

**WEST OF ENGLAND COMBINED AUTHORITY COMMITTEE**

**19 JULY 2019**

**REPORT SUMMARY SHEET**

**COMBINED AUTHORITY GOVERNANCE AND CONSTITUTION**

**Purpose**

To present proposed changes to Combined Authority governance and constitution.

**Summary**

This report includes the following key information:

- New, proposed governance arrangements as shown in the flowchart at Appendix 1.
- Details of changes to the Combined Authority's constitution at Appendix 2.
- The Combined Authority's Pay Policy Statement at Appendix 3.

**Recommendations**

Members of the Combined Authority Committee are asked to:

- 1 Adopt the new proposed governance arrangements as shown in the flowchart in Appendix 1.
- 2 Review and agree 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 2.
- 3 Note the position regarding nominations from constituent councils to WECA committees.
- 4 Approve the Pay Policy Statement at Appendix 3.

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

**DATE: 19 July 2019**

**REPORT TITLE: COMBINED AUTHORITY GOVERNANCE &  
CONSTITUTION**

**AUTHOR: SHAHZIA DAYA, MONITORING OFFICER**

#### **Purpose of Report**

To present proposed changes to Combined Authority governance and constitution.

#### **Recommendations**

- 1 To adopt the new proposed governance arrangements as shown in the flowchart in Appendix 1.
- 2 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 2.
- 3 To note the position regarding nominations from constituent councils to WECA committees.
- 4 To approve the Pay Policy Statement at Appendix 3

#### **Proposal / solution**

- 5 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.
- 6 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
- 7 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

## 8 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 were 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 was 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 have advised WECA of their nominations to both committees.
- 10 A calendar of meeting dates was approved by the committee on 14 June.
- 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 (PSED) obligations under section 149 of the Equality Act 2010 and will ensure that it complies with its PSED obligations.

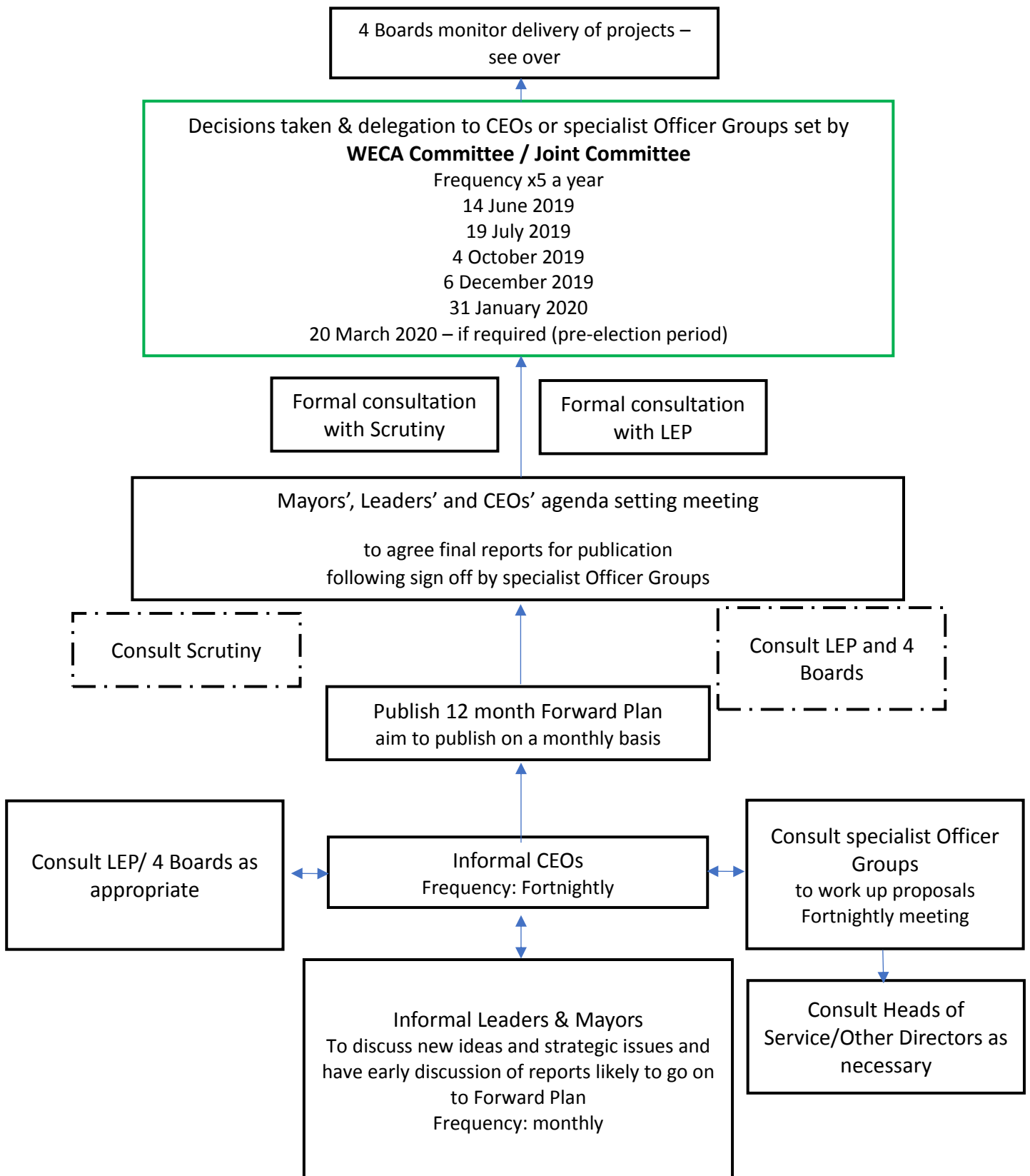
### **Background Papers**

Constitution

Relevant Local Government Acts

West of England Combined Authority Order 2017

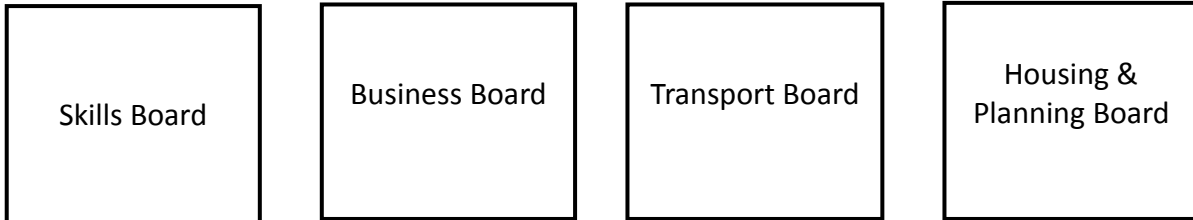
Diagram 1



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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.



WEST OF ENGLAND COMBINED AUTHORITY

# CONSTITUTION

Adopted 7 November 2017

Amended by **West of England Combined Authority**  
Committee 1 June 2018



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## Introduction

The West of England Combined Authority Order 2017 (“the Order”) came in to force on 9 February 2017. The Order establishes the West of England Combined Authority (“the Combined Authority”). The Combined Authority will operate under the statutory provisions set out in this Constitution and the Combined Authorities (Finance) Order 2017.

The Combined Authority provides a formal structure for the three authorities for the West of England area to give effect to the devolution deal with government. It has allowed for the transfer of powers and funding by central government to local government and gives the West of England region greater control over matters such as local transport, strategic planning and skills as well as levers to grow the local economy. The work to develop the Combined Authority has built upon existing successful joint working arrangements in the West of England. The exercise of the Authority’s statutory functions is defined in the West of England Combined Authority Order and the terms of reference of the Combined Authority are limited to the discharge of these functions.

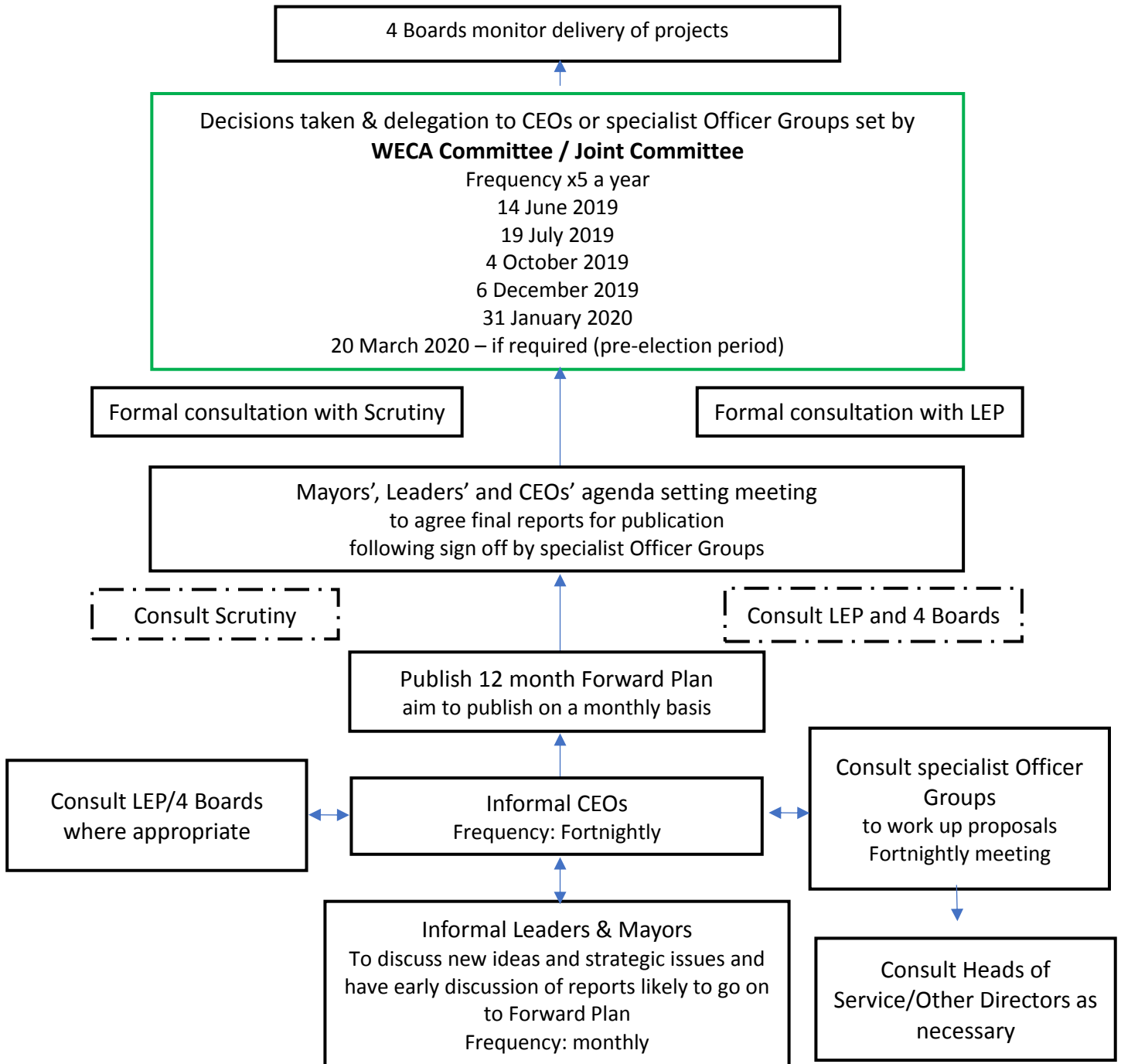
The West of England Joint Committee has been established under Section 101(5) of the Local Government Act 1972, as applied by Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council and North Somerset Council.

The West of England Joint Committee was established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017; in particular, the West of England Joint Spatial Plan and Joint Transport Plan, and any other relevant legacy matters that involve the West of England Combined Authority area together with North Somerset Council.

The West of England Local Enterprise Partnership (LEP) was set up in set up in 2011 by the Department for Business, Innovation and Skills and covers the unitary authority areas of Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire. The LEP is a business-led partnership between local businesses, universities and the West of England’s unitary and combined authorities to help determine local economic priorities and lead economic growth and job creation within the local area. The LEP makes recommendations to the West of England Combined Authority Committee and the West of England Joint Committee. The LEP is Chaired by a local business leader who is a non-voting member of the West of England Combined Authority Committee and the West of England Joint Committee.

# West of England Governance

Diagram of West of England Combined Authority Structures and Arrangements



**START HERE**

# Terms of Reference of West of England Combined Authority Committees and Other Bodies

## The West of England Combined Authority Committee

The following sets out the functions and responsibilities of the West of England Combined Authority as set out in the West of England Combined Authority Order 2017

### Core Strategic Functions

#### The West of England Combined Authority objectives:

- Contribute to providing strong collective leadership and strategic direction to realise the full economic potential of the West of England.
- Support the development and delivery of key strategies to improve the economic conditions across the West of England area.
- Contribute to the formulation and expression of joint views (of the West of England Mayor and the local authorities) to central government and other bodies and organisations in respect of legislation, proposed legislation and other matters of concern, interest or relevance to the West of England economy with a particular focus on removing barriers to growth and the delegation of additional powers and funding.
- Actively support the co-ordination of joint local authority activity across the West of England, including the activities of the Local Enterprise Partnership Business Board.
- Work with appropriate agencies and bodies both within and beyond the West of England in order to achieve any shared economic objectives.
- Ensuring arrangements are in place to report the proposals and activities of the Combined Authority to the constituent councils.
- Take any decisions required to deliver the West of England Devolution Deal(s) and the relevant Strategic Plans including additional funding, freedoms and flexibilities.
- Provide a formal and accountable forum for decision making relating to all relevant West of England Combined Authority functions.

### Transport

#### The West of England Mayoral functions:

WEST OF ENGLAND COMBINED AUTHORITY CONSTITUTION – PART A – TERMS OF REFERENCE OF  
THE WEST OF ENGLAND COMBINED AUTHORITY

- Devolved and consolidated local transport budget (including maintenance funding)
- Identify a Key Route Network
- Prepare a Local Transport Plan including:
  - Strategic infrastructure delivery plan
  - Bus strategy; including all quality partnership arrangements and Bus Services Bill Powers, for example franchising
  - Key Route Network (management and maintenance principles)

**The West of England Combined Authority functions:**

- Power to deliver Grants to the UAs for the exercise of highway functions.
- Integrated Transport Authority (ITA) powers:
  - Concessionary fares
  - Provision of local bus information
  - Community Transport
- MoU with Highways England and Network Rail

**The West of England Mayoral functions:** (with consent from the constituent Authority)

- Designation of a **non charging** Clean Air Zone

**West of England Combined Authority and Unitary Authority Joint functions:**

- Subsidised services - Socially necessary bus services

**Planning and housing**

**The West of England Mayoral functions:**

- Combined Authority (Mayoral) Spatial Plan (from May 2018)
- Strategic planning powers:
  - Power to 'call-in' cross boundary, linear infrastructure (as identified in the Combined Authority (Mayoral) Spatial Strategy) planning applications;
  - Compulsory purchase powers (CPO) (with consent from the constituent Authority)
  - Power to create Mayoral Development Corporations (with consent from the constituent Authority).

**The West of England Combined Authority functions:**

- Promote the establishment of a Joint Assets Board for the West of England

**Skills**



**The West of England Combined Authority functions:**

- Responsibility for 19+ Adult Education Budget (commissioning from 17/18, budget from 19/20)
- Apprenticeship Grant for Employers (AGE) (to 31 July 2017)

**The West of England Combined Authority functions held concurrently with Unitary Authorities (can be exercised independently by the CA and the UA's):**

- Provision of education and training for persons over compulsory school age
- Power to provide for additional Nursery Schools
- Power to provide for suitable education and training to meet the reasonable needs of persons who are— (i) over compulsory school age but under 19, and (ii) subject to youth detention in their area
- Power to provide for boarding accommodation for persons with learning difficulties
- Power to provide for securing and encouraging work experience

**Employment**

**The West of England Combined Authority functions:**

- Co-design and co-commission of the new work and health programme
- An assessment of economic conditions of the Combined Authority area (held concurrently with Unitary Authorities and so can be exercised independently by the Combined Authority and the Unitary Authorities):
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

**Finance**

**The West of England Mayoral functions:**

- Mayoral Budget of the Combined Authority
- Power to raise supplementary business rates to fund infrastructure (subject to the agreement of business and up to 2p per pound of rateable value)

**The West of England Combined Authority functions:**

- Creation and administration of the Single Investment Fund
- Approval of its borrowing limits
- Treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority including the amount of any expenses, including a levy, to be met by the constituent Councils

## **Governance and Other Administration**

### **The West of England Combined Authority functions:**

- Approval of the Combined Authority's Constitution and Standing Orders
- Exercise the General Power of Competence to the extent that those functions are exercisable for the purpose of economic development and regeneration
- Responsibility for developing regional policies and strategies, e.g. Industrial Strategy, Love our High Streets
- Power to encourage visitors and provide conference and other facilities
- Power to place staff at the disposal of other local authorities
- Power to arrange for publication of information etc. relating to the functions of the authority
- Power to prosecute and defend legal proceedings
- Powers to research and collect information

## **The Joint Committee**

**Terms of Reference of the Joint Committee comprising of the Constituent Councils of the West of England Combined Authority, the Mayor and North Somerset Council (“The Joint Committee”)**

### **Summary of West of England Joint Committee Functions**

The West of England Joint Committee is established under Section 101(5) of the Local Government Act 1972, as applied by **Section 9EB** of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of Bath and North East Somerset Council, Bristol City Council, South Gloucestershire Council, North Somerset Council. Following the election of the Mayor of the West of England Combined Authority, the Mayor shall become a member of the West of England Joint Committee.

The Joint Committee is established to deal with any relevant functions that fall outside those set out in the West of England Combined Authority Order 2017; in particular the West of England Joint Spatial Plan and Joint Transport Plan, the receipt of any relevant recommendations from the Local Enterprise Partnership Business Board and any other relevant legacy matters that involve the West of England Combined Authority area and the area of North Somerset Council.

### **Core Strategic Legacy Functions**

#### **The West of England Joint Committee functions:**

- Prepare and adopt a Joint Transport Plan
- Prepare and adopt the Joint Spatial Plan
- Agreeing expenditure from the 2012 City Deal Funding including;
  - Economic Development Fund
  - 10-year Local Major Transport Funding allocation
  - The Growth Hub
- Approval of West of England One Front Door Programme Schemes including;
  - LGF Rounds 1, 2 and 3
  - Revolving Infrastructure Schemes
- Approving and Monitoring funding awarded for one off projects including from;
  - Cycling Ambition Fund
  - Local Sustainable Transport Fund
  - Better Bus Areas

- Review of the West of England Growth Fund
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

**The West of England Joint Committee will contribute to the following work that will be led by the West of England Combined Authority:**

- The delivery and development of key strategies to improve the economic condition across the West of England area.

**Matters requiring a decision on the following functions are to be determined by a majority of those Members in attendance, or their substitutes (one vote representing each Authority) and excluding the West of England Combined Authority Mayor, subject to the proviso that any such matter that solely impacts the area of a single unitary authority requires that unitary authority to vote in favour of the proposal:**

- Agreeing expenditure from the 2012 City Deal Funding including;
  - Economic Development Fund
  - 10-year Local Major Transport Funding allocation
  - The Growth Hub
- Approval of West of England One Front Door Programme Schemes including;
  - Revolving Infrastructure Schemes
- Monitoring / approving application for existing joint funding awarded for one off projects including;
  - Cycling Ambition Fund
  - Local Sustainable Transport Fund
  - Better Bus Areas

**Matters requiring a decision on the following functions are to be determined by a majority of those Members in attendance, or their substitutes (one vote representing each Authority) and including the West of England Combined Authority Mayor subject to the to the proviso that any such matter that solely impacts the area of a single unitary authority requires that unitary authority to vote in favour of the proposal:**

- West of England One Front Door Programme Schemes including;
  - LGF Rounds 1,2 and 3
- West of England Growth Fund Review
- Support the West of England Growth Hub
- Support Invest Bristol & Bath

**Matters requiring a decision on the following functions are to be determined by unanimous agreement of all Members, or their substitutes (one vote representing each Authority) and excluding the West of England Combined Authority Mayor:**

- Prepare and adopt a Joint Local Transport Plan
- Prepare and adopt the Joint Spatial Plan

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Joint Committee save that the voting arrangements applicable to the Joint Committee shall be as referred to in these Terms of Reference.

The constitution and operation of the Overview and Scrutiny Committee and the Audit Committee are governed by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committee) Order 2016 which shall come into force on 8<sup>th</sup> May 2017.

## **The West of England Combined Authority Overview and Scrutiny Committee**

### **Terms of Reference of the West of England Combined Authority Overview and Scrutiny Committee (“the Overview and Scrutiny Committee”)**

The functions of the Overview and Scrutiny committee primarily relate to scrutinising the work of the **West of England Combined Authority** and the West of England Joint Committee (“Joint Committee”) and making appropriate recommendations as to the discharge of its function.

The Overview and Scrutiny Committee shall have the power to:-

- (i) Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the **Combined Authority** or the Joint Committee;
- (ii) make reports or recommendations to the **Combined Authority** or the Joint Committee (as appropriate) on matters that affect the **Combined Authority** area or the inhabitants of the area;
- (iii) make reports or recommendations to the **Combined Authority** or the Joint Committee (as appropriate) with respect to the discharge of any functions which are the responsibility of the **Combined Authority** or the Joint Committee;
- (iv) In so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the **Combined Authority** or the Joint Committee, the Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in (i) –(iii) above.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the West of England Overview and Scrutiny Committee.

## **The West of England Combined Authority Audit Committee**

The functions of the audit committee shall include:

- (i) reviewing and scrutinising the authority's financial affairs;
- (ii) reviewing and assessing the authority's risk management, internal control and corporate governance arrangements;
- (iii) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
- (iv) making reports and recommendations to the Combined Authority in relation to the reviews they have conducted.
- (v) To consider and approve the Annual Statutory Accounts

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Audit Committee.

## **West of England Hearings Sub-Committee**

The Audit Committee shall appoint a Hearings Sub-Committee

### **1. Composition of Hearings Sub-Committee**

#### **1.1 Membership**

The Hearings Committee will be composed of:

- 3 members of the Audit Committee (None of whom will be the Mayor); and
- One person appointed by the Combined Authority who is not a Member or officer of the Combined Authority, or an elected member or officer of any of the Constituent Councils ('the Co-Opted Independent Member')

#### **1.2 Co-opted Independent Member**

The Co-opted Independent Member will not be entitled to vote at meetings of the Committee.

#### **1.3 Chairing the Committee**

The Combined Authority will appoint the Co-opted Independent Member as Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

#### **1.4 Quorum**

The quorum for the Hearings Committee is three, of whom at least one member must be the Co-opted Independent Member (provided that the Co-opted Independent Member is not prevented or restricted from participating by virtue of the Combined Authority's Code of Conduct).

#### **1.5 Voting**

Each member to have one vote, no member is to have a casting vote. The co-opted Independent member has no vote.

### **Terms of Reference for Hearings Sub-Committee**

1. Dealing with allegations of Breach of the Member Code of Conduct, where these are referred to them by the Monitoring Officer, and the imposition of sanctions as appropriate in accordance with the law, the Authority's Constitution and relevant procedures adopted by the Authority.



2. Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.

## **Regional Capital Board**

### **Purpose**

The purpose of the Regional Capital Board is to provide a regular forum for public organisations responsible for the delivery of strategic infrastructure schemes in the West of England.

### **Context**

This Board is a key part of the West of England Combined Authority and Joint Committee stakeholder engagement programme. Whilst this is not a decision-making Board, comments from this Board may be passed on to the West of England Combined Authority Committee and Joint Committee. Members of the Board may also be invited to attend the Combined Authority/Joint Committee Boards to update on specific programmes and projects.

### **Membership**

The Regional Capital Board will be chaired by the West of England Combined Authority Mayor. Membership will include the Leaders, Mayors and Chief Executives of the Constituent Authorities, together with Chairs and Chief Executives of the public organisations working across the West of England as follows:

- Network Rail
- Homes & Communities Agency
- Ministry for Housing Communities and Local Government
- Department for Transport
- Highways England
- Environment Agency
- Local Nature Capital
- West of England Local Enterprise Capital

Lead officers from the West of England Combined Authority and Strategic Directors from the constituent councils will attend the Board in an advisory capacity.

Key delivery stakeholders will be invited to attend the Regional Capital Board to discuss specific programmes and projects.

### **Secretariat**

The meetings will be managed by the West of England Combined Authority Democratic Services Team on behalf of both the West of England Combined Authority and the Joint Committee.

### **Agenda Items**

Agendas will focus on strategic delivery in the region and will be structured around ongoing and emerging programmes:

- Housing (including Investment Fund and Housing Deal)
- Transport (including MetroWest, Transforming Cities Fund)
- Major Projects and Programmes

### **Frequency of Meetings**

The Board will convene quarterly at the West of England Combined Authority Offices in Bristol

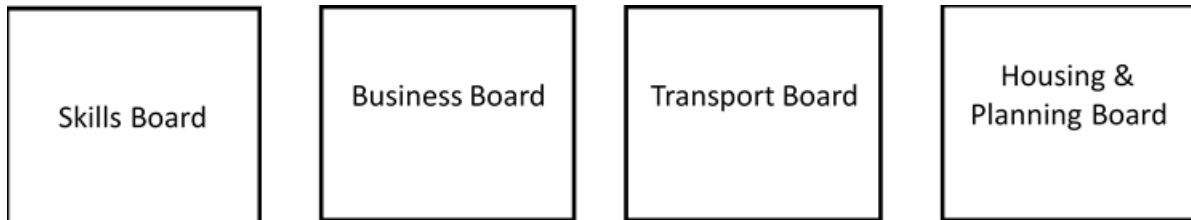
### **Working Groups**

The Board may agree to allocate preparation of more detailed reports and investigations to working groups comprising members of the Board or nominated staff from their organisations, as agreed with the Board.

## Combined Authority/Joint Committee Boards

### Terms of Reference

There will be 4 Boards



### Purpose

To receive briefings on items in the Combined Authority Committee and Joint Committee forward plans.

To provide strategic guidance and advice to the West of England Combined Authority, West of England Joint Committee and Local Enterprise Partnership on Housing & Planning; Transport; Business; and Skills matters.

To monitor delivery of projects agreed by the Combined Authority and the Joint Committee

The Boards shall not make decisions and shall operate within the remit approved by the West of England Combined Authority or Joint Committee as appropriate.

The Boards shall seek to work on the principle of consensus.

Each Board shall:

- Provide guidance and advice to the West of England Combined Authority or Joint Committee as appropriate on matters relevant to the responsibilities of the Board.
- Provide direction and support in relation to the development, delivery and implementation of policies, strategies and schemes being promoted by the West of England Combined Authority or Joint Committee as appropriate
- Provide specialist and technical advice on projects and investment programmes.
- Identify any opportunities for joint working across the Boards to ensure the Boards are able to provide collective views to the West of England Combined Authority or Joint Committee as appropriate

- Have oversight of projects and programmes; raising issues and giving their views to the West of England Combined Authority, Joint Committee and Local Enterprise Partnership

### **Membership**

The West of England Combined Authority Mayor and the Leader/Mayor of each of the Constituent Authorities represented by Cabinet Leads

Support will be provided by relevant Officers with delegated decision making provision for Combined Authority Officers

### **Appointments:**

Each constituent council will nominate its portfolio holding member(s)

### **Meetings**

The Boards will meet 6 times a year in accordance with the approved calendar of meetings

A strategic review meeting of all 4 Boards will be held every 6 months, and include the Mayors and Leaders, Chief Executives and Directors and LEP.

### **Conflicts of interest**

Members of the boards are bound by their Council's Members Code of Conduct and shall act accordingly.

## **West of England Local Enterprise Partnership**

### **Terms of Reference**

#### **Purpose**

The purpose of the West of England LEP Board is to secure the region's continuing and ambitious economic success and attractiveness as a place for its residents to live and thrive and for businesses and communities to grow in a sustainable way.

The LEP Board is a business led partnership between business/universities and the region's unitary and combined authorities. It brings business and university leaders together with elected leaders to shape and develop the future of the region. The LEP Board works in a collaborative and catalytic way seeking to share and test ideas informed by best practice from across the globe to ensure that actions are evidence based and draw upon the best in the world.

#### **Key responsibilities**

The LEP Board is responsible for:

- Shaping a compelling and ambitious strategic vision, strategy and brand for the region
- Promoting, developing, supporting and championing the economic success of the region
- Supporting the attraction of new inward investment and nurturing business development, innovation and creativity
- Defining and articulating the LEP Boards view of regional infrastructure to support and reflect the region's continuing economic success and enabling a healthy and productive population to thrive
- Shaping regional policy to ensure that the region has the higher-level skills it needs to deliver its ambitions for a high skills economy
- Shaping regional policy to ensure all residents can compete for jobs and can benefit from the region's success.
- Promoting the regions' interests with Government

The LEP Board will achieve this by:

- Providing a forum for political leaders, business leaders and innovators to come together to share insights, challenge, test and exchange ideas, collaborate and catalyse projects, championing the outcomes and delivering sustainable futures

- Developing their understanding of and intelligence on the region's economy and its future potential and direction
- Shaping a powerful, compelling and ambitious regional narrative and brand which is supported and promoted by the region's key influencers and shapers
- Shaping a set of strategic priorities for nurturing business, skills and infrastructure development
- Shaping key projects to deliver the region's vision and strategy such as the Joint Spatial Plan, Joint Transport Plan and skills projects
- Promoting the region nationally and internationally to raise its profile, attract and retain key businesses and sectors, and, secure funding for investments
- Working with business and political leaders in neighbouring authorities and nationally to support the development of the region's economy, infrastructure and skills
- Working with other partners in the region to shape and agree priorities and investment decisions (e.g. Network Rail and Highways England)
- Informing LEP Board and Combined Authority prioritisation and funding decisions.
- Providing a platform for wider business engagement in the region to ensure a good understanding of regional business need.

## **Membership**

The membership of the full LEP Board is:

- Up to fourteen business members one of whom shall be the LEP Board Chair
- One Higher Education representative
- The Mayor of the West of England Combined Authority, the Mayor of Bristol City Council and the Leaders of Bath and North East Somerset Council, South Gloucestershire Council and North Somerset Council. ("Local Authority Members")

Business members will be senior leaders able to influence and advise both within the region and beyond. They will have knowledge and expertise in a range of industry sectors representing the key growth areas in the region's growth strategy; this will include both primes and SMEs and should deliver a diverse Board.

At least one third of the business membership will be women.

At least one of the business members will represent and engage with the small and medium sized enterprise business community.

No substitutions are allowed.

### Term

The term of the chair and vice chair will be three years from date of appointment.

The term of business members and university member will be up to three years from the date of appointment. Terms will be staggered to ensure continuity amongst the membership.

Members to serve a maximum of 2 terms (renewal of term will not be automatic).

### Appointment of business members

The LEP Chair in consultation with the Business Nominations Committee [a sub-Board of the LEP] is responsible for nominating business members including the vice chair, and the Higher Education representative, for approval by the LEP Board.

The Vice Chair in consultation with the Business Nominations Committee is responsible for the nomination of the Chair, for approval by the LEP Board'.

### **Frequency of Meetings**

The Business Members shall meet 6 times a year and will consider, debate and shape key decisions and papers for the West of England Combined Authority and the West of England Joint Committee.

A meeting of the Full LEP Board, including the Mayor of the West of England Combined Authority, the Mayor of Bristol City Council and the Leaders of Bath and North East Somerset Council, South Gloucestershire Council and North Somerset Council will be held 6 times a year.

The Chair of the LEP is a non-voting member of the West of England Combined Authority and the West of England Joint Committee.

LEP members will attend the strategic review meeting, held every 6 months, to consider the 4 Boards:

- Housing & Planning Board
- Transport Board
- Business Board
- Skills Board



The West of England LEP is committed to holding an Annual General Meeting: open to the public to attend.

### **Declaration of Interest**

All members are required to comply with the Code of Conduct and Conflict of Interests Policy.

All Board members should take personal responsibility for declaring their interests and avoiding bias. This should be evidenced by producing and signing a register of interests including:

- employment,
- directorships,
- significant shareholdings,
- land and property,
- membership of organisations,
- gifts and hospitality,
- sponsorships.

Members should ensure that the register of interests is kept up to date. These will be published on the LEP website.

## **Employment and Appointments Committee**

### **The Role of the Committee**

To exercise all powers and duties of the West of England Combined Authority under section 112 of the Local Government Act, 1972 relating to its role as an employer.

To oversee appointments of Chief Executive/Head of Paid Service and Directors of the West of England Combined Authority.

To hear staff appeals requiring Member level involvement, under accepted national or West of England Combined Authority conditions of service.

To conduct investigatory hearings requiring Member level involvement under accepted national or West of England Combined Authority conditions of service.

To determine on behalf of the Authority its powers and duties as an employer relating to pensions.

### **The Committee's Span of Responsibility**

All matters relating to the role of the West of England Combined Authority as an employer

Appointments of Chief Executive/Head of Paid Service and Directors of the West of England Combined Authority

All appeals or investigatory hearings requiring Member consideration

### **Membership**

The Committee when meeting to consider ordinary business, or as a hearing, will comprise the Mayor of the West of England Combined Authority (Chair) and the Leaders of the 3 constituent authorities

# Delegations

## General Delegations to Statutory Officers

The West of England Combined Authority (the Combined Authority) is required by law to appoint four statutory officers, being the Head of Paid Service, Monitoring Officer, s73 Officer, and Statutory Scrutiny Officer.

The appointment of all staff must be made solely for the discharge of the statutory functions of the Combined Authority which are defined in the Order. The Combined Authority is subject to the obligations placed on all public authorities by the requirements of value for money and will be subject to internal and external audit in this respect.

Expenditure on the establishment of a staff structure requires the approval of the Combined Authority.

### 1. CHIEF EXECUTIVE

1.1 To be Head of Paid Service

1.2 To exercise the Combined Authority corporate functions as appropriate

1.3 To incur expenditure in the event of a civil emergency

1.4 In cases of urgency or emergency, to take any decision on behalf of the Combined Authority (after consultation with the Mayor)

1.5 For the purposes of the Local Government (Contracts) Act 1997, authority for the Chief Executive and any one of the following namely the Chief Financial Officer and the Monitoring Officer to sign each certificate given under the Act.

1.6 To make decisions on employee terms and conditions, (including procedures for dismissal), except those relating to:-

a) Directors

b) changes to the Combined Authority corporate pay grade structure;

c) changes to employee terms and conditions which are the subject of contention with the trades unions;

1.7 To be responsible for emergency planning and management services (personal legal responsibility).

1.8 Revenue Budget Virements

All budget virements are subject to the overall Combined Authority Budget remaining within the total Budget envelope approved by the West of England Combined Authority Committee for the financial year.

The Chief Executive may, in consultation with the Combined Authority Mayor and s73 Officer, approve virements between Combined Authority Approved Budget heads up to an individual virement limit of £50,000 up to an annual limit of £100,000 provided that the virement does not represent a change in policy or commit the Combined Authority to net increased costs either within year or on an on-going full year basis.

All virements approved within the delegations above must be reported for information to the West of England Combined Authority Committee through the next available Outturn Budget Report.

