members who have a vote (excluding the Mayor) agree to the amendment.

## **9. Delegations**

9.1 The Mayor may arrange for the following to exercise any general functions of the Mayor:

9.1.1 the Deputy Mayor;

9.1.2 another Cabinet Member; or

9.1.3 an officer of NTCA.

9.2 The Mayor will maintain and publish a scheme setting out where responsibility for the exercise of particular mayoral functions, if any, are delegated to the Deputy Mayor, an individual Member (in which circumstances the procedural provisions above shall apply) or officer of the Authority.

**10. Recording of decision making**

- 10.1 All Mayoral Decisions will be fully recorded and published (unless there are any specific reasons why non-publication is permissible). As with Cabinet Decisions, Mayoral Decisions are subject to call-in by NTCA's Overview and Scrutiny Committee (see Part 3.3 below)

### **Part 2.3 – Joint Transport Committee**

**The provisions relating to the Joint Transport Committee will be included in this Constitution when they have been approved by the Joint Transport Committee at its first meeting.**



## **Part 2.4 – Housing and Land Board**

### **1. Overview**

- 1.1 The purpose of the Housing and Land Board (“the Board”) is to provide robust governance around an integrated strategic approach to improving the quality and quantity of homes in the North of Tyne area.
- 1.2 The Board will act in an advisory capacity to support:
- the delivery of NTCA’s housing growth ambitions; and
  - the alignment of public sector resources to maximise land supply, investment and impact on the delivery of housing through land supply, funding and statutory powers

### **2. Membership**

- 2.1 Membership of the Board will reflect the interests of NTCA, the Government, key public sector landholders and potentially private landlords, Registered Providers and private sector stakeholders.
- 2.2 The Cabinet shall appoint the members of the Board at its Annual Meeting of the Combined Authority. The members will comprise:
- (a) the Chair of Homes England (who will chair meetings of the Board)
  - (b) the Mayor when elected
  - (c) a senior representative of MHCLG (as an observer)
  - (d) the Cabinet Member with portfolio responsibility for housing and a Cabinet Member appointed by each of the other two constituent councils
  - (e) the Chief Executive of the constituent council leading on housing
  - (f) a representative of Private Sector Developers
  - (g) two representatives of Registered Providers
  - (h) investment representatives from the private sector
  - (i) a representative from private landlords
  - (j) a representative on homelessness / voluntary sector issues
  - (k) a health representative
  - (l) a rural area representative

### **3. Quorum**

- 3.1 No business of the Board shall be transacted unless at least two thirds of the members are present.

### **4. Status**

- 4.1 The Board is an informal working group and not a joint committee, committee or subcommittee of NTCA. As such it does not have decision-making powers, political balance rules do not apply to its membership and it is not subject to the access to information rules which apply to local authority meetings. Membership of the Board is at the discretion of the Cabinet.

## 5. Terms of Reference

5.1 The Board will advise the Cabinet in its role of:

- Overseeing a strategic approach to the delivery of more and better homes across the North of Tyne area - this will enable an improved range of tenures and type of home, including affordable and specialist housing, within the overall number of net new homes
- Overseeing an integrated long term investment programme to increase supply and the pace of delivery of quality homes from x per year to y per year
- Coordinating existing local authority partnerships and delivery vehicles to support the delivery of key housing sites, expanding delivery options and remits in line with emerging opportunities
- Identifying opportunities for the assembly of strategic housing sites across multiple public and private landowners, as well as convening the appropriate partnerships and discussions to take these forward
- Overseeing the area's One Public Estate programme to maximise the use of surplus public sector land for housing and other uses
- Identifying opportunities for innovation, including making use of modular build initiatives
- Exploring how assets and further capital investments could be used to reduce future revenue burdens
- Exploring opportunities to improve the quality and management standards of private sector properties

5.2 The Board will be directly accountable to the Cabinet and will operate in an advisory capacity, monitoring and reporting progress and making recommendations as appropriate. Where appropriate the Board will seek the support of the Cabinet in securing Government intervention to overcome barriers to facilitate accelerated growth.

5.3 The Board may investigate any activity within its Terms of Reference. It may seek any information it requires from any Board member, or the organisation(s) represented by the Board member.

5.4 The Board may obtain outside independent professional advice and secure the attendance of external persons with the relevant experience and expertise if it considers this necessary.

5.5 The role of the Board will be reviewed by Cabinet on an annual basis.

## **Part 2.5 – Inclusive Economy Board**

**These provisions will be incorporated when approved by Cabinet.**

## **Part 2.6 – Overview and Scrutiny Committee**

### **1. Overview**

- 1.1 Effective scrutiny arrangements are an essential component of local democracy, enhancing accountability and transparency of decision making and enabling local councillors to represent the views of their constituents. These arrangements have been established to enable local councillors, on behalf of their communities, to scrutinise and challenge the Cabinet and the Mayor and to consider matters of strategic importance to residents within the North of Tyne area with a view to influencing their decisions.

### **2. Membership**

- 2.1 The Cabinet shall appoint an Overview and Scrutiny Committee which shall consist of 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Overview and Scrutiny 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;

and

- 2.2 The Cabinet shall also appoint as substitute members (for those mentioned in paragraph 2.1 above) 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Overview and Scrutiny 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.
- 2.3 Substitute members of the Committee may attend the meetings of the Committee to act in the place of an ordinary member of Committee appointed under paragraph 2.1.

### **3. Quorum**

- 3.1 No business of the Committee shall be transacted unless two-thirds of the members are present.

### **4. Chair**

- 4.1 The Chair of the Committee will be an “Appropriate Person” (as defined in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017) which means that the Chair shall be a member of one of the constituent councils appointed under paragraph 2.1 above and:
- 4.1.1 (where the Mayor is a member of a registered political party) the Chair may not be a member of the same registered political party; or

4.1.2 (where the Mayor is not a member of a registered political party) the Chair may not be a member of the political party with the most members of the constituent councils taken together.

4.2 The Chair of the Committee shall be appointed annually by the Cabinet at its Annual Meeting.

## **5. Terms of reference**

5.1 The Overview and Scrutiny Committee can:

5.1.1 Review or scrutinise decisions made, or other actions taken, by the Cabinet or the Mayor in connection with the discharge of any functions which are the Cabinet's or the Mayor's responsibility. (In exercising this function, the Committee may also direct that a decision is not to be implemented whilst it is under review or scrutiny and, furthermore, to recommend that the decision be reconsidered – this is referred to in this Constitution as “call-in”.)

5.1.2 Make reports or recommendations to the Cabinet or the Mayor (as appropriate) with respect to the discharge of their functions or on matters of strategic importance that affect the North of Tyne area or inhabitants.

5.1.3 Review the performance of the Cabinet and Mayor against objectives within their strategies and policies.

5.1.4 Facilitate the exchange of information about the work of the Cabinet and the Mayor and share information and outcomes from reviews.

## **6. Overview and Scrutiny Procedure Rules**

6.1 In carrying out its role the Committee shall at all times comply with the Overview and Scrutiny Procedure Rules at Part 3.3 of this Constitution and shall, in particular, be mindful of the key principles of scrutiny set out therein.

## **7. Delegation**

7.1 The Overview and Scrutiny Committee may establish such subcommittees, panels and ad-hoc working groups as it considers necessary to assist it and will do so at the annual meeting of the Overview and Scrutiny Committee.

## **Part 2.7 – Audit and Standards Committee**

### **1. Overview**

- 1.1 The Audit and Standards Committee is a key component of NTCA's corporate governance arrangements.
- 1.2 It is an important source of assurance about the organisation's arrangements for managing risk, maintaining an effective control environment; reporting on financial and other performance; and for the promotion and maintenance of high standards of conduct by its elected and co-opted members.
- 1.3 It is also responsible for promoting and maintaining high standards of conduct by members of NTCA and its committees. The Committee will also review complaints made against Members in respect of alleged breaches of the Members' Code of Conduct in accordance with agreed adopted local arrangements (see Part 6 of the Constitution).

### **2. Membership**

- 2.1 The Cabinet shall appoint an Audit and Standards Committee which shall consist of:
  - 2.1.1 3 members of each of the constituent councils in such a manner that the members of the Audit and Standards 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; and
  - 2.1.2 one non-voting co-opted member who will act as Chair.
- 2.2 The Cabinet shall also appoint as substitute members (for those mentioned in paragraph 2.1 above) 3 members of each of the constituent councils (who are not Cabinet Members or Substitute Members of NTCA) in such a manner that the members of the Overview and Scrutiny 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.
- 2.3 Substitute members may attend the meetings of the Committee to act in the place of an ordinary member of Committee appointed under paragraph 2.1.

### **3. Quorum**

- 3.1 No business of the Audit and Standards Committee shall be transacted unless two-thirds of the voting members are present.

#### 4. Terms of Reference

The following functions are the responsibility of the Audit and Standards Committee:

##### **Audit**

The Committee's core functions are:

1. At a strategic overview level, to review and scrutinise the Authority's financial affairs.
2. To review and assess the Authority's risk management, internal control and corporate governance arrangements.
3. To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Authority's functions.
4. To make reports and recommendations to the Authority in relation to reviews conducted under 1 to 3 above.

To discharge these core functions, the Committee will:

- a. be satisfied that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the Authority's objectives.
- b. in relation to the internal audit function:
  - i. oversee its independence, objectivity, performance and professionalism;
  - ii. support the effectiveness of the internal audit process,
  - iii. promote the effective use of internal audit within the assurance framework.
- c. consider the effectiveness of the Authority's risk management arrangements and the control environment; review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations.
- d. monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and managing the Authority's exposure to the risks of fraud and corruption.
- e. consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.
- f. support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.

- g. review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

### Notes

- (i) The Committee's audit role is to review the relevant procedures of the Authority, and to maintain an overview on the framework of governance, risk management and control within the Authority, but not to make or review policy.
- (ii) For the avoidance of doubt, the Committee will review and scrutinise the Authority's financial affairs at a strategic overview level. Nothing in these terms of reference shall confer upon the Committee the power to regulate or control the finances of the Authority. Detailed reports on ongoing financial performance, budget setting and budget management, and requests to approve the financial statements shall be matters for the Cabinet.

### **Standards**

1. To promote and maintain high standards of conduct by Authority members and co-opted members.
2. To ensure the Authority's members and co-opted members observe the Members' Code of Conduct.
3. To advise the Cabinet on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Authority members and co-opted members on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
6. To grant dispensations to the Authority members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Authority in respect of Member conduct.
8. To review the Whistleblowing Policy and recommend any changes to the Monitoring Officer for consideration by the Cabinet.
9. To conduct hearings following investigation and determine complaints made against members and co-opted members (including requests for review).
10. Where a member or co-opted member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To review the assessment criteria for complaints against members and co-opted members (included in the Authority's adopted local arrangements) as it considers



appropriate from time to time and recommend any changes to the Monitoring Officer for consideration by the Cabinet.

12. To undertake such further functions as may be the responsibility of the Committee under the Combined Authority's adopted local arrangements in relation to the handling of complaints against members and co-opted members.
13. To appoint when required a Sub-committee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members and for granting dispensations for members with registerable and non-registerable personal interests to enable Members to participate and vote at committee meetings.

Notes for Information:

- a. The Localism Act 2011 requires the Authority to appoint at least one Independent Person for their views to be sought and taken into account before the Audit and Standards Committee makes its decision on an allegation about a Member's conduct which has been investigated and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint. NTCA will appoint 2 Independent Persons for these purposes.
- b. The Members' Code of Conduct and all codes and protocols can be found in Part 5 of this Constitution.

## **Part 2.8 – Proper Officers**

There are a number of specific references in the legislation applicable to local government which call for functions to be undertaken by what is termed the 'Proper Officer'. The following lists such references and identifies the Chief Officers responsible for their discharge.

### **1. Head of Paid Service**

1.1 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority's staff in accordance with section 4 of the Local Government and Housing Act 1989.

1.2 The Head of Paid Service cannot be the Monitoring Officer.

### **2. Chief Finance Officer**

2.1 The Chief Finance Officer has responsibility for ensuring lawfulness and financial prudence of decision making. The Chief Finance Officer is appointed Proper Officer in relation to the following:

2.1.1 receipt of money due from officers (Local Government Act 1972, section 115(2)); and

2.1.2 administration of the financial affairs of the Authority (Local Government Act 1985 section 73).

### **3. Monitoring Officer**

3.1 Under the provisions of the Local Government and Housing Act 1989, the Cabinet shall appoint a Monitoring Officer who will be responsible for promoting and maintaining high standards of conduct. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budgetary issues to all Members and provide a comprehensive administrative service to the Authority.

3.2 The Monitoring Officer to the Authority is appointed the Proper Officer in relation to the following under the Local Government Act 1972:

3.2.1 Determination of those reports which should be available for public inspection prior to a meeting of the Cabinet or committee or subcommittee of NTCA, and those which are likely to be heard in private and consequently which should not be released to the public (section 100B (2));

3.2.2 Provision of documents to the press, additional to committee reports (section 100B(7));

3.2.3 Preparing written summaries of proceedings (section 100C (2));

3.2.4 Making arrangements for list of, and background papers to reports, to be made available for public inspection (section 100D (1))

3.2.5 Determination of documents disclosing exempt information which may not be inspected by Members (section 100F (2)).

3.2.6 Signature of Summonses to the Authority (paragraph 4 (2) (b) of Schedule 12).

- 3.2.7 Receipt of notices regarding address to which Summonses to meetings of the Authority are to be sent (paragraph 4 (3) of Schedule 12).
- 3.2.8 Declaration and Certificates with regard to securities (section 146 (1)(a) and (b)).
- 3.2.9 Deposit of documents (section 225 (1)).
- 3.2.10 Certifications of photographic copies of documents (section 229 (5)).
- 3.2.11 Issuing and signing of formal notices (section 234 (1) and (2)).
- 3.2.12 Serving copies of Byelaws (section 236 (9) and (10)).
- 3.2.13 Certification of Byelaws (section 238).

3.3 The Monitoring Officer will maintain an up to date Register of Members' interests and an up to date version of the Constitution and will ensure that it is widely available for consultation by Members, officers and the public.

3.4 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee and be the Proper Officer for receipt and acknowledgement of complaints of failure by a Member of the Authority to comply with the Members Code of Conduct.

3.5 The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

#### **4. Scrutiny Officer**

4.1 The Authority must designate one of its officers as the scrutiny officer of the Overview and Scrutiny Committee to:

4.1.1 promote the role of the Overview and Scrutiny Committee;

- i. provide support and guidance to the Overview and Scrutiny Committee and its members;
- ii. provide support and guidance to members of the Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee.

4.2 The Authority may not designate any officer of a constituent council as the scrutiny officer.

#### **5. General**

5.1 All officers in whose name reports are submitted to the Cabinet, and any Committee or sub-committee via the Monitoring Officer and Chief Finance Officer are appointed the Proper Officers in relation to the following under the Local Government Act 1972:

1.1.1 Compilation and retention of lists of background papers and copies of the relevant documents and reports (section 100D (1) (a))

1.1.2 Identifying and determining what are background papers (section 100D (5)).

## Part 2.9 – Scheme of Delegations

### Introduction

1. Section 101 of the Local Government Act 1972 enables NTCA to delegate any of its functions to its officers. This part of the Constitution specifies those powers of the Cabinet which, for the time being, are exercisable from time to time by officers of NTCA, and stating the title of the officer in question by whom the powers are exercisable.
2. Chief Officers in the context of this Constitution mean the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
3. The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers (“Authorised Officers”) authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.
4. The exercise of delegated powers by officers is required to be in accordance with:
  - a) Statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - b) this Constitution, the Cabinet Procedure Rules and Financial Regulations currently in force;
  - c) the revenue and capital budgets of NTCA, subject to any variation thereof which is permitted by NTCA’s Financial Regulations; and
  - d) any policy or direction of the Cabinet or any other committee acting in exercise of powers delegated to that committee by the Authority.
5. Officers may **not** exercise delegated powers where:
  - a) the matter is reserved to the Cabinet by law or by this Constitution;
  - b) the matter is a function which cannot by law be discharged by an officer;
  - c) the Cabinet, or a committee, sub-committee or joint committee to which NTCA is a party, has determined 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 in special circumstances.
6. Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers should consider the advisability of consulting the Head of Paid Service and/or the Mayor or Interim Mayor.
7. Where, in relation to an item before the Cabinet, or a joint committee, committee or sub-committee, a Chief Officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
8. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment or re-enactment of the same.

9. All decisions made by officers under delegated authority will be fully recorded and published (unless there are specific reasons why non-publication is permissible).

#### **A, General Delegations to all Chief Officers**

GD1 The day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Cabinet Procedure Rules and Financial Regulations of the Authority.

#### **Contracts and Accounts**

GD2 The disposal of surplus or obsolete equipment to the person submitting the highest quotation up to a limit of £10,000 in value.

GD3 The acceptance of the lowest tender or quotation:

- a) For the supply of goods, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £100,000 in value for any one transaction, and
- b) For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Cabinet and does not exceed £250,000.

GD4 The invitation of quotations for contracts not exceeding £25,000 in value for the supply of goods, materials or services or the execution of works from at least three persons, subject to financial provision having been made in the Revenue or Capital Budget of the Authority.

GD5 The provision of services or the purchase of materials or minor items of equipment up to a total of £10,000 within one order or series of related orders for which provision has been made in the revenue estimates.

#### **B. Delegations to the Head of Paid Service**

HPS1 To discharge the functions of the Head of Paid Service in relation to the Authority as set out in section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the Cabinet where necessary setting out proposals with respect to the coordination of the Authority's functions, the number and grades of staff required and the organisation, appointment and proper management of the Authority's staff.

HPS2 To engage officers on behalf of the Authority to coordinate its functions.

HPS3 To discharge any function of the Authority which has not been specifically delegated to another officer, Committee or reserved to the Cabinet under Part 2.1 of this Constitution, and may direct any officer not to exercise a

delegated function in special circumstances unless they are required to do so by law.

- HPS4 Take any operational action which is required as a matter of urgency in the interests of the Authority, in consultation (where practicable) with the Mayor or Interim Mayor, the Monitoring Officer and the Chief Finance Officer.
- HPS5 Take preliminary steps to protect the rights and interests of the Authority subject to consultation with the Mayor or Interim Mayor in relation to any Bill or Statutory Instrument or Order in Parliament.
- HPS6 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.
- HPS7 Nominate, appoint and remove, in consultation with the Mayor or Interim Mayor, Authority representatives on the board of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies, and give any necessary consent required within relevant constitutions.
- HPS8 To provide a comprehensive policy advice service to the Authority and, in particular, to advise on the Authority's plans and strategies included in the Budget and Policy Framework.
- HPS9 To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official Authority publicity and official publications.
- HPS10 To be the authorised representative of the Authority in respect of any company established pursuant to section 323 of the Companies Act 2006 (as amended) and any other company of which the Authority is a member.
- HPS11 To take an urgent decision where a decision needs to be made urgently and it is not practical to convene a quorate meeting of the Cabinet or relevant committee or subcommittee of the Authority, in consultation with the Chair (or in their absence a Vice Chair) of the Cabinet or relevant committee or subcommittee, the Chief Finance Officer and the Monitoring Officer.

## **C Delegations to the Chief Finance Officer**

- CFO1 To effect the proper administration of the Authority's financial affairs particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.

- CFO2 The taking of all action required on borrowing, investment and financing subject to the submission to the Cabinet 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 and Prudential Codes.
- CFO3 To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- CFO4 The preparation of manuals of financial and accounting procedures to be followed by officers of the constituent councils working on Authority matters.
- CFO5 To accept grant offers on behalf of the Authority, subject to all the terms and conditions set out by the grant awarding body.
- CFO6 The submission of all claims for grant to the UK Government or the European Union (EU).
- CFO7 To make all necessary banking arrangements on behalf of the Authority, to sign all cheques drawn on behalf of the Authority, or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Chief Finance Officer.
- CFO8 To monitor capital spending and submit a report to the Cabinet at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the Authority.
- CFO9 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred to the Cabinet for consideration of a supplemental estimate.
- CFO10 The collection of all money due to the Authority, and the writing off of bad debts.
- CFO11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- CFO12 To administer the scheme of Mayoral allowances.
- CFO13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.

- CFO14 To discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of Regulations 4(3), 6(4) and 8(3)).
- CFO15 To sign certificates under the Local Government (Contracts) Act 1997.
- CFO16 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 thereunder.
- CFO17 To determine an amount (not exceeding the sterling equivalent of €5,000) being the maximum sum which the Authority will receive in cash without the express written consent of the Chief Finance Officer.
- CFO18 To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Regulations.

### **Supporting the Audit Regime**

- CFO19 Support the Audit and Standards Committee to:
- a) provide or procure independent assurance on the effectiveness of the risk management framework and the associated control environment;
  - b) provide or procure independent examination of the organisation's performance and how this affects the Authority's control environment and its exposure to risk; and
  - c) oversee the financial reporting process.

## **D Delegations to the Monitoring Officer**

- MO1 The Monitoring Officer is authorised to:
- a) institute, defend or participate in any administrative action and/or in any legal proceedings;
  - b) sign any document in any case where such action will facilitate the carrying out of decisions of the Cabinet; or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests, or to further or achieve the objectives of the Authority; and
  - c) settle or otherwise compromise any such administrative action or legal proceedings if they have been commenced or there are reasonable grounds for believing such actions or proceedings may be contemplated.
- MO2 After consulting with the Head of Paid Service and Chief Finance Officer, to report to the Cabinet if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has



given rise to maladministration as determined by the Local Government Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- MO3 To provide a comprehensive administrative service to the Authority.
- MO4 To accept on behalf of the Cabinet in-year changes to the membership of committees, sub-committees and joint committees. These changes must be notified in writing to the Monitoring Officer and will be effective when receipt of the notification is acknowledged in writing by the Monitoring Officer.
- MO5 To make minor changes to the Constitution and its associated documents to reflect organisational or legislative change when the power remains unaltered.
- MO6 To make any textual or grammatical corrections to the Constitution and its associated documents.

### **Supporting the Standards Regime**

- MO7 To be the Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the Authority's adopted local arrangements.
- MO8 To receive and review complaints received in respect of any alleged breach by a Member of the Code of Conduct for Members and to act in accordance with the Authority's adopted local arrangements.
- MO9 The Monitoring Officer will either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct and, as appropriate, submit such reports to the Audit and Standards Committee in accordance with the Authority's adopted local arrangements.
- MO10 The Monitoring Officer will undertake informal resolution of such complaints in accordance with the Authority's adopted local arrangements.



## **Part 3.1**

## **Cabinet Rules of Procedure (“Standing Orders”)**

### **1. Application and interpretation**

1.1 These Rules of Procedure (referred to as “Standing Orders”) apply to all meetings of the Cabinet but shall also apply to all meetings of the committees and subcommittees of the Authority as appropriate and should be read in conjunction with other parts of this Constitution. These Standing Orders are also subject to any statute or other enactment, whether passed before or after these Standing Orders came into effect.

