

The Constitution

**Sussex &
Brighton** | Strategic
Authority

a Combined County Authority

Devolution Priority Programme

2026

Version Control

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1.0	18/03/26	J Townsend	First draft edition for inclusion in inaugural Board papers
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1. Introduction

1. The Mayoral Strategic Authority (Combined County Authority)

1 The Sussex and Brighton Strategic Authority (the Combined County Authority) was established pursuant to the Sussex and Brighton Combined County Authority Regulations 2026 on 25 March 2026, this brought together the constituent councils of East Sussex County Council, West Sussex County Council and Brighton and Hove City Council, working collaboratively with partners including business and District & Borough Councils, to champion the interests of the Strategic Authority area nationally and internationally.

2 The Constituent Councils of the Strategic Authority are:

- East Sussex County Council
- West Sussex County Council
- Brighton & Hove City Council

3 The Non-Constituent Councils of the Strategic Authority are:

- Nominated representatives of East Sussex District and Borough Councils as nominated by the designated body [*to be determined*]
- Nominated representatives of West Sussex District and Borough Councils as nominated by the designated body [*to be determined*]

4 The Associate Members of the Strategic Authority are

- *To be determined – details will be included to reflect Strategic Authority decisions on Associate Members*

5 The Strategic Authority will be designated as a Mayoral Strategic Authority and will be responsible for a range of functions across its area, these include:

- Transport and local infrastructure: responsibility for local transport plans, bus strategies and franchising
- Skills and employment support: tailoring skills provision to local economic needs
- Housing and strategic planning: creating spatial development strategies to manage housing needs and infrastructure
- Economic development and regeneration: driving local growth and investment
- Environment and Net Zero: coordinating local environmental action
- Health, wellbeing and public service reform: reducing deprivation and improving public services
- Public safety: taking on fire & rescue and police & crime responsibilities in 2028

6 The functions of the Strategic Authority are those functions conferred or imposed on it by the regulations or any other enactment (whenever passed or made) or as may be delegated to it. The Strategic Authority will exercise all its powers and duties in accordance with the law and this constitution.

7 The Strategic Authority will hold its first Mayoral election on the 4th May 2028, until this election it will operate as a Mayoral Strategic Authority without a mayor in place. As a result it does not hold a number of functions that are reserved for the Mayor, these are set out in detail in section 3 of this constitution.

2. The Constitution

1 This Constitution sets out how the Strategic Authority (SBSA) works, makes decisions, and the procedures the SBSA will follow to make sure its work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones the Strategic Authority have chosen to follow.

2 The Constitution has 8 parts, plus several appendices. These are outlined below as follows:

Part 1: Introduction to the Strategic Authority and the Authority’s Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

Part 2: Articles of the Constitution which set out the underpinning legal framework of the Strategic Authority and signpost readers to relevant aspects throughout the Constitution.

Part 3: Responsibility for Functions setting out who is responsible for exercising each function of the Strategic Authority.

Part 4: Procedure Rules which govern how the Strategic Authority, and its decision-makers operate, including:

- formal meetings of the Strategic Authority and its committees,
- how to access information, and
- procedures relating to finance and contracts.

Part 5: Protocols and Ethical Standards including codes of conduct for Members and officers of the Strategic Authority, and protocols relating to conduct, conflicts of interest and relationships between officers and members.

Part 6: Member allowances scheme which sets out the entitlement of any Member, including the Mayor, to claim expenses in carrying out their role and sets out the levels of remuneration applicable to the Mayor and other roles determined by the Strategic Authority.

Part 7: Management structure which sets out the senior officer management structure of the Sussex and Brighton Strategic Authority.

Part 8: Key Policy section which details a number of key organisational policies

3 The Constitution sets out the fundamental principles, structures, and procedures that guide how the Strategic Authority operates. Its purpose is to:

- a) Provide clear and accountable leadership for the area.**
It establishes how the Strategic Authority will lead the community in partnership with local councils, residents, businesses, public services, and voluntary organisations. By defining roles and responsibilities, the Constitution helps ensure that leadership is transparent, collaborative, and focused on improving outcomes for the region.
- b) Promote meaningful participation in local democracy.**
The Constitution supports and encourages active involvement from citizens and stakeholders in shaping local policies and decisions. It outlines mechanisms for engagement, consultation, and public access to information so that the decision-making process is open and inclusive.
- c) Enable efficient, effective, and lawful decision-making.**
By setting out clear procedures for how decisions are made, delegated, recorded, and implemented, the Constitution helps the Strategic Authority operate in a timely, consistent, and compliant manner. This ensures that public resources are used responsibly and that decisions contribute to the strategic aims of the Authority.
- d) Strengthen transparency and public accountability.**
The Constitution specifies how decision-makers can be held to account, including through scrutiny arrangements, audit processes, and requirements for openness. It ensures that decisions are subject to challenge and review in a fair and proportionate way.

	<p>e) Safeguard independence and integrity in scrutiny. It provides strict rules to prevent any individual or committee from reviewing or scrutinising decisions in which they have had direct involvement. This protects the objectivity and credibility of the scrutiny process.</p> <p>f) Clarify who has the authority to make which decisions. The Constitution sets out the distribution of powers across the Strategic Authority, its committees, and its officers. This clarity helps ensure that decision-makers understand the scope of their role, take responsibility for their actions, and provide clear reasoning when decisions are made.</p> <p>g) Support delivery of the strategic vision for the area of the Strategic Authority. Overall, the Constitution provides a framework that helps the Strategic Authority achieve its long-term ambitions — such as driving economic growth. It ensures that governance arrangements actively support the creation of a more prosperous, connected, and resilient region.</p>		
4	The Monitoring Officer will regularly monitor and review the operation of the Constitution; this will include an annual review to ensure that it remains fit for purpose.		
5	<p>The Monitoring Officer is authorised to make the following changes to the Constitution:</p> <ul style="list-style-type: none"> (a) a minor variation (b) legal or technical amendments that do not materially affect the Constitution (c) required to be made to remove any inconsistency, ambiguity, or typographical error (d) required to be made so as to put into effect any decision of the Board or Committee, sub-Committee or officer exercising delegated powers; or (e) required to reflect any changes to job or role titles. <p>Any such amendments must be reported retrospectively to the Strategic Authority (Board) for noting.</p>		
6	A majority of the Strategic Authority Constituent representatives can propose a review of the Constitution, without the majority needing to include the Chair of the Strategic Authority. Any amendments or changes proposed by such a review require a simple majority vote which in order to be accepted.		
7	All changes to the constitution will only be approved by the Strategic Authority (Board).		
8	The Section 73 Officer (Chief Finance Officer) shall be responsible for monitoring and keeping under review the financial regulations set out in this constitution.		
9	The Monitoring Officer shall make any final decision regarding the interpretation and application of this constitution.		
	<u>Constitution Numbering System</u>		
10	This document uses a clear numbering system so that sections, paragraphs, and rules are easy to find, refer to, and keep organised. Numbering is set out by Part, then Section and then number line.		
3.	Definitions		
1	Throughout the constitution, unless otherwise expressly stated, the following definitions shall apply:		
	<table border="1"> <tr> <td>The Regulations</td> <td> <ul style="list-style-type: none"> a) the Sussex and Brighton Combined County Authority Regulations 2026, and/or b) such other secondary legislation made by the Secretary of State in relation to the Strategic Authority pursuant to the 2023 Act </td> </tr> </table>	The Regulations	<ul style="list-style-type: none"> a) the Sussex and Brighton Combined County Authority Regulations 2026, and/or b) such other secondary legislation made by the Secretary of State in relation to the Strategic Authority pursuant to the 2023 Act
The Regulations	<ul style="list-style-type: none"> a) the Sussex and Brighton Combined County Authority Regulations 2026, and/or b) such other secondary legislation made by the Secretary of State in relation to the Strategic Authority pursuant to the 2023 Act 		

The 2023 Act	the Levelling Up and Regeneration Act 2023
The Combined County Authority	The Sussex and Brighton Combined County Authority The Sussex and Brighton Strategic Authority The Board
SBSA	Sussex and Brighton Strategic Authority
The Strategic Authority	Sussex and Brighton Strategic Authority (Combined County Authority)
The constituent councils	East Sussex County Council, West Sussex County Council and Brighton & Hove City Council
The Chair of the Authority	The person confirmed by the Strategic Authority to act as Chair of the Sussex and Brighton Strategic Authority
Nominating body	A body designated by the Strategic Authority under section 11(1) of the 2023 Act
Non-Constituent Member	A non-constituent member is an individual nominated as a representative by a nominating body designated as such by the Strategic Authority in accordance with section 11 of the Levelling-up and Regeneration Act 2023
Associate Member	An associate member is an individual appointed to be a member of the SBSA in accordance with section 12 of the Levelling-up and Regeneration Act 2023
Concurrent function	Any function of the Strategic Authority (including a function exercisable by the Mayor) conferred by the 2026 Order which is exercisable concurrently with the Constituent and/or the District and Borough/ Councils of the SBSA area. That is, both the SBSA and Constituent and/or District and Borough Councils of the ESBSA may exercise the function independently of one another.

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2. Articles of the Constitution

1	The Articles of this Constitution set out the core governance arrangements of the Sussex and Brighton Strategic Authority. Together, they provide a clear and structured framework that explains how the Authority is constituted, how it operates, and how decisions are taken in the exercise of its statutory functions.
2	The Articles serve several important purposes.
3	First, they underpin local democracy by clearly defining the roles, responsibilities and decision-making powers of the Strategic Authority, its members and, where applicable, the Mayor, committees and officers. By establishing who may take decisions, how those decisions are made, and what safeguards apply, the Articles help ensure that the Authority acts lawfully, transparently and accountably on behalf of the communities it serves.
4	Secondly, the Articles support public understanding and engagement. They are intended to be a clear point of reference for residents, businesses and stakeholders who wish to understand how the Strategic Authority works, how they may observe or participate in its decision-making processes, and how the Authority can be held to account. In doing so, the Articles help build trust and confidence in the Authority's governance.
5	Thirdly, the Articles provide a framework for effective partnership working. The Strategic Authority brings together county, city, district, borough and other public partners to address shared priorities across the area. The Articles define the membership arrangements, voting rights and decision-making processes that enable those partners to work collaboratively while respecting the independence and democratic mandates of each constituent authority.
6	Finally, the Articles support clarity and consistency in the day-to-day operation of the Authority. They bring together in one place the key governance rules that guide members, officers, partners and external bodies, reducing uncertainty and supporting efficient, well informed decision-making.
7	Read alongside the supporting rules, procedures and codes contained elsewhere in this Constitution, the Articles provide the authoritative statement of how the Sussex and Brighton Strategic Authority is governed and how it carries out its role in the public interest.
8	The following Articles are set out in this section of the Constitution: <ol style="list-style-type: none">1. The Sussex & Brighton Strategic Authority (Combined County Authority)2. Powers and Functions of the Strategic Authority3. Pre-Mayoral Period - Chair of the Strategic Authority (<i>to follow</i>)4. Decision-Making5. The Public and the Strategic Authority6. Overview and Scrutiny7. Officers8. Finance, Contracts and Legal Matters9. Joint Arrangements10. Partnership

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Article 1: The Sussex & Brighton Strategic Authority (Combined County Authority)

The Strategic Authority

- 1 **Sussex and Brighton Combined County Authority shall be known as the Sussex and Brighton Strategic Authority and use the acronym SBSA.**
- 2 SBSA was established pursuant to the Sussex and Brighton Combined County Authority Regulations 2026 on the 25 March 2026 as the Strategic Authority. The organisation's formal legal name, as established by the Sussex and Brighton Combined County Authority Regulations 2026, is the Sussex and Brighton Combined County Authority. For operational, communication and identity purposes, the Authority will also refer to itself as the **Sussex and Brighton Strategic Authority (SBSA)**.
- 3 The use of the title Strategic Authority does not create a separate legal entity, does not alter the statutory functions or powers conferred on the Combined County Authority, and does not diminish or replace the legal name for the purposes of legislation, contracts, legal proceedings, or formal decision-making.
- 4 The Strategic Authority (Board), and its supporting governance framework will work together in collaboration, in the interests of the people of Sussex. This Constitution sets out arrangements to ensure the effective conduct of the Strategic Authority's business, in this spirit of collaboration, mutual respect and transparency.
- 5 All members will strive to work on the basis of consensus, taking decisions through agreement wherever possible. These principles shall apply irrespective of the statutory basis for the exercise of those powers, whether through the powers and responsibilities of the Strategic Authority or the future Mayor.

Interim arrangements for a Mayoral Strategic Authority without a Mayor

- 6 The Strategic Authority (Board) will elect a Chair of the Strategic Authority who will provide strategic leadership and representation to the Strategic Authority. Details regarding the election of a Chair and their role are set out in Article 3 of this Constitution.
- 7 Following election, the powers of the Mayor will be exercised through collaboration within the Strategic Authority (Board), and in partnership with all relevant stakeholders wherever possible.
- 8 The governance and decision-making arrangements set out in this Constitution represent the interim arrangements that have been put in place until the election of a Mayor in May 2028.

Legal Status

- 9 The Strategic Authority is established as a Strategic Authority under the provisions of the Levelling up and Regeneration Act 2023 and pursuant to SBSBSA Regulations 2026.
- 10 The Strategic Authority shall exercise its functions in accordance with:
 - The establishing Statutory Instrument;
 - This Constitution; and
 - All relevant legislation, guidance and directions issued by the Secretary of State.
- 11 The Strategic Authority is a body corporate and shall have:
 - Perpetual succession; and

	<ul style="list-style-type: none"> • Power to hold land, enter into contracts, employ staff and do anything necessary or expedient for the exercise of its functions.
12	The area of the Strategic Authority comprises the administrative areas of its constituent councils, as defined in the Sussex & Brighton Combined County Authority Regulations 2026.
Membership of the Strategic Authority (SBSA)	
13	The Strategic Authority comprises six Constituent members, this is in addition to the Mayor who will be Chair of the Strategic Authority following election in May 2028 who will be a member of the Strategic Authority by virtue of that office.
14	Each of the Constituent Councils will appoint two of its elected members to be a Member of the Strategic Authority.
15	Each constituent member shall have one vote on matters coming before the Strategic Authority, subject to any restrictions or special voting arrangements set out elsewhere in this Constitution or in the establishing Order.
16	Each of the Constituent Councils must designate one of the members appointed at 1.14 above as the Lead Member. Lead Member Appointment means the formal designation by a constituent council of an elected member to act as its principal political representative on the Strategic Authority.
17	In addition, each Constituent Council will appoint two named elected members for each member appointed at 1.14 above, who will act as a Member of the Strategic Authority in the absence of the member appointed under 1.14 ('the Substitute Members').
18	All Members will: <ul style="list-style-type: none"> a) collectively be the ultimate policy makers of Strategic Authority b) bring views of their communities into the Strategic Authority decision-making process; and c) maintain the highest standards of conduct and ethics, observing the Code of Conduct set out in Part 5 of this Constitution
19	A person will cease to be a Member or a Substitute Member of the Strategic Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.
20	A person may resign as a member or substitute member of the Strategic 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.
21	Where a member or substitute member of the Strategic Authority's appointment ceases by virtue of 1.18 or 1.19 above the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Strategic Authority and appoint another of its elected members in that person's place.
22	A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Strategic Authority and appoint another one of its elected members in that person's place.
23	Where a constituent council exercises its power under sub-paragraph 1.21 above, it must give written notice of the new appointment and the termination of the previous appointment to the Strategic Authority and the new appointment takes effect and the previous appointment terminates at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
24	The Strategic Authority Board may also appoint up to six non-constituent and associate members in total.

25	Each nominating body of the Strategic Authority must nominate another person to act as the member of the Strategic Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a Strategic Authority).
26	An associate member appointed under section 12(1) of the 2023 Act (associate members of a Strategic Authority) must nominate another person to act as a member of the Strategic Authority in their absence.
Meetings and Procedure	
27	The Strategic Authority will usually meet bi-monthly (once every 2 months), but additional meetings may take place within the bi-monthly period should the need arise.
28	There are three types of Strategic Authority meeting: <ul style="list-style-type: none"> a) the annual meeting; b) ordinary meetings; and c) extraordinary meetings. <p>They will be conducted in accordance with the Strategic Authority Rules of Procedure set out in Part 4 of this Constitution.</p>
Committees of the Strategic Authority	
29	The Strategic Authority is required to appoint an audit committee and one or more overview and scrutiny committees. These are statutory committees – see Part 3 for relevant terms of reference
30	The Strategic Authority has established a number of Committees to discharge the functions set out in Part 3 of this Constitution.
31	The Strategic Authority may establish such other committees as it thinks fit to discharge its functions.
32	The Strategic Authority may appoint a committee to advise the Strategic Authority on any matter relating to the exercise of functions of the Strategic Authority.
33	The functions which a committee may exercise are set out in the committee’s terms of reference – see further Part 3 of the Constitution.

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Article 2: Powers and Functions of the Strategic Authority

1	Only the Strategic Authority will exercise SBSA functions set out in Part 3 of this Constitution.
2	Once elected only the Mayor will exercise mayoral functions set out in Part 3 of this Constitution.
3	The Strategic Authority may delegate the discharge of its functions which are not reserved to the Strategic Authority Board to committees, sub committees, officers, joint committees, or other local authorities, pursuant to section 101 of the Local Government Act 1972.
4	Once elected, the Mayor may delegate the discharge of mayoral general functions (which are not reserved to the Mayor) to the Deputy Mayor or any member or officer of the Strategic Authority provided that the Mayor's political adviser is not to be treated as an officer for the purpose of this Article.
5	The Strategic Authority has delegated the discharge of the Strategic Authority functions to committees and officers in accordance with the scheme of delegation contained in Part 3 Section 3.7 of this constitution.
6	The Strategic Authority has the general power of competence for economic development and regeneration provided through its regulations and once the English Devolution and Community Empowerment Bill becomes an Act it will be provided with the full general power of competence enabling it to do anything that an individual may do, subject to statutory limitations and this Constitution.
7	The Strategic Authority may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions, including entering into agreements, acquiring and disposing of property, charging for discretionary services, and forming or participating in bodies corporate, subject to law
8	Only the Strategic Authority shall exercise the functions set out in Part 3 of this Constitution.
Concurrent and Joint Exercise	
9	The Authority may exercise functions concurrently with constituent councils or other public bodies where so provided by the legislation (including any transition period stated in the Order).
10	The Authority may enter into joint arrangements, delegations, and agency agreements to secure effective delivery across the area, in accordance with law and this Constitution.
Agreed Principles of Application	
11	In exercising its powers and functions, the Authority will:
	a) apply the principle of subsidiarity, working with and through constituent councils and partners to secure outcomes at the most local effective level
	b) produce strategies and programmes through transparent public engagement
	c) exercise its powers in a way that is democratically accountable to the people it serves. Decisions shall be taken by elected representatives, reflecting the democratic mandates of constituent councils and, where applicable once elected, the Mayor, and shall be subject to effective scrutiny and public oversight.

	d) act within the law and in accordance with its statutory powers, the establishing Order and this Constitution. Decisions shall be proportionate, evidence based and necessary to achieve the Authority’s agreed objectives
	e) conduct its business openly and transparently, enabling residents, businesses and stakeholders to understand: <ul style="list-style-type: none"> ▪ how decisions are made, ▪ who is responsible for them, and ▪ how public resources are used
	f) engage meaningfully with residents and communities, ensuring that diverse voices are heard, and that policy development and investment decisions are informed by local experience, need and opportunity
	g) promote equality of opportunity, fairness and inclusion, and shall act with integrity, integrity being fundamental to public trust. Members and officers shall adhere to high standards of ethical conduct and probity
	h) Ensure public funds are managed prudently and responsibly, with strong financial controls, clear accountability and a focus on achieving best value in the use of resources, investment and long-term commitments
	i) Together, these principles provide the foundation for effective, accountable and collaborative governance, ensuring that the Combined Authority operates in the public interest, commands public confidence, and is equipped to deliver strategic outcomes for the whole area

Limits and Compliance

12	The Authority must exercise all powers and functions lawfully, consistently with the Order, the English Devolution and Community Empowerment Bill (once enacted) and any regulations or directions made thereunder, and with all other applicable enactments.
13	Nothing in these Articles authorises the exercise of a function reserved to another body except where expressly conferred by law or the Order

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Article 3: The Pre-Mayoral Period

1	This Article of the Constitution has not yet been developed. Once developed this Article will set out the Strategic Authority's approach to the two-year PreMayoral Period, during which the Sussex and Brighton Strategic Authority will operate as a Mayoral Strategic Authority without a Mayor in office.
2	It will describe the interim governance, leadership, and decision-making arrangements that apply between the establishment of the Authority and the election of the first Mayor in 2028, ensuring clarity, stability, and accountability throughout this transitional phase.
3	The detailed content of this Article will be developed in due course and brought forward for formal adoption into the Constitution, ensuring that the Authority's governance framework fully reflects the statutory position, operational needs, and democratic expectations for this period of preparation and organisational development.