1.9 Urgency

In cases of urgency, funding may be approved for use from general fund balances, or other un-earmarked reserves, by the Chief Executive in consultation with the Combined Authority Mayor and s73 Officer up to a maximum amount of £100,000 subject to such balances being available within those reserves and the decision being reported to the next West of England Combined Authority Committee

## **2. SECTION 73 OFFICER**

- 2.1 To be the officer with responsibility for the proper administration of the **Combined Authority's** financial affairs under **s73** of the Local Government Act 1985 and meeting the requirement under s113 and s114 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
- 2.2 To be a member of one of the recognised accountancy bodies.
- 2.3 To nominate a properly qualified member of staff to deputise should the Chief Financial Officer be unable to perform their duties.
- 2.4 Revenue Budget Virements

The **Combined Authority** Directors may, in consultation with the **s73** Officer, approve virements between **Combined Authority** Budget heads within their areas of direct responsibility up to an individual virement limit of £10,000 up to an annual limit of £25,000 provided that the virement does not represent a change in policy or commit the **Combined Authority** to net increased costs either within year or on an on-going full year basis.

All virements approved within the delegations above must be reported for information to the **West of England Combined Authority** Committee **through** the next available Outturn Budget Report.

- 2.5 Grant Funding

The **s73** Officer may accept grant offers on behalf of the **Combined Authority** subject to all terms and conditions set out by the grant awarding body.

### **3. MONITORING OFFICER**

#### **Functions of the Monitoring Officer**

- 3.1 All proper officer functions not allocated to other officers. Clerk and Solicitor to the **West of England Combined Authority**.
- 3.2 Authority to affix the Common Seal of the **West of England Combined Authority**.
- 3.3 Local Government Act 1972 Part V – General Provisions as to members & Proceedings of Local Authorities
- a) Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
  - b) Section 84 – Receipt of Declaration of Resignation of Office.
  - c) Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
  - d) Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
  - e) Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to **Combined Authority** Meetings.
  - f) Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.

#### Access to Information

- a) Section 100B(2) – Exclusion of exempt items from public access.
- b) Section 100B(7)C – Provision of copies of documents to newspapers.
- c) Section 100C(2) – Provision of written summary of exempt proceedings.
- d) Section 100D(1)(a) – Preparation of lists of background papers.
- e) Section 100D(5) – Identification of background papers to a report.
- f) Section 100F(2) – Identification of exempt information not to be disclosed.

#### General Provision – Documents and Notices etc

- a) Section 228(3) – Inspection of accounts.
- b) Section 229(5) – Certification of official documents.
- c) Section 231(1) – Receipt of Notices served on the **Combined Authority**
- d) Section 233 – Service of Notices by the **Combined Authority**
- e) Section 234(1) & (2) – Signing of Documents.
- f) Section 238 – Certification of bylaws.

3.4 Local Government (Committees & Political Groups) Regulations 1990

- a) Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.

### 3.5 Localism Act

- a) To exercise delegations as set out in the Constitution (including Standing Orders)
- b) Receipt of members register of interests.

### 3.6 Appointments

- a) To appoint councillors/added or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions”) in accordance with the wishes of political groups or added-member nominating body.
- b) To make appointments to outside bodies in accordance with the wishes of political groups in respect of the places allocated to them and also to fill casual vacancies in the same way.

### 3.7 Dispensations

To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer:-

- a) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
- b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
- c) considers that granting the dispensation is in the interests of persons living in the Authority’s area; or
- d) considers that it is otherwise appropriate to grant a dispensation

### 3.8 Representing the West of England Combined Authority in the courts, tribunals or at public inquiries

- (a) To authorise the institution, defence, withdrawal or compromise of any civil claims or legal proceedings, and or criminal proceedings, in consultation with the relevant chief officer, except where power to institute proceedings is delegated to specific officers.
- (b) To appear personally or authorise officers (or agents) of the **Combined Authority** to appear on the **Combined Authority's** behalf in court proceedings or at any tribunal or public or local inquiry.
- (c) To engage counsel (or, where appropriate, others with suitable rights of audience) to represent the **Combined Authority** at any proceedings.
- (d) To defend and settle (subject to consultation with the relevant chief officer and the Head of HR) any Employment Tribunal proceedings, except where any cases involve policy or are of particular sensitivity, when decisions are subject to consultation with the appropriate Committee Chair.

### 3.8 Nomination of officers

- a) To nominate a properly qualified officer to deputise for the Monitoring Officer should the Monitoring Officer be unable to perform their duties.
- b) To nominate a suitably qualified officer to act as the statutory scrutiny officer of the West of England Combined Authority.



#### **4. STATUTORY SCRUTINY OFFICER**

Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, English councils are required to designate a “statutory” scrutiny officer, as per the legislative provision found at s9FB of the Local Government Act 2000 (the legislative framework having been altered by the Localism Act 2011).

The Combined Authority shall therefore designate an appropriate officer as the Statutory Scrutiny Officer for the authority.

In accordance with the legislation, the Statutory Scrutiny officer’s role is:

- To promote the role of the authority’s overview and scrutiny committee(s);
- To provide support to the authority’s overview and scrutiny function;
- To provide guidance to members and officers of the council in relation to overview and scrutiny functions.

The Statutory Scrutiny Officer cannot be the authority’s Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

# Standing Orders (Descriptions and Rules of Procedure)

## A1. Definitions

A1.1 Definitions used throughout the constitution are:

- a) **'Clear working day'** means Monday to Friday and excludes public holidays. For clarification 5pm is regarded as the end of the working day.
- b) **'The Combined Authority'** means the West of England Combined Authority (and any reference to Authority means the Combined Authority)
- c) **'Constituent Council'** means any of the following (as the case may be) and Constituent Authorities shall be construed accordingly:  
  
Bath and North East Somerset Council  
Bristol City Council  
South Gloucestershire Council
- d) **'The Constitution'** means this constitution as varied from time to time in accordance with the terms of the Constitution
- e) **'Mayor'** means the Mayor of the Combined Authority area
- f) **'Member'** means the Mayor, a member of the Combined Authority appointed in accordance with this Constitution and shall also include substitute members where appropriate
- g) **'West of England'** and/or 'Area of the Combined Authority' means the area consisting of the combined areas of the Constituent Authorities
- h) **'The Offices of the Combined Authority'** means 3 Rivergate, Temple Quay, Bristol BS1 6EW
- i) **'The Order'** means West of England Combined Authority Order 2017

- j) **'Standing Orders'** means these Procedure Standing Orders, the Contractual Standing Orders, the Financial Regulations of the **Combined Authority** and any other procedures, protocols, rules, policies and governance arrangements from time to time adopted by the Combined Authority and designated as Standing Orders of the Combined Authority
- k) The Constitution sets out how the Combined Authority operates and how decisions are made and the procedures that are to be followed to ensure that the Combined Authority operates lawfully efficiently, effectively and is both transparent and accountable.

## **A2. Interpretation**

- A2.1 The Constitution shall be interpreted in accordance with the provisions set out below:-
  - a) the masculine includes the feminine and vice versa;
  - b) the singular includes the plural and vice versa;
  - c) a reference to any clause, sub-clause, paragraph, schedule, appendix recital or annex is, except where expressly stated to the contrary, a reference to such clause, sub clause, paragraph, schedule, appendix, recital or annex of and to this Constitution;
  - d) save where otherwise provided in this Constitution, any reference to this Constitution or to any other document shall include any permitted variation, amendment or supplement;
  - e) any reference to any enactment, order, regulation or other similar instrument shall be construed as a reference to the enactment, order, regulation or instrument as amended, replaced, consolidated or re-enacted;
  - f) headings are for convenience of reference only; and
  - g) words preceding "include", "includes", "including" and "included" shall be construed without limitation by the words which follow those words.

## **A3. Interpretation of Standing Orders**

A3.1 The person presiding at a meeting of the Combined Authority shall make any final decision about how Standing Orders should be interpreted and applied to any of the Combined Authority’s meetings, and on any question of procedure not otherwise provided for within these Standing Orders.

**A4. Membership of the Authority**

A4.1 Each constituent council must appoint one of its elected members to be a member of the Combined Authority.

A4.2 Each constituent council must appoint two of its elected members, one of whom is to act [at any one time] as a member of the Combined Authority in the absence of the member appointed under paragraph A4.1 (“the substitute member”).

A4.3 A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of the constituent council that appointed them.

A4.4 A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.

A4.5 Where a member or substitute member of the Combined Authority’s appointment ceases, the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Monitoring Officer and appoint another of its elected members in that person’s place.

A4.6 A constituent council may, at any time, terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another one of its elected members in that person’s place.

A4.7 Where a constituent council exercises its power under paragraph A4.6, it must give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer and the new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

A4.8 Save for the Mayor, there shall be no Basic Allowance or Special Responsibility Allowance payable to any member. The reimbursement of any travel or subsistence expenses will be the responsibility of each member's appointing authority.

#### **A5. Suspension of Standing Orders**

A5.1 The Combined Authority may by resolution suspend Standing Order 18 (order of business) for the duration of a meeting if all the members appointed by separate Constituent Authorities of the Combined Authority are present and resolve to do so.

A5.2 Any motion to permanently add to, vary or revoke any Standing Order will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Combined Authority.

#### **A6. Chair of the Combined Authority**

A6.1 The Mayor shall be the chair of the Combined Authority

#### **A7 Annual Meeting**

A7.1 The Combined Authority will normally hold an annual meeting every year, between 1 March and 30 June, at a time fixed by the Combined Authority.

A7.2 The annual meeting will:-

- a) elect the Vice Chairs of the Combined Authority from among the members appointed by Constituent Authorities in accordance with the provisions of the Order;
- b) appoint such committees, their membership and Chair/Vice-Chair as the Combined Authority considers appropriate;
- c) appoint members to outside bodies;
- d) agree the date and time for the ordinary meetings of the Combined Authority for the forthcoming year; and
- e) consider any other business set out in the notice convening the meeting.

## **A8. Ordinary Meetings**

A8.1 The Combined Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to its annual meeting. Each ordinary meeting shall be held at such date and time as the Combined Authority decides.

A8.2 At each ordinary meeting, the Combined Authority will:-

- a) approve the minutes of the last meeting;
- b) receive any declarations of interest from members;
- c) consider minutes/reports from any committee of the Combined Authority;
- d) consider motions submitted in the name of a member of the Combined Authority; and
- e) consider any other business specified in the notice convening the meeting.

A8.3 All proposed **key** decisions will be identified in the Forward Plan of the Combined Authority which shall be published at least 28 days in advance of the date upon which the decision is to be taken.

A8.4 A “key decision” means a decision of a decision-maker which is likely:

(a) to result in the West of England Combined 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;

and/or

(b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the West of England Combined Authority.

In relation to expenditure or savings referred to in a), as a guide, this will ordinarily be taken to mean that a Key-Decision will result in expenditure or savings in excess of £0.5m revenue, or £3m capital.

**A8.5** All Decisions taken will be published in a Decision Schedule as soon as reasonably practicable after the date on which the decision was taken. The Decision Schedule shall specify the date after which the decision (if not subject to call-in in accordance with Standing Order A.31) is capable of implementation.

## **A9. Extraordinary Meetings**

A9.1 Subject to compliance with Standing Order A9.5 or A9.6 below (Urgent Decisions) an Extraordinary Meeting of the Combined Authority may be called in the following circumstances:-

- a) by a Combined Authority resolution; or
- b) by the Chair of the Combined Authority at any time; or
- c) by the Head of Paid Service of the Combined Authority at any time, ; or
- d) all three Constituent members of the Combined Authority who have signed a requisition which has been presented to the Chair of the Combined Authority (the meeting is called if, after five clear working days following the receipt of such a requisition, the Chair of the Combined Authority has refused to call a meeting).

A9.2 Any requisition under clause A9.1 (d) will be addressed to the Monitoring Officer of the Combined Authority by being delivered to the offices of the Combined Authority. The requisition will indicate the business to be transacted at the meeting.

A9.3 The date, time and location of any extraordinary meeting will be fixed by the Monitoring Officer after consultation with the Chair.

### **A9.4 Public Participation at Extraordinary meetings:**

Public petitions, questions and statements will be accepted for extraordinary meetings, but they must relate to the business for which the extraordinary meeting has been arranged. The same deadlines for submission will apply as specified for ordinary meetings.

### **A9.5 Cases of Special Urgency**

Where the date by which a key decision must be made makes compliance with article 12 impracticable, the decision may only be made where the decision maker has obtained agreement from—

- a) the chair of the relevant overview and scrutiny committee; or
- b) if there is no such person, or if the chair of the relevant overview and scrutiny committee is unable to act, the vice-chair of the relevant overview and scrutiny committee; or
- c) where there is no chair or vice chair of the relevant overview and scrutiny committee and no chair of the Combined Authority, the vice-chair of the Combined Authority,  
that the making of the decision is urgent and cannot reasonably be deferred.

- A9.6** As soon as reasonably practicable after the decision maker has obtained agreement under A9.5 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—
- a) make available to the public at the offices of the Combined Authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
  - b) publish that notice on the Combined Authority’s website.
- A9.7** All decisions taken will be published on the Decision Schedule.
- A9.8** The call-in procedure set out in Standing Order A31.3 below shall not apply where the decision has been taken as an Urgent Decision. Standing Order A31.5 shall apply.

## **A10. Place of Meetings**

- A10.1** The Combined Authority shall hold its meetings at any place within the area of the Combined Authority, as deemed appropriate in terms of accessibility considerations.

## **A11. Notice of Meetings and the Notice to Attend**

- A11.1** At least five clear working days before a meeting of the Combined Authority, the Monitoring Officer will sign a notice to attend the meeting, which sets out the business to be carried out at the meeting together with the date and time, which shall be sent in electronic format to every member.
- A11.2** The Chair shall have agreed the business to be considered at any ordinary meeting of the Combined Authority in consultation with the Head of Paid Service.
- A11.3** The notice of meetings will be carried out in accordance with the Access to Information Procedure Rules.

## **A12. Public Access to Agenda and Reports**

- A12.1** Subject to A12.3 below, at least five clear working days before a meeting of the Combined Authority, the Monitoring Officer will make available for inspection by the public at the offices of the Combined Authority a copy of the agenda and (subject to A12.4 below) reports for the meeting.



- A12.2 Where an additional item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to A12.4 below), shall be open to inspection from the time the item is added to the agenda.
- A12.3 Nothing in A12.1 or A12.2 above requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members.
- A12.4 Where a report or any part of a report is not open to public inspection, the Monitoring Officer will mark the report (or the part) 'Not for publication'; and state on the description of the exempt information by virtue of which the Combined Authority is likely to exclude the public.
- A12.5 All information shall be dealt with by the Combined Authority in accordance with the Access to Information Procedure Rules.

### **A13. Access to meetings and Public Participation at meetings**

#### **Access to meetings**

##### **A13.1 Meetings open to the public**

- a. Every Committee meeting of the Combined Authority shall be open to the public except that the public will be excluded (during the whole or part of the proceedings) to prevent the likely disclosure of confidential information, or, by committee resolution, to prevent the likely disclosure of exempt information.
- b. A motion to exclude the public may be moved without notice at any meeting in relation to an item of business whenever it is likely that, if members of the public were present for that item, there would be disclosure of exempt information.

#### **Public participation**

##### **A.13.2 Total time available for public participation items:**

The total time available at a meeting for public participation items is 30 minutes.

In presenting a petition or a statement at a meeting, members of the public are

permitted to speak for up to a maximum of 3 minutes. Given that the total time available is 30 minutes, individual speaking time may sometimes be reduced at the discretion of the Chair depending on how many public items are received, in the interests of enabling as many people as possible to present their item within the time available. All public items will in any event be circulated in advance of the meeting to committee members once the deadlines for the submission of public items have passed.

#### **A 13.3 Public questions:**

- a. Any member of the public can submit a maximum of 2 written questions to any Committee meeting. Questions must not include “sub-sets” of further questions.
- b. Questions must be about a matter falling within the Combined Authority’s remit / areas of responsibility..
- c. In submitting questions, the name of the person asking the questions must be included.
- d. Questions must be submitted in writing by 5.00 pm on the relevant working day, at least 3 clear working days before a meeting (not including the day of the meeting). For example, if a meeting is being held on a Friday, the deadline for questions will be 5.00 pm on the preceding Monday.
- e. Questions must be submitted in writing and addressed to the Chair of the Committee, and sent by the deadline to the Combined Authority’s Democratic Services team: [democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)
- f. Under the direction of the Chair, wherever possible, written replies to questions will be sent to questioners by the end of the working day prior to the meeting. Whilst every effort will be made to supply written replies before a meeting, this may not always be possible given the limited resources available to the Combined Authority; in circumstances where it is not possible to supply a written reply before the meeting, it will be sent within a maximum timescale of 10 working days after the meeting.
- g. Due to time constraints, there is no opportunity for oral questions or supplementary questions to be asked at the meeting.

- h. A copy of the written questions received, and the written replies given will be published on the Combined Authority's website as soon as possible after the meeting.

#### **A 13.4 Public petitions:**

- a. Any member of the public can submit a petition to a meeting.
- b. Petitions must be about a matter falling within the Combined Authority's remit / areas of responsibility.
- c. Petitions will be listed in the order of receipt.
- d. In giving notice of a petition, the name of the petition organiser must be included, along with the wording/text of the petition and the number of people who have signed the petition.
- e. Petition details must be notified in writing by 12.00 noon on the working day prior to a meeting. For example, if a meeting is being held on a Friday, the deadline for notifying details of a petition will be 12.00 noon on Thursday, the day before.
- f. Petition details must be sent in writing prior to the deadline to the Combined Authority's Democratic Services team: [democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)
- g. Due to time constraints, the subject matter of petitions will not be debated at the meeting. A written response will be sent to the petition organiser within 10 working days of the meeting.
- h. A copy of the wording of petitions submitted, and the written replies given will be published on the Combined Authority website as soon as possible after the meeting.

#### **A 13.5 Public statements:**

- a. Any member of the public can submit a written statement to a meeting.

- b. Statements must be about a matter(s) falling within the Combined Authority's remit / areas of responsibility.
- c. One statement is permitted per person. 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) but speaking time is limited to a maximum of 3 minutes per statement (subject to A.13.2 above).
- d. Statements must be submitted in writing - the full text of the statement must be supplied by 12 noon on the working day before the meeting. For example, if a meeting is being held on a Friday, the deadline will be 12.00 noon on Thursday, the day before. Statements must be sent, prior to the deadline, to the Combined Authority's Democratic Services team: [democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)
- e. Statements will be listed in the order of receipt.
- f. Within the time available, every effort will be made to enable individuals to verbally present their statements if they so wish (subject to A.13.2 above). There will be no debate at the meeting on the issues raised by statements.
- g. Under the direction of the Chair, statements will be formally noted and published on the Combined Authority's website as soon as possible after the meeting. Due to the limited resources available to the Combined Authority, written replies will not ordinarily be sent in response to statements. 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.

#### **A 13.6 Rejection of public participation items**

The Mayor, in consultation with the Monitoring Officer, may reject a question, petition or statement if, in their opinion:

- a. it is not about a matter falling within the Combined Authority's remit / areas of responsibility.
- b. it is defamatory, offensive or frivolous.
- c. will bring about the disclosure of confidential or exempt information.

#### **A14. Substitute members**

A14.1 Substitute members shall be appointed in accordance with A4.

A14.2 Substitute members may attend meetings in that capacity only:-

- (i) to take the place of the member for whom they are the substitute where the member will be absent for the whole of the meeting;
- (ii) after they, or the member they are substituting for has provided the proper officer with notice of the substitution before the commencement of the meeting in question;
- (iii) where an adjourned meeting is reconvened and it is essential for that substitute member to continue to attend to comply with the spirit of natural justice.

A14.3 Substitute members will have all the powers and duties of an ordinary member of the Combined Authority for the duration of the meeting at which they act as substitute but will not be able to exercise any special powers or duties exercisable by the person for whom they are the substitute, subject to A15.3.

#### **A15. Mayor and Deputy Mayor**

A15.1 The mayor for the Combined Authority must appoint one of the members of the authority to be the mayor's deputy.

The deputy mayor holds office until the end of the term of office of the mayor, unless

- (a) the mayor removes the person from office;
- (b) the person resigns as deputy mayor;
- (c) the person ceases to be a member of the combined authority.

If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the combined authority to be deputy mayor.

A15.2 The deputy mayor must act in place of the mayor if for any reason—

- (a) the mayor is unable to act, or
- (b) the office of mayor is vacant.

*Either:* A15.3 If for any reason—

- (a) the mayor is unable to act or the office of mayor is vacant, and
- (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,

the other members of the combined authority must act together in place of the mayor, taking decisions by a simple majority.

Or: A15.3 At each meeting of the Combined Authority, the Mayor shall preside. If the Mayor is absent from a meeting, the Deputy Mayor shall preside. If both the Mayor and Deputy Mayor are absent from a meeting, the meeting will be adjourned. All business which would have been considered at the meeting or which has not been completed when the meeting was adjourned shall stand referred to the next ordinary meeting unless arrangements are made for an extraordinary meeting to consider that business.

## **A16. Quorum**

A16.1 A meeting of the Combined Authority will not commence unless there is a quorum of members present. To be quorate, the Mayor, and at least one member from two separate constituent authorities, or their substitutes, must be present.

A16.2 If during any meeting of the Combined Authority, the person presiding at the meeting declares a quorum of members is not present, the meeting will be adjourned for 15 minutes. If at the end of 15 minutes, there is still no quorum present, the meeting shall be adjourned.

A16.3 All business which would have been considered at the meeting or which has not been completed when the meeting was adjourned shall stand referred to the next ordinary meeting unless arrangements are made for an extraordinary meeting to consider that business.

A16.4 For the purposes of this clause A16, a meeting will not be considered inquorate where the number of members present falls below that specified in clause A16.1 above for the sole reason of a member being unable to act on individual items because of the need to temporarily leave the meeting due to a conflict of interests. For the avoidance of doubt, the meeting shall be inquorate for the relevant item of business that caused the conflict of interest.

## **A17. Items of Business**

A17.1 No item of business may be considered at any meeting except:-

a) the business set out in the notice;

- b) business required by law to be transacted at the annual meeting; or
- c) business brought before the meeting as a matter of urgency in accordance with A17.2 below.

A17.2 Nor may an item be considered at any meeting unless:-

- a) a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear **working** days before the meeting; or
- b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

## **A18. Order of Business**

A18.1 All items of business will be dealt with in the order specified in the notice of the meeting, **except that such order may be varied at the discretion of the Chair**

## **A19. Rules of Debate**

### **Speeches**

A19.1 The Chair will introduce each item to be considered at the meeting in order they appear on the agenda or such order as **the Chair** considers best for the effective conduct of the meeting. The Chair may invite an officer or other member to present the item. Each member shall then be given an opportunity to speak, for up to five minutes, on the item and the report. The Chair will determine the order in which members may address the meeting.

A19.2 Unless the Chair decides otherwise, each member shall speak only once on each item, other than to seek a point of order, a point of personal explanation or where a right of reply is reserved to the member.

A19.3 When speaking, a member shall address the Chair. While a member is speaking, the other members shall not speak, unless raising a point of order or a point of personal explanation.

A19.4 Whenever, during a debate, the Chair rises or issues a clear instruction of the intention, all other members shall be silent.

A19.5 Any member while exercising the right to speak on the item may:-

- a) move a motion; or
- b) move an amendment to a motion; or
- c) move that an item be withdrawn

A19.6 A member who has already spoken on any motion shall not speak on that same motion again while it is the subject of debate, except:-

- a) to speak once on an amendment moved by another member;
- b) if the motion has been amended since he / she last spoke, to move a further amendment;
- c) if his / her first speech was on an amendment moved by another member (whether or not the amendment was carried) but he/she wishes to speak on the main issue;
- d) in exercise of a right of reply;
- e) on a point of order or by way of personal explanation;
- f) where the person presiding is of the opinion that it would be prudent to provide an opportunity for clarification to be given or to allow the debate to proceed to an effective conclusion.

A19.7 Subject to the outcome of any such motion, once each member who wishes to speak has done so, the Chair shall move the item, which shall be decided in accordance with article A20.

A19.8 When a motion is under debate, no other motion shall be moved except the following procedural motions:-

- a) to amend the motion;
- b) to withdraw the motion;
- c) a closure motion;
- d) a motion under Standing Order 25 (prevention of disorderly conduct);
- e) a motion to exclude the public and press;
- f) to not hear further from a named member or to exclude them from the meeting (see Standing Order 25).

### **Motions raised in debate**

A19.9 A motion shall not be debated unless it has been moved and seconded.

A19.10 When seconding a motion, a member may reserve his speech until a later period of the debate by declaring his intention to do so.



A19.11 The following motions may be moved at any meeting at which they would be in order:-

- a) relating to the accuracy of the minutes;
- b) to change the order of business;
- c) to refer a matter to an appropriate body or individual;
- d) to establish a committee or appoint a member arising from an item on the agenda for the meeting;
- e) to receive reports or adopt recommendations of a committee or officer and any relevant resolutions;
- f) closure motions (see standing order A19.15);
- g) the suspension of Standing Orders in accordance with the Constitution;
- h) to exclude the public and press from a meeting where there is likely to be disclosure of exempt or confidential information;
- i) to give the consent of the Combined Authority where it is required by the Constitution;
- j) to prevent disorderly conduct

A19.12 When any motion, notice of which has not been given in writing, has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him before it is further discussed.

A19.13 With the consent of the meeting, signified without discussion, a member may:-

- a) alter a motion of which he / she has given notice; or
- b) with the consent of the seconder, alter a motion which has been moved and seconded.

A19.14 With the consent of the seconder and of the meeting, signified without discussion, the mover of a motion may withdraw it. No member shall speak on a motion that is withdrawn.

### **Closure Motions**

A19.15 At the conclusion of a speech by a member on a motion before the meeting, any other member may move, without comment, a motion:-

- a) that the meeting proceed to the next business;
- b) that the matter be put to the vote;
- c) that the meeting is adjourned.

A19.16 If the closure motion is seconded, then the person presiding shall proceed as follows:-

- a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his right of reply under paragraph A19.18 below, before the original motion is put to the vote;
- b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his right of reply on that occasion.

If the meeting is not reconvened, the original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements have been made for an extraordinary meeting to consider that business or the business is dealt with as a matter of urgency.

- c) closure motions not seconded shall lapse.

A19.17 If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may move from the Chair, that the matter be put to the vote.

### **Right of Reply**

A19.18 The mover of any motion has a right of reply, immediately before the motion is put to the vote. The mover shall speak for no more than 5 minutes.

If an amendment is moved and seconded, the mover of the original motion shall have a right of reply, at the close of the debate on the amendment, of not more than 5 minutes, but he shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on his/her amendment.

(For the purposes of this paragraph a person who moves an amendment is not moving a motion).

### **Amendments to Motions**

A19.19 An amendment shall be relevant to the motion and shall either be:-

- a) to refer the matter to the appropriate body or individual for consideration or reconsideration;
- b) to leave out words; or
- c) to insert or add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

A19.20 An amendment shall not be discussed unless it has been moved and seconded.

A19.21 When seconding an amendment, a member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

A19.22 No amendment shall be moved to an amendment.

A19.23 When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him before it is further discussed.

A19.24 With the consent of the seconder and of the meeting, signified without discussion, the mover of an amendment may amend it or withdraw it. No member shall speak on amendment that has been withdrawn.

A19.25 Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of.

A19.26 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

### **Previous Decisions and Motions**

A19.27 At a meeting of the Combined Authority, no motion or amendment shall be moved to rescind any resolution of the Combined Authority which was passed within the preceding six months or which has the same effect as one which has been rejected within that period.

### **Motions submitted in the name of a member**

A19.28 With the exception of clause A19.29 below, any member appointed by a Constituent Council may give notice of not more than one motion for consideration at any ordinary meeting of the Combined Authority.

A19.29 Where a motion raised by a member under this Standing Order was deferred from a previous meeting, that member may still submit a further motion under standing order A19.28 above.

A19.30 Unless the person presiding at any meeting of the Combined Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Combined Authority shall:-

- a) be given in writing and signed by the member or members who propose to move the motion;
- b) state the date of the Combined Authority meeting at which it is proposed to be moved;
- c) be delivered to the Monitoring Officer not later than 12 noon seven clear working days before the day of the Combined Authority meeting.

A19.31 Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer unless the member giving notice states in writing that they propose to move it to a later meeting or withdraw it.

A19.32 The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Combined Authority has powers and duties and responsibility.

A19.33 A motion shall only be moved at the relevant meeting by the person who has submitted it or by a substitute member nominated by them where notice of this has been given to the Monitoring Officer prior to the commencement of the meeting.

A19.34 At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 5 minutes.

If an amendment to the motion is moved and seconded, the mover of the original motion shall have a right of reply on the amendment of not more than 5 minutes but shall not otherwise speak on the amendment.

A19.35 Where notice of a motion has been given and has been included on the agenda for a meeting of the Combined Authority but the motion has not been moved and

seconded (for whatever reason) nor deemed to have been referred to a committee, that motion shall lapse.

A19.36 Where a meeting of the Combined Authority is cancelled, postponed or adjourned to a later date, any unconsidered motions will be considered at the next ordinary meeting of the Combined Authority or at a later meeting selected by the member proposing the motion.

## **A20. Voting**

A20.1 Under the direction of the Chair, matters will be decided by consensus of the members where possible, save for

A20.2 Where consensus is not achieved, the provisions of this section shall apply.

A20.3 Each member is to have one vote and no member, including the Chair, is to have a casting vote.

A20.4 Decisions must be carried by a majority of the Mayor and members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question.

A20.5 If a vote is tied on any matter it is deemed not to have been carried.

A20.6 A decision on the following matters requires a unanimous vote in favour by the Mayor and all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question at a full meeting of the Combined Authority to be carried:-

- a) approval of the Combined Authority's constitution and standing orders and any amendments; and
- b) adoption of a spatial development strategy
- c) approval to implement a Business Rate Supplemental Levy

A20.7 A decision on the following matters requires a unanimous vote in favour at a full meeting of the Combined Authority by all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried:-

- a) approval of borrowing limits; and

b) treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority including the amount of any expenses, including a levy, to be met by the constituent councils

A20.8 A decision on the exercise of the functions of the Combined Authority requires a vote in favour at a full meeting of the Combined Authority, save for:-

a) where responsibility for the exercise of the function has been delegated in accordance with the constitution of the Combined Authority (and which may include delegation of such powers and functions of the Mayoral Combined Authority to sub-committees or to officers as the Mayoral Combined Authority considers appropriate); and

b) matters which fall to be considered by the Combined Authority's overview and scrutiny committee and audit committee(a)

A20.9 The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualification of any member or substitute member.

A20.10 On the request of any member of the Combined Authority, supported by two other members appointed by separate constituent authorities before a vote is taken, the voting shall be recorded so as to show whether each member present gave their vote for, abstained or did not vote.

A20.11 A member may demand that his / her vote is recorded in the minutes of the relevant meeting.

A20.12 The provisions of this Standing Orders shall apply to voting in the Joint Committee, **in so** far as they are applicable to the Joint Committee and are consistent with the voting arrangements set out in the Terms of Reference of the Joint Committee

## **A21. Point of Order**

A21.1 A member may ask to speak on a point of order or personal explanation. The member must be allowed to put the point of order or personal explanation immediately and without interruption.

A21.2 A point of order shall only relate to an alleged breach of a specified statutory provision, a specified Standing Order or procedural rule, and the way in which the member raising it considers that it has been broken.

A personal explanation shall be confined to some material part of a former speech by the member during the meeting which may appear to have been misunderstood or taken out of context.

- A21.3 The ruling of the person presiding on a point of order, or on the admissibility of a personal explanation, shall be final and not challenged at the meeting.

## **A22. Record of Attendance**

- A22.1 All members will ensure that their names are recorded as being present during the whole or part of all meetings.

## **A23. Attendance by Committee Chairs**

- A23.1 At the request of the Combined Authority, the chair of any of the Combined Authority's committees may be invited to attend and speak at any meeting of the Combined Authority to:-
- a) present any reports or recommendations of that committee; or
  - b) answer questions about any matter set out in the minutes of that committee; or
  - c) contribute to discussion about any matter which is relevant to the functions discharged by the committee of which they are Chair.

## **A24. Reporting Proceedings**

- A24.1 Without prejudice to the Chair's powers in Standing Order 25, and subject to A24.2 and A24.3, any meeting of the Combined Authority is open to the public and any person attending may report on the meeting and publish or disseminate the recording at the time of the meeting or after the meeting.
- A24.2 The Chair may decide not to permit oral reporting/commentary of the meeting as it takes place if the person reporting or providing the commentary is present at the meeting and such reporting/commentary is judged by the Chair to be disruptive to the meeting itself.
- A24.3 Where the public are excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:-

- a) which can be used without that person's presence, and
- b) which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.

A24.4 Reporting in this context of this Standing Order means:-

- a) filming, photographing and making an audio recording of proceedings;
- b) using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later; or
- c) reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

## **A25. General Disturbance**

A25.1 If a general disturbance makes orderly business impossible, the Chair may:-

- a) adjourn the meeting for as long as they think necessary; or
- b) call for any part of the meeting room open to the public, to be cleared, if the disturbance is in that part.

A25.2 If a member of the public interrupts proceedings, the Chair shall warn the person concerned. If they continue to interrupt, the Chair may order them to be removed from the meeting room.

A25.3 If the Chair considers at any meeting that a member or observer is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion. If the member or observer continues to behave in the same way, the Chair may:-

- a) adjourn the meeting for a specified period; or
- b) move that the member leaves the meeting (such a motion will be voted on without seconding or discussion).

## **A26. Minutes**

A26.1 A permanent record of the minutes of each meeting shall be retained by or on behalf of the Combined Authority.



A26.2 The minutes of a meeting must be signed at the next meeting of the Combined Authority by the person presiding at that meeting. No discussion shall take place upon the minutes except about their accuracy.

**A27. Member Conduct**

A27.1 Members shall comply with the members' Code of Conduct including those relating to registering and disclosing of disclosable pecuniary and other interests.

**A28. Compliance with the Constitution**

A28.1 All meetings of the Combined Authority will be conducted in accordance with the relevant Standing Orders set out in the Constitution when considering any matter.

A28.2 All members and officers of the Combined Authority will observe the policies set out in the Appendices to this Constitution.

**A29. Review and Revision of the Constitution**

A29.1 The Monitoring Officer will monitor and review the operation of the Constitution on a yearly basis and shall make recommendations for amendments as appropriate, to ensure that the aims and principles of the Constitution are given full effect.

A29.2 For the avoidance of doubt the Monitoring Officer may carry out any technical/non material amendments to the Constitution.

**A30. Publication of the Constitution**

A30.1 The Monitoring Officer will arrange for electronic copies of the Constitution to be made available to all members and for public inspection. An electronic copy of the Constitution will also be made available on the Combined Authority's website.

### **A31. Standing orders applicable to the Overview and Scrutiny Committee**

A31.1 Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny Committee and the Audit Committee.

A31.2 The following provisions shall apply to the Overview and Scrutiny Committee

A31.2.1 Quorum - At least two thirds of the Overview and Scrutiny Committee appointed from the constituent councils must be present at a meeting of the Committee before business may be transacted.

A31.2.2 Decisions must be carried by a simple majority.

### **Call in of Combined Authority or Mayoral Decisions**

#### **Publication of Decisions**

A31.3 When a decision is taken by the Combined Authority Committee or the Joint Committee, the decision will be published in a decision record on the Combined Authority website. The decision record will state the specific date when the call-in period will expire (this will be 5 clear working days after the publication of the decision).