1.2 References in these Standing Orders to the ‘Chair’ mean the member for the time being presiding at the meeting.

### **2. The Annual Meeting**

2.1 The Annual Meeting of the Cabinet will take place after the annual meetings of the constituent councils on a date and time determined by Cabinet but no later than 30 June in any year.

2.2 The Annual Meeting will:

- a. elect a person to preside if the Chair of the Cabinet is not present;
- b. elect the Chair of the Cabinet;
- c. elect the Vice Chair(s) of the Cabinet;
- d. approve the minutes of the last meeting;
- e. receive any declarations of interests;
- f. receive any announcements from the Chair and/or the Head of Paid Service;
- g. approve the schedule of Cabinet meetings for the forthcoming year;
- h. appoint the Overview and Scrutiny Committee, Audit and Standards Committee and any other committee, subcommittee, board, panel or working group considered necessary and agree a timetable of meetings;
- i. appoint the Chairs and Vice Chairs of the bodies referred to in (h) above;
- j. agree the representatives of the Authority on the North East Joint Transport Committee (and the Tyne and Wear Subcommittee thereof), Transport for the North and such other external bodies to which the Authority may appoint representatives;
- k. agree the allocation of Cabinet portfolios to Cabinet members;

- l. approve the [policies and strategies to be included in the Budget and Policy Framework]; and
- m. conduct any other business reserved for its Annual Meeting as set out in Part 3 (Responsibility for Functions) in accordance with these Standing Orders.

### **3. Ordinary Meetings**

3.1 Ordinary meetings of the Cabinet will take place in accordance with the schedule agreed by the Cabinet.

3.2 Ordinary meetings will:

- a. elect a person to preside if the Chair and Vice Chair(s) are not present;
- b. approve the minutes of the last meeting;
- c. receive any declarations of interests;
- d. receive any announcements from the Chair and/or the Head of Paid Service;
- e. deal with any uncompleted business from the last Cabinet meeting;
- f. receive and consider reports from committees, subcommittees and officers;
- g. conduct any business reserved to it in accordance with Part 2 (Responsibility for Functions) and specified in the summons to the meeting in accordance with the following Standing Orders;
- h. authorise the sealing or signing of documents; and
- i. consider any proposed Mayoral decisions.

3.3 Cabinet may agree to vary the order of business set out above at any ordinary meeting.

### **4. Extraordinary Meetings**

4.1 Those listed below may request the Monitoring Officer to convene a Cabinet meeting in addition to ordinary meetings:

- a. the Cabinet by resolution;

- b. the Chair of the Cabinet; and
- c. any three Cabinet Members if they have signed a requisition presented to the Chair of the Cabinet and the Chair has refused to convene a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2 The agenda for the extraordinary meeting will include the resolution, request or requisition which led to it being called and any other business agreed by the Chair, (or, in their absence, a Vice Chair) of the Cabinet, the Monitoring Officer and the Head of Paid Service. No items of business may be conducted at an extraordinary meeting other than those specified in the agenda for the meeting unless the Chair, (or, in their absence, a Vice Chair) agrees the matter is urgent and requires a decision before the next ordinary meeting of the Cabinet. The report submitted to the extraordinary meeting will set out the reason why the matter could not be determined at the next ordinary meeting and this reason will be recorded in the minutes of the meeting.

## 5. Summons

5.1 At least five clear days before a Cabinet meeting the Monitoring Officer shall arrange for a notice of the time and place of the intended meeting to be published at his/her office. Where the meeting is called by Members that notice is to be signed by those Members and specify the business proposed. A summons to attend the meeting, specifying the proposed business and signed by the Monitoring Officer, is to be left at or sent by e-mail or post to the usual place of residence of every Member or to such other place as may be requested by that Member.

5.2 Except in the case of business required by statute to be transacted at the Annual Meeting no business shall be transacted at a meeting other than that specified in the summons.

## 6. Quorum

6.1 For a meeting of Cabinet to be quorate, the following Cabinet Members must be present:

- a. a Cabinet Member or Substitute Member from each constituent council who is entitled to vote;
- b. the Mayor or the Deputy Mayor (acting in the place of the Mayor) or (in the period prior to the election of the Mayor) the Interim Mayor, acting Interim Mayor, or Vice Chair in the absence of the Interim Mayor.

6.2 No business shall be transacted at any meeting unless a quorum is present.

6.3 If a quorum is not reached within 15 minutes of the time appointed for the start of the meeting, the meeting will be reconvened on another date.

6.4 If, during any meeting, the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

6.5 Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **7. Chair and Vice Chairs**

7.1 As set out in Part 3 of this Constitution, the Chair of the Cabinet shall be the Interim Mayor (when appointed) and then the Mayor (when elected). In the absence of the Interim Mayor or Acting Interim Mayor, a Vice Chair of the Cabinet shall act as Chair. In the absence of the Mayor, the Deputy Mayor shall act as Chair.

7.2 Subject to any Standing Orders made by the Cabinet, anything required to be done by, to or before the Chair may be done by, to or before a Vice Chair.

7.3 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7.4 The ruling of the Chair on the interpretation of these Standing Orders in relation to all questions of order and matters arising in debate shall be final.

## **8. Access to Information**

8.1 All meetings of the Cabinet and the committees and sub-committees of the Authority shall be open to the public unless it is likely in view of the nature of the business to be transacted that either confidential information (as defined in section 100A (3) of the Local Government Act 1972) or information falling within one of the categories of exempt information in Schedule 12A (as amended) of the 1972 Act would be disclosed.

8.2 Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Cabinet and the committees and subcommittees of the Authority where the meeting is open to the public. The Chair of the meeting may withdraw consent to film, record or photograph a meeting at any time in the

event that it is carried out in a manner that interferes with the proper conduct of the meeting.

- 8.3 Copies of the agenda and reports open to the public will be available for public inspection at least five clear days before a meeting. If an item is added to the agenda later, the revised agenda and any additional report will be open to inspection from the time it was added to the agenda.
- 8.4 The Authority will make available for public inspection for six years after a meeting the minutes of the meeting (but excluding any part of the minutes when the meeting was not open to the public or which disclose confidential or exempt information), a summary of any proceedings not open to the public where the minutes open to inspection would not otherwise provide a reasonably fair and coherent record, the agenda for the meeting and reports relating to items when the meeting was open to the public.
- 8.5 The author of any report will set out in it a list of those documents (called background papers) relating to the report which in his/her opinion disclose any facts or matters on which the report is based and which have been relied on to a material extent in preparing the report (except for documents which are published works or which disclose confidential or exempt information). Such background papers will remain available for public inspection for four years from the date of the meeting.
- 8.6 Where information is withheld under these provisions the fact must be made known to the member of the public concerned who shall be advised of the categories of information being withheld and the way in which the withholding can be challenged.

## **9. Disturbance**

- 9.1 No member of the public shall interrupt or take part in the proceedings of any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chair shall warn him/her and, if he/she continues the interruption, the Chair shall order his/her removal.
- 9.2 The Chair may at any time, if he/she thinks it desirable in the interests of order, adjourn or suspend a meeting for a time to be named by him/her.

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

- 10.1 Members must comply with the Authority's Code of Conduct for Members (Part 5.1 of the Constitution), and any other Codes or Protocols approved by the Authority.

10.2 A member must withdraw from the meeting room, including from the public gallery, during the whole of the consideration of any item of business in which s/he has an interest which warrants non-participation in accordance with Part 4 of the Authority's Code of Conduct for Members (except where permitted to remain as a result of a dispensation).

## 11. **Order of Debate**

11.1 The Chair will introduce each item and may invite a Member or Officer to present it.

11.2 Each Member shall be given an opportunity to speak on the matter and on any recommendations contained in a report.

11.3 The order in which anyone will be invited to speak will be decided by the Chair.

11.4 Members may speak more than once on the same item, with the agreement of the Chair.

11.5 Subject to 11.2 above, the Chair shall decide when a vote shall be taken on an item. The entitlement to vote and voting procedure is set out in paragraphs 4.8 to 4.11 of Part 2.1 of this Constitution.

11.5 Any Member who is entitled to vote may, when speaking, move that:

- a. an amendment be made to the recommendation(s); or
- b. that an item be withdrawn.

11.6 If a motion to amend or withdraw is made under 11.5 is seconded, then each Member shall be entitled to speak on that motion. The motion shall then either be agreed by consensus amongst those voting Members present, or be voted upon.

## 12. **Duration**

12.1 At any meeting which has sat continuously for three and a half hours, the Chair shall have discretion to adjourn the meeting for a short period of time unless the majority of voting Members present, by vote, determine that it shall stand adjourned to another day, the date and time of which shall be determined by the Chair.



### **13. Minutes**

13.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

13.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

13.3 The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

### **14. Petitions**

14.1 Any person or body wishing to present a petition to the Authority shall notify the Monitoring Officer in writing and provide him/her with a copy of the petition not less than 14 working days before a meeting of the Cabinet or relevant committee or subcommittee of the Authority. On receipt of such petition the Monitoring Officer shall check that it relates to the work of the Authority and, if so, include an appropriate item on the agenda. All petitions addressed to the Authority shall be reported to the next meeting of the Cabinet or relevant committee or subcommittee of the Authority.

### **15. Suspension of Standing Orders**

15.1 Subject to 15.2 below, any of these Standing Orders (except those prescribed by statute) may be suspended at a meeting of the Cabinet with the consent of a majority of the voting Cabinet Members who are present. A Member moving the suspension of a Standing Order shall state without comment the purpose for which the motion is made, and, if seconded, the question shall be put at once.

15.2 Suspension of any of these Standing Orders can only be for the duration of the meeting and must only be moved in exceptional circumstances where the Chair is satisfied that the reasons for the exceptional circumstances can be sufficiently justified. The reasons for the exceptional circumstances must be given by the mover of the motion and the Chair's reasons for considering the exceptional circumstances will be recorded in the minutes of the meeting.

## **16. Officers' Interests**

16.1 If it comes to the knowledge of an officer engaged by the Authority that a contract in which he/she has a pecuniary interest, whether direct or indirect, has been or is proposed to be entered into by the Authority, he/she shall as soon as practicable give notice in writing to the Monitoring Officer of the fact that he/she has an interest.

## **17. Financial Regulations**

17.1 The Financial Regulations of the Authority are deemed to be incorporated in and have the same force as these Standing Orders.

## **18. Sealing of Documents**

18.1 A decision of the Cabinet or the Mayor (or of a joint committee, committee, subcommittee, person or persons to whom the Cabinet has delegated its powers and duties) shall be sufficient authority for the signing or sealing of 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.

18.2 The Common Seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer and the affixing of the Common Seal shall be attested by the Monitoring Officer or other person nominated by him/her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

## **19. Authentication of documents**

19.1 Where any document is necessary for any legal procedure or proceedings on behalf of the Authority it will be signed by the Monitoring Officer or other person nominated by him or her, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

## **20. Committees**

20.1 The Cabinet shall at its Annual Meeting each year appoint such committees as are required to be appointed by or under any statute and may at any time appoint such other joint committees, committees or sub-committees as are necessary to carry out the work of the Authority but, subject to any statutory provision, may at any time dissolve a joint committee, committee, sub-committee or alter its membership.

- 20.2 No joint committee, committee or sub-committee shall continue in office longer than the next Annual Meeting.
- 20.3 These Standing Orders shall with any necessary modifications apply to meetings of committees and sub-committees of the Cabinet. Save where it is otherwise stipulated elsewhere in this Constitution or in legislation, decisions of the committees and subcommittees of the Authority shall be made by way of a simple majority of the Members present and voting, and the Chair shall have a second or casting vote.
- 20.4 The proceedings of the Authority's Overview and Scrutiny Committee are also subject to the requirements of the Overview and Scrutiny Committee Procedure Rules at Part 4.3 of this Constitution.

## **21. Working Groups**

- 21.1 Any committee or subcommittee of the Authority can establish working groups to undertake specific studies/examinations, subject to agreement from the Cabinet.
- 21.2 In appointing working groups, the committee or subcommittee will:
- a. have regard to any approved work programmes (to avoid duplication of work or the undertaking of non-priority work), and advice from relevant officers on the overall capacity of the Authority to support such studies;
  - b. determine the remit for each working group which will be bound by the terms of that remit.
  - c. determine the membership of the working group to be drawn from the membership of the committee or subcommittee with appropriate representation across the constituent councils;
  - d. consider whether a flexible arrangement for the work required is preferable, for example, a joint arrangement with one or two specified constituent councils.
  - e. consider and either approve, amend or reject any reports and recommendations for submission to its parent committee or subcommittee, the Cabinet, an individual or outside organisation as appropriate.
- 21.3 The Chair of any working group established to support strategy development and delivery will be the Member of the Cabinet who is the relevant portfolio holder or their nominee, or such other Member as may be agreed by Cabinet.

21.4 Working groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals to meet the objectives of their agreed remit.

## **22. Co-opted Members**

22.1 The appointment of co-opted Members by the Authority to any committee, sub-committee, joint committee or other body is a matter reserved to the Cabinet

22.2 A committee, subcommittee, joint committee or other body can make representations to the Cabinet on the appointment of co-opted members. In making such representations, the committee, subcommittee, joint committee or other body will propose the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the Cabinet. Subject to what may be specified elsewhere in this Constitution, co-opted Members appointed by the Cabinet can attend and speak at meetings of the committee, subcommittee, joint committee or body to which they are appointed but cannot vote.

## **23. Attendance**

23.1 The Monitoring Officer shall record the attendance of each Member at each meeting of the Cabinet and committees and subcommittees of the Authority and it shall be the responsibility of each Member to sign such a record.

## **24. Failure to attend Meetings**

24.1 Subject to the exceptions prescribed by statute, if a Member of the Authority fails throughout a period of six consecutive months to attend any meeting of the Cabinet or the joint committees, committees or subcommittees of the Authority to which they have been appointed, he/she shall (unless the failure to attend was due to a reason approved by the Cabinet before the end of that period), cease to be a Member of the Authority. For the purpose of this provision, the period of failure to attend shall date from the first meeting which the Member could have attended as a Member.

## **25. Resignation**

25.1 A person appointed as a Member of the Authority may at any time resign his/her office by a notice of resignation in writing signed by him/her and delivered to the Monitoring Officer and the proper officer of either (i) the proper officer of the constituent council or (ii) the Chair or Vice Chair of the LEP that appointed him/her.

## **26. Appointments**

- 26.1 A person, so long as he/she is a Member of the Authority, and for twelve months after he/she ceases to be a Member of the Authority, shall be disqualified from being appointed by the Authority to any paid office.
- 26.2 A Member shall not solicit for any person any appointment with the Authority or recommend any person for such appointment or for promotion, but this Standing Order shall not prevent a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority with an application for appointment.
- 26.3 Canvassing of Members directly or indirectly for any appointment with the Authority shall disqualify the candidate for that appointment. A statement to this effect shall be included in all recruitment information for appointments.

## **27. Forward Plan**

- 27.1 The Monitoring Officer will prepare and publish the Forward Plan for the purpose of giving 28 days' notice of key decisions of the Authority.
- 27.2 For these purposes, a "key decision" is a decision of a decision maker, which in the view of the Authority's Overview and Scrutiny Committee, is likely to:
- a. result in the Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Authority's budget for the service or function to which the decision relates; or
  - b. to be significant in terms of its effects on persons living or working in an area comprising two or more electoral wards or divisions in the Authority's area.
- 27.3 The Forward Plan will be published on the Authority's website and will be available for inspection at the offices of the Combined Authority [and each constituent council].
- 27.4 Subject to 27.5, the Forward Plan will contain the following details of decisions to be taken:
- a. the matter in respect of which the decision is to be made;

- b. the identity of the decision-maker;
- c. the date on which, or the period within which, the decision will be taken;
- d. whether it is intended to exclude the press and public from any meeting, or part of a meeting;
- e. a list of the documents submitted to the decision-maker for consideration in relation to the matter and an address from which the documents are available; and
- f. a statement to indicate that other documents may be submitted to the decision maker(s) and details of the procedure for requesting copies of them.

27.5 Exempt information need not be included in the Forward Plan and confidential information cannot be included.

## **28. General Exception**

28.1 A key decision which is not included in the Forward Plan can only be taken where:

- a. the Monitoring Officer has notified the Chair (or, in their absence, Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided;
- b. the Monitoring Officer has published the notice mentioned in (a) above on the Authority's website and made that notice available for inspection at the offices of the Combined Authority [and each constituent council]; and
- c. at least 5 clear days have elapsed between the said notice being published and the decision being made.

28.2 The Monitoring Officer shall as soon as reasonably practicable thereafter publish on the Authority's website (and make available for inspection at the offices of the Combined Authority [and each constituent council] a notice setting out the reasons why the matter could not be included on the Forward Plan.

## **29. Special Urgency**

29.1 A key decision which is not included in the Forward Plan can only be taken with less than 5 clear days' notice where:

- a. the Monitoring Officer has notified the Chair (or, in their absence, Vice Chair) of the Overview and Scrutiny Committee in writing of the matter to be decided;

- b. agreement has been obtained from the Chair, or a Vice Chair, of the Cabinet, that the matter is urgent and cannot be reasonably deferred;
- 29.2 As soon as reasonably practicable after obtaining the agreement set out in 29.1b, the Monitoring Officer shall publish on the Authority's website and make available for inspection at the offices of the Authority [and each constituent council] a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred. The report submitted to the meeting (or decision-maker) will set out the reason why the matter is urgent and cannot reasonably be deferred and this reason will be recorded in the minutes of the meeting (or record of a delegated decision).

### **30. Urgent Decisions**

- 30.1 Where a decision needs to be taken urgently and it is not practical to convene a quorate meeting of the Cabinet or relevant committee or subcommittee of the Authority, the Head of Paid Service, in consultation with the Chair (or in their absence a Vice Chair) of the Cabinet or relevant committee or subcommittee, the Chief Finance Officer and the Monitoring Officer, has the authority to take an urgent decision (see delegation HPS11 in Part 2.9 -Delegations to Head of Paid Service).
- 30.2 The Monitoring Officer will maintain a record of all 'urgent' decisions and submit a report on these decisions at least annually to the Cabinet. The report will include a summary of the subject matter of the decisions taken.





## **Part 3.2 Budget and Policy Framework Rules of Procedure**

### **1. Introduction**

- 1.1 The Budget and Policy Framework (“the Framework”) is the collective name given to the budgets and the major plans and strategies of the Authority that must be considered by Cabinet (including the Mayor) before they are finally approved.
- 1.2 This part of the Constitution sets out how the Cabinet will decide on which plans and strategies are in the Framework. It also sets out how decisions will be taken on the content of the Framework where the budgets and such plans and strategies are brought forward.
- 1.3 Once a budget or plan or strategy within the Framework is in place it is the responsibility of the Cabinet and/or the Mayor to implement it.

### **2. Content of the Budget and Policy Framework**

2.1 The Framework will comprise:

#### **2.1.1 The Authority’s Budget**

The Authority’s Budget includes the allocation of financial resources to different services and projects, proposed contingencies, earmarked and un-earmarked reserves, the transport levies, and decisions relating to the control of the Authority’s borrowing requirements, the control of its capital expenditure and the setting of virement limits.

The Budget also includes the Treasury Management Strategy. Treasury Management is the management of the Authority’s cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.

The Treasury Management Strategy aims to protect the Authority from market-related risks by monitoring interest rates, economic indicators and UK and overseas government finances. The prime objective of the Authority’s investment strategy is to maintain capital security whilst ensuring that there is the necessary liquidity to carry out its business.

#### **2.1.2 The Mayoral Budget**

The Mayoral Budget relates to the operation of the Mayor’s Office and the carrying out of the Mayoral functions (which are described in section 7 of Part 2.2 of this Constitution). It includes the Mayoral precept and Mayoral general fund.

#### **2.1.3 Plans and Strategies**

Such other major plans and strategies as may be identified by the Cabinet.

2.2 The Cabinet (including the Mayor) will keep under review the composition of the Framework.

### **3. Process to develop the Budget and Policy Framework**

3.1 The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of the Framework.

#### Initial Proposals

3.2 Prior to the calculations on the transport levies being finalised the Cabinet will produce their initial proposals for the Authority's Budget and the Mayor will produce his/her initial proposals for the Mayoral Budget respectively. These initial proposals will be accompanied by:

3.2.1 a summary of information that has been taken into account in producing the initial proposals (including specific reference to consideration of any reviews/studies previously carried out by the Overview and Scrutiny Committee);

3.2.2 detailed information on how it is intended to consult with the Members, Constituent Authorities, stakeholders, residents and others;

3.2.3 a timetable for the consultation and the preparation of final proposals for consideration by the Overview and Scrutiny Committee and Cabinet;

3.2.4 proposals on the extent of virement permitted within the relevant budget.

3.3 These initial budget proposals and accompanying information will then be referred to the Overview and Scrutiny Committee by the Cabinet and Mayor respectively. The Overview and Scrutiny Committee will at this stage examine the consultation proposals and timetable and make recommendations on these, where it is considered appropriate, to the Cabinet and Mayor respectively.

#### Preparing the final proposals

3.4 The Cabinet and Mayor will consider any recommendations made by the Overview and Scrutiny Committee and, where it is considered appropriate, amend their budget proposals, consultation process and/or timetable accordingly. Once the consultation process has been completed, the Cabinet will refer the details of their revised proposals for the Authority's Budget to the Overview and Scrutiny Committee, together with the relevant background information on which the revised proposals have been based. The Mayor will do likewise in respect of his/her revised proposals for the Mayoral Budget. It is the responsibility of the Cabinet and the Mayor and relevant officers to ensure that the Overview and Scrutiny Committee has sufficient background information to enable it to evaluate the revised proposals against that background information.

3.5 The revised proposals for the Authority's Budget will then be referred back to the Cabinet and the revised proposals for the Mayoral Budget will be referred back to the Mayor, together with any recommendations and/or observations from the Overview and Scrutiny Committee. The Cabinet will prepare final proposals for the Authority's Budget and the

Mayor will prepare final proposals for the Mayoral Budget, having regard to any recommendations and/or observations from the Overview and Scrutiny Committee.

#### Approval of the Authority's Budget and the Mayoral Budget

- 3.6 The final proposals for the Authority's Budget must be approved by a majority decision of the Cabinet which includes the voting Cabinet member appointed by each constituent council.
- 3.7 The approval of the Mayoral Budget is a matter for the Mayor save that the Mayoral Budget can be amended by a 2/3 majority of the voting Cabinet members (excluding the Mayor).
- 3.8 Once the Authority's Budget and the Mayoral Budget have been approved, the Chief Finance Officer shall prepare a notice of the respective decision and provide this to each constituent council.

