

**WEST OF ENGLAND COMBINED AUTHORITY**

**OVERVIEW AND SCRUTINY COMMITTEE - 12 JUNE 2019**

**GOVERNANCE AND CONSTITUTION UPDATE**

**DIRECTOR: SHAHZIA DAYA, DIRECTOR OF LEGAL**

**AUTHOR: IAN HIRD, DEMOCRATIC SERVICES & SCRUTINY MANAGER**

**Purpose**

1. To update the committee on Combined Authority governance arrangements and proposed changes to the Combined Authority's constitution.

**Summary**

2. The Annual Business Report to be considered at the 14 June WECA Committee sets out proposed, revised governance arrangements for the Combined Authority and updates to the constitution. These are summarised in the attached report.

3. An update briefing / overview will be given at the meeting which will focus in particular on the new, proposed governance arrangements as shown in the flowchart at Appendix 1 and the main aspects of the constitution changes.

**Recommendation: That the report be noted.**

**Background papers:** None.

**West of England Combined Authority Contact:**

Any person seeking background information relating to this item should seek the assistance of the contact officer for the meeting who is Ian Hird / Tim Milgate on 0117 332 1486; or by writing to West of England Combined Authority, 3 Rivergate, Temple Way, Bristol BS1 6ER; email: [democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)

**REPORT TO: WEST OF ENGLAND COMBINED AUTHORITY  
COMMITTEE**

**DATE: 14 June 2019**

**REPORT TITLE: THE ANNUAL BUSINESS REPORT**

**AUTHOR: SHAHZIA DAYA, MONITORING OFFICER**

### **Purpose of Report**

This report is the annual business report of the West of England Combined Authority ("WECA").

### **Recommendations**

- 1 To adopt the new proposed governance arrangements as shown in the flowchart in Appendix 1.
- 2 To approve the calendar of meetings shown at Appendix 2.
- 3 To review the changes proposed to the Authority's constitution as summarised in this report and showed more fully in the attached highlighted version of the Constitution at Appendix 3.
- 4 To note the position regarding nominations from constituent councils to WECA committees.
- 5 To approve the Pay Policy Statement at Appendix 4

### **Proposal / solution**

- 6 A review of the governance arrangements was undertaken in order to enhance delivery of the Combined Authority objectives as set out in it's constitution.
- 7 The main changes to the governance arrangements involve
  - Reducing the number of formal meetings to 6 a year
  - To provide time for Mayors/Leaders and CEOs to meet informally in order to discuss strategic issues
  - To provide succinct and timely reports to embed a culture of transparent decision making and partnership working
  - To make best use of time across the authorities
  - To enhance the role of Council portfolio holders by separating the role of transport from the housing and planning function and creating a fourth (Advisory) Board
  - To encourage greater collaboration across regional capital delivery projects by establishing a Regional Capital Delivery Board
- 8 The constitutional changes are amendments based on working with the constitution over the past year and include

## PART A

### Miscellaneous

- Clearer definitions eg working day, key decisions definition of spend over £500k or having a significant effect on two or more wards in the region and deletion of references to interim provisions before the Mayor was elected
- Clarifying the Combined Authority's role in designating Clean Air Zones and that this does not enable it to implement charging for such zones as this power remains with the constituent authorities
- Generally- job titles made WECA specific, changing the registered office to Rivergate, using Plain English and the Local Government Association summary template for reports

### Terms of reference

- Terms of Reference for WECA committee to include responsibility for developing regional policies and strategies
- Terms of reference for Audit committee to include hearings relating to complaints against Members/LEP and a sub committee for granting dispensations and investigating any matters that the Monitoring Officer refers to this sub committee
- To add terms of reference for the Regional Capital Delivery Board
- To separate Terms of Reference for the Infrastructure Advisory Board into a Transport Board and a Housing and Planning Board
- To note the Terms of Reference for the Local Enterprise Partnership and their attendance at the strategic review meeting every 6 months between the Mayors/Leaders and Boards