#### **Call-in**

A31.4 The following rules apply in relation to any call-in of a decision taken by the West of England Combined Authority Committee or West of England Joint Committee:

a. A decision of the Combined Authority Committee or the Joint Committee can be called-in within 5 clear working days of the publication of a decision (for clarity, 5.00 pm is regarded as the end of the working day). For example, if a decision is published on a Friday, the call-in period will expire at 5.00 pm on the following Friday.

b. A request that a decision be called-in must be in line with the published call-in procedure and submitted using the “Call-in” procedure proforma. This proforma

is available on request from the Combined Authority's Democratic Services team:  
[democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)

- c. Within 5 clear working days of publication, any member of:
- (i) an Overview and Scrutiny Committee
  - (ii) sub-committee of an Overview and Scrutiny Committee
  - (iii) the Combined Authority
  - (iv) any member of a constituent council of the Combined Authority
- is/are entitled to give notice to the Scrutiny Officer of their requirement for a decision to be called in.
- d. The reasons for calling-in the decision must be stated on the pro-forma.
- e. The completed pro-forma, signed by the member concerned, must be sent to the Combined Authority's Democratic Services team within 5 clear working days of the publication of the decision, marked for the attention of the Statutory Scrutiny Officer: [democratic.services@westofengland-ca.gov.uk](mailto:democratic.services@westofengland-ca.gov.uk)
- f. On receipt of a signed and completed pro-forma, the Statutory Scrutiny Officer will make arrangements for a meeting of the Combined Authority Overview and Scrutiny Committee to be held to consider the call-in. The date of the meeting will be determined by the Chair of the Overview and Scrutiny Committee and must be held as soon as practicable, and in any event within a maximum of 10 working days of receipt of the signed pro-forma. If the Chair is not available, the date of the meeting will be determined by the Vice-Chair of the Overview and Scrutiny Committee. If the Chair and Vice-Chair are not available, the date of the meeting will be set by the Statutory Scrutiny Officer.
- g. The decision taking committee must be invited to attend the meeting of the Combined Authority Overview and Scrutiny Committee that will consider the call-in.
- h. The following will apply at a meeting of the Combined Authority Overview and Scrutiny Committee that is considering a call-in:
- 1. Except for circumstances where confidential or exempt information will be considered, the meeting will be open to the public to observe proceedings.

2. As the purpose of the meeting is specifically to review a decision that has been taken (i.e. on the basis of the information available to the decision taking committee on the date that the decision was taken), there is no provision for public questions, petitions or statements to be submitted to a meeting of an Overview and Scrutiny Committee that is convened for the purposes of considering a call-in.
3. The agenda papers for the Overview and Scrutiny Committee meeting that will consider a call-in must include:
  - A copy of the call-in procedure (as set out in 4 below).
  - A copy of the submitted call-in proforma, which sets out in writing the reasons for the call-in.
  - Any written comments that the original decision taker may wish to submit in light of or responding to the issues raised by the callers-in.
  - A copy of (or link to) the original report considered by the decision taking committee.
  - A copy of (or link to) any public participation items submitted to the decision taking committee in connection with the relevant agenda item that related to the decision taken.
4. The Overview and Scrutiny Committee will follow this procedure in considering a call-in:
  - The councillors who submitted the call-in to be given an opportunity to explain why they have called-in the decision.
  - Members of the Overview and Scrutiny Committee to then ask any questions of the councillors who submitted the call-in.
  - The decision taker to then be given an opportunity to explain why the decision was taken and to respond to the issues raised by the call-in.
  - Members of the Overview and Scrutiny Committee to then ask any questions of the decision taker.
  - Members of the Overview and Scrutiny Committee to then discuss and review the decision taken, in light of the evidence submitted. As part of this, the Committee may ask further questions of the councillors who

submitted the call-in, or of the decision taker, or of specialist officers as necessary.

- The 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.”

### **Call-In and Urgency**

A.31.5 The call-in procedure set out above shall not apply where the decision being taken by the Combined Authority or Joint Committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Combined Authority’s or the public’s interests. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such cases, the published decision record must include the reasons for urgency. The Head of Paid Service and the Monitoring Officer must agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Head of Paid Service, the consent of the Section 73 Officer shall be required, and in the absence of the Monitoring Officer, the consent of the Deputy Monitoring Officer shall be required.

## **A32 Description of Provisions Specific to Overview and Scrutiny**

### **A32.1 Work Programme**

The Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the Committee who are not members of the largest political group on the Committee.

### **A32.2 Policy and Review Development**

- (a) The role of the Overview and Scrutiny Committee includes policy review and development
- (b) In relation to the development of the Combined Authority's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee may make proposals to the Combined Authority for developments in so far as they relate to matters within their terms of reference. They may also agree requests from the Combined Authority for advice on the development of such policies.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development. The Overview and Scrutiny Committee may ask witnesses to attend to address them on any matter under consideration.

### **A32.3 Reports from the Overview and Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for policy development or other matters, the Overview and Scrutiny Committee members will prepare a formal report. This will normally be submitted to the Combined Authority for consideration.
- (b) The Combined Authority shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

### **32.4 Consideration by the Combined Authority of Reports of the Overview and Scrutiny Committee**

- (a) Once an Overview and Scrutiny Committee report on any matter which is the responsibility of the Combined Authority has been completed, it shall be included on the agenda of the next available meeting of the Combined Authority.
- (b) The Overview and Scrutiny Committee will in any event have access to the Combined Authority's forward plan and timetable for decisions and intentions for consultation.

Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Combined Authority's consultation process in relation to any key decision.

- (c) The Overview and Scrutiny Committee's Chair has the right to attend any meeting of the Combined Authority which considers a report, and to present the report to the Combined Authority.

### **A32.5 The Combined Authority's Response to Overview and Scrutiny Committee Reports**

The Combined Authority is required to respond to all reports submitted to it by the Overview and Scrutiny Committee. The response will be minuted and reported back to the Overview and Scrutiny Committee within 2 months.

The Combined Authority may respond in the following ways:-

- (a) to accept the report and indicate how it proposes to implement its contents;
- (b) to accept the report in part, giving reasons why parts are not accepted;
- (c) to disagree with the report and give reasons;
- (d) to receive the report for further consideration by an officer of the Combined Authority, or by the Combined Authority itself and for the outcome of that consideration to be reported back to the Overview and Scrutiny Committee within 2 months. The outcome of the consideration given will be in any of the ways set out in (a) to (c) above.

### **A32.6 Party Whip**

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

("Definition of "party whip" – Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Authority or any committee or sub-committee, or the application or threat

to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”)

### **A33 Conduct of Meetings**

#### **A33.1 How meetings are conducted and conclusions reached**

- A33.1.1 Normal Standing Orders of debate are not relevant to the work of the Overview and Scrutiny Committee.
- A33.1.2 The Chair will ensure that, at all times, meetings are conducted in a constructive and positive manner and in the best interests of the Combined Authority.
- A33.1.3 The Chair will suggest to the meeting the most appropriate way of considering the business of the meeting and the contributions to be asked of any witnesses.
- A33.1.4 Investigations will be conducted fairly and all members of the committee shall be given the opportunity to ask questions of attendees and to contribute and speak.
- A33.1.5 Those assisting the committee by giving evidence will be treated with respect and courtesy.
- A33.1.6 Investigations will be conducted so as to maximise the efficiency of the investigation or analysis.
- A33.1.7 Conclusions and recommendations should ideally be reached by consensus. However, if necessary, they may be decided by majority vote.



WEST OF ENGLAND COMBINED AUTHORITY

# CONSTITUTION PART B



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## **PART B**

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# West of England Combined Authority

## Financial Regulations

***[insert date of revision]***

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## Section 1 – Introduction

### **Why do we need Financial Regulations?**

Stewardship of the **West of England Combined Authority** finances requires high standards of financial integrity and accountability. The Financial Regulations define the boundaries within which we operate to effectively manage risk. They clarify roles and responsibilities and provide a framework for decision making.

All large organisations have a set of rules to regulate their finances and to protect the interests of their stakeholders and staff. However, the rules themselves are not of any use unless they are known and understood.

### **Who should read and understand Financial Regulations?**

The Combined Authority's Section **73** Officer, as the **Combined Authority's** statutory Chief Financial Officer is ultimately responsible for ensuring the proper administration of the **Combined Authority's** financial affairs. These regulations form part of the arrangements that the **Combined Authority's** Section **73** Officer has put in place to discharge his statutory responsibilities and compliance is required by Members, Officers and other individuals carrying out work on behalf of the **Combined Authority**.

Senior Officers and managers are responsible for bringing the regulations to the attention of every member of staff, providing the necessary training and monitoring compliance.

Any known breaches of Financial Regulations must be reported to the Chief Finance Officer (Section **73** Officer- Local Government Act 1972). Failure to comply with Financial Regulations and Codes of Practice will be subject to investigation and may result in disciplinary action.

### **Codes of Practice**

The Financial Regulations must be read in conjunction with the various **West of England Combined Authority** Policies, Financial Standards and **CIPFA** Codes of Practice, which provide details of the processes, procedures and controls, and which must be adhered to.

The Financial Regulations will be found on the **West of England Combined Authority** Web site.

### **Compliance**

Senior Officers and Managers are responsible for ensuring that all staff (including non-permanent staff) in their service areas are aware of the existence and content of the **Combined Authority's** Financial Regulations and other internal regulatory documents and that they comply with them.

### **Maintenance**

WEST OF ENGLAND COMBINED AUTHORITY CONSTITUTION – PART B – FINANCIAL REGULATIONS - INTRODUCTION

The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the **Combined Authority** for approval. He / she may issue advice, guidance and procedures to underpin the financial regulations that members, officers and others acting on behalf of the Authority are required to follow.



## Section 2 - Financial Management Roles & Responsibilities explained

The **West of England Combined Authority's** Financial Regulations, Budget Management Scheme and the Codes of Practice on Matters of Financial Administration (including Officers' Code of Conduct) are bound separately but form part of the formal Constitution of the **Combined Authority**. The **Combined Authority's** Constitution is accessible through the **West of England Combined Authority's** website.

Sound financial management is critical to the **Combined Authority** in successfully achieving its plans, objectives and quality standards. Financial management is essential in order to:

- plan and maintain effective use of resources to achieve agreed service delivery standards;
- comply with legislation, related professional Codes of Practice and accounting standards;
- provide accurate, complete and valid accounts and information which demonstrate accountability to the public;
- ensure the appropriate use and security of financial and physical assets;
- help the **Combined Authority** conduct its affairs in an efficient, effective and economic manner.

Financial management is, therefore, concerned with the policies, processes, procedures and standards of the **Combined Authority**. Within this context the key areas of responsibility, and associated specific financial regulations, are as follows:

<p><b>West of England Combined Authority Members</b></p>	<p>Approve Financial Regulations and Contract Standing Orders.</p> <p>Set the overall budget framework and monitor performance against agreed targets.</p> <p>Provide the reporting framework to monitor the achievement of the <b>Combined Authority</b> objectives within the resources allocated.</p>
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	<p>Determine the level of responsibility for financial management given to Chief Officers and managers.</p>
<p>Audit Committee</p>	<p>The <b>Combined Authority</b> has delegated to the Corporate Audit Committee its powers and duties relating to the following matters:</p> <p>A) To consider and approve for publication on behalf of the <b>Combined Authority</b>, the Annual Accounts in accordance with the Accounts and Audit Regulations and any other relevant legislation or statutory guidance.</p> <p>B) To consider the Annual Governance Statement and Action Plan in accordance with the Accounts and Audit Regulations and any other relevant legislation or statutory guidance and make recommendations on this to the <b>Combined Authority</b> or other appropriate body.</p> <p>C) To promote good governance arrangements within the <b>Combined Authority</b> and in its dealings with partner bodies and contractors, including compliance with legal and professional standards, in accordance with the Code of Corporate Governance.</p> <p>D) To agree the <b>Combined Authority's</b> External Audit Plan and proposed fees, within the budget agreed by the <b>Combined Authority</b>, and to monitor the delivery of that Plan.</p> <p>E) To agree the Internal Audit Plan, within the budget agreed by the <b>Combined Authority</b>, to monitor its delivery and effectiveness and to consider and make recommendations on any significant matters arising from Internal Audit work.</p> <p>F) To approve the <b>Combined Authority's</b> statutory accounting statements and policies.</p>
<p>Chief Executive</p>	<p>Provides strategic management and establishes a framework for management direction, style and standards.</p> <p>Secures a process for resource allocation that ensures due consideration of policy.</p>

	Monitors the performance of the <b>Combined Authority</b> .
Chief Finance Officer	<p>Carries out the statutory role of Chief Finance Officer (s73 Officer)</p> <p>(a) The proper administration of the <b>Combined Authority's</b> financial affairs and advising on effective systems of internal control.</p> <p>(b) Setting and monitoring compliance with financial management standards.</p> <p>(c) Issuing advice, guidance and procedures to underpin the financial regulations.</p> <p>(d) Determining the accounting procedures and financial records for the <b>Combined Authority</b>.</p> <p>(e) Selecting accounting policies and ensuring that they are applied consistently.</p> <p>(f) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.</p> <p>(g) Providing financial information.</p> <p>(h) Preparing the revenue budget, supplementary revenue estimates and capital programme.</p> <p>(i) Treasury management.</p> <p>(j) The preparation and consolidation of the <b>Combined Authority's</b> accounts</p> <p>(k) Reporting to the <b>Combined Authority</b> on the robustness of the annual budget.</p>

	<p>(l) Report to the <b>Combined Authority</b> and external auditor if the <b>Combined Authority</b> or one of its officers :</p> <ul style="list-style-type: none"> <li>• has made, or is about to make, a decision which involves incurring unlawful expenditure.</li> <li>• has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the <b>Combined Authority</b>.</li> <li>• is about to make an unlawful entry in the <b>Combined Authority's</b> accounts.</li> </ul>
<p>Directors and Heads of Service (or their delegated representative)</p>	<p>Establish clear accountabilities for all officers that include objectives of and responsibility for systems and information.</p> <p>Implement processes for considering the financial effects of policy and relating policy to resources.</p> <p>Monitor the delivery of policy and the use of resources, ensuring that appropriate action is taken where there is a mismatch.</p> <p>Clearly understand the consequences of a lack of control and ensure that Officers have effective procedures for safeguarding the <b>Authority's</b> resources</p> <p>Operate processes to check that established internal controls are in place and evaluate their effectiveness.</p>
<p>Monitoring Officer</p>	<p>Carries out the statutory role of Monitoring Officer. The Monitoring Officer reports to the <b>Combined Authority</b> if a contravention of law, Code of Practice or any maladministration has arisen through any decision or omission by the <b>Combined Authority</b>, by any Member, Officer or representative of the <b>Combined Authority</b>.</p>
<p>Internal Auditor</p>	<p>Provide an independent Internal Audit Service which has unfettered access to the Chief Executive and Senior Management and is able to access all relevant records and information within the <b>Combined Authority</b> to carry out its role.</p>

	<p>Provide independent, objective assurance / advice to management on the operation of internal controls (including financial) to improve an organisation's operations.</p> <p>Provide an annual opinion on the framework of internal control and risk management.</p> <p>Investigate on behalf of the organisation any suspected financial irregularities or misuse of resources and ensure that there is a system in place to allow staff, contractors or the public at large to report serious concerns confidentially.</p>
External Audit	<p>Report on whether the <b>Combined Authority's</b> accounts and statements present fairly the <b>Authority's</b> financial position.</p> <p>Report on whether the <b>Combined Authority</b> has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the Value for Money (VfM) conclusion.</p> <p>Grant Claim certification.</p>
All Employees	<p>Have a responsibility for following Financial Regulations and other <b>Combined Authority</b> policies &amp; adopted regulations (including Contract Standing Orders, Code of Conduct) and Service specific instructions.</p> <p>Help the <b>Combined Authority</b> achieve open and honest administration by supporting approved fraud prevention strategies and avoiding potential conflicts of interest.</p> <p>Assist the <b>Combined Authority's</b> audit processes.</p> <p>Keep accurate and comprehensive records to support the transactions undertaken on the <b>Combined Authority's</b> behalf.</p>

## Section 3 – Internal Audit

### Why is this important?

The purpose of this section of the regulations is to highlight the authority delegated to the **West of England Combined Authority's** Internal Auditor (term used by the Public Sector Internal Audit Standards), when reviewing the accounting and financial arrangements within the **Combined Authority**.

### Statutory Requirements:

The Accounts and Audit Regulations 2011, Part 2 (6), require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”. These Regulations cover the requirements of Section **73** of the Local Government Act **1985**, which states that authorities must “make arrangements for the proper administration of **its** financial affairs and shall secure that one of their officers has responsibility for administration of those affairs.”

### Objectives & Role of Internal Audit:

Accordingly, Internal Audit is an independent and objective appraisal function established by the **Combined Authority** for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

1. The organisation is responsible for maintaining an adequate and effective internal audit of the accounting and financial transactions, including any operations that affect the financial arrangements of the **Combined Authority**.
2. Internal Audit is independent in its planning and operation.
3. Internal Audit complies with the United Kingdom Public Sector Internal Audit Standards.
4. The Internal Auditors, shall have authority to:
  - a) Enter at any reasonable times, any operational or administrative **West of England Combined Authority** premises or land and have access to all **Combined Authority** property.
  - b) Have access to (and where necessary to copy or retain) all records whether manually or electronically held, documentation, correspondence and computer

- systems relating to any transaction of the Combined Authority, or non-official funds operated by Combined Authority staff,
- c) Require and receive such explanations as are necessary concerning any matter under examination,
  - d) Require any employee of the Combined Authority to produce or account for cash, stores or any other property under their custody or control,
  - e) Examine any work or services carried out for the Combined Authority by an employee or contractor, and any goods purchased on behalf of the Combined Authority,
  - f) Review appraise and report on the soundness, adequacy and application of internal controls. This includes those controls to protect Combined Authority resources, property and assets from loss / waste.
5. The Authority's Internal Auditors shall have direct access and the right of report to the Combined Authority, Chief Executive, Monitoring Officer, Chief Finance Officer, the External Auditor, Chair of the Audit Committee and Chair of the Overview and Scrutiny Committee, where appropriate.

## Section 4 – Risk Management

### Why is this important?

Risk management is an integral part of the corporate governance framework for Local Government. This is detailed in the Combined Authority's Local Code of Corporate Governance which is reviewed annually and reported in the Combined Authority's Annual Governance Statement.

The Combined Authority's Risk Management Strategy will help support and underpin the delivery of its Vision & Values.

### Objectives of risk management processes:

- Protecting and adding value by supporting the achievement of the Combined Authority Strategies.
- Improved strategic, operational and financial management.
- Contributing to more efficient use/allocation of resources.
- Mitigation of key threats and taking advantage of key opportunities.
- Protecting and enhancing assets and image.
- Improving decision-making (making the right decisions).
- Safeguarding of tangible and intangible assets.
- Promotion of innovation and change.
- Optimising operational efficiency and therefore delivering efficiency gains and value for money.
- Allocating time and management effort based on formal assessment of threats and opportunities.
- Avoid nasty surprises, shocks, crises and the time taken to 'fire fight' these.
- Improved customer service delivery.

### Key Responsibilities for Staff & Members:

1. West of England Combined Authority Members gain an understanding and promote risk management and its benefits throughout the Combined Authority & its partners, ensuring Members take risk management into consideration when making decisions.
2. Combined Authority members oversee the effective management of risk throughout the Combined Authority and its partnerships, and gain an understanding of its benefits, ensuring officers develop and implement a comprehensive approach to risk management.



3. The Audit Committee provides independent assurance of the risk management framework and associated control environment, independent scrutiny of the **Combined Authority** and partners financial and non-financial performance, and oversee the financial reporting process.
4. The **Combined Authority** is responsible for approving the **Authority's** risk management strategy, and promoting a culture of risk management and awareness throughout the **Combined Authority**.
5. The **Combined Authority** Management Team gains an understanding and promote the risk management process and its benefits, oversee the implementation of the risk management strategy and agree any inputs and resources required supporting the work corporately.
6. Senior Officers ensure that the risk management process is promoted, managed and implemented effectively in their service areas within the organisation. Liaising with external agencies to identify and manage risk. Disseminating relevant information to all employees.
7. Managers raise awareness, manage and implement the risk management process effectively in their areas of responsibility, recommending any necessary training for employees on risk management. Incorporating risk ownership through the appraisal scheme with employees and share relevant information with colleagues in other service areas.
8. All employees of the **Combined Authority** manage risk effectively in their jobs, liaising with their line manager to assess areas of risk in their job. Identify new or changing risks in their job and feed these back to their line manager.
9. The Internal Auditors challenge the risk management process, including the identification and evaluation of risk and provide assurance to Officers and Members on the effectiveness of controls.
10. The Chief Finance Officer supports the **Combined Authority** and its services in the effective development, implementation and review of the **Combined Authority's** risk management processes. Identify and communicate risk management issues to services, and assist in undertaking risk management activity through training or direct support.

## Section 5 – Fraud Prevention

### Why is this important?

“Keeping our House in Order” – The **Combined Authority’s** Fraud Prevention Statement

We all have a special responsibility for dealing with public funds and assets. The **Combined Authority** controls millions of pounds of public money and we must take very seriously the high expectations of the public and the degree of scrutiny to which the affairs of the **Combined Authority** are subject.

The **Combined Authority** acknowledges the responsibility it has for the administration of public funds and wishes to emphasise to the public and its staff the importance it places upon probity, financial control and transparency in its administration.

The **Combined Authority** is committed to prevention, deterrence, detection and investigation of all forms of fraud and corruption.

The **Combined Authority** recognises that fraud and corruption undermine the high standards of public service, which it promotes, and reduces the resources available for the good of the whole community.

The statement applies to all Members and employees of the **Combined Authority** and demonstrates to the community of the **Combined Authority** our commitment to combating fraud and corruption wherever it is found.

### The Fraud Prevention Statement – Key Principles:

Leading by example, **the Combined Authority** will ensure that:

- Everyone within the organisation takes responsibility for the prevention and detection of fraud and corruption.
- There is compliance with key policies and procedures.
- Fraud is not tolerated and that all such cases are thoroughly investigated.
- All officers and Members have proper training and guidance regarding anti-fraud and corruption issues.
- High standards of internal control are promoted.
- There is a safe environment to report suspected cases of fraud and corruption.

- Rigorous action is taken against anyone found guilty of fraud or corruption. This will be through the **Combined Authority's** disciplinary process and by taking legal action as appropriate.

#### **Key Responsibilities for Members and Staff:**

1. Senior Officers are responsible for the prevention and detection of fraud, error and wasteful practices within their Service environment.
2. They must inform the Chief Finance Officer immediately of any suspected financial irregularity.
3. The **Combined Authority's** Chief Finance Officer shall report to the Chief Executive and the Monitoring Officer any circumstances which could involve the **Combined Authority** in unlawful expenditure or action which could result in a potential loss or deficiency to the **Combined Authority** or unlawful entries in the accounts.
4. All employees have an important part to play in reporting concerns about wrong doing at work by other employees, Councillors, suppliers, contractors or others acting on behalf of the **Combined Authority**.
5. In this respect, employees are under a duty to assist with the discharge of these responsibilities by reporting to their managers, or through the **Combined Authority's** Whistleblowing Policy, any instance where financial irregularity is suspected.
6. Abuse of the Whistleblowing Policy by raising malicious, unfounded allegations will be treated as a serious disciplinary matter.
7. In addition, the **Combined Authority** has a legal duty to implement a procedure to enable the reporting of suspicions of money laundering. Accordingly, any Member or employee, who in the course of **Combined Authority** business becomes aware that criminal property or funds could be involved, should report their suspicion promptly, in accordance with the Anti-Money Laundering Policy.
8. The UK Bribery Act, 2010 which came into force on the 1st July 2011 introduces a corporate offence of failure to prevent bribery.

The three key offences under the Act which may have an impact on the authority are:

- Bribery of another person
- Accepting a bribe
- Failing to prevent bribery

The offences carry criminal penalties for individuals and organisations. Individuals can be imprisoned for up to a maximum of ten years. Both individuals and organisations can be subject to an unlimited fine.

The Act states that organisations will be responsible for their employees' corrupt acts unless they can show they had adequate policies and procedures in place to combat bribery.

**Staff are responsible for the prevention, detection and reporting of bribery and other forms of corruption. If any member of staff or Combined Authority Member has concerns regarding a suspected instance of bribery they must refer to the Combined Authority's Whistleblowing Policy and report the matter.**

## **Section 6 - Budget Management and Control**

### **Why is this important?**

Budgets (spending plans) are needed so that the **Combined Authority** can plan, monitor and control the way resources are allocated and spent. Budgets reflect **Combined Authority** priorities and give authority to approved officers to incur expenditure to meet objectives and targets.

Budget management ensures that once the budget has been approved by the **Combined Authority**, resources allocated are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, which reviews and manages spending against budget during the financial year. In addition, it provides the mechanism that calls to account managers responsible for defined elements of the budget.

### **The purpose of the Budget Management Scheme rules**

- a) To ensure that income and expenditure are in line with the agreed **Combined Authority** budgets and service plans (consistency of purpose),
- b) Overall Financial control of **Combined Authority** income and expenditure.

### **The implications of poor budget management**

1. The **Combined Authority** may not be operating within the law;
2. Policies and objectives may not be achieved;
3. Resources may not be used in accordance with agreed authority;
4. Failure to secure value for money (efficient & effective use of resources);
5. Decisions made without the benefit of full or appropriate information;
6. Inability to take appropriate action at the right time.

### **Key requirements for budget management and control**

#### **Section A: Revenue Budgets:**

- Budget approval is required for all expenditure.
- The Chief Executive and Senior Officers have overall responsibility for the delivery of the strategic objectives for their areas of responsibility and thus have a responsibility for effective performance monitoring of managers on matters of budget management.

- Managers are responsible for Budget Management.
- Each Manager will develop and maintain effective arrangements for financial management within his/her Service area.
- Each Manager will nominate a Budget Manager for each cost centre heading, as appropriate.
- Budget Managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- Budget Managers follow an approved certification process for all expenditure.
- Income and expenditure must be properly recorded and accounted for by all Budget Managers. This is achieved by ensuring the accurate use of accounting codes and timely monitoring of financial information.
- Budget Managers are responsible for maintaining a current forecast of their budget and communicating this to their Finance Team. Where a Variance, the difference between forecast and budget, is recurrent this should be identified for future correction.
- Services are to be managed within their budgets using financial forecasting, virement and carry forward, as appropriate.
- Expenditure is committed only against an approved budget head.
- Any virement which has the effect of changing a policy contained in the Policy Framework must be approved by the **Combined Authority**.
- All virements must be reported to the **Combined Authority** on a quarterly basis.
- Any potential overspending that cannot be managed by Virement must be identified to the Chief **Executive** and Chief Finance Officer immediately.
- Any **Combined Authority** earmarked reserve set aside by **Combined Authority** for a specific purpose may not be spent on any other purpose without the permission of the **Combined Authority**.
- The Senior **Management Team** will receive **regular** monthly finance reports **detailing projected end of year spend compared with approved budget**.
- The **Combined Authority** will receive budget monitoring reports (including capital monitoring) at its public meetings four times a year (normally in September, November, February and July).
- The Combined Authority is required to approve the outturn position in July following the financial year end.

### **Section B: Capital Budgets:**

- The Chief Executive is responsible for budget management of all capital schemes (including major and other projects), but all capital schemes must have a designated responsible Budget Manager.

- Before any scheme is included in any programme, budget management responsibility must be assigned.
- The Capital Programme is agreed by the **Combined Authority**.
- The Project Management Handbook sets out the process for managing a project of any type or value, along with roles and responsibilities of all parties involved and provides the necessary templates and guidance to manage a project through to completion.
- With effective budget planning and management, overspending should not occur. The Budget Manager is responsible for making proposals for the avoidance or recovery of any overspending to the Chief Executive in the first instance.
- Capital schemes must have a review and reporting process. For example, the Senior **Management** Team meeting will receive reports of progress in order to focus on the key issues and project spend, and associated funding and revenue implications.
- The **Combined Authority** will approve a sum that is to be set aside to reflect the overall risk from capital projects it has approved (a capital contingency)
- Senior Officers will be responsible for ensuring the principles of this scheme are understood and enforced within their Service areas.

### Authoriser Limits

Delegations to authorise spend within budgets allocated to managers are set out in the table below.

<b>Authorisation Limit</b>	<b>Officer</b>
Up to £100,000	Chief Executive Officer
Up to £50,000 within their allocated budget responsibility	Director of Investment & Corporate Services Director of Legal & Democratic Services Director of Infrastructure Director of Business & Skills Head of Strategy and Policy
Up to £25,000 within their allocated budget responsibility	Head of Finance Head of Grant Management & Assurance Head of People and Assets Head of Regional Housing and Planning Head of Transport Head of Business Skills and Growth Head of IBB Head of Communication Head of Strategy and Policy

MIPIM Expenditure over £25,000	Chief Executive Officer
Grants* up to £2,000,000 <i>*Investment Fund; Local Growth Fund; Regional Infrastructure Fund; 5G Tourism; Futurebright; Energy Hub</i>	Head of Grant Management and Assurance



## Section 7 – Revenue Budget Preparation

### Why is this important?

The **West of England Combined Authority** is a complex organisation responsible for delivering a variety of objectives, outcomes and services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The annual Revenue and Capital budgets are the financial expression of the **Combined Authority's** plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the plans and priorities of the **Combined Authority**. Budgets (spending plans) are needed so that the **Combined Authority** can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the **Combined Authority** to budget for a deficit. All key decisions on revenue expenditure must be made by the **Combined Authority**.

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes the rules around how virements / journals operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

A report on new proposals should explain the full financial implications, following consultation with the Chief Finance Officer. Senior Managers must present a balanced budget and plan to contain the financial implications of such proposals within their budget.

### Key Responsibilities for Members and Staff:

1. Specific budget approval is required for all expenditure.
2. Budget holders are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Chief Executive for their budgets and the objectives to be delivered. Key developments and efficiencies are included in delivery plans (for subsequent monitoring) and individual employee's Performance Development Review.
3. Preparation of the budget complies with all legal requirements.
4. The format complies with the requirements of the Chief Finance Officer and, where necessary, has regard to relevant accounting standards.
5. The format reflects the accountabilities of delivery and outcomes
6. The Chief Finance Officer will:

- (a) Advise the **Combined Authority** on the format and timing of the budget to be approved by the **West of England Combined Authority Committee**.
- (b) Prepare and submit reports on budget prospects for the **Combined Authority**, including resource constraints. Reports should take account of medium-term prospects, where appropriate.
- (c) Determine the detailed form of revenue budgets and the guidelines for their preparation, after consultation with the **Combined Authority** and the Senior Leadership Team.
- (d) Prepare and submit reports to the **Combined Authority** on the aggregate spending plans of and on the resources available to fund them, identifying, the implications for the level of any levy or contribution to be requested from the constituent councils.
- (e) Advise on the medium-term implications of spending decisions.
- (f) Encourage the best use of resources and value for money by working with the Senior Leadership Team to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good financial management practice.

**7. Senior Managers will:**

- (a) Prepare draft budgets of income and expenditure, in consultation with the Chief Finance Officer, to be submitted to the **Combined Authority**.
- (b) Prepare draft budgets that are timely, balanced and consistent with any relevant cash limits, and with guidelines issued by the Chief Finance Officer. The format should be prescribed by the Chief Finance Officer, in consultation with the **Combined Authority**.
- (c) Integrate financial and budget plans into service delivery planning, so that budget plans are reflected, where appropriate, by financial and non-financial performance measures.
- (d) In consultation with the Chief Finance Officer and in accordance with the laid-down guidance and timetable, prepare detailed draft revenue and capital budgets for consideration by the **Combined Authority**.
- (e) When drawing up draft budget requirements, Senior Managers will have regard to:
  - spending patterns and pressures revealed through the budget monitoring process
  - targets for growth/reduction set out in the medium term financial plan
  - implications of changes in external funding
  - legal requirements
  - other policy requirements as defined by the **Combined Authority** in the approved policy framework

- initiatives already under way.

## Section 8 – Capital Expenditure

### Why is this important?

1. Capital expenditure involves acquisition or enhancement of fixed assets which have a long-term value to the **Combined Authority**, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way strategies and policies are delivered in the long term and create potential financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure must comply with the **Combined Authority's** Contract Standing Orders.
2. The Local Government Act 2000, as amended in March 2002, requires local authorities to determine expenditure limits above which such expenditure would be a key decision. All key decisions on capital expenditure must be taken by the **Combined Authority**.
3. The Government places strict controls on the financing capacity of the **Combined Authority**. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

### Key Responsibilities for Members and Staff:

1. The Chief Finance Officer will bring together estimates for capital proposals and to report them to the **Combined Authority** for approval or prioritisation within existing resources and in accordance with the Assurance Framework. **Combined Authority** approval is required for a bid for or exercise of additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
2. The Chief Finance Officer will submit reports to the **Combined Authority** on the projected income, expenditure and resources compared with the approved estimates.
3. The Chief Finance Officer will issue guidance concerning capital schemes and controls. The definition of 'capital' will be determined by the Chief Finance Officer having regard to government regulations and accounting requirements.
4. The Chief Finance Officer will obtain authorisation from the **Combined Authority** for individual schemes where the estimated expenditure exceeds the capital programme provision by more than the specified amount.
5. Officers must comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer, including ensuring that all capital proposals have

undergone a full project appraisal, through submission of an appropriate business case in line with the Assurance Framework.

6. Officers must prepare regular reports reviewing the capital programme provisions for their capital schemes. They must prepare at least quarterly returns of estimated final costs of those schemes in the approved capital programme for submission to the **Combined Authority** and to the Chief Finance Officer.
7. Officers must ensure that full records are maintained for all capital contracts.
8. Officers must proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Finance Officer.
9. Officers must consult with the Chief Finance Officer, and to obtain authorisation from the **Combined Authority**, prior to the implementation of key decisions as part of the capital programme.
10. Officers must prepare and submit reports to the **Combined Authority**, of any variation in contract costs greater than the approved limits. The **Combined Authority** must meet cost increases by virement from savings elsewhere, or from the contingency provided for within the overall capital programme.
11. Officers must prepare and submit reports to the **Combined Authority**, on completion of all projects where the final expenditure exceeds the approved budget by more than an agreed amount.
12. Officers must ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance Officer and, if applicable, approval of the scheme through the capital programme.
13. Officers must consult with the Chief Finance Officer and to seek appropriate approval (**Combined Authority**) where they propose to bid for capital financing to support expenditure that has not been included in the current year's capital programme.
14. Officers must liaise with the **Combined Authority's** appointed VAT and Tax Advisors at the earliest opportunity, to ensure impact of any VAT or Tax issues are properly understood and managed.

## Section 9 - Treasury Management (Investments & Borrowing)

### Why is this important?

Significant sums pass through the West of England Combined Authority's accounts each year which need to be securely managed and controlled to maximise the Combined Authority's income. This is done in accordance with codes of practice that have been established with the aim of providing assurance that the Combined Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Combined Authority's funds.

**Key Objective: The Combined Authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management in Local Authorities and with the Authority's Treasury Management Policy statement.**

### Key Responsibilities of Staff & Members:

#### 1. The Chief Finance Officer will:

- Prepare the Combined Authority's Treasury Management Policy Statement and Strategy in accordance with the CIPFA Code of Practice on Treasury Management in Local Authorities and to arrange for all Combined Authority borrowing and investment in such a manner as to comply with this Statement/Strategy.
- Ensure that all investments of money are made in the name of the Combined Authority or in the name of nominees approved by the Combined Authority.
- Ensure that all securities that are the property of the Combined Authority or its nominees and the title deeds of all property in the Combined Authority's ownership are held in the custody of the Monitoring Officer.
- Authorise all borrowings in the name of the Combined Authority.
- Act as the Combined Authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Combined Authority.
- Report to the Combined Authority, as requested, on Treasury Management activities.