#### Plans and Strategies

- 3.9 A similar process to that outlined in paragraphs 3.2 to 3.8 shall be applied to those plans and strategies which form part of the Framework.

#### **4. Decisions that contravene the Budget and Policy Framework**

- 4.1 The Authority's Financial Regulations contain provisions allowing virement. Subject to those provisions, the Cabinet, Mayor (or Deputy Mayor), committees, subcommittees and officers of the Authority discharging any functions of the Cabinet or Mayor are only authorised to take decisions in line with the approved budgets, plans and strategies within the Framework. Only the Cabinet can take a decision that wholly or in part does not accord with the Framework.
- 4.2 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 budget, plans and strategies in the Framework. Where advice is given that the decision would be contrary to the Framework, that decision must be referred to Cabinet.



## **Part 3.3**

## **Overview and Scrutiny Procedure Rules**

### **1. Introduction**

1.1 These rules of procedure provide a framework for carrying out the overview and scrutiny work of the Authority.

### **2. Objectives and key principles of scrutiny of the Authority**

2.1 The Authority has established an Overview and Scrutiny Committee (“the Committee”) in accordance with the relevant legislation and the Authority’s Constitution in order to scrutinise and support the decision-making of the Cabinet and the Mayor and other decision-making bodies and officers within the Authority.

2.2 The terms of reference of the Committee are set out in paragraph 5 of Part 2.6 of this Constitution.

2.3 The Committee shall be responsible for determining their own work programme, having taken advice from relevant officers. When considering their work programme, they shall:

- determine whether an issue is more appropriately dealt with by one of the constituent councils or by some other organisation or in some other way and will not duplicate the work of existing bodies or agencies;
- take into account the resources available to support that programme, and avoid establishing priorities for which the costs exceed the likely benefits;
- avoid initiating enquiries at a time, or in a manner which disrupts the effective and efficient operation of the Authority, or unnecessarily delays the conduct of its business.

2.4 The scrutiny process will be open and transparent and designed to engage all relevant organisations, residents and other stakeholders.

2.5 The terms of reference, timescale and outline of any review shall be agreed by the Committee.

2.6 Different approaches to scrutiny reviews may be taken in each case, but Members shall seek to act in an inclusive manner and take evidence from a wide range of opinion. The Committee shall make specific efforts to engage with groups who would otherwise be excluded.

2.7 The Committee may also establish subcommittees and temporary working groups to consider specific issues in more depth and to report back to the Committee. Working groups cannot however receive delegated authority from the Committee, who retain responsibility for all decisions.

### **3. Meetings of the Committee**

- 3.1 The Committee shall hold at least four meetings per year and may convene additional meetings as necessary, taking account of the considerations set out above.
- 3.2 Notice of the annual meeting and any other meetings will be sent to each Member of the Committee in accordance with the requirements of the Local Government Act 1972.
- 3.3 Meetings will be held in public, unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the Local Government Act 1972.
- 3.4 The Committee, acting reasonably, may:
- request the members or statutory officers of the Authority (including the Interim Mayor or Mayor) to attend before it to answer questions and give evidence; and
  - invite such other persons, including officers of the constituent councils, to attend meetings of the Committee.
- 3.5 Any invitation to officers under paragraph 3.4 must be made through the Head of Paid Service of the Authority, or the Chief Executive of the relevant constituent council. If any request is declined by the Head of Paid Service or Chief Executive, he/she must indicate the reasons for so doing.

### **4. Functions of the Committee regarding the Authority's Budget**

- 4.1 At least 2 months before the calculations for the transport levies need to be finalised Cabinet will produce initial outline budget proposals for consultation.
- 4.2 The initial outline budget proposals will be provided to the Committee together with a summary of the information taken into account in producing the initial outline proposal. A timetable for the consultation on, and preparation of, final draft budget proposals, including consideration of the final budget proposals by the Committee as part of the consultation process, will be made known to the Committee.
- 4.3 The Committee will consider the final draft budget proposals at a Committee meeting and shall ensure that the outcome of the meeting in terms of the Committee's consideration of the final draft budget proposals will be made known to Cabinet before the end of the consultation period.

### **5. Agendas and Business of the Committee**

- 5.1 The Chair will approve the agenda for each annual meeting and any other meetings to be held.

- 5.2 Any member of the Committee may raise with the Chair a matter which is relevant to the functions of the Committee, for consideration by the Committee.
- 5.3 Any member of the Authority or of a constituent council may also raise with the Chair an item which is relevant to the functions of the Committee, for the Committee's consideration.
- 5.4 In considering whether or not to exercise any of the powers specified in the Terms of Reference of the Committee (at paragraph 5 of Part 2.6 of this Constitution) in relation to a matter referred to it by a member of the Authority or a member of a constituent council in accordance with the agreed arrangements regarding the exercise of those powers, the Committee must have regard to any representations made as to why it would be appropriate for the Committee to exercise any of those powers.
- 5.5 If the Committee decides not to exercise any of those powers in relation to the matter, it must notify the relevant member of its decision and the reasons for the decision.
- 5.6 The Committee must also provide the relevant Member with a copy of any report or recommendations which the Committee makes regarding the exercise of its powers in connection with the matter referred to it by the Member(s) concerned, subject to the provisions of paragraph 6.5 (confidential and exempt information).

## **6. Reports or Recommendations of the Committee**

- 6.1 Where the Committee makes a report or recommendations, the Committee may:
- publish the report or recommendations;
  - by notice require the Cabinet or Mayor to:
    - consider the report or recommendations;
    - respond to the Committee indicating what (if any) action the Cabinet or Mayor proposes to take; and
    - (if the Committee has published the report or recommendations), publish the response.
- 6.2 Notice given under the preceding paragraph 6.1 must require the Cabinet or Mayor to comply with it within two months beginning with the date on which the Cabinet or the Mayor received the report or recommendations or (if later) the notice.
- 6.3 The Cabinet or the Mayor must respond to a report or recommendations made by the Committee as a result of a referral made in accordance with these Rules, within two months beginning with the date on which the Cabinet or the Mayor received the report or recommendations or (if later) the notice.
- 6.4 When publishing any document comprising such report or recommendations, or a response of the Cabinet or the Mayor to the report or recommendations, the Committee must exclude any confidential information, and may exclude any relevant exempt information.
- 6.5 When the Committee provides a copy of any such documents to a Member of the Authority, or to a Member of a constituent council, the Committee may exclude any confidential information or relevant exempt information.

- 6.6 Where the Committee excludes information under the preceding paragraphs, the Committee in publishing or providing a copy of the document may replace so much of the document as disclose the information, with a summary which does not disclose that information, and must do so if, in consequence of excluding the information the document published, or the copy provided, would be misleading or not reasonably comprehensible.
- 6.7 Notwithstanding that the Committee, in publishing or providing a copy of a report or recommendations, has excluded information, or has replaced part of a report or the recommendations with a summary, it is nevertheless to be taken to have published the report or recommendations.
- 6.8 “Confidential information” has the meaning given by section 100A (3) of the Local Government Act 1972.
- 6.9 “Exempt information” has the meaning given by section 100I of the 1972 Act.
- 6.10 “Relevant exempt information” means:
- In relation to a report or recommendations of the Committee, exempt information of a description specified in a resolution of the Committee under section 100A(4) of the 1972 Act which applied to the proceedings, or part of the proceedings of the Committee at which the report was, or the recommendations were, considered; and
  - In relation to a response of the Cabinet or the Mayor, exempt information of a description specified in such a resolution of the Cabinet or Mayor which applied to the proceedings, or part of the proceedings, at any meeting of the Cabinet at which the report or response was, or the recommendations were, considered.

## **7. Rights of Committee Members to documents**

- 7.1 A member of the Committee is entitled to a copy of any document which is in the possession or under the control of the Cabinet or the Mayor, and contains material relating to any business that has been transacted at a meeting of a decision-making body of the Authority, or to any decision that has been made by an individual Member of the Authority.
- 7.2 Where a member of the Committee requests a document which falls within the preceding paragraph 7.1, the Cabinet or the Mayor must provide that document as soon as reasonably practicable, and in any case no later than 10 clear days after the Cabinet or the Mayor receives the request.
- 7.3 However, no member of the Overview and Scrutiny Committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information unless that information is relevant to:
- an action or decision that the Member is reviewing or scrutinising; or
  - any review contained in any programme of work of the Committee or of a working group of the Committee.



7.4 Where, as a result, the Cabinet or the Mayor, or the Head of Paid Service determines that a member of the Committee is not entitled to a copy of a document or part of any such document for a reason set out in the preceding paragraph 7.3, he, she or they must provide the Committee with a written statement setting out its reasons for that decision.

## **8. Call-In Procedure**

8.1 The power of the Committee to call-in decisions for review and scrutiny is intended to apply in exceptional circumstances and it cannot be used in respect of day-to-day management and operational decisions.

8.2 In exercising this power, members of the Committee will need to determine that a decision of the Authority has been made:

- in a manner which is inconsistent with the Constitution and procedures of the Authority;
- without adequate consultation with relevant parties;
- without adequate evidence to inform that decision, or with inaccurate or misleading evidence; and/or
- without sufficient regard to the financial or other impacts of the decision or the risks arising from the decision;

8.3 All decisions made by the Mayor, Cabinet, decisions delegated to Sub-Committees, and all officer key decisions shall be published within [3] working days of being made. Committee members will be sent copies of the records of all such decisions by the person responsible for publishing the decision. The notice will bear the date on which it is published and will specify that (subject to paragraph 8.10 below) the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Committee directs that it should be called-in.

8.4 During this period the Monitoring Officer shall call-in a decision for scrutiny by the Committee:

- a. if so requested by any 4 Members of the Committee who are drawn from at least 2 of the constituent councils; and
- b. if the criteria in paragraph 8.2 have been met,

in which event the Monitoring Officer shall then notify the decision-maker of the call-in. The Monitoring Officer shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within a period not exceeding 10 days of the decision to call-in unless there are exceptional circumstances as to why this cannot be achieved. The Monitoring Officer, in consultation with the Chair of the Committee, will determine if there are exceptional circumstances.

8.5 The written request for call-in of a decision should always include specific details clearly explaining why the Members making the request consider that a decision has been taken in one or more of the circumstances set out in paragraph 8.2 identifying which circumstances apply, and describing the reasons which the Members have for believing

that that this is the case. Wherever possible, the request shall also indicate whether the Members wish to request persons to attend the Committee's meeting under paragraph 3.4 above. The Monitoring Officer will provide a form for completion by the Members making the call-in request, to ensure the proper application of the call-in procedure.

8.6 On receipt of a valid call-in request, the Committee meeting to review the decision shall follow the following format:

- the Members requesting the call-in will explain the reasons for calling-in the decision;
- other Members of the Committee may ask questions or seek clarification on the reasons for call-in;
- the (representative of the) decision maker and/or supporting officer(s) will explain the reasons for the decision being made and respond to any issues raised by the call-in;
- Members of the Committee may ask questions or seek clarification; and
- the Committee will then deliberate and come to a decision.

Timings for each element of the meeting may be determined by the Chair, in order to ensure the efficient conduct of the meeting.

8.7 The Committee may, by majority decision, take one of the following steps:

- a. agree that the original decision should stand, no further action should be taken and the decision can be implemented without further delay;
- b. agree that the original decision should stand, but make comments on the decision;
- c. agree that the original decision should be referred back to the decision-maker with a recommendation it be reconsidered, providing a statement of the reasons for the referral;
- d. (where the decision was made under delegated arrangements) agree that the original decision should be referred to the Cabinet or Mayor (as appropriate) with a recommendation that it be reconsidered, providing a statement of the reasons for the referral;
- e. agree to adjourn the meeting for further consideration (the meeting can only be adjourned once).

8.8 If following a valid call-in, a quorate meeting of the Committee is not held within 10 days (unless there are exceptional circumstances for holding the meeting at a later date as set out in paragraph 8.4 above), or does meet but does not refer the matter back to the decision-maker or the Cabinet (as appropriate), the decision shall take effect on the sooner of the date of the Committee meeting or the 10 day period.

8.9 If the matter is referred to the Cabinet, the Cabinet shall meet within 10 days of the request, unless there are exceptional circumstances as to why this cannot happen, to

reconsider the matter. Following the meeting the Cabinet shall respond to the Committee indicating what, if any, action the Cabinet proposes to take.

8.10 The call-in procedure set out above shall not apply where an urgent decision needs to be made. An urgent decision is one that needs to be implemented before the call-in period, to avoid a risk of serious prejudice to the interests of the Authority. In these circumstances:

- The Head of Paid Service shall determine whether a risk of serious prejudice exists. In the event that the Head of Paid Service is the decision-maker, this assessment shall be confirmed by the Monitoring Officer;
- The Head of Paid Service must secure the agreement of the decision-maker, and the Chair of the Committee.
- The decision shall be communicated to the Committee in advance of implementation
- The fact that a decision is exempt from call-in shall be recorded alongside the decision itself.

8.11 The operation of the provisions relating to call-in and urgency shall also be monitored and reviewed annually.

8.12 Each decision can only be called in once.



## **Part 3.4 Officer Employment Rules of Procedure**

The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.<sup>3</sup>

This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers (Part 2.9).

The Authority's Chief Officers and Deputy Chief Officers are, in accordance with the Local Government and Housing Act 1989 defined as follows:

- a) a statutory chief officer (e.g. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer);
- b) a non-statutory chief officer (e.g. an officer who reports directly to the Head of Paid Service); and
- c) a deputy chief officer (e.g. an officer who reports directly to a Chief Officer).

### **1. General**

The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Deputy Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

The functions of appointment and dismissal of, and taking disciplinary action against, Chief Officers and Deputy Chief Officers must be discharged by the Cabinet.

### **2. Recruitment and appointment**

The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.

No candidate so related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by them.

The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

No Member will seek support for any person for any appointment with the Authority.

Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

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<sup>3</sup> Upon publication the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 do not apply to Combined Authorities.

### **3. Appointments**

Where the Cabinet determines to appoint a Chief Officer or Deputy Chief Officer the Cabinet will draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed.

If it is not proposed that the appointment be made exclusively from among existing officers of the constituent councils, the Cabinet will:

- a) make arrangements for 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
- b) make arrangements for a copy of the written statement mentioned above to be sent to any person on request.

The appointment of any other officer is a matter for the Head of Paid Service.

### **4. Disciplinary Action**

The Head of Paid Service, the Monitoring Officer or Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.

Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

### **5. Dismissal**

Members will not be involved in the dismissal of any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

# **Part 4 Financial Regulations**

## **Introduction**

### 1. Definitions

In these Regulations:

The “Direct Services” of the Authority include those services provided directly to it by the lead authorities responsible for providing the services.

“Designated Officers” are those officers listed below, together with any other officers or consultants that may be approved by the Authority for the purpose of these regulations:

Head of Paid Service  
Chief Finance Officer  
Monitoring Officer

Any duty or power devolving upon a Designated Officer may (in his or her absence) be exercised by a nominated deputy.

2. Financial Regulations provide the framework for the financial administration of NTCA with a view to ensuring that its financial affairs are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge. Financial Regulations are not intended to constitute a set of detailed rules to respond to every contingency. The Regulations allow for variation in detailed controls by the Designated Officers where justified by local circumstances.
  - a) Financial Regulation 1 defines responsibility for financial control.
  - b) Financial Regulations 2, 3, and 4 lay down the tasks required of the Authority, joint committee, committee, sub-committee or designated officer for the fundamental financial processes of:
    - i) forward planning and budgetary strategy;
    - ii) incurring and controlling revenue spending and income;
    - iii) incurring and controlling capital spending and income.
  - c) Financial Regulation 5 covers the requirements for Risk Management.
  - d) Financial Regulations 6 and 7 cover the standards required for:

- i) accounting;
    - ii) internal audit.
  - e) Financial Regulation 8 governs procedures for obtaining goods, materials, works and services.
  - f) Financial Regulation 9 regulates the 'day to day' financial systems of the NTCA. It requires designated officers to ensure that prescribed controls are present, but allows them, except where explicitly stated otherwise, to determine the detail of the controls in order to meet service circumstances.
3. All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action.
  4. Failure by officers to observe Financial Regulations and the codes and guidance issued under them may result in action under the Authority's disciplinary procedures.
  5. Failure by Members to observe Financial Regulations may amount to a breach of the Code of Conduct for Members.
  6. Amendments to Financial Regulations require the approval of the Cabinet following a report from the Chief Finance Officer. The Cabinet may amend all other Procedures, Policies, Codes and Checklists referred to in these Financial Regulations. The Chief Finance Officer will review as often as he/she considers appropriate supporting advice and guidance to the Financial Regulations and report any recommended changes to the Cabinet for approval.
  7. If any financial issues arise which result in any uncertainty or ambiguity as to the correct procedure to follow under these regulations, then the Chief Finance Officer shall have delegated powers to give a valid direction as to the appropriate procedure to follow.



## **1. Responsibilities**

### **1.1 Responsibilities to the Authority**

All Members, Designated Officers and Officers of the Authority are responsible for ensuring that they use the resources and assets entrusted to them in a responsible and lawful manner. They should strive to achieve value for money and avoid legal challenge to the Authority. These responsibilities apply equally to Members and Designated Officers and officers when representing the Authority on outside bodies. Members must also comply with the Code of Conduct for Members.

### **1.2 Personal Responsibilities**

Any person charged with the use or care of the Authority's resources and assets should understand the Authority's requirements under these Financial Regulations. If anyone is in any doubt as to their obligations, then they should seek advice. Unresolved questions of interpretation should be referred to the person providing internal audit services to the Authority.

All Officers (including Officers of lead authorities providing services to the Authority) must report to their manager or supervisor any illegality, impropriety, breach of procedure or serious deficiency in the provision of service. Officers shall be able to do this without fear of recrimination providing they act in good faith and, in such circumstances, managers must record and investigate such reports and take action where appropriate. Compliance with the Authority's Anti-Fraud and Corruption Policy (see Part 5.4 of the Constitution) and the Code of Conduct for Officers (see Part 5.2 of the Constitution) is mandatory.

Note: The Authority's Whistleblowing Policy (see Part 5.5 of the Constitution) for confidential reporting of concerns exists to:

- Make Officers feel confident to raise concerns and to question and act upon concerns about practice;
- Give Officers avenues to raise concerns and receive feedback on any action taken;
- Guarantee that an Officer will receive a response to his or her concerns raised and that he or she is aware of the process to follow if not satisfied;
- Reassure an Officer that he or she will be protected from possible reprisals or victimisation.

### **1.3 The Cabinet**

The Cabinet is responsible for:

- The adoption and revision of these Financial Regulations;
- The determination of the policy framework and annual revenue budget and capital programme;
- Providing the Chief Finance Officer and Designated Officers with sufficient staff, accommodation and other resources to carry out their duties.

### **1.4 Overview and Scrutiny Committee**

The Overview and Scrutiny Committee has a monitoring and scrutiny role to help ensure that the Authority's corporate budgets and financial management systems are managed efficiently and are ensuring value for money. The Overview and Scrutiny Committee is responsible for considering and responding to proposals from the Cabinet in respect of the budget and those plans/strategies that fall within the Budget and Policy Framework.

### **1.5 Audit and Standards Committee**

The Audit and Standards Committee is a key component of the Authority's governance arrangements and is responsible for overseeing issues relating to financial probity and the adequacy of the Authority's controls. In accordance with its terms of reference, the Audit and Standards Committee receives interim and end of year reports from both internal and external audit, and other information appropriate to its programme of work.

### **1.6 Chief Finance Officer**

1.6.1 The Authority shall appoint an officer, 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.

1.6.2 The Chief Finance Officer shall issue, and keep under continuous review, such instructions, advice or procedures relating to financial matters as he or she considers necessary to secure the proper administration of the Authority's financial affairs.

1.6.3 The Chief Finance Officer is responsible for reporting, where appropriate, breaches of Financial Regulations to the Cabinet.

1.6.4 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Cabinet and external auditor where it appears that the Authority

or an officer has made, or is about to make, a decision that would involve:

- Unlawful expenditure;
- An unlawful action likely to cause a loss or deficiency;
- An unlawful item of account;
- Proposed expenditure that is in excess of available resources

Section 114 of the Local Government Finance Act 1988 requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise, should he or she be unable to perform the duties under section 114 personally;
- The Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114.

1.6.5 The Chief Finance Officer has responsibility for ensuring compliance with the requirements of the Accounts and Audit Regulations 2015 relating to accounting records, control systems and audit.

## 1.7 Designated Officers

Designated Officers are responsible for ensuring that appropriate staff under their control are aware of the existence of the Authority's Financial Regulations and other regulatory documents and that they are observed throughout all areas under their control and shall:

- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet his or her obligations under Financial Regulations;
- Ensure that the Chief Finance Officer has sufficient opportunity to comment on all proposals with unbudgeted financial implications, before any commitments are incurred;
- Ensure that Authority members are advised of the financial implications of all significant proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Inform immediately the Chief Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets;
- Inform the Chief Finance Officer where amendment to Financial Regulations is considered necessary; and
- Be responsible for ensuring the legality of all actions.

Note: It is the Monitoring Officer's duty to report to the Authority in respect of any proposed action, decision or omission that is contrary to law, or constitutes maladministration or injustice where the Ombudsman has conducted an investigation.

## **1.8 Exceptions to Financial Regulations**

1.8.1 Exceptions to these Financial Regulations shall be made only:

- in cases of urgency or where it is in the interests of the Authority to do so; and
- with the prior written approval of the Chief Finance Officer.

1.8.2 The Chief Finance Officer shall keep a record of all such exceptions and submit an annual report to the Authority summarising the exceptions.

## **1.9 Arrangements for the discharge of responsibility**

1.9.1 Designated Officers and their staff are required to carry out their tasks in accordance with these Financial Regulations. Designated Officers may arrange for any of their staff to carry out tasks for which they have responsibility as set down by these Financial Regulations provided that the terms of those delegated arrangements are clearly defined and documented. A record of all such arrangements will be prepared by each Designated Officer and submitted to the Chief Finance Officer on an annual basis.

1.9.2 Notwithstanding such arrangements, the person making the arrangements remains responsible for compliance with these Financial Regulations.

## **2. Forward Planning and Budget Strategy**

The Cabinet decides on the annual budget; this will include the levy on the constituent authorities as approved by the Joint Transport Committee.

2.1 Designated Officers shall provide information to the Chief Finance Officer to enable him/her to produce and submit to the Authority annually a medium term financial forecast and a medium term capital forecast.

2.2 The Chief Finance Officer shall annually advise the Mayor and Cabinet on:

- Financial planning and budget strategy matters.
- Procedures, timetables and estimated resources for planning revenue and capital spending.
- The annual revenue and capital budget; transport levies.