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Article 4: Decision-Making

1	The purpose of this constitutional article is to set out clear definitions relating to decision-making that inform the Governance Framework of the Strategic Authority.
2	The Article embeds core decision-making principles within the Strategic Authority to guide all decisions, provide a clear definition of what constitutes a “Key Decision” to promote openness and transparency, and establishes explicit links to the Overview & Scrutiny Committee’s call-in process.
3	This connection ensures that scrutiny can act as an effective constitutional check and balance, reviewing decisions against these principles before implementation, thereby strengthening governance, public confidence, and compliance with statutory requirements.

Responsibility for Decision-Making

4	The Strategic Authority, and once elected the Mayor, will issue and keep up to date a record of what part of the Strategic Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record will be set out in Part 3 – Responsibility for Functions of the Constitution.
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Principles of Decision-Making

5	The purpose of these principles is to embed good governance considerations into every decision-making process. They act as a framework to ensure that the decisions taken by the organisation: <ol style="list-style-type: none">I. Lawful and EthicalII. Transparent and AccountableIII. Evidence-Based and RationalIV. ProportionateV. Fair and Inclusive
6	All decisions of the Strategic Authority should be made in accordance with the following principles: <ol style="list-style-type: none">a. proportionality (that is the action must be proportionate to the desired outcome),b. due consultation and the taking of professional advice from officers,c. having regard to relevant and material considerations and disregarding irrelevant considerations,d. guarding against any form of predetermination in any decision-making process,e. consideration of any alternative options,f. respect for human rights,g. a presumption in favour of openness and transparency,h. clarity of aims and desired outcomes,i. the giving of reasons for the decision and the proper recording of those reasons.
7	All decision-makers are expected to make decisions in accordance with this Article and subject to: <ul style="list-style-type: none">▪ statute or other legal requirements▪ the Constitution▪ the Budget of the Strategic Authority▪ the agreed Strategic Framework of the Strategic Authority

Key Decisions

8	A Key Decision is a decision that has a big impact, either financially or on local communities. The purpose of identifying Key Decisions is to make sure they are properly planned, published in advance, and open to scrutiny. This helps ensure transparency, accountability, and that important decisions are made with care and oversight.
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9	<p>A Key Decision means a decision, which in the view of the Overview & Scrutiny Committee is likely to:</p> <ol style="list-style-type: none"> a) result in the Strategic Authority or, once elected the Mayor, incurring significant expenditure, or making significant savings, having regard to the Strategic Authority's budget for the service or function to which the decision relates; or to be b) significant in terms of its effects on persons living or working in an area comprising two or more local authority areas in the Strategic Authority's area.
10	<p>When assessing whether or not a decision is a key decision, decision-makers must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.</p>
11	<p>A decision-maker may only make a Key Decision in accordance with the requirements of the Access to Information Rules, and the Strategic Authority Procedure Standing Orders.</p>
12	<p>The following shall not be treated as a Key Decision:</p> <ul style="list-style-type: none"> ▪ any decision which is a direct consequence of implementing a previous Key Decision, ▪ any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision, ▪ a Treasury Management decision in relation to the making, payment or borrowing of a loan, ▪ a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or ▪ the urgent settlement of proceedings to which the Strategic Authority is a party ▪ any decision relating to the acceptance of funding
<p>Types of Decisions</p>	
13	<p>Decisions reserved to the Strategic Authority (Board)</p> <p>Decisions relating to the functions listed in this Constitution as Strategic Authority functions and not delegated will be made by the Strategic Authority Board. The Board meeting will follow the rules of procedure set out in this Constitution when considering any matter.</p>
14	<p>Decisions reserved to the Chair</p> <p>Any decisions that have been delegated by the Strategic Authority to the Chair will be made by the Chair and will be set out in part 3 of this Constitution.</p>
15	<p>Decision-making by Committees established by the Strategic Authority</p> <p>Committees established by the Strategic Authority will follow those rules of procedure and terms of reference set out in this Constitution as apply to them.</p>
16	<p>Decision-making by Officers</p> <p>Officers will exercise their delegated authority in accordance with the Scheme of Delegations set out in Part 4 of this Constitution.</p>
<p>Key Decision Call-in</p>	

17	The scrutiny call-in process acts as a democratic safeguard, allowing councillors to pause and review a key decision after it is made but before implementation. This mechanism ensures accountability and provides an opportunity to challenge decisions that may not align with agreed decision-making principles. Used sparingly and responsibly, call-in complements pre-decision scrutiny and reinforces transparency and public confidence in governance.
18	Members of the Overview & Scrutiny Committee will be sent the relevant decision notice for each key decision within 24 hours of that decision having been taken.
19	Any Key Decision, regardless of who the decision-maker, may be eligible for call-in by an overview and scrutiny committee. The Overview & Scrutiny Committee ensure that decision-making principles are properly applied in the undertaking of Key Decisions.
20	The Call-in provisions are set out in detail in this Constitution in the Overview and Scrutiny Procedural Rules in Part 4.
Recording Decisions	
21	Any decision taken at a meeting of the Strategic Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with the Access to Information Rules detailed in this Constitution.

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Article 5: The Public and the Strategic Authority

1	This Article sets out the principles that govern the relationship between the Strategic Authority and the citizens (public), communities, and stakeholders it serves. It reflects the Strategic Authority's commitment to openness, accountability, active engagement, and high-quality interaction with the public as fundamental elements of effective devolved governance.
2	The Strategic Authority recognises that democratic legitimacy and successful delivery of its functions depend on an informed, engaged, and empowered public.
Information	
3	The Public have the right to access information held by the Strategic Authority in accordance with statutory provisions on transparency, access to information, and freedom of information.
4	The Strategic Authority shall maintain a Publication Scheme and ensure that information routinely published is easy to locate, up-to-date, and comprehensive.
5	The Strategic Authority will respond to requests for information in a timely and lawful manner, ensuring that exemptions are applied only where strictly necessary.
6	<p>The Access to Information Rules in Part 4 of the Constitution set out the public's rights to information held by the Strategic Authority, including:</p> <ul style="list-style-type: none">• in relation to meetings of the Strategic Authority and its committees and sub-committees, (subject to exceptions including in relation to confidential or information information), rights:<ul style="list-style-type: none">○ to attend meetings,○ to inspect agendas of and reports to meetings and background documents,○ to access documents after a meeting including minutes, and○ to report on and record a meeting.• to inspect the Forward Plan to find out about:<ul style="list-style-type: none">○ any Key Decision to be made by the Strategic Authority, and○ any request to be made to a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision which gives rise to a financial liability,• to inspect written records of decisions made by those authorised to make decisions under arrangements agreed by the Strategic Authority,• to inspect written records of decisions made by officers,• to access information generally held by the Strategic Authority• to inspect a list of Combined Authority Members
Consultation	
7	The Strategic Authority must consult with citizens in accordance with any statutory requirement to do so.
8	The Strategic Authority is committed to meaningful, inclusive, and proportionate engagement with the public on matters that affect them.
9	Consultation processes shall be used appropriately in the development of major strategies, policies, and programmes, ensuring that citizens, stakeholders, and community organisations have the opportunity to share their views.

10	<p>Consultations shall be:</p> <ol style="list-style-type: none"> a) clearly explained, with accessible information about proposals; b) publicised widely to reach diverse and under-represented groups; c) open for a reasonable period; d) accompanied by clear information about how responses will be considered.
11	The Strategic Authority shall publish the outcomes of consultations, including how responses have influenced decisions.
Petitions	
12	The Strategic Authority does not operate a petitions scheme.
Complaints	
13	The Public have the right to complain to the Strategic Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Strategic Authority's complaints scheme).
14	The Public may submit any complaint about the conduct of a Strategic Authority Member to the Strategic Authority's Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution.
15	The Strategic Authority shall maintain a clear, accessible, and fair complaints procedure that enables citizens to raise concerns about services, conduct, or decision-making. Complaints will be handled promptly, transparently, and in accordance with principles of natural justice.
Transparency	
16	The Strategic Authority shall operate in a manner that is open, transparent, and accessible. Information about decisions, policy development, performance, and expenditure shall be published proactively and in accordance with all legal requirements.
17	The Strategic Authority shall make key documents such as agendas, minutes, reports, forward plans, decision records, and strategies available to the public except where information is confidential or exempt by law.
18	The Strategic Authority shall strive to communicate clearly and accessibly, using plain language and providing multiple formats and channels to reach all sections of the community.
Accountability to the Public	
19	The Strategic Authority is accountable to the citizens of its area and shall ensure that decisions are made lawfully, fairly, and in the public interest.
20	Robust overview and scrutiny arrangements shall be maintained to challenge decision-making constructively, support performance improvement, and provide assurance of transparency.
21	The Strategic Authority shall report openly on its progress, outcomes, and challenges, enabling citizens to understand how devolved powers are being used and how public resources are being managed.
22	The Strategic Authority shall take proactive steps to raise awareness of its role, functions, governance arrangements, and decisions. It will explain, in accessible formats, how devolution affects local communities, how decisions are made, and how citizens can participate.

23	Communication and engagement activity shall be ongoing, ensuring that citizens understand the impact of the Authority's work and the opportunities available to influence it.
Commitment to continuous improvement	
24	The Strategic Authority shall review its communications, engagement, transparency, complaints, and petition-handling arrangements regularly to ensure continuous improvement.
25	Feedback from citizens, scrutiny, partners, and stakeholders shall shape the ongoing development of the Authority's approach to public engagement and accountability.

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Article 6: Overview and Scrutiny

1	The Strategic Authority shall establish and maintain robust Overview and Scrutiny Arrangements to ensure transparent, accountable and effective decision-making across all functions exercised by the Authority.
2	These arrangements are intended to: <ul style="list-style-type: none"> • Hold the Strategic Authority’s leadership to account; • Review and scrutinise decisions and policy development; • Promote open and accessible governance; • Improve outcomes for residents across the Strategic Authority area.
3	The Strategic Authority must appoint one or more overview and scrutiny committees. An overview and scrutiny committee may appoint one or more sub-committees to carry out any of its functions.
4	The Strategic Authority’s arrangements must ensure that an overview and scrutiny committee (or sub-committees) has power to: <ul style="list-style-type: none"> • review or scrutinise any decision made or other action taken (or any decision or action proposed, but not yet taken) by the Strategic Authority in connection with exercising any Non-Mayoral Function, • make reports or recommendations to the Strategic Authority with respect to exercising any Non-Mayoral Function, and • make reports or recommendations to the Strategic Authority on matters that affect the Strategic Authority’s Area or its inhabitants.
5	The authority’s overview and scrutiny arrangements shall be guided by the following principles: <ul style="list-style-type: none"> • Transparency — decision-making and performance information shall be accessible and understandable to elected members and the public. • Accountability — political and managerial leaders shall be answerable for strategic choices, resource stewardship and delivery of agreed outcomes. • Proportionality — scrutiny activity shall be focused on matters of strategic importance and public interest. • Fairness — all scrutiny participants shall have an equal opportunity to ask questions and receive considered responses. • Constructive Challenge — scrutiny shall seek to improve policy and performance through evidence-based questioning and recommendations.
Pre-Mayoral Period	
6	During the Pre-Mayoral Period the Strategic Authority is committed to ensuring democratic accountability, transparency and effective oversight of the authority’s strategic direction, policy decisions and performance through a formal Overview and Scrutiny framework that includes the provision for Mayoral Question Time.
7	During the Pre-Mayoral Period the Chair of the Strategic Authority and Board appointed Strategic Lead Members will be required to attend Mayoral Question Time sessions in place of a Mayor. They shall make themselves available to attend scheduled Question Time sessions convened by the Overview and Scrutiny Committee a minimum of two times per municipal year to answer questions from elected members on the authority’s strategic direction, policy priorities and performance.
8	Question Time shall cover, but is not limited to strategy and policy, delivery and performance against agreed outcomes, financial stewardship, risk and governance, and matters of public interest within the authority’s remit. Full details of Pre-Mayoral Period Question Time are set out in the Overview and Scrutiny Procedural Rules.

Call-in Power	
9	The Overview and Scrutiny Committee shall be notified of every key decision taken by the Strategic Authority, whether that be a Member of Officer key decision, within 24 hours of that decision having been taken as all key decisions are subject to call-in.
10	Full details of the call-in process and its application are set out in the Overview and Scrutiny Procedural Rules.
Proceedings	
11	An Overview and Scrutiny Committee and any sub-committee shall follow the Overview and Scrutiny Procedural Rules.
Chairing	
12	The Strategic Authority will appoint the Chair of the Overview and Scrutiny Committee unless it resolves to leave the appointment to the Committee itself.
13	The Chair of the Overview and Scrutiny Committee will be an appropriate person who is a member of one of the Constituent Councils who is not a member of the same political party as the Chair of the Strategic County Authority.
Membership	
14	The Overview and Scrutiny Committee shall consist of at least two elected members from each Constituent Council; the exact membership details will be determined at the annual general meeting of the Strategic Authority in 2026.
15	The number of members of each of the Constituent Councils appointed to any overview and scrutiny committee must be such that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.
Voting	
16	Each member of an overview and scrutiny committee, or sub-committee, appointed from a Constituent Council, has one vote.
17	Any member of an overview and scrutiny committee not from a Constituent Council is non-voting unless the Combined Authority has resolved to give such a member voting rights.
18	A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.
Scrutiny Substitute Pool	
19	A substitute pool of wider Constituent Overview & Scrutiny Committee members will be convened into a substitute pool to support quoracy of the Strategic Authority Overview & Scrutiny arrangements.

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Article 7: Officers

1	The Strategic Authority is required to appoint or designate the following statutory officers from the first meeting of the Strategic Authority: <ul style="list-style-type: none">• Head of Paid Service• Monitoring Officer, and• Section 73 Chief Finance Officer
2	By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Strategic Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.
3	The Strategic Authority is required to appoint or designate the following additional statutory officers at the earliest opportunity: <ul style="list-style-type: none">• Statutory Scrutiny Officer• Data Protection Officer• Head of Internal Audit

Chief Officers

4	Chief Officers for the purposes of Part 3 (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Monitoring Officer, the Section 73 Officer
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Head of Paid Service (Chief Executive) – Statutory Functions

5	The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Strategic Authority setting out their proposals in relation to: <ul style="list-style-type: none">• the manner in which the discharge by the Strategic Authority of its different functions is coordinated,• the number and grades of staff required by the Strategic Authority for discharging its functions,• the organisation of the Strategic Authority's staff, and• the appointment and proper management of the Strategic Authority's staff.
6	The Strategic Authority must consider any such report at a meeting within three months of the report first being sent to the Strategic Authority Members.
7	The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Strategic Authority by the holder for the time being of that post and may give directions to the Strategic Authority to include a post in the list of politically restricted posts.

Monitoring Officer – Statutory Functions

8	If it appears to the Monitoring Officer that any proposal, decision, or omission by the Strategic Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Strategic Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Officer). The Strategic Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Strategic Authority Members.
9	The Strategic Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

Section 73 Officer – Statutory Functions

10	The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Strategic Authority, in accordance with Section 73 of the Local Government Act 1985.
11	After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Strategic Authority: <ul style="list-style-type: none"> • has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or • has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or • is about to enter an item of account unlawfully.
12	The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Strategic Authority incurred in a financial year is likely to exceed the resources available to the Strategic Authority.
13	The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Strategic Authority Member. The Strategic Authority must consider the report at a meeting not later than 21 days after the report has been sent to Strategic Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.
<u>Statutory Scrutiny Officer</u>	
14	The Strategic Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.
<u>Data Protection Officer</u>	
15	The Strategic Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.
<u>Head of Internal Audit</u>	
16	The Strategic Authority must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.
<u>General</u>	
17	The Strategic Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

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Article 8: Finance, Contracts and legal Matters

1	This Article sets out the Strategic Authority's arrangements for financial management, contracting, procurement, legal proceedings, and the roles and responsibilities of statutory officers. It applies to all Members, officers, committees, joint committees, and any bodies acting on behalf of the Authority.
Financial Management	
2	The management of the Strategic Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in Part 4 of the Constitution. The Strategic Authority will maintain Financial Procedure Rules that set out budgeting, virement, reserves, treasury management, and accounting policies.
3	The Strategic Authority will prepare an annual budget and medium-term financial plan for approval by the Authority. The Section 73 Officer will report on the robustness of estimates and adequacy of reserves.
4	The Strategic Authority will maintain internal audit arrangements and comply with external audit requirements; audit reports will be presented to the relevant committee at least annually.
Interim Application of Constituent Council Financial Regulations	
5	Until such time as the Strategic Authority adopts its own Financial Regulations, the SBSA shall operate in accordance with the Financial Regulations of East Sussex County Council as amended from time to time, insofar as they are capable of application to the Strategic Authority and are not inconsistent with legislation, the SBSAs establishing Order, or this Constitution.
6	The Interim Rules shall apply to (without limitation): <ol style="list-style-type: none">budget setting and in-year financial control;authorisation, approval and recording of expenditure and income;procurement, commissioning, tendering, contract award and contract management;financial delegations and approval limits;governance requirements related to audit, counter-fraud, risk management and internal control.
7	References in the Interim Rules to the constituent council, its officers, committees, or decision-making bodies shall be interpreted, where necessary and appropriate, as references to the Strategic Authority, its officers, and its decision-making bodies.
8	The Strategic Authority remains fully accountable for all decisions taken under the Interim Rules. Reliance on Interim Rules shall not fetter the Strategic Authority's discretion to take decisions within its statutory powers and this Constitution.
Principles	
9	The Strategic Authority will seek to maintain flexibility and agility with resourcing and organisational structures until the Mayor is elected in May 2028.
10	The Strategic Authority will require enabling services (eg HR, finance, IT, legal, procurement etc). These enabling services will need to be fit for purpose but must be proportionate to the size and complexity of the organisation.
11	Service Level Agreements (SLAs) to provide enabling services and general professional advice and support to the Strategic Authority will be sought from the Constituent Councils. The Strategic Authority will pay an agreed sum to the providing Constituent Council for these services. The Strategic Authority structure will ensure that it has

	capacity covering strategic and senior managerial leadership, as well as professional support where it is considered that this sits better within the Strategic Authority.
12	SLAs will operate until the 31st March 2028, although they should retain a degree of flexibility should it be agreed that the Strategic Authority will start to build its own capacity in some of the SLA areas prior to that time.
13	We will adopt a “Collaborative First” approach by leveraging the established contracts and frameworks of our Constituent Councils, provided they meet our due diligence standards and that we are legally able to do so. Where gaps are identified in existing provision, we will establish bespoke contracts to meet our specific needs.
14	In line with our commitment to regional growth, we will prioritise suppliers within the Sussex & Brighton economy for all below-threshold opportunities. This “local-first” mandate will be contingent upon providers evidencing both the operational capacity to deliver and the ability to provide competitive Value for Money.
15	When determining the Employer Offer for the Strategic Authority, including the Pay and Grading Framework, the Strategic Authority will give due consideration to the existing pay and benefits in constituent councils. To ensure that the Strategic Authority is compliant with relevant legislation and practice it will use recognised job evaluation, pay and grading systems.
16	The Strategic Authority will engage with government to secure dedicated funding for the Mayoral election in May 2028. If additional funding is not forthcoming, then the costs will need to be borne by the revenue element of the Investment Fund for 2028-29 or from specific reserves created in prior years for that purpose.
Contracts, Procurement and Disposal of Assets	
18	The Strategic Authority will adopt Contract Standing Orders and procurement rules consistent with UK public procurement law and value-for-money principles.
19	The Strategic Authority will set financial thresholds for procurement routes and officer delegations; contracts above specified thresholds require formal approval by the Authority or its delegated committee.
20	Contracts and deeds will be executed in accordance with the Authority’s Scheme of Delegation and authenticated by the Monitoring Officer or an authorised officer
Legal Proceedings	
21	The Monitoring Officer is authorised to institute, settle, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Strategic Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Strategic Authority interests.
22	Officers must obtain legal advice on matters with significant legal risk; privileged legal advice will be handled in accordance with legal professional privilege.
Authentication of Documents	
23	Where any document is necessary to any legal procedure or proceedings on behalf of the Strategic Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Strategic Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
24	Any contract with a value exceeding £50,000 entered into by the Strategic Authority shall be made in writing. Such contracts must be signed by a duly authorised officer of the Strategic Authority or made under the Common Seal of the Strategic Authority attested by an authorised officer. Any contract which in the opinion of the Monitoring

	Officer should be sealed must be made under the Common Seal of the Strategic Authority attested by an authorised officer.
Common Seal of the Strategic Authority (Combined County Authority)	
25	The Common Seal of the Strategic Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Strategic Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.
Insurance and Indemnities	
26	The Authority will maintain appropriate insurance and indemnity arrangements for Members, Officers, and activities, reviewed annually by the Section 73 Officer.
Transparency, Reporting and Review	
27	Key financial documents, contracts above the publication threshold, and legal settlement summaries (redacted where necessary) will be published in accordance with transparency requirements.