#### 2. Senior Officers will:

- Ensure that loans are not made to, and that interests are not acquired in, companies, joint ventures or other enterprises without the approval of the **Combined Authority**, following consultation with the Chief Finance Officer.

## **Section 10 – Accounting Systems and Processes**

### **Why is this important?**

It is important to ensure that the **Combined Authority** maintains effective & efficient systems of accounting and financial control are in place in order that its assets and interests are effectively safeguarded against loss. It is important that all stakeholders have confidence in the integrity of the **Combined Authority's** financial administration.

### **Objectives of Accounting Systems and processes:**

- To ensure that a true and complete record of all **Combined Authority** transactions is maintained.
- To ensure that the **Combined Authority** complies with legislation / regulations.

### **Implications if above objectives are not achieved:**

1. The **Combined Authority** may not operate within the law;
2. Incorrect management information, leading to poor decision making;
3. Financial loss;
4. Reputational loss, e.g. through publication of a critical External Auditors report;

### **Key Responsibilities for Staff & Members:**

1. The Chief Finance Officer will be responsible for maintaining the accounts of the **Combined Authority** and for the approval of all accounting records and financial systems.
2. All Senior Officers must ensure that responsibility for the preparation and processing of accounting information e.g. coding of income and expenditure is assigned to specified Officers, transactions are authorised / approved by responsible officers and an audit trail is maintained.
3. Capital expenditure must be accounted for separately from revenue expenditure and must, therefore, be coded to the appropriate capital expenditure code.
4. The Chief Finance Officer will be responsible for producing the timetable and standards for the production of final accounts each year.



5. The Chief Finance Officer shall agree all borrowing and lending arrangements and these shall operate in accordance with the **Combined Authority's** Treasury Management Policy Statement and the appropriate accounting bodies' Codes of Practice. All investments, borrowing, leasing and other capital financing arrangements shall be effected in the name of the **Combined Authority**.
6. The Monitoring Officer, shall hold all securities that are the property of or are in the name of the **Combined Authority** or its nominees and the title deeds of all properties in its ownership, in safe custody.
7. The Chief Finance Officer will:
  - Ensure that the **Combined Authority** does not enter into leasing contracts which compromise the **Combined Authority's** spending limits set with regard to its Prudential Indicators.
  - Provide financial expertise and advice on leasing arrangements and contracts.
  - Ensure that best value is achieved in leasing contracts, including aggregation of the **Combined Authority's** leasing requirement where appropriate.

**All Officers must refer all proposed leasing arrangements, within their Services, to the Chief Finance Officer.**

8. All Trust Funds shall, wherever possible, be in the name of the **Combined Authority** and all officers acting as trustees by virtue of their official position shall deposit all securities and other documentation relating to the Trust Fund with the Monitoring Officer.
9. The Chief Finance Officer will ensure that all financial officers work to recognised Financial Standards and will ensure that clear instructions are issued to all relevant members of staff on key processes, including:
  - Control Accounts
  - Coding Protocols
  - Cash Flow Management
  - Capital Grants
  - Capital Expenditure
  - Capital Charges
  - Balance Sheet Balances
  - BACS Payments
  - Accounting statements
  - Monthly Accruals

- Year End Accruals
- Interfaces with the Financial Management System
- Suspense Accounts

## **Section 11 - Payroll**

### **Why is this important?**

Staff costs are the largest item of expenditure for most **Combined Authority** services. It is therefore important that payments are accurate, timely, made only to the right people and that payments accord with individuals' conditions of employment.

It is important that all payments are accurately and completely recorded and accounted for, as this ensures accurate information for budget holders.

Income Tax and National Insurance contributions to HM Revenue & Customs must be complete and accurate. Individuals defined as employees must be paid through the **Combined Authority's** approved payroll system.

### **Objectives of payroll processing:**

- Payments are only made to those entitled to payments, (i.e. employees) at the correct rate and time.
- All payments and associated deductions are properly accounted for.
- Processes are in place to meet the organisation's needs for accurate and timely management information regarding payroll costs.

### **Implications if above objectives are not achieved:**

1. Payments are made:
  - for work not undertaken,
  - to a person not entitled,
  - at the wrong rate,
  - that contravene employment legislation,
  - leading to potential financial loss;
2. Adverse publicity because of failure to pay efficiently and effectively;
3. Untimely and inaccurate information to budget holders;
4. The **Combined Authority** being penalised by the HM Revenue & Customs for failure to account for statutory deductions, e.g. Income Tax and National Insurance contributions.

### **Key Responsibilities for Staff & Members:**

1. The payment of salaries, allowances and other emoluments must be made under arrangements approved and controlled by the Chief Finance Officer.
2. Senior Managers are responsible for providing the Payroll Service Provider with the details of those Officers under their management and control that can authorise payroll documents / transactions.
3. All salary notifications must be properly authorised and in accordance with the employment contract.
4. All travelling, subsistence and other allowances (including staff Professional Subscriptions), for both officers and the Mayor, must be paid through the **Combined Authority's** Payroll system.
5. The use of Petty Cash account or other non-PAYE payment systems are not permitted under any circumstances, for the payment of salaries, travelling and subsistence expenses.
6. No payments should be made to Self Employed Individuals without an assessment of that individual's employment status first being made in line with the latest HM Revenue & Customs criteria.
7. Each Senior Manager is responsible for ensuring that the person engaging someone to perform a task determines their employment status and whether they should be paid via payroll.
8. All Payroll documents / forms submitted must be the latest approved version.
9. Appropriate budget provision must be available.
10. Salary payments are made in accordance with employment law.
11. Statutory deductions are made in accordance with regulations and properly paid over to appropriate bodies.
12. Other non-statutory deductions, e.g. Union subscriptions, are made in accordance with authorised requests.
13. Pension enhancements are awarded in accordance with approved policies.
14. All payments made are properly recorded and correctly charged to the appropriate expenditure codes and management information issued in a timely manner.
15. Members of staff who owe debts to the **Combined Authority** will have these debts deducted promptly from salary.
16. It is the responsibility of all employees to immediately contact both their Manager and the Payroll Service Provider when they discover that any overpayment of salary or allowance has occurred.

**Failure to do this knowingly may be regarded as theft, under the law, and may be the subject of disciplinary action by the **Combined Authority** against the individual concerned**

## **Section 12 – Ordering and Paying for Works, Goods & Services**

### **Why is this important?**

The **West of England Combined Authority** must be able to demonstrate probity and value for money in spending public money, in accordance with its Procurement Strategy and Contract Standing Orders.

All **Combined Authority** Members and employees have a responsibility for spending public funds wisely and ensuring that all payments are valid, legal and represent the best use of resources.

### **Objectives of order and payment processes:**

- To secure value for money by obtaining the best price for the quality of works, goods and services required.
- The **Combined Authority** only pays bona-fide organisations or individuals the correct amount at the appropriate time in line with appropriate contractual terms and conditions
- The **Combined Authority** properly accounts for works goods & services ordered and payments due or made.
- The **Combined Authority** complies with legislation covering VAT, payments to Sub-Contractors and other taxable payments
- The **Combined Authority** undertakes appropriate employment status checks on organisations or individuals in line with HM Revenue & Customs requirements

### **Implications if above objectives are not achieved:**

1. **The Combined Authority** pays more than necessary for goods or services.
2. Payments are made for goods / services not required or not received.
3. Duplicate payments are made.
4. **The Combined Authority** fails to pay for goods or services in a timely basis resulting in adverse publicity, loss of goodwill.
5. Incorrect recovery of VAT leading to assessments and penalties from HM Revenue & Customs or loss of recoverable VAT.
6. Incurring HM Revenue & Customs penalties for failing to assess employment status appropriately.
7. Inaccurate and untimely information provided to budget holders.

### **Placing Official Orders:**

1. Officers must only use **Combined Authority** monies for the purchase of works, goods & services which are for the express use of the **Combined Authority. Members, employees or others engaged with the Combined** Authority must not use the the **Combined Authority's** ordering or payments systems for personal use or benefit.
2. Members, Officers and individuals engaged to work for the **Combined Authority** must declare any links 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 these Financial Regulations (Section 20) and the Authority's Code of Conduct.
3. Officers **must** issue **Purchase Orders** for all goods and services unless there is a specific exemption as outlined in Contract Standing Orders.
4. Senior Managers **must** designate specific employees who are authorised to place orders on their behalf and operate procedures which secure value for money. The procedures **must** be properly recorded, communicated to staff and continuously monitored.
5. All **Purchase Orders** must be raised through the **Combined Authority's** Financial Management System.
6. There may be occasions, in cases of emergency only, when a verbal order is placed. These must be the exception rather than the rule and **must** always be confirmed as soon as practicable by the issue of an Official Order.
7. Before placing orders for goods and services the budget holder responsible **must** ensure that there is sufficient budget available.
8. All orders placed **must** comply with the **Combined Authority's** Contract Standing Orders, which provides guidance on obtaining alternative prices, seeking value for money and complying with National and European requirements.

### **Receiving Goods & Services:**

9. When receiving works, goods or services, the budget holder is responsible for ensuring that timely checks are made to ensure that:

- The works goods or services are in accordance with the order placed,
- Any faults or deficiencies are reported to the contractor/supplier and remedial action taken,
- Where necessary, inventories or stock records have been updated,
- Goods delivered are placed in the safe custody of their authorised recipient.

### **Making Payments:**

10. All payments on behalf of the **Combined Authority** will be made with the authority of the Chief Finance Officer.
11. Payments **must not** be made unless the works, goods and/or services have been received by the **Combined Authority** to the correct price, quantity and quality standards, and that an invoice for the same works, goods and/or services has not been previously passed for payment.
12. **Senior Officers** must designate specific employees who are authorised to approve invoices for payment on their behalf.
13. There must be a separation of duties between the Officer raising the Purchase Requisition and the Officer authorising the Requisition to enable a Purchase Order to be generated. This is important because invoices linked to an Official Purchase Order will be processed and paid without any further authorisation. If for reasons of efficiency a Senior Officer enables an Officer to both generate and approve a Purchase Requisition then that Senior Officer must ensure that the expenditure is scrutinised by another Officer within a reasonable period of time, this could be linked to the 'goods / services received' recording system.
14. All Senior Officers **must** ensure adherence to all instructions issued by the Chief Finance Officer in respect of year-end accounting arrangements.
15. Payments to employees of salaries, wages, and travel & subsistence expenses **must** be made through the Payroll system and not via any other payment system.
16. Where appropriate Corporate Purchasing Cards can be used to make payments (see Section 21).
17. Officers must ensure that appropriate VAT documentation is obtained from the contractor / supplier to ensure that VAT is correctly accounted for and that the **Combined Authority** can maximise recovery of recoverable VAT.

18. The Combined Authority must comply with the requirements of the Construction Industry Scheme when paying construction industry subcontractors.
19. No payments will be made through through Petty Cash Accounts.



## Section 13 – Income Collection

### **Why is this important?**

Income can be vulnerable to loss. Effective income collection systems are necessary to ensure that all income due is properly identified, collected, receipted, banked, and brought to account.

### **Objectives of income processes:**

- To ensure that all sources of income that may be due to the **Combined Authority** are identified, claimed and collected at the right time.
- All payments received are accepted, recorded, reconciled and banked promptly and correctly.
- **Managers** and employees have a clear understanding of their responsibilities regarding the identification, collection, banking and reconciliation of income due to the **Combined Authority**.

### **Implications if above objectives are not achieved:**

1. Income being lost to the **Combined Authority**;
2. Resources may be wasted by the failure to collect income quickly and economically;
3. Adverse publicity caused by the failure to collect income efficiently and effectively;
4. Theft, misappropriation or loss of income;
5. Bad debts leading to write-offs.
6. Failure to deal with VAT correctly results in assessments and penalties from HM Revenue & Customs or a loss of income to the **Combined Authority**

### **Key Responsibilities for Staff & Members:**

1. All arrangements for the collection, accounting and banking of income due to the **Combined Authority** must be subject to the approval of the Chief Finance Officer.
2. The appropriate Senior Officer will be directly responsible for the safe custody, recording, control, issue and use of official receipting systems, receipt books, tickets, account books and other income documentation in their specific Service area.
3. Responsibility for income collection must be separated from the person raising the debtor account on the accounting system.

4. Only payment or write-off shall discharge all sums due to the Combined Authority.
5. All refunds of overpayments must be made through the Combined Authority's Creditors system and NOT out of income. To help prevent money laundering activity refunds must always be paid back to the same bank account as the original payment. Any large cash payments to be refunded must be considered in terms of potential money laundering prior to authorisation of the refund amount.
6. Individuals must not borrow Combined Authority monies. Borrowing monies includes holding or banking personal cheques in exchange for Combined Authority cash.
7. All amounts written-off will be authorised by the Chief Finance Officer and the Monitoring Officer.
8. Sums due to the Combined Authority as debts from members of staff shall be deducted promptly from salary. Senior Officers will ensure that all debts due are recovered promptly and any outstanding balances due, at the time of cessation of employment, are deducted from employee's final salary or any other monies due to that employee.
9. VAT is charged where appropriate, in accordance with the HM Revenue & Customs regulations. Where an individual Service makes a new type of charge for any reason they must consult the Combined Authority's VAT advisor before setting prices.
10. Senior Officers must ensure that all members of staff, within their Service, responsible for the collection and reconciliation of income, comply with the requirements of the Combined Authority's Anti-Money Laundering Policy.

## **Section 14 – Bank Accounts, Banking and Cash Handling**

### **Why is this important?**

All **Combined Authority** bank accounts are held and managed centrally. If any other bank account is required for any reason, the Officer should seek guidance from the Chief Finance Officer.

### **Objectives of Banking & Cash Handling processes:**

- To ensure that all income and expenditure is transacted through authorised bank accounts.
- To ensure that all money is held securely.
- To ensure monies are banked in an authorised bank account in a timely manner and accurately recorded.
- To ensure all transactions are bone fide, accurate and within predetermined limits.

### **Implications if above objectives are not achieved:**

1. Theft or loss;
2. Staff and premises vulnerable to attack;
3. Resources wasted due to poor cash flow management;
4. Inability to prove that deposits have been made into the bank account or that payments have been made by debtors;
5. Damage to the **Combined Authority's** reputation through adverse publicity;
6. Failure to deal with VAT correctly results in assessments and penalties from HM Revenues & Customs or a loss of income to the **Combined Authority**.

### **Key Responsibilities for Staff & Members:**

1. The Chief Finance Officer will be responsible for making such arrangements as are appropriate and necessary with the **Combined Authority's** Bankers relating to all financial transactions.
2. The Chief Finance Officer will ensure that proper arrangements are made for the secure printing, secure retention and issue of cheques.
3. All bank accounts must be opened and closed by the Chief Finance Officer. Any subsidiary Bank Accounts can only be opened with the express authority of the Chief

Finance Officer, who will provide specific instructions on the control and use of such accounts.

4. Any overdraft on the aggregated **Combined Authority**'s main bank accounts is permitted only to the extent authorised by the Chief Finance Officer. Overdrafts are not permitted on any other bank accounts.
5. The Chief Finance Officer will make available written guidance on the processes to be followed to transfer monies electronically (CHAPS / BACS).
6. The Chief Finance Officer will specify arrangements for the collection and banking of all income due to the **Combined Authority**, and to approve the procedures, systems and documentation for its collection, security and banking.
7. All money received by an employee, on behalf of the **Combined Authority**, must be properly recorded and paid without delay into the **Combined Authority**'s bank account.
8. Where third parties are contracted to bank income on behalf of the **Combined Authority**, the Chief Finance Officer will specify and agree the contract arrangements, prior to entering into any such contract.
9. The Chief Finance Officer shall ensure that the reconciliation of all bank accounts held by the **Combined Authority** is undertaken at regular intervals to ensure the prompt investigation of discrepancies.
10. All keys to safes and similar receptacles must be carried by the person responsible at all times; loss of such keys must be reported, without delay, to the Chief Finance Officer (Internal Audit Function).

## **Section 15 – Asset Management**

### **Why is this important?**

The **Combined Authority** may hold fixed and moveable assets in the form of land, buildings, plant and machinery, vehicles, equipment, software, and other items with significant value. It is important that all assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.

An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management. Inventories of moveable items are particularly important in connection with potential insurance claims.

### **Objective of asset management:**

- To ensure that assets are used to achieve the approved policies and objectives of the **Combined Authority** with the minimum level of waste, inefficiency or loss for other reasons.

### **Implications if above objective is not achieved:**

1. Money may be wasted by acquiring inappropriate assets;
2. Assets may be used inefficiently;
3. Loss or damage;
4. Money may be wasted by maintaining obsolete or unnecessary assets;
5. Income may be lost by not achieving best terms for disposal of assets.

### **Key Responsibilities for Staff & Members:**

1. Every Senior Manager shall be responsible for the custody of all buildings, equipment, stocks, stores, vehicles, furniture and cash used within their Service environment and for their general security.
2. Official inventories and stores records shall be kept under arrangements approved by the Chief Finance Officer, and all desirable and portable property shall be securely marked "Property of West of England Combined Authority".

3. Items recorded in official inventories must be subject to a regular independent physical check (at least annually). All discrepancies should be investigated and pursued to a satisfactory conclusion. Any discrepancies not resolved must be reported to the appropriate Senior Manager and Internal Audit.
4. The Chief Finance Officer (or their authorised representative) has the right of access to all **Combined Authority** establishments to verify assets, records or accounts.
5. Senior Officers should ensure that stocks and stores are not carried in excess of economic requirements.
6. All 'moveable' property will only be disposed of in accordance with procedures approved by the Chief Finance Officer.
7. The Chief Finance Officer will maintain a register of all assets owned by the **Combined Authority**.
8. Senior Officers shall inform the Chief Finance Officer of all relevant details, including financial implications, relating to the purchase, lease, holding or sale of assets held on the **Combined Authority's** behalf.
10. All **Combined Authority** assets must be used solely for official **Combined Authority** business. **Combined Authority** assets must not be used for personal use.
11. Where any irregularity is suspected in the custody or use of a **Combined Authority** asset, the matter must be treated as a financial irregularity and reported immediately to the appropriate Senior Officer and Internal Audit provider.

## **Section 16 – Asset Leasing**

### **Why is this important?**

The **Combined Authority** has freedoms to pursue various capital and revenue options for the funding of asset acquisitions. It is therefore important to ensure the most cost effective form of funding is sourced for each acquisition. This may or may not be leasing, but where leasing is pursued the reporting requirement must be carefully considered.

### **Objectives of controlling Asset Leases:**

- To ensure terms and conditions of leases are appropriate.
- To ensure the lease is correctly recorded in the **Combined Authority's** accounts.
- To ensure compliance with Procurement Regulations.

### **Implications if above objectives are not achieved:**

1. The cost of leasing the asset is greater than alternative finance options.
2. The **Combined Authority's** accounts are incorrectly stated.
3. Legal challenge as a result of a breach in Procurement Regulations.

### **Key Responsibilities for Staff & Members:**

1. Senior Officers must refer all proposed leasing arrangements, within their Service areas, to the Chief Finance Officer.
2. Approval must be obtained from the Chief Finance Officer for all asset leases.

## Section 17 – Insurance

### Why is this important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Insurance, either through external providers or through the **Combined Authority**'s own fund, form a vital part of the management of these risks.

### Objectives of Insurance:

- To ensure that risks exceeding acceptable levels are determined and adequately insured against where appropriate.
- Material risks are monitored on an ongoing basis, and the level of insurance cover (external or internal) adjusted accordingly.

### Implications if above objectives are not achieved:

1. The **Combined Authority** maintains insufficient risk reserves or insurance policies to cover the potential financial costs of replacement.
2. Claims are not processed efficiently or effectively.
3. Adverse publicity for the **Combined Authority**.

### Key Responsibilities for Staff & Members:

1. The Chief Finance Officer shall be responsible for:
  - a) Effecting appropriate insurance cover and maintaining the relevant administrative systems.
  - b) To manage the **Combined Authority**'s internal funding, including prescribing how claims should be made.
  - c) To negotiate all claims in consultation with the Insurers, Monitoring Officer and other officers, as necessary.
  - d) To include all appropriate employees of the authority in a suitable fidelity guarantee insurance, and provide adequate public liability, and employer's liability cover.
  - e) To periodically undertake a general revaluation of **Combined Authority** assets and effect appropriate changes to the corresponding insurance cover following revaluation.



- f) To identify claims trends and implement appropriate risk management measures.
2. Senior Officers shall notify the Chief Finance Officer (or their Insurance representative) promptly on any matters affecting insurance cover, including all new risks and amendments to existing risks.
  3. Senior Officers shall notify the Chief Finance Officer (or their Insurance representative) immediately, in writing, of any accident, loss, liability or damage or any event likely to lead to a claim on or by the **Combined Authority** whether covered by insurance or not. An admission of liability or blame should not be made either verbally or in writing.
  4. Senior Officers shall take all reasonable measures to reduce risk and liability within their Service areas. In addition, they shall ensure that work for external organisations is appropriately covered by professional indemnity insurance.
  5. Members and Officers of the **Combined Authority** who intend to travel abroad on official business must ensure that the necessary insurance cover has been arranged.

## **Section 18 – Value Added Tax (VAT)**

### **Why is this important?**

The purpose of this section of the regulations is to ensure that service managers and employees have a clear understanding of their responsibilities regarding VAT.

Like all organisations, the **Combined Authority** is responsible for ensuring that its VAT affairs are managed efficiently and in accordance with legislation. Tax issues are often very complex and the penalties for incorrect accounting for VAT can be severe. It is therefore very important that all officers are aware of their role so that the **Combined Authority** adheres to current VAT law and best practice.

In particular the **Combined Authority** can only recover VAT incurred on 'VAT-exempt' business activities if the total falls below its 'partial exemption' limit. Detailed planning is required to ensure that the **Combined Authority** can continue to recover this VAT, on both new schemes and existing expenditure.

### **Objectives of taxation control processes:**

To ensure that the **Combined Authority** only pays the correct amount of VAT and accounts for it in accordance with statutory requirements:

- budget managers are provided with relevant information and kept up to date on VAT issues
- budget managers are instructed on required record keeping
- all taxable charges and payments are identified, properly carried out and accounted for within stipulated timescales
- records are maintained in accordance with **Combined Authority** instructions and subject to internal checks
- accurate returns are made to the appropriate authorities within the stipulated timescale.

### **Implications if above objectives are not achieved:**

1. Unnecessary payment of taxes or under-recovery of tax due, leading to wasted resources;
2. Failure to identify taxable income and pay over the tax due, leading to possible assessments, interest and penalties, as well as considerable extra work;

3. Incorrect or duplicate recovery of VAT paid to suppliers, again leading to additional costs and work;
4. Inadequate planning or lack of consultation leads to poor decisions, resulting in errors or a loss of income;
5. Failure to consult early on expenditure related to VAT-exempt income adding to the risk of the **Combined Authority** breaching its 'partial exemption' limit.

### **Key Responsibilities:**

#### **1. The Chief Finance Officer will:**

- Maintain up to date guidance about VAT for **Combined Authority** employees, and provide updates and advice to staff.
- Respond to all queries from Services, seeking external advice if necessary.
- Make checks of VAT charged to customers and to be reclaimed, then ensure completion of a monthly return of VAT inputs and outputs to Her Majesty's Revenue & Customs (HM Revenue & Customs).
- Deal with all visits and correspondence from HM Revenue & Customs.
- Ensure that the VAT incurred in relation to 'exempt' business income is not at risk of exceeding the partial exemption limit in any financial year, and undertake the annual calculation after the year end.

#### **2. Senior Managers will have responsibility:**

- To ensure that staff are trained to deal with VAT correctly
- To ensure that the correct VAT is paid from income due to the **Authority**, and that VAT on purchases is recovered in line with HM Revenue & Customs regulations.
- To follow the instructions on taxation issued by the Chief Finance Officer on the **Combined Authority's** VAT intranet site and in other documents.
- To check the VAT status of any new type of income with the VAT Analyst
- To ensure that all new schemes, in particular involving capital expenditure or changes to current arrangements, that in service areas which involve VAT-exempt income, are notified to the **Combined Authority's** VAT Analyst at the earliest opportunity.
- To liaise with the **Combined Authority's** VAT Analyst if there is any type of query concerning VAT or if it is believed that an error may have occurred.

## Section 19 - Information Systems Management

### Why is this important?

Information is a key business enabler and Services are heavily reliant on information and information systems (electronic or manual) to deliver services and manage business processes. As such, reliable and well managed information systems are an essential element of service provision.

The purpose of this section of Financial Regulations is to ensure that users of the **Combined Authority**'s information and information systems are aware of their role and responsibilities relating to the processing, handling and storage of information.

### Objectives and Risks

The principle objectives of good information systems management are to ensure that:

- All information systems conform to **Combined Authority** policies and standards;
- Systems are reliable and well managed, information is secured and protected and that confidentiality, integrity and availability are maintained;
- Systems are procured, developed, implemented and maintained to ensure that maximum benefit is obtained by using them to their full potential; and
- Contingency plans are developed and maintained so that loss and service delivery disruption is minimised in the event of disaster occurring.

The **Combined Authority**'s information and information systems are important business assets and as such need to be appropriately managed to ensure that customer satisfaction, competitive edge, financial viability, legal compliance and reputation are maintained.

Information and information systems are faced with risks and threats from a wide range of sources, including technology-assisted fraud, espionage, sabotage, vandalism and environmental disasters such as fire and flood.

In order to mitigate these risks the **Combined Authority** has identified the following factors as critical to the successful implementation of good information systems management.

**1. Information Management Policies**

The Chief Finance Officer shall ensure that appropriate policies and procedures are in place to set clear direction in line with business objectives and demonstrate support for, and commitment to, information management standards throughout the **Combined Authority**.

The **Combined Authority**'s principle objectives in good information management are outlined in relevant information and security policies.

**2. Organisational Security**

The Chief Finance Officer shall ensure that a management framework is established to initiate and control the implementation of good information management throughout the **Combined Authority**.

Information management is a business responsibility shared by all information users, therefore all managers and users have a role and responsibility for adopting good practice, processing information in a secure and efficient manner and complying with **Combined Authority** Policies and standards.

**3. Asset Control**

Owners should be identified for all assets, hardware, software and information, and the responsibility for the maintenance of appropriate controls should be assigned. The implementation of specific controls may be delegated by the owner as appropriate but the owner remains responsible for the proper protection of these assets.

Information, (including: databases & data files, contracts & agreements, system documentation, user manuals, training material, operational or support procedures), is an asset and to ensure that information receives an appropriate level of protection it should be classified to indicate the need, priorities, and expected degree of protection. The **Combined Authority**'s information classification scheme should be used to define an appropriate set of protection levels and communicate the need for special handling measures.

**4. Records Management**

**Records Retention** - System owners are responsible for disseminating responsibility to their staff, to ensure that all records are kept for the minimum amount of time as required by relevant legislation or as detailed in **Combined Authority** policies.

**Records Disposal** - All hardware, software and records, (both electronic and hardcopy), that are obsolete or have reached the end of their lifecycle should be securely destroyed.

## 5. **Personnel Security**

Senior Managers shall ensure that information management responsibilities are addressed with all employees in their service areas, ideally prior to engagement, and that the terms and conditions of employment provide assurance that employees, contractors and third party users understand their responsibilities.

All employees of the **Combined Authority** and, where relevant, contractors and third party users should receive appropriate awareness training and regular updates in **Combined Authority** policies and procedures. Third party users are required under the Application Hosting Policy to sign an agreement in relation to their roles and responsibilities.

## 6. **Physical and Environmental Security**

To prevent unauthorised access, damage, or interference to **Combined Authority** premises, equipment and information processing facilities the Chief Finance Officer is to ensure that procedures are implemented that ensure:

- all critical and/or sensitive information processing facilities and equipment are housed in secure areas;
- buildings are protected by defined security perimeters, with appropriate security barriers and entry controls; and
- precautions are taken to ensure that access to all PCs, laptops and any other communications devices is restricted at all times to authorised personnel. (Refer to the System Access & Password Management Policy)

## 7. **Information Processing**

The Chief Finance Officer and IT Services provider are to ensure that responsibilities and procedures for the management and operation of all information processing

facilities are established. Segregation of duties should be implemented, where appropriate, to reduce the risk of negligent or deliberate system misuse.

#### **8. Access Control**

Access to information, information processing facilities, and business processes should be controlled on the basis of business and security requirements. Access control rules should take account of the Combined Authority's policies for information dissemination and authorisation.

The System Access and Password Management Policy provides further detail.

#### **9. System Procurement, Development and Maintenance**

Information management requirements should be identified and agreed prior to the any procurement, development and/or implementation of information systems. All information management requirements should be identified at the requirements phase of a project, justified, agreed, and documented as part of the overall business case for an information system.

Major procurement of hardware and software systems is in the first instance to be referred to the Chief Finance officer for advice and approval including receiving assurance that security, legal compliance and information management issues are managed.

#### **10. Information Security Incident Management**

The IT Services provider shall ensure that formal security incident reporting and escalation procedures are in place.

All employees, contractors and third party users should be made aware of the procedures for reporting the different types of incidents, events and weaknesses that might have an impact on the management of the Combined Authority's information and information systems.

#### **11. Business Continuity Management**

The Senior Leadership Team shall ensure that a business continuity management process is implemented to minimise the impact on the Combined Authority and recover from loss of information assets (which may be the result of, for example,

natural disasters, accidents, equipment failures, and deliberate actions) to an acceptable level through a combination of preventive and recovery controls.

This process should identify the critical business processes and integrate the information security management requirements of business continuity with other continuity requirements relating to such aspects as operations, staffing, materials, transport and facilities.

## 12. **Compliance**

The Chief Finance Officer shall ensure that adequate policies and procedures are in place to ensure compliance with all relevant legislation in respect of information held, both electronic and hard copy, including, but not limited to:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Computer Misuse Act 1990
- Copyright, Designs and Patents Act 1988

Senior Managers shall ensure that the processing of person-identifiable information within their service areas is carried out in accordance with the 8 Data Protection Principles.

Senior Managers are to ensure that adequate processes and procedures are in place within their service areas to liaise with the **Data Protection Officer** to ensure that information requests are satisfied within the statutory timescales contained within the appropriate legislation.

Senior Managers shall inform the **Authority's Data Protection Officer** of all issues concerning data protection identified within their service areas.



## **Section 20 – ‘Employee’ Interests, Gifts and Hospitality**

### **Why is this important?**

The public is entitled to expect conduct of the highest standard from Local Government employees. Public confidence in the integrity of such persons will be shaken by the least suspicion, however ill-founded, of influence being exerted on **Authority** business, through financial (or other) inducements or conflicts of interests.

The purpose of this section of the regulations is to ensure that all employees (and other individuals engaged in official **Combined Authority** business) have a clear understanding of their responsibilities when they have an interest or receive / give gifts and hospitality related to their **Combined Authority** position.

Failure to declare interests, gifts and hospitality could be a breach of legislation. Section 117 of the 1972 Local Government Act requires individuals to declare any financial interest, whether direct or indirect, in any existing or proposed contract. The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It is also be an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. A corporate offence is created under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place "adequate procedures" designed to prevent bribery by or of persons associated with the organisation.

### **Objectives of guidance and rules governing possible conflicts of interest:**

The key objectives are:

- Ensure that the interests of the public remain paramount;
- Officers are impartial and honest in the conduct of their official business;
- Public monies is used to the best advantage of the **Combined Authority**, always ensuring value for money.

It is important that all potential conflicts of interests are properly identified and recorded and that a record of appropriate action taken is made. This will assist in maintaining public confidence and assist in achieving the **Combined Authority**'s commitment to tackle fraud and corruption within or external to the organisation.

**Key Responsibilities for Employees and other individuals engaged on Authority business:**

1. All employees must be aware of the Employee Code of Conduct
2. On starting employment / engagement (consultant or agency worker) on Combined Authority work or at any time during the period of employment / engagement individuals must declare 'interests' by notifying the Monitoring Officer.
3. The Register of Interests will be maintained to enable employees to submit declarations to the Monitoring Officer. Interests will include:
  - Organisation Membership (not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct)
  - Other employment / business
  - Land Interest
  - Financial Interest
  - Family / Friends
4. During the course of their duties, employees may receive offers of gifts and hospitality of one form or another and it is important that employees are able to recognise what is, and what is not, acceptable. The following guidelines should be adhered to:
  - Acceptance of gifts and hospitality must be recorded in a Gifts & Hospitality Register to be maintained by the Monitoring Officer.
  - Gifts which may be sent / offered to employees by outside contractors or organisations should be returned politely with a suitable official letter, and details recorded in the Register.
  - Gifts can only be accepted when they are of nominal value, i.e. less than £25; or functional items suitable for business use, e.g. diaries, calendars, and pens.
  - On no account should an employee accept either secondary employment or a financial payment from any person, body or organisation, with which the Combined Authority is involved, e.g. contractors, developers, consultants.
  - Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, social functions, in connection with their official duties shall be at the Combined Authority's expense.
  - Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.

- Where offers of hospitality are made, i.e. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the **Combined Authority**, and the hospitality would not expose the **Combined Authority** to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the relevant Senior Manager approval in advance, and must be recorded in the Register of Gifts and Hospitality.
  - **Offers of hospitality in the form of purely social events and sporting occasions should on no account be accepted when these are from organisations with which the Combined Authority has commercial links. However, invitations to social events from non-commercial organisations with which the Combined Authority has a partnership arrangement will be acceptable, but must have Senior Manager advance approval, and must be recorded in the Electronic Register.**
  - Regular social contact, i.e. drinks in a public house, with representatives of organisations which supply, or hope to supply, goods or services to the **Combined Authority** must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they “pay their way” and that the costs of such contact are not met by the other party.
  - For their own protection, officers may wish to consider recording such events in the Electronic Register.
  - Apart from participating in concessionary schemes arranged by the **Combined Authority**, trade unions or other groups for their members, employees shall not avail themselves of the services of contractors employed by the **Combined Authority** for acquiring services, materials, labour or plant at cost, trade or discount prices.
5. **Suspected irregularities concerning conflicts of interest, giving and acceptance of gifts & hospitality must be reported without delay to the Monitoring Officer, and where appropriate, to the Chief Executive.**
  6. **Employees responsible for the purchase of goods and supplies on behalf of the Combined Authority should note that any promotional offers given by suppliers are the property of the Combined Authority.**
  7. These promotional offers normally take the form of a free gift, a holiday offer or vouchers towards goods. Promotional offers should **ONLY** be used for the benefit of the **Combined Authority**, and the Senior Manager concerned will decide how such offers are to be used.
  8. All promotional offers accepted and declined and the course of action determined by the Senior Manager must be recorded in the Register.

## **Section 21 – Corporate Purchasing Cards (Credit Cards)**

### **Why is this important?**

A corporate purchasing card is an efficient and effective option of procuring goods and services which are generally a one off or ad hoc expense. Only authorised permanent employees will be provided a purchasing card with the agreement of the relevant Senior Manager.

The purpose of this section of the regulations is to ensure that all employees have a clear understanding of their key responsibilities when using the **Combined Authority's** Corporate Purchasing Card.

### **Objectives of the Corporate Purchasing Card:**

Purchasing Cards streamline the purchasing process and offer the following benefits:

- Reduce Supplier Set-Up in the **Authority's** Financial System
- Reduce number of purchase orders raised and invoices processed,
- Increase speed of payment to suppliers,
- Increase the speed of obtaining goods and services.