**2.3** Designated Officers, in consultation with the Chief Finance Officer, shall prepare revenue and capital estimates in accordance with such guidelines as set out by the Authority. In doing so, Designated Officers shall ensure that:

- The estimated expenditure and income, or the cost of any proposal submitted by them, are as accurate as possible and provide provision for all costs involved.
- The revenue and capital estimates are consistent with Authority policy.
- The revenue implications of capital schemes are fully included in revenue estimates.

### **3. Incurring and Controlling Revenue Spending and Income**

The Authority monitors financial performance during the financial year and considers any significant developments affecting its financial position.

**3.1** The Chief Finance Officer shall advise the Cabinet, on a quarterly basis, on:

- Progress against the Cabinet approved budget;
- Significant developments affecting the financial position of the Authority.

**3.2** The Chief Finance Officer shall:

- Provide guidance on and co-ordinate the budget monitoring process.
- Prescribe the form, basis, supporting information and timetable for the preparation of final accounts.
- Within delegated limits approve supplementary estimates and transfers of estimates.

**3.3** Each Designated Officer shall:

**3.3.1** Authorise revenue spending and collect income within the estimates, targets and/or limits approved by the Cabinet provided that:

- The expenditure is lawful.
- Financial Regulations have been complied with;
- Expenditure is within approved revenue budget or capital programme provision.
- Expenditure is in respect of Authority policy.

3.3.2 Monitor progress on revenue spending and the collection of income and promptly provide the Chief Finance Officer with such information as requested. They should report on variances within their own areas to the Chief Finance Officer. They should also take any action necessary (without affecting policy) to avoid exceeding their budget allocation, in accordance with the Financial Regulations.

3.3.3 Review fees and charges annually and implement changes in accordance with officer delegations or alternatively report them for approval to the Cabinet.

3.3.4 Seek, in consultation with the Chief Finance Officer, the approval of the Authority to budgetary changes that would have a significant impact on the nature or level of service provided.

3.3.5 Ensure that transfers between budgets (virement) fulfill the following requirements:

- Transfers apply only to the transfer of funds within the delegated budget of the Designated officer.
- The proposal is consistent with Authority policy.
- Any virement over £10,000 is a significant decision and is therefore approved by the Chief Finance Officer.
- The total net delegated budget is still within the delegated cost limit.

3.4 Transfers from reserves to revenue budgets, other than those covered by the provisions of 3.3.5 above, require the prior written approval of the Chief Finance Officer.

3.5 Designated Officers shall, in an emergency (being a situation which demands action of a nature that could not have been anticipated and for which there is no budget line), and with the prior written approval of both the Chief Finance Officer and the Mayor or Chair of the Cabinet, have authority to incur unbudgeted expenditure.

#### **4. Incurring and Controlling Capital Spending and Income**

The Authority oversees the capital and leasing programme and approves the award of contracts in accordance with the Procedure for the Commitment of Capital Expenditure (FPN 11).

4.1 The Chief Finance Officer shall advise the Cabinet quarterly on:

- Progress on implementation of the Cabinet approved capital and leasing programme.
- Additions and amendments to the Cabinet approved capital and leasing programme.
- The procedure for the commitment of the Cabinet approved capital expenditure.

**4.2** The Chief Finance Officer shall as appropriate:

- Provide guidance and co-ordinate capital monitoring procedures.
- Certify capital proposals as required by the Procedure for the Commitment of Capital Expenditure.

**4.3** Designated Officers shall:

- Authorise capital spending in accordance with the Procedure for the Commitment of Capital Expenditure (FPN11).
- Monitor progress on implementation of the capital and leasing programme and provide the Chief Finance Officer with such information as requested.
- Only commit the Authority to match-funding arrangements for which capital programme approval has been obtained.
- Undertake the disposal of land and buildings in accordance with any scheme of officer delegation approved by the Cabinet or otherwise with express approval of the Cabinet.

**4.4** Capital expenditure – Definition

For the purposes of this regulation, capital expenditure is deemed to include the procurement, improvement or enhancement for the Authority's purposes of land, buildings, vehicles and equipment and the provision of grants to external organisations to enable the purchase of land, buildings, vehicles and equipment, regardless of how financed. Expenditure below the de-minimis sum determined by the Chief Finance Officer is not capital expenditure. If there is doubt whether expenditure is capital, the decision of the Chief Finance Officer is final.

**5. Risk management**

The importance of risk management to the wellbeing of the Authority is outlined in its Risk Management Policy Statement.

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational and strategic risks to the Authority. This should include the proactive participation of all those associated with planning and

delivering services.

The Cabinet is responsible for reviewing the effectiveness of risk management and for ensuring that proper insurance exists where appropriate. The Chief Finance Officer will advise the Cabinet on proper insurance cover where appropriate.

The Chief Finance Officer will be responsible for the Authority's risk management policy statement, which may be prepared by a nominated officer. The risk management policy statement will be promoted throughout the Authority.

Designated Officers are responsible for ensuring that risk management is an integral part of their management processes and activities within their respective areas of responsibility.

**5.1** Designated Officers will assign clear roles and responsibilities for managing risk.

**5.2** Designated Officers are responsible for ensuring that a register of significant risks is maintained, reported and monitored.

**5.3** Designated Officers will:

- Produce a strategy for the management of risk in their service.
- Ensure that risk considerations are embedded into planning and decision-making processes.
- Identify those activities which have or may give rise to significant loss producing events.
- Measure the impact of potential loss.
- Take reasonable physical or financial steps to avoid or reduce the impact of potential losses.
- Allocate risk management resources to areas of identified priority.
- Maximise risk management opportunities that can impact positively on the Authority's reputation, aims and objectives.
- Ensure managers and Officers are equipped with the necessary skills to manage risk effectively.
- Ensure that strategic partners and service providers are aware of the importance of risk management.



- Ensure that the Chief Finance Officer is promptly provided with any information he requires on risk management issues.
- Report the risk implications of recommended strategies, policies, and service delivery options to Members of the Authority.

## **6. Accounting**

**6.1** The Chief Finance Officer shall, with respect to the services provided by the constituent council identified by the Head of Paid Service as the lead authority for these roles:

- Determine accounting systems and procedures and the form of financial records and statements.
- Provide guidance and advice on all accounting matters.
- Monitor accounting performance to ensure an adequate standard for all services.
- Certify financial returns, grant claims and other periodic financial reports required of the Authority.

**6.2** Each Designated Officer shall:

- Implement accounting procedures and adopt the form of financial records and statements as determined by the Chief Finance Officer.
- Obtain the prior written approval of the Chief Finance Officer before introducing or changing significantly the form or method of existing accounting systems and procedures, financial records or statement (see below).
- Complete and pass to the Chief Finance Officer financial returns and other financial reports requiring certification.
- Keep a proper and effective separation of duties for staff with financial responsibilities.

NOTE: Approval procedure for changes to financial systems: Prior approval is to be requested from the Chief Finance Officer in writing. The request must give details of the proposed change and the anticipated benefit from the change, an estimate of the costs involved and the proposed implementation date. Internal Audit advice should be sought for all proposed changes at as early a stage as possible.

## **7. Internal Audit**

The Authority has responsibility for all matters of financial significance including the review of matters arising from audit, both internal and external. The Audit and Standards Committee is responsible for overseeing issues relating to financial probity. Reference should also be made to the Anti-Fraud and Corruption Policy.

**7.1** Internal Audit is required to provide an objective audit service in line with the Public Sector Internal Audit Standard and other professional auditing standards. To this end, Internal Audit will have no executive functions that might compromise its objectivity, and the Chief Internal Auditor of the Lead Authority providing the internal audit service shall have direct access to, and the freedom to report to Members and all senior management including the Chief Finance Officer, the Head of Paid Service and the Monitoring Officer to the Authority.

**7.2** The Chief Finance Officer shall:

- Maintain an adequate and effective system of internal audit of the accounting records and control systems of the Authority;
- Advise the Authority of material issues of financial control and report to Audit and Standards Committee on the adequacy of the systems of internal control:
- Where evidence of fraud, misappropriation or theft is discovered, decide after consultation with the relevant Designated officers(s) and the Monitoring Officer, whether to refer the matter to the Police.

**7.3** The Chief Finance Officer or his or her representatives is authorised to:

- Visit any establishment of the Authority;
- Have immediate access to all records and documents;
- Require the immediate production of cash, stores or any other property owned or held by the Authority;
- Require and receive promptly full and accurate explanations to any points requested.

**7.4** Each Designated Officer shall:

- Ensure that all reasonable assistance and co-operation is given to internal auditors.
- Respond fully without undue delay to any enquiries or recommendations made by the Chief Finance Officer.

- Inform the Chief Finance Officer, as soon as possible, of failures of financial control, including matters that involve, or may involve, financial irregularity.

The Chief Finance Officer and each Designated Officer jointly shall investigate failures of financial control, including matters that involve, or may involve, financial irregularity.

## **8. Procurement and Contracts**

**8.1** The Procurement Procedure Rules for the constituent council designated as lead authority for the following exercises shall apply and be followed whenever the Authority wishes to arrange for:

- a) The purchase of goods, materials and related services (that is, services which are integral to the provision of those goods or materials, such as installation, servicing, maintenance etc);
- b) The execution of works; or
- c) The provision of other services (including consultancy).

**8.2** The Procurement Procedure Rules of the Authority designated in 8.1 are part of this Financial Regulation 8 and failure to comply with them shall amount to a breach of financial regulations.

**8.3** In addition to the specific provisions of the Procurement Procedure Rules, any procurement of goods, materials, works or services shall have regard to and seek to implement the following general principles:

- a) The need to ensure the Authority and those within its area obtain good value for money and are properly protected as consumers of the goods, works or services;
- b) The need to ensure and demonstrate true and fair competition, without unlawful discrimination;
- c) The need to ensure the procurement process is transparent and accountable and susceptible to full audit;
- d) The need to ensure the elimination of any opportunities for fraud or corruption.

## **9. Financial Controls**

**9.1** As required by Financial Regulation 1.7 the Designated Officers are, for the areas under their control, responsible for ensuring that the arrangements, guidelines and procedures for the proper administration of financial affairs are operated in accordance with the appropriate Financial Regulations

**9.2** Designated Officers of the Authority are required to ensure that the controls as listed in Financial Procedure Notes issued from time to time are present, although these officers may, except where explicitly stated otherwise, determine the detail of the controls in order to meet service circumstances.

**9.3** The Financial Procedure Notes issued under this regulation by the Chief Finance Officer are:

- FPN1 Orders for work, goods and services
- FPN2 Income
- FPN3 Payment for works, goods and services
- FPN4 Security and control of assets
- FPN5 Insurance
- FPN6 Staffing and payroll
- FPN7 Reimbursement of expenses and payment of allowances
- FPN8 Banking arrangements and cheques
- FPN 9 Investments and borrowing
- FPN10 Information technology and data protection
- FPN11 Commitment of Capital Expenditure.

**9.4** Further Financial Procedure notes, or amendments, may be made from time to time by the Chief Finance Officer.

**9.5** Further advice on all areas of financial control is available from the Chief Finance

Officer who may issue detailed guidance notes on specific controls as necessary. These will be referred to as Financial Best Practice Notes.

## Financial Procedure Note 1 – Orders for Work, Goods and Services

### a) Objective

*To ensure that work, goods and services are only ordered for the purposes of the Authority's business and that the resulting expenditure is within budget, and complies with the statutory duty of achieving best value in part through economy and efficiency.*

### b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### c) General

Every officer and Member of the Authority has a responsibility to declare any links, relationships or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with the requirements of section 117 of the Local Government Act 1972 and the Authority's own code of conduct.

Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts. Staff involved in ordering or otherwise committing expenditure must ensure that there is budgetary provision before an order is placed, and that standing orders with respect to contracts are complied with.

### d) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- There is adequate budget provision before committing expenditure;
- Any necessary Authority approvals have been obtained;
- Purchases are in accordance with the Financial Regulation 8;
- That all order documentation used meets the requirements of Financial Regulation 8.

Note: Official Authority orders must:

- Be headed 'NTCA' on behalf of the 'Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority';
- State 'Official Order';
- Be numbered;
- Include the name and address of the ordering section, and delivery address if different;
- Show the cost code to be charged;
- Be signed by, and state post of an authorised officer; and
- Include the information required in Financial Regulation 8, including the Procurement Procedure Rules.

Orders must be signed only by staff with proper authorisation to do so.

**e) Comments**

Staff authorised to order work, goods and services must ensure that they are aware of any necessary authorisations required and of the Lead Authority's Purchasing Policy.

The lead authority's Purchase Order System must be used whenever possible as it facilitates compliance with the above requirements and collects data to support development of the Purchasing Policy.

## Financial Procedure Note 2 – Income

### a) Objective

To ensure that all income due to the Authority is promptly collected, banked and properly accounted for. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cashflow and also avoids the time and cost of administering debts.

### b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- Budgeted income is fully and promptly collected;
- The Chief Finance Officer is promptly informed of all new sources of income, the sums anticipated and collection arrangements;
- The advice of the Chief Finance Officer is sought prior to the signing of agreements which provide for variable income;
- The basis and level of fees and charges are regularly reviewed;
- Income is collected in advance of service, or where not possible, by official invoice;
- All cheques received are made payable to 'NTCA' on behalf of the "Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority". Uncrossed cheques received are crossed 'NTCA' on behalf of the "Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority";
- Money received (other than cash paid for vehicle tolls) is acknowledged by the issue of an official receipt, ticket or voucher. (See (d) below.);



- The transfer of official money between staff is evidenced;
- Income collected is banked promptly and held securely prior to banking;
- Money held awaiting banking is insured against theft;
- Money banked is credited to the correct financial account and compared to budget estimate;
- Arrangements for payment by instalment are authorised in advance by the Chief Finance Officer;
- Prior authorisation is obtained to the write-off of uncollectible income by the Chief Finance Officer;
- The Chief Finance Officer must approve claims requiring certification in the name of the Chief Financial Officer.

**d) Special requirements**

Personal cheques must not be cashed out of money held on behalf of the Authority.

## Financial Procedure Note 3 – Payment for Works, Goods and Services

### 1. Objective

To ensure that payments are made only for works, goods or services received by the Authority and has been certified as such.

### 2. Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### 3. Control Checklist

To achieve the above objective systems should be present to ensure that:

#### 1. Pre-payment checks are undertaken to ensure that:

- The goods have been received and examined, meet the required specification and work done or services rendered have been satisfactorily carried out;
- The invoice is in accordance with the contract or order, is arithmetically correct, and has due discounts deducted;
- The payment has not previously been made;
- The payment is authorised.

#### 2. The method of payment is appropriate.

- By use of the corporate creditors system for payment by BACS or cheque (note BACS is the preferred method and must be used wherever possible);
- By imprest account or petty cash for minor sums;
- By some other means as agreed with the Chief Finance Officer.

3. Payment is timely.

- To meet supplier/contractor terms of trade and legislative requirements;
- Justification is provided if urgent payment or dispatch of cheque is required.

4. Transactions are properly accounted for, including;

- proper use of financial codes;
- compliance with HM Revenue and Customs regulations;
- The maintenance of a Register of Contracts by the Chief Finance Officer.

**d) Special Requirements - Advance Payments**

No commitments shall be entered into for goods, work or services for which the supplier or contractor requires payment in advance until the Designated Officer has confirmed the financial standing of the payee with the Chief Finance Officer.

## Financial Procedure Note 4 – Security and Control of Assets

### a) Objective

To ensure the proper use and safeguarding of assets owned by the Authority or for which the Authority has responsibility.

### b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### c) Control Checklist

To achieve the above objective systems should be present to ensure that:

- Proper security is maintained at all times;
- Assets are recorded and accounted for;
- The use of assets is restricted to authorised Authority business;
- Surplus assets, except land and buildings, are disposed of in accordance with procedures agreed with the Purchasing Manager of the constituent council identified by the Head of Paid Service as being responsible.

In addition, the following controls apply to land and buildings:

- The Head of Property Services of the constituent council identified by the Head of Paid Service as being responsible for such land and buildings has overall responsibility for advising on land issues;
- The disposal of land and buildings will be carried out under any scheme of delegations or protocol agreed by the Cabinet or otherwise with the express approval of the Cabinet;
- A detailed record of all land and property owned by the Authority shall be maintained by the Head of Property Services of the constituent council identified by the Head of Paid Service as being responsible for such land and buildings;

- The Monitoring Officer shall have custody of all title deeds and be responsible for their security;
- Entry should not be allowed into property of NTCA without the signing of formal documentation. (If a situation should arise where early entry in connection with a major transaction is required, The Head of Property Services of the constituent council identified by the Head of Paid Service as being responsible for such land and buildings will have delegated authority to agree this as appropriate.

**d) Comment**

This financial procedure note applies to all assets, including stocks, stores equipment and vehicles (with either an individual value of £500 or more or a collective value of £2,000 or more) and all cash, land and buildings, that are owned by, or are in the possession of the Authority and for which the Authority is responsible. The form and content of the record is for local decision following consultation with the Chief Finance Officer but must be sufficient to allow verification and to support Balance Sheet entries.

## **Financial Procedure Note 5 – Insurance**

### **a) Objective**

To ensure that the Authority manages all potential insurable risks and liabilities with the authority for arranging insurance cover limited to the Chief Finance Officer.

### **b) Application**

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### **c) Control Checklist**

To achieve the above objective, systems should be present to ensure that:

- New risks and any alterations to existing risks are reported to the Chief Finance Officer immediately;
- Authority risks are reviewed annually in accordance with the timetable issued by the Chief Finance Officer;
- Claims are reported in accordance with the guidelines issued by the constituent council identified by the Head of Paid Service as being responsible for insurance and supporting information is provided within required timescales;
- Policy requirements and warranties, notified by the constituent council identified by the Head of Paid Service as being responsible for insurance, are complied with at all times;
- Insurers' loss control requirements are responded to within the relevant timescales.

### **d) Comment**

Each Designated Officer is responsible for identifying, assessing and reporting risks to the Chief Finance Officer.

The Chief Finance Officer is responsible for arranging all insurance cover and for ensuring the annual review of insurance cover.

## **Financial Procedure Note 6 – Staffing and Payroll**

### **a) Objective**

To ensure that staff are appointed in accordance with the Authority's Code of Practice on Recruitment and Selection, are paid in accordance with their Contract of Employment and to ensure leavers are removed from the payroll.

### **b) Application**

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### **c) Control Checklist**

To achieve the above objective, systems should be present to ensure that:

- The Code of Practice on Recruitment and Selection is observed in the appointment of staff;
- Amendments to the payroll – including appointments, resignations and changes to Contracts of Employment - are notified to the Head of Service of the constituent council designated by the Chief Finance Officer as being responsible for Human Resources in accordance with payroll deadlines and in the form specified;
- Details of salary and wage amounts to be paid are provided in a form and to a timetable determined by the Chief Finance Officer;
- Uncollected payments are promptly returned to the Authority that made the payment;
- An annual check of staff paid and charged to the financial accounts is undertaken.



## **Financial Procedure Note 7 – Reimbursement of Expenses and Payment of Allowances**

### **a) Objective**

To ensure that the reimbursement of allowances and expenses to staff and members is in accordance with the appropriate agreements and legislation.

### **b) Application**

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### **c) Control Checklist**

To achieve the above objective systems should be present to ensure that:

#### **Staff**

- Claims are submitted within one calendar month of the expense being incurred and include sufficient information to allow verification.
- Allowances and expenses are as approved for payment to Combined Authority staff.
- Payment is made in accordance with procedures determined by the Chief Finance Officer.

#### **Members**

- Claims are submitted within one calendar month of the expense being incurred and include sufficient information to allow verification.
- Allowances for independent members and expenses are as approved for payment to Authority members.
- Payment is made in accordance with procedures determined by the Chief Finance Officer.

### **d) Comment**

Particular care must be taken to ensure that all payments to individuals, including

additional payments to Officers, meet the requirements of the Inland Revenue.

Expenses claims should be supported by receipts whenever possible.

## **Financial Procedure Note 8 – Banking Arrangement and Cheques**

### **a) Objective**

To ensure sound banking and payment arrangements, by limiting responsibility to the Chief Finance Officer.

### **b) Application**

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### **c) Control Checklist**

To achieve the above objective, systems should be present to ensure that:

- No bank account, or similar, is to be opened except with the authority of the Chief Finance Officer.
- The maintenance of Authority bank accounts is in accordance with arrangements determined by the Chief Finance Officer.
- Cheques shall be ordered only on the authority of the Chief Finance Officer and controlled securely prior to use.
- The approval of the Chief Finance Officer is obtained to any proposal to enter a credit agreement.

## Financial Procedure Note 9 – Investments and Borrowing

### a) Objective

To limit the authority for managing the Authority's Investments and Borrowing to the Chief Finance Officer and to ensure those activities in this area are properly regulated.

### b) Application

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### c) Control Checklist

To achieve the above objective, systems should be present to ensure that:

- No investment or borrowing transaction is undertaken except with the prior written authority of the Chief Finance Officer;
- Authority bank accounts do not become overdrawn;
- The Chief Finance Officer shall ensure that:
  1. The Authority will create and maintain, as the cornerstones for effective treasury management:
    - a) a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
    - b) suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
  2. The content of the policy and the TMPs will follow the recommendations contained in Section 6 and 7 of the Prudential Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.
  3. The Cabinet will receive reports on treasury management policies,

practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

4. The Authority delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit and Standards Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Authority's policy statement and TMPs and if that officer is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

5. The Authority is responsible for ensuring effective scrutiny of the treasury management strategy and policies.

- All investments and borrowing are made by the Chief Finance Officer and are in the name of the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority,
- All securities are held by the Chief Finance Officer;
- The Chief Finance Officer is the Authority's Registrar of Stocks, Bonds and Mortgages;
- Investments held at the end of each financial year are reported to Cabinet by the Chief Finance Officer as soon as possible after 31 March;
- All Treasury Management activities are conducted in line with the relevant CIPFA Code of Practice for Treasury Management in Local Authorities; and
- There is an adequate division of duties between arranging and settling of transactions.

Any exceptions to the above can only be authorised by the Authority.

## **Financial Procedure Note 10 - Information Technology and Data Protection**

### **a) Objective**

To ensure the orderly and secure development of information technology and the proper control of information held.

### **b) Application**

This Financial Procedure applies in relation to the Direct Services of the Authority and is mandatory for all officers.

### **c) Control**

Checklist to achieve the above objective, systems should be present to ensure that:

- Investment in IT complies with the Authority's IT and Information Security strategies and policies.
  
- All IT purchases:
  - i) Comply with the lead authority's corporate standards and guidelines (including the IT procurement guidelines) unless there are sound reasons to do otherwise;
  - ii) Have necessary capital approvals in place;
  - iii) Are included on an Authority-wide register of IT assets.
  
- The use of IT and the control of information held are subject to the IT security policy of the constituent council designated by the Head of Paid Service as being responsible for IT.