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Article 9: Joint Arrangements

1	The Strategic Authority has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly. Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.
2	Once elected the Mayor may enter into arrangements jointly with the Strategic Authority and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of Mayoral Functions listed in Regulation 26 of the EMSBSA Regulations.

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Article 10: Partnership

1	The Strategic Authority shall be committed to working constructively and collaboratively with partners where this is appropriate to the effective exercise of its functions, the achievement of its statutory purposes, and the delivery of improved outcomes for the area.
2	In discharging its functions, the Strategic Authority shall seek to foster strong, transparent and mutually respectful relationships with public sector partners, statutory office holders, and other relevant bodies, recognising the value of partnership working in addressing cross-cutting and thematic priorities.
3	The Strategic Authority shall ensure that its partnership arrangements support engagement across thematic areas such as, but not limited to, economic growth, skills, transport, housing, public safety, resilience, health and wellbeing, and climate and environmental sustainability.
4	Where thematic boards, advisory groups or partnership forums are established, the Strategic Authority shall ensure that: <ol style="list-style-type: none">membership and engagement arrangements are clear and proportionate;partners are able to contribute meaningfully to strategy and delivery; andthere is clarity regarding decision-making, accountability and reporting.
5	The Strategic Authority's approach to partnership working shall be guided by the following principles: <ol style="list-style-type: none">mutual respect for the roles, responsibilities and expertise of partners;openness, transparency and timely sharing of information where lawful;collaboration focused on outcomes and public value;proportionality in governance and engagement arrangements; andcontinuous learning and improvement.
6	Nothing in this Article shall prevent the Strategic Authority from engaging with additional partners or adopting further partnership arrangements where this supports the effective discharge of its functions or the achievement of its strategic priorities.
Partnership working across the wider Public Sector	
7	The Strategic Authority shall be committed to strong and effective partnership working across the wider public sector system, including local authorities, emergency services, health bodies, education and skills providers, and other statutory agencies.
8	In working with public sector partners, the Strategic Authority shall: <ol style="list-style-type: none">promote early and meaningful engagement in policy development and decision-making;support joint commissioning, shared delivery models and coordinated use of resources where appropriate;seek to reduce duplication and improve efficiency across the system; andenable partners to contribute their expertise to thematic and cross-cutting areas of work.
9	The Strategic Authority shall respect the legal duties, governance arrangements and accountability frameworks of partner organisations, and shall not fetter the lawful exercise of their functions.

Transfer of Fire & Rescue Authority Functions	
10	The Strategic Authority shall be committed to meaningful and ongoing engagement with Fire and Rescue Services in relation to any proposed transfer of Fire and Rescue functions to the Strategic Authority.
11	Such engagement shall include, but not be limited to: <ul style="list-style-type: none"> a) collaboration on the development of an appropriate Fire and Rescue Authority governance model; b) consideration of operational independence, resilience, and public safety requirements; and c) arrangements to ensure continuity of service and effective accountability.
12	The Strategic Authority shall ensure that Fire and Rescue Services are appropriately considered and enabled to engage across relevant thematic areas of the Strategic Authority’s work, including where Fire and Rescue expertise or functions contribute to wider strategic objectives.
13	Governance arrangements relating to Fire and Rescue shall be designed to support effective scrutiny, transparency, and engagement, and to reflect the statutory responsibilities associated with Fire and Rescue functions.
Transfer of Police & Crime Commissioner Functions	
14	The Strategic Authority shall be committed to constructive engagement with the Office of the Police and Crime Commissioner in relation to any proposed transfer of Police and Crime Commissioner functions to the Strategic Authority.
15	This engagement shall support the development of a clear and effective Mayoral governance model, including arrangements for accountability, scrutiny, and the exercise of police and crime functions in accordance with applicable legislation.
16	In developing such governance arrangements, the Strategic Authority shall have regard to the importance of operational independence of the Police, public confidence, and the effective delivery of policing and community safety outcomes.
Role of the Strategic Authority as a Convener and System Leader	
17	The Strategic Authority shall seek to act as a convener of partners across the area, providing strategic leadership to bring together public, private, voluntary and community sector organisations in pursuit of shared priorities and outcomes.
18	In its role as a convener, the Strategic Authority shall: <ul style="list-style-type: none"> a) provide a forum for collaboration, coordination and joint problem solving; b) encourage alignment of strategies, investment and delivery across organisations; and c) support place-based approaches that reflect local needs and opportunities.
19	The Strategic Authority shall seek to exercise its convening role in a manner that is inclusive, transparent and proportionate, recognising the distinct statutory responsibilities, accountabilities and operational independence of partner organisations.

Partnership with Business and Economic Stakeholders	
20	The Strategic Authority shall be committed to active engagement with business, employers and economic stakeholders as key partners in supporting inclusive growth, productivity and investment across the area.
21	In working with business and economic partners, the Strategic Authority shall: <ul style="list-style-type: none"> a) provide clear routes for engagement and dialogue, including through representative bodies and sector-based forums; b) support collaboration between business, education and skills providers to meet current and future workforce needs; c) promote an environment that supports innovation, entrepreneurship and inward investment; and d) have regard to the needs of businesses of different sizes, sectors and geographies.
22	Engagement with business shall be conducted in a transparent manner and shall not compromise the Strategic Authority's public accountability or statutory responsibilities.
Review and Continuous Improvement	
23	The Strategic Authority shall keep its partnership frameworks, forums and engagement mechanisms under review to ensure they remain effective, inclusive and aligned with strategic priorities
24	The Strategic Authority may establish, amend or discontinue partnership arrangements where this supports effective governance, delivery and value for money.

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3. Responsibility for Functions

3.1 Introduction

- 1 This section of the Constitution sets out how responsibility for the functions of the Strategic Authority is allocated, exercised, and discharged.
- 2 The Strategic Authority exercises functions conferred on it by statute, its establishing Order, and any subsequent legislation, orders, or agreements, together with such incidental and ancillary powers as are necessary to give effect to those functions.
- 3 The purpose of this section is to:
 - a) provide clarity as to which functions are exercised by the Strategic Authority acting collectively, by the Mayor (once in office), by committees or subcommittees, or by officers;
 - b) support effective, transparent, and accountable decision-making; and
 - c) ensure that functions are exercised lawfully, efficiently, and in a manner consistent with this Constitution.
- 4 Unless otherwise specified, functions of the Strategic Authority are exercisable by the Strategic Authority Board. Where legislation permits, functions may be delegated or discharged in accordance with this Constitution, including through:
 - a) the Chair of the Strategic Authority;
 - b) committees or sub-committees of the Strategic Authority;
 - c) officers of the Strategic Authority; or
 - d) joint arrangements with constituent councils or other bodies.
- 5 The allocation and delegation of functions under this Constitution shall:
 - a) comply with statutory requirements and guidance;
 - b) reflect the principles of good governance, including proportionality, transparency, and accountability; and
 - c) support the timely and effective delivery of the Combined Authority's agreed priorities
- 6 Nothing in this section prevents the Strategic Authority from reviewing or amending the allocation or delegation of functions, where permitted by law, to reflect changes in governance arrangements, the establishment of the Mayoral role, or evolving operational needs.

3.2 Strategic Authority (Combined County Authority) Functions

- 1 Strategic Authority (SBSA) Functions are functions of the Strategic Authority which are not exercisable by a Mayor. This section sets out an overview of the Strategic Authority Functions, including those conferred by the Sussex & Brighton Regulations.
- 2 SBSA functions are exercised by the Strategic Authority at a meeting of its Board or in accordance with the arrangements set out in this Constitution.
- 3 Any Strategic Authority functions that require the consent of a Constituent Council or other identified body are set out in section 3.5 of this Constitution.
- 4 The Strategic Authority may make arrangements for any Strategic Authority function, except those reserved to the Strategic Authority, to be exercised:
 - by a Committee or Sub-Committee of the Strategic Authority

	<ul style="list-style-type: none"> ▪ by an Officer of the Strategic Authority ▪ by another Local Authority ▪ under joint arrangements with one or more other Local Authorities
5	Part 3 - Section 7 sets out the Strategic Authority functions which have been reserved to the Strategic Authority and must be taken at a meeting of its Board.
6	Part 3 - Section 8 sets out the Strategic Authority functions which have been delegated to Committees or Sub-Committees of the Strategic Authority and the terms of reference agreed for those Committees and Sub-Committees.
7	Part 3 – Section 9 sets out the Strategic Authority functions which have been delegated to Officers of the Strategic Authority.
8	Part 3 – Section 10 sets out the Strategic Authority functions which are to be exercised by another local authority or under joint arrangements with one or more local authorities.
9	Where a Strategic Authority function has been delegated under arrangements, this does not prevent the Strategic Authority exercising the function.
3.3	Mayoral Functions
1	Mayoral Functions are statutory functions of the Strategic Authority which, once the Mayor takes office in May 2028, are exercisable only by the Mayor, unless legislation permits delegation or joint exercise and such arrangements are made in accordance with this Constitution. Part 3 – Section 6 sets out an overview of the anticipated Mayoral functions that the Strategic Authority will have as a result of conferral of powers through the Sussex and Brighton regulations and from the English Devolution and Community Empowerment Bill once it is enacted.
2	Until the election and assumption of office of the Mayor, all Mayoral Functions shall remain dormant, and shall not be exercised by the Strategic Authority, the Chair, any committee, or any officer, except where legislation expressly enables interim exercise
3	Upon election, the Mayor shall become the Chair of the Strategic Authority, and the Mayoral Functions described in this section shall automatically transfer to the Mayor at 00:01 on the fourth day after the poll (8 May 2028 or such date as set out in Regulations).
4	The Mayor shall exercise Mayoral Functions in a manner consistent with: <ul style="list-style-type: none"> • statutory requirements, • this Constitution, • applicable Regulations and Orders, and • principles of transparency, accountability, and good governance
5	Certain Mayoral Functions may require: <ul style="list-style-type: none"> • consent of constituent councils, • consultation with the Strategic Authority, • approval by the Strategic Authority, as specified in legislation or set out in this Constitution.
6	Where functions require a Statutory Consent from a constituent council, the Mayor may only proceed once such consent is formally secured and recorded.

7	The Mayor may arrange for the discharge of Mayoral Functions (other than those statutorily reserved to the Mayor personally) by: <ul style="list-style-type: none"> the Deputy Mayor, a Member of the Strategic Authority, an Officer of the Strategic Authority, or a committee, subject to statutory limitations and this Constitution.
8	During the period before the election of the Mayor, Mayoral Functions shall not be exercisable and shall remain inactive. The Strategic Authority and Chair may prepare for Mayoral governance, including: <ul style="list-style-type: none"> developing draft strategies for future Mayoral approval, establishing operational and governance arrangements, ensuring readiness for the transfer of Police and Crime Commissioner and Fire & Rescue functions preparing advice, budgets, and proposals for presentation to the incoming Mayor.
9	The exercise of Strategic Authority functions during this period must avoid pre-empting decisions that are expressly reserved to the Mayor.

3.4 Statutory Consents

1	The protocol for the exercise of Statutory Consents shall be followed in respect of Strategic Authority Functions that can only be exercised with the consent of the Constituent Council or a relevant District/ Borough Council or South Downs National Park.
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3.5 Strategic Authority Functions

1	The following table sets out the Strategic Authority functions conferred by the Sussex and Brighton Combined County Authority Regulations 2026, all of which require voting arrangements of a simple majority:
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Function	Legislation	Statutory Instrument Reference	Concurrent with Constituent Councils	Relevant Constituent Authority Member(s) to consent
General Power of Competence as it relates to Economic Development and Regeneration	S1 of the Localism Act 2011	14 (4)	Yes	No
Development of Local Transport Plans	s108, 109 and 112 of the Transport Act 2000)	Reg. 8 (concurrent pre 2028); Reg. 10(2)(a) (mayor only from 08/05/28)	Yes until May 2028	No
Power to pay grant	s31 of the Local Government Act 2003	Reg. 9 (pre 2028), Reg. 10(2)(b) (mayor only from 08/05/28)	No	No
Data Sharing	S17A of the Crime and Disorder Act 1998	Reg. 13	Yes	No
Incidental Provisions	s142(2) and s222 of the Local Government Act 1972	Reg. 14(1)	SBSA has equivalent powers to the councils through these Regs, and the	No

			SBSA and councils can exercise their respective powers separately	
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2 The following table sets out the Strategic Authority functions to be conferred once the English Devolution and Community Empowerment Bill becomes an Act of Parliament, all of which require voting arrangements of a simple majority:

Function	Legislation	Statutory Instrument Reference	Concurrent with Constituent Councils	Relevant Constituent Authority Member(s) to consent
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This table will be completed once the English Devolution and Community Empowerment Bill becomes an Act

3.6 Mayoral Functions

1 The following table sets out the Mayoral functions to be conferred upon the Mayoral Strategic Authority following the election of a Mayor in 2028:

Function	Legislation	Statutory Instrument Reference	Concurrent with Constituent Councils	Relevant Constituent Authority Member(s) to consent
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This table will be completed once the English Devolution and Community Empowerment Bill becomes an Act

3.7 The Strategic Authority (Combined County Authority) Board (Reserved Functions)

1 The Strategic Authority has collective responsibility for decision-making, acting in the best interests of the Strategic Authority area. The following functions are reserved to the Strategic Authority Board:

3.7.2 Key Functions of the Board

- 1 The following key functions sit within the responsibility of the Board:
- **Setting the long-term vision** - Establishing and regularly updating the long-term goals for the Sussex & Brighton Strategic Authority
 - **Agreeing the Authority’s strategic priorities** - Setting and reviewing the main strategic objectives that guide all work across the Strategic Authority area
 - **Approving major strategy and policy** - Approving the key strategies and policies that shape how the Authority operates and delivers for Sussex & Brighton
 - **Changing or withdrawing major strategies** - Agreeing when any major strategy or policy needs to be updated, replaced, or stopped
 - **Ensuring proper consultation** - Making sure the Strategic Authority carries out all required public and stakeholder consultation when developing the budget and policy framework
 - **Overseeing delivery of the Strategic Plan** - Taking overall responsibility for how the Strategic Plan is carried out and making sure it delivers real benefits for the area
 - **Leading future devolution and Government engagement** - Driving efforts to secure more powers and funding for the region and lobbying Government on behalf of Sussex & Brighton
 - **Prioritising and reallocating funding** - Deciding how funding is prioritised and approving any changes to how money is used
 - **Approving projects and programmes** - Signing off new projects and programmes in line with the Authority’s Assurance framework and the Scheme of Delegations

	<ul style="list-style-type: none"> ▪ Setting employment and HR policy - Considering and approving policies that relate to staffing and human resources. ▪ Using the Authority’s general powers - Exercising any general legal powers given to the Strategic Authority. ▪ Responding to Gateway Reviews - Managing and responding to formal reviews of the Authority’s performance and delivery. ▪ Consenting to the making of Regulations under the Levelling Up and Regeneration Act 2023 - Agreeing when the Secretary of State proposes new regulations that affect the Authority.
3.7.3	Functions reserved to the Board
1	The following functions are reserved to the Strategic Authority Board:
2	<p><u>Strategy and Policy</u></p> <ul style="list-style-type: none"> • The adoption of, and any amendment to or withdrawal of any major strategy or policy of the Strategic Authority • The adoption, of, and any amendment to or withdrawal of the following Frameworks of the Strategic Authority: <ul style="list-style-type: none"> ○ The Assurance Framework ○ The Performance Management Framework ○ The Risk Management Framework ○ The Monitoring and Evaluation Framework
3	<p><u>Financial Matters</u></p> <ul style="list-style-type: none"> • Approving the Strategic Authority Budget • Approving the estimates of income and expenditure and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992. • Approving the borrowing limits of the Authority, including determining the borrowing limits of the Authority in relation to transport matters pursuant to section 3 of the Local Government Act 2003. • Approving the Treasury Management Strategy and the Investment Strategy of the Authority. • Approving the capital programme of the Authority and approving new transport schemes. • The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009.
4	<p><u>People</u></p> <ul style="list-style-type: none"> • Approving the appointment of the Chief Executive, Monitoring Officer, Chief Finance Officer (S73 Officer). • Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto) • Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000 • The determination of collective terms and conditions of employees.
5	<p><u>Governance</u></p> <p>Decisions related to:</p> <ul style="list-style-type: none"> • Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act; • Adopt the Member Code of Conduct and arrangements therein. • Establishment and membership of Committees and Sub-Committees; • Establishment and membership of Joint Committees and Commissions.

	<ul style="list-style-type: none"> • Approve the nomination of lead member responsibilities and membership and chairs of committees and sub-committees • Approval of allowance schemes; • Appointment of an Independent Person of the Audit and Governance Committee; • Appointment of Statutory Officers; • Delegation of functions to third parties; • Establishment of Trading Companies; • Any other matters reserved to the Board.
6	The Strategic Authority shall also exercise the general power of competence as it relates to economic development and regeneration after having due regard to the advice of its Statutory Officers.
7.5	Voting
1	Voting arrangements are set out in the Strategic Authority Procedure Rules in Part 4 of this Constitution.
7.6	Membership
1	The Strategic Authority Board membership consists of the following: <ul style="list-style-type: none"> ▪ Two elected member appointments by each Constituent Council ▪ Up to a maximum of six total Non-Constituent and/or Associate Members
2	Further details regarding the membership are set out in Article 1 of this Constitution.
7.7	Designation of a Nominating Body
1	The Strategic Authority can: <ul style="list-style-type: none"> • Agree the designation of a nominating body or the removal of such a designation • Agree the number of nominating bodies that may be designated by the Authority • Agree the Non-Constituent members that may be appointed by a nominating body of the Authority • Agree the process for the appointment, disqualification, resignation or removal of a Non-Constituent member or substitute member • Approve the appointment or removal of Non-Constituent members and substitute members • Agree the process for the appointment, disqualification, resignation or removal of an Associate member or substitute member • Approve the appointment or removal of Associate members or substitute members
2	If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the Strategic Authority before the expiry of that period, they cease to be a member of the Strategic Authority.
7.8	Executive Bodies
1	The Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.
7.9	Commissions, Working Groups and Advisory Groups

1	The Strategic Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.
	The Strategic Authority may establish Commissions. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Authority.
	The Strategic Authority will determine the remit, terms of reference, membership and budget for Commissions.
	The Strategic Authority may establish informal working groups. These groups will be non-decision-making groups of officers and members as determined by the Board.
	The Strategic Authority may establish formal Advisory Groups. These groups are non-decision-making groups of representatives selected from the Strategic Authority area, officers and members. Advisory Groups are not to be confused with formal Advisory Boards which are detailed in section Part 3 section 3.8 of this Constitution.
7.10	Board Quorum
1	Before a Mayor is in place, no business is to be transacted at a meeting of the Strategic Authority unless the chair, or vice-chair acting in place of the chair, and three of the members appointed by the constituent councils are present.
2	After the mayor's term of office begins, no business is to be transacted at a meeting of the Strategic Authority unless the mayor, or the deputy mayor acting in place of the mayor, and at least four members appointed by the constituent councils are present.
3.8	Committees and Advisory Board Terms of Reference
1	The Terms of Reference for the following committees and governance bodies are set out in this section: <ul style="list-style-type: none"> a) Overview and Scrutiny Committee b) Audit and Governance Committee

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Audit and Governance Committee

Terms of Reference

This is a regulatory committee of the Strategic Authority. Regulatory committees are governance bodies required by legislation.