### **Implications if the purchasing card is not used appropriately:**

1. Failure to secure value for money (there's a requirement to obtain quotes and tenders - Contract Standing Orders);
2. Payments are made for non-business use goods and services;
3. Payments are duplicated;
4. Loss of recoverable VAT;
5. Fraud & theft
6. Inaccurate coding of Expenditure

### **Key Responsibilities for Staff:**

1. The Chief Finance Officer will be responsible for authorising all Purchasing Card application forms.
2. The Chief Finance Officers must authorise the issue of all new Purchasing Cards to members of permanent staff only.

3. Senior Managers will be responsible for agreeing the transaction, monthly credit limits and categories of expenditure for all Corporate Purchasing Cards issued within their Service.
4. All Cardholders must abide by the requirements of the Purchasing Card Terms & Conditions and the Purchasing Card Procedure Guide.
5. The cardholder must ensure that the Purchasing Card issued to them is kept in a safe place at all times and access is strictly limited.
6. The Purchasing Card must only be used to purchase goods or services on behalf of the **Combined Authority** and must only be used by the named cardholder.
7. All purchasing card holder should obtain a VAT or “retailer’s” receipt. This should be retained until the card holder has verified the sums shown on the monthly statement.
8. Some suppliers are “VAT-enabled” and the statement will show purchases net of VAT. For those suppliers where the amounts are shown gross and (subject to being material as defined in the guide) the cardholder should reclaim VAT for these items and when it is reclaimed they must retain the receipt to evidence the transaction.
9. The cardholder must ensure that purchasing card transactions are accurately coded in the **Combined Authority**’s Financial System.
10. Senior Managers must ensure that the detailed procedures and key controls, as specified in the Purchasing Cards Procedures Guide, are strictly followed.
11. Any misuse of the Purchasing Card will be treated as misconduct and subject to normal disciplinary procedures.

## **Section 22 – International Travel**

### **Why is this important?**

If International travel, by **Combined Authority** Officers and Members, is not administered efficiently and robustly, the **Combined Authority** is very open to criticism and loss of reputation.

It is critical that the decision making process and rationale is clearly documented to include all aspects of the trip, such as expected outcomes/benefits, lead officer, number of **Combined Authority** officers, external parties/delegates, rationale for numbers etc, overall budget required and reporting requirements both before and after the trip.

The **Combined Authority**'s Financial Regulations and Standing Orders will continue to apply when arranging and making payments for international visits.

### **Objectives of International Travel Guidelines:**

- To ensure that **Combined Authority** Members and Officers obtain value for money and that the **Combined Authority** only incurs expenditure on activities relating to officially approved international visits.

### **Implications if above objectives are not achieved:**

1. Failure to secure value for money.
2. Travel not officially authorised
3. Resources may be used inappropriately
4. Loss of reputation to the **Combined Authority** and adverse publicity
5. Loss of recoverable VAT

### **Key Responsibilities for Staff & Members:**

1. The **Combined Authority**'s Financial Regulations and Contract Standing Orders will continue to apply when arranging and making payments for international visits.
2. All **Combined Authority** Members and Officers must have formal **approval** of the Chief Executive or Chief Finance Officer before taking part in an international visit and entering into any commitments concerning that visit.
3. All staff taking part in international visits are under an obligation to minimise official expenditure, e.g. economy class air fares. However, staff should not expect

to be out of pocket on official visits (unless they undertake optional or private extensions or modifications to essential itineraries).

4. The maintenance of detailed and precise records of expenditure, together with obtaining receipts for all expenditure incurred, is essential. All financial records, associated with the visit, must be retained, as specified in the attached Code of Practice. Reimbursement of expenses claimed will only be made against receipts.
5. Travel Insurance must be obtained from the Combined Authority's Insurance Officer immediately on booking any travel arrangements.
6. If free accommodation is offered in a host country, either in the homes of colleagues or elsewhere then staff should accept it following completion of a H&S assessment.
7. Combined Authority Purchasing Cards (Credit Cards) must only be used for Official Combined Authority expenditure incurred on approved visits.
8. A report detailing the benefits of the visit must be submitted to the relevant Senior Officer upon the completion of the visit.

## Section 23 – Commissioning & Procurement

### Why is this important?

1. The West of England Combined Authority spends a large sum of money each year on contracts, for works, supplies or services. These Financial Regulations apply to all contracts and must be read in conjunction with the Combined Authority's Contract Standing Orders.

These Financial Regulations are intended to support the Combined Authority's Contract Standing Orders in order to:

- Secure the best value for the Combined Authority,
- Prevent corruption or the suspicion of it; and
- Subject to the above, be fair and transparent to those seeking to contract with the Combined Authority.

### **Objectives of our Commissioning and Procurement:**

- To recognise Social Value for the community. This means targeting opportunities for the local economy, providing for a sustainable future and supporting the vulnerable.
- To always aim to think innovatively and work across organisational and service boundaries. This means identifying opportunities with partners to meet our sourcing needs.
- To always aim to deliver value for money to the taxpayer. We will provide clarity on expectations, be commercial in our approach and drive efficiency and benefits out of our systems'
- To use intelligent information and analysis to understand our market place and create a workforce with the right capacity and skills to exploit this knowledge for the community.
- To provide a fair, consistent and proportionate framework of governance, rules and guidance to enable us to be transparent and accountable for our decisions

### **Objectives of the Smarter Commissioning & Procurement**

- To ensure that works, goods and/or services meet the needs of the Combined Authority



- To secure value for money by obtaining the best price and quality for works goods and/or services ordered.
- To establish contractual arrangements that clearly defines the responsibilities of each party to the contract.
- To ensure the **Combined Authority** complies with EU legislation.
- To ensure that appropriate contract management arrangements are put in place.

**Implications if above objectives are not achieved:**

1. Failure to support local economy and our communities;
2. Failure to secure value for money;
3. Failure to be transparent around our systems, objectives and processes;
4. Delays to delivery of contracts whilst legal challenges are dealt with and increased costs incurred in order to defend the **Combined Authority's** position.

**Key Responsibilities for Staff & Members:**

1. Senior Managers **must** establish a commissioning intentions schedule that at minimum covers a rolling long term programme (3 to 5 years) of future commissioning and procurement activity.
2. Every contract made by the **Combined Authority must** be awarded in line with the **Combined Authority's** procurement and commissioning objectives including complying with the **Combined Authority's** Contract Standing Orders.
3. Senior Managers must ensure that all Officers in their Service area that have been nominated as 'Responsible Officers' (RO) for contract management purposes have been appropriately trained in the **Combined Authority's** approach to procurement and commissioning.
4. Senior Managers **must** ensure that all contracts are appropriately recorded on the **Combined Authority's** Contracts Register.
5. Senior Managers **must** ensure that requests for quotations and invitations to contract with the **Combined Authority** comply with the **Combined Authority's** Contract Standing Orders.
6. Where corporate contracts are in place Senior Managers **must** ensure they are used.
7. The RO for each contract shall ensure that all instructions have been appropriately authorised and issued before the goods are ordered, services requested or works are undertaken.

8. The RO must obtain appropriate VAT advice in relation to all contracts to provide services to the public to ensure the appropriate VAT treatment is applied.
9. The RO **must** ensure that all contract documentation is correct (obtaining appropriate technical advice) before agreeing on the **Combined Authority's** behalf. This will include any clearance required through the **Combined Authority's** Democratic processes.
10. Any changes to the nature, value, term or any other changes **must** be agreed by the Senior Manager in line with the contract variation process identified in the original contract (subject to appropriate technical advice and appropriate **Combined Authority** approval process). Any change **must** be reflected and updated on the Contract Register.
11. All instructions to suppliers and payment arrangements **must** be in a form agreed by the Chief Finance Officer or his/her delegated Officer.
12. The Chief Finance Officer **must** agree arrangements for the financial vetting of prospective contractors.
13. The Senior Manager **must** establish appropriate contract management arrangement for the regular review of contractual performance of the contractor that allows performance issues to be identified and addressed in line with the terms of the contract.

## Section 24 – External Arrangements Partnerships

### Why is this important?

Partnerships bring together key public agencies, the business community and the independent sector (voluntary and community sector organisations, further and higher education, neighbourhoods) to address the shared priorities for the area and to tackle the issues that no single agency can do on their own. The **Combined Authority** provides a distinctive leadership role to promote / improve the economic, social or environmental well-being of its area and people. Local Authorities can mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations.

A Partnership is a joint working arrangement where the partners:

- are otherwise independent bodies;
- agree to jointly deliver common goals and outcomes for the community;
- share accountability, risks and resources, and
- create an organisational structure with agreed processes and programmes.

Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- be open about any conflict of interests that might arise, including those where **Combined Authority** staff have been seconded to work on the project;
- to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

### Key controls

The key controls for partnership arrangements are:

- ensuring that partnership arrangements are underpinned by clear and well documented internal controls.
- risk management processes are in place to identify, assess and allocate all known risks.
- appraisal processes are in place to assess the viability of the partnership in terms of resources, staffing and expertise.
- the roles and responsibilities of each partner involved in the project are agreed and formally accepted before the project commences.
- adequate arrangements are in place to ensure the accountability of other organisations for **Combined Authority** money, and that such money is only released against proper controls.
- regular communication is maintained with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.
- documentation is in place setting out and limiting the commitments of parties to each other and the project.

#### **Responsibilities of the Chief Finance Officer**

1. To advise on effective controls that will ensure that resources are not wasted.
2. To advise on the key elements of funding a project. They include:
  - scheme appraisal for financial viability in both the current and future years.
  - risk appraisal and management.
  - resourcing, including taxation issues.
  - audit, security and control requirements.
  - carry-forward arrangements.
3. To ensure that the accounting and reporting arrangements are satisfactory.
4. To advise on the governance and performance management of partnership arrangements.
5. To ensure that when the **Combined Authority** is the "Accountable Body" there are adequate controls and governance arrangements in place.

#### **Responsibilities of Senior Managers**

1. That the key components of a Partnership Governance Framework are in place. This includes:
  - Ensuring that, before entering into agreements with external bodies, a business case and risk management appraisal has been prepared and considered.

- Ensuring that all agreements and arrangements are properly documented.
- Ensuring that such agreements and arrangements do not impact adversely upon the objectives and services of the **Combined Authority**.

### **Detailed Requirements**

1. The **Combined Authority** is responsible for approving significant partnership arrangements. The **Combined Authority** is the focus for forming partnership arrangements with other public, voluntary and community sector organisations to address local needs.
2. The **Combined Authority** may be able to delegate functions, including those related to partnership, to officers. This will be set out in the delegations that form part of the **Combined Authority's** constitution. When functions are delegated, the **Combined Authority** remains accountable for them.
3. A Business Case for partnership must be submitted for approval to the **Combined Authority** for significant partnerships. A thorough risk assessment of the partnership must be made as part of the Business Case.
4. For each approved partnership, a Link Officer must be appointed. The Link Officer is responsible for reviewing governance arrangement and effectiveness and reporting to the relevant Senior Manager.
5. A Partnership Agreement must be completed and signed by all members of the Partnership. This agreement must follow an approved format as agreed with the Monitoring Officer.
6. The Link Officer must perform a review of the partnerships governance, performance and effectiveness at least annually for review by the **Combined Authority** or relevant Senior Manager. The review must demonstrate a continuing business case for the partnership or if not exiting the partnership must be considered.
7. The partnership must perform regular risk assessments and maintain a risk register.
8. It shall be clear that officers put forward to represent the **Combined Authority** on partnerships and external bodies are there on the **Combined Authority's** behalf and to ensure that the **Combined Authority's** interests, position and aspirations are protected. If the achievement of the objectives of the partnership becomes inconsistent with this, there is a conflict of interest. If there is a conflict of interest, an officer's first duty is always to the interests of the **Combined Authority**. Where an officer is appointed to a legally constituted company (not a partnership) the officer will be bound by the company's memorandum and articles. In this appointment the officer must represent the interests of the Company.

## Section 25 – External Funding

### Why is this important?

External funding is potentially a very important source of finance, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the **Combined Authority**. Local Authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external sources such as Government Departments, Government Agencies, National Lottery, European Union etc. provide potential resources to assist the **Combined Authority** to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the **Combined Authority's** overall plan.

### Key controls

The key controls for external funding are that:

- funds are accepted only if they meet the strategies and priorities approved by the **Combined Authority**.
- the requirements of the Funding Body are clearly understood to ensure that key conditions of funding and any statutory requirements are complied with.
- any match-funding requirements are given due consideration prior to entering into long-term agreements and that revenue budgets reflect these requirements.

### **Responsibilities of the Chief Finance Officer**

1. To review all grant application prior to submission.
2. To ensure that all funding notified by external bodies is received and properly recorded in the **Combined Authority's** accounts.
3. To ensure that audit requirements are met.

### **Responsibilities of Senior Managers**

1. To obtain approval from Chief Finance Officer for grant applications.
2. To ensure permissions are in place to incur expenditure funded by grant, including within the approved Revenue or Capital budgets as appropriate.
3. To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

4. To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenues are able to meet these requirements.
5. To ensure that all claims for funds are made by the due date.

## Section 26 – Work for Third Parties

### Why is this important?

Local authorities can enter into a wide range of agreements to do work with each other and with some (but not all) public bodies. It is usually illegal for them to enter into agreements to do work for the private sector. Such an agreement may enable the **Combined Authority** to provide a range of services to other bodies. Such work may enable economies of scale and sharing of existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires (i.e. within the **Combined Authority's** legal powers).

### Key controls

The key controls for working with third parties are that:

- proposals are costed and reviewed for accuracy and completeness prior to submission;
- no process is started that might lead to the **Combined Authority** agreeing to do work for an outside body whether public sector or otherwise, without first seeking the advice of the Monitoring Officer as to whether this is within the **Combined Authority's** legal powers;
- no process is started that might lead to the **Combined Authority** agreeing to do work for an outside body, whether public sector or otherwise without first establishing and recording that there is a clear economic case why doing the work is in the **Combined Authority's** best interests;
- contracts are drawn up using with the advice / guidance of the **Combined Authority** Monitoring Officer;
- guidance is issued with regard to the financial aspects of third party contracts and the maintenance of the contract register;
- the **Combined Authority** has insurance cover for any potential liabilities that could arise to the recipient of the service and any third party, and that the cost of this has been included with the overheads when calculating the fees to be charged.

### **Responsibilities of Chief Finance Officer**

1. To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of Senior Managers**



1. To ensure that the approval of the **Combined Authority** is obtained before any negotiations are concluded to work for third parties.
2. To ensure that the **Combined Authority** does not enter into any agreement that is beyond its power.
3. To ensure that no contract is subsidised by the **Combined Authority**.
4. To ensure that, wherever possible, payment is received in advance of the delivery of the service.
5. To ensure that the Service / Team has the appropriate expertise to undertake the contract, and that such contracts do not impact adversely upon the services provided for the **Combined Authority**.
6. To ensure that all contracts are properly documented **and retained**.

# West of England Combined Authority

## Contract Standing Orders

**2017**

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## PART B

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## **A Statement of Principles**

### **1. Mandatory Compliance**

2. Officers of the **Combined Authority** must comply with these Contract Standing Orders in all instances when buying goods, services and works on behalf of **Combined Authority** and failure to comply may result in disciplinary procedures.

### **3. General Principles**

- 3.1 These Contract Standing Orders (“CSOs”) provide the framework that governs the **Combined Authority**’s commissioning and procurement of Contracts for works, services and goods / supplies. Following these CSOs helps **the Combined Authority** to demonstrate:

- 3.1.1. good internal governance;
- 3.1.2. stewardship and the proper spending of public monies;
- 3.1.3 Value for Money in **the Combined Authority**’s Contracts;
- 3.1.4 compliance with relevant law.

- 3.2 The purpose of all contracting activity is to:

- 3.2.1 seek continuous improvement of the **Combined Authority**’s functions having regard to the optimum combination of economy, efficiency and effectiveness in keeping with **the Combined Authority**’s duty to seek Best Value (and Value for Money);
- 3.2.2 achieve Value for Money for **the Combined Authority** and the Residents, with reference to the economic, social and environmental value of each Contract;
- 3.2.3 promote the well-being of **the Combined Authority**’s Residents and Area through the effective functioning of **the Combined Authority**, the efficient use of the **Combined Authority**’s resources, and a universal concentration on the Social Value that can be achieved.

- 3.3 Every Contract and official order made by the **Combined Authority** (or any part of it) shall be for the purpose of achieving fulfilment of the **Combined Authority**’s statutory functions or the furtherance of the **Combined Authority**’s strategic or policy goals.

- 3.4 The Appendices to these CSOs provide further detail and form part of these CSOs as if they were drafted as one document. Any questions about the application of these CSOs should be directed to the Monitoring Officer.
- 3.5 All figures in these CSOs are **exclusive** of VAT unless stated otherwise.
- 3.6 Officers will:
- 3.6.1 ensure that the **Combined Authority** is consulted on any significant procurement activity prior to its publications in the **Combined Authority's** Forward Plan;
  - 3.6.2 ensure that audit trails are in place for all procurement activity in accordance with these CSOs.

#### **4. What these CSOs Cover**

- 4.1 These CSOs apply:
- 4.1.1 whenever the **Combined Authority** intends to spend money (or provide other payments in kind) under Contracts for goods (supplies), works or services;
  - 4.1.2 to expenditure from either capital or revenue sources; concessions;
  - 4.1.4 to grants;
  - 4.1.4 to goods for re-sale;
  - 4.1.5 to both Officers and Members;
- 4.2 These CSOs **do not** apply:
- 4.2.1 to contracts of employment;
  - 4.2.2 to acquisitions and disposals of land or buildings (these are covered by the **Financial Regulations**) – unless related to a Contract for works, services or goods;
  - 4.2.3 to the seeking of offers in relation to financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, in particular transactions by the **Combined Authority** to raise money or capital;
  - 4.2.4 to internal “contracts” between departments within the **Combined Authority**.
  - 4.2.5 In the case of civil contingencies
  - 4.2.6 In the case of individual investments which are not deemed as the purchase of goods or services for the purposes of the **Combined Authority's** CSO's

- 4.3 In exceptional circumstances only, certain exemptions can be approved by following the process set out at **Appendix 2 (CSO Exemptions)**. The persons who are authorised to approve the exemptions are set out in **Appendix 12 (Scheme of Delegations)**. Seeking an exemption of these CSOs **does not** exempt the **Combined Authority** from complying with the General Principles or with general law.
- 4.4 These CSOs can only be amended by the Monitoring Officer in consultation with the Section **73** Officer as may be required from time to time to ensure they are consistent with Statute and the Strategies and Policies of the **Combined Authority**.

## 5. Other Key Documents

- 5.1 These CSOs should be read alongside the following:

- 5.1.1 the **Combined Authority**'s Procurement Strategy;
- 5.1.2 the **Combined Authority**'s Financial Regulations;
- 5.1.3 Transparency Code;
- 5.1.4 Any other guidance provided by the **Combined Authority** or its Statutory

Officers:

- 5.2 Anyone undertaking purchasing activity on behalf of the **Combined Authority** (but especially in the context of purchasing value above the EU Thresholds) **MUST** refer to the following documents, where appropriate:
- 5.2.1 the Public Contracts Regulations 2015, and Directive 2014/24/EU on public procurement;
  - 5.2.2 the Public Services (Social Value) Act 2012;
  - 5.2.3 the Bribery Act 2010;
  - 5.2.4 the Small Business, Employment and Enterprise Act 2015;
  - 5.2.5 the Equalities Act 2012;
  - 5.2.6 the Modern Slavery Act 2015
  - 5.2.7 any other relevant legislation

## 6. Commissioning Intentions

- 6.1 All procurements over £50k in value **MUST** be entered on the Commissioning Intentions list. This enables the **Combined Authority** to keep track of budgets and plan for future expenditure and it allows suppliers and the local community awareness of upcoming projects.
- 6.2 The Commissioning Intentions list will be maintained by the Section **73** Officer.

- 6.3 Applications to make an entry on the Commissioning Intentions list ***MUST*** be made via Section 73 Officer.



## **B Developing the Commissioning Plan**

### **7. General**

#### **7.1 What is the Commissioning Plan?**

Prior to entering into any procurement you **MUST** develop your business case by researching the procurement and speaking to all relevant parties, obtaining all relevant information. The Commissioning Plan falls out of this research and forms the business case that is approved prior to commencing the procurement.

#### **7.2 The requirement for goods and/or services **MUST** start with an identifiable need which reflects the Combined Authority's overall objectives identified within approved strategies, policies and Budgets. You **MUST** understand the business requirements and how it impacts all levels of the organisation and local community. Consider the relevance of the Combined Authority policies and procedures and how they have a bearing on the requirement.**

### **8. Budget**

#### **8.1 Before starting the procurement, you **MUST** have budgetary approval. You **MUST** establish the aggregated monetary value of your requirement early, as this identifies the process that you follow, influences the amount of work you do and indicates the level of interest that will be generated.**

### **9. Key stakeholders**

#### **9.1 You **MUST** identify the key stakeholders for the project including anyone impacted by the requirement. You should consider doing a Communications Plan for larger projects. You **MUST** be mindful of any Conflict of Interest and take necessary precautions to ensure that if there is a conflict, it is mitigated and/or managed. You **MUST** get Legal, Procurement and Financial advice prior to commencing any procurement.**

### **10. Proportionality**

#### **10.1 You **MUST** provide the suppliers the information they need to understand the requirement but not overload them with unnecessary information.**

## **11. Market Analysis**

11.1 Consider talking to suppliers before starting the procurement, trialling products, visiting supplier premises or the premises of a supplier's customer. The Regulations explicitly permit preliminary market consultation. This type of pre-procurement engagement or consultation could focus on:

What is being purchased?

Is the specification realistic? Is it too ambitious? Not ambitious enough?

What will the process look like?

Do potential bidders have any concerns about timescales, for example?

You **MUST** keep adequate records of market research carried out.

11.2 You **MUST** complete a procurement business case for any procurement above £50k prior to commencing the next stage. If the procurement is below £50k, you should provide evidence of authorisation by the budget holder.

## **12. Bidders' conflicts of interest**

12.1 If a potential candidate has advised the **Combined Authority** or been involved in the preparation of the procurement procedure, the **Combined Authority** is expected to take "appropriate measures" to ensure the resulting competition is not distorted by that candidate's pre-procurement involvement. This might include, for example, communicating relevant information to other candidates / tenderers. The **Combined Authority** cannot exclude a candidate from a procurement unless there is genuinely no other way to ensure that there is equal treatment of tenderers in the procurement process.

## C Developing the Procurement Plan

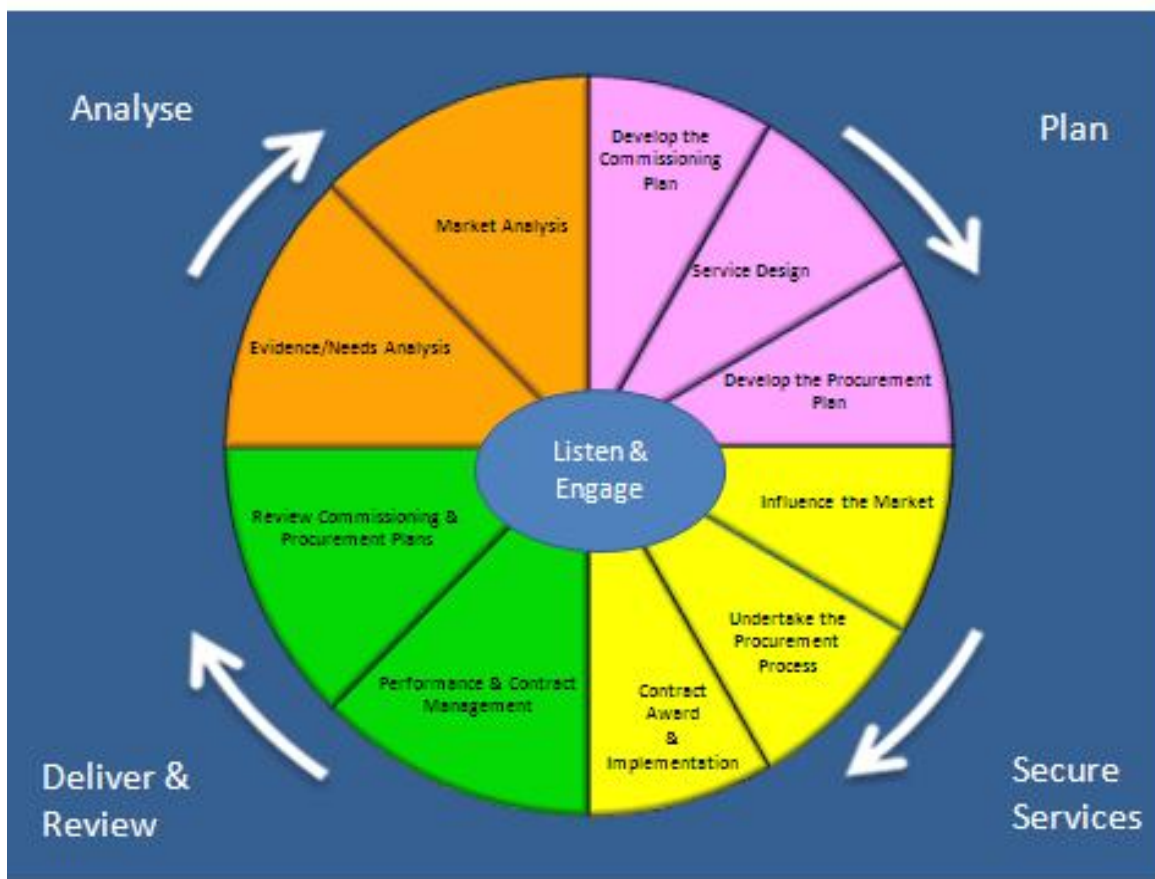
### 13. Procurement Plan

<b>DO YOU REALLY NEED IT? IF YOU WANT TO SAVE, DON'T SPEND!</b>
Allow plenty of time to draft the specification and the detail it will need
Think about how good or services could be provided locally
Does the scope include Social Value for Residents or the Area?  see <b>Appendix 6 (Social Value)</b>
Does the <b>Combined Authority</b> already have in place any Contract or Framework in scope which you should be using? Check the Contract Register  see <b>Appendix 7 (Contract Register)</b>
Is there an external Framework or Contract that you should be using?  see <b>Appendix 8 (Framework Agreements)</b>
How will you decide on the procurement route? –  see <b>Appendix 9 (Procurement Options)</b>
Should we be leasing rather than buying? See <b>Appendix 10 (Asset Leasing)</b>
If buying, what form of Contract are you going to use?  see <b>Appendix 11 (Contract Forms and Terms &amp; Conditions)</b>
Who has the delegated authority to agree the purchase/approve the procurement method and process/approve the Contract award? –  see <b>Appendix 12 (Scheme of Delegations)</b>
How will you decide who will win the Contract? –  see <b>Appendix 13 (Evaluation Criteria &amp; Debriefing)</b>

## D Undertake the Procurement Process

### 14. Procurement Process

14.1 The flowchart below illustrates the procurement and commissioning process from planning, through contracting with the supplier, performance monitoring and reviews and finally analysis of the outcomes and the market for future needs.



## 14.2 Summary Financial Thresholds

The table below defines the procurement process run by the procurer, dependent on the Contract value (see **Appendix 15 (Minimum Requirements)** for further details.

If you are purchasing IT Hardware or Software, you **MUST** do so in accordance with the IT Policy.

<b>1. BELOW £500:</b>
1.1 <b><i>Have you followed “Developing the Procurement Plan”?</i></b>
1.2 Consider use of a <b>purchasing card</b> .
1.3 Should preference be given to local suppliers where they exist and provided they offer Value for Money?
1.4 Demonstrate <b>Value for Money</b> by testing the market
<b>2. £501 – £5,000:</b>
<b>2.1 <i>Have you followed “Developing the Procurement Plan”?</i></b>
2.2 Should preference be given to local suppliers where they exist and provided they offer Value for Money?
2.3 Consider the <b>Social Value Policy</b> (and use <b>Toolkit</b> where relevant)
2.4 Demonstrate <b>Value for Money</b> by testing the market
2.5 [Recommended that you] record the new Contract on Contract Register.
<b>3. £5,001 – £50,000:</b>
<b>3.1 <i>Have you followed “Developing the Procurement Plan”?</i></b>
3.2 Should preference be given to local suppliers where they exist and provided they offer Value for Money?
3.3 Consider the <b>Social Value Policy</b> (and use <b>Toolkit</b> where relevant)
3.4 Obtain at least 3 written Quotes through ProContract if below £25k or advertise in Contracts Finder if contract is above £25K (see Appendix 20 Below Threshold Contracts)
3.5 DO NOT use a SUPPLIER SELECTION QUESTIONNAIRE. Consider what suitability questions to ask instead (see <b>Appendix 14 (Capability and Financial Checks)</b> )
3.6 Award the Contract based on your chosen criteria (price or price and quality).
3.7 You <b>MUST</b> record the new Contract on Contract Register
3.8 Advertise the Contract award via Contracts Finder
<b>4. £50,001 – £100,000:</b>
<b>4.1 <i>Have you followed “Developing the Procurement Plan”?</i></b>
4.2 You <b>MUST</b> add to Commissioning Intentions List
4.3 Consider the <b>Social Value Policy</b> (and use <b>Toolkit</b> where relevant)
4.4 Complete the <b>Business Case Approval Report</b>

4.5	Consider whether to call off from an existing framework
4.6	Advertise in <b>Contracts Finder</b> (see Appendix 20 Below Threshold Contracts)
4.7	DO NOT use a SUPPLIER SELECTION QUESTIONNAIRE. Consider what suitability questions to ask instead (see <b>Appendix 14 (Capability and Financial Checks)</b> )
4.8	You <b>MUST</b> take up references for the preferred bidder before award
4.9	Award the Contract based on your chosen criteria (price and quality) and complete a Procurement Evaluation Report.
4.10	You <b>MUST</b> record the new Contract on Contract Register
4.11	Advertise the Contract award via Contracts Finder
<b>5.</b>	<b>£100,001 – EU Threshold*:</b>
5.1	<b><i>Have you followed “Developing the Procurement Plan”?</i></b>
5.2	You <b>MUST</b> add to Commissioning Intentions List
5.3	You <b>MUST</b> apply the <b>Social Value Policy</b> (and use <b>Toolkit</b> where relevant)
5.4	Advertise in Contracts Finder (see Appendix 20 Below Threshold Contracts)
5.5	Complete the <b>Business Case Approval Report</b>
5.6	Consider whether to call off from an existing framework
5.7	DO NOT use a SUPPLIER SELECTION QUESTIONNAIRE. Consider what suitability questions to ask instead (see <b>Appendix 14 (Capability and Financial Checks )</b> )
5.8	You <b>MUST</b> take up references for the preferred bidder before award
5.9	Award the Contract based on your chosen criteria (price and quality) and complete a Procurement Evaluation Report.
5.10	You <b>MUST</b> record the new Contract on Contract Register
5.11	You <b>MUST</b> get the Contract sealed
5.12	Advertise the Contract award via Contracts Finder
<b>6.</b>	<b>Works contracts between goods and services threshold value and works Threshold*:</b>
6.1	<b><i>Have you followed “Developing the Procurement Plan”?</i></b>
6.2	You <b>MUST</b> add to Commissioning Intentions List
6.3	You <b>MUST</b> apply the <b>Social Value Policy</b> and <b>Toolkit</b>
6.4	Complete the <b>Business Case Approval Report</b>
6.5	Consider whether to call off from an existing framework
6.6	If not using an existing framework, advertise the Contract and invite tenders through ProContract (no need to follow an OJEU process)
6.7	You <b>MUST</b> evaluate the financial standing of the tenderers ( <b>See Appendix 14(Capability and Financial Checks)</b> ). You <b>CAN</b> use a SUPPLIER SELECTION QUESTIONNAIRE.
6.8	You <b>MUST</b> take up references for the preferred bidder before award
6.9	You <b>MUST</b> complete a Procurement Evaluation Report

6.10	Award the Contract based on your chosen criteria (price and quality)
6.11	You <b>MUST</b> get the Contract sealed
6.12	You <b>MUST</b> record the new Contract on Contract Register
<b>7.</b>	<b>Above EU Threshold:</b>
7.1	<b>Have you followed “Developing the Procurement Plan”?</b>
7.2	You <b>MUST</b> add to Commissioning Intentions List
7.3	You <b>MUST</b> apply the <b>Social Value Policy and Toolkit</b>
7.4	Complete the <b>Business Case Approval Report</b>
7.5	Consider whether to call off from an existing framework
7.6	Before commencing any procurement complete an <b>Approval to Procure Report</b>
7.7	If not using an existing framework, follow an EU-compliant procedure – see Appendix 19 ( <i>Procurement Options</i> ) – through ProContract
7.8	You <b>MUST</b> evaluate the financial standing of the winning bidder ( <b>Appendix 14 (Capability and Financial Checks)</b> ). If using a SUPPLIER SELECTION QUESTIONNAIRE, you <b>MUST</b> use the Cabinet Office Standard SUPPLIER SELECTION QUESTIONNAIRE
7.9	You <b>MUST</b> take up references for the preferred bidder before award
7.10	You <b>MUST</b> complete a Procurement Evaluation Report
7.11	Award the Contract based on your chosen criteria (price and quality)
7.12	You <b>MUST</b> get the Contract sealed
7.13	You <b>MUST</b> record the new Contract on Contract Register

\*The EU Threshold levels are given in **Appendix 16**. The Light Touch Regime for Health and Social Services type Contracts is explained at **Appendix 9 (Procurement Options)** and has different threshold levels.

Be aware that it is vital that you carefully estimate the value of the contract. If you have issued tenders for a below threshold contract and the tender responses indicate that the value of the successful tender will go above the threshold, you **MUST** stop the process and re-tender under OJEU. To avoid this, it is better to consider tendering under OJEU in the first instance.

## **E Contract Award & Implementation**

### **15. General**

15.1 It is critical that the Contract award and implementation are carried out effectively. Prior to contract award you **MUST** ensure that your objectives are fully addressed and that all approvals to award issues are covered.

### **16. Approval to Award**

16.1 A Procurement Evaluation and Approval Report **MUST** be completed in line with the Public Procurement Regulations. The report **MUST** explain in full how you have come to the decision to award to the particular supplier in question for all procurements above £50k.

16.2 The report concludes with an approval signatory to award the Contract. You **MUST** have the appropriate sign-off prior to notifying the supplier(s) of your decision. See **Appendix 12 Scheme of Delegations** for further details.

### **17. Notifying Suppliers**

17.1 Above the EU Thresholds there are strict rules on how to debrief suppliers including a **Mandatory** 10 day Standstill Period prior to confirming Contract award. **Appendix 14 Contract Award & Debriefing** gives more information.

17.2 If the supplier requests a face to face debrief, it is normal and courteous to do this where the Contract is complex, of high value and/or has taken a long time to complete, so long as you do so in a transparent and non-discriminatory way.

### **1.8. Publications**

18.1 For Contracts above the EU Thresholds, you **MUST** submit a Contract Award Notice in the OJEU.

18.2 All Contracts above £25K in value **MUST** be published on Contracts Finder. See **Appendix 20 (Below Threshold Contracts caught by Part 4 of the Regulations)**.

18.3 You **MUST** update the Contract Register (see **Appendix 7 (The Combined Authority's Contract Register)**)



- 18.4 You ***MUST*** file documents in the Contract Register in line with document retention policies (**see Appendix 17 Document Retention**).