### Delegations to Statutory Officers

- Add reference to Statutory Scrutiny Officer

### Standing Orders

- Include definition of key decision as significant effect on two or more wards and/or revenue spend or savings of £500k or more or capital spend over £3m
- Extraordinary meetings- public forum to relate to matters on the agenda
- Special urgency to be approved by Chair/Vice Chair of Overview and Scrutiny committee
- Public participation
  - Questions- Questions to be limited to 2 per individual. Wherever possible, written replies to be sent to questioners on the working day before the meeting. Due to time constraints, no opportunity for oral or supplementary questions at the meeting itself.
  - Petitions- a written response will be sent to each petition within 10 working days of the meeting.
  - Statements- One statement to be permitted per individual (more than one matter can be referred to in the statement subject to each matter falling within the Combined Authority's remit / areas of responsibility). Statements to be formally noted. The Chair of the meeting may, however, determine that a reply be sent to particular statements on an individual basis, where they consider this to be appropriate
- Call in
  - Introduction of pro forma and associated practical arrangements
  - The Combined Authority Overview and Scrutiny Committee must meet within 10 working days of the receipt of a call-in to review the decision.

Having considered the call-in and reviewed the decision, the Overview and Scrutiny Committee must then determine either:

- a. That no further action be taken (in which case, the decision shall stand, as determined by the decision-taking committee);
- or
- b. That the decision-taking committee be asked to reconsider the decision taken.

If the Overview and Scrutiny Committee determines to ask the decision-taker to reconsider the decision taken, they must state their reasons and also make any further recommendations that they feel the decision-taking committee should take into account in reviewing their decision. The matter will be re-considered as soon as practicable by the decision taking committee in order that the decision taking committee can consider their final decision on the matter. That final decision cannot be "called-in."

## Part B

### Financial regs

- Page B19- Proposed spending delegations for WECA Officers- maximum of £100k for Chief Executive and £50k for others specified, provided they have the necessary budget allocated for that particular spend
- Page B54 Gifts and hospitality not accepted need not be registered but anything over £25 will be
- Gifts and hospitality from partners only to be accepted in limited circumstances

### Contract Standing Orders

- Page B114 table of EU limits updated to reflect current levels

## PART C

- Remove the Officer Code of Conduct for Employees from the constitution as this is an operational matter for the Head of paid Service

## 9 Appointment of WECA committees and other bodies

9.1 In accordance with The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016, WECA operates two statutory committees

- i) Overview and Scrutiny Committee
- ii) Audit committee

9.2 Appointments to those committees are made on a politically proportionate basis. The political proportionality calculations relevant to the two statutory committees of 11 members is;

LibDems 4 Conservative 3 Labour 3 Greens 1

The nominations required are therefore:

Seat Number	Council		Nomination
1	Bristol	1 <sup>st</sup> Nomination	Labour
2	SGC	1 <sup>st</sup> Nomination	Conservative
3	B&NES	1 <sup>st</sup> Nomination	Liberal Democrat
4	Bristol	2 <sup>nd</sup> Nomination	Labour
5	SGC	2 <sup>nd</sup> Nomination	Conservative
6	B&NES	2 <sup>nd</sup> Nomination	Liberal Democrat
7	Bristol	3 <sup>rd</sup> Nomination	Labour
8	SGC	3 <sup>rd</sup> Nomination	Liberal Democrat
9	Bristol	4 <sup>th</sup> Nomination	Conservative
10	Bristol	5 <sup>th</sup> Nomination	Green
11	Bristol	6 <sup>th</sup> Nomination	Liberal Democrat

In line with previous years, it is also recommended that the voluntary arrangement with North Somerset Council continues and they appoint 3 councillors to attend Overview and Scrutiny for “Joint Committee” matters, made up of 1 Conservative and 1 Liberal Democrat, with independent councillors given an opportunity to nominate 1 Independent councillor to attend.