The Audit and Governance Committee's role is to review and scrutinise the Strategic Authority's financial affairs (including consideration of any devolved funds), ensure appropriate corporate governance and risk management and assess whether it is delivering value for money and to maintain high standards of Members conduct.

Specifically, the Committee's key functions are as follows:

- review and scrutinise the Strategic Authority's financial affairs
- review and assess the Strategic Authority's risk management, internal control, and corporate governance arrangements
- review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Strategic Authority's functions
- make reports and recommendations to the Strategic Authority in relation to reviews conducted under paratha bullets above
- implement the obligation to ensure high standards of conduct amongst Members.

The Strategic Authority must appoint an Audit Committee whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in Part 4 of the Constitution.

Membership

The membership of the Audit & Governance Committee shall consist of:

Voting Membership

- Chair
- At least 2 representatives from each Constituent Authority except the Constituent Authority from whom the Chair is drawn who will have only 1 other representative (*To note: the number of representatives to be appointed from each Constituent Council will be confirmed at the annual general meeting 2026*)

Non-Voting Membership

- District & Borough representative from East Sussex
- District & Borough representative appointed by West Sussex
- Representative appointed by the Business Board
- Independent Committee Member (1)

In appointing members to the Audit and Governance Committee the Strategic Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

In line with the requirement to maintain stability appointments shall be made for a minimum of two years.

Chairing the Committee

The Chair of the Audit and Governance Committee will be appointed by the Strategic Authority Board, following a proposal put to them by the Audit and Governance Committee. The Chair and Vice Chair shall not be a member of a registered political party of which their respective Constituent Council Lead Member of the Strategic Authority Board is also a member.

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

Quorum

For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

Where a vote is tied it will be deemed to have not been carried.

Frequency

There shall be at least four ordinary meetings of the Audit and Governance Committee in each year in accordance with the Authorities Calendar of Meetings. In addition, extraordinary meetings may be called when appropriate by the Chair or by the Strategic Authority Chief Executive, Section 73 Officer or Monitoring Officer if either considers it necessary.

Meetings shall be held in public with provision for Public Forum.

Sub-Committee for Code of Conduct Matters

The Committee will appoint a sub-committee consisting of a representative from each constituent council and the Independent Committee Member (who will Chair the sub-committee) to consider and determine any allegation of failing to comply with the Code of Conduct in accordance with the arrangements for investigating and making decisions about allegations of failing to comply with the Code.

Functions

The Audit and Governance Committee shall undertake the following for the Strategic Authority:

Finance, Procurement and Accounts

- Approve the annual statement of accounts
- Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with [CIPFA's Code of Practice](#). And recommend the Treasury Management Policy and Non-Treasury Management Investment Strategy, Minimum Revenue Provision Policy and Capital Strategy to the Board for approval on an annual basis
- Review performance against the above Strategies and Policies on a 6 monthly basis and report any deviations to the Board
- Recommend the Procurement Policy and any proposed changes to the Policy to the Board for approval
- Ensure that the Authority's Financial Regulations and Contract Procedure Rules are reviewed on an annual basis and propose any changes to the Board

Governance

- Provide oversight to the Monitoring Officer on matters of governance and assurance
- Review corporate governance arrangements against the good governance framework
- Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances
- Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships
- Monitor the Strategic Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances
- Monitor the anti-fraud and whistle blowing policies and the complaints process
- Maintain an overview of the Constitution in respect of Contract Procedure Rules, Financial Regulations and standards of conduct and make recommendations to the Section 73 Officer and Monitoring Officer where necessary
- Support the Monitoring Officer as required to amend the constitution.

Internal Audit

- Provide assurance to the Board on the effectiveness of the Authority's internal audit functions and the wider internal control environment.
- Review and propose any changes to the Authority's internal audit functions and internal control environment
- Approve the annual internal audit plan.
- Consider reports and assurances from the Section 73 Officer and the Chief Internal Auditor in relation to:
 - Internal Audit performance.
 - The Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control.
 - Risk management and assurance mapping arrangements.
 - Progress to implement recommendations from internal audit, including concerns or where managers have accepted risks that the Authority may find unacceptable.

External Audit

- The Strategic Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- Review the auditors' opinions on the annual accounts.
- Consider the annual external audit of the Strategic Authority's accounts, including the Annual Audit Letter, assessing the implications of concerns and monitoring managers' responses to concerns.
- Consider whether accounting policies were appropriately followed and any need to report concerns to the Board.

Code of Conduct

- Recommend Member and Officer Code of Conducts to Board for approval
- Assure itself that the Strategic Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- Assist the Members and Co-opted Members to observe the Code of Conduct.
- Advise the Strategic Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- Advise on training for Members and Co-opted Members on matters relating to the Code of Conduct and oversee the effectiveness of that training

General

- To review any issue referred to the Committee by the Chief Executive, Directors, s73 Officer, the Monitoring Officer, or any Strategic Authority Member.
- Report and make recommendations to the Strategic Authority in relation to the above.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

Review

The terms of reference are to be reviewed on an annual basis by the Audit & Governance Committee

The role and arrangements of the Audit & Governance Committee will be reviewed on an annual basis by the Strategic Authority Board

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Overview and Scrutiny Committee

Terms of Reference

This is a regulatory committee of the Strategic Authority. Regulatory committees are governance bodies required by legislation.

The Overview and Scrutiny Committee's role is to provide rigorous, independent, and strategic oversight of the Strategic Authority, ensuring that decisions are transparent, evidence-based, and aligned with the long-term interests of the region.

Its purpose is to scrutinise the development and delivery of Strategic Authority activity, examining how effectively the Strategic Authority is addressing cross-cutting priorities such as economic growth, transport, housing, skills, and net-zero ambitions through its Prosperity Strategy.

Specifically, the Committees key functions are as follows:

- To review the implementation of the Strategic Authority Prosperity Strategy and its policy and budget framework, ensuring effective scrutiny of strategies and policies and holding to account decision-making and the use and management of resources.
- To assess the effectiveness of decisions of the Strategic Authority in the areas of statutory activity and relate Overview and Scrutiny to the achievement of the Strategic Authority's strategic priorities and objectives and of delivering best value in all its activities.
- To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

The Strategic Authority must appoint at least one Overview and Scrutiny Committee whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in Part 4 of the Constitution.

Membership

The membership of the Overview and Scrutiny Committee shall consist of:

Voting Membership

- Chair
- At least 2 representatives from each Constituent Authority except the Constituent Authority from whom the Chair is drawn who will have only 1 other representative (*To note: the number of representatives to be appointed from each Constituent Council will be confirmed at the annual general meeting 2026*)

Non-Voting Membership

- District & Borough representative from East Sussex
- District & Borough representative appointed by West Sussex

In appointing members to the Overview and Scrutiny Committee the Strategic Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

In line with the requirement to maintain stability appointments shall be made for a minimum of two years.

At least 2 named members will be nominated as substitutes from each constituent council for the Overview and Scrutiny Committee, these substitutes will sit within the Overview and Scrutiny substitute pool with the list of substitute Overview and Scrutiny Committee Members held by the Monitoring Officer, and drawn from, where required.

Chairing the Committee

The Chair of the Overview and Scrutiny Committee will be appointed by the Strategic Authority Board, following a proposal put to them by the Overview and Scrutiny Committee. The Chair and Vice Chair shall not be a member of a registered political party of which their respective Constituent Council Lead Member of the Strategic Authority Board is also a member.

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

There will be a standing invitation for the Chair of the Committee to attend the Strategic Authority Board meetings to create an opportunity for the Committee's comments on proposed decisions or issues to be shared directly, where appropriate.

Quorum

For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

Frequency

There shall be at least four ordinary meetings of the Overview and Scrutiny Committee in each year in accordance with the Authorities Calendar of Meetings. In addition, extraordinary meetings may be called when appropriate by the Chair.

Meetings shall be held in public with provision for Public Forum.

Functions

The Overview & Scrutiny Committee has the following key tasks to deliver in fulfilling its functions:

- hold the Chair of the Strategic Authority, Lead Members and the wider Board to account for the delivery of the Prosperity Strategy and wider strategic objectives and desired outcomes
- undertake pre-Scrutiny of Board decision-making where possible
- utilise the Call-In power if decisions have not been taken in accordance with the principles of decision-making set out in the Constitution
- undertake policy review when approached to undertake or if gap/ issue identified through performance review and decision-making accountability

- undertake Strategic Performance Review of Corporate KPIs
- hold focused meetings on cross-cutting matters and/or issues of significant concern
- undertake focused budget scrutiny on MTFP alignment/ delivery and consultation
- commission the scrutiny substitute pool to undertake deep dives or establish scrutiny task and finish or working groups as and when required
- appoint Rapporteurs to shadow lead member portfolios and/ or committees

Work Programme

The Overview and Scrutiny Committee will be responsible for setting its own work programme taking into account the wishes of all members of that Committee in line with its procedure rules. When considering their work programme, they shall:

- determine whether an issue is more appropriately dealt with by a task and finish review utilising the wider membership of the scrutiny substitute pool or if it is more appropriate to be undertaken by one of the constituent councils;
- take into account the resources available to support that programme, and avoid establishing priorities for which the costs exceed the likely benefits; and
- avoid initiating enquiries at a time, or in a manner which disrupts the effective and efficient operation of the Authority, or unnecessarily delays the conduct of its business;

Call-in of Strategic Authority decisions

Call-in requests must be conducted in alignment with the Call-in Procedure set out in the Overview and Scrutiny procedure rules set out in Part 4 of this Constitution.

Any Member wishing to call-in a decision is advised to first seek guidance from the Monitoring Officer on the relevance of their stated grounds for the call-in and demonstrate that they have been mindful of that advice when deciding whether to proceed with the call-in.

Any call-in request must evidence that one or more of the following criteria are met in order for it to be valid:

- Not in accordance with the Strategic Authorities budget and policy framework;
- Decision has been taken in a manner which is inconsistent with the decision-making principles set out in Constitutional Article: Decision-Making;
- Decision has been taken in a manner which is inconsistent with the procedures of the Strategic Authority;
- without sufficient regard to the financial or other impacts of the decision or the risks arising from the decision.

Review

The terms of reference are to be reviewed on an annual basis by the Overview and Scrutiny Committee. The role and arrangements of the Overview and Scrutiny Committee will be reviewed on an annual basis by the Monitoring Officer and the Statutory Scrutiny Officer.

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3.9 Joint Committees

- 1 The terms of reference for any Joint Committees created by the Strategic Authority will subsequently be detailed in this section of the constitution.

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3.10 The Scheme of Delegations (Functions of Chief Officers and schedule of Proper Officers)

Section 1 - Introduction

1	The effective governance of devolved authorities in the United Kingdom relies on a coherent and transparent framework for the delegation of functions to chief officers, alongside a clearly defined schedule of proper officer appointments.
2	The Scheme of Delegations sets out who within the Strategic Authority is allowed to take decisions. Because the Strategic Authority carries out a wide range of responsibilities, not every decision can or should be taken by the Board. Some decisions are passed, or <i>delegated</i> , to committees, officers, or other individuals so that work can be carried out efficiently, lawfully, and without unnecessary delay.
3	This section explains: <ul style="list-style-type: none"> • What decisions the Strategic Authority will take itself, because they are major, sensitive, or legally required to be taken at the highest level. • Which decisions are delegated, and to whom - for example, a committee, the Chief Executive, Statutory Officers or other senior officers. • The limits and conditions that apply to those delegations, including when a delegated decision must be reported back or referred upwards. • How accountability is maintained, ensuring that even when decisions are delegated, the Strategic Authority remains responsible for the overall direction, performance, and use of public resources.
4	The aim of the Scheme of Delegations is to make decision-making clear, transparent and efficient. It helps everyone understand who can do what, how decisions should be made, and where responsibility ultimately sits.
5	The Scheme of Delegation is a vital governance tool which sets out the specific powers and responsibilities that the Strategic Authority confers upon its Chief Officers. The key purposes of the scheme are as follows: <ul style="list-style-type: none"> ▪ Promote efficient decision-making by empowering Chief Officers to act within their spheres of responsibility. ▪ Enable timely and expert responses to operational matters without the need for recurring Board or committee approval. ▪ Ensure a clear audit trail and accountability for actions taken on behalf of the Authority. ▪ Support the overall strategic and policy objectives of the Authority
6	Delegation is subject to several important conditions, including: <ul style="list-style-type: none"> ▪ Compliance with legislation and the Strategic Authority’s constitution ▪ Compliance where relevant with the Assurance Framework ▪ Observance of any policy, strategy, or standing order adopted by the Authority ▪ Requirement to consult the relevant Committee, or other officers as specified ▪ Provision for referral of matters to elected members where appropriate ▪ Clear mechanisms for reporting and recording significant decisions
General Roles and Responsibilities	
7	The Strategic Authority approves strategies and policies which determine the framework in which operational decisions are made – see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.

8	Officers implement decisions made by the Strategic Authority (or any decision-making committee of the Strategic Authority). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
9	Decision-making by officers is subject to other control measures. These include: <ul style="list-style-type: none"> ▪ Standing Orders including the Contracts Standing Orders and Financial Regulations in Part 4 of the Constitution ▪ Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts of Interest Policy and Protocols in Part 5 of the Constitution ▪ Identified organisational values ▪ an anti-fraud, bribery, and corruption policy, and ▪ internal audit and risk management arrangements.
10	When exercising their delegated authority, an officer must: <ul style="list-style-type: none"> ▪ ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Strategic Authority, and ▪ follow approved practices and procedures of the Strategic Authority including the Assurance Framework, relevant Government guidance and industry/professional best practice.
Delegation to Officers	
11	The Strategic Authority may delegate decisions outside of this Scheme to a Strategic Authority officer in relation to any specific matter, subject to statutory restrictions.
12	The Strategic Authority's Standing Orders in Part 4 of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers or post-holders.
13	The Strategic Authority may continue to exercise any function which it has delegated to an officer.
Sub-Delegation	
14	Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally (although they will remain responsible for any decision taken on their behalf). Such an officer (in their absence) may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.
15	Any sub-delegation made under this Scheme must be formally recorded in writing and submitted to the Monitoring Officer, who shall maintain the official register of all such sub-delegations to ensure transparency, accountability, and compliance with this Constitution
Referral to the Board or relevant Committee	
16	An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Strategic Authority or a relevant committee.
Key Decisions	
17	Key Decisions are defined in Article 4: Decision-Making. The Access to Information rules in Part 4 of this Constitution apply where an officer exercises their delegated authority to take a Key Decision.

Call-in of Officer Decisions							
18	Any Key Decision taken by an officer under delegated authority is open to call-in, in accordance with the Overview & Scrutiny Standing Orders in Part 4 of the constitution.						
Recording of Officer Decisions							
19	An officer is required to complete a written record of their decision in accordance with the Access to Information Rules in Part 4 of the Constitution. All reports and officer decisions shall be held by the Monitoring Officer.						
Concurrent Functions							
20	An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Strategic Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation.						
Statutory Consents							
21	No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent						
22	An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.						
Section 2 - The Officer Scheme of Delegation							
1	The Scheme of Delegation of Functions to Chief Officers is fundamental to the smooth, efficient, and lawful operation of the Strategic Authority. By clearly setting out the powers, responsibilities, and accountability mechanisms of chief officers, these frameworks foster good governance, support effective service delivery, and promote public trust.						
General Delegations to Chief Officers							
2	Each Officer is authorised to carry into effect without reference to the Strategic Authority or to any of its committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:						
	(a) Expenditure						
2.1	To incur expenditure within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in Part 4 of the Constitution within the following approval limits:						
	<u>Within an approved budget</u>						
	<table border="1"> <thead> <tr> <th style="text-align: center;">Authority to incur expenditure</th> <th style="text-align: center;">Approver</th> </tr> </thead> <tbody> <tr> <td>Above £1M</td> <td>Chief Executive in consultation with the Leader of each Constituent Council</td> </tr> <tr> <td>Between £0.5M - £1M</td> <td>Chief Executive and/or Section 73 Officer (Chief Finance Officer)</td> </tr> </tbody> </table>	Authority to incur expenditure	Approver	Above £1M	Chief Executive in consultation with the Leader of each Constituent Council	Between £0.5M - £1M	Chief Executive and/or Section 73 Officer (Chief Finance Officer)
Authority to incur expenditure	Approver						
Above £1M	Chief Executive in consultation with the Leader of each Constituent Council						
Between £0.5M - £1M	Chief Executive and/or Section 73 Officer (Chief Finance Officer)						

	Between £0.1M and under £0.5M	Chief Executive, Section 73 Officer (Chief Finance Officer), Monitoring Officer
	Under £0.1M	Chief Officers
2.2	To incur expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the Assurance Framework.	
2.3	To incur expenditure outside of an approved revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in Part 4 of the Constitution within the following approval limits:	
	Outside of approved revenue budget:	
	Authority to incur expenditure	Approver
	£0.5M or above	The Board
	£0.2M to under £0.5M	Chief Executive in consultation with the Leader of each Constituent Council, the Section 73 Officer (Chief Finance Officer) and the Monitoring Officer
	Below £0.2M	Section 73 Officer (Chief Finance Officer) in consultation with the Monitoring Officer
	(b) Awarding a Contract	
2.4	To award a contract within an agreed budget the following awarding limits apply:	
	Authority to award contract	Approver
	£1M and above	Chief Executive in consultation with the Section 73 Officer (Chief Finance Officer) and the Monitoring Officer
	Below £1M	Chief Officers in consultation with the Section 73 Officer (Chief Finance Officer) and the Monitoring Officer
	(c) Human Resources	
2.5	To appoint permanent or interim officers within the approved funded staffing structure in accordance with the Strategic Authority's Recruitment Policy.	
2.6	To appoint officers on a temporary basis to provide cover for absences within approved budgets.	
2.7	With the exception of: <ul style="list-style-type: none"> ▪ granting voluntary redundancy requests, ▪ releasing preserved pension benefits on ill health grounds, and ▪ payments to any officer for loss or damage to property arising out of their employment with the Strategic Authority 	

to determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, following consultation with the Section 73 Officer (Chief Finance Officer) and Monitoring Officer.

(d) Budget Virements

2.8 Budget virements are the movement of approved budgets both within and between Directorates. They enable budgets to be revised to reflect spending patterns or to fund changing priorities. Higher authorisation limits are set for virements between Directorates. Virements also include movements to and from reserves and within the approved capital programme.

Authority to vire budget	Approver
£1m and above	Section 73 Officer (Chief Finance Officer) in consultation with the Chief Executive and the Leader of each Council
Below £1m	Section 73 Officer (Chief Finance Officer)

Proper Officer Functions

3 The concept of the 'Proper Officer' is integral to the functioning of the Strategic Authority, particularly where legislation requires that a specific officer undertake a defined statutory role. The Schedule of Proper Officers is a formal list designating which chief officers or other officers are responsible for the execution of particular legal and administrative duties.