## **F Post Contract Award**

### **19. General**

- 19.1 Once the Contract has been awarded you **MUST** put into place the agreed contract management controls and measures. You **MUST** review the process to ensure the Contract achieves its objectives and future benefits.

### **20. Contract Management**

- 20.1 You **MUST** establish processes for recording the receipt of goods and progress of work, reviewing performance reports etc.
- 20.2 You **MUST** put in place both formal and informal communications to manage the relationship, as appropriate.
- 20.3 You **MUST** put in place a method of capturing the views of the service users/interested stakeholders including feedback to them on the service performance

### **21. Reviews**

- 21.1 You **MUST** review the commissioning plan (against any changes in priorities/objectives)
- 21.2 You **MUST** review the risk assessments and make any amendments to resource assumptions
- 21.3 You **MUST** review procurement plans to identify any changes or improvements to methodology for next time
- 21.4 All answers to above **MUST** be used to inform future commissions

### **22. Continuous Improvement**

- 22.1 You should review your success against your original plans, i.e. did you achieve the outcomes you set out to achieve and do you understand what contributed to or prevented success?

22.2 You should share your learning with colleagues, service users and stakeholders to ensure you are continuously improving your processes and skills.

22.3 Reflect on the views of service users/stakeholders when reviewing whether the Commissioning and Procurement Plans were successful.

### **23. Contract Extensions**

23.1 Extending a Contract ***MUST*** only happen in particular circumstances (**see Appendix 18 Contract Variations and Extensions**). If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

## Appendices

### Appendix 1. Glossary

<b>Appendices</b>	The appendices to these CSOs
<b>Area</b>	The administrative area of the <b>West of England Combined Authority</b>
<b>Best Value</b>	The <b>Combined Authority's</b> duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with section 3(1) of the Local Government Act 1999 and associated statutory guidance
<b>Buying</b>	Purchasing goods, services or works through an external supplier or contractor
<b>Commissioning Intentions</b>	The <b>Combined Authority's</b> published list of future procurement and commissioning activities above £50,000. The intention is to highlight to potential suppliers the forthcoming opportunities for tendering. This is a statutory requirement under Localism Act.
<b>Conflict of Interests</b>	A set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is or could be, impaired or influenced by a secondary interest.
<b>Contract</b>	An agreement to supply Goods/Services/Works formed when there is an offer by one party and an acceptance of that offer by a second party. A Contract can be formed verbally as well as in writing.

<b>Contract Award Notice</b>	An advertisement entered by a buyer in the OJEU to advise interested parties that a Contract has been awarded by the buyer to a named supplier.
<b>Contract Notice</b>	An advertisement entered by a buyer in the OJEU to advise interested parties of the intention of the buyer to go to market to buy goods/services/works. It gives details of the requirements of the buyer.
<b>Contract Register</b>	The <b>Combined Authority</b> 's repository for all its current Contracts and Framework Agreements, located on ProContract.
<b>Contracts Finder</b>	The Government's website on which all opportunities that are advertised for Contracts and Framework Agreements (and call-offs from Framework Agreements) for goods services and works above £25,000 <b>MUST</b> be published. You advertise on Contracts Finder via the ProContract system.
<b>Combined Authority</b>	The West of England Combined Authority
<b>CSOs</b>	These Contract Standing Orders (including the Appendices)
<b>EU Thresholds</b>	The financial thresholds above which a procurement via OJEU will normally be required, as set out at <b>Appendix 16 (EU Procurement Thresholds &amp; Timescales)</b>
<b>Financial Regulations</b>	The <b>Combined Authority</b> 's Financial Regulations, which can be found on the <b>West of England Combined Authority</b> Website.
<b>FOIA</b>	The Freedom of Information Act 2000 and the Environmental Information Regulations 2004
<b>Forward Plan</b>	The <b>Combined Authority</b> 's Forward Plan, which can be found on the <b>Combined Authority</b> Website.

<b>Framework Agreement</b>	An ‘umbrella’ agreement that sets out the prices, service levels, and terms and conditions for subsequent call-off orders.
<b>General Principles</b>	The General Principles set out at A – Statement of Principles.
<b>Grant</b>	An arrangement will be a grant when the <b>Combined Authority</b> gives a donation to an organisation without receiving a benefit in return. The organisation is not obliged to provide the service. It can decide not to provide the service but would then have to repay the donation.
<b>Invitation to Tender or ITT</b>	The invitation to tender is sent at the stage of the procurement process when you invite selected bidders to present their tenders in response to the stated requirements and evaluation criteria.
<b>Light Touch Regime</b>	The Light-Touch Regime is a specific set of rules for Contracts for certain services that tend to be of lower interest to cross-border providers. It includes certain social, health and education services. The list of services to which LTR applies is covered in <b>Appendix 10</b> .
<b>Local</b>	Within the Administrative Area of the <b>Combined Authority</b>
<b>Most Economically Advantageous Tender or MEAT</b>	Awarding a Contract for works, goods or services based on a combination of both overall cost AND service elements and not just cost alone.
<b>NBO</b>	The Named Buying Officer with responsibility for the procurement process from start to finish
<b>OBC</b>	Outline Business Case

<b>Officer</b>	Employees of the <b>Combined Authority</b>
<b>OJEU</b>	The Official Journal of the European Union, where Contracts and Framework Agreements are advertised to potential suppliers across the EU.
<b>OJEU Compliant Process</b>	A procurement exercise that has been carried out in accordance with the rules of the European Union under the Public Contracts Regulations 2015 and the Directive 2014/24/EU on public procurement. See <b>Appendix 20 Procurement Processes</b> for a list of the main types of procurement procedures.
<b>Supplier Selection Questionnaire or SUPPLIER SELECTION QUESTIONNAIRE</b>	A questionnaire which is used in certain procurement procedures which allow procurers to shortlist the number of companies that will be invited to Tender. Above EU Thresholds this <b>MUST reflect the Cabinet Office standard SUPPLIER SELECTION QUESTIONNAIRE and associated guidance</b> : A SUPPLIER SELECTION QUESTIONNAIRE is NOT permitted for procurements valued between £25k and £165 but can be used above £165k for Works contracts. Previously called a PQQ, (see <b>Appendix 20 Procurement Processes</b> for more details). The <b>Combined Authority's</b> procurement portal
<b>ProContract Quote/Quotation</b>	A request for pricing and/or quality bid from a potential supplier for goods/services/works below £50,000. Similar to a Tender but with more limited detail generally required from bidders.
<b>Regulations</b>	The Public Contracts Regulations 2015

<b>Residents</b>	Means residents of the Area
<b>Scheme of Delegations</b>	The scheme of delegations set out at <b>Appendix 12 (Scheme of Delegations)</b>
<b>Select lists</b>	Lists of approved suppliers
<b>Social Value</b>	Described in the Social Value Act as improvements to the economic, social and/or environmental well-being of the Area. So the benefits sought could be in the form of social benefits (for example reducing anti-social behaviour), economic benefits (for example increasing local employment), or environmental benefits (for example reducing local congestion).
<b>Social Value Act</b>	The Public Services (Social Value) Act 2012, which requires the <b>Combined Authority</b> to consider, pre-procurement, how what it procures might improve the economic, social and environmental well-being of the Area, and how best to use the procurement process to secure that improvement. There is also a duty to consider whether to undertake any consultation in making its decisions.
<b>Standstill Period</b>	A <b>Mandatory</b> 10 day period (which <b>MUST</b> be applied to above EU Thresholds procurements) between the notification to suppliers of the decision to award the Contract and the date of signing/entering into the Contract. The period is intended to give unsuccessful tenderers the opportunity to challenge the award if they wish. The period is longer if notifications are not sent electronically.



<b>Tender</b>	A request for pricing and/or quality bid from a potential supplier for goods/services/works above £50,000. Similar to a Quote but more detailed proposals are generally required from tenderers..
<b>Threshold level</b>	<a href="#"><u>The total contract value at which you MUST advertise your contract in the OJEU. See Appendix 16 for the 2018-19 levels.</u></a>
<b>TUPE</b>	<a href="#"><u>The Transfer of Undertakings (Protection of Employment) Regulations 2006. Legislation which protects employment rights of those whose job will be transferred to a new employer upon change of contractor by award of a Contract.</u></a>
<b>Value for Money or VfM</b>	The optimum combination of whole-of-life costs and quality (or fitness for purpose) of the goods, works or Services to meet the <b>Combined Authority's</b> requirement
<b>VAT</b>	Value Added Tax

## Appendix 2. CSO Exemptions

### 1. Contracts below the EU Thresholds

Specific Officers may approve exemptions to these CSOs (to the extent that it is lawfully able to do so) in genuinely urgent situations and/or where there is a sound legal, financial or Value for Money reason (See **Appendix 12 Scheme of Delegations**). They **MUST**:

- give reasons for doing so on the Exemption Form (and record these in the minutes of the relevant meeting);
- The completed and signed exemption form **MUST** be entered in the Contract Register (see **Appendix 7 Contract Register**)

The following are considered acceptable reasons for seeking an exemption:

- quantifiable and significant cost and efficiency savings can be achieved through seeking an alternative route;
- reasons of extreme urgency mean that normal time limits cannot be met, including as a result of unforeseen emergency or disruption to the Combined Authority services;
- the Combined Authority would otherwise be exposed to immediate and significant financial, legal or reputational risk that has been identified in the relevant risk register;
- only one Contractor is objectively able to provide the works, services or supplies in question, for example where the supplier has exclusive Intellectual Property, artistic or other rights, is a monopoly or where the goods bought are for re-sale (in which case the exemption **MUST** be to the number of Quotes / Tenders that are sought);
- additional or new services, supplies or works are required which, through unforeseen circumstances, were not included in an existing Combined Authority Contract and are necessary for the completion of the Contract and/or cannot be carried out separately.
- new works or services/supplies are required which are a repetition of works, services/supplies carried out under the original Contract, provided they are required within 1 year of the original Contract.
- goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another source would result in

incompatibility or disproportional technical difficulties in operation or maintenance.

You are reminded that an exemption will **not** be granted where this means the **Combined Authority** would not be complying with the General Principles or general law.

## **2. Contracts above the EU Thresholds**

You cannot exempt the application of the EU procurement rules. You may need to consider other procurement routes. See **Appendix 19 (Procurement above the EU Thresholds)** for details. If you are having difficulty you **MUST** consult with the Monitoring Officer for more information.

## Appendix 3. Business Ethics

### 1. General

Business ethics focuses on what constitutes right or wrong behaviour in the world of business. The following will help you to address ethical dilemmas during your procurement process.

### 2. Code of Conduct

All procurement exercises **MUST** be carried out with openness and transparency and with integrity and fairness to all suppliers.

Officers of the Combined Authority **MUST** conduct themselves in line with the Combined Authority's HR Code of Conduct including with regards to the receiving of hospitality and gifts and the giving and receiving of sponsorship.

### 3. Separation of Roles during Tendering

Combined Authority Members and employees involved in the tendering process and dealing with contractors **MUST** be clear on the separation of client and contractor roles within the Combined Authority. Senior employees who have both a client and contractor responsibility **MUST** be aware of the need for accountability and openness.

Combined Authority Member and employees who are privy to confidential information on Tenders or costs for either internal or external contractors **MUST** not disclose that information to any unauthorised party or organisation. For further information, see the Members' Code of Practice guidance document.

### 4. Conflicts of Interest

There **MUST** be no conflict of interest with any suppliers or contractors. Where a conflict is identified, the member of staff concerned **MUST** not take any further part in the tendering process, to preserve the integrity of the process. For further advice, contact the Monitoring Officer.

### 5. Corruption

**Combined Authority** Members and employees **MUST** be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made, it is for the individual to demonstrate that any such rewards have not been corruptly obtained. If you need further guidance, you should seek advice from the Monitoring Officer.

## 6. Use of Financial Resources

**Combined Authority** Members and Officers **MUST** ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with the **Combined Authority**'s Financial Regulations. They should strive to ensure Value for Money to the Area and to avoid legal challenge to the **Combined Authority**.

## 7. Lobbying

It is recognised that lobbying is a normal and perfectly legitimate element of the process of local governance however it is important that Members protect their impartiality and integrity when dealing with external contractors and suppliers.

Members **MUST NOT** breach the **Combined Authority** Code of Conduct by listening to or receiving viewpoints from contractors and suppliers or other interested parties unless they make it clear that they are keeping an open mind. Indicating a bias toward a particular product, supplier or contractor would prejudice impartiality and could lead to a legal challenge against the **Combined Authority**.

## 8. Former **West of England Combined Authority** Employees

**Combined Authority** Members and employees should endeavour to ensure that where they contract with a supplier to provide services or works to the **Combined Authority**, that the supplier does not employ a former **Combined Authority** employee when producing and submitting the response to the tender. This will ensure that all suppliers in the tendering process and treated fairly and that no one supplier is given a tendering advantage and respects **Combined Authority** confidentiality.

## **Appendix 4. Confidentiality, Intellectual Property, Data Protection, Transparency and Redaction**

### **1. Confidentiality**

- 1.1 The **Combined Authority** has a responsibility to ensure that information provided to suppliers and provided by suppliers is treated confidentially. This is not only good practice but also gives the suppliers confidence that they are being treated fairly and without discrimination. Information provided by the **Combined Authority** is given to suppliers in confidence and only to those whom they need to consult for the purpose of preparing the Tender, such as professional advisors or joint bidders.
- 1.2 If a Conflict of Interest arises or if at any time during the procurement it is discovered that the tenderer has not acted confidentially, the **Combined Authority** has the right to eliminate them from the procurement exercise.
- 1.3 Tenderers have the right to state what elements of their Tender response they want to remain confidential however under the Freedom of Information Act the **Combined Authority** **MUST** provide information requested with some exceptions such as commercially confidential items (pricing, intellectual property etc.) which can be redacted from the version published in the public domain. Contractors' cooperation may be needed to ensure the **Combined Authority** complies with requests for information.

### **2. Intellectual Property**

- 2.1 "Intellectual Property Rights" includes patents, inventions, trade-marks, service marks, logos, design rights, copyright, database rights, domain names, trade or business names, moral rights and other similar rights or obligations.
- 2.2 Generally speaking, all intellectual property rights in all works or supplies provided under a Contract which are written or produced on a bespoke or customized basis would be owned by the **Combined Authority** and the contractor should be required to ensure that it allows such ownership.
- 2.3 However, where the supplier provides existing intellectual property right protected material to the **Combined Authority** under a Contract, it has to warrant it has the right to do so and it fully indemnifies the **Combined Authority** against all loss or liability

arising from any third party intellectual property rights claims arising both from such existing material and in relation to any such bespoke work.

### **3. Data Protection**

3.1 The Data Protection Act 1998 (DPA) is an Act of Parliament which defines UK law on the processing of data on **identifiable living people**. It is the main piece of legislation that governs the protection of personal data in the UK. All Officers are legally obliged to comply with the Act.

3.2 The **Combined Authority's** Terms and Conditions of Contract contain a data protection clause which states what contractors can and can't do with any personal data provided to them under a Contract.

3.3 In certain Contracts where a supplier is required to process personal data or hold personal information for the purpose of executing the Contract, then Officers should include a questionnaire relating to Information Governance issues and evaluate the responses. Guidance can be obtained from the Information Governance Manager.

### **4. Transparency**

4.1 Under the Local Government Transparency Code (the following items **MUST** be published.

- all individual items of expenditure above £500;
- every transaction made using a Government Procurement Card;
- a list of all Invitations to Tender for goods and services exceeding £5000;
- a list of all contracts, Framework Agreements, purchase orders and commissioned activity in excess of £5000.

This information will be published on the **Combined Authority** website and [www.gov.uk](http://www.gov.uk).

### **5. Redaction of Data**

5.1 It is the responsibility of procuring officers to ensure that the information provided for publication under the transparency code has been cleansed and any personal or sensitive information has been redacted prior to publication.

## **Appendix 5. Specifications**

For a compliant OJEU procurement process, the **Combined Authority** *MUST* draft the technical specifications for a Contract upfront, before starting the procurement process. This is good practice even when you do not have to comply with the Regulations.

What the technical specifications look like will vary widely depending on the nature of the Contract. If you are having difficulty drafting a specification for the Contract seek further guidance from **the Procurement Officer**.



## Appendix 6. Social Value

The Social Value Act requires the procurer to consider securing economic, social, or environmental benefits when buying services above the EU Thresholds through what is being bought, and how it is procured.

This duty relates to:

- **all** service Contracts to which the Regulations apply (including those under the Light Touch Regime);
- services Contracts with a works / supplies element that is so incidental that the Contract would ordinarily be considered a services Contract under the Regulations; and
- Frameworks Agreements for such Contracts.

The **Combined Authority** **MUST** also think about whether **consultation** on Social Value matters is needed.

The **Combined Authority** has a Social Value Policy and you **MUST** apply the Social Value Policy to:

- **all** works Contracts (including Contracts for a mixture of works and services or supplies) where the value of the Contract is expected to exceed **£500,000**;
- **all** services Contracts and supplies Contracts (including Contracts for a mixture of works and supplies or services, and regardless of whether the full EU procurement regime applies) where the value of the Contract is expected to exceed **£100,000**;
- **all** Framework Agreements where the anticipated spend in any financial year is expected to exceed £500,000 for works and £100,000 for goods and services;
- **all** joint Contracts with other purchasers where the value of the **Combined Authority** expenditure is expected to exceed £500,000 for works and £100,000 for goods and services.

The Social Value Policy focuses on achieving targeted recruitment and training through Contracts as the **Combined Authority**'s priority, but where other aspects of Social Value are relevant to a Contract they should of course be considered.

## Appendix 7. The **West of England Combined Authority's** Contract Register

The **Combined Authority's** Contract Register is the section of ProContract which records and stores information on the **Combined Authority's** Contracts. It:

- provides key information to **Combined Authority** Members and Officers on existing current and expired Contracts;
- provides limited information to the general public (including start and end dates, Contract value, and key contact details);
- interacts with the rest of ProContract, and so can help to ensure Contracts are renewed or re-procured in good time.

### **When should I put something on Contract Register**

Recording of Contracts on Contract Register is **Mandatory** for all Contracts valued above **£5,000**. However, it is recommended for Contracts of any value.

Any agreed exemptions **MUST** be placed on Contract Register.

You **MUST** also try to keep the information on Contract Register up to date, for example if:

- a Contract is extended;
- the key contact for a Contract changes (e.g. if an Officer leaves).

### **Before you Purchase Anything**

You **MUST** check the Contract Register before you start any procurement activity, in case there is an existing **Combined Authority** Contract which covers your need. Saving time and expense by using an existing Contract will almost always represent Value for Money.

## **Appendix 8. Framework Agreements and Dynamic Purchasing Systems**

### **Framework Agreements**

A Framework Agreement is an ‘umbrella’ agreement negotiated with suppliers whereby at the start of the agreement the exact quantity of goods or services required over the period of the agreement cannot be determined.

1. For example, when you put together an agreement with a supplier to buy stationery, you won’t know exactly how many pens, pencils, rulers etc. you will need over the period of the agreement, or when you will place the orders.
2. The intention behind a framework is to streamline the competitive process by enabling one OJEU process to set up the protocol by which multiple Contracts can be called off. They can be created so that one, or many, purchasers are able to benefit from the arrangements. Equally they can be created with one provider, or a number (in which case often a “mini-competition” is used to decide which provider is used each time there is a call-off
3. Frameworks are therefore useful when you anticipate that you are likely to need the same – or similar- provision on a number of occasions over time. They are normally limited to four years in length.
4. There is no obligation to buy anything from a Framework Agreement and you are not committing the **Combined Authority** to any spend. However every time you place an order from a Framework Agreement, you are entering into a legally binding Contract.

### **Dynamic Purchasing Systems**

A DPS is similar to a framework agreement however whereas a framework is set once the award has been made and no new suppliers can be added to it, a DPS will allow new suppliers to be added, PROVIDED that they meet the objective selection criteria laid out in the original contract notice or advertisement.

## Appendix 9. Procurement Options

### 1. Below the EU Thresholds

Below the EU Thresholds, the procurement process is more flexible. See the main body of the CSOs, and **Appendix 15 (Minimum Requirements)** for details of the requirements for different values of spend.

Firstly you **MUST** consider if there is an existing Contract or Framework you could use, either one established by the **Combined Authority**, or one procured by a central purchasing body.

Use of ProContract is **Mandatory** for Contracts above £5000, and it steers you through the process including:

- Advertising the Contract
- Tender stage
- Contract award.

In the absence of an existing agreement, all opportunities for Contracts and Framework Agreements above £25,000 that are advertised **MUST** be advertised on Contracts Finder and an Award Notice published within 30 days of the Contract award date. See Appendix 20 for further details.

### 2. Above the EU Thresholds

Please see **Appendix 19 (Procurement above the EU Thresholds)**.

### 3. Health and “Social” Services - (Light Touch Regime)

This section applies to Contracts for the following Services:

- Health, social and related Services
- Administrative, social, education, healthcare and cultural Services
- Compulsory Social Security Services
- Benefit Services
- School Meals and Catering Services
- Other community, social and personal Services including Services furnished by trade unions, political organisations, youth associations and other membership organisation Services

- Religious Services
- Hotel and Restaurant Services
- Legal Services
- Other administrative and government Services
- Provision of Services to the community
- Prison related Services, public security and rescue Services to the extent not excluded pursuant to point (h) of Article 10
- Investigation and security Services
- International Services
- Postal Services
- Miscellaneous Services

When you are buying these sorts of services, the “Light Touch Regime” will apply if the Contract is valued above the EU Threshold. The Threshold for LTR is £589,148. The Light Touch Regime requires you to

- issue a Contract Notice or Prior Information Notice in OJEU
- follow a transparent and fair procedure which treats potential service providers equally; and
- issue a Contract Award Notice (as for any “full” OJEU procedure).

The Regulations require the **Combined Authority** to:

- give information in the Contract Notice about:
- any conditions for participating in the competition (e.g. “supplier selection” criteria);
- any time limits for contacting the **Combined Authority**;
- the award procedure that the **Combined Authority** will apply.
- ensure that any time limits imposed on interested providers are reasonable and proportionate.

The **Combined Authority** can choose to apply a procedure that looks similar to one of the “main” EU procurement procedures (see **Appendix 19 (Procurement above the EU Thresholds)**), but does not have to.

The **Combined Authority** **MUST** apply the Guidance of the new Light Touch Regime for Health, Social Education and certain other Service Contracts published by Crown Commercial Service.

## **Appendix 10. Asset Leasing**

### **1. General**

**1.1** The implementation of the Prudential Code introduced new freedoms for local authorities to pursue various capital and revenue options for the funding of asset acquisitions. It is therefore important to ensure the most cost effective form of funding is sourced for each acquisition.

### **1.2 Objectives of controlling**

Asset leases are to ensure-:

- (a) compliance with the Prudential Code
- (b) terms and conditions of leases are appropriate.
- (c) the lease is correctly recorded in the **Combined Authority's** accounts.
- (d) compliance with the Regulations.

### **1.2 Implications if the above objectives are not achieved:**

- (a) non-compliance with the Prudential Code Value for Money requirements.
- (b) the cost of leasing the asset is greater than alternative finance options.
- (c) the **Combined Authority's** accounts are incorrectly stated.
- (d) legal challenge as a result of a breach of the Regulations.

### **1.3 Key Responsibilities for Members and Officers:**

- (a) every officer **MUST** refer all proposed leasing arrangements to the Section **73** Officer-: and
- (b) approval **MUST** be obtained from the Section **73** Officer for all asset leases.

**1.5** More information on the Prudential Code can be obtained from [www.cipfa.org](http://www.cipfa.org)

**1.6** Asset leases are treated as supplies Contracts for the purpose of the Regulations and so the Regulations will apply in the normal way.

## **Appendix 11. Contract Forms and Terms & Conditions**

### **1. General**

The Regulations require the **Combined Authority** to make its procurement documents available electronically from the published date of the Contract Notice (Regulation 53). Procurement documents include the proposed Terms and Conditions of Contract (T&Cs) as well as SUPPLIER SELECTION QUESTIONNAIRES and ITTs. This means that the SUPPLIER SELECTION QUESTIONNAIRE, ITT and T&Cs, for any EU procurement process **MUST** be drafted **before the Contract Notice is issued**.

The **Combined Authority** considers it good practice to apply this rule to all Contracts, whether or not the Regulations are followed. It is therefore the expectation that the Contract form will have been decided on before the procurement / tendering process starts.

### **2. Contracts below the EU Thresholds**

For the majority of Contracts under the EU Thresholds it will normally be appropriate to use the **Combined Authority's** standard Terms and Conditions.

### **3. Contracts above the EU Thresholds**

For Contracts valued above the EU Thresholds you can use the **Combined Authority's** standard Terms and Conditions or it may be more suitable to use an industry standard form of Contract, or a bespoke Contract drafted for the particular Contract in question.

When considering which type of Contract to use in these situations you should discuss and agree the approach with the Monitoring Officer.

## Appendix 12. Scheme of Delegations

The following people / positions / committees have delegated authority to agree or approve expenditure:

Contract Value	Authority For OBC	Place On Forward Plan (Y/N)	Approval Docs Required	Authority To Award The Contract	Authority To Sign An Exemption	Authority For Signing/Sealing
<b>Up to £500</b>	n/a	N	Bid Evaluation	Budget Holder	Budget Holder	Budget Holder
<b>£501 to £5,000</b>	n/a	N	Bid Evaluation	Budget Holder	Budget Holder	Budget Holder
<b>£5,001 to £50,000</b>	n/a	N	Bid Evaluation	Budget Holder	Head of Service	Head of Service
<b>£50,001 to £100,000</b>	Divisional Director	Y	Tender Evaluation Document	Head of Service	CEO, s73 Officer or Monitoring Officer	CEO, s73 Officer or Monitoring Officer
<b>£100,001 to EU Thresholds</b>	Strategic Director	Y	Tender Evaluation Document	Head of Service (Recorded Officer Decision)	CEO, s73 Officer or Monitoring Officer	Monitoring Officer (Sealing)
<b>Above EU Thresholds/ Emergency Purchases</b>	Strategic Director	Y (but not emergency purchases)	Tender Evaluation Document	CEO, s73 Officer or Monitoring Officer (Recorded Officer Decision – provided within budget)	NOT ALLOWED above EU threshold	Monitoring Officer (Sealing)



## **Appendix 13. Evaluation Criteria & Debriefing**

### **1. General**

The **Combined Authority** **MUST** make its “procurement documents” available electronically from the date of the Contract Notice. The evaluation criteria and the weightings **MUST** be included in either the Contract Notice itself, or in the procurement documents. This means that you **MUST** have agreed the evaluation criteria for the Tender before the Contract Notice is issued.

### **2. Most Economically Advantageous Tender**

Evaluation criteria **MUST** be based on the “Most Economically Advantageous Tender”. This can be identified by:

- price or cost (using life-cycle costing)
- the best price-quality ratio (taking into account qualitative, environmental and/or social aspects linked to the subject matter of the Contract), including:
- quality: technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;
- organisation, qualification and experience of staff assigned to performing the Contract (where this can have a significant impact on the level of the performance of the Contract);
- after-sales service and technical assistance, delivery conditions such as delivery date, process and period, or period of completion.

If a Contract is for a fixed price, you can use just quality criteria.

### **3. Debriefing**

You **MUST** consider when it is appropriate to debriefing suppliers – seek appropriate advice and guidance from the Monitoring Officer if required

## **Appendix 14. Capability & Financial Checks**

### **1. General**

You **MUST** ensure that any supplier interested in doing business with the **Combined Authority** has both the technical capability and the financial capacity to be able to perform the Contract.

### **2. Below EU Thresholds**

Below the EU threshold you **MUST** NOT use a SUPPLIER SELECTION QUESTIONNAIRE to shortlist tenderers. You can ask “suitability assessment questions” that are relevant to the subject matter of the contract and are proportionate. These can relate to minimum standards of suitability and capability.

### **3. Above EU Thresholds**

Procurements above the EU Thresholds using one of the procedures described in **Appendix 19 Procurements above the EU Threshold – Options and Procedures**. This includes procedures which use a Supplier Selection Questionnaire to shortlist candidates before inviting Tenders.

When using a SUPPLIER SELECTION QUESTIONNAIRE stage, you **MUST** use the Cabinet Office standard SUPPLIER SELECTION QUESTIONNAIRE. This includes standard questions on financial standing:

- (a) a minimum yearly turnover which does not exceed twice the estimated Contract value;
- (b) information on their annual accounts showing the ratios, for example, between assets and liabilities; and
- (c) appropriate levels of insurance.

### **4. Framework Agreements and Lots**

There are specific rules that **MUST** be applied for Framework Agreements and lots. Seek further advice from the Monitoring Officer.

## Appendix 15. Minimum Requirements

### 1. Contracts Minimum Requirements

VALUE OF CONTRACT	MINIMUM PURCHASING REQUIREMENTS	MINIMUM CONTRACT REQUIREMENTS	ENTER ON COMMISSIONING INTENTIONS Y/N	USE OF PROCONTRACT	ENTER CONTRACT ON CONTRACT REGISTER
£1 - £500	<ul style="list-style-type: none"> <li>– Use <b>purchasing card</b> if accepted by supplier</li> <li>– Demonstrate VfM by testing the market</li> <li>– Think Local</li> </ul>	Ensure written record of purchase	No	Recommended	n/a
£501 - £5,000	<ul style="list-style-type: none"> <li>– Demonstrate VfM by testing the market</li> <li>– Think Local</li> <li>– Consider the Social Value Policy &amp; Toolkit</li> </ul>	Ensure written record of purchase	No	Recommended	Recommended
£5,001 - £50,000	<ul style="list-style-type: none"> <li>– Think Local</li> <li>– 3 written Quotes via ProContract if below £25k</li> <li>– Advertise on Contracts Finder if more than £25K (or 3 quotes if using local market)</li> </ul>	The <b>Combined Authority's</b> Standard Contract Terms (unless agreed with Monitoring Officer)	No	Mandatory	Yes

	<ul style="list-style-type: none"> <li>- Consider the Social Value Policy</li> <li>- Do NOT use a SUPPLIER SELECTION QUESTIONNAIRE but can ask suitability questions</li> <li>- State award criteria</li> <li>- Award Contract on Contracts Finder if &gt;£25K</li> </ul>				
£50,001 - £100,000	<ul style="list-style-type: none"> <li>- Think Local</li> <li>- Advertise on Contracts Finder</li> <li>- Consider the Social Value Policy</li> <li>- Do NOT use a SUPPLIER SELECTION QUESTIONNAIRE but can ask suitability questions</li> <li>- State award criteria</li> <li>- Award Contract on Contracts Finder</li> </ul>	The Combined Authority's Standard Contract Terms (unless agreed with Monitoring Officer)	Yes	Mandatory	Yes
£100,001 – EU Threshold (See Appendix 16)	<ul style="list-style-type: none"> <li>- Advertise on Contracts Finder</li> <li>- Apply the Social Value Policy</li> <li>- Works can use a SUPPLIER SELECTION QUESTIONNAIRE but NOT for Goods and Services below the threshold</li> <li>- State award criteria</li> <li>- Award Contract on Contracts Finder</li> <li>- Contract must be sealed</li> </ul>	Follow guidance at <b>Appendix 11 (Contract Forms and Terms &amp; Conditions)</b>	Yes	Mandatory	Yes

<p>Above EU Threshold ( See Appendix 16)</p>	<ul style="list-style-type: none"> <li>- Follow an EU compliant procedure (see <b>Appendix 9 (Procurement Options)</b>, <b>Appendix 5 (Drafting Specifications)</b> and <b>Appendix 13 (Evaluation Criteria)</b> and <b>Appendix 20 (Procurement above the EU Thresholds - Options)</b>)</li> <li>- Apply the Social Value Policy</li> <li>- Advertise on Contracts Finder and in OJEU</li> <li>- Contract <b>MUST</b> be sealed</li> <li>- Award Contract in OJEU</li> </ul>	<p>Follow guidance at <b>Appendix 11 (Contract Forms and Terms &amp; Conditions)</b></p>	<p>Yes</p>	<p>Mandatory</p>	<p>Yes</p>
<p><b>Light Touch Regime – Below threshold (£589,148)</b></p>	<ul style="list-style-type: none"> <li>- Think Local</li> <li>- Advertise on Contracts Finder if &gt;£25k or 3 written tenders if using local market</li> <li>- Apply the Social Value Policy</li> <li>- State award criteria</li> </ul>	<p>The <b>Combined Authority’s</b> Standard Contract Terms (unless agreed by the Monitoring Officer)</p>	<p>Yes (above £50K)</p>	<p>Mandatory</p>	<p>Yes</p>
<p><b>Light Touch Regime – above threshold (£589,148)</b></p>	<ul style="list-style-type: none"> <li>- Follow a procedure compliant with EU procurement rules for LTR (see <b>Appendix 7 Procurement Options</b>)</li> <li>- Apply the Social Value Policy</li> <li>- Advertise on Contracts Finder</li> <li>- Award Contract in OJEU</li> <li>- Contract <b>MUST</b> be sealed</li> </ul>	<p>Follow guidance at <b>Appendix 11 (Contract Forms and Terms &amp; Conditions)</b></p>	<p>Yes</p>	<p>Mandatory</p>	<p>Yes</p>

## Appendix 16. EU Procurement Thresholds & Timescales 2018-2019

TYPE OF CONTRACT	THRESHOLD (£)
Works	£4,551,413
Supplies and/or (most) Services (for Local Government)	£181,302
Social and other specific Services (Light Touch regime applies)	£615,278

	SELECTION STAGE	TENDER STAGE	IF ELECTRONIC TENDER ACCEPTED	TENDER FOLLOWING PIN	TENDER BY AGREEMENT	URGENCY
<b>Open Procedure</b>	n/a	35 days	30 days	15 days	n/a	15 days
<b>Restricted Procedure (only for contracts above £165k)</b>	30 days	30 days	25 days	10 days	At least 10 days	15/10 days
<b>Competitive Procedure with Negotiation</b>	30 days	30 days	25 days	10 days	At least 10 days	15/10 days
<b>Competitive Dialogue</b>	30 days	n/a	n/a	n/a	n/a	n/a
<b>Innovation Partnership</b>	30 days	n/a	n/a	n/a	n/a	n/a

The timeframes above are MINIMUM number of days from date the notice is sent. It is recommended you allow 3 extra days to allow for notice publication.

## Appendix 17. Document Retention

Retention Classification	Retention Period
Contracts under seal (above OJEU Threshold)	12 years from Contract end This includes all Contract documents (specifications, drawings, certificates, Contract instructions and all relevant correspondence)
Contracts not under seal	6 years from Contract end This includes all Contract documents (specifications, drawings, certificates, Contract instructions and all relevant correspondence)
Unsuccessful Tenders and Quotes	4 years from the award of Contract
Abandoned Tenders and Quotes	4 years from the date of abandonment
Purchase files	<b>MUST</b> be kept up to date at all times within the Combined Authority's e-tendering system and Contract Register
Hard copies of Contracts	Store locally for 6 years after date of purchase then archive 12 years after purchase, review for possible destruction/recycling

**For more information about the sealing process refer to the Monitoring Officer**

## **Appendix 18. Tender and Contract Variations, Extensions & Termination**

### **1. Tender Variations/Variant Bids**

You can request tenderers to submit variant bids linked to the subject matter of the bid, however you **MUST** indicate in the Contract Notice or the ITT the minimum requirements to be met by the variants and any specific requirements for their presentation, in particular whether variants may be submitted only where a Tender which is not a variant has also been submitted.