- 9.3 The constituent Councils make appointments and will be asked to advise WECA of their nominations to both committees.
- 10 A calendar of meeting dates identified so far is recommended for approval.  
Some meeting dates will need to be added in consultation with constituent councils.
- 11 WECA’s Pay Policy statement is attached for approval also. This outlines the Authority’s policies towards a range of issues relating to the pay (including severance pay) of its direct workforce its Chief Officers, as defined by the Local Government and Housing Act 1989 and all other employees (in accordance with provisions in the Localism Act). The policy will be reviewed, at least annually, to reflect any statutory changes (particularly in relation to public sector severance payments), anticipated in the coming year.

### **Consultation details**

Members, CEOs, Directors, Officers of constituent authorities

### **Risk Management/Assessment**

The Annual Governance Statement requires decision making processes to be set out in the Combined Authority’s constitution

### **Finance Implications**

No specific financial obligations arising directly from this report

### **Legal Implications**

The constitution forms the basis of sound and robust decision making by the Combined Authority and must be reviewed regularly in order to ensure that it is fit for purpose

### **Human Resources Implications**

The Pay Policy Statement will meet the Authority’s obligations under the Localism Act 2011

[Section 38 (1)] and the associated statutory guidance set out in the Openness and Accountability in Local Pay: Guidance and Supplementary Guidance under section 40 of the Localism Act (February 2012 & 2013) together with the Local Government Transparency Code 2015 (February 2015)) from the Department for Communities and Local Government.

### **Equality Impact Assessment**

The obligations in relation to the public sector equalities duty under section 149 of the Equality Act 2010 (PSED) have been assessed at each stage of the development process. It has been concluded that the immediate decision primarily relates to the arrangements that are required to be in place to enable the WECA Order to be lawfully implemented rather than decisions that could be deemed to impact on the rights of groups or individuals with a protected characteristic or others protected under the PSED.

As a body exercising public functions WECA is under an obligation to have regard to the PSED when exercising its functions. The WECA understands its Public Sector Equality Duty (PSEC) obligations under section 149 of the Equality Act 2010 and will ensure that it complies with its PSED obligations.