4 Chief officers and proper officers carry significant responsibilities for compliance, governance, and operational delivery. They must:

- Ensure all actions taken are within the scope of delegated authority and the law
- Maintain transparency through record-keeping and reporting
- Advise elected members on technical, procedural, and legal matters
- Uphold ethical standards and manage conflicts of interest
- Promote best value and continuous improvement

5 Each Chief Officer is appointed the Proper Officer for any function within their remit.

6 Each Proper Officer has authority to implement and ensure compliance with requirements relating to:

- health and safety
- data protection, freedom of information and transparency,
- surveillance activities,
- human rights,
- risk management,
- equality and diversity; and
- safeguarding

Section 3 - Head of Paid Service (Chief Executive)

1 The Chief Executive is designated the Head of Paid Service of the Strategic Authority and is authorised to exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.

2	<p>The Chief Executive is authorised to exercise any Strategic Authority Function which is not:</p> <ul style="list-style-type: none"> ▪ expressly reserved to the Strategic Authority, ▪ a function of any other officer in their capacity as a statutory officer, always provided that: ▪ exercising this authority to approve any economic development loan is subject to the conditions set out below and in consultation with the Section 73 Officer (Chief Finance Officer), and ▪ any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person representing the Business Voice or of non-constituent member of the Strategic Authority is taken in accordance with the Conflicts of Interest Protocol
3	<p>The Chief Executive is further authorised to take decisions which would have been taken by a committee and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.</p>
4	<p>The Chief Executive, in consultation with the Section 73 Officer (Chief Finance Officer) and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials or services provided that the spend is within the Strategic Authority’s approved budget. Prior to exercising this delegation, the Chief Executive must consult the Leader of each Constituent Council and following the decision, must publish an Officer Decision Notice.</p>
5	<p>In order to exercise 3.4 above, the business case or procurement must be within the agree strategic framework set by the Strategic Authority Board and within the Medium-Term Financial Plan (MTFP) and, in the case of a tender or quotation, must be approved in accordance with the Strategic Authority’s Contracts Procedure Rules, i.e.:</p> <ul style="list-style-type: none"> ▪ the decision relates to the delivery of the agreed business plan for that business area. ▪ the decision accords with any officer decision making guidance issued to officers. ▪ once the decision has been made the officer complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014. ▪ decisions taken will be reported to the next available Strategic Authority as part of the Transparency Report
6	<p>To commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Strategic Authority, save for those earmarked funds and reserves which the Strategic Authority specifically reserves the right to itself or another Committee to approve, and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next meeting of the Strategic Authority after the commitment is made.</p>
7	<p>To approve settlements and severance packages on termination of appointment up to £100,000</p>

Section 4 - Section 73 Officer (Chief Finance Officer)

1	<p>The statutory Section 73 Chief Finance Officer of the Strategic Authority exercises any statutory function of the Section 73 Officer (Chief Finance Officer), including making arrangements for the proper administration of the Strategic Authority’s financial affairs.</p>
2	<p>The Section 73 Officer (Chief Finance Officer) is authorised to exercise the following Strategic Authority functions with the exception of any matter:</p> <ul style="list-style-type: none"> ▪ expressly reserved to the Strategic Authority, ▪ expressly within the terms of reference of a Strategic Authority committee or ▪ which the Chief Executive has directed the Section 73 Officer (Chief Finance Officer) to refer to the Strategic Authority or any Committee for determination to carry out any function in relation to: <ul style="list-style-type: none"> I. Finance

	<ul style="list-style-type: none"> II. Commercial and Procurement III. Audit and Risk IV. Funding Plan & Investment portfolio V. Commercial and Procurement VI. HR, OD and Learning VII. Digital and Technology VIII. Corporate Services IX. Corporate Development X. Strategic Facilities and Asset Management XI. Equalities and Inclusion XII. Marketing XIII. Communications and External Affairs
3	<p>For all grant administration the Section 73 Officer (Chief Finance Officer) has the following delegation:</p> <ul style="list-style-type: none"> ▪ Accept grant offers on behalf of the Authority, subject to all the terms and conditions set out by the grant awarding body. ▪ The submission of all claims for grant to the UK Government or other organisations that grant the Authority money. ▪ Where not covered as a mayoral function to distribute revenue and capital grant funding to constituent and non-constituent councils that are within budget and in accordance with the provisions of 2.2.1 above.
Section 5 - Monitoring Officer	
1	The Monitoring Officer for the Strategic Authority exercises any statutory function of the Monitoring Officer.
2	<p>With the exception of any matter:</p> <ul style="list-style-type: none"> ▪ expressly reserved to the Strategic Authority or ▪ which the Chief Executive has directed the Monitoring Officer to refer to the Strategic Authority or any Committee for determination to carry out the following functions: <p>(a) Legal Proceedings and Settlements</p>
2.1	To take any legal action to implement a decision of the Strategic Authority.
2.2	To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Strategic Authority or to protect the interests of the Strategic Authority, and to take all necessary steps in relation to such proceedings or disputes.
2.3	To make payments or provide other benefits in cases of maladministration
2.4	Defend and settle all actual and prospective claims made against the Strategic Authority up to £500,000
2.5	To authorise the affixing of the seal of the Strategic Authority (and to authorise any Solicitor of the Strategic Authority to authorise the affixing of the seal) and hold a register kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has authorised the affixing of the seal.
5.2.6	Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility

2.7	To authorise officers possessing such qualifications as may be required by law or in accordance with the Strategic Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Strategic Authority (however described) and to issue any necessary certificates of authority.
2.8	To certify documents on behalf of the Strategic Authority
2.9	To sign contracts and grant agreements
(b) Governance	
2.10	To discharge secretarial and other functions in relation to meetings and proceedings of the Strategic Authority and its governance arrangements.
2.11	To make any changes to any governance document of the Strategic Authority which are required: <ul style="list-style-type: none"> ▪ as a result of legislative change or decisions of the Strategic Authority or the Mayor, ▪ to enable them to be kept up to date, or ▪ for the purposes of clarification only
2.12	To make any changes to the Assurance Framework which are required: <ul style="list-style-type: none"> ▪ as a result of legislative change or decisions of the Strategic Authority or the Mayor, ▪ to enable it to be kept up to date, or ▪ for the purposes of clarification only
2.13	To make any change to the membership of any committee of the Strategic Authority, provided that the appointment has no impact on the political balance for the committee and only in accordance with any nomination by the designated nominating body.
2.14	Where vacancies for independent members arise, the Monitoring Officer is authorised to progress recruitment, including the convening of an interview panel as necessary, to make recommendations to a subsequent meeting of the Strategic Authority.
(c) Member Allowances	
2.15	To administer the Member Allowances Scheme in Part 6 of this Constitution.
(d) Interests in Land	
2.16	To obtain particulars of persons interested in land in alignment with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

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4. Procedure Rules

4.1 The Strategic Authority (Combined County Authority) Procedure Rules

1. Types of Meeting

Annual Meeting

1 The annual meeting of the Strategic Authority will normally take place on such day between 1 March and 30 June in line with schedule 12, paragraph 6A of the Local Government Act 1972. However, on occasion a later day may be applied to ensure that the annual meeting takes place after the conclusion of the annual meetings of the constituent councils.

2 The annual meeting will:

- confirm the Chair, and at least one Vice-Chair of the Strategic Authority in alignment with the constitutional Article: Pre-Mayoral Period
- Note the constituent council members and substitute members
- Appoint non-constituent members and their substitutes
- Appoint Associates and their substitutes
- Confirm the programme of ordinary meetings of the Strategic Authority
- Confirm the arrangements of the Governance Framework
- Confirm the Medium-Term Financial Plan of the Strategic Authority
- Appoint members to outside bodies as required
- Consider any other business set out in the notice convening the meeting.

Ordinary Meeting

3 The Strategic 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 Strategic Authority decides

4 At an ordinary meeting, the Strategic Authority will:

- approve the minutes of the last meeting;
- receive any declarations of interest from members;
- consider minutes/reports from any committee or sub-committee of the Strategic Authority;
- consider motions submitted in the name of a member of the Strategic Authority; and
- consider any other business specified in the notice convening the meeting.

Extraordinary Meetings

5 An extraordinary meeting of the Strategic Authority may be called in the following circumstances:

- a. by resolution of the Strategic Authority; or
- b. by all 3 lead members of the Constituent Councils; or
- c. by the Chair of the Strategic Authority at any time; or
- d. by the Chief Executive, Monitoring Officer or Chief Finance Officer at any time; or
- e. where at least four members from the constituent councils have signed a requisition which has been presented to the Chair of the Authority (the meeting is called if, after seven days following the receipt of such a requisition, the Chair of the Authority has refused to call a meeting).

5	Any requisition under Standing Order Part 4 – Section 1.5(e) above will be addressed to the Chair of the Strategic Authority by being left for the Chair at the offices of the Strategic Authority. The requisition will indicate the business to be transacted at the meeting.
6	The date, time and location of any extraordinary meeting will be fixed by the Monitoring Officer, in consultation with the Chair.
7	Only business specified in the summons may be transacted at an Extraordinary Strategic Authority Board meeting.

2. Time, date and Place of Meeting

1	The Strategic Authority meetings are held at any place within or outside the Strategic Authority Area as the Strategic Authority directs during daytime unless the Strategic Authority decides otherwise. Any changes to the date, time and place of meetings or cancellation of meetings will be determined by the Monitoring Officer in consultation with the Chair.
2	The Chair shall interrupt proceedings where any meeting has lasted for three hours, whereupon all Members shall stop speaking. The Chair shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.
3	If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.

3. Notice of Meetings and the Notice to Attend

1	At least five clear working days before a meeting of the Strategic Authority, the Monitoring Officer will issue 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 to every member.
2	The Chair shall have agreed the business to be considered at any ordinary meeting of the Strategic Authority in consultation with the Chief Executive.
3	The notice of meetings will be carried out in accordance with the Access to Information Procedure Rules.

4. Quorum

1	Before a Mayor is in place, no business is to be transacted at a meeting of the Strategic Authority unless the chair, or vice-chair acting in place of the chair, and three of the members appointed by the constituent councils are present.
2	After the mayor's term of office begins, no business is to be transacted at a meeting of the Strategic Authority unless the mayor, or the deputy mayor acting in place of the mayor, and at least four members appointed by the constituent councils are present.
3	If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place with the agreement of the Chair.
4	If during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does

	not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Strategic Authority.
5. Suspension, variation, revocation and interpretation of Procedure Rules	
1	Any motion to vary or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Strategic Authority Board.
2	Procedure Rules may be suspended in respect of any business at a meeting of the Strategic Authority Board where its suspension is moved and seconded, except where this would be in contravention of statute.
3	A motion to suspend Procedure Rules shall not be moved without notice unless there are present at least four of the Members of the Strategic Authority appointed by Constituent Councils or Substitute Members acting in their place
4	The Monitoring Officer shall rule on the application of procedure rules and any proceedings of the Strategic Authority.
6. Business of the Strategic Authority	
1	No item of business may be considered at any meeting except: <ul style="list-style-type: none"> ▪ The business set out in the Summons, ▪ Business required by law to be transacted at the annual meeting, or ▪ Business brought before the meeting as a matter of urgency by reason of special circumstances, which shall be specified in the minutes, and the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency.
2	Business shall be dealt with in the order in which it is set out in the agenda unless the Chair decides otherwise.
3	The Monitoring Officer will ensure that the name of any Member present during the whole or part of a meeting is recorded.
4	Minutes of the last Strategic Authority meeting shall be confirmed at the next Ordinary meeting of the Strategic Authority.
5	Matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded, and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall initial each page and sign the minutes.
6	Any Member with a Disclosable Pecuniary Interest in a matter being discussed should declare the nature of the interest and withdraw from the meeting during the item.
7	Any Member with an Other Registrable Interest or Non-Registrable Interest in a matter being discussed should declare the nature of the interest and should withdraw from the meeting during the item, if required to do so under the Members' Code of Conduct.
7. Motions on Notice	

1	Notice. Except for Procedural Motions which can be moved without notice, written notice of every motion, signed by at least one Member, must be delivered to the Monitoring Officer, not later than midday, at least seven clear working days before the date of the meeting
2	Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
3	No more than one motion may be proposed by any individual Member for each meeting.
4	Scope. Each motion must: <ul style="list-style-type: none"> a) clearly and succinctly identify the matter to be debated. b) be capable of being passed as a formal resolution; and c) be about matters for which the Strategic Authority has a responsibility, or which specifically affect the Strategic Authority area.
5	The Monitoring Officer may, reject a motion which, in their opinion: <ul style="list-style-type: none"> a) is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful, or otherwise improper. b) refers to legal proceedings taken or anticipated by or against the Strategic Authority. c) requires the disclosure of confidential or exempt information. d) names or identifies specific service users, members of staff or members of staff of partner organisations without the mover demonstrating they have provided consent. e) relates to the Member's own personal circumstances. f) expresses support or objection to proposals where the Strategic Authority is in the process of consulting with the public or responding to a formal consultation process.
6	Alteration. A proposer may alter a motion on which they have given notice when they come to move it, in which case the amendment becomes part of the substantive motion without debate. Only alterations that could be made as an amendment may be made.
7	Withdrawal. Where a motion on notice is before the Strategic Authority having been formally moved and seconded, the mover may subsequently withdraw it only with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the Motion after the proposer has asked permission to withdraw it unless permission is refused.
8	Motions not moved. If a motion set out in the summons is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Strategic Authority, be treated as withdrawn and shall not be moved without fresh notice.
9	Rescission of earlier resolutions. No motion or amendment may be proposed to rescind any resolution of the Strategic Authority passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless: <ul style="list-style-type: none"> a) It is proposed by a committee of the Strategic Authority, b) It is required to comply with a statutory duty; or c) (c) Notice of such motion has been given and signed by at least one third of the total number of members who include members from more than one political group.
8. Amendments	
1	An amendment to a motion must: <ul style="list-style-type: none"> a) Be relevant to the motion. b) Add and/or delete a word or words.

	<ul style="list-style-type: none"> c) Not introduce a new topic. d) Not negate the motion. e) (e) Be worded so that, if it is agreed by the Strategic Authority, it can be passed as a valid resolution.
2	The Chair, following consultation with the Monitoring Officer, may reject an amendment on the grounds set out in Rule 7.5 or 8.1. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Strategic Authority Board.
3	Number of Amendments. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
4	Status of Amendments. If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
5	After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.
9. Public Questions	
1	At Ordinary Committee meetings of the Strategic Authority, questions may be asked by members of the public of the Lead Members/Committee Chairs
2	Questions submitted at Committee meetings will need to relate to a substantive item on the agenda.
3	Questions to the Chair may only be submitted to Ordinary meetings of the Strategic Authority Board and may be on anything for which the Strategic Authority has responsibility.
4	The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.
5	No person may submit more than one question at any one meeting and no more than two questions may be asked on behalf of any one organisation.
6	Questions must be submitted in writing at least three clear working days before the meeting and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put. Questions so received will be referred to the Monitoring Officer for consideration and inclusion at a meeting.
7	The Monitoring Officer may reject a question if it: <ul style="list-style-type: none"> a) is not about a matter for which the Strategic Authority has a responsibility, or which specifically affects the Strategic Authority. b) is defamatory, vexatious, frivolous, or offensive. c) is substantially the same as a question which has been put at a meeting of the Strategic Authority in the past six months. d) requires the disclosure of confidential or exempt information. e) refers to legal proceedings taken or anticipated by or against the Strategic Authority. f) relates to a day-to-day Strategic Authority function or the provision of a Strategic Authority service and has not been asked first of the relevant service area g) is not related to policy or budget issues. h) is a statement rather than a question. i) names or identifies individual service users, members of staff or members/staff of partner agencies.

	<ul style="list-style-type: none"> j) makes or relates to allegations against, or comprise comments about, the conduct of individual Members or officers. k) relates to an individual or the questioner's own particular circumstances. l) would more appropriately be responded to under the Freedom of Information Act 2000 or the Data Protection Act 1998. m) is from, or on behalf of, a political party, or bears the name, insignia, or other device of a political party.
8	Those persons who submitted questions and who are present at that meeting of the Strategic Authority will be invited to read aloud the questions put. Questioners may by written notice nominate a substitute to ask a question in their place. One supplementary question is allowed.
9	If a member of the public or their nominated substitute who has submitted notice of a question is unable to be present at the meeting, the question falls. However, the Strategic Authority will nevertheless provide a written response to the questions put.
10. Motions and Amendments that may be moved without notice	
1	<p>Procedural motions. The following motions and amendments may be moved without notice for consideration when a Chair is in place for the meeting:</p> <ul style="list-style-type: none"> a) Relating to the accuracy of the minutes of the Strategic Authority, a committee or sub-committee. b) For a change in the order of business. c) Extending the time limit for speeches. d) That the meeting proceeds to the next business. e) That the question be now put. f) That the debate be now adjourned. g) That the meeting does now adjourn. h) To suspend Procedure Rules. i) Giving consent where consent of the Strategic Authority is required by the Procedure Rules. j) Reference of a matter to a committee or sub-committee. k) Appointment of or appointment to committees or sub-committees occasioned by an item mentioned in the summons to the meeting. l) That a Member should not be heard further or should leave the meeting. m) Adoption of recommendations of committees and subcommittees and any consequent resolutions. n) That leave is given to withdraw a motion. o) That leave is given to alter a motion by the mover of that motion. p) Receipt of reports of officers and any consequent resolutions. q) Amendment to reports of which notification has been included within the summons of the meeting, but where the reports were circulated at a later date than the summons. r) Authorising the sealing of documents. s) To exclude the press and public.
11. Closure Motions	
1	Closure motions. Motions designed to close a debate, e.g. (e)-(h) above, may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded, or already spoken in the debate. No person may intervene in discussion on a motion by moving more than one closure motion.
2	<p>When one of the following motions has been seconded, the Mayor shall proceed as follows:</p> <ul style="list-style-type: none"> a) On a motion to proceed to next business - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply and then put to the vote the motion to proceed to next business.

	<p>b) On a motion that the question, be now put - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote.</p> <p>c) On a motion to adjourn the debate or the meeting - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.</p> <p>d) On a motion to exclude the public - they shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer. If members of the public may be lawfully excluded, the Mayor will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the Mayor may, at their discretion, either immediately require the public to leave the room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.</p> <p>e) On a motion that a named Member, be not further heard or leave the meeting - they shall put the motion to the vote without discussion. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter or shall be required to leave the room.</p>
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12. Rules of Debate

1	Motions and Amendments. No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further debated or put to the meeting.
2	Secunder's Speech. When seconding a motion or amendment, a Member may advise the Chair that they will reserve their right to speak until a later period in the debate.
3	Content and length of speeches. A Member will confine their speech to the question under discussion, a personal explanation, or a point of order. All speeches shall not exceed five minutes.
4	<p>When a Member may speak again. A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:</p> <p>a) To speak once on an amendment moved by another Member.</p> <p>b) If the motion has been amended since they last spoke, to move a further amendment.</p> <p>c) If their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried.</p> <p>d) Where the mover of a motion exercises their right to reply:</p> <p>(i) at the close of the debate on the motion, immediately before it is put to the vote.</p> <p>(ii) if an amendment is moved, at the close of the debate on the amendment (but they shall not otherwise speak on it). The mover of an amendment shall have no right of reply to the debate on their amendment.</p> <p>e) On a point of order referring to a specific Procedure Rule or statutory provision (which must be cited).</p> <p>f) By way of personal explanation.</p>

13. Points of Order and Personal Explanations

1	A Member may raise on a point of order or in personal explanation and shall be entitled to be heard immediately. A Member raising a point of order must specify a Procedure Rule or statutory provision and the way in which they consider it has been breached.
2	A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.