## Financial Procedure Note 11 – Commitment of Capital Expenditure

- a) Authority to commit capital expenditure is based on the Capital Programme (the Programme). The Programme is approved by the Cabinet and is updated regularly to reflect changes in the cost and phasing of schemes and the addition of new schemes.
- b) Inclusion of a scheme in the Programme gives authority to begin procurement and contract procedures subject to the limitations below.
- c) For schemes included in the Programme for commencement in the first financial year (i.e. current financial year) Designated Officers have the authority to progress a scheme up to and including contract signature subject to:
- The Corporate Procurement Strategy of the constituent council identified by the Head of Paid Service as being responsible for procurement.
  - Full compliance with the provisions of Financial Regulation 8 on tenders and quotations;
  - Tender costs not exceeding the Programme provision by more than 5% or £50,000, whichever is the lower, provided the source of funding for the additional cost has been identified;
  - Completion of a tender summary report in the form prescribed by the Chief Finance Officer;
  - Certification by the Chief Finance Officer of the tender summary report.

Schemes not meeting these conditions, or where:

- It is proposed to accept other than the lowest tender (where price is the determining criteria), or
- The Cabinet has directed its approval is required

Must be reported to the Cabinet for approval to proceed to contract Signature.

- d) Financial Regulation 8 covers contract signature requirements.
- e) For schemes included in the Programme for commencement in any subsequent financial year, Designated Officers have authority to prepare plans and carry out

other preliminary work during the first financial year up to a maximum of £50,000.

- f)** Proposals to incur preliminary expenditure or commitments above £50,000 must be approved by the Chief Finance Officer and must be recorded by the Chief Finance Officer as a delegated decision.

Note: This authority for preliminary expenditure only applies to schemes in the programme. Confirmation of scheme approval must be sought at the earliest opportunity if significant changes, either in objective, estimated cost or phasing, are proposed.

- g)** Once commenced, Designated Officers have approval to incur:

- Additional expenditure arising from the operation of a 'fluctuation of price' clause;
- Increased costs not exceeding 5% of the contract value or £50,000 whichever is the lower.

Subject to the increased amount being reported for inclusion in the Capital Monitoring Progress Reports to the Cabinet (where deemed significant by the Chief Finance Officer) and inclusion in the Capital Programme at the earliest opportunity.



## **Part 5.1**

## **Code of Conduct for Members**

The Authority has adopted the following code which sets out the conduct that is expected of elected members appointed to the Authority (including the Interim Mayor/Mayor and substitute members) and voting co-opted members of its committees when they are acting in that capacity.

**This means the code applies whenever you:**

- (a) conduct the business of the Authority (including the business of your office as an elected member appointed to the Authority) or**
- (b) act, claim to act or give the impression you are acting as a representative of the Authority.**

The code is intended to be consistent with Nolan's Seven Principles of Public Life and should be read in the light of those principles, namely that Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

### **Part 1 - General Conduct**

1. You must treat others with respect, including Authority officers and other elected members.
2. You must not bully or harass any person (including specifically any Authority officer) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.

*(Note:*

*Bullying may be characterised as:*

- *offensive, intimidating, malicious or insulting behaviour; or*
- *an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.*

*Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.*

*Bullying and/or harassment may take many forms and may relate to a variety of issues. For example, bullying and harassment may relate to age, disability, gender reassignment, race, religion, belief, sex and/or sexual orientation*

*However, this list is not exhaustive, and any form of bullying or harassment is prohibited by the Code of Conduct.)*

3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members and which the Cabinet has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 5 to this Code.
7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - (a) You have the consent of a person authorised to give it; or
  - (b) You are required by law to do so; or
  - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Authority which is subsequently subject to scrutiny by an overview and scrutiny committee of the Authority, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Authority in order to reach a view as to its merits or effectiveness.

## **Part 2 – Registration of Interests**

11. You must register in the Authority's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
  - (a) Any Disclosable Pecuniary Interest as set out in **Annex 2**; or

(b) Any other interest held by you as set out in **Annex 3**.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your registerable personal interests.

*(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 of the Localism Act 2011 as well as being a breach of this code.)*

12. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

### **Part 3 – Non-registerable interests**

13. You will have a non-registerable personal interest when you attend a meeting of the Authority, or one of its joint committees, committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a person described in paragraph 14 to a greater extent than most inhabitants of the area of the Authority by the decision.
14. The persons referred to in paragraph 13 are:
- (a) A member of your family;
  - (b) Any person with whom you have a close association;
  - (c) In relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

*(Note:*

- (a) *“A member of your family” means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.*
- (b) *You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).*

15. When you attend a meeting of the Authority, or one of its joint committees, committees or sub-committees, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 13) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

#### Part 4 - Non-Participation in Authority Business

16. When you attend a meeting of the Authority or one of its joint committees, committees or sub-committees, and you are aware that the criteria set out in paragraph 17 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must:
- (a) Declare that fact to the meeting;
  - (b) Not participate (or further participate) in any discussion of the matter at the meeting; and
  - (c) Not participate in any vote (or further vote) taken on the matter at the meeting;
  - (d) Leave the room whilst the matter is being discussed.
17. The criteria for the purposes of paragraph 16 are that:
- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
  - (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 14 or in any of your register entries; **or**
  - (c) The matter concerns a request for any permission, licence, consent or registration which relates to or affects you or any of the persons referred to in paragraph 14 or in any of your register entries.
18. If an Authority function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 17, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).
- (Note: Failure, without reasonable excuse, to comply with paragraphs 16 to 18 in relation to a Disclosable Pecuniary Interest could be a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)*
19. Paragraphs 16 to 18 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 (see Annex 4) or (ii) the matter in question relates to any of the following functions of the Authority:
- a) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;

- b) an allowance, payment or indemnity given to members;
- c) any ceremonial honour given to members; and
- d) setting council tax or a precept/levy under the Local Government Finance Act 1992.

### **Nolan's Seven Principles of Public Life**

#### **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.

#### **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.

#### **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.

## Annex 2 to Code of Conduct

### Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

**Please Note:** The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”):-

**Employment, office, trade, profession or vocation** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**Sponsorship** - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts** - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

**Land** - Any beneficial interest in land which is within the area of the Authority.

**Licences** - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

**Corporate tenancies** - Any tenancy where (to your knowledge)—

- (a) the landlord is the Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

**Securities** - Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and
- (b) either—
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“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.



## Annex 3 to Code of Conduct

### Other Registerable Personal Interests

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Authority;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) 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);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as member of the Authority.

Note: These mean only your interests and not those of your spouse or civil partner.

## Annex 4 to Code of Conduct

### Dispensations Procedure

A Registerable Personal Interest may in relation to any item of business considered at any meeting of the Authority (including specifically in connection with an Authority budget setting meeting) mean that the criteria set out in paragraph 17 of the Code of Conduct may be satisfied and require the Member to leave the meeting.

Under section 33(2) of the Localism Act 2011 a dispensation can be granted if, after having had regard to all relevant circumstances, the Authority:

- 1) considers that so many Members of the decision-making body have interests that require them not to take part in a matter that it would “impede the transaction of the business”. Effectively this means the decision-making body would be inquorate as a result;
- 2) without a dispensation, no member of the Cabinet would be able to participate on the matter;
- 3) considers that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter;
- 4) considers that granting a dispensation is in the interests of persons living in its area; and
- 5) considers that it is otherwise appropriate to grant a dispensation.

Members may be given a dispensation either to speak but not vote, or to speak and vote.

The Cabinet has delegated the granting of dispensations to the Audit and Standards Committee (see Responsibility for Functions - Part 2.7 Audit and Standards Committee).

A Member must complete a dispensations form explaining why a dispensation is appropriate and submit it to the Monitoring Officer. A report will be submitted to a meeting of the Audit and Standards Committee (or a sub-committee thereof) to determine what level of dispensation (if any) should be granted and for what duration; the duration must be specified and can be for up to four years.

The Member will receive notification of the decision of the Audit and Standards Committee within five working days of the committee meeting. Any dispensations must be declared by the Member at meetings where the dispensation applies.

## **Annex 5 to Code of Conduct**

### **Protocols which fall within the provisions of the Code of Conduct**

1. Member/Officer Relations Protocol (see Part 5.3).

# Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members

## **1. Introduction**

These arrangements set out how the Authority will deal with a complaint that an elected member of the Authority has failed to comply with the Authority's Code of Conduct.

Where a complaint is made against a Member of the Authority, the Monitoring Officer and the Monitoring Officer of the Member's appropriate constituent council will determine whether the complaint is to be properly dealt with in accordance with the Authority's local arrangements or the appropriate constituent council's local arrangements.

Under section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member of the Authority, has failed to comply with the Code of Conduct can be dealt with. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority, or a Member against whom an allegation has been made, at any other stage.

The Authority has appointed two Independent Persons.

## **2. Receipt of a complaint**

A complaint against a Member will be sent by the Complainant in writing or by email to:

The Authority Monitoring Officer

*[address to be inserted when principal office is approved]*

The Monitoring Officer has statutory responsibility for maintaining the register of members' interests and is responsible for dealing with complaints of member misconduct.

To make sure we have all the information we need to process your complaint, please complete and send us the model Complaint Form. This can be downloaded from the Authority's website and is available on request from the Monitoring Officer.

Please include your name and a contact address or email address, so that we can acknowledge receipt of your complaint.

The Monitoring Officer will acknowledge receipt of the complaint to the Complainant and provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

### **3. Request for confidentiality**

If a Complainant wants to keep their name and address confidential, they are required to indicate this and explain why when they submit their complaint. The Authority does not normally investigate anonymous complaints, unless there are compelling reasons.

To ensure openness and transparency, confidentiality will only be granted in exceptional circumstances and, in many instances, it will not be practical or possible to investigate a complaint without the identity of the complainant being revealed. If, however, confidentiality is granted and the complaint proceeds, the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the Complainant will be advised of that refusal and will be given the option to withdraw the complaint within 10 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the Complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 4 below.

### **4. Will the complaint be investigated?**

The Monitoring Officer will review every complaint received and, after consultation with the Independent Persons where appropriate and consideration of any initial comments of the subject member, decide whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Authority's adopted assessment criteria (attached at Annex 1). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's decision together with the reasons for that decision— subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the Complainant for such information and may request information from the subject member of the complaint.

If the complaint alleges criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies, irrespective of a request for confidentiality by the Complainant.

## **5. Informal Resolution**

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with the Independent Persons, the subject member and the Complainant to seek to agree an informal resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Standards Committee for information, but will take no further action.

## **6. How is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Authority, an officer of a constituent council or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will decide whether he/she needs to meet or speak to the Complainant to understand the nature of the complaint and so that the Complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the Complainant, to give both an opportunity to identify any matter in that draft report which they disagree with (and give their reasons why) or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the Complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## **7. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

If the Monitoring Officer (after consulting the Independent Persons and taking into account any views they may give on the report) is satisfied with the Investigating Officer's conclusion, the Monitoring Officer will normally write to the subject member and to the Complainant, notifying both that he/she is satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Monitoring Officer (after consulting the Independent Persons) is not satisfied that the Investigating Officer's conclusion is necessarily correct or well-founded, or for any other reason, the Monitoring Officer may either (a) ask the Investigating Officer to reconsider his/her report or (b) deal with the matter under paragraph 8 below as if there had been a finding of evidence of failure to comply with the Code.

**8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

a) Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with the Authority's Independent Persons and the Chair of the Audit and Standards Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Audit and Standards Committee for information.

b) Referral for Hearing

If local resolution was not appropriate, the Monitoring Officer will then refer the matter for a hearing before the Committee.

**9. The Hearing**

Where the Audit and Standards Committee has referred a matter for a hearing the procedure at Annex 2 will apply.

**10. What action can the Audit and Standards Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?**

The Cabinet has delegated to the Audit and Standards Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. The Audit and Standards Committee may appoint an Audit and Standards Subcommittee to fulfil these responsibilities on its behalf or deal with the matter itself.

Accordingly, the Audit and Standards Committee (or Subcommittee thereof) may:

- a) Issue a formal censure;
- b) Refer the determination findings to the Cabinet for information;
- c) Publish the determination findings by such means as thought fit;
- d) Recommend the Cabinet to remove the member from being the Chair or Vice Chair of any Committee or Sub-committee;
- e) Recommend the Cabinet remove them from any or all Committees or Sub-committees for a specified period;
- f) Recommend the Cabinet remove particular Cabinet portfolio responsibilities;
- g) Recommend the Cabinet remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Cabinet;
- h) Offer training to the member; or

- i) Exclude the member from the Authority's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as a member.

The Audit and Standards Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances or restrict access to or use of Authority facilities so that the subject member is unable to perform their essential role as a member.

## **11. What happens at the end of the Hearing?**

At the end of the hearing, the Chair will state the decision of the Audit and Standards Committee (or Subcommittee) as to whether a Member has failed to comply with the Code of Conduct and as to any actions which the Audit and Standards Committee (or Subcommittee) resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer, in consultation with the Chair of the Committee (or Subcommittee), will prepare a formal decision notice, and send a copy to the Member and the Complainant, make that decision notice available for public inspection on the Authority's website and, if so directed by the Audit and Standards Committee (or Subcommittee), report the decision to the next convenient meeting of the Cabinet.

## **12. Review of decisions**

Procedures for the review of decisions are set out in Annex 3.

## **13. What is the Audit and Standards Committee?**

The Audit and Standards Committee is made up of nine members from the constituent councils and one co-opted member. The Committee is a key component of the Authority's corporate governance arrangements and is responsible (amongst other things) for the promotion and maintenance of high standards of conduct by its elected and co-opted members. The Audit and Standards Committee can appoint, when required, an Audit and Standards Subcommittee to conduct hearings and determine complaints of breaches of the Code of Conduct for Members. The full terms of reference for the Committee and the Subcommittee can be found at Part 2.7 of the Constitution.

## **14. Who are the Independent Persons?**

The Independent Persons are people who applied for the post following advertisement of a vacancy for the role, and are appointed by the Cabinet.

A person does not qualify as "independent", if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the Authority, or if they are a relative or close friend of such a Member, Co-opted Member or officer.

For this purpose, "relative" means –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;



- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Independent Persons are invited to attend meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. However, the Independent Persons are not members of the Committee.

## **15. Revision of these arrangements**

The Audit and Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the Cabinet.

## Annex 1

### Complaints against Members - Assessment Criteria

The following criteria will be taken into account in deciding what action, if any, to take in relation to a complaint that a member has failed to comply with the requirements of the Code of Conduct for Members:

1. Has the complainant submitted enough information to satisfy the Monitoring Officer (or the Audit and Standards Committee if appropriate) that the complaint should be referred for investigation or other action?

If not:

The information provided is insufficient to make a decision. So unless, or until, further information is received, no further action will be taken on the complaint.

2. Is the complaint about someone who is no longer a member of the Authority, but is a member of another authority? If so, should the complaint be referred to the Monitoring Officer of that other authority?

If yes:

The complaint will be referred to the Monitoring Officer of that other authority to consider.

3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

If yes:

There may be nothing more to be gained by further action being taken.

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

If yes:

Further action may not be warranted.

5. Does the complaint appear insufficiently serious to justify the cost or use of resources involved in further action?

If yes:

Further action will not be warranted.

6. Does the complaint appear to be simply malicious, politically motivated or “tit-for-tat”?

If yes:

Further action will not normally be warranted.

7. Is the complaint anonymous?

If yes:

No action will normally be taken unless there are compelling reasons to suggest otherwise, e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

## **Annex 2**

### **Procedure for Hearings**

#### **1. Introduction**

This Annex details the procedure to be adopted for the hearing of complaints by the Audit and Standards Committee (or Sub-committee) where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

#### **2. Legal Advice to the Audit and Standards Committee**

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Audit and Standards Committee in respect of the allegation.

#### **3. Notifying the Member and Complainant**

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Audit and Standards Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Audit and Standards Committee and, if so, who;
- wants any part of the hearing to be held in private and, if so, why; and
- wants any part of the report or other relevant documents to be withheld from the public and, if so, why.

The Monitoring Officer will also inform the Member that if, at the meeting of the Audit and Standards Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Audit and Standards Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Persons on the report and on any action the Independent Persons feel should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will complete a Pre-hearing Summary which will include:

- a) The name of the 'home' authority of the Member.
- b) The name of the Member.
- c) The name of the complainant (unless there are good reasons to keep his/her identity confidential).
- d) The Case reference number.
- e) The name of the Chair for the hearing.
- f) The name of the Investigating Officer.
- g) The name of the clerk of the hearing or other administrative officer.
- h) The date the pre-hearing summary was produced.
- i) The date, time and place of the hearing.
- j) A summary of the complaint.
- k) The relevant section or sections of the Code of Conduct.
- l) The findings of fact in the investigation report which are agreed and the findings of fact in the investigation report which are not agreed.
- m) Whether the Member or the Investigating Officer will attend or be represented.
- n) The names of any witnesses who will be asked to give evidence.
- o) An outline of the proposed procedure for the hearing.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Audit and Standards Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Audit and Standards Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Audit and Standards Committee to reach its decision.

#### **4. The Audit and Standards Committee**

The Audit and Standards Committee shall decide, on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

All matters/issues shall be decided by a simple majority of votes cast.

The meeting of the Audit and Standards Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

#### **5. Procedure at the Hearing**

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Audit and Standards Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Audit and Standards Committee decides that it will not exclude press and public, the Monitoring Officer may at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to establish the facts and then consider whether, based on those facts, the member has failed to follow the Code of Conduct. The Audit and Standards Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Audit and Standards Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

#### a) Examination of report and written representations

The Committee will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

#### b) Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member, will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Audit and Standards Committee. The Audit and Standards Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute.

The Audit and Standards Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee.

### **6. Decision by the Audit and Standards Committee**

The Audit and Standards Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are:

- a) Issue a formal censure;
- b) Refer the determination findings to the Cabinet for information;
- c) Publish the determination findings by such means as thought fit;
- d) Recommend the Cabinet remove the member from being the Chair or Vice Chair of any Committee or Subcommittee
- e) Recommend the Cabinet remove them from any or all Committees or Subcommittees for a specified period;
- f) Recommend the Cabinet remove particular Cabinet portfolio responsibilities;
- g) Recommend the Cabinet remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Cabinet;
- h) Offer training to the member; or
- i) Exclude the member from the Authority's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

In deciding what sanction (if any) to set, the Audit and Standards Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Audit and Standards Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Audit and Standards Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Audit and Standards Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

## **7. Notice of findings**

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Audit and Standards Committee.

Where the Audit and Standards Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Audit and Standards Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding and not be published if the Member so requests.

Where the Audit and Standards Committee determines that there has been a failure to comply with the Code of Conduct but no action is required, the notice shall:



- state that the Audit and Standards Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached.

Where the Audit and Standards Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Audit and Standards Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed.

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

## **8. Confidentiality and disclosure of information**

Where the Chair of the Audit and Standards Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Audit and Standards Committee will, during consideration of these matters, not be open to the public, he/she shall, taking account of the advice of the legal adviser, decide not to provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Audit and Standards Committee.

### Review of Decisions

#### 1. Initial Assessment Decisions

If a Complainant is aggrieved by a decision by the Monitoring Officer to not investigate a complaint then the Complainant may request the Monitoring Officer to reconsider their decision.

The Monitoring Officer will consult the Independent Persons and the Chair of the Audit and Standards Committee, and take their views into account, before deciding whether to uphold or vary their original decision.

#### 2. Findings of Audit and Standards Committee following a hearing

If a member is aggrieved by a finding of the Audit and Standards Committee that they have failed to comply with the Code, or with the sanction imposed, they may request a review by an Independent Person from another local authority in accordance with the following procedure:

- The member must request a review, with their detailed reasons for seeking a review, within 5 working days of the publication of the decision notice otherwise the decision of the Audit and Standards Committee will become final.
- The request for a review must be in writing and must be submitted to the Monitoring Officer.

If a request for a review is received, the decision of the Audit and Standards Committee will be held in abeyance pending completion of the review process.

If a request for a review is received, the decision of the Audit and Standards Committee (including all the papers considered by the Committee) will be referred to an Independent Person of a constituent council not being the home authority of the Member. The Independent Person will review the case on the information provided and will provide a report to the Audit and Standards Committee. The report to the Audit and Standards Committee will provide any comments the Independent Person considers are appropriate and relevant, taking into account the basis of the request for review from the Member.

Upon the receipt of the Independent Person's report, the Audit and Standards Committee will consider the Independent Person's comments; the reasons submitted for the review by the Member and will determine whether to confirm the decision of the Audit and Standards Committee, amend the decision or substitute it with an alternative decision; this could include concluding that no breach of the Code occurred.

No further right of appeal or review of the Audit and Standards Committee's decision within the Authority is available. However, if the Member or the Complainant considers that the Authority has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman.

### **Introduction**

The people of the Combined Area are entitled to expect high standards of conduct from our employees. We want you to know the rules which apply to you and to give you guidance to help you keep to them. Your service area may have other rules or statutory codes of professional behaviour and we will bring these to your attention.

The code sets out the minimum standards we expect of you and provides a framework which will help to prevent misunderstandings or criticism. All employees of the Authority must keep to the standards of this code and carry out their duties honestly and fairly. If you do not do this, it is a serious matter and could result in disciplinary action up to and including dismissal.

Please read the Code carefully. If you have any queries, ask your manager or supervisor. If you need a copy of one of the Forms CCE.1 - 8 referred to in this Code, please ask your manager or supervisor. The forms explain where you should send them.

We approve the ***seven principles of public life*** as outlined by the Committee on Standards in Public Life chaired by Lord Nolan. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. You can find details of these principles below.

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **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.

### **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.

## **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.

### **1 Standards**

- a We expect you to give the highest possible standard of service to the people of the Combined Area and to carry out your duties honestly and fairly.
- b If you become aware of anything illegal, improper or a breach of procedure, you must report it to your manager or supervisor, or, if you prefer, to the Monitoring Officer. You will not be penalised for doing this as long as you act in good faith. Managers must record, investigate and take appropriate action on your reports.
- c It is not enough to avoid doing wrong. You should also avoid anything which could give the impression or appearance of doing wrong.

### **2 Disclosing information**

- a The law says certain types of information must be open to Members (which term shall, in this Code, include the Elected Mayor or Interim Mayor), auditors, government departments, service users and the public. If you do not know whether you can release any particular information, always check with your manager first.
- b You must not use any information you get in the course of your duties for personal gain or benefit. You must not pass information on to others who might use it for their own gain.
- c You can only give confidential information or documents to those who have a legitimate right to them. You can only give personal information according to the requirements of the Data Protection Act 1998 (see appendix A). If your post is below Director or Head of Service level, you should not make statements directly to the press or other media without first getting approval from your Director or Head of Service. (If you are a trade union representative, you can contact the media in that role.) Directors or Heads of Service should speak to the relevant Cabinet Member before making statements to the press or other media on major policy issues. When we refer to Directors or Heads of Service in this paragraph, it also includes other officers authorised by the Director to act for them.
- d You must not pass on information which is personal to a Member without the Member's permission unless the law allows this.