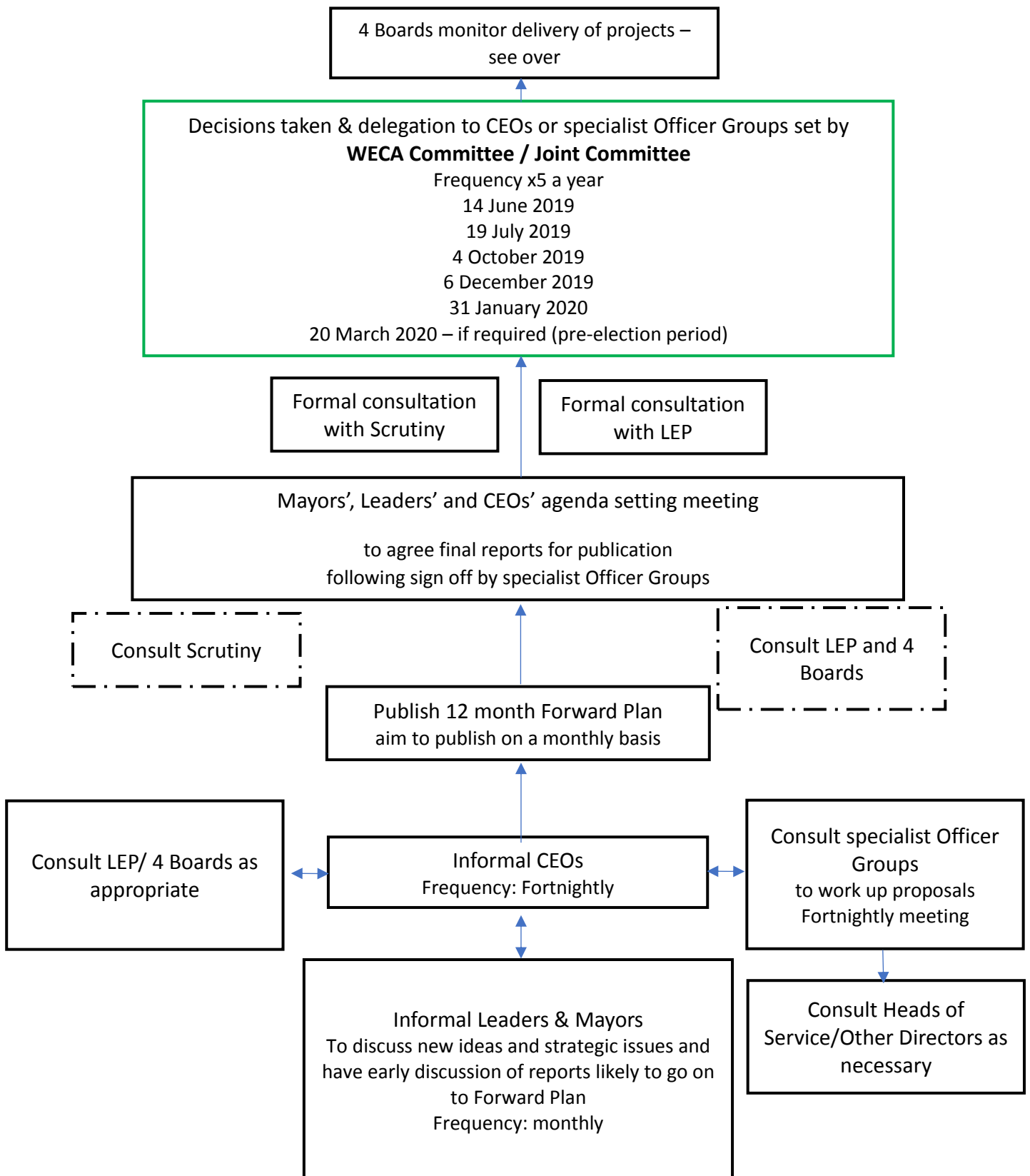
### **Background Papers**

Constitution

Relevant Local Government Acts

West of England Combined Authority Order 2017

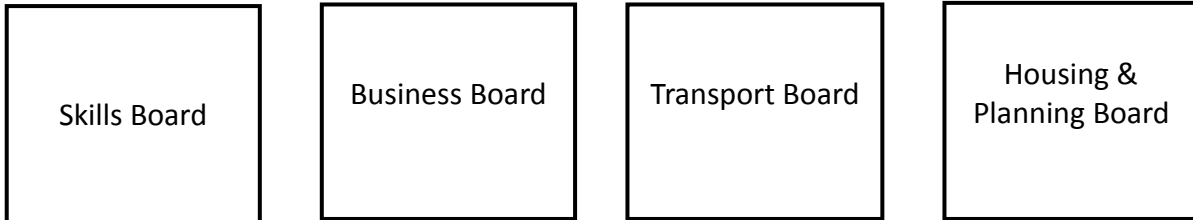
Diagram 1



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## Diagram 1

### Revised Structure of Boards



#### Membership of Boards:

- Leader/Mayor represented by Cabinet Leads – 1 per Board but 2 for Housing and Planning given the disciplines covered
- Agenda to be divided into WECA/Joint Committee items and N Somerset to participate in matters relating to Joint Committee
- Support from relevant Officers – with delegated decision making provision for WECA Officers e.g. up to 10% increase in costs of project subject to a maximum of £3 million increase, revised timelines for delivery provided overall slippage contained within contingency provision

#### Frequency of Meetings

- To meet 6 times a year

#### Purpose:

- To receive briefings on items in the forward plan
- To monitor delivery of projects agreed by WECA/Joint Committee. (Project highlight report template)

6 monthly strategic review meeting of all 4 Boards to include Mayors and Leaders/Chief Executives/Directors and LEP also

In addition to full LEP meetings, LEP to have business only meetings up to 6 times a year, instead of Board membership.