3	The Chair will hear the Member and give a ruling on the point of order or the admissibility of the personal explanation before the debate continues. The Chair may consult on any question of interpretation with the Monitoring Officer or their nominee prior to making a ruling. The ruling of the Chair on the matter shall not be open to discussion and will be final.
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14. Voting

1	The Strategic Authority will seek to reach decisions by consensus wherever possible, and formal votes will only be taken where necessary or where a Member requests that a vote be held.
2	Subject to the following Standing Order, any question that is to be decided by the Strategic Authority Board is to be decided by: <ol style="list-style-type: none"> a) a vote of the members of the Strategic Authority, and any substitute members acting in place of members of the Strategic Authority
3	Each Member of the Strategic Authority appointed by a constituent council, or substitute Member acting in that Member's place, is to have one vote.
4	A non-constituent member will not be entitled to vote unless a resolution is passed pursuant to 14.2 above resolving to give voting rights to non-constituent members on individual matters within meetings. Any such resolution will provide voting rights for the duration of one meeting only.
5	Associate members are not entitled to vote, the purpose of their role is to provide advice and support to voting members as appointed experts to the Strategic Authority.
6	The Chair or any other member is to have a casting vote.
7	If a vote is tied on any matter, it is deemed not to have been carried.
8	Offices and appointments. If on a vote no person receives more than half of the votes cast, the name of the person with the fewest number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.
9	Method of voting. Whenever a vote is taken at meetings of the Strategic Authority it shall be by a show of hands.
10	On the requisition of any Member of the Strategic Authority eligible to vote, supported by two other Members (also eligible to vote) who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against or abstained from voting.

15. Matters affecting Officers

1	If any question arises at a meeting at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Strategic Authority, such question shall not be the subject of discussion until the Strategic Authority has decided whether or not to exclude the public.
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16. Conduct at Meetings

1	Whenever the Chair rises during a debate at a Strategic Authority meeting, the meeting shall be silent.
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2	Mobile phones and other electronic devices must be switched to 'silent' during meetings.
3	Filming or recording of any meeting of the Strategic Authority is permitted, subject to the following: <ul style="list-style-type: none"> b) That the Chair has been notified at the commencement of the meeting. c) Filming or recording is done openly. d) That anybody attending the meeting, with the exception of Members and officers, may request not to be filmed or recorded. e) Filming or recording may only take place when members of the public are entitled to attend in person.
4	Placards are not permitted during meetings.
5	Member not to be heard further. If a Member persistently disregards the ruling of the Chair by continued irrelevance or repetitions, by behaving improperly or offensively, or by wilfully obstructing the business of the Strategic Authority, the Chair may direct the Member to stop speaking. If, following a direction from the Chair to stop speaking, the Member continues to speak, the Chair (or any other Member) may move that the Member be not heard further. If seconded, the Chair shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again during the meeting.
6	Member to leave the meeting. If a Member persistently disregards the ruling of the Chair by continued irrelevance or repetitions, by behaving improperly or offensively, or by wilfully obstructing the business of the Strategic Authority, the Chair may request them to leave for the remainder of the meeting or for any lesser period. If following a request to leave the meeting, the offending Member does not leave, the Chair (or any other Member) may move that the Member named leave the meeting. The motion shall be put and, if seconded, voted upon without discussion. If carried, the Chair shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings.
17. Attendance at Meetings	
1	The Chair may invite the Chair of any advisory committee, committee, or subcommittee of the Strategic Authority to attend and speak at any meeting of the Strategic Authority to; <ul style="list-style-type: none"> ▪ Present any reports or recommendations of the committee or subcommittee. ▪ Answer questions about any matter in the minutes of that committee or subcommittee, or ▪ Contribute to the discussions about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are chair.
2	The Chair may invite any person to attend and speak at meetings. In such circumstance the Chair is required to notify the Monitoring Officer at the earliest opportunity providing the details of the person(s) invited to speak and the agenda item they have been invited to speak in relation to.

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4.2 Budget and Policy Rules

1. General

- 1 These rules reflect specific statutory requirements relating to the approval of budgets and policies by the Strategic Authority or other decision-makers on their behalf. They set out how the Strategic Authority will develop, consult on, approve, and amend its Budget and Policy Framework. Their purpose is to ensure transparency, accountability, and clear roles for decisionmakers
- 2 Decision-makers should consider whether any consultation is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
- 3 Decision-makers should also engage with a Strategic Authority Overview and Scrutiny Committee (and any other committee of the Strategic Authority) as appropriate in the development and scrutiny of proposals.
- 4 When approving budgets or policies, decision-makers must comply with the provisions relating to Key Decisions in the Access to Information Rules in Part 4 of the Constitution.

2. Approval of Policy

- 1 The Strategic Authority will approve any policy in relation to Strategic Authority Functions.

3. The Budget and Policy Framework

- 1 The Budget and Policy Framework consists of:
 - the Authority's annual revenue budget
 - the capital programme and investment plan
 - the Medium-Term Financial Strategy
 - the Treasury Management Strategy
 - any statutory plans or strategies that must be approved by the Authority
 - any other plans or strategies that the Authority designates as forming part of the Framework

No decision may be taken that is contrary to the approved Budget and Policy Framework unless permitted by these rules.

- 2 The Strategic Authority Board is responsible for:
 - approving the Budget and Policy Framework
 - adopting any new or revised plans within the Framework
 - deciding on any changes that would have a material impact on the approved Budget

The Board may not delegate final approval of the Budget and Policy Framework.

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4.3 Access to Information Rules

Part 1 – The Rights of the Public

1. Introduction

- 1 The Strategic Authority is committed to openness, transparency, and helping people understand how decisions are made. These Access to Information rules explain how the public, partners, and stakeholders can find out about the Authority’s business, including meetings, decisions, and the information we hold.
- 2 Our aim is to make information easy to find and simple to understand. Wherever possible, we publish information proactively so that people do not need to make a special request for it. When information cannot be published; whether for legal, commercial, or personal privacy reasons, we will explain why.
- 3 These rules set out:
 - **What information we publish routinely**, such as meeting agendas, reports, decisions, and performance information.
 - **How the public can attend meetings** and the circumstances in which some parts of meetings may need to be held in private.
 - **How to request information** under freedom of information legislation or through other formal routes.
 - **How we protect confidential or sensitive information** while balancing this with the public’s right to know.
- 4 By following these rules, the Strategic Authority helps ensure accountability, supports public involvement, and strengthens trust in how we work.
- 5 When we refer to meetings of the Strategic Authority, this also includes any meetings of its ordinary or legal committees or sub-committees. These rules do not remove or limit any other rights you may have to access information, whether those rights come from the Strategic Authority’s own standing orders or from the law.

2. Rights of the Public

- 1 All meetings of the Strategic Authority are open to the public unless the public is excluded for one of the reasons explained below.

A. Confidential Information

- 2 The public must be excluded from a meeting if confidential information is likely to be discussed. Confidential information means:
 - information given to the Strategic Authority by a Government department that cannot be made public, or
 - information that the law or a Court Order forbids from being disclosed.

B. Exempt Information

- 3 The Strategic Authority may choose to exclude the public for a particular agenda item if exempt information is likely to be revealed.
- 4 Exempt information is defined in Part 1 of Schedule 12A of the Local Government Act 1972 and includes:

Paragraph 1	Information relating to any individual.
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	Paragraph 2	Information which is likely to reveal the identity of an individual.
	Paragraph 3	Information relating to the financial or business affairs of any particular person (including the Strategic Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. "Financial or business affairs" includes contemplated, as well as past or current, activities.
	Paragraph 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Strategic Authority or a Minister of the Crown and employees of, or officer-holders under the Strategic Authority
	Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	Paragraph 6	Information which reveals that the Strategic Authority proposes: <ul style="list-style-type: none"> a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or b) to make an order or direction under any enactment.
	Paragraph 7	Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.
5	Information in these categories is not exempt if it relates to a planning proposal where the planning authority could grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.	
6	Information can only be treated as exempt if, in the circumstances, the public interest in keeping it confidential is greater than the public interest in making it public.	
7	When the Strategic Authority decides to exclude the public, the resolution must: <ul style="list-style-type: none"> • say which part of the meeting is affected, • state which exempt information category applies, and • confirm (by referring to a report or other reasons) that keeping the information confidential is, overall, in the public interest. 	
	C. General Disturbance	
8	The public may also be excluded from a meeting if there is a general disturbance, as allowed under the Strategic Authority's standing orders.	
	3. Public Access to Agenda and Reports of a Strategic Authority Meeting	
1	The Monitoring Officer shall make the following open to public inspection, at the offices of the Strategic Authority and on its website in accordance with the Strategic Authority's Procedure Standing Orders in Part 4 of the Constitution: <ul style="list-style-type: none"> ▪ copies of the agenda for a meeting of the Strategic Authority, and ▪ copies of any report for the meeting open to the public 	
	4. Public Access to copies at a Strategic Authority Meeting	
1	The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of: <ul style="list-style-type: none"> ▪ the agenda, and 	

	<ul style="list-style-type: none"> ▪ those reports open to the public
5.	Public Access to documents at a Strategic Authority Meeting
1	<p>The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:</p> <ul style="list-style-type: none"> ▪ the minutes of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information), ▪ a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record, ▪ the agenda for the meeting, and ▪ reports relating to items when the meeting was open to the public.
6.	Public Access to background papers at a Strategic Authority Meeting
1	<p>The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:</p> <ul style="list-style-type: none"> ▪ disclose any facts or matters on which the report or an important part of the report is based, and ▪ have been relied on to a material extent in preparing the report.
	<p>This requirement does not extend to:</p> <ul style="list-style-type: none"> ▪ published works, or ▪ papers which disclose exempt or confidential information.
2	<p>The Monitoring Officer will:</p> <ul style="list-style-type: none"> ▪ publish a list of each of the background documents listed on the Strategic Authority's website at the same time as the report is available for public inspection, and ▪ make a copy of each available to the public at the offices of the Strategic Authority, on payment of a reasonable fee
3	<p>The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.</p>
7.	Reporting and recording a Strategic Authority Meeting
1	<p>The Strategic Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.</p>
2	<p>A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.</p>
3	<p>Publication and dissemination may take place at the time of the meeting or occur after the meeting.</p>
4	<p>Any person reporting on a meeting is expected to comply with the attached Code of Practice.</p>
5	<p>Meetings of the Strategic Authority may be recorded and made available for public viewing on the intranet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.</p>

8.	Forward Plan
	A: Definition of a Key Decision
1	A Key Decision is defined in Article 4: Decision-Making of this Constitution.
2	<p>In the Strategic Authority, some decisions are more significant than others. A Key Decision is one that is likely to have a major impact on people, places, or budgets across the area. Because these decisions can shape services, investment, or the future direction of the region, they must be handled openly and transparently. Key Decisions are important because they:</p> <ul style="list-style-type: none"> • Affect the public in a noticeable way – for example, changes to transport services, major regeneration projects, or new funding programmes. • Involve significant spending or commit the Strategic Authority to long-term financial choices. • Influence strategic priorities and how the area develops socially, economically, or environmentally.
3	<p>Access to Information rules are designed to make sure the public can see how major decisions are made. For Key Decisions, the rules are especially important because they ensure openness at every stage. This includes:</p> <ul style="list-style-type: none"> • Advance notice: The Strategic Authority must publish a forward plan or notice that a Key Decision is coming up. This gives people, partners, and businesses the chance to understand and comment on what is being considered. • Published reports: Key Decisions must normally be supported by a written report, which is made publicly available unless there is a clear and lawful reason to keep part of it confidential. • Transparency in meetings: If a Key Decision is made at a public meeting, the agenda and reports must be published in advance so people can follow the discussion. • Clear records: Once the decision is taken, the Strategic Authority must publish a formal record showing what was decided and why
4	Put simply: a Key Decision triggers the highest level of transparency. It ensures that decisions with the biggest impact on communities are taken in the open, explained clearly, and fully documented. This helps residents see how money is spent, how priorities are set, and how leaders are held to account.
	B: Notice Provisions
5	<p>Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:</p> <ul style="list-style-type: none"> ▪ that a Key Decision is to be made in relation to the discharge of functions which are the Strategic Authority’s responsibility, ▪ the matter in respect of which the decision is to be made, ▪ the decision maker’s name and title if any, ▪ the date on which, or the period within which, the decision is to be made, ▪ a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made, ▪ the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available, ▪ that other documents relevant to those matters may be submitted to the decision maker, and ▪ the procedure for requesting details of those documents (if any) as they become available.
6	The Monitoring Officer will publish any such notice on the Forward Plan on the Strategic Authority’s website at least 28 clear days before the Key Decision is made and make it available for public inspection at the Offices of the Strategic Authority (subject to C and D below).

7	<p>Where in relation to any matter:</p> <ul style="list-style-type: none"> ▪ the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or ▪ documents relating to the decision need not (because of confidential information) be disclosed to the public, <p>the notice must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.</p>
	C: General Exception
8	<p>Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:</p> <ul style="list-style-type: none"> ▪ where the Monitoring Officer has informed the Chair of any relevant overview and scrutiny committee by notice in writing of the matter about which the decision is to be made, ▪ where the Monitoring Officer has published the notice on the Strategic Authority's website and made the notice available for public inspection at the Strategic Authority's offices, and ▪ after 5 clear days have elapsed following the day on which the Monitoring Officer made the copy of the notice available.
9	<p>As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a notice setting out the reasons why it was impracticable to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.</p>
	D: Cases of Special Urgency
10	<p>Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot reasonably be deferred.</p>
11	<p>As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must make available to the public at the Strategic Authority's offices a notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred; and publish that notice on the Strategic Authority's website.</p>
12	<p>If no Chair is in post, the agreement must instead be obtained from:</p> <ul style="list-style-type: none"> ▪ The Vice Chair of the relevant Overview and Scrutiny Committee <p>If there is no Vice Chair, or they are also unavailable, constitutions normally allow approval to be given by the Chair of the Strategic Authority,</p>
9.	Public Access to written records of decisions made by Officers
1	<p>A decision-making Officer is required to produce a written record of their decision through an Officer Decision Notice if the decision has been delegated:</p> <ul style="list-style-type: none"> ▪ under a specific express authorisation, or ▪ under the Officer Delegation Scheme where the effect of the decision is to: <ul style="list-style-type: none"> a) grant a permission or license, b) affect the rights of an individual, or

	c) award a contract or incur expenditure which, in either case, materially affects the Strategic Authority's financial position.
2	For the purposes of c) above, any award of a contract or expenditure of £500,000 or over will be deemed to materially affect the Strategic Authority's financial position.
3	An Officer must also record and publish any Key Decision they make through an Officer Decision Notice, whether or not it is outside the criteria set out above.
4	An Officer must also record and publish any decision that incurs expenditure over £50,000 through an Officer Decision Note.
5	An Officer may also, (a) record, or (b) record and publish, any other decision outside of 9.1 above, if they consider this to be in the public interest
6	As soon as reasonably practicable after an officer has made a written record in accordance with 9.1 or 9.5 b, the Monitoring Officer shall make any written record and any background papers <ul style="list-style-type: none"> ▪ available for inspection by the public: ▪ at all reasonable hours, at the offices of the Strategic Authority, ▪ on the Strategic Authority's website, and ▪ by such other means that the Strategic Authority considers appropriate.
7	On request the Monitoring Officer will provide: <ul style="list-style-type: none"> ▪ a copy of the written record, and ▪ a copy of any background papers.
8	The Strategic Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.
9	The Strategic Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

Part 2 – Press Access to a Strategic Authority Meeting

1	The Monitoring Officer shall supply on request for any newspaper: <ul style="list-style-type: none"> ▪ a copy of the agenda and those reports open to the public, ▪ any further statements necessary to indicate the nature of the items on the agenda, and ▪ if the Monitoring Officer thinks fit, copies of any other documents supplied to Strategic Authority Members in connection with the item.
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Part 3 – Freedom of Information (FOI) and the Local Government Transparency Code

1	The Strategic Authority is committed to being open about how it works and how public money is used. Two key frameworks help us achieve this: <ul style="list-style-type: none"> ▪ the Freedom of Information Act 2000 and ▪ the Local Government Transparency Code. <p>Together, they ensure that people can access information about our decisions, spending, and performance.</p>
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2	The Freedom of Information Act gives anyone the right to request information the Strategic Authority holds, unless there is a lawful reason for it to be withheld. This means members of the public, businesses, community groups, and partners can ask to see recorded information about our activities. We aim to respond helpfully and promptly, and to release as much information as we properly can.
3	Alongside this, the Local Government Transparency Code requires the Strategic Authority to publish certain information proactively. This includes data about its spending, assets, senior salaries, and how it uses its resources. Publishing information in this way supports accountability and makes it easier for people to see how the Strategic Authority operates without needing to make a formal request.
4	These rules summarise how the Strategic Authority will meet its responsibilities under both frameworks. They explain: <ul style="list-style-type: none"> ▪ what information the Strategic Authority will routinely publish and where to find it ▪ how Freedom of Information requests work ▪ the circumstances in which information may be withheld ▪ the Strategic Authority commitment to openness, accuracy, and timely publication
5	By following these standards, the Strategic Authority promotes transparency, supports public trust, and ensures that residents and partners have access to the information they need to understand and scrutinise our work.
6	The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) apply to the Strategic Authority. Because of this, the Authority operates a Publication Scheme, which sets out: <ul style="list-style-type: none"> ▪ the types (or “classes”) of information the Authority publishes or plans to publish ▪ how each type of information will be made available ▪ whether the information is free or whether a charge will apply
7	Public Right of Access - Members of the public have a general right to request information that the Strategic Authority holds. However, some information may be withheld if it falls under legal exemptions.
8	Submitting Requests - All information requests must be sent to the Monitoring Officer, who is responsible for responding to them.
9	Requests under the Freedom of Information Act must: <ul style="list-style-type: none"> ▪ be made in writing ▪ include the applicant’s name ▪ include an address for correspondence ▪ clearly describe the information being requested
10	Environmental information requests: <ul style="list-style-type: none"> ▪ must include a name and address for correspondence ▪ can be made verbally or in writing
11	Transparency Code Requirements - The Strategic Authority also publishes information required under the Local Government Transparency Code 2015, including (but not limited to): <ul style="list-style-type: none"> ▪ spending and grants ▪ procurement information and contracts ▪ an organisation chart showing senior management roles ▪ details of land and assets owned or used by the Authority

Part 4 – Members’ Access

1.	General
1	Any member of the Strategic Authority is entitled to inspect any document which: <ul style="list-style-type: none"> ▪ is in the possession of or under the control of the Strategic Authority, and ▪ contains material relating to any business to be transacted at a meeting of the Strategic Authority.
2	Unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), other than the following (which will be open for inspection by members): <ol style="list-style-type: none"> a) Information relating to the financial or business affairs of any particular person including the Strategic Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Strategic Authority in the course of negotiations for a contract), or b) Information which reveals that the Strategic Authority proposes: <ul style="list-style-type: none"> ▪ to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or ▪ to make an order or direction under any enactment
3	These rights are in addition to any other rights the member may have (such as those arising from a member’s need to know at common law).
4	The accounts of the Strategic Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts.
2.	Additional rights of access to documents for Members of any Overview and Scrutiny Committee or Sub-Committee
1	As a Strategic Authority committed to openness and strong democratic accountability, members of overview and scrutiny committees are entitled to access the information they need to carry out effective scrutiny.
2	Subject to the exceptions set out below, any member of an overview and scrutiny committee or subcommittee may request copies of any documents held by the Strategic Authority that relate to business considered at a meeting of the Authority or one of its decision-making committees.
3	Requests for documents must be made in writing to the Monitoring Officer, who will handle the request on behalf of the Authority. Documents will be supplied as quickly as practicable, and in any event within 10 clear days of the request being received.
	Exceptions
4	To support both transparency and the responsible handling of sensitive information, members are not entitled to receive documents (or parts of documents) containing exempt or confidential information unless the information is directly relevant to: <ul style="list-style-type: none"> ▪ a decision or action that the member is reviewing or scrutinising, or ▪ a review that forms part of the committee’s or sub-committee’s agreed work programme.
5	If the Monitoring Officer decides that a document cannot be shared in whole or in part, they must provide the overview and scrutiny committee or subcommittee with a written explanation of the reasons for refusing access. This ensures clarity, accountability, and confidence in the decision-making process.