### **3 Political Neutrality**

- a You will serve the Authority as a whole. You must serve Members equally and make sure that you respect their individual rights.

- b You do not have to go to meetings of political groups. However, we may ask senior officers to do this. If you agree, you must act in a way which shows you are neutral.
- c You cannot allow your own political opinions to interfere with your work.
- d You may not display political posters, including election material, in areas of Authority buildings or in council vehicles.

## **4 Relationships**

### **a With Members**

Employees and Members must respect one another.

If you think that a Member has not acted in a proper way towards you, you may report the matter to your Director or Head of Service who may deal with the matter in accordance with the Arrangements for Investigating Complaints against Members.

### **b With the local community and service users**

A commitment to customer care is central to the services delivered by the Authority. As an employee you must always be polite, efficient, fair and impartial when you provide services to all groups and individuals within the community you serve.

### **c With contractors and suppliers**

You must tell your Director or Head of Service about any close association or personal relationship which you have with the Authority's contractors or suppliers. You must fill in form CCE.1 to do this. You must award contracts according to our financial regulations and not show special favour to anyone.

A personal relationship covers: your partner (i.e. your spouse, civil partner or anyone whom you live with, in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.

You have a 'close association' with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding or influencing a matter which affects them.

## **5 Recruitment and other employment matters**

- a If you are involved in appointing people to posts in the Authority, you should make sure that you follow our Code of Practice on Recruitment and Selection and/or guidance on managing re-organisations.
- b So that you are never accused of bias, you must not be involved in any appointment where you are related to, or have a close personal relationship outside work with, the person applying or selected for a post.
- c You must use form CCE.2 to tell your Director or Head of Service about any relationship between you and any person you know is applying to us for a job.

- d You must not be involved in, or try to influence, any decision to do with discipline, promotion or pay adjustments for any employee who is related to you or with whom you have a close personal relationship outside work.

## 6 Commitments outside work

- a What you do in your own time is your business so long as you do not
- put your private interests before your duty to the Authority;
  - put yourself in a position where your duty and private interests conflict or could appear to conflict; or
  - do anything which could harm the Authority's reputation.
- b You must not carry out any other business or take up any additional appointment while employed by us without our prior permission. (If you want permission, fill in form CCE.3.) We will not unreasonably prevent you carrying out other employment and will actively support and encourage voluntary work. However, this employment or voluntary work must not, in our view, conflict with our interests and we will lay down conditions for you. You must indicate on form CCE.3 membership of charitable or voluntary organisations you are involved with, such as Rotary or Lions clubs or the Freemasons. Any disputes regarding this matter should be resolved via the Authority's grievance process.
- c The following conditions apply to all employees in connection to commitments outside work. We will tell you about any other specific conditions relating to you depending on your circumstances.
- You must not carry out private work (whether paid or unpaid) relating to or in potential conflict with the Authority without prior permission from your Director or Head of Service.
  - You must not carry out any work related to a private interest (including taking or making phone calls or sending/accessing emails or using other social media or telephony) during normal working hours without clocking out.
  - You must not use our facilities or equipment or confidential information.
  - We will review all our approvals and may withdraw our approval if we think it necessary.

## 7 Personal interests

- a If you have a financial or non-financial interest which could conflict with our interests, you must declare this on form CCE.4.
- b Section 117 of the Local Government Act 1972 (see appendix B) says you must make a formal declaration about Authority contracts where you have a financial interest. If you do not do this, it is a criminal offence. You should make the declaration on form CCE.5.

- c You may not make decisions in the course of your official duties if you have a personal interest in them.
- d If you belong to an organisation which is not open to the public and does not have formal membership and which has secrecy about rules, membership or conduct, you must tell us on form CCE.6. A definition of such an organisation appears at appendix C.

## **8 Equality**

All members of the local community and our employees have a right to be treated fairly and equally.

## **9 Tendering procedures**

- a If you are involved in the tendering process or dealing with contractors, you should make sure that you know the separate roles of client and contractor.
- b If you have access to confidential information on tenders or costs relating to contractors, you must not give it to any unauthorised person or organisation.

## **10 Corruption**

The Bribery Act 2010 makes it a serious criminal offence for you, in your official capacity, to corruptly receive or give any gift, loan, fee, reward or advantage or to show favour or disfavour to any person. If an allegation is made, you must prove that any rewards have not been corruptly gained or given. A summary of the legal provisions appears in appendix D.

## **11 Financial Regulations**

- a If you are involved in financial activities and transactions for us, you must follow our financial regulations and their accompanying guidelines.
- b You must use public funds in a responsible and legal way and try to make sure you provide value for money to the local community and to avoid legal challenges to us.

## **12 Gifts and other benefits**

- a If you are offered gifts or other benefits (or your partner and family members are offered gifts) arising from your official duties, this could cause a conflict between your private and public duties.
- b You must not accept any gift or other benefit offered to you, or your partner or a family member, by:
  - any person you have provided services to in the course of your official duties or their partner or a family member;
  - any person associated with an organisation which has, or wishes to have, dealings with us.

You must declare any offer on form CCE.7 and say what action you have taken. The only exception to this rule is where the gift is of token value up to a maximum of £25.

- c Because offering gifts is common practice in the business world particularly at Christmas time, you should refuse them politely. If, for example, a gift is simply delivered to your place of work, there may be a problem returning it, in which case, you should report this to your Director or Head of Service or the Monitoring Officer, who will decide what to do.
- d If you or your partner or a family member have been made a beneficiary in the will of a service user or former service user, you must immediately tell your Director or Head of Service, who will decide on the appropriate action.
- e You, your partner and any member of your family cannot borrow money or other property from a client you provide services to. You cannot act as executor of a client's will.

### **13 Hospitality**

- a A modest amount of entertainment is a normal part of public life, but you must not risk undermining public confidence or allow it to appear that you could be improperly influenced in the way you carry out your duties. Hospitality may sometimes be offered to representatives of the Authority and can be accepted at official level if that is reasonable. In these cases, only Directors (or those acting for them) should go.
- b You must be particularly careful if you are offered hospitality by someone who wants to do business with us or to get a decision from us. It is important to avoid any suggestion of improper influence. You should accept an offer of hospitality only if you genuinely need to go to an event to receive or give information or represent the Authority. You should only accept offers to go to social, cultural entertainment or sporting occasions if these are part of the life of the community or we should be seen to be represented.
- c If you turn down hospitality you should do this politely and explain our rules on hospitality.
- d You must use form CCE.8 to obtain your Director's approval before accepting offers of hospitality. This is not required if the hospitality is of token value (e.g. the offer of a single drink). The Head of Paid Service and Directors are not required to obtain prior authorisation but must nonetheless declare acceptance of hospitality in the normal manner.

### **14 Retention and access to declarations**

- a) Declarations made on forms CCE 1 - 8 are subject to the retention periods and access categories set out in Appendix E. The access categories are explained below.



b) **Public Access**

|                                                   |       |
|---------------------------------------------------|-------|
| Relationship with external contractor or supplier | CCE 1 |
| Financial Interest in Authority Contract          | CCE 5 |
| Offers of Gifts                                   | CCE7  |
| Offers of Hospitality                             | CCE8  |

These are situations that can raise particular public concerns and the public interest in being able to see that appropriate declarations are made and the extent to which employees have such relationships (or have been offered gifts or hospitality) overrides the need to protect the personal privacy of employees. Public access is therefore permitted to the above declarations.

c) **Internal Access**

|                                                                  |       |
|------------------------------------------------------------------|-------|
| Relationship with candidate for appointment within the Authority | CCE 2 |
| Approval of outside interests or employment                      | CCE 3 |
| Declaration for outside interests or employment                  | CCE 4 |

These relate primarily to personal interests of employees and in order to maintain a balance between public interest and privacy issues these declarations are subject to internal access only by Members, Officers and the Authority's current external auditor.

d) **Monitoring Officer Control**

|                                                 |       |
|-------------------------------------------------|-------|
| Membership of secret societies or organisations | CCE 6 |
|-------------------------------------------------|-------|

Membership of these organisations is not unlawful. Disclosure is required so that the Authority can satisfy itself on matters of propriety which may arise in connection with such organisations. Access is controlled by the Monitoring Officer where he or she is satisfied that there are reasonable grounds for access in connection with investigations of a complaint or other legitimate concerns.

## **DATA PROTECTION ACT 1998**

The Data Protection Act 1998 aims to protect the public from people not using their personal information correctly. The Information Commissioner oversees the Act but it is up to us and our staff to make sure we keep to the conditions of the Act.

The basic conditions of the Act are that personal information held on computer is:

- accurate;
- relevant;
- not excessive for the purposes registered; and
- held for no longer than is needed.

If you are going to give personal information to someone else, you must make sure that you do this according to the conditions of the Act and the conditions of registration. If you give out information regularly, you should make sure you are familiar with the relevant conditions. If you are in any doubt about the requirements of the Act, advice is available from the Authority's Data Protection Officer.

**LOCAL GOVERNMENT ACT 1972 - SECTION 117**

- 1 If you become aware that you have a direct or indirect financial interest in a contract which the Authority has entered into or intends to enter into, you must tell us immediately.
- 2 You must not accept any fee or reward other than your normal salary.
- 3 If you break either of the conditions shown above, you can be prosecuted and fined. (The maximum fine is level 4 on the standard scale.)

**ORGANISATIONS TO WHICH PARAGRAPH 7D OF THE CODE APPLIES**

Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a is not open to members of the public who are not members of that group;
- b includes an obligation on the part of the member to make a commitment of allegiance to the lodge, chapter, society or gathering or meeting; and
- c includes a commitment of secrecy about the rules, membership or how the lodge, chapter, society, trust, gathering or meeting carries out its business.

We do not consider a lodge, chapter, society, trust, gathering or meeting as a secret society if it forms part of a generally recognised religion.

## **THE BRIBERY ACT 2010**

Under the Bribery Act 2010, it is an offence for you to:-

1. Bribe another person
2. Be bribed
3. Bribe a foreign public official

There is also a 'corporate offence' of failing to prevent bribery. Under this, the Authority will be guilty of an offence if an "associated person" bribes someone else intending to obtain or retain business, or a business advantage, for the Authority. "Associated persons" may include employees, agents and subsidiaries.

Appendix E

| <b>Declaration</b>                                                       | <b>Disclosure</b>                                                                  | <b>Retention</b>                                                                                                  | <b>Access</b>              |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>CCE1</b><br>Relationship with external contractor or supplier         | Director or Head of Service (who will send a copy to the Monitoring Officer)       | Monitoring Officer's Office<br>Kept for 3 years after end of employment                                           | Public Access              |
| <b>CCE2</b><br>Relationship with candidate for employment with Authority | Head of Paid Service (who will send a copy to the Monitoring Officer)              | Head of Paid Service's Office<br>Kept for 3 years                                                                 | Internal Access            |
| <b>CCE3</b><br>Approval for outside interests of employment              | Director or Head of Service                                                        | Director's or Head of Service's Office<br>Kept for 3 years after end of employment                                | Internal Access            |
| <b>CCE4</b><br>Declaration of Personal Interests                         | Director or Head of Service                                                        | Director's or Head of Service's Office<br>Kept for 3 years after end of employment                                | Internal Access            |
| <b>CCE5</b><br>Financial Interest in Authority contract                  | Monitoring Officer                                                                 | Monitoring Officer's Office<br>Kept indefinitely                                                                  | Public Access              |
| <b>CCE6</b><br>Membership of Secret Societies or Organisations           | Monitoring Officer                                                                 | Monitoring Officer's Office<br>Kept for 3 years after end of employment                                           | Monitoring Officer Control |
| <b>CCE7</b><br>Offers of Gifts                                           | Director or Monitoring Officer (in the case of Directors and Head of Paid Service) | Director's or Monitoring Officer's office (in the case of Directors and Head of Paid Service)<br>Kept for 3 years | Public Access              |
| <b>CCE8</b><br>Offers of Hospitality                                     | Director or Monitoring Officer (in the case of Directors and Head of Paid Service) | Director's or Monitoring Officer's office (in the case of Directors and Head of Paid Service)<br>Kept for 3 years | Public Access              |

### Relationship with external contractor or supplier

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

As required in paragraph 4c of the Authority's Code of Conduct for Employees\*, I give details below of my relationship with an external contractor or supplier

Name and Address of Contractor/Supplier

.....  
.....

Nature of Relationship .....

.....  
.....

Signature..... Date.....

Please send the completed form to your Director or Head of Service  
(who must copy it to the Monitoring Officer)]

Received by Director/Head of Service ..... Date.....

Comment if applicable

.....

\* Paragraph 4c of the Code (Contractors and Suppliers) says that

"You must tell your Director/Head of Service about any close association or personal relationship which you have with the Authority's contractors or suppliers. You must fill in form CCE.1 to do this. You must award contracts according to our financial regulations and not show special favour to anyone.

A personal relationship covers: your partner (i.e. your spouse, civil partner or anyone whom you live with, in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.

You have a 'close association' with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding or influencing a matter which affects them."

## Relationship with candidate for appointment with the Authority

Employee's Full Name .....

Job Title.....Grade.....

Service Area .....

As required in paragraph 5c of the Authority's Code of Conduct for Employees\*, I give below details of my relationship with a candidate for appointment to a post with the Authority

Name and Address of Candidate .....

.....

.....

Post Applied for .....

Nature of Relationship .....

Signature ..... Date .....

**Please send the completed form to your Director/Head of Service**  
(who must copy it to the Head of Human Resources and Organisational Improvement])

Received by Director/Head of Service] ..... Date .....

Copied and sent to Mayoral Office on (date) .....

\* Paragraph 5c of the Code (Recruitment and other employment matters) says that

"You must use form CCE.2 to tell your Director/Head of Service about any relationship between you and any person you know is applying to us for a job."



## Approval for outside interests or employment

Employee's Full Name .....

Job Title..... Grade.....

Service Area .....

Description of Outside Interest/Employment/Directorships:

.....

Does it involve any Remuneration, Fee or Reward? (If so, give details)

.....

What is the commitment attached to these interests/employment?

.....

Geographical Location of Activities: .....

Details of Personal Involvement: .....

.....

Do the activities involve any contact with the Authority or any local authority? (If so, give details):

.....

In accordance with paragraph 6b of the Code of Conduct for Employees\* , I wish to seek approval for my involvement in the activity outlined above and have discussed the above detail with my line manager. This form is not required for employees engaged in unpaid voluntary work.

Signature ..... Date .....

Please send the completed form to your Director/Head of Service

Approved by Director/Head of Service ..... Date .....

\* Paragraph 6b (Commitments outside work) says that:

“You must not carry out any other business or take up any additional appointment while employed by us without our prior permission. (If you want permission, fill in form CCE.3.) We will not unreasonably prevent you carrying out other employment and will actively support and encourage voluntary work. However, this employment or voluntary work must not, in our view, conflict with our interests and we will lay down conditions for you. You must indicate on form CCE.3 membership of charitable or voluntary organisations you are involved with, such as Rotary or Lions clubs or the Freemasons. Any disputes regarding this matter should be resolved via the Authority’s grievance process.”

# Declaration of Personal Interests

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

**As required in paragraph 7a of the Authority's Code of Conduct for Employees\*, I give below details of my personal interests which may conflict with the Authority's interests:**

Details of Personal Interests: .....  
.....  
.....  
.....  
.....  
.....

The interests are financial/non-financial (*Delete as appropriate*)

Signed ..... Date .....

Please send the completed form to your Director/Head of Service

Received by Director/Head of Service..... Date.....

\* Paragraph 7a (Personal interests) says that:  
"If you have a financial or non-financial interest which could conflict with our interests, you must declare this on form CCE.4."

## Financial Interest in Authority Contract

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

**As required in section 117 of the Local Government Act 1972 and paragraph 7a of the Authority's Code of Conduct for Employees\*, I give below details of my interest in a contract involving the Authority:**

Details of Financial Interest: .....

.....

.....

Details of Contract Involved:.....

.....

.....

Signed ..... Date.....

**Please send the completed form to the Monitoring Officer**

Received by Monitoring Officer ..... Date .....

\* Paragraph 7b (Personal interests) says that:

"Section 117 of the Local Government Act 1972 (see appendix B) says that you must make a formal declaration about Authority contracts where you have a financial interest. If you do not do this, it is a criminal offence. You should make the declaration on form CCE.5."

## Membership of Secret Societies or Organisations

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

**As required in paragraph 7d of the Authority's Code of Conduct for Employees\*, I declare that I am a member of the following society/organisation/s:**

Name of society/organisation/s: .....

.....

.....

Date of Becoming a Member: .....

Signed ..... Date .....

**Please send the completed form to the Monitoring Officer**

Received by Monitoring Officer Date.....

\* Paragraph 7d (Personal interests) says that:

"If you belong to an organisation which is not open to the public and does not have formal membership and which has secrecy about rules, membership or conduct, you must tell us on form CSE 6. A definition of such an organisation appears at appendix C."

### Offers of Gifts

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

**As required in paragraph 12 of the Authority's Code of Conduct for Employees\*, I give details of an offer of a gift or other benefit:**

Details of Gifts Offered: .....  
.....

Date Offer Made:..... I have accepted the offer (YES or NO?) .....

Name and Address of Person Making Offer:

.....  
.....

Signed ..... Date .....

**Please send the completed form to your Director/Head of Service (or in the case of Directors or Head of Paid Service, to Monitoring Officer**

Received by Director/Head of Service.....Date.....

\* Paragraph 12 (Gifts and other benefits) says that:

You must not accept any gift or other benefit offered to you, or your partner or a family member, by:

- any person you have provided services to in the course of your official duties or their partner or a family member;
- any person associated with an organisation which has, or wishes to have, dealings with us.

You must declare any offer on Form CCE.7 and say what action you have taken. The only exception to this rule is where the gift is of token value up to a maximum of £25."

## Offers of Hospitality

Employee's Full Name .....

Job Title ..... Grade .....

Service Area .....

**As required in paragraph 13 of the Authority's Code of Conduct for Employees\*, I give details of an offer of a gift, other benefit or hospitality:**

Details of hospitality Offered: .....

.....

Date offer made: .....

Name and Address of person making offer:

.....

Reasons for proposing to accept the offer:

.....

Signed ..... Date .....

**Please send the completed form to your Director/Head of Service (or in the case of the Head of Paid Service or Directors/Head of Service, to the Monitoring Officer)]**

**\*Director's/Head of Service Authorisation ..... Date.....**

- **Approval required prior to acceptance for all employees except the Head of Paid Service and Directors**

---

Paragraph 13 (Hospitality) says that:

"You must use form CCE.8 to obtain your Director's/Head of Service approval before accepting offers of hospitality. This is not required if the hospitality is of token value (e.g. the offer of a single drink). The Head of Paid Service and Directors are not required to obtain prior authorisation but must nonetheless declare acceptance of hospitality in the normal manner."

## **Part 5.3    Member/Officer Relations Protocol**

This protocol provides general guidance for Members and Officers in their relations with one another. It reflects the basic principles underlying the respective rules of conduct that apply to Members and Officers. This protocol cannot cover every eventuality nor is it prescriptive. Its intention is to offer guidance on some of the issues that commonly arise.

The provisions of this protocol apply to all members which including the Mayor/Interim Mayor, voting and non-voting co-optees.

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. The responsibility for decision making in relation to the Authority's work is set out in Part 2 of the Constitution.

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.

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. Roles of Members**

Members have many different roles:

- a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
- b) Developing and reviewing policy and strategy.
- c) Monitoring and reviewing policy implementation and service quality.
- d) Members express political values and support the policies of the political party or group to which they belong (if any).
- e) Representing their communities and bringing their views into the Authority's decision-making processes, thus becoming advocates for their communities.
- f) Being involved in partnerships with other organisations as community leaders.

- g) Representing the Authority on other bodies and acting as ambassadors for the Authority.
- h) Members may have roles relating to their position as members of the Cabinet or Overview and Scrutiny Committee or other committees and sub committees of the Authority.

## **2. Roles of Officers**

Officers' main roles are as follows:

- a) Providing advice to the Cabinet, 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 Cabinet, the Authority's committees and subcommittees and Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.
- h) Representing the Authority on external organisations.

## **3. Respect and Courtesy**

An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

## **4. The Authority's Reputation**

Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;



- c) avoid criticism of the Authority when formally representing it; and
- d) avoid personal criticism of other Members and Officers.

## **5. Undue pressure**

In any dealings between Members and Officers neither should try to take advantage of their position.

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.

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.

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.

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.

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.

As mentioned above, the Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.

## **6. Personal and Business Relationships**

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.

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.

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.

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.

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

Members are entitled to ask the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer 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.

It is important for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer 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.

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.

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.

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.

Officers can advise on matters relating to the Authority's business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.

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 Cabinet) cannot be used when acting in a different

capacity (for example, when representing his/her ward). 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 below. Members' rights to inspect documents are contained partly in legislation and partly at common law.

If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the relevant Chair of the Committee should be advised about the information provided.

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.

## **8. Politically Restricted Posts**

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. Member Briefings and Political Group Briefings**

General matters of the Authority's policy, development, and performance as well as specific policy issues can be the subject of all party briefings.

There is statutory recognition of political groups. It is common practice for political groups to give preliminary consideration to matters of Authority business before the matters are considered by the relevant decision-making forum.

Senior Officers may be asked to attend political group meetings called to address Authority business. All requests for briefings of political groups should be directed to the Head of Paid Service. If attendance is requested the Chief Executive's agreement must be obtained and s/he will determine the appropriate Officer to attend and all groups must be offered the same facilities if they so request.

Where officers do attend political group meetings certain matters need to be understood by Members and Officers about this process:

- a) Officer support in these circumstances will be to provide information and advice and to answer questions about matters of Authority business;
- b) these meetings are not decision-making meetings and conclusions reached at them are not the Authority's decisions;
- c) where Officers provide information and advice at these meetings this is not a substitute for providing all necessary information and advice to the decision-making forum;
- d) if the meeting includes non-Members of the Authority, Officers may not be able to provide the information and advice they would to a meeting of Members to prevent disclosure of confidential information to non-Members; and
- e) Officers should not be asked for, or give advice or comments on political business, and should not expect to be present at meetings or parts of meetings when matters of political business are to be discussed.

The requirements as to declaring interests apply to political group meetings. The meeting should keep to the requirements of declaring interests, including the requirement to record any declared interests in the record of the meeting.

Officers should respect the confidentiality of any discussions at which they are present with Members in this context. They may however have to brief the Head of Paid Service on the nature of issues raised at the meeting.

It is accepted that a Member of one political group will not have a 'need to know' and has no right to inspect a document, which is confidential to another political group.

When responding to questions at a political group meeting Officers will need to bear in mind the rules as to access to information and, where appropriate, the requirement for Members to show that they have a 'need to know'.

