

AGENDA ITEM 4**REPORT TO THE TEES VALLEY
COMBINED AUTHORITY CABINET****FRIDAY 24th JULY 2020****REPORT OF THE CHIEF EXECUTIVE****CONSTITUTION AMENDMENTS****SUMMARY**

The Constitution of the Combined Authority was agreed in May 2017. The Constitution has subsequently been periodically reviewed to ensure it is up to date and fit for purpose with proposed amendments traditionally presented for Cabinet approval at the Annual General Meeting.

A table summarising the proposed amendments for the forthcoming year can be found at Appendix 1.

RECOMMENDATIONS

It is recommended that the Combined Authority Cabinet approve the proposed amendments to the Constitution detailed in this report and Appendix 1.

DETAIL

1. The Combined Authority Constitution was agreed in May 2017 following approval from the Cabinet and the election of the first Tees Valley Mayor.
2. Since this time there have been changes to Combined Authority processes, policies and documents and legislative changes which need to be reflected in changes to the Constitution. These changes have historically been made at the Combined Authority General Meeting, under the Constitutional provision (Appendix 1, paragraph 2, clause (r)) that this meeting “consider amendments to the Combined Authority’s procedure rules as appropriate”
3. The current Constitution has therefore been reviewed and proposed amendments made. The review has been led by the Monitoring Officer and the Chief Executive, the amendments have been shared with the Constituent Authorities, including each Monitoring Officer.
4. Cabinet is asked to approve the following amendments:

Introduction

Paragraph 6 of the Introduction to the Constitution states the Mayor will initially serve “for a three year term of office” It is proposed that this paragraph is amended to reflect the postponement of the Mayoral Election necessitated by the COVID-19 outbreak, legislated for by the Coronavirus Act 2020.

The Local Enterprise Partnership

The current constitution sets out that the Further Education Representative on the Local Enterprise Partnership – collectively identified by the Tees Valley Further Education Colleges – rotate annually. The Further Education representatives have requested that this period of office be extended to two years to maximise the impact of the office holder. This proposal is supported by officers.

Overview & Scrutiny Committee

Throughout the existence of the Combined Authority the Overview & Scrutiny Committee has frequently been unable to hold quorate meetings, a situation exacerbated by the high quorum requirement for the attendance of ten out of fifteen members, representing four out of five Constituent Authorities.

Both members and officers have always felt that this issue could be addressed with the introduction of substitute committee members, as are operated successfully with other statutory committees. Previous guidance however suggested that no provision is made for substitute Overview & Scrutiny Committee members under Statutory Order 2017 No. 68, which governs the operation of Combined Authority Overview & Scrutiny committees.

Consensus is emerging throughout the nine Mayoral Combined Authorities – the majority of whom have experienced identical quoracy issues with their Overview & Scrutiny Committees to ourselves - that whilst the legislation does not make provision for Overview & Scrutiny Committees, neither does it explicitly prohibit them. Communication with central government has not contradicted this view and the majority of Mayoral Combined Authorities are introducing or have already introduced substitute Overview & Scrutiny Committee members

As a result, officers propose introducing substitute members to the Overview and Scrutiny Committee in order to deliver a greater proportion of quorate meetings. It is proposed that three members are nominated from each Constituent Authority, reflecting so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Authorities collectively (as determined in Appendix V of the Constitution).

Gifts and Hospitality

The Members Code of Conduct requires officers and members to report and record all offers of gifts and hospitality of £25 or more in value. In order to maximise transparency, it is proposed that the Combined Authority commence with the practice of publishing the Gifts and Hospitality declarations of both Cabinet members and Directors.

5. The finalised updated document will be published following approval from the Cabinet.

FINANCIAL IMPLICATIONS

6. There are no direct financial implications arising from this report. The report relates to the Constitution for the Combined Authority, which has embedded within it the statutory financial regulations.

LEGAL IMPLICATIONS

7. The report relates to the Constitution for the Combined Authority which sets out the appropriate statutory framework and is legally binding.

RISK ASSESSMENT

8. The Constitution amendments are categorised as low risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

CONSULTATION & COMMUNICATION

9. Consultation has been undertaken with the relevant officers within the Combined Authority and with the Constituent Authorities, including each Monitoring Officer.

EQUALITY & DIVERSITY

10. Not Applicable

LOCAL ENTERPRISE PARTNERSHIP

11. This report has been shared with the Local Enterprise Partnership

Name of Contact Officer: Laura Metcalfe

Post Title: Governance Manager

Telephone Number: 07388 371543

Email Address: laura.metcalfe@teesvalley-ca.gov.uk