Part 5 – List of Members

1	The Monitoring Officer will publish a list stating: <ul style="list-style-type: none">▪ the name and address of all current members of the Strategic Authority and the constituent or non-constituent council they represent, and▪ the name and address of all current members of the other Committees and any sub-committees.
2	A member of the public may inspect the list.

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4.4 Overview and Scrutiny Procedure Rules

This section of the Constitution will be presented to the Strategic Authority Board for formal adoption at the Annual Meeting in 2026. These Procedure Rules will provide clear guidance on how the Overview and Scrutiny Committee operates, including its powers, responsibilities, and processes for call-in, reporting, and member engagement.

A complete set of Overview and Scrutiny Procedure Rules will be presented to the Strategic Authority Board for consideration and formal adoption at the Annual General Meeting in 2026. Once approved, they will form this part of the Constitution and will underpin the Strategic Authority's commitment to transparent, accountable, and evidence-based decision-making.

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4.5 Financial Regulations and Procedure Rules

1. Introduction

- 1 Until the Strategic Authority develops and adopts its own comprehensive Financial Regulations, it will operate in accordance with the Financial Regulations and associated financial governance framework of East Sussex County Council.
- 2 These interim arrangements ensure that the Strategic Authority's financial management, decision-making, and control environment remain robust, compliant, and aligned with established best practice.
- 3 The adoption of the East Sussex County Council framework provides a stable and recognised basis for budgeting, procurement, financial controls, and audit processes while the Strategic Authority undertakes the detailed work required to develop bespoke Financial Regulations that fully reflect its statutory powers, operational needs, and future strategic ambitions.

2. Transition to Strategic Authority Financial Regulations

- 1 The Strategic Authority will, during its initial period of operation, undertake the development of its own bespoke Financial Regulations to reflect its statutory powers, governance arrangements, risk environment, and operational requirements.
- 2 Once drafted, these Financial Regulations will be subject to consultation with Constituent Councils, review by the Audit and Governance Committee, and formal approval by the Strategic Authority Board. Upon adoption, they will replace the interim East Sussex County Council Financial Regulations in full and will become the authoritative framework governing all financial management, decision making, and control processes of the Strategic Authority.

3. The Financial Regulations and Procedure Rules

- 1 The Financial Regulation and Procedure Rules can be access via this link: [[Financial procedure](#)]

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4.6 Contract Procedure Rules

1. Introduction

- 1 The Contract Procedure Rules (CPRs) are established under section 135 of the Local Government Act 1972, the Public Contracts Regulations 2015 (PCR), the Procurement Act 2023 (PA23) and procurement Regulations 2024 (PR24). These rules govern the procurement of all supplies, services, and works for Sussex and Brighton Strategic Authority (SBSA), including SBSA controlled bodies where SBSA acts as a lead commissioner using external funds. These rules apply to all SBSA officers, and third parties acting for SBSA in procurement activities.
- 2 The procurement process must be designed to facilitate competition, optimise quality, and deliver value for money throughout the contract's entire life cycle. This depends on the nature of the procurement, its value, and any specific social interests the contract may attract.
- 3 To achieve these goals, all procurements must adhere to the applicable legal framework and have regard to the objectives of equal treatment, delivering value for money, maximising public benefit, sharing information for the purpose of allowing suppliers to understand SBSA's procurement policies and decisions
- 4 Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.
- 5 Where there is a conflict between the procurement legislation and any other relevant legislation (as identified during procurement planning) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
- 6 When designing a procurement process, consider Central Government guidance, including Procurement Policy Notes (PPNs) and the National Procurement Policy Statement (NPPS), for best practice. While these guidelines are generally not mandatory, they must be followed where specifically identified as such. For guidance on when and how to apply current PPNs and the NPPS, consult the Head of Procurement
- 7 Failure to comply with any provisions of these CPRs, SBSA's Constitution, or legal requirements could result in disciplinary action. Any actual or suspected noncompliance must be reported to the Monitoring Officer and the Section 73 Officer.
- 8 In addition to any relevant UK legislation, consideration should be given to including bids from partners of the World Trade Organisation Government Procurement Agreement (GPA). SBSA is required to ensure non-discrimination and equal treatment of GPA members, comparable to that accorded to domestic goods, services, and suppliers. This legal obligation mandates that public authorities, when awarding contracts above the thresholds, must treat domestic and GPA suppliers equally and avoid discrimination, including favouring national suppliers.

2. Principles

- 1 All procurement procedures must:
 - Achieve optimal value for money.
 - Maintain transparency in operations.
 - Ensure fairness in all processes.
 - Adhere to the PCR and/or PA23 and PR24
 - Prevent certain non-commercial considerations from influencing contracting decisions.

	<ul style="list-style-type: none"> ▪ Support all relevant SBSA priorities and policies. ▪ Comply with these CPRs
3. What these rules govern	
1	Any contract for the supply (for pecuniary interest), of goods, services or works, (not exempt / excluded within these CPRs) regardless of value
2	Using Frameworks, Dynamic Purchasing Systems, and Dynamic Markets.
3	Collaborative procurements
4	Consultancy requirements
5	Equipment hires or lease through rental agreements
6	Disposal of assets
4. Exemptions	
1	These rules specifically relate to competitive processes and do not apply to contracts that are classified as excluded/exempted as defined by PCR and or PA23, including: <ul style="list-style-type: none"> ▪ Public contracts of a kind and/or meeting the tests listed in Schedule 2 Part 1 of PA23. ▪ The exemptions listed by subject-matter in Schedule 2 Part 2 of PA23
2	All other requirements of these CPRs, except for the competitive process, remain applicable to the procurement of excluded/exempted contracts
5. Waivers	
1	Waivers from Contract Procedure Rules may be granted in exceptional circumstances, by the S73 or Deputy S73 Officer (where appointed) in consultation with the Head of Procurement, and Monitoring Officer or Deputy Monitoring Officer (where appointed).
2	If the value of the waiver is greater than the PA23 threshold for Services and Supplies, then approval must be sought from the Board and be in line with the tests under Schedule 5 of PA23 (Direct Award Justifications).
3	A Waiver is approval that the CPR's cannot be followed for a reason that is out of SBSA's control
4	All Waivers from the CPR's must be recorded using the Waiver Form and approved prior to entering the contract, waivers will be controlled by the Governance team
5	Circumstances where time is lost through inadequate forward planning or unnecessary delays will not constitute a reason for a Waiver. Waivers cannot be approved retrospectively
6	Waivers will only be approved as meeting any of the following criteria: <ul style="list-style-type: none"> ▪ Where there is only one supplier within the market ▪ Where the procurement activity is grant funded and the supplier is named as a condition of that funding ▪ Where an existing contract that is suitable for the services, supplies or works required cannot be used for reasons outside of SBSA's control.

	<ul style="list-style-type: none"> ▪ Where SBSA is buying goods on behalf of another organisation, at the expense and with the approval of that organisation. ▪ Where SBSA is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or framework. ▪ Where SBSA has required an applicant for a grant to provide a detailed breakdown of their costs and to do so they have identified a supplier ▪ Where services need to be procured as a matter of extreme urgency - e.g. in response to an emergency - and there is insufficient time to advertise etc. ▪ Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic ▪ Contracts offered by the Monitoring Officer for the appointment of specialist legal advice including counsel. ▪ Where SBSA is providing a grant or other funding to an external organisation (other than pursuant to an established grant programme) ▪ Where a contract requires novation due to a change in ownership for a contracted supplier ▪ Unique or exceptional circumstances, that have not been caused by the acts or omissions of SBSA, make it appropriate and beneficial to negotiate with a single firm or to invite a single tenderer, and where best value for SBSA can be demonstrated otherwise than by conducting a competitive process. ▪ Where the requirements have been met under one of the tests in Schedule 5 of PA23 (Direct Award Justifications), and the delegation to proceed has been approved by the Board based on the delegations identified in 18.9 of these CPRs. ▪ Non-contestable for goods, services or works that can only be provided by one supplier and that cannot be disputed or challenged.
7	If a waiver is not approved, the contract cannot proceed. If the waiver was sought retrospectively a non-compliance will be recorded and referred to the Monitoring Officer and to the S73 Officer.
8	Where there are repeated requests for waivers or where non-compliances are occurring in a team, the Monitoring Officer and s73 Officer will be notified and the relevant Contract Owner and Head of Procurement will produce a plan to assess the situation and propose remedial action to be taken. This plan will be provided to the relevant Director/Executive Director of the service for approval and once approved, actioned
9	A list of waivers that have been approved will be reported on a bi-annual basis to the Audit and Governance Committee summarising the number of waivers together with the rationale for the approval
6. Grants	
1	SBSA cannot simply choose to treat a procurement as a grant to avoid conducting a competitive process. Advice should be sought from Monitoring Officer in relation to the grant process.
2	A grant of public money is a gift of funds designated for a specific purpose arising from a specific policy objective and usually for the benefit of constituents rather than the delivery of services, supplies or works directly to SBSA. Any grant award should be supported by a grant agreement. This agreement typically imposes conditions on how the grant can be utilised. The recipient may propose to use the grant to provide goods or services that align with their objectives. Failure to use the grant as intended may result in the recovery of funds
3	Grants are not procured contracts as there is no direct exchange of supplies, services or works in return for payment by SBSA. Further the outputs from a grant will not be specified by SBSA, with a legal obligation to deliver and breach-of-contract remedies available for failures. Any funds given to provide specific supplies, services or works are unlikely to be grants.

4	Grants are subject to the subsidy control regime and legal advice should be taken as required to ensure the proper application of the law.
7. Subsidy Control	
1	<p>SBSA will need to assess whether any grant award would be compliant with the principles of the Subsidy Control Act 2022. A subsidy is financial aid which:</p> <ol style="list-style-type: none"> a. is given, directly or indirectly, from public resources by a public authority. b. confers an economic advantage on one or more enterprises (and is an economic activity) c. is specific (benefits some enterprises over others with respect to the production of goods or provision of services) d. has, or could have, an effect on competition or investment in UK, or on trade or investment between the UK and its trading partners. e. Advice should be sought from Monitoring Officer regarding subsidy control.
2	<p>The arrangement may be a grant if:</p> <ol style="list-style-type: none"> a. It is something that SBSA wishes to support, the funding is given voluntarily, and SBSA does not receive a direct benefit in return for the funds given. b. Funding is provided in a way that meets the organisation's objectives. c. The organisation may decide to use the funding to meet the objectives (e.g. provide activities) or to return the funds to SBSA. d. Any surplus funding must be returned to SBSA.
3	<p>Where external grant funding is received by SBSA the following will apply:</p> <ol style="list-style-type: none"> a. Where a procurement process is funded via external grant funding, in whole or part, which has been awarded to SBSA by an external funding body, the Contract Owner must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs. b. Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the Monitoring Officer will determine which should be followed. c. A waiver form will need to be completed for grants where one of the following conditions are met: <ol style="list-style-type: none"> i. Where the procurement activity is grant funded and the supplier is named by the grantor as a condition of that funding. ii. Where SBSA is providing a grant to another organisation d. If conditions in 6.4.3 are not met when applying for grant funding, then a compliant procurement process will need to be adhered to as outlined in these CPRs
8. Roles and Responsibilities	
1	<p>Officers will:</p> <ol style="list-style-type: none"> a. Comply with SBSA's constitution including these CPRs; b. Comply with all relevant legislation; c. Ensure all parties acting on behalf of SBSA also comply with SBSA's constitution and all relevant legislation; d. Keep the records required by section 12 of these CPRs; e. Take all necessary procurement, legal, financial, and professional advice; f. Prior to letting a contract on behalf of SBSA, check whether: <ol style="list-style-type: none"> i. there is already an appropriate contract in place; and ii. where SBSA already has an appropriate contract in place, then this contract must be used (subject to sufficient contract value or lawful application for permitted variations utilising Regulation 72 of the PCR or Section 74 and Schedule 8 of PA23); or

	<ul style="list-style-type: none"> iii. where it is established that that the contract does not fully meet SBSA's specific requirements and in agreement with the Head of Procurement then a new procurement process must be conducted in line with these CPRs. g. there is an appropriate national, regional, or other collaborative contract is already in place and, where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money and meets strategic requirements of SBSA and SBSA can legally use the contract.
2	<p>Directors/Heads of Service will:</p> <ul style="list-style-type: none"> a. ensure their Service Area complies fully and are familiar with the requirements of these CPRs for all expenditure of public funds; b. ensure all contracts are recorded in the Contracts Register as held and maintained by Procurement, and original contract documents are provided to the Monitoring Officer for retention; c. ensure compliance with all relevant legislation and SBSA's constitution and strategic goals; d. ensure value for money and optimise risk management in all procurement matters; e. ensure compliance with any guidelines issued in respect of these CPRs; f. take immediate action in the event of a breach of the CPRs; g. ensure that all existing and new contracts of any value anticipated during the forthcoming financial year are clearly itemised in the budget supporting documentation; h. submit to the Procurement team tender forms as required by these CPRs; i. ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas; j. seek and act upon advice from the Procurement team where necessary to ensure compliance with these responsibilities; k. keep records of waivers/variations of any provision of these Contract Procedure Rules; l. maintain their own register of contracts entered by or on behalf of SBSA and exemptions recorded under Section 5 and satisfy themselves that the use of waivers has been monitored by the Procurement team.
3	<p>Procurement will:</p> <ul style="list-style-type: none"> a. be responsible for all procurement processes and compliance, including ownership of Starting a Procurement Document and approvals, ownership of Gateway Process, process design, procurement training, procurement process management including responsibilities for all notices required under the PA23. Ownership of any e-tendering portals, ownership, and provision of all procurement templates (including Authority standard form contracts supported by legal services), completion/ approval of procurement templates and reports, and oversight of all activities relating to waivers (process managed by governance), contract modifications or termination; b. The publication of the contract between SBSA and suppliers where the estimated value is £5million or more in accordance with PA23 (Frameworks are not included in this requirement); c. Before publishing a tender notice, transparency notice, or establishing a dynamic market, Procurement will ensure a conflicts assessment is completed. This must include details of conflicts or potential conflicts of interest identified and any steps SBSA has taken or will take to mitigate such conflicts.
4	<p>Contract owners will:</p> <ul style="list-style-type: none"> a. be responsible for pre-procurement governance and budgetary management and approvals; b. supporting the planning for and management of all contracts (regardless of how they are procured); c. specifically, feeding into procurement documents relating to contract management requirements; d. managing all applications for waivers, exemption, or modification requests; e. jointly owning the contract register with Procurement (ensuring that information is kept up to date and that copies of contracts are attached); and f. forward planning for re-procurement of cyclical requirements.

5	<p>Contract leads will:</p> <ol style="list-style-type: none"> a. be responsible for overseeing all technical document creation; b. organising any legal documents that are required in conjunction with Procurement and Legal Services; c. support all stages of the procurement process; d. co-ordinate the resourcing of tender evaluation and moderation sessions; e. complete any procurement related reports and any pre-contract governance requirements; and f. work with the Monitoring Officer to finalise contracts all in accordance with this document, relevant procurement legislation and other associated legislation
6	<p>The Monitoring Officer will:</p> <ol style="list-style-type: none"> a. be responsible for all legal decisions and activities; whether delegated to legal representatives or being actioned on behalf of the Strategic Authority Board. In the event of a disagreement within the procurement process relating to approach, legislation application, or governance, the decision will sit with the Monitoring Officer.
9. Transitional Arrangements	
1	Any Contracts/Procurement activity which commenced before the implementation of the PA23 (24th February 2025) will continue to be governed by the PCR, this includes any modifications/variations to contracts awarded under the PCR which may be required.
10. Prevention of Corruption	
1	Every person, including temporary, agency and interim staff, Board Members or Mayor involved in any decision in respect of any supplier or contract in which they, any immediate member of their family, or close associate has a Pecuniary Interest shall immediately notify the Monitoring Officer who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972
2	In the event of any doubt or uncertainty as to whether a Pecuniary Interest will occur advice should be sought from the Head of Procurement who will consult with the S73 Officer and Monitoring Officer.
3	<p>The following (or substantially equivalent) clauses must be included in every written SBSA contract, except for call-offs awarded under framework agreements not governed by SBSA:</p> <ol style="list-style-type: none"> a. "SBSA may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things: <ol style="list-style-type: none"> i. Offer, give or agree to give anyone any inducement or reward in respect of this or any other SBSA contract (even if the Contractor does not know what has been done); or ii. Commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or iii. Commit any fraud in connection with this or any other SBSA contract whether alone or in conjunction with SBSA members, contractors, or employees. iv. Any clause limiting the Contractor's liability shall not apply to this cause."
4	Any actual or suspected irregularity shall be referred to the Monitoring Officer.
11. Conflict Assessments	
1	Officers acting in relation to a Procurement must take all reasonable steps to identify and continuously review any conflicts of interest or potential conflicts of interest. Officers must work with Procurement Services to eliminate or mitigate any conflicts of interest (or potential conflicts of interest) in accordance with the ss 81-83

	of PA23. Any decision to exclude a supplier from a Procurement because of such conflict will be made by the Head of Procurement in consultation with the Monitoring Officer.
2	<p>A Conflicts Assessment must be prepared in accordance with S83 PA23, the key requirements are:</p> <ol style="list-style-type: none"> a. SBSA must take all reasonable steps to identify and keep under review any actual or potential conflicts of interest related to a procurement. This includes conflicts involving individuals acting on behalf of the authority or influencing procurement decisions. b. SBSA is required to take reasonable steps to ensure that conflicts of interest do not give or appear to give any supplier an unfair advantage or disadvantage. This may involve requiring suppliers to take steps to mitigate conflicts or, if necessary, excluding suppliers from the procurement process c. Before publishing any procurement notices (such as Tender Notices or Transparency Notices), authorities must prepare a conflict assessment. This assessment should detail identified conflicts or potential conflicts and the steps taken to mitigate them. d. When publishing relevant notices, authorities must review the conflict assessment and update if required. This ensures transparency and accountability in the procurement process.
12. Records	
1	<p>Adequate records, including electronic copies of contracts, shall be kept of each procurement process. These records will be kept for the time periods listed below:</p> <ol style="list-style-type: none"> a. Ordinary contracts - contract expiry + 6 years b. Sealed contracts – contract expiry + 12 years c. Property maintenance contracts - contract expiry + 15 years d. Building construction contracts – the life of property plus 15 years or transfer to new owner. e. The standard retention rule for unsuccessful tenders is process complete (date of last paper) + 1 year.
13. Novation of Contracts	
1	Novation involves an agreement to change a contract by substituting the original Supplier with another and in this context applies to contracts for the supply of goods, services or works.
2	Any Novation or Assignment of a Contract above the PA23 threshold must comply with Schedule 8 of the PA23. Officers must ensure that Legal Services and the Procurement Team are consulted prior to agreement. A Change Notice under S75 PA must be issued by the Procurement Team and a Novation document must be completed by Legal Services and signed by authorised signatory
3	The Procurement Team must ensure that due diligence on the new supplier is undertaken including reviewing relevant data on the central digital platform, and credit checks confirmed.
4	Once the Novation/Assignment has been formally agreed, the Contract Owner supported by Procurement must update the Contract Register and when available the Contract Management System with the relevant details and documents.
5	An email approval together with the original decision where applicable from the relevant Director and endorsed by the Head of Procurement will be sufficient to authorise the Novation/Assignment
14. Contract Modifications/ Extensions	
1	Any extension which is not explicitly included/permitted as part of the original Contract is deemed to be a variation and therefore must comply with this section.