It is recognised that political groups may have in attendance party representatives who are not elected Members of the Authority. At his/her discretion, the Head of Paid Service may permit an Officer to give a political group briefing when such representatives are likely to be present. The Head of Paid Service's decision is final. In any event, if such representatives are present, they:

1. Must comply with the requirements relating to the declaration of any interests and take any necessary consequent action.
2. Must not receive any documentation that contains confidential or exempt information
3. Must not be present when any confidential or exempt information is considered.

Members should be aware that where political group meetings are arranged to deal with non-Authority business, particularly matters of a purely party political nature, and which may be attended by non-Members, the Head of Paid Service may consider the meeting to be a political meeting and therefore provision of the Authority's resources and attendance by Officers to be inappropriate.

Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that political group, will not relay the content of such discussions to another political group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

In their dealings with political groups, officers must treat each group in a fair and even-handed manner.

Officers should not attend nor be asked to attend political group meetings during any pre-election period (the time between the election being announced and election day).

At any other meeting arranged by a political group or individual Member, Officers can only attend to provide information which is publicly available. Whether an Officer can attend will be a decision for the Head of Paid Service. If an Officer who is invited to attend a public meeting is concerned that the meeting is or is becoming a political meeting the Officer will withdraw from the meeting as soon as reasonably practicable to ensure that the political neutrality of the Officer is seen to be maintained.

It is acknowledged that some Authority staff may receive and handle messages for members on topics unrelated to the Authority. Whilst these will often concern diary management, care should be taken to avoid the Authority's resources being used for private or party political purposes.

## **10. Head of Paid Service**

The Head of Paid Service's responsibility is to the Authority as a whole and not to any political group.

The Head of Paid Service is expected to work closely with the Mayor and Cabinet. This is subject to maintaining his/her position as politically neutral.

Everyone should respect the political neutrality of the Head of Paid Service. S/he should not be asked to play any role or undertake any task which is likely to prejudice that neutrality or make it difficult for him/her to continue to serve successive administrations of whatever political persuasion.

The Head of Paid Service is able to give advice on a confidential basis about procedural matters to any Member. All Members of the Authority have access to the Head of Paid Service.

The following principles govern the relationship between the Head of Paid Service and political groups:

- a) It is proper for the Head of Paid Service to develop a working relationship with all political groups on the Authority.
- b) The Head of Paid Service is free to provide information and answer procedural inquiries to Members of any group. S/he will not advise as to the policies which any group should pursue.
- c) The Head of Paid Service will draw the attention of the Cabinet to any case where consideration should, in his opinion, be given to affording information, consultation, or representation to other committees.

When the Head of Paid Service attends a meeting of any political group, s/he will ensure that the part s/he plays in the proceedings is consistent with his/her political neutrality.

The foregoing principles apply similarly to the Monitoring Officer and Chief Finance Officer, who shall act under the general direction, and after seeking the advice of, the Head of Paid Service.

## **11. Correspondence**

Communication between Members and Officers will normally be confidential, and should not be disclosed to third parties unless there are overriding obligations to disclose it to protect the Authority's interests.

A Member may however disclose information to a constituent if the information deals with a ward matter which the constituent has raised, provided the information is not confidential and that disclosure will not harm the interests of the Authority or another party. As a general rule personal information about a third party will be confidential. It is best to seek advice if there is any doubt as to whether information can be disclosed. Where the Officer providing the information considers that the whole or any part of the information should be treated as confidential then this will be indicated.

Official letters sent on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of a Member. In certain exceptional circumstances (for example, when making representations to a Government Minister or writing to the leader of another local authority) it may be appropriate for a letter to be issued in the name of the Mayor or the Cabinet.

Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

## **12. Members' access to documents and information**

Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members.

## **13. Interpretation, complaints and allegations of breaches**

This part of the protocol should be read in conjunction with the Authority's "whistleblowing" policy which may be found at Part 5.5 of this Constitution.

Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

A Member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer.
- ensure that any criticism is well founded and constructive.
- avoid making criticism in public.
- if possible, take up the concern with the officer privately.

If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.

A serious breach of this protocol by an officer may lead to an investigation under the Authority's disciplinary procedure. There are special rules that apply to the Authority's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and these can be found in the Officer Employment Procedure Rules at Part 3.4 of the Constitution.

An Officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant political group. More serious complaints may involve alleged breaches of the members' code of conduct and may ultimately be referred to the Authority's Audit and Standards Committee.





**1. The Authority's Commitment**

The Authority is committed to sound corporate governance and supports the Seven Principles of Public Life for the conduct of its Members and Officers, namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.

Fraud and corruption cheats the local taxpayers who have the right to expect Members and Officers to perform their functions in an honest and proper manner.

The Authority seeks in the first instance to prevent fraud and corruption and will take all action necessary to identify any occurrences if suspected. If any such instances are detected they will be investigated in a correct and agreed manner. The Authority pledges to pursue the recovery of losses and the suitable punishment of those responsible.

**2. Prevention**

Prevention will be achieved through:

- staffing policies
- making members aware of their responsibilities
- internal control systems and
- liaison with outside agencies

**2.1. Officers**

As a public employer, the Authority is obliged to maintain, and is entitled to expect, high standards of conduct among its officers to ensure that public confidence in their integrity and impartiality is not undermined. The public is entitled to demand conduct of the highest standard and that Officers work honestly and without bias in order to achieve the Authority's objectives.

The Authority recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at recruitment stage to establish, as far as possible, the propriety and integrity of potential staff. In this regard temporary and contract staff are treated in the same manner as permanent officers.

Managers should ensure that procedures laid down by the Authority in the Recruitment and Selection Guidelines and Code of Practice are followed and, in particular, that written references are obtained before employment offers are confirmed.

Officers are expected to follow the Authority's Code of Conduct which includes regulations regarding the registration of interests, gifts and hospitality.

The Authority recognises that the continuing success of its anti-fraud and corruption strategy and its general credibility will depend largely on the effectiveness of its training programmes and the responsiveness of Officers throughout the organisation. To facilitate this, the Authority supports the concept of induction and continuing training and Officer appraisal, particularly for Officers involved in internal control systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. The Authority has in place a Disciplinary Procedure for all Officers and the possibility of disciplinary action against Officers who ignore such training and guidance is clear.

## 2.2. Members

Members are expected to operate honestly and without bias. Their conduct is governed by:

- The Code of Conduct for Members
- The Member/Officer Relations Protocol
- The Constitution

These matters include rules on the declaration and registration of potential areas of conflict between Members' duties and responsibilities on behalf of the Authority, and any other areas of their personal or professional lives. These will be regularly drawn to the attention of Members.

## 2.3. Internal Control System

The internal control system comprises the whole network of financial, operational and managerial systems established within the constituent councils to ensure that objectives of the Authority are achieved and in the most economical and efficient manner.

The Financial Regulations of the Authority (see Part 4) provide the framework for financial control. Under Financial Regulations Managers are required to ensure that:

- Arrangements, guidelines and procedures for the proper administration of the financial affairs of the Authority are operated in accordance with Financial Regulations;
- The Chief Finance Officer is informed where there has been a failure to comply with Financial Regulations or where amendment or revision of a regulation is considered necessary; and
- The Chief Finance Officer and the Monitoring Officer are informed as soon as possible of any matters involving, or suspected of involving, irregularity in the use of the Authority resources or assets.
- The Internal Audit service of the constituent council identified by the Head of Paid Service for this purpose independently monitors the existence, appropriateness and effectiveness of internal controls.

## 2.4. Liaison

Arrangements are in place now and will continue to develop which encourage the exchange of information between the Authority and other agencies on national and local fraud and corruption activity.

The Authority acknowledges that in order to prevent fraudsters using multiple identities and addresses, it cannot afford to work in isolation and must liaise with other organisations. To this end the Authority has a number of external contacts, including Northumbria Police.

All liaisons are subject to adherence to Data Protection Legislation and regard to the confidentiality of information.

## 2.5. Partners

Arrangements are to be put in place within partner organisations to identify, investigate and appropriately report incidents of fraud and corruption which may occur within those organisations. Where fraud is identified which has resulted from a significant weakness in controls in the organisation and this would impact on the assurance the Authority could place on governance arrangements, this will be reported to the Chief Finance Officer and the Monitoring Officer. The Chief Finance Officer or the Monitoring Officer will subsequently report details of the incident and any potential impacts for the Authority to the Audit and Standards Committee.

## 2.6. Strategy

The Audit and Strategic Risk service of the constituent council identified by the Head of Paid Service for this purpose will implement the policy on the Authority's behalf.

## 3. Detection and Investigation

Where fraud and corruption still happen, systems should assist in revealing the occurrences and people should be encouraged to do likewise. They must then be investigated in a fair and impartial manner.

### 3.1. Detection

The array of preventative systems, particularly internal control systems and audit, within the Authority generally should be sufficient in themselves to deter fraud, but they have also been designed to provide indications of any fraudulent activity.

The Authority's officers are an important element in its stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have on any issues associated with the Authority's activities. They can do this in the knowledge that such concerns will be treated in confidence and properly investigated. If necessary, a route other than a line manager may be used to raise such concerns. Examples of possible routes are:

- Internal Audit Service
- Chief Finance Officer
- Monitoring Officer

Members of the public are also encouraged to report concerns through any of the above routes or, if appropriate, through the Authority's complaints procedure.

If Officers feel unable to raise their concerns through any of the internal routes, then they may wish to raise them through Public Concern at Work (telephone 020 7404 6609), a registered charity whose services are free and strictly confidential. See also Part 5.5 Whistleblowing Policy.

The Code of Conduct requires Officers of the Authority to report any illegality or impropriety to their manager or supervisor. Financial Regulations require the Chief Finance Officer to investigate matters which involve, or may involve, financial irregularity.

### 3.2 Investigation

Depending on the nature and the anticipated extent of the allegations, Internal Audit will normally work closely with management and other agencies, such as the police, to ensure that all allegations are properly investigated and reported upon and where appropriate, maximum recoveries are made for the Authority. The follow up of any allegation of fraud and corruption received will be through agreed procedures which ensure that:

- matters are dealt with promptly;
- all evidence is recorded;
- evidence is sound and adequately supported;
- all evidence is held securely;
- where appropriate, the police and the Authority's Chief Finance Officer and Monitoring Officer are notified;
- the Authority's Disciplinary Procedures are implemented; and
- the rules of natural justice are incorporated.

The procedures and reporting lines are an integral part of the Authority's anti-fraud strategy that ensures:

- consistent treatment of information about fraud and corruption;
- proper investigation by an independent and experienced audit team;
- the proper implementation of a fraud investigation plan;
- restitution or compensation; and
- the optimum protection of the Authority's interests.

Where financial impropriety is discovered, referral to the police is a matter for the Chief Finance Officer and Monitoring Officer, in consultation with the relevant officers of the Authority and the Mayor/Chair of Cabinet.

In deciding whether to recommend referral the following factors are taken into account:

- the amount of the loss and duration of the offence;
- the suspect's physical and mental condition;
- voluntary disclosure and arrangement for restitution; and
- the strength of the evidence; and
- reputational damage

The Authority's Disciplinary Procedures will be used as appropriate irrespective of police involvement.

There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations may be dealt with as a disciplinary matter and may leave the complainant open to an action for defamation.

The External Auditor also has powers to investigate independently fraud and corruption and the Authority can make use of these services.

#### **4. Summary**

The Authority has a clear commitment to minimising the possibility of fraud, corruption and theft or other misuse of public money and assets. It pledges to prevent fraud and corruption but to take all action necessary to identify fraud and corruption if suspected and pursue the recovery of losses and the punishment of those responsible. The Authority's Officers and Members are expected to have the highest standards of conduct and to be vigilant in combating fraud and corruption in all its guises.

The Authority has implemented a clear network of systems and procedures to assist in the fight against fraud and corruption. These arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.



## **Part 5.5**

## **Whistleblowing Policy**

### **1. Introduction**

The Authority is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrongdoing.

The Authority is therefore committed to a policy for confidential reporting of concerns, “whistleblowing”, which seeks to protect individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.

Whistleblowing is when a member of staff raises concerns about the activities of the organisation they work for which are ethically or legally questionable.

The aims of the policy are to:

- Provide for a culture of zero tolerance toward fraud, corruption and bribery.
- Encourage officers and others with serious concerns about any aspect of the Authority’s work to feel confident to come forward and voice those concerns.
- Provide ways for officers to raise concerns at an early stage and in the right way and enable them to get feedback on any action taken.
- Ensure that officers know what to do if they are not satisfied with actions taken.
- Provide re-assurance that officers who raise concerns in good faith can do so without fear of reprisals or victimisation.

This policy covers any wrongdoing relating to unlawful conduct, financial malpractice or dangerous working environments.

It is available for use by all Officers of the Authority and Officers of constituent councils providing services to the Authority, its committees, sub-committees and joint committees.

It is not to be used where other more appropriate procedures are available. There are existing procedures which enable officers to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a complaint. This policy covers concerns that fall outside the scope of these existing procedures.

The Authority will seek to ensure that its stance on whistleblowing is widely publicised and that officers have access to appropriate guidance.

This policy is also available for use by contractors. In this policy, “contractors” includes constituent councils providing services to the Authority, its committees, sub-committees and joint committees.

## **2. Whistleblowing Procedures for Officers**

Officers are often the first to realise that there may be something seriously wrong within an authority. Normally Officers would be expected to raise any concerns initially with their line manager. However, they may feel that expressing their concerns would be disloyal to their colleagues or to the Authority or may also fear harassment or victimisation. It may be easier to ignore these concerns than report what may just be a suspicion of malpractice.

Whistleblowing is the process for raising a concern about suspected wrongdoing, especially in circumstances where the whistleblower feels forced to raise that concern outside the normal management reporting line. For instance, the whistleblower may be concerned about the actions of their own line management, or about the failure of their line management to act over suspected wrongdoing on the part of others.

The Whistleblowing policy encourages and enables officers and others with serious concerns about any aspect of the Authority's work or those engaged in work for the Authority to come forward and voice those concerns. It recognises that most cases will need to proceed on a confidential basis. At the same time, the provisions of the Public Interest Disclosure Act 1998 (PIDA) provide protection from harassment and victimisation for officers who raise concerns in good faith.

## **3. Aims and scope of this Policy**

This policy aims to:

- Make you feel confident to raise concerns and to question and act upon concerns about practice.
- Give you avenues to raise your concerns and receive feedback on any action taken.
- Guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied.
- Reassure you that you will be protected from possible reprisals or victimisation.

There are existing procedures in place if you have a grievance relating to your own employment or consider that you are being harassed due to your race or sex or age, or if you are concerned about health and safety risks, including risks to the public as well as to other Officers. Indeed, you are under a legal obligation to report to your supervisor or manager any work situation which you consider to represent:

- a danger to the health and safety of yourself, fellow Officers or members of the public; or
- a shortcoming in the Authority's arrangements for health and safety.

If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then arrangements exist for you to raise the health and safety concerns with the Head of Paid Service and/or with Health and Safety Representatives from the relevant trade union.

This policy is intended to cover concerns that fall outside the scope of other procedures. These include:



- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other Officers;
- damage to the environment;
- the unauthorised use of public funds;
- fraud, corruption or bribery;
- sexual or physical abuse of clients;
- any attempt to prevent disclosure of any of the above, or
- other conduct which gives you cause for concern.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of your staff or members of the Authority or others acting on behalf of the Authority can be reported under this policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Authority subscribes to; or
- is against the Authority's Standing Orders and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

This policy supplements and does not replace the corporate complaints procedure, or the grievance procedure and other procedures established to deal with aspects of harassment i.e. sexual, racial and age harassment, and with health and safety concerns.

#### **4. Harassment or Victimisation**

The Authority is committed to good practice and high standards and aims to be supportive of its Officers.

The Authority recognises that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the Authority. You will be doing your duty to your employer and those for whom you are providing a service.

The Authority will fulfil its responsibility to ensure that you are not harassed, victimised or otherwise disadvantaged when you raise a concern. Any allegation concerning an Officer who engages in any form of victimisation or harassment against you as a result of your raising a concern will be the subject of a thorough investigation and disciplinary action will be taken if the case is proved.

Allegations by an Officer who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the disciplinary appeals procedures.

#### **5. Confidentiality**

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need however to come forward as a witness, but if you wish to be supported by your trade union or another representative of your choice then this would be available to you.

## **6. Anonymous allegations**

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible or practicable by the Authority. Your trade union can act for you in this.

## **7. Untrue allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

## **8. How to raise a concern**

If you are an officer of the Authority, as a first step, you should raise concerns with your immediate manager or their manager. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, for example if you believe that your immediate manager or their managers are involved, you should approach the Monitoring Officer.

The manager receiving notification of concerns under this policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the manager receiving the report must immediately notify the Chief Finance Officer.

Concerns may be raised verbally or in writing. If you make a written report, please use the attached pro-forma. Reports should be sent to your immediate manager or their superior or to the appropriate Chief Officer and a copy sent to the Monitoring Officer.

If you are a contractor, as a first step, you should normally raise concerns with your manager, who will then inform the lead officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns direct with the lead officer. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager or the lead officer is involved, you should approach the Monitoring Officer direct.

Otherwise, the lead officer receiving notification of concerns under this Policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the lead officer receiving the report will also immediately notify the Chief Finance Officer.

Concerns may be raised verbally or in writing. If you make a written report you should, if possible, make it using a similar report form to the attached pro-forma. A copy of any report you send to your manager or lead officer should also be sent to the Monitoring Officer for monitoring purposes.

The Monitoring Officer is responsible for the maintenance and operation of this policy and will monitor how the complaint is handled and ensure that the requirements of this policy are fulfilled.

The earlier you express the concern the easier it will be to take action.

Officers and Contractors can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is at [www.pcaw.co.uk](http://www.pcaw.co.uk)

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You can invite your trade union or professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

Concerns can also be raised through your trade union.

## 9. How the Authority will respond

The Authority will respond to your concerns, and it will be necessary to investigate your concerns but this is not the same as either accepting or rejecting them.

Within **3 working days** of a concern being raised, you will be sent a written response:

- acknowledging that the concern has been received;
- indicating how it is proposed to deal with this matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any enquiries have been made; and
- supply you with information on staff support mechanisms.

The Monitoring Officer will be sent a copy of this response.

Where appropriate, matters raised may:

- Be investigated by management, internal audit, or through the disciplinary process.
- Be referred to the police or other statutory agencies.
- Be referred to the Authority's external auditor.

In order to protect individuals and those about whom concerns are raised, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

The amount of contact between the individual considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the investigating officers, will seek further information from you.

Where any meeting is arranged, and this can be off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.

The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Authority will arrange for you to receive advice about the procedure.

The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcomes of any investigation.

## 10. The Responsible Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and may report as necessary to the Cabinet, but in such a way that your confidentiality will be preserved.

It is the responsibility of any manager/director who receives a whistleblowing report to provide the Monitoring Officer with:

- a copy of the original report immediately;
- the initial written response to the person raising the concern; and
- any further responses.

The Monitoring Officer must, as soon as possible, also be informed of the outcome(s) of any investigation and any actions instigated as a result.

## 11. How the matter can be taken further

This policy is intended to provide Officers and Contractors with an avenue within the Authority to raise concerns. The Authority hopes any whistleblower will be satisfied with any action taken. If you are not satisfied with the outcome of the confidential report, a request in writing for the investigation and outcome to be reviewed can be made to the Head of Paid Service. If you remain dissatisfied and want to take the matter outside of the Authority, advice is available from trade unions and local Citizens Advice Bureau on the options that are available to you.

One possibility is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Combined Authority who can be contacted in certain circumstances (see The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2003 [www.legislation.hms.gov.uk](http://www.legislation.hms.gov.uk)). You should seek advice on the effect of the Act from the persons referred to above.

If you do take the matter outside of the Authority, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Authority (e.g. service users) or where you would commit an offence by making disclosure. In order to ensure that you do not make any such disclosures it is advisable to check the position with the Monitoring Officer.

**POLICY FOR CONFIDENTIAL REPORTING OF CONCERNS  
("WHISTLE BLOWING")**

**REPORT FORM**

The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. If you wish to make a report, please use this pro-forma.

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1 Background and history of the concern (giving the relevant dates).

2. The reasons why you are particularly concerned about the situation.

**(Please attach additional sheets if necessary)**

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3. You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible by the Authority. If you feel able to, please give your name and details below.

Name: .....

Directorate (if applicable): .....

Address:.....

.....

Contact Telephone Number:..... Date .....

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PLEASE SEND THIS FORM TO YOUR MANAGER, OR ALTERNATIVELY TO THEIR MANAGER OR DIRECTOR AS APPROPRIATE. YOU MUST ALSO SEND A PHOTOCOPY OF THE COMPLETED FORM AT THE SAME TIME TO THE MONITORING OFFICER, [insert address], FOR MONITORING PURPOSES.