You **MUST** ensure that the award criteria can be applied to variants meeting those minimum requirements as well as to conforming “core” Tenders which are not variants. Only variants meeting the minimum requirements laid down by the **Combined Authority** shall be taken into consideration.

### **2. Contract Extensions**

When you award a Contract/Framework, you **MUST** state the start and end dates and whether there is an option to extend beyond the ‘initial term’. If an extension clause has been included in the Contract, then it is permissible to extend but this should only be done if it represents value for money to extend and if the performance of the supplier warrants it.

### **3. Contract Variation**

Contract variations should be treated with caution because of the risk that they can trigger the need for a new procurement exercise. The Regulations set out the changes that can be made to a Contract or Framework Agreement. You **MUST** seek advice from the Monitoring Officer before making any Contract variation that could fall foul of the Regulations.

### **4. Contract Termination**

For any Contract above the EU Thresholds, early termination **MUST** be approved by the Head of Strategic Procurement. Contracts of a lesser value may be terminated early by agreement prior to the expiry date of the Contract or in accordance with the termination provisions set out in the Contract following consultation with the Monitoring Officer.



## **Appendix 19. Procurement above the EU Thresholds – Options & Procedures**

This Appendix lists the main choices of procurement procedure and the other routes available. You **MUST** seek the support of the Monitoring Officer before you undertake any “OJEU” procurement. However, below are set out in brief some of the options available to the **Combined Authority**.

### **Main Choices of Procedure**

Open Procedure  
Restricted Procedure

### **Other Routes**

Competitive Procedure with Negotiation  
Competitive Dialogue  
Innovation Partnership  
Negotiation Procedure without Notice  
Reserved Contracts  
Reserving Contracts to sheltered workshops  
Reserving Contracts (for certain Services only) for “public Service bodies”  
Concession Contracts  
Dynamic purchasing systems  
Electronic auction  
Electronic catalogue  
Lots - if you do not divide the Contract up into lots, you **MUST** explain why in the Contract Notice or procurement documents.

## Appendix 20. Below Threshold Contracts (caught by Part 4 of the Regulations)

This appendix applies to Contracts between £25,000 and the EU threshold for Supplies and Services for Local Government (see Appendix 16).<sup>1</sup>

### 1. Using Contracts Finder to Advertise Contracts

1.1 *If* you advertise an opportunity, then you **MUST** place an advert on Contracts Finder ([www.contractsfinder.service.gov.uk](http://www.contractsfinder.service.gov.uk)).

1.2 This does **not** include where you call off from a Framework Agreement or another select/approved list.

1.3 This **does** include when you issue a Prior Information Notice (PIN) or similar – you **MUST** advertise “*regardless of how specific the opportunity is*”.

1.4 Adverts on Contract Finder **MUST** include the following information:

- (a) the date and time by which an interested supplier **MUST** respond if it wishes to be considered (the time period allowed for responses but be sufficient but proportionate);
- (b) how a supplier **MUST** respond to the advert, and to whom; and
- (c) any other requirements for participating in the procurement.

1.5 In reality, Contracts Finder requires more information than this, including an (estimated) Contract value.

1.6 When you advertise on Contracts Finder, you **MUST** offer unrestricted and full direct internet access free of charge to any relevant Contract and procurement documents, and specify in the notice the internet address where those documents can be accessed.

### 2. Supplier Selection Questionnaire

2.1 You **MUST not** use a SUPPLIER SELECTION QUESTIONNAIRE for Contracts between £25,000 and the EU Threshold for Supplies and Services for Local Government. You are only allowed to use this for contract above the threshold.

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<sup>1</sup> In this case, this threshold applies to works contracts as well as services and supplies.

2.2 Instead, you **can** ask “suitability assessment” questions that are relevant to the subject matter of the procurement and are proportionate. These questions should relate to information / evidence you need that the candidate meet requirements / minimum standards for:

- (a) suitability;
- (b) legal status;
- (c) financial standing.

### **3. Contract Award Notices on Contracts Finder**

3.1 The following requirements apply when you award a public Contract – **whether or not** it was advertised on Contracts Finder. This includes when you call off from a Framework Agreement.

3.2 You **MUST**, within a reasonable time, publish the following information on Contracts Finder:

- (a) the name of the contractor awarded the Contract;
- (b) the date on which the Contract was entered into;
- (c) the value of the Contract;
- (d) whether the contractor is an “SME” or “VCSE”.

3.3 “VCSE” means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives”.

3.4 You can withhold any of this information where its release:

- (a) would impede law enforcement or would otherwise be contrary to the public interest;
- (b) would prejudice the legitimate commercial interests of a particular economic operator (whether public or private); or
- (c) might prejudice fair competition between suppliers.

3.5 This is most likely to apply to the value of the Contract awarded.



WEST OF ENGLAND COMBINED AUTHORITY

# CONSTITUTION

## PART C

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## PART C

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## **MEMBERS CODE OF CONDUCT**

## West of England Combined Authority Code of Conduct for Members

### 1. Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of the West of England Combined Authority (“The Combined Authority”), including –

- a) at formal meetings of the Combined Authority, its Committees and other bodies,
- b) when acting as a representative of the Combined Authority
- c) in taking any decision as a member of the Combined Authority
- d) in discharging your functions as a member of the Combined Authority
- e) at briefing meetings with officers and
- f) at site visits
- g) when corresponding with the Combined Authority other than in a private capacity

### 2. General Conduct

As a member or co-opted member of the Combined Authority, you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.



**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

- a) As a member of the West of England Combined Authority, my conduct will in particular address the statutory principles of the code of conduct by:
- b) Championing the needs of residents – the whole area of the Combined Authority and in a special way my constituents, including those who did not vote for me.
- c) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- d) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- e) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority.
- f) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- g) Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- h) Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

- i) Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the **Combined Authority** resources.
- j) Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- k) Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- l) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

### **3. Disclosable Pecuniary Interests (DPIs)**

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 3.4 "Meeting" means any meeting organised by or on behalf of **the Combined Authority**, including:-
  - 3.4.1 any meeting of **the Combined Authority**, or a Committee or **other bodies** of **the Combined Authority**
  - 3.4.2 in taking a decision as a member of **the Combined Authority**
  - 3.4.3 at any briefing by officers; and
  - 3.4.4 at any site visit to do with business of the authority

#### **4. Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend any meeting of the Combined Authority which includes the West of England Combined Authority Committee or Sub-Committee or the Joint Committee (which for the avoidance of doubt does not include informal meetings with officer or member briefings) at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent and leave the room for the duration of the debate and the vote on the item of business which affects or relates to the interest.
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- 4.2.2 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- 4.2.3 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association
- and that interest is not a disclosable pecuniary interest.

For the avoidance of doubt a report by a member to the Combined Authority, a Committee or Sub-Committee on the activities of an outside body to which they are appointed by the Combined Authority, will not constitute a breach of the Code of Conduct, provided the report does not require a decision that affects the wellbeing or financial position of the organisation.

#### **5. Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority.

- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

### Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	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 M in carrying out duties as a member, or towards the election expenses of M. 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 relevant 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 relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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For this purpose –

- a) “the Act” means the Localism Act 2011;
- b) “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;
- c) “director” includes a member of the committee of management of an industrial and provident society;
- d) “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;
- e) “M” means a member of the West of England Combined Authority;
- f) “member” includes a co-opted member;
- g) “relevant authority” means the authority of which M is a member;

- h) “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;
- i) “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;
- j) “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.

# **MEMBERS PLANNING CODE OF GOOD PRACTICE**



## **1. Purpose of the Code**

This code has been being prepared for the guidance of officers and members of **the Combined Authority**, in their dealings with planning matters. This includes decision-making meetings of West of England Combined Authority when exercising the planning function of the West of England Combined Authority or less formal occasions such as meetings with officers or the public or consultative meetings. It applies equally to sites specific policy issues as it does to planning applications.

The Code has the following objectives:-

- i. To guide and protect members in dealing with planning related matters from criticism and challenge.
- ii. To inform potential developers and members of the general public of the standards adopted by West of England Combined Authority and the performance of its planning function.
- iii. To ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

## **2. Key Principles**

Planning decisions made by the Combined Authority can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions on a planning matter must be open and transparent and the involvement of both officers and members must be clearly understood. The main principles which members should have clear regards for are:-

- a) The key purpose of planning is to deliver sustainable development which effectively balance economic, social and environmental interests and take relevant local circumstances into account.
- b) Your overriding duty as a member of West of England Combined Authority is to the whole local community, and in relation to planning issues to help ensure that the West of England Combined Authority's planning policies are achieved.
- c) Your role as a member of West of England Combined Authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons
- d) Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which members of West of England Combined Authority have to decide
- e) Section 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to proper planning considerations and are made impartially and in a way which does not give rise to public suspicion or mistrust.
- f) The Code applies to all decisions of the West of England Combined Authority on planning related matters when West of England Combined Authority is acting as the local planning authority ("LPA").
- g) When acting in your capacity as a member of West of England Combined Authority you must have regard to the West of England Combined Authority's adopted Code of Conduct

## **3. Relationship to the Code of Conduct**

The Code of Conduct sets out the standards of behaviour expected of members of West of England Combined Authority and the requirements in relation to the declaration of interests in the members Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests:-

- a) **Do** comply with the requirements of the adopted Code of Conduct first
- b) **Do** then apply the rules in this Planning Code of Practice

#### **4. Development Proposals and the Declaration of members' Interests**

When considering planning matters members may find that they need to

- a) Declare interests in accordance with the requirements of the adopted Code of Conduct or
- b) Indicate that they have come to a view prior to (i.e. are pre-determined)

The existence and nature of any interest should be disclosed in accordance with adopted Code and at all relevant meetings.

#### **Where you have an interest that must be disclosed**

- a) **Do Not** participate or give the appearance of trying to participate in the making of any decision on the matter by West of England Combined Authority.
- b) **Do Not** get involved in the processing of the application and direct any queries or technical matters to the relevant officer.
- c) **Do Not** seek or accept any preferential treatment or place yourself in a position that could lead the public to see that you are receiving preferential treatment because of your position as a member of West of England Combined Authority. This would include using your position to discuss any proposal with officers or members when other members of the public would not have the same opportunity to do so. You may need to identify another local member who is prepared to represent local interests.

#### **Pre-determination**

The allowance made for members of West of England Combined Authority to be predisposed to a particular view is a practical recognition of

- a) the role played by party politics in Local Government
- b) the need for members of **the** West of England Combined Authority to inform constituents of at least an initial view on a matter as part of their public role
- c) the structure of local government which ultimately requires the same members of West of England Combined Authority to make decisions

It is therefore particularly important for elected members of West of England Combined Authority to have a clear understanding about the implications of expressing a strong opinions or views on planning matters

**If you make up your mind on how you will vote on any planning matter prior to formal consideration of that matter at the meeting of the planning authority, prior to the hearing of the officers presentation and evidence and arguments on both sides, you may be seen to have predetermined the issue.**

Section 25 of the Localism Act 2011 introduces provisions for dealing with allegations of bias or pre-determination. i.e. where the decision maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

The decision maker is not to be taken to have had a closed mind “just because” the decision maker had previously done anything relevant to the decision that directly or indirectly indicated what view the decision maker took or would or might take in relation to a matter.

The provisions in the Localism Act do not involve a change in law. In a situation where a member said something like “over my dead body” in respect of voting a particular way on an issue, the provisions in relation to pre-determination in the Localism Act might be useful in giving members of West of England Combined Authority confidence about making their views on a particular issue known, it does not change the legal position that is if a member can be shown to have approached a decision with a closed mind, that could affect the validity of the decision.

Equally, if a member has expressed views on a particular issue but could show that when taking the decision, they had approached this with an open mind and taken account of all the relevant information, they could reasonably participate in a valid decision.

However, members of West of England Combined Authority are able to represent their community and engage with developers and the public to discuss proposed developments without fear of 'fettering' their discretion. A member can campaign either in support or against a proposal and this will not automatically be taken as proof that he is not open-minded

Members will need to be mindful that if they have expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that the member would have approached the decision with a closed mind.

The current case law recognises that politicians will have views on and may well have expressed them about issues of public interest locally. *R(Island Farm Development Ltd) V Bridgend CBC* clarified that it would be impossible to make decisions by elected members ..if their observation could disqualify them because it might appear that they had formed a view in advance" The case goes on to say that members must approach their decision making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

In addition the case has clarified that the "evidence of a political affiliation or of the adoption of policies towards a planning purpose will not for these purposes by itself (emphasis added) amount to an appearance of the real possibility of predetermination ... something more is required, something that goes to the appearance of a predetermined, closed mind in the decision making itself".

In conclusion, expressing a view, even a strong view does not automatically lead to the conclusion that a member is pre-determined, however the stronger and more forceful the view the greater risk of their being an appearance of real bias. Each case/**decision** will need to be considered on its own facts. Care still needs to be taken when expressing clear and forceful views on a particular matter in respect of which the member expressing those views will form part of or be the decision maker.

In conclusion the Localism Act provisions in relation to predetermination still require a planning committee member to have an open mind when determining a planning application. However, proof of previous campaigning against a proposed planning application would not in itself be proof that the member had a closed mind.

## **5. Contact with Applicants, Developers and Objectors**

One particular aspect of application discussions relates to lobbying. Lobbying is a normal part of the political process. However, it can lead to impartiality being brought into question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as un-represented applicants/landowners and community action groups.

- a) **Do** take advice from the Monitoring Officer if you are invited to attend meetings with applicants, developers or groups of objectors if you are a member of West of England Combined Authority and therefore likely to be part of the decision-making process.

You will then be in a position to make a decision about your attendance having taken proper count of the issues relating to pre-determination.

- b) **Do** refer those who approach you for planning procedural or technical advice to officers.
- c) **Do** report to the relevant Chief Officer any significant contact with the applicant and other party, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded.
- d) **Do** attend presentations that have been organised by officers. These may be differentiated from major public presentations when members may seek information.
- e) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application.
- f) **Do** be aware that a presentation is a form of lobbying and if you express a view, you will need to carefully consider if you have pre-determined the matter prior to the vote.
- g) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- h) **Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is said it prejudices your impartiality and may affect your ability to participate in the decision-making to express an intention to vote one way or another, or such a firm point of view which amounts to the same thing.
- i) **Do** remember that your overriding duty is to the whole community not just the people in your local area.
- j) **Do not** accept gifts or hospitality from any person involved in or effected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that it is of the minimum and its acceptance is declared as soon as possible (remembering to register any gift as required by the adopted Code of Conduct).
- k) **Do** copy or pass on any lobbying correspondence you receive to the relevant Chief Officer at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice.

- l) **Do** promptly refer to the relevant Chief Officer any offers made to you of planning gain or constraint of development.
- m) **Do** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches.
- n) **Do** note that you will not have pre-determined a matter or breached this Planning Code of Good Practice through:-
  - (i) listening or receiving view points from residents or other interested parties
  - (ii) making comments to residents, interested parties, other members or appropriate officers providing they do not consist of or amount to prejudging the issue and you make clear that you are keeping an open mind
  - (iii) seeking information through appropriate channels or
  - (iv) being a vehicle for the expression of opinion or speaking at the meeting as a ward member provided you explain your actions at the start of the meeting or item and make it clear that having expressed the opinion or ward view you have not committed yourself to vote in accordance with those views and you will make up your own mind having heard all of the facts and listened to the debate.

## 6. Constituent Council Interests

There is a balance to be struck between the duty to be an active community representative and the overriding duty as a member of West of England Combined Authority to the whole local community. In these circumstances:-

- a) **Do not** lobby fellow members of West of England Combined Authority regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- b) **Do not** decide or discuss how to vote on any at any sort of political group meeting or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

## 7. Sanctions

The purpose of this Code is to provide guidance to members in relation to the performance of the West of England Combined Authority's planning function. The application of and adherence to the Code is intended to build public confidence in the West of England Combined Authority's planning system and to produce a strong platform for planning

decision-making. The Code does not remove the responsibility of members to exercise their statutory discretion to determine the merits of individual applications or proposals.

A failure to adhere to the Code gives rise to potential consequences to the West of England Combined Authority and individual members. Members of West of England Combined Authority may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the **Combined Authority**. Beyond the normal democratic process a number of specific consequences can be identified.



## **MEMBER/OFFICER PROTOCOL**

## Member/Officer Protocol

### 1. INTRODUCTION

1.1 Members of West of England Combined Authority are democratically accountable and may have political affiliations. Officers must serve the whole Authority objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective members and officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in every day working relationships.

1.2 The West of England Combined Authority has formally adopted a Code of Conduct which sets out the minimum standards members of West of England Combined Authority must observe. This Protocol operates within that framework and provides the Authority's local ground rules.

1.3 Members of West of England Combined Authority, members and officers agree to observe the Code and this Protocol and to be guided by them in the interests of fair treatment and good government.

1.4 The Protocol is the Authority's way of applying the following basic principles:

- a) **Members have a right to sufficient information and support to enable them to make informed decisions.** At common law, this is referred to as "need to know".

The need is so that they can perform their role as a member of West of England Combined Authority. It can be limited by conflict of interest, confidentiality and practicality.

- b) **Officers must serve the whole Authority objectively.**

They must therefore provide "unified advice" at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between officers should be resolved or presented in a balanced way which helps members to choose between them.

- c) **Political processes and different roles of members are a legitimate part of local democracy**

Officers advice and support can be tailored accordingly. A party group is entitled to the confidentiality of officer advice on developing policies. The overall arrangements for officer advice must be transparent.

## **2. THE RELATIONSHIP: GENERAL POINTS**

- 2.1 Both members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the West of England Combined Authority. Their job is to give advice to members and the West of England Combined Authority, and to carry out the West of England Combined Authority's work under the direction and control of the West of England Combined Authority, members, its committees and sub committees.
- 2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. member/officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 Inappropriate relationships can be inferred from language/style. Therefore members and officers should always seek to address each other with courtesy.
- 2.4 A member should not raise matters relating to the conduct or capability of an officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An officer has no means of responding to such criticism in public. If a member feels she/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer, and fails to resolve it through direct discussion with the officer, she/he should raise the matter with the Head of Paid Service. The Head of Paid Service will then look into the facts and report back to the member. If the member continues to feel concern, then she/he should report the facts to the Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an officer in respect of a complaint will be in accordance with the provisions of the West of England Combined Authority's Disciplinary and Capability Procedures.
- 2.5 An officer should not raise, in public with a member, matters relating to the conduct or capability of another officer or the internal management of West of England Combined Authority in a manner that is incompatible with the overall objectives of this Protocol. If such issues are raised by members then the matter will be dealt with

in accordance with the Employees' Code of Conduct and the West of England Combined Authority's Disciplinary Rules and Procedures. Unwarranted criticism of officers by members should be avoided, particularly when they cannot respond on equal terms such as at public West of England Combined Authority meetings.

- 2.6 Where an officer feels that she/he has not been properly treated with respect and courtesy by a member, she/he should raise the matter with his/her Head of Paid Service, especially if they do not feel able to discuss it directly with the member concerned. In these circumstances the Head of Paid Service will take appropriate action either by approaching the individual member. If the matter cannot be resolved to the satisfaction of the employee concerned, the matter will be treated as a grievance and dealt with under the West of England Combined Authority's formal grievance and harassment procedures.

### **3. THE RELATIONSHIP: OFFICER SUPPORT TO MEMBERS: GENERAL POINTS**

- 3.1 Members are democratically accountable and may have political affiliations. They have a clear role in providing leadership within the community and as members of the West of England Combined Authority to represent their constituents. Officers are responsible for day-to-day managerial and operational decisions within the authority and provide services to the local community.
- 3.2 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Chief Financial Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all members.
- 3.3 The following key principles reflect the way in which the officer core generally relates to members:-
- a) all officers are employed by or are accountable to the authority as a whole;
  - b) support from officers is needed for all the authority's functions
  - c) Members are responsible for providing leadership and direction on policy matters. Day to day managerial and operational decisions on the delivery of services should remain the responsibility of the Head of Paid Service and other officers.
- 3.4 On occasion, a decision may be reached which authorises named officers to take action between meetings following consultation with a member or members. It must be recognised that it is the officer, rather than the member or members, who takes the action and it is the member who is accountable for it.

3.5 Finally, it must be remembered that officers are accountable to their Head of Paid Service and that whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Paid Service.

#### **4. THE RELATIONSHIP: OFFICER SUPPORT: MEMBERS AND PARTY GROUPS**

4.1 It must be recognised by all officers and members that in discharging their duties and responsibilities, officers serve the West of England Combined Authority as a whole and not any political group, combination of groups or any individual member of the West of England Combined Authority. However, if a political assistant is appointed by the Mayor under the Local Government and Housing Act 1989, he or she is not required to maintain political neutrality, since their role is to support the Mayor on whose behalf they have been engaged. Consequently such officers may be exempted from the constraints on officer neutrality set out below.

4.2 It is recognised that members of West of England Combined Authority may belong to party groups and it is common practice for such groups to give preliminary consideration to matters of West of England Combined Authority business in advance of such matters being considered by the relevant West of England Combined Authority decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner.

4.3 Certain points must, however, be clearly understood by all those participating in this type of process, members and officers alike. In particular:

- a) the observance of neutrality will be assisted if officers only attend party group meetings for specified business and officers withdraw from the meeting after briefing and any questions and before political discussion.
- b) party group meetings, whilst they form part of the preliminaries to West of England Combined Authority decision making, are not empowered to make decisions on behalf of the West of England Combined Authority. Conclusions reached at such meetings do not therefore rank as West of England Combined Authority decisions and it is essential that they are not interpreted or acted upon as such; and
- c) similarly, where officers provide information and advice to a party group meeting in relation to a matter of West of England Combined Authority

business, this cannot act as a substitute for providing all necessary information and advice to the West of England Combined Authority relevant Committee or Sub-Committee when the matter in question is considered.

- 4.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the constituent council. Such persons are not bound by the Code of Conduct for members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers must be cautious about attending and/or giving advice to such meetings.
- 4.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 4.6 Whilst any member may ask the Head of Paid Service for written factual information about the functions of West of England Combined Authority, such requests must be reasonable and not seek information relating, for instance, to case work of a confidential nature. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a member requesting such information is dissatisfied by such a response, she/he should raise the matter with the Head of Paid Service who will discuss the issue with the relevant member.
- 4.7 It must not be assumed by any party group or member that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- 4.8 If any member or officer experiences any particular case of difficulty or uncertainty in this area of officer advice to party groups they should raise the matter with the Chief Executive who will discuss them with the relevant Group Leaders.

## **5. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 5.1 The only basis on which the West of England Combined Authority can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to members is to assist them in discharging their role as members of the West of England Combined Authority. Such support services must therefore only be used on West of England Combined Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.

## **6. MEMBERS' ACCESS TO INFORMATION AND TO WEST OF ENGLAND COMBINED AUTHORITY DOCUMENTS**

- 6.1 Members have the ability to ask for information in accordance with their legal rights. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a member of the West of England Combined Authority. This can range from a request for general information about some aspect of the West of England Combined Authority's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Paid Service. In cases of doubt, members should approach the Monitoring Officer for assistance.
- 6.2 As regards the legal rights of members to inspect West of England Combined Authority documents, these are covered partly by statute and partly by the common law.
- 6.3 Members have a statutory right to inspect any West of England Combined Authority document which contains material relating to any business which is to be transacted by the West of England Combined Authority. This right applies irrespective of whether the member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting.
- 6.4 The common law rights of members remains intact, are much broader and are based on the principle that any member has a right to inspect West of England Combined Authority documents so far as his/her access to the document is reasonably necessary to enable the members properly to perform his/her duties as a member of the West of England Combined Authority. This principle is commonly referred to as the 'need to know' principle.
- 6.5 The exercise of this common law right depends therefore, upon an individual member being able to demonstrate that she/he has the necessary 'need to know'. In this respect a member has no right to 'a roving commission' to go and examine documents of the West of England Combined Authority. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the Head of Paid Service (with advice from the Monitoring Officer). In the event of dispute, the question falls to be determined by the Monitoring Officer in association with the Head of Paid Service.

- 6.6 Member's 'need to know' will normally be presumed where the information clearly relates to the discharge of a function of West of England Combined Authority.
- 6.7 Whilst the term 'West of England Combined Authority document' is very broad and includes for example, any document produced with West of England Combined Authority resources, it is accepted by convention that a member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 6.8 Further and more detailed advice regarding members' rights to inspect West of England Combined Authority documents may be obtained from the Monitoring Officer.
- 6.9 Finally, any West of England Combined Authority information provided to a member must only be used by the member for the purpose for which it was provided, i.e. in connection with the proper performance of the member's duties as a member of the West of England Combined Authority. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

## **7. CORRESPONDENCE**

- 7.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member without the consent of that member. Correspondence includes both hard copy memoranda or letters and e-mail.
- 7.2 Most official letters on behalf of the West of England Combined Authority will normally be sent in the name of the appropriate officer rather in the name of a member, particularly when dealing with operational or service delivery matters. However it will be appropriate in certain circumstances (eg representations to Government) for correspondence to be sent in the name of member(s) or the Mayor of West of England Combined Authority. Letters which create legal obligations or give instructions on behalf of the West of England Combined Authority and which are sent out in the name of a member should always be agreed in consultation with the Head of Paid Service, and on legal matters on advice from the Monitoring Officer.

## **8. PUBLICITY AND PRESS RELEASES**

- 8.1 West of England Combined Authority is accountable to the residents of the West of England area. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers.



- 8.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles.

The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code requires that all local authorities shall have regard to its provisions in coming to any decision on publicity.

- 8.3 Officers and members of the West of England Combined Authority will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, officers and/or members should initially seek advice from the Corporate Communications Manager who will refer the matter to the Head of Paid Service. Particular care should be paid to any publicity used by the West of England Combined Authority around the time of an election. Particular advice will be given on this by the Monitoring Officer as appropriate.
- 8.4 For the sake of clarity the Code does not apply to press releases and publicity that members may arrange and distribute in their individual political capacity rather than through the West of England Combined Authority. Members should not use West of England Combined Authority resources for party political purposes.

## **9. OFFICER/MEMBER PROTOCOL**

- 9.1 Copies of the Protocol will be issued to all members as part of the constitution upon appointment.
- 9.2 Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

## **Media Protocol**

## **Introduction**

This protocol sets out the Combined Authority's policy for both members and officers on working with the media.

The West of England Combined Authority's head of communications will be the central point for professional advice and support relating to all aspects of communications, including proactive and reactive media relations, crisis and issues management and reputation management.

### **1. Media principles**

- 1.1 The Combined Authority is committed to communicating openly and honestly.
- 1.2 Media enquiries will be responded to within reporter deadlines as far as reasonable, without compromising trust or accuracy.
- 1.3 All comments, responses and letters to the media will reflect the corporate view of the Combined Authority.
- 1.4 All press releases will be published on the West of England Combined Authority's website.
- 1.5 If any restrictions prevent us from publicly commenting on or responding to a media enquiry, we will explain this position as far as reasonable, without compromising trust, confidentiality or legal restrictions.

### **2. Member protocol**

- 2.1 Members are always able to speak freely to the media or public, unless there is a specific legal or constitutional restriction.
- 2.2 Members should always make it clear whether they are providing comment in a personal capacity, on behalf of a political group or on behalf of the Combined Authority.
- 2.3 Publicity on issues that are sensitive or controversial, or where there are arguments for and against the views or policies of the Combined Authority, is unavoidable, particularly when there is a need for the Combined Authority to consult widely. Such publicity should be carefully handled, with issues presented clearly and accurately and in as straightforward a way as possible, without over-simplification.

- 2.4 Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe an individual councillor's policies, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.

### 3. Member involvement in the media

- 3.1 Quotes, responses and letters to the media will be issued in the name of the West of England Combined Authority Mayor, unless it is about an area for which they do not hold responsibility. The Mayor may also decide, for reasons of policy, role or legal restrictions, to apply the following involvement in addition to or instead of the Mayor:

Role	Proactive / Reactive	Circumstance
Deputy Mayor	Both	Mayor unavailable Mayor delegating or sharing, based on portfolio relevance
Committee Member	Both	Mayor unavailable Mayor delegating or sharing, based on portfolio relevance
Chief Executive or other senior officer	Both	During pre-election period A specific operational matter, when Mayor delegates A time-sensitive matter where Mayor, Deputy Mayor and Committee Members unavailable
Returning Officer	Both	On all electoral matters
Section 73 Officer	Reactive	Financial matters where responsibility sits solely with this role
Monitoring Officer	Reactive	Code of Conduct matters where responsibility sits solely with this role
A specialist officer	Both	During pre-election period A specific and lower-risk operational matter, when delegated by the Mayor, Deputy Mayor, Committee Members, chief executive or other senior officer
LEP Chair	Both	Matter is specific to a formal partnership board. May be shared with Mayor/Deputy Mayor/Board Members

#### **4. Officer protocol**

- 4.1 All communications with the media relating to the activities of the Combined Authority should in general be handled by the Combined Authority's head of communications. Individual officers are not permitted to communicate with the media on Combined Authority matters without seeking authorisation from the head of communications. Any enquiries from the media should also in the first instance be referred to the Combined Authority's head of communications.
- 4.2 Ideas for potential positive stories about the Combined Authority should in the first instance be raised and discussed with the head of communications.
- 4.3 Any officer wishing to write material for publication that does not refer to the Combined Authority but does relate to their profession, such as an article in a professional journal or an online blog, should check with the head of communications and their manager before publication. The article should also contain a disclaimer, which states that the views are those of the individual named and not of the Combined Authority.

#### **5. Partnerships**

- 5.1 When working in a formal partnership with an external organisation, we will conform to the media protocols of the lead organisation. Where we are required to provide media comment or participate in publicity, we will follow our usual process for determining the most appropriate participant as set out at 3.1.
- 5.2 The Combined Authority shall consult with the relevant Constituent Council(s) on any press releases, statements and media responses which refer to the Constituent Councils (or any one of them, whether directly or indirectly) before release.

#### **6. Elections and pre-election period**

- 6.1 From notice of election, the Combined Authority abides by the Central Government Code of Publicity governing media relations. This operates in addition to the normal rules of political neutrality relating to Authority publicity and full guidance is issued to staff at the appropriate time.

#### **7. The Code of Conduct on Local Authority Publicity**

- 7.1 In March 2011, the government issued a new Code of Recommended Practice on Local Authority Publicity. This is based on seven principles that require our publicity to be lawful, cost effective, objective, even-handed and appropriate, to show regard

for equality and diversity, and to be issued with care during times of heightened sensitivity.

## **Code of Corporate Governance**

## **1. What is Corporate Governance?**

- 1.1 The West of England Combined Authority has a key role in governing and leading our community. Effective local government relies on public confidence in elected members of West of England Combined Authority and officials. Effective systems of corporate governance underpin the credibility and confidence in public services.
- 1.2 Corporate Governance is a phrase used to describe how organisations direct and control what they do. For local authorities this includes how a West of England Combined Authority relates to the communities that it serves. Good Corporate Governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity and exclusivity. It also supports that the business of the West of England Combined Authority is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- 1.3 West of England Combined Authority is committed to being at the forefront of those local authorities that are able to demonstrate that they have the necessary Corporate Governance to excel in the public sector.
- 1.4 This Code is a public statement that sets out the way in which the West of England Combined Authority will meet that commitment.

## **2. Why do we need a Local Code?**

- 2.1 Corporate Governance is important because it is crucial to:
  - a) Providing high-quality public services. Nationally governance weaknesses have led to service failures and, on occasion, to tragedies. High performing organisations, on the other hand, have effective governance arrangements
  - b) Raising public trust. The public's trust is increased when the quality of services that they and their families experience is high, and when organisations are perceived to be open and honest in communicating their performance, and in learning from their mistakes.
- 2.2 The West of England Combined Authority has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government'. The Code is based upon the following six Principles:



- a) Focusing on the West of England Combined Authority's purpose and on outcomes for the community and creating and implementing a vision for the local area
- b) Members and officers working together to achieve a common purpose with clearly defined functions and roles
- c) Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- d) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- e) Developing the capacity and capability of members and officers to be effective
- f) Engaging with local people and other stakeholders to ensure robust public accountability.

2.3 Our Local Code of Corporate Governance sets out the means by which the West of England Combined Authority will meet and demonstrate our commitment to good corporate governance in relation to these six principles.

### **3. The Principles of Corporate Governance**

#### **Focusing on the West of England Combined Authority's purpose and on outcomes for the community and creating and implementing a vision for the local area**

- 3.1 We are committed to an ambitious strategy of achieving the best for our residents and their communities. We demonstrate this by publishing:
  - a) Our Community Strategy
  - b) Our West of England Combined Authority Strategy
  - c) An Annual Performance Report
  - d) Our Improvement Programme
- 3.2 We will regularly review the West of England Combined Authority's vision for the local community and its implications for the West of England Combined Authority's governance arrangements.
- 3.3 Through our Partnership Framework, we will ensure that partnerships are underpinned by a common vision.
- 3.4 The West of England Combined Authority will aim to deliver high quality services that make the best use of resources and are value for money. The West of England Combined Authority will do this by:
  - a) Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.

- b) Determining local needs and targeting resources accordingly as per the West of England Combined Authority Strategy.
- c) Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors
- d) Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
- e) Developing a value for money strategy and an internal self-assessment to benchmark our services and test value for money.

**Members and officers working together to achieve a common purpose with clearly defined functions and roles**

3.5 The West of England Combined Authority will ensure that the necessary roles and responsibilities for the Governance of the West of England Combined Authority are identified and allocated so that it is clear who is accountable for decisions that are made. The West of England Combined Authority will do this by:

- a) Operating a committee system of governance, where West of England Combined Authority will:
  - (i) Annually appoint Committees which would have powers delegated to them to discharge specific West of England Combined Authority functions, including Regulatory responsibilities
  - (ii) Make safeguarding provision through a pre-set process to refer a decision up to West of England Combined Authority in certain circumstances
  - (iii) Agree a scheme of delegated decision making responsibilities to Directors
- b) Undertaking an annual review of the operation of the West of England Combined Authority's constitution
- c) Ensuring Partnership arrangements have clear governance accountabilities
- d) Having in place effective arrangements for the statutory scrutiny of partners/services

**Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

3.6 The West of England Combined Authority will foster a culture of behaviour based on shared values, ethical principles and good conduct. The West of England Combined Authority will do this by establishing and keeping under review:

- a) The West of England Combined Authority's Guiding Principles
- b) A Members' Code of Conduct
- c) An Employees' Code of Conduct
- d) A Protocol governing member/officer relations
- e) A Members' Planning Code of Good Practice
- f) A Strategy for combating Fraud and Corruption
- g) A Whistle Blowing Policy

**Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

3.7 The West of England Combined Authority will ensure that the decision-making process includes a rigorous risk assessment including:

- a) Financial, legal and HR implications
- b) Sustainability and Environmental implications
- c) Equalities and Privacy impact assessment
- d) Risks, mitigations and opportunities

3.8 The West of England Combined Authority will be rigorous and transparent about how decisions are taken and recorded. The West of England Combined Authority will:

- a) Ensure Committees make decisions in an open and transparent way
- b) unless statutory rules say otherwise
- c) Record all decisions that are made by committees and officers.
- d) Have rules and procedures which govern how decisions are made.
- e) Maintain an effective audit and accounts committee

3.9 The West of England Combined Authority will operate a Risk and Opportunity Management Strategy that enables the West of England Combined Authority to manage and control risks in order to maximise the quality of its service provision and uphold its reputation, making a powerful contribution to continuous service improvement and the achievement of best value.

3.10 The West of England Combined Authority will ensure that the risk management system:

- a) Formally identifies and manages risks;
- b) Involves elected members in the risk management process;
- c) Includes a risk assessment of every decision
- d) Maps risks to financial and other key internal controls;
- e) Incorporates business continuity planning; and

- f) Reviews and, if necessary, updates its risk management processes at least annually.

### **Developing the capacity and capability of members and officers to be effective**

3.11 The West of England Combined Authority will ensure that those charged with the governance of the West of England Combined Authority have the skills, knowledge and experience they need to perform well. The West of England Combined Authority will do this by:

- a) Implementing a Member Development Strategy
- b) Developing leadership skills and capacity across the West of England Combined Authority
- c) Developing our approach to workforce planning
- d) Encouraging quality mark accreditation
- e) Maintaining and developing our Personal Development and Performance
- f) review systems
- g) Cascading regular information to members and staff

### **Engaging with local people and other stakeholders to ensure robust public accountability.**

3.12 The West of England Combined Authority is committed to increasing public involvement in decision making and devolving power to individuals and local organisations. We will seek and respond to the views of stakeholders and the community. The West of England Combined Authority will do this by:

- a) Forming and maintaining relationships with the leaders of other organisations
- b) Publishing a Forward Schedule of Key Decisions
- c) Having a policy on consultation and providing access to a range of consultation methods
- d) Using a range of methods to ensure residents have the opportunity to give their views on West of England Combined Authority services and Performance
- e) Encouraging and supporting the public to get involved in local review and decision making, in line with its Localism Framework
- f) Maintain and review an effective complaints procedure

## **4. Monitoring and Review**

4.1 Good Corporate Governance requires the active participation of members and employees across the authority. In order to ensure that our Code is effectively put into practice we will implement the following monitoring and review procedures.

4.2 **In maintaining Corporate Governance the Combined Authority will ensure:**

- a) Development, implementation and continuous improvement of the West of England Combined Authority's corporate governance culture and supporting process framework
  - b) Preparation, adoption and maintenance of an up-to-date local code of corporate governance, including arrangements for ensuring its implementation and ongoing application
  - c) Development, implementation and continuous improvement of the West of England Combined Authority's risk management arrangements
  - d) Co-ordination and review of the West of England Combined Authority's Annual Governance Statement
  - e) Promotion and celebration of best practice in corporate governance throughout the West of England Combined Authority
- 4.3 The West of England Combined Authority Audit Committee is responsible for monitoring and reviewing the West of England Combined Authority's Corporate Governance arrangements.
- 4.4 The Audit Committee is responsible for the West of England Combined Authority's arrangements relating to:
- i. reviewing and scrutinising the authority's financial affairs;
  - ii. reviewing and assessing the authority's risk management, internal control and corporate governance arrangements;
  - iii. reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority's functions; and
  - iv. making reports and recommendations to the combined authority in relation to the reviews they have conducted.
- 4.5 The West of England Combined Authority has responsibility for providing an overview of the implementation of member and officer codes and protocols relating to probity and conduct.
- 4.6 Through this Committee the West of England Combined Authority will ensure that these arrangements are kept under continual review by:
- a) The work of Internal Audit
  - b) Reports prepared by managers with responsibility for aspects of this Code
  - c) External Audit opinion
  - d) Other review agencies and Inspectorates
  - e) Opinion from the West of England Combined Authority's Statutory Officers

### **The Annual Governance Statement**

- 4.7 Each year the West of England Combined Authority will publish an Annual Governance Statement. This will provide an overall assessment of the West of England Combined Authority's Corporate Governance arrangements and an appraisal of the key controls in place to manage the West of England Combined Authority's principal governance risks. The Statement will also provide details of where improvements need to be made.
- 4.8 The Annual Governance Statement will be reviewed by the Audit and Accounts Committee and approved by the Policy and Resources Committee, for signing by its Chair and the Chief Executive.
- 4.9 The Statement will be published with the West of England Combined Authority's Annual Statement of Accounts and will be audited by our External Auditors.

## **Code of Conduct for Employees**

## **West of England Combined Authority**

### **Code of Conduct for Employees**

West of England Combined Authority's Code of Conduct sets out the professional standards required of all employees



## Code of Conduct

West of England Combined Authority's Code of Conduct for Employees sets out the obligations and professional standards of conduct required of all employees, including agency and contract workers.

The Code complies with employment legislation, the West of England Combined Authority's Constitution and the Local Government Act 1972.

The public is entitled to expect the highest standards of conduct from all employees. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.

Activities carried out by employees acting as members of companies, voluntary organisations or other bodies are required to adhere to this code when acting in this capacity.

This code of conduct forms part of the West of England Combined Authority employee's contract of employment. Failure to comply with any of the provisions included in this Code may result in disciplinary action being taken under the Disciplinary policy, or legal action if necessary.

### 1. Standards

Employees are required to:

- 1.1 provide the highest possible standard of service and provide appropriate, impartial advice.
- 1.2 to serve the whole of West of England Combined Authority.
- 1.3 act in accordance with the obligations set out in this code, recognising the duty of all public sector employees to carry out public functions reasonably, efficiently and according to the law.
- 1.4 be courteous, efficient and impartial at all times when carrying out your work.
- 1.5 report any misconduct or poor standards including safeguarding issues using the appropriate West of England Combined Authority procedure as necessary.

1.6 any breach of this code, your statutory responsibilities, professional conduct, policies or procedures, may be treated as a conduct issue which could result in action or in more serious cases, dismissal for Gross Misconduct. Any disciplinary action will be taken in accordance with appropriate policy.

1.7 The Combined Authority endorses the seven principles of public life defined by the Committee on Standards in Public Life. These principles apply to all employees. The principles are:

1. Selflessness. Holders of public office must take decisions solely in terms of the public interest. They must not do so in order to gain financial or other material benefits for themselves, their family, or their friends
2. Integrity. Holders of public office must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. Including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office must make choices on merit.
3. Objectivity. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4. Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. Openness. Holders of public office must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. Honesty. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7. Leadership. Holders of public office must promote and support these principles by leadership and example.

#### 1.8 Health and Safety

Employees have a duty of care as prescribed in the Combined Authority Health and Safety policy, and employees must not act wilfully or intentionally in a manner liable to place the public, colleagues or yourself at risk.

Employees must display their identity card at all times on Combined Authority premises.

## **2. Equality**

- 2.1. Every employee must comply with relevant legislation, namely the Equality Act 2010 and Human Rights Act 1998, Data Protection Act 1998 & 2003 and Freedom of Information Act 2000. All individuals and organisations have a right to be treated with fairness and equity and for their personal information to be managed appropriately at all times.
- 2.2. The Combined Authority will not tolerate discriminatory behaviour, including harassment, which will be dealt with using the Disciplinary policy and may lead to criminal proceedings.

## **3. Political Neutrality**

- 3.1. Employees serve the whole of the West of England Combined Authority. We work with all members of West of England Combined Authority from all political groups and may be required to advise them in ways which do not compromise political neutrality.
- 3.2. Employees must not:
  - 3.2.1. use their position for political gain either as an individual or for any political group.
  - 3.2.2. allow their own personal or political opinions to interfere with their work.
- 3.3. If you hold a politically restricted post, you must ensure you comply with the responsibilities/duties and statutory restrictions applicable to your post.
- 3.4. All employees must follow the West of England Combined Authority's policies and procedures.
- 3.5. Political Assistants appointed on a limited term contract in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 – 3.2.

## **4. Disclosure of Information**

- 4.1. The West of England Combined Authority encourages a culture of openness and transparency. The law requires that certain information must be made available to

members of West of England Combined Authority, auditors, government departments, service users and the public. Certain information may be confidential or sensitive and therefore not appropriate to be made public. You should make yourself aware of what information the West of England Combined Authority is open about and what it is not open about and follow the appropriate procedures when disclosing information.

- 4.2. All employees have a duty of confidentiality to the West of England Combined Authority and must act as required in accordance with 4.1 above to maintain confidentiality.
- 4.3. You must not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.4. All employees are under a duty to comply with the Data Protection Act 2018, the General Data Protection Regulations (GDPR) and the Freedom of Information Act 2000 (FOI).
- 4.5. All employees are required to undertake compulsory Data Protection training as required by the West of England Combined Authority's Senior Information Risk Owner (SIRO).
- 4.6. Employees should consult their manager or seek legal advice if there is any uncertainty regarding any type of information for which disclosure is sought.
- 4.7. Breach of the Data Protection Act 2018 may result in criminal proceedings and may result in disciplinary action which could include dismissal.
- 4.8. The Combined Authority expects that the recording of a meeting or conversation during the course of employment will take place only with the consent of all those present. Where a request is made to make a recording, it will be considered on a case-by-case basis taking into account relevant considerations, for example where the recording of a meeting may be a reasonable adjustment related to an employee's disability. The Combined Authority will reserve the right to request a copy of the recording. The Combined Authority does not permit covert recording under any circumstances. Any such recording will be considered to be a disciplinary matter.

## **5. Relationships with members of West of England Combined Authority**

- 5.1. Mutual respect between employees and members of West of England Combined Authority is essential to good local government. Any personal relationship between employees and a member of West of England Combined Authority should be conducted in a professional manner at all times.
- 5.2. All relationships with members of West of England Combined Authority must be made known to your line manager e.g. where a relative or close personal friend becomes a member of West of England Combined Authority.
- 5.3. The declaration must be made using the form attached as appendix 1 and submitted to the Head of Paid Service.

## **6. Commitments Outside of Work and Conflicts of Interest**

- 6.1. Some employees have conditions of service which require them to obtain the written consent of the West of England Combined Authority to take any additional employment outside of the West of England Combined Authority. All employees should be clear about their contractual obligations and should not take any additional employment, or take up any position in an organisation, which conflicts with the West of England Combined Authority's interests or their role in the West of England Combined Authority.
- 6.2. It is the employee's responsibility to raise any potential conflicts with their manager when undertaking work outside of their normal position (voluntary or paid).
- 6.3. Employees are not permitted to use any West of England Combined Authority material or information for personal gain when undertaking work (either paid or voluntary) outside of their job.
- 6.4. Employee's working time should not exceed an average of 48 hours per week, taking into account secondary employment. Employees graded up to and including spinal column point 22 (or equivalent basic pay pro rata) must notify their manager of any secondary employment undertaken.
- 6.5. Employees graded above spinal column 22 (or equivalent basic pay pro rata) and all officers, under JNC Conditions of Service must obtain the express consent of the Chief Executive Officer prior to engaging in any other business or taking up any secondary employment. Employees must subsequently keep their Chief Executive Officer advised of any changes to their secondary employment.

- 6.6 Employees may also be required to disclose total working hours, to enable the Combined Authority to monitor hours worked to comply with the Working Time Regulations.
- 6.7 Employees giving lectures/advice for other organisations, using own professional skills and expertise gained through work at the Combined Authority, if the work forms part of the duties of the post, employees are regarded as carrying out an official duty and must forward the fees to the Combined Authority.
- 6.8 If the lecture/advice work does not form part of the standard duties of the role, employees may retain the 'fees' provided the preparation and the lecture/advice is undertaken in employee's own time and are not acting as a representative of the Combined Authority. Employees must not use the Combined Authority equipment and/or materials.

## **7. Personal and Financial Interests**

- 7.1. Members of West of England Combined Authority are subject to a Code of Conduct which requires them to declare personal, financial and non-financial interests and to refrain from participating in any decisions which relate to those interests. Like members of West of England Combined Authority, all employees are required to undertake all of their responsibilities impartially and free from influence.
- 7.2. Employees must notify their manager, in writing, and declare any financial or non-financial interests they consider could conflict with the West of England Combined Authority's interests.
- 7.3. Where an employee's duties require them to deal with matters concerning outside organisations, bodies or individuals and where an employee is personally and/or directly or indirectly involved, e.g. they have a close personal relationship with an individual involved in one of these organisations or bodies, the employee must notify their manager, in writing, of the relationship.
- 7.4. You must complete appendix 1 providing information about the nature of the relationship and provide this to your line manager who will determine in writing whether as a result of the relationship you can continue to undertake the specific work and/or place restrictions on your role.

- 7.5. Failure to disclose a relevant personal or financial interest or a failure to comply with the manager’s decision following disclosure could jeopardise decisions made and could result in disciplinary action.
- 7.6. Any employee appointed or nominated by the West of England Combined Authority to serve on an external body is required to advise the Head of Paid Service, in writing, (Appendix 1) detailing the nature and capacity of their appointment, and should seek advice from the Monitoring Officer to ensure no conflicts of interest arise.

## **8. Use of Financial Resources**

- 8.1. Employees must ensure that all public funds are used in a responsible and lawful manner and in accordance with the West of England Combined Authority’s financial standing orders. They should strive to ensure value for money and avoid any legal challenge to the West of England Combined Authority.
- 8.2. Any financial irregularities must be reported to the relevant Chief Financial Officer.

## **9. Contracts and Contractors**

- 9.1. Relationships and awards of contracts.
- 9.1.1. Orders and contracts must be awarded strictly in accordance with the requirements of the West of England Combined Authority’s financial standing orders and procurement process. Orders and contracts must always be awarded on merit, by fair competition against other tenders and no preferential treatment should be shown to businesses run by, for example, friends, partners or relatives in the tender process or towards organisations/bodies with whom the employee is involved.
- 9.1.2. An employee must make all appropriate declarations in accordance with Section 7 above: Personal and financial interests.
- 9.2. Contractors and separation of roles during tendering.
- 9.2.1. Employees involved in a tender process must ensure there is a separation of client and contractor roles within the West of England Combined Authority and no conflict of interests. Senior employees who have both

client and contractor responsibility must ensure there is accountability and openness.

9.2.2. Employees who are aware of confidential information on tenders or costs for either internal or external contractors must not disclose that information to any party or organisation.

9.2.3. Employees must ensure that no favour is shown to current or recent former employees, partners, close relatives or associates when awarding contracts.

## **10. Appointments, Employment and IT Matters**

10.1. Employees involved in the recruitment selection process must ensure appointments are made on the basis of merit.

10.2. Employees should not be involved in the recruitment process, decisions related to disciplinary procedures, promotion or pay adjustments where they are related to an applicant/employee, or have a close personal relationship with them.

10.3. Employee's must notify their line manager of any statutory illegality, that may affect their ability to carry out the duties of their post e.g. drivers who lose their driving license.

10.4. All employees must ensure that they comply with the Combined Authority Social Media policy and policies relating to IT, IT security and the handling of sensitive information, including:-

- (i) security requirements regarding mobile IT devices, e.g. laptops, mobile and landline phones, tablets, internet, etc.
- (ii) not disclosing passwords.
- (iii) not compromising the West of England Combined Authority's IT service with regard to phishing emails.
- (iv) accessing illegal and inappropriate websites.
- (v) IT Security Policy.

## **11. Professional Misconduct**



- 11.1 Employees who are required as part of their employment to be members of a professional body must comply with the code of conduct and regulations of the applicable governing body.
- 11.2. Any breach of a professional code of conduct, may result in a referral to their professional body.
- 11.3 Employees are required to notify their professional body of any allegation or formal outcome in accordance with their professional body terms.
- 11.4 Employees are required to notify the Combined Authority if they have been referred to any professional body by an internal or external person or organisation other than the Combined Authority.

## **12. Alcohol and substance misuse**

- 12.1 Employees are responsible for delivering a high-quality service, which depends upon timely attendance and effective performance at work. This may be compromised if alcohol or substances have been misused.
- 12.2 Absences that are due to Alcohol or drug abuse will be managed in line with the Combined Authority Supporting Attendance policy.

## **13. Court/Tribunal Proceedings**

- 13.1. All employees must adhere to the West of England Combined Authority's time off work policy with regard to attending court/tribunal proceedings that are unconnected to their role.
- 13.2. If an employee issues proceedings against the West of England Combined Authority in any capacity, the following applies:
  - 13.2.1. any preparation must be done within the employees own time.
  - 13.2.2. West of England Combined Authority property/equipment must not be used to prepare an employee's case.

13.2.3. any time off to attend any proceedings/hearing must be taken within the employees own time, using annual or flexi leave. If unpaid leave is required this must be approved by your Manager.

#### **14. Gifts, Hospitality and Sponsorship**

- 14.1. Employees should only accept hospitality and/or offers to pay travel & accommodation costs where there is a genuine need or in situations where the West of England Combined Authority should be represented. Further guidance can be found in the Financial Regulations: Section 20 within the Constitution.
- 14.2. All offers of hospitality and/or travel/accommodation costs must be authorised by the employee's line manager and recorded in the Gifts and Hospitality Register. Employees should complete Appendix 2, providing information about the offered hospitality and/or costs, and the reasons why acceptance is recommended.
- 14.3. When receiving authorised hospitality, employees should be sensitive to its timing in relation to any decisions the West of England Combined Authority may be taking which could affect those providing the hospitality.
- 14.4. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable, where it is clear the hospitality is corporate rather than personal, where the West of England Combined Authority gives consent in advance and where the West of England Combined Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc, are required, employees should ensure the West of England Combined Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.
- 14.5. Employees should not accept significant personal gifts (i.e. with a value over £25) from contractors, suppliers or other organisations. These should be politely returned with a suitable official letter and details recorded in the Gifts and Hospitality Register.
- 14.6. Gifts with a value of less than £25 or items for business use, e.g. diaries, calendars and pens; may be accepted but must be declared by the recipient and recorded in the Gifts and Hospitality Register.
- 14.7. Employees should complete Appendix 2, providing information about all gifts offered and whether the gift has been accepted or returned.

- 14.8. If an external organisation is seeking to sponsor a West of England Combined Authority activity, the basic conventions concerning acceptance of gifts or hospitality apply.
- 14.9. Where the Combined Authority sponsors an event or service, employees (and any partner, spouse or relative associated with the employee) must not benefit from the sponsorship. Employees must seek guidance from the Chief Executive Officer in situations where there will be employee involvement with an event or service which the Combined Authority proposes to sponsor.

## **15. Inventions, Patents and Intellectual Rights**

- 15.1. 'Intellectual Property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings (including policy, training and technical documents and materials).

The intellectual rights and creation of an idea will become the property of the West of England Combined Authority provided that:

- 15.1.1. it has been made in the course of the employee's normal duties; or.
  - 15.1.2. where invention might be reasonably expected within the employee's specified duties; or.
  - 15.1.3. where a special obligation to further the interests of the West of England Combined Authority was in the course of the employees duties.
- 15.2. Normal duties are those described or inferred in the role profile or job descriptions, as well as any notified temporary changes to duties.

## **16. Bribery and Corruption.**

- 16.1. Employees must be aware that it is a serious criminal offence for them to corruptly receive or gift any gift, loan, fee, reward, or advantage for doing or not doing, anything or showing favour, or disfavour, to any person or body in their official capacity.
- 16.2. The acceptance of, or giving of a gift to obtain financial or other advantage, is a criminal offence, as is a threat or retaliation against someone refusing to commit a bribery offence (Bribery Act 2010). The prevention, detection and reporting of bribery is the responsibility of all those working for the Combined Authority or under

its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010

## **17. Public relations and talking to the media.**

- 17.1. The West of England Combined Authority's communications team coordinate and manage all media relations including co-ordinating interviews, producing news releases, statements and lines to take.
- 17.2. If you are directly approached by a member of the media you must not attempt to answer questions yourself; instead you should immediately refer the journalist to the communications team who will manage the response. More information can be found in the West of England Combined Authority's media protocol.

## **18. Use of the West of England Combined Authority Facilities and Systems**

- 18.1 The Combined Authority's property and facilities, including communication systems, are provided for official Combined Authority business. All Combined Authority owned portable equipment and devices must be returned on leaving the Combined Authority employment and any Combined Authority owned or supplied data must be deleted. Access to systems used for Combined Authority purposes must be terminated permanently.
- 18.2 Employees are often provided with equipment to use for work. Telephones, photocopiers, computers and faxes are available for private use, with authorisation from the Chief Executive Officer. Personal use of other Combined Authority equipment, for any purpose, is not permitted. Where equipment owned by the Combined Authority is no longer required, you may be permitted to acquire them for private use, with the authorisation of your manager. Depending on the circumstances and the value of the items, you may be required to make a financial contribution to the Combined Authority, in line with guidance from the Finance team.
- 18.3 As a member of the public, if you wish to access property, facilities, services or equipment, which is normally provided by the Combined Authority on a commercial basis, you must not gain advantage due to your employment with the Combined Authority. Where there may be a perception of potential conflict, you must advise

your manager you propose to use Combined Authority property, facilities, equipment or services; your manager will guide you and take appropriate action.

- 18.4 The Combined Authority has the right to access and monitor communication systems provided to you, and will monitor usage of its communication systems e.g. telephone, email and Internet access, to ensure their proper use and will run reports detailing usage levels of staff.
- 18.5 Telephones or other mobile devices provided by the Combined Authority should be used for business purposes only, with personal usage taking place outside of working hours on permitted devices and line management agreement.
- 18.6 Email and the Internet are available for work use and provisions apply as part of agile working. Employee's should handle data in line with the Combined Authority's guidelines on managing information and in line with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR)
- 18.7 Employees are required to adhere to the Combined Authority Social Media Policy relation to expected conduct on social networking websites, personal websites and blogs.

## Responsibilities

Manager	Ensure that they are familiar with and comply with the Code of Conduct and ensure employees comply with the Code of Conduct and deal with any non-compliance promptly and effectively.
Employee	Comply with the Code of Conduct and report any non-compliance to their manager promptly
HR	Provide support and advice to managers as required. Review the Code of Conduct annually
Legal.	Provide support and advice to managers as required.
The Monitoring Officer	To undertake statutory duties in relation to unlawful acts or omissions.

## Appendix 1.- Register of Interests Declaration Form

### Employee Code of Conduct

### Register of Interests Declaration Form

All staff, including agency and contract workers, are required to complete the following declaration form, declaring as appropriate any information or activity in accordance with the requirements contained in the West of England Combined Authority's Code of Conduct for Employees.

Name:	
Job Title:	
Department:	
Division:	Line Manager :

<b>Nature and details of Declaration</b>	<b>Employee Declaration</b> <i>If you do not have anything to declare, please write "None"</i>
Relationship with members of West of England Combined Authority.  E.g. A relative or close personal friend who is a Member or officer at WECA.	Please provide relevant details.
Outside Commitments / Conflict of Interest  E.g. Voluntary or paid work or activity outside of normal position that conflicts with WECA interests.	Please provide details of the organisation and your role/activity within that organisation.
Register of Financial and Non-Financial Interests that could conflict with WECA's interests.  E.g Close personal relationship with an individual involved in an organisation or body that your duties at WECA require you to deal with; or who has a business involved in a tender process. Any interest in land/property affected by a WECA decision.	Please provide relevant details.

All declarations above should be made in accordance with the WECA Code of Conduct for Employees. Please refer to the [Code of Conduct for Employees](#). If you have a positive declaration in any of above declarations, please pass the completed form to your line manager.

In addition to the above declarations, employees are required to sign the declaration below relating to the WECA Code of Conduct policy:

I confirm that I have read the WECA Code of Conduct Policy and accept the conditions set out within the policy	Date	Signed
--	------	--------

**Managers comments/ instructions to employee**

**Manager signature:**

**Date:**

**Approval of Head of Paid Service**

**Print name:**

**Signature:**

**Date:**

**On completion of this form it must be submitted to the Monitoring Officer**



### **Guidance for managers**

1. The declaration should be acknowledged by management in writing.
2. Where guidance has been issued to the employee, it should be confirmed in writing within 14 days of the declaration being made.
3. A copy of the approved declaration form and any associated guidance should be retained in departmental records; which should be held for each category of declaration.

### **Guidance for employees**

1. Declarations should be made on starting work for WECA and thereafter when they arise.
2. A copy of the approved declaration form should be retained by the employee for record purposes, in the event of a challenge at a later date.
3. You should not be involved in any negotiations or place contracts with third parties with whom you have declared an interest unless specifically instructed by your manager in writing.

## Appendix 2.- Gifts and Hospitality Declaration Form

### Employee Code of Conduct Gifts and Hospitality Declaration Form

In accordance with the requirements contained in the West of England Combined Authority's Code of Conduct for Employees, all staff, including agency and contract workers, are required to complete the following declaration form, either:

- To requesting authorisation for acceptance of an offer of Hospitality; travel and/or accommodation
- To declare as appropriate any gifts offered or sponsorship received

Name:	
Job Title:	
Department:	
Division:	Line Manager :

<b>Request for Authorisation to accept offer of Hospitality; travel and/or accommodation</b>	
Details of the offer of hospitality; travel and/or accommodation.	
Details of the business need for acceptance or why WECA should be represented	
Line Manager  Signature  Date	I authorise/do not authorise acceptance of  .....  .....
<b><u>On completion of this section, the form must be submitted to the Monitoring Officer</u></b>	

<b>Nature and details of Declaration</b>	
Details of gift received	<p>The gift has been accepted</p> <p>The gift has been returned</p> <p>Employee signature</p> <p>Date</p>
Details of Sponsorship received	<p>Employee signature</p> <p>Date</p>
<b><u>On completion of this section, the form must be submitted to the Monitoring Officer</u></b>	

All declarations above should be made in accordance with the WECA Code of Conduct for Employees. Please refer to

- the [Code of Conduct for Employees](#).
- WECA Constitution: Financial Regulations - Section 20

### **Guidance for employees**

1. Declarations should be made when they arise.
2. A copy of the approved declaration form should be retained by the employee for record purposes, in the event of a challenge at a later date.

# Pay Policy Statement 2019 -20

## Introduction

The West of England Combined Authority is made up of three of the local authorities in the region – Bath & North East Somerset, Bristol and South Gloucestershire.

Working with our partners including the West of England Local Enterprise Partnership, North Somerset Council and other local service providers, our aim is to deliver economic growth for the region and address challenges including economic investment, skills development, housing and transport.

## 1. Purpose and scope

- 1.1 The purpose of the statement is to provide a clear and transparent policy to the public, which demonstrates accountability and value for money.
- 1.2 The 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.
- 1.3 It will articulate 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 the year.
- 1.4 The Authority's pay arrangements will reflect the need to recruit, retain and motivate skilled employees to ensure high levels of performance balanced with accountability on the public purse. The policy will be underpinned by principles of fairness and equality and will need to recognise the flexibility which is essential in delivering a range of services.
- 1.5 The statement will be reviewed annually in advance of the financial year to which it relates. It's approval and any subsequent amendments will be considered at a meeting of the Combined Authority. The statement will be published on the Authority's public website

## 2. Definitions

For the purposes of this Pay Policy Statement the following definitions apply:

- 2.1 **'Pay'** in addition to base salary includes charges, fees, allowances, benefits in kind, increases in/enhancement to pension entitlements and termination payments where applicable.

**'Chief Officers'** refers to the Chief Executive, as 'Head of Paid Service' and posts reporting to that postholder, excluding administrative support functions

**'Lowest paid employee'** refers to those employees in substantive full-time employment at the lowest scale point of the Authority's pay scale

### 3. General principles & practice

- 3.1 The West of England Combined Authority's employment practice will be governed generally by the relevant national and European legislation and, where relevant, specific local government legislation and regulation.
- 3.2 **Principles:** The Authority values all its employees and aims to apply a consistent and fair approach to pay and benefits, in line with the following principles:
- ✓ To work within financial constraints using those limited funds in the most effective way to support the Authority in the provision of quality cost effective services.
  - ✓ To take account of affordability in the introduction and maintenance of any changes to pay structure.
  - ✓ To support a flexible approach to the acceptance of changes to tasks, duties and responsibilities by employees and allow for flexibility between posts.
  - ✓ To be mindful of the market in making decisions about pay and benefits enabling the Authority to attract and retain its employees and to respond to situations where market forces dictate the necessity to apply supplements to established salaries.
  - ✓ To actively work towards reducing any unjustified gender pay gaps and promote an equal pay agenda ensuring that transparent and accessible pay and job evaluation systems, processes and systems meet legislative requirements.
  - ✓ To be clear about the recognition and reward of performance, whether at whole organisation, service, team or individual level.
  - ✓ To manage pay and benefits processes appropriate to service delivery in a fair and consistent way, and in line with a commitment to remaining within the framework of the relevant national pay and conditions agreements.
  - ✓ To aim to retain a core set of benefits for all employees.
- 3.3 **Practice:** Basic pay is determined through:
- The job role and its accountability in the overall context of the Authority's services and responsibilities using a job evaluation process based on objective criteria and free from discriminatory bias.
  - The terms of the relevant national agreements on pay and conditions of service.
  - A comprehensive pay and grading structure, that must be affordable and offer recruitment and retention incentive.
  - The outcome of reviews into the local pay and grading structures are determined within the terms of this policy and the Authority's governance arrangements.
- 3.4 **Equal pay:** The Authority is committed to the principle of equal pay for all posts of the same size and value. To put its commitment to equal pay into practice, it:
- Regularly reviews its pay grade and rates for all current staff and starting pay for new staff in line with Equality and Human Rights Commission guidance to ensure a robust and consistent approach.
  - Adopts an independent and consistent job evaluation approach
  - Provides training and guidance for managers and supervisory staff involved in decisions about pay and benefits.
  - Regularly monitors pay and grading data and statistics and will publish pay equality data as statutorily required

## 4. Senior pay

- 4.1 The remuneration of the Chief Executive and other senior management appointments in the Authority is undertaken by external analysts using the Hay Job Evaluation process. Levels of pay have been market-related by being compared to a national data base maintained by the Hay Group of similar posts in a wide range of public and not for profit sector organisations and recognising regional influences. The pay structure for Chief Officers takes account of clearly defined 'statutory responsibilities'. Three pay bands will be available for the most senior officers, as set out below:

BAND	MIN/MID/ MAX POINTS	Composition, Terms & Conditions
<b>CHIEF EXECUTIVE/ HEAD OF PAID SERVICE &amp; other senior management appointments*</b>		
<b>Band 1</b>	Fixed/Spot	<ul style="list-style-type: none"> <li>- A fixed salary within the range £135,000 to £155,000 pa taking account of current public sector market median data provided by the independent analysts with recognition of regional influences and the Authority's general starting salary policy.</li> <li>- No variable element within the remuneration package e.g. bonuses, charges, fees or allowances, benefits in kind</li> <li>- Salary subject to annual review to take account of factors such as performance, capability, JNC national pay settlements.</li> <li>- Other conditions of service are those determined nationally by the JNC specifically for these appointments or, as locally determined for all other staff.</li> </ul>
<b>Band 2</b>	Fixed/Spot	<ul style="list-style-type: none"> <li>- A fixed salary within the range £110,000 to £125,000 pa taking account of current public sector market median data provided by the independent analysts with recognition of regional influences and the Authority's general starting salary policy.</li> <li>- No variable element within the remuneration package e.g. bonuses, charges, fees or allowances, benefits in kind</li> <li>- Salary subject to annual review to take account of factors such as performance, capability, JNC national pay settlements.</li> <li>- Other conditions of service are those determined nationally by the JNC specifically for these appointments or, as locally determined for all other staff.</li> </ul>
<b>Band 3</b>	Fixed/Spot	<ul style="list-style-type: none"> <li>- A fixed salary within the range £90,000 to £99,000 pa taking account of current public sector market median data provided by the independent analysts with recognition of regional influences and the Authority's general starting salary policy.</li> <li>- No variable element within the remuneration package e.g. bonuses, charges, fees or allowances, benefits in kind</li> <li>- Salary subject to annual review to take account of factors such as performance, capability, JNC national pay settlements.</li> <li>- Other conditions of service are those determined nationally by the JNC specifically for these appointments or, as locally determined for all other staff.</li> </ul>

- 4.2 The Authority has adopted a pay range to allow flexibility in candidate attraction. Individual appointments will be made on a 'fixed or spot salary'. Pay increments with time served progression are not appropriate. Placement within the range will reflect factors such as capability, experience, previous salary history, and marketability.
- 4.3 Senior staff will not be differentiated from other members of staff in terms of remuneration on resignation or termination.
- 4.4 If proposed severance packages are likely to exceed £99,999 (this threshold includes [but is not limited to] any proposals in respect of salary to be paid in lieu, redundancy compensation, pension entitlements and holiday pay as appropriate) these will be considered in accordance with agreed Authority governance arrangements. This provision will be reviewed to comply with any legislative changes made during the year.
- 4.5 The Authority's threshold level for disclosure of senior staff salaries will be at the minimum point of the senior civil service pay scale and above as at 31 March of any given year to which this policy applies.

## **5. Pay of the lowest-paid employees**

- 5.1 The Authority has resolved that no employee will be paid less than the Living Wage, which is set by the Living Wage Foundation. The Authority has adopted this definition because it has decided that none of its employees should be paid less than the UK Living Wage.
- 5.2 For 2019/20, the UK Living Wage is £9.00 per hour, which equates to a minimum annual salary of £17,364 (based on a full-time week of 37 hours).
- 5.3 Apprentices and interns are normally exempt from the provisions of the Living Wage.

## **6. Relationship between senior pay and the 'lowest paid Authority employee'**

- 6.1 The Authority is committed to ensuring the ratio between the highest and lowest paid employee is never greater than 10:1.
- 6.3 The ratio of the highest paid employee to the lowest is currently 7.2 : 1. At present, the highest paid employee is the Chief Executive Officer

## **7. Pay Bands**

- 7.1 The Authority adopted in 2017 the job-evaluated pay structure used by Bath and North East Somerset Council for all staff below Chief Officer and Head of Service level. While it may be necessary in the future for the Authority to develop its own pay and grading scheme, this position takes account of the fact that there is a clear job evaluation scheme in place which has been fully approved by the Unions and is in line with National Joint Council (NJC) provisions. Since 2017, the Authority has increased salaries on this scale in accordance with the nationally agreed NJC pay awards.
- 7.2 For staff at Head of Service level, whose salary range sits above the Bath and North East Somerset Council pay scale maximum but below Chief Officer, three pay ranges have been adopted (Head of Service Level 1 to Head of Service Level 3). These have been developed with support from an independent external consultancy, with clear reference to evaluated market benchmarking. These Head of Service levels range from broadly £60,000 to £80,000 per annum depending on the level of complexity and responsibility of the job, and the pay of similar roles in similar employers within the market.

## **8. Pensions**

- 8.1 Subject to the provisions of the relevant scheme, all directly employed staff will be enrolled into the Local Government Pension Scheme, a statutory contributory scheme. They may choose to opt out of membership.
- 8.2 The Authority has developed a policy for flexible retirement.

## **9. Use of consultants, contractors and temporary 'agency' staff.**

- 9.1 Ordinarily staff will be engaged directly by the Authority as employees but on an exceptional basis, if circumstances deem it necessary, people may be engaged under 'contracts for services' as consultants or contractors or on an 'agency basis'. When this situation arises, the Authority will give detailed prior consideration to the benefit of doing so and that the overriding need to ensure value for money is achieved. Such arrangements must be in accordance with the Authority's Codes of Practice and Financial Regulations.
- 9.2 The Authority has a contract in place with a "Managed Service Provider" for the provision of Agency workers, to ensure that they are always engaged in a consistent and cost effective manner.

## 10. Publication

- 10.1 The Authority's approach to the publication of and access to information on the remuneration of Chief Officers is to include it on its public website as part of its requirements within the Accounts and Audit (England) Regulations 2011 and in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency. A copy of the Pay Policy Statement will be published on the Authority's website.

### Further information

For further information on the pay policy please contact the Authority as follows:

Email: [info@westofengland-ca.gov.uk](mailto:info@westofengland-ca.gov.uk)

Telephone: 0117 428 6210