## **Part 6 – Mayoral and Members’ Allowance Scheme**

**These provisions will be incorporated when approved by Cabinet.**





# APPENDIX

## Powers and Functions conferred on the Authority

| Ref | Description of Functions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Principal Legislative Provisions          | Application                   |
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| A.  | <p><b><u>Economic Development and Regeneration</u></b></p> <p>The Authority has a general power of competence to be exercised concurrently with the constituent councils so far as those functions are exercisable for the purposes of economic development and regeneration.</p> <p>The general power of competence gives the Authority the same power as an individual generally has. This includes the power to do things that unlike anything that any other public body has done before, or may currently do.</p> <p>There are boundaries on the exercise of the general power, including the definition of “an individual” and statutory restrictions include:-</p> <p>(a) those that apply to existing powers that are overlapped by the general power;</p> <p>(b) any express prohibitions, restrictions and limitations within primary or secondary legislation, to the use of the general power (but restrictions in post-commencement legislation will only apply to the general power where they are expressed to</p> | Section 1 of the <b>Localism Act 2011</b> | Article 13(1)(a), 2018 Order. |

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|  | <p>do so);<br/> (c) that the general power does not give local authorities power to delegate or contract out of their functions, nor to alter governance arrangements; and<br/> (d) the limits on doing things for commercial purpose in exercise of the general power.</p> <p><b>B. <u>Housing and Regeneration Functions</u></b></p> <p>Subject to the limitation of the exercise of the functions, the Authority can concurrently exercise with the constituent councils the following powers in relation to housing, shops and acquisition of land:-</p> <p>The consideration of housing conditions in the area and the needs of the area with respect to the provision of further housing accommodation;</p> <p>The provision of board and laundry facilities; shops, recreation grounds etc.</p> <p>The acquisition of land for housing purposes and the duties relating to buildings acquired for housing purposes.</p> |  | <p>The following provisions of the <b>Housing Act 1985</b> are modified so as to correspond with the Combined Authority and the combined area:-</p> <p>Section 8 (periodical review of housing needs)</p> <p>Sections 11 (provision of board and laundry facilities) and 12 (provision of shops, recreation grounds etc.).</p> <p>Sections 17 (acquisition of land for housing purposes) and 18 (duties with respect to buildings acquired for housing purposes)</p> | <p>Article 13, 2018 Order.</p> |
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| <p><b>C.</b></p> | <p><b><u>Housing and Regeneration functions corresponding to those of the Homes and Communities Agency (HCA)</u></b></p> <p>Subject to the limitation on the exercise of the functions the Authority can concurrently exercise with the HCA for the purposes of, or for purposes incidental to, the objects listed in the 2018 Order* the following:</p> <ul style="list-style-type: none"> <li>• provide housing or other land and facilitate the provision of housing or other land</li> <li>• regenerate or develop land</li> <li>• provide infrastructure and to facilitate the provision of infrastructure.</li> </ul> <p>The Authority will therefore be able to acquire, hold, improve, manage, reclaim, repair or dispose of housing or other land or property, or facilitate these activities. It will also be able to carry out building and other operations, including the demolition or conversion of buildings, or facilitate such operations.</p> <p>The acquisition of land by the Authority may be by agreement or compulsorily if the Secretary of State authorises it to do so. Compulsory acquisition may include the extinguishment of private rights of way or rights in relation to apparatus and for apparatus to vest in the Authority.</p> <p>Where compulsory acquisition of land and new rights over land is intended, the procedure contained in The Acquisition of Land Act 1981 is required to be followed. In summary:</p> | <p>The following provisions of the <b>Housing and Regeneration Act 2008</b> are modified so as to correspond with the Combined Authority and the combined area:-</p> <p>Section 5 (powers to provide housing or other land);</p> <p>Section 6 (powers for regeneration, development or effective use of land); and</p> <p>Section 7 (powers in relation to infrastructure).</p> <p>Section 8 (powers to deal with land etc.);</p> <p>Section 9 (acquisition of land);</p> <p>Section 10 (restrictions of disposal of land);</p> <p>Section 11 (main powers in relation to acquired land); and</p> <p>Section 12 (powers in relation to, and for, statutory undertakers).</p> | <p>Article 14, 2018 Order.</p> |
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|  | <ul style="list-style-type: none"> <li>• the 1981 Act contains requirements as to publicity and notification, to enable any person to submit an objection to the Secretary of State within the specified period;</li> <li>• a statutory objector is a “qualifying person” on whom section 12 of the 1981 Act requires notice to be served and includes owners, leaseholders, tenants and occupiers of any land in the compulsory purchase order, and any other person having a right to claim compensation for interference with rights they enjoy over land, or who are likely to be entitled to make a claim for compensation for “injurious affection” (decrease in value of retained land as a result of the acquisition and proposed use of the land which is being acquired);</li> <li>• if a relevant objection is made by a person with a statutory interest in the land, a public local inquiry will generally be held. It is also open to the statutory objectors to agree to their objections being considered through the written representations procedure;</li> <li>• an inspector will prepare a report and the Secretary of State will then consider the findings of the report and the inspector's recommendation when deciding whether or not to confirm a compulsory purchase order;</li> <li>• where an order is confirmed, the usual compensation regime will apply, which is linked to the value of the land being acquired and may also include compensation for disturbance and other losses and, for example, legal costs in preparing a compensation claim.</li> </ul> <p>The legislation ensures that following any compulsory acquisition of land the usual regime for compensation applies.</p> |  | <p>Paragraphs 19 and 20 of the Schedule 3; and</p> <p>Paragraphs 1,2,3,4,6,10 and 20 of Schedule 4.</p> |  |
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|  | <p>The Authority is not permitted to dispose of land for less than the best consideration it can reasonably obtain, unless the Secretary of State consents. The restriction to dispose of land for less than best consideration does not apply where the Authority proposes to dispose of land by granting or assigning a short tenancy (a term of seven years or less). Unless the Secretary of State consents, the Authority is not permitted to dispose of land that it has acquired by way of compulsory purchase. Such a disposal would also be subject to the restrictions on disposal at less than best consideration. Aside from this, the Authority may dispose of land held by it in any way it considers appropriate.</p> <p>Any burial ground which has been used for the burial of the dead may not be used by the Authority until prescribed requirements about the removal and re-interment of human remains, and the disposal of monuments, has been complied with. The Authority may use consecrated land (other than burial grounds) provided that such use complies with requirements in regulations (which may be made by the Secretary of State under this Schedule) about the disposal of monuments and any provisions prohibiting or restricting use of the land while any church or other building (including any part of) used, or formerly used, for religious worship is on the land.</p> <p><b>D. <u>Mayoral Development Corporation Functions – Designation of Mayoral Development Areas and Mayoral Development Corporations</u></b></p> <p>The Authority (as proposed by the Mayor) may designate any area of land in the Combined Area, including separate parcels of land, as a Mayoral development area if:</p> |  | <p>The following provisions of the <b>Localism Act 2011</b> are modified to correspond to the Combined Authority and the combined area:</p> | <p>Articles 15, 16, 17, and 26, 2018 Order.</p> |
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|  | <p>(a) the Authority considers that designation of the area is expedient for furthering economic development and regeneration in the area of the Authority; and</p> <p>(b) the individuals and body specified in the 2018 Order* have been consulted and have each consented to the designation including, or excluding, a particular area within the Combined Area.</p> <p>The Secretary of State may, at any time, make a scheme transferring to a Mayoral development corporation property, rights and liabilities of the persons specified in the Act, once the Secretary of State has consulted with the persons concerned and the Authority. The Authority may make a scheme transferring property, rights and liabilities of the Authority or a functional body, (other than the Mayoral development corporation), to a Mayoral development corporation.</p> <p>A Mayoral development corporation's object is to secure the regeneration of its area and it may only do anything it considers appropriate for that purpose or incidental purposes. A mayoral development corporation can also have specific powers, which must be exercised for that purpose or incidental purposes. Once established, the Authority is obliged to review, from time to time, the continuing existence of a Mayoral development corporation.</p> <p>A Mayoral development corporation can become the local planning authority for the purposes, separately or collectively, of plan-making, development control and neighbourhood planning. Once made, these planning functions may be removed or restricted by the Authority.</p> |  | <ul style="list-style-type: none"> <li>a) Section 197 (designation of Mayoral development areas);</li> <li>b) Section 199 (exclusion of land from Mayoral development areas);</li> <li>c) Section 200 (transfers of property etc. to a Mayoral development corporation);</li> <li>d) Section 202 (functions in relation to Town and Country Planning);</li> <li>e) Section 204 (removal or restriction of planning functions);</li> <li>f) Section 214 (powers in relation to discretionary relief from non-domestic rates);</li> <li>g) Section 215 (reviews);</li> <li>h) Section 216 (transfers of property, rights and liabilities);</li> <li>i) Section 217 (dissolution: final steps);</li> <li>j) Section 219 (guidance by the Mayor);</li> </ul> |  |
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|                  | <p>Subject to prior consultation, the power to grant discretionary relief from business rates may be transferred from the relevant local authorities to a mayoral development corporation.</p> <p>The Authority may transfer any Mayoral development corporation property, rights or liabilities and also require the Secretary of State to revoke the order that established a Mayoral development corporation, provided the mayoral development corporation has no property, rights or liabilities.</p> <p>The Authority may, following consultation, issue guidance or revoke or vary previous guidance to Mayoral development corporations, which the Mayoral development corporation must have regard to.</p> <p>Provisions are laid out for membership, terms of appointment of members, Staff, Remuneration etc. members and staff, Committees and Proceedings and meetings of a Mayoral development corporation, together with application of local government provisions concerning political restriction of officers, role of the monitoring officer.</p> |  | <ul style="list-style-type: none"> <li>k) Section 221 (consents);</li> <li>l) Paragraph 1 of Schedule 21 (membership);</li> <li>m) Paragraph 2 of Schedule 21 (terms of appointment of members);</li> <li>n) Paragraph 3 of Schedule 21(staff);</li> <li>o) Paragraph 4 of Schedule 21 (remuneration etc. members and staff);</li> <li>p) Paragraph 6 of Schedule 21 (committees); and</li> <li>q) Paragraph 8 of Schedule 21 (proceedings and meetings).</li> </ul> |                               |
| <p><b>E.</b></p> | <p><b><u>Education, skills and training functions</u></b></p> <p>The Authority has the following functions that it can exercise concurrently with the constituent councils:-</p> <p>The giving of a notice to a further education establishment requiring that establishment to provide education to specified individuals over compulsory school age but under the age of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | <p>Section 51A of the <b>Further and Higher Education Act 1992</b> (duty to provide for named individuals).</p>                                                                                                                                                                                                                                                                                                                                                      | <p>Article 18, 2018 Order</p> |

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| <p>19 years having regard to any guidance given by the Secretary of State.</p> <p>Securing enough suitable education and training to provide for the reasonable needs of persons over compulsory school age but under 19 and persons subject to learning difficulty assessment aged 19 or over but under 25, which may include provision outside the area. In fulfilling this duty the authorities must, amongst others, act with a view to (i) encouraging diversity in the education and training that is available and (ii) increasing opportunities for people to exercise choice. The authorities must co-operate with other authorities in performing the duty. The authorities must have regard to guidance on these matters issued by the Secretary of State.</p> <p>This includes a duty to encourage participation in education and training by persons in the relevant group, and to encourage employers to participate in education or training provision for such persons.</p> <p>The power to secure the provision of work experience for any person in their area in the relevant group and to encourage participation in it by such persons and to encourage the provision of work experience by employers. The power to secure the provision of boarding accommodation (either within or outside the Combined Area) in connection with education or training provided by any provider, for any person who is (i) aged over compulsory school age, (ii) aged under 25, and (iii) subject to a learning difficulty assessment.</p> <p>Ensuring that the relevant education and training functions are exercised with a view to promoting high standards, ensuring fair access of opportunity for education and training and promoting the fulfilment of learning potential for persons under 20 years of age or persons over 20 years of age with an Education Health and Care Plan.</p> |  | <p>Sections 15ZA, 15ZB, 15ZC, 18(1)(b), 514A and 560A of the <b>Education Act 1996</b> (duties and powers related to the provision of education and training for persons over compulsory school age).</p> <p>Section 13A of the <b>Education Act 1996</b> (duty to provide high standards and fulfilment of potential)</p> |  |
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|  | <p>Ensuring that that its functions are exercised so as to promote the effective duty of young persons to participate in education or training and to make arrangements to identify those young persons who are not fulfilling that duty.</p> <p>Making available to young persons and relevant young adults such services as it considers appropriate to encourage, enable and assist the effective participation of those persons in education or training or to secure the provision of services by another local authority.</p> <p><b>F. <u>Other Functions</u></b></p> <p>The Authority may exercise the following functions concurrently with the constituent councils:-</p> <ul style="list-style-type: none"> <li>• Encourage persons, by advertisement or otherwise, to visit their area for recreation, for health purposes, or to hold conferences, trade fairs and exhibitions in their area;</li> <li>• Undertake, arrange or contribute financially or anything else for the provision of entertainment; and</li> </ul> | <p>Sections 10 and 12 of the <b>Education and Skills Act 2008</b> (local authority to promote fulfilment of duty imposed by section 2 of the Act) and (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)</p> <p>Section 68 and 70 of the <b>Education and Skills Act 2008</b> (support services: provision by local authorities) and (local authorities: supplementary powers).</p> <p>Section 144 of the <b>Local Government Act 1972</b> (power to encourage visitors and provide conference and other facilities).</p> <p>Section 145 of the <b>Local Government Act 1972</b> (provision of entertainment).</p> | <p>Article 19, 2018 Order.</p> |
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|  | <ul style="list-style-type: none"> <li>• Prepare, or revise, an assessment of the economic conditions of the Combined Area after consulting such persons as it considers appropriate, including consultation with and participation of the constituent councils, having regard to any material produced by them and guidance from the Secretary of State as to the content and timing of assessments.</li> </ul> <p><b>G. <u>Incidental Provisions</u></b></p> <p>The Authority has the power to exercise the following functions as if it were a local authority:-</p> <ul style="list-style-type: none"> <li>• for the purposes of placing staff at the disposal of other local authorities;</li> <li>• for the purposes of arranging the publication of information etc. relating to the functions of the Authority; and</li> <li>• the purposes of prosecuting or defending legal proceedings.</li> </ul> <p>The Authority has the power to undertake research and collect information for the combined area.</p> | <p>Section 69 of the <b>Local Democracy and Economic Development Act 2009</b> (duty to prepare an assessment of economic conditions)</p> <p>Section 113 of the <b>Local Government Act 1972</b> (placing staff at the disposal of other local authorities).</p> <p>Section 142(2) of the <b>Local Government Act 1972</b> (power to arrange for publication of information etc. relating to the functions of the authority).</p> <p>Section 222 of the <b>Local Government Act 1972</b> (power to prosecute and defend legal proceedings).</p> <p>Section 88(1)(a) and (b) of the <b>Local Government Act 1985</b> (research and collection of information).</p> | <p>Article 20, 2018 Order.</p> |
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|                  | <p>The Authority has a general power that gives it the power to do:-</p> <p>(a) anything it considers appropriate to its functions;<br/> (b) anything incidental to those functions;<br/> (c) anything indirectly incidental (however indirectly incidental that might be); and<br/> (d) anything it considers to be connected with its functions or anything it may do under (a), (b) or (c).</p> <p>It also confirms in paragraph (e) that anything that the Authority now has the power to do for a non-commercial purpose, it may also do for a commercial purpose</p> |  | <p>S113A and S113B of the <b>Local Democracy, Economic Development and Construction Act 2009</b> (general power of EPB or combined authority) and (boundaries of power under section 113A)</p>                                                                                                                                                                                     |  |
| <p><b>H.</b></p> | <p><b>Functions Conferred on the Authority by Local Government Legislation</b></p> <p>The Authority is defined as a “local authority”, with the duties and powers of a local authority in respect of specified provisions of the legislation.</p> <p>The duties and powers include:-</p> <p>a) <b>The holding and conduct of local authority meetings</b> now include the Authority (as defined under section 99 and Schedule 12 of the Local Government Act 1972);</p>                                                                                                    |  | <p>Section 119 and Schedule 6 of the Local Democracy, Economic Development and Construction Act 2009 (amendments relating to EPBs and combined authorities) applies a number of local government and transport law provisions to the Combined Authority through amendments made to the following:-</p> <p>a) Landlord and Tenant Act 1954<br/> b) Trustee Investments Act 1961</p> |  |

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|  | <p>b) <b>Access to meetings and documents</b> of certain authorities, committees and sub-committees (as per section 100J of the Local Government Act 1972) includes the Authority;</p> <p>c) <b>The means by which functions may be discharged</b> (as per section 101(13) of the Local Government Act 1972),</p> <p>d) <b>Local Government Ombudsman</b> investigations and complaints (as per section 25(1) of the Local Government Act 1974);</p> <p>e) <b>political restriction of officers</b> and staff (Part 1: section 21(1)(jb) of the Local Government and Housing Act 1989);</p> <p>f) <b>Statutory chief officers</b> of head of paid service, monitoring officer ((Part 1: Section 21(1)(jb) of the Local Government and Housing Act 1989 and section 111 of the Local Government Finance Act 1988);</p> <p>g) <b>Duty to consider crime and disorder</b> (as per section 17(2) of the Crime and Disorder Act 1998);</p> <p>h) <b>Best value authority status</b> of the Authority (as per section 1(1) of the Local Government Act 1999);</p> <p>i) <b>Freedom of information</b> (as per Schedule 1 to the Freedom of Information Act 2000);</p> <p>j) <b>recipient of grants</b> by the Secretary of State for the purpose of enabling the authority to carry out any of their functions (as per section 157 Transport Act 2000);</p> |  | <p>c) (Local Government (Records) Act 1962</p> <p>d) Local Government Act 1966</p> <p>e) Leasehold Reform Act 1967</p> <p>f) Transport Act 1968</p> <p>g) Local Government Grants (Social Need) Act 1969</p> <p>h) Employers' Liability (Compulsory Insurance) Act 1969</p> <p>i) Local Authorities (Goods and Services) Act 1970</p> <p>j) (Local Government Act 1972</p> <p>k) Employment Agencies Act 1973</p> <p>l) Local Government Act 1974</p> <p>m) Health and Safety at Work etc. Act 1974</p> <p>n) Local Government (Miscellaneous Provisions) Act 1976</p> <p>o) Race Relations Act 1976</p> <p>p) Rent (Agriculture) Act 1976</p> <p>q) Rent Act 1977</p> <p>r) Protection from Eviction Act 1977</p> <p>s) Local Government, Planning and Land Act 1980</p> <p>t) Public Passenger Vehicles Act 1981</p> <p>u) Acquisition of Land Act 1981</p> |  |
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|  | <p>k) <b>Capital finance and accounts</b> provisions (as per section 23 Local Government Act 2003)</p> |  | <p>v) Local Government (Miscellaneous Provisions) Act 1982<br/> w) Stock Transfer Act 1982<br/> x) County Courts Act 1984<br/> y) Local Government Act 1985<br/> z) Transport Act 1985<br/> aa) Housing Act 1985<br/> bb) Housing Associations Act 1985<br/> cc) Landlord and Tenant Act 1985<br/> dd) Local Government Act 1986<br/> ee) Landlord and Tenant Act 1987<br/> ff) Local Government Act 1988<br/> gg) Local Government Finance Act 1988<br/> hh) Housing Act 1988<br/> ii) Road Traffic Act 1988<br/> jj) Local Government and Housing Act 1989<br/> kk) Town and Country Planning Act 1990<br/> ll) Local Government (Overseas Assistance) Act 1993<br/> mm) Railways Act 1993<br/> nn) Deregulation and Contracting Out Act 1994<br/> oo) Housing Grants, Construction and Regeneration Act 1996<br/> pp) Audit Commission Act 1998<br/> qq) Crime and Disorder Act 1998</p> |  |
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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                |  | rr) Local Government Act 1999<br>ss) Greater London Authority Act 1999<br>tt) Local Government Act 2000<br>uu) Freedom of Information Act 2000<br>vv) Transport Act 2000<br>ww) Police Reform Act 2002<br><br>xx) Local Government Act 2003<br>yy) Courts Act 2003<br>zz) Railways Act 2005<br>aaa) Concessionary Bus Travel Act 2007<br>bbb) Local Government and Public Involvement in Health Act 2007<br>ccc) Local Transport Act 2008 |  |
| I. | <p><b><u>Overview and Scrutiny Committees, Access to Information and Audit Committees</u></b></p> <p>In addition to or in place of, the general local government provisions above, specific powers and duties are established for combined authorities in respect of :</p> <ul style="list-style-type: none"> <li>• Overview and Scrutiny Committee(s);</li> <li>• Key decisions; and</li> <li>• Audit Committee(s)</li> </ul> |  | The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017                                                                                                                                                                                                                                                                                                                        |  |

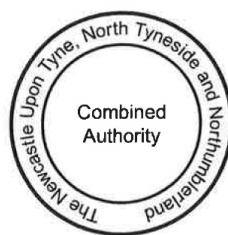
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| <p><b>J.</b></p> | <p><b><u>Transport Functions of an Integrated Transport Authority</u></b></p> <p>The role and functions of the Tyne and Wear Integrated Transport Authority (TWITA) that were subsumed by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority is now the responsibility of the Authority insofar as they relate to the Combined Area.</p> <p>The role and functions of Northumberland County Council as a local transport authority that were subsumed by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority as a Local Transport Authority is now the responsibility of the Authority.</p> |  | <p>The discharge of all duties and responsibilities of the Integrated Transport Authority and local transport authority, which are provided for within the <b>Transport Acts 1968, 1983, 1985 and 2000</b>, the <b>Local Government Act 1972</b>, the <b>Transport &amp; Works Act 1992</b> and the <b>Local Transport Act 2008</b>.</p> | <p>Article 7, 2018 Order</p>                                                  |
| <p><b>K.</b></p> | <p><b><u>Joint Transport Committee</u></b></p> <p>The Authority and the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority (operating as the North East Combined Authority) are obliged to appoint members to the Joint Transport Committee which alone exercises the following transport functions:-</p> <ul style="list-style-type: none"> <li>- Making appointments to the Board of the Passenger Transport Executive;</li> <li>- Formulating general policies with respect to the description of public passenger services;</li> </ul>                                                                                                                               |  | <p>The exercise of all duties and responsibilities of the Integrated Transport Authority which are provided for within the <b>Transport Acts 1968, 1983, 1985 and 2000</b>, the <b>Local Government Act 1972</b>, the <b>Transport &amp; Works Act 1992</b> and the <b>Local Transport Act 2008</b>.</p>                                 | <p>Articles 8 and 9, and Paragraphs 1, 2 and 3 of Schedule 2, 2018 Order.</p> |

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|  | <ul style="list-style-type: none"> <li>- Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area;</li> <li>- Instructing the Passenger Transport Executive to secure the provision of such public passenger transport services as it considers appropriate to secure public transport requirements within the area in accordance with the Authority's policies;</li> <li>- Reviewing from time to time the organisation of the Passenger Transport Executive's undertaking</li> <li>- A duty to produce Local Transport Plans;</li> <li>- The production of a Bus Strategy as part of the Local Transport Plan;</li> <li>- Having regard to the Local Transport Plan, consider the making of a Quality Partnership Scheme, a Quality Contracts Scheme, a Ticketing Scheme and establishing Travel Concession Schemes;</li> <li>- Determine what local bus information should be made available and the way it should be made available;</li> <li>- The delegation of any of its duties and responsibilities as appropriate and, conversely, the Authority can undertake the duties of its committees.</li> <li>- Setting the annual levy on the constituent councils of each Combined Authority</li> <li>- Powers and duties concerning the Tyne Tunnels, including the toll and related finance provisions, regulation, communication and works.</li> <li>- Formulating transport policies and publishing them as a local plan</li> </ul> <p>For the purposes of exercising the transport functions that it must exercise, the Joint Transport Committee may do anything that either Combined Authority could do that it considers appropriate for the purposes of exercising any of the functions, or is incidental to those functions.</p> |  | <p>Section 113A of the <b>Local Democracy, Economic Development and Construction Act 2009</b></p> | <p>Article 9(4), 2018 Order.</p> |
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| L. | <p><b><u>Passenger Transport Executive</u></b></p> <p>The passenger transport executive (Nexus) is made an executive body of the Authority and remains the executive body of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.</p> <p>The passenger transport executive is to be treated as an “officer” of the Combined Authorities for the purpose of the delegation of functions to it by either Combined Authority.</p> |  | <p>Part 5 of the <b>Local Transport Act 2008</b> and Part 6 of the <b>Local Democracy, Economic Development and Construction Act 2009</b></p> <p>Section 101 <b>Local Government Act 1972.</b></p> | <p>Article 10 (2), 2018 Order</p> <p>Article 10(3), 2018 Order.</p> |
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