2	Where a variation is permitted by the Contract then it must be executed according to the form of the original Contract. This is subject to the original award following these CPRs. If the original contract was not compliant with these CPRs then the variation will not be considered
3	Contract Owners must inform Procurement of all contractual variations and will co-ordinate with Legal Services where required.
4	Where a variation is not permitted under the contract and is above the relevant PA threshold SBSA may utilise S74 PA23 and Permitted Contract Modifications in Schedule 8 of PA 2023 subject to compliance with the PA23. This is subject to the original award following these CPRs. If the original contract was not compliant with these CPRs then the variation will not be considered. Procurement will arrange for a Contract Change Notice to be issued pursuant to PA23.
5	An exemption must be requested if changes to the original contract result in the need for a different procurement process (for example higher than anticipated value taking it above the PA23 threshold)
6	To note: contracts which have already expired cannot be varied/extended
7	Once the variation / extension has been formally agreed, the Contract Owner supported by Procurement must update the Contract Register and, when available, the Contract Management System with the relevant details and documents
8	Any material modification outside the scope of the original decision may require re-evaluation and further approval from the relevant decision maker
15. Relevant Thresholds	
1	SBSA must consider the appropriate thresholds (inclusive of VAT) in line with the parameters set out in the Schedule 1 of the PA 2023. Thresholds may be amended at any time in line with new legislation
16. Estimating Contract Values	
1	The contract lead must determine the total value of the procurement, including whole life costs and any potential extension periods. The estimate should reflect the maximum amount expected to be paid under the contract, including any amounts already paid
2	Contracts must not be artificially under or overestimated or divided into two or more separate contracts where the effect is to avoid the application of the CPRs or relevant legislation.
17. Route to Market	
1	Officers should use the following table to determine the stages, activities, and documents to be included in the design of the procurement.

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Up to £24,999	<p>Request for Quotation (RFQ)</p> <p>Obtain at least one written quote. However, to ensure value for money, it is best practice to obtain two written quotes.</p> <p>Managed by Service Area.</p> <p>Advice available from Procurement.</p>	Not required.	Lowest price.	<ol style="list-style-type: none"> 1) Contract owner as per the Scheme of Delegation 2) Procurement 3) Technical specialist (if applicable) 	Head of Service and Purchase Order.
£25,000 to Services Threshold	<p>Request for Quotation (RFQ)</p> <p>2 suppliers can be provided by the Service Area with 2 identified by Procurement Team where available within the SBSA.</p> <p>Managed by Procurement.</p> <p>Services must contact Procurement to run quotation processes. If most advantageous criteria used a tender or other relevant route identified via Procurement. Below Threshold Notice issued if advertised in the public domain.</p>	If openly advertised, then Procurement Team to advertise on e-tendering site and advertise on central digital platform.	Lowest price or by exception most advantageous tender based on criteria published with the request for quotation.	<p>Procurement Team provides a reference number to be used with requisition to service team.</p> <p>If the most advantageous criteria are used, then an “Authorisation to Award” form is completed.</p> <p>If a new Provider complete Vendor Request Form and send to finance/procurement.</p> <p>Attach “Authorisation to Award” or equivalent to requisition.</p> <p>Approvals:</p>	<p>Purchase Order</p> <p>If the SBSA's Standard Terms and Conditions are used, then a Head of Service or Director</p> <p>Or</p> <p>If a bespoke contract, then the Monitoring Officer.</p>

				<ol style="list-style-type: none"> 1) Contract owner as per the Scheme of Delegation 2) Procurement 3) Technical specialist (if applicable) 	
<p>Above threshold for services and supplies</p> <p>Threshold applies to all contracts including Works</p>	<p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Delegated authority should be sought from the Board to award the contract when the evaluation is completed. Delegation will be given to the S73 officer for all awards.</p> <p>Tender process using the SBSA's e-tendering system.</p> <p>Relevant procedure will be determined via Procurement.</p> <p>Managed by Procurement.</p>	<p>SBSA's e-tendering system</p> <p>And</p> <p>Central Digital Platform</p>	<p>Most advantageous tender based on criteria published within the Invitation to Tender.</p>	<p>Procurement must be consulted to provide advice on all Procurement matters at this level prior to reporting into the Board.</p> <p>An Authorisation to Award report is completed.</p> <p>Then</p> <p>If a new Provider complete a Vendor Request Form.</p> <p>then</p> <p>Approvals:</p> <ol style="list-style-type: none"> 1) Contract owner (as per the Scheme of Delegation) 2) Procurement 3) Technical specialist (if applicable) 	<p>If the SBSA's Standard Terms and Conditions are used, then S73 Officer or Chief Executive.</p> <p>Or</p> <p>If a bespoke contract, then the Monitoring Officer.</p>

18. Planning Procurement Activity

1	<p>If the value of a contract is forecast to be above the services threshold Procurement must be contacted at the earliest stage possible. A ‘Starting a Procurement’ form must be completed prior to the commencement of a procurement process.</p> <ul style="list-style-type: none">a. The “Starting a Procurement” form considers risk with any contract and must be fully completed and signed off by relevant stakeholders prior to any procurement process commencing. When completing the form, procurement can support you. You will also require feed in from other teams.
2	<p>Insurance and liability requirements:</p> <ul style="list-style-type: none">a. SBSA must consider whether breaking a contract into lots is reasonable and appropriate. Where it is identified that the contract could be reasonably supplied under more than one contract as separate lots SBSA must utilise separate lots.b. Utilising lots, where appropriate, will support small and medium-sized enterprises to bid for opportunities, encouraging better competition within the marketplace if specialist suppliers are able to bid for a lot rather than the entire contract.c. If it has been identified that the contract could be separated into lots, but SBSA decides not to do this, SBSA must specifically identify the reasons for not doing this as part of the Contract Notice.
3	<p>Duty to Consider Lots:</p> <ul style="list-style-type: none">a. SBSA must consider whether breaking a contract into lots is reasonable and appropriate. Where it is identified that the contract could be reasonably supplied under more than one contract as separate lots SBSA must utilise separate lots.b. Utilising lots, where appropriate, will support small and medium-sized enterprises to bid for opportunities, encouraging better competition within the marketplace if specialist suppliers are able to bid for a lot rather than the entire contract.c. If it has been identified that the contract could be separated into lots, but SBSA decides not to do this, SBSA must specifically identify the reasons for not doing this as part of the Contract Notice.
4	<p>Social Value:</p> <ul style="list-style-type: none">a. All activity should consider PA23 S12(1)(b) i.e. maximising public benefit.b. As a minimum all contracts above £5 million in value should have at least a measure for supplier performance around social value.
5	<p>Below Threshold Contracts:</p> <ul style="list-style-type: none">a. Any Request for quotation to award a below-threshold contract must not restrict the submission of quotes by reference to an assessment of a supplier’s suitability to perform the contract, such as through pre-qualification questions (including their legal and financial capacity) or minimum acceptable standards of performance (including technical ability).b. It is important to consider barriers that small and medium-sized enterprises may face in competing for a below threshold contract and consider whether these barriers can be removed or reduced.c. After entering a below threshold contract, the Procurement Team will publish a Contract Details Notice setting out SBSA’s intention to award the contract (for all awards above £25,000 excluding VAT).
6	<p>Frameworks:</p> <ul style="list-style-type: none">a. Contract Owners must estimate the value of a framework as the sum of the estimated values of all the contracts that have or may be awarded in accordance with that framework. In the case of a framework awarded under an open framework, the value of the framework is to be treated as including the value of all frameworks awarded, or to be awarded, under the open framework.
7	<p>Dynamic Markets:</p>

	<ul style="list-style-type: none"> a. Dynamic markets (section's 34 to 40 of PA23) are pre-qualification systems for suppliers. SBSA can establish these markets to streamline procurement processes for specific goods, services, or works. b. Features of dynamic markets: <ul style="list-style-type: none"> i. Suppliers may join throughout their lifetime. This allows a wider pool of qualified suppliers to participate. ii. Suppliers go through a qualification process to be admitted to the dynamic market. iii. SBSA can advertise specific requirements for goods, services, or works within the dynamic market. Only qualified members of the market can compete for these opportunities, saving time and effort compared to open tenders. c. Things to consider: <ul style="list-style-type: none"> i. The Act allows dynamic markets to charge fees to suppliers who win contracts through the system. ii. The Act allows contracting authorities to set conditions for membership in a dynamic market. iii. Dynamic Markets offer a more flexible and potentially more efficient approach to public procurement. iv. Section 85 prohibits their use for below threshold opportunities.
8	<p>Concession and revenue earning contracts:</p> <ul style="list-style-type: none"> a. Contract Owners must estimate the entire value of a concession contract as the maximum amount the supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received. b. The amount a supplier could expect to receive includes the following: <ul style="list-style-type: none"> i. amounts representing revenue (whether monetary or non-monetary) receivable pursuant to the exploitation of the works or services to which the contract relates (whether from SBSA or otherwise). ii. the value of any goods, services or works provided by SBSA under the contract other than for payment. iii. amounts that would be receivable if an option in the contract to supply additional services or works were exercised. iv. amounts that would be receivable if an option in the contract to extend or renew the term of the contract were exercised. v. amounts representing premiums, fees, commissions, or interest that could be receivable under the contract. vi. amounts received on the sale of assets held by the supplier under the contract. c. If an Officer is unable to estimate the value of a contract (for example because the duration of the contract is unknown), SBSA is to be treated as having estimated the value of the contract as an amount of more than the threshold amount for the type of contract. d. Prior to SBSA awarding a concession or entering a revenue earning contract, approval of Concession Contracts is required, subject to the same approvals of that of Supplies, Services and Works in section 17 of these CPRs. e. Where SBSA is a bidder and submitting a proposal or tender in response to a contract opportunity then approval to submit a bid must be obtained from the S73 Officer and Monitoring Officer. f. Where SBSA are considering submitting a bid. advice from the Monitoring Officer must be sought prior to commencing any work on compiling a proposal or tender: <ul style="list-style-type: none"> i. to determine if SBSA has the power to enter the contract. ii. to determine if SBSA has the proper authority recorded to enter a contract.
9	<p>Below sets out SBSA's delegations in relation to procurement activity and which decisions are not delegated:</p> <ul style="list-style-type: none"> a. All contracts valued between £1 and the services threshold require approval to proceed by the S73 Officer.

	<ul style="list-style-type: none"> b. All contracts valued above the services threshold require a Board 'Approval to Proceed' paper, which will grant delegated authority to the S73 Officer and the Chief Executive to proceed with the procurement process. c. The relevant Officer will then authorise the award via an Authorisation to Award form once the procurement process is complete for any above threshold activity which should be signed by the S73 Officer and the Chief Executive.
10	Where the contract is complex or high value the Head of Procurement or S73 Officer may, by exception, request that a further report is provided to Board setting out the results of the evaluation prior to the contract being awarded.
11	A Conflict Assessment must be prepared by Officers supported by Procurement considering any Officer (including temporary, agency and interim staff), involved in the procurement process, and submitted to Procurement prior to a process commencing. For more information see section 11.
12	Where a forecast estimated contract value varies above 10% of the maximum delegation of a director prior to award following a tender process, i.e. 10% above the supplies and services threshold, then a new contract award will need to be completed and approved by the S73 Officer and Chief Executive. Below 10%, but above the supplies and services threshold the S73 Officer will approve the award of contract.
13	The S73 Officer, in consultation with the Monitoring Officer, may approve an additional uplift to contract value. This process applies where a contract value varies above the maximum delegation already approved via the Board due to prevailing market conditions.
19. Procurement Launch	
1	SBSA is required to publish a full set of procurement documents when they publish the contract notice. This as a minimum should include the invitation to tender, specification, contract terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.
2	All competitive procedures above £25,000 must be managed through SBSA's procurement team.
3	All communication with bidders should, as far as practicable, be via electronic means, e.g., the e-tendering portal. Once a process has commenced only the procurement team should communicate directly with bidders. All communication from SBSA to bidders will be in the public domain, and subject to FOI at this stage
4	<p>Preliminary market engagement</p> <ul style="list-style-type: none"> ▪ Where discussions are held between stakeholders and potential bidders prior to the issue of an advert or notice then these must be recorded and included in the tender pack to ensure all bidders are treated as defined under Section 12(2) of PA23 and S16 PA23. ▪ Procurement must be consulted prior to any discussions and ensure compliance with S17 PA23.
5	<p>All clarifications (by suppliers and SBSA) must be raised and managed through the e-tendering portal via procurement.</p> <ul style="list-style-type: none"> a. Where a supplier asks a question, the questions and responses must be shared with all bidders; an exception being where the bidder specifies that the question is commercially sensitive, and SBSA accepts this. If SBSA does not accept this the bidder may either withdraw the question or accept it will be shared with other bidders. b. Where, as part of the evaluation process, SBSA identifies something that appears erroneous, needs to be clarified or was omitted, this must also be raised through the e-tendering portal. c. A record of all clarifications must be maintained.

20. Submissions	
1	All responses to processes above £25,000 to ITTs or RFQs must be submitted electronically through SBSA's e-tendering system and cannot be opened until after the RFQ or ITT closing date.
2	For RFQs below £25,000 responses should be returned by email to the relevant Officer obtaining the quote.
3	All late quotations and tenders must be referred to the Head of Procurement. They will only be accepted in exceptional circumstances if: <ul style="list-style-type: none"> ▪ the other tenders have not been opened and; ▪ there has been a failure of the e-tendering system or if the failure to comply is the fault of SBSA
4	The final decision on whether a tender will be accepted is at the discretion of the Head of Procurement.
5	The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the Head of Procurement, and the reasons documented
21. Debarment	
1	Debarment is the exclusion of a supplier from participating in public procurement processed if listed on central debarment list via central government
22. Evaluation Process	
1	The contract lead will identify a team of suitably qualified and experienced persons to carry out individual evaluations of their allocated question in accordance with the Selection/ Award Criteria as set out in the published procurement documentation. All evaluators will then be required to attend a moderation session
2	SBSA has the right (but is not obliged) to seek clarification on the submissions as part of the process. Where this prerogative is utilised, all bidders will be treated equally, and all communications must be recorded in accordance with the relevant rules.
3	Evaluators must come to a consensus on scores awarded via a moderation meeting, scores must not be averaged.
4	Following the moderation of the quality element, evaluators will also review and score pricing within the process, this will then be checked and discussed with procurement. Pricing information will not be released until the moderation is complete
5	If two bidders have the same overall score following a tender process, the contract will be awarded to the bidder with the higher quality score. If the quality scores are also identical, the contract will be awarded to the bidder with the lowest price.
6	Negotiations with bidders are only permitted in limited instances with prior approval of the Head of Procurement.
7	If a supplier attempts to negotiate a contract post award where this is not permitted (i.e. in most circumstances) SBSA may disregard the supplier and award to the next ranked supplier with prior approval of the Head of Procurement.

23. Award Decisions and Approvals	
1	Before bidders can be notified of the recommendation, the decision to award must be approved in accordance with section 17 and 18 of these CPRs.
2	<p>Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.</p> <ol style="list-style-type: none"> Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process. For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder, unless this could disadvantage the winning bidder commercially. For example, if bidding for a fixed amount of one product. For Supplier Selection Questionnaires the unsuccessful bidders should be advised of the reasons they did not meet the standard to be shortlisted. For ITTs where the evaluation criteria comprise quality, price and if applicable social value, then unsuccessful bidders should be advised of their score against each criterion and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder. Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from Procurement.
3	For all contracts with a value above the PA23 threshold a mandatory 8 working day 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the PCRs. No public announcements should be made prior to contract signature except for relevant requirements in PCRs. (Excluding light touch or call-off contracts awarded under a framework)
4	Contract leads must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of the Monitoring Officer, and as a rule these will only be permitted in extraordinary circumstances
5	Contract Details Notices must be advertised on the central digital platform by procurement in accordance with the PCRs and S53 of PA23.
24. Exclusion of bidders from contracts	
1	<p>If any of the following apply to a bidder, any person who has powers of representation, decision or control of the bidder, or an associated bidder, (e.g. within the same group, with same directors or owners etc.), then the bidder may be excluded from being awarded any SBSA contract or order:</p> <ol style="list-style-type: none"> Have failed to comply with any other agreements with SBSA, e.g. failure to meet grant conditions, defaulted on a contract or other legal agreements. Where a supplier is assessed as Excluded or Excludable in compliance with S26-S30 of PA23, the supplier may not be permitted to continue within the process. This process is subject to prevailing regulations, which could change over time. A final due diligence check must be conducted to ensure the winning supplier remains capable of being awarded the contract.
2	If any of the above apply, then the bidder should be requested to submit an explanation which details actions taken to rectify the situation. It is the Head of Procurement's decision, in consultation with the Monitoring Officer, to assess the bidder's explanation and whether to exclude the bidder.
25. Contract Documents	

1	Every Relevant Contract/must be in writing and must state clearly: <ul style="list-style-type: none"> a. what is to be supplied (description and quality) b. payment provisions (amount and timing) c. rights to terminate the contract. d. to the law as to prevention of corruption e. that the contractor may not assign or sub-contract without prior written consent f. any insurance requirements g. health and safety requirements h. ombudsman requirements i. data protection requirements if relevant j. a right of access to relevant documentation and records of the bidder for monitoring and audit purposes
2	SBSA's standard terms and conditions must be used where possible.
3	Where SBSA's standard terms and conditions are not utilised the Monitoring Officer must authorise use of nonstandard terms or framework agreements
26. Contract Execution	
1	All contracts must be signed or executed in accordance with section 12 of these CPRs. <ul style="list-style-type: none"> ▪ Contracts entered on behalf of SBSA can be executed by electronic means (using an esignature tool).
2	A contract entered by or on behalf of SBSA must: <ul style="list-style-type: none"> a. Where the contract is in the form of a deed, be made under SBSA's seal and attested as required by the Constitution, or: b. Where the contract is in the form of an agreement be signed by an authorised officer as required by the Constitution.
3	A contract must be sealed where: <ul style="list-style-type: none"> a. SBSA wishes to enforce the contract for more than six years following a risk assessment by the contract owner, acceptable to the Monitoring Officer and Procurement or; b. The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or c. It relates to a transfer of Land or is a requirement of the Land Registry; or d. Where there is any doubt about the authority of the person signing for the contracting party.
4	Contracts entered on behalf of SBSA can be executed by electronic means (using an electronic execution software tool) in accordance with the process set out in Rule 26.2 and 26.3.
5	The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.
6	All contracts must be concluded formally in writing above £10,000 before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the S73 Officer
27. Contract Management	
1	Contracts must be managed in accordance with the applicable public procurement legislation under which they were procured, as well as these CPRs and relevant internal guidance namely the contract. At a minimum, this is subject to compliance with PR24 Regulations 38-41, depending on when the contract was let.

2	<p>The contract lead will set up a series of meetings to manage delivery of the contract. These meetings will as a minimum monitor and report on:</p> <ol style="list-style-type: none"> a. Supplier & Supply Chain Suitability – ensure that SBSA is not contracting directly or indirectly with unsuitable (Excluded/ Excludable) suppliers. b. Key Performance Indicators – delivery against the agreed levels. c. Contract Performance – e.g., satisfactory delivery of the contract. d. Contracting Authority Payment Performance – the Authority is required to pay the Supplier within 30 days of receiving a valid / undisputed invoice. e. Supplier Payment Performance - the Supplier is required to pay their supply chain within 30 days of receiving a valid/ undisputed invoice. f. Supplier Contracts – the supplier is required to enter into a legally binding agreement with suppliers on whom they are relying on to meet the technical, legal, or financial conditions of participation. g. Modifications – all modifications to a contract must be documented, along with their value and justification and managed in accordance with paragraph 14 of these CPRs.
3	<p>If any performance requirements are not being met, SBSA may terminate the contract in accordance with the stated contract clauses. Where required, this to be reported in accordance with the relevant Legislation</p>
28. Light Touch Regime	
1	<p>The light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts are defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 1 of PR24.</p>
2	<p>If the CPV code is not listed in Schedule 3 1 of PR24 they will be classified as a standard goods or services contract and will comply with relevant PA23 requirements, accordingly, including the lower threshold. For a mixed contract including LTR and non-LTR services, the classification of the overall contract is determined by whichever constituent part is greater by value.</p>
3	<p>PA23 does allow for certain LTR contracts to be “reserved” for organisations who are determined as a public service mutual, they are defined as per below:</p> <ol style="list-style-type: none"> a. operates for the purpose of delivering public services and mainly for the purpose of delivering one or more light touch defined services, b. is run on a not-for-profit basis or provides for the distribution of profits only to members, and c. is under the management and control of its employees.
4	<p>SBSA may stipulate and reserve the contract (with a contract period of no longer than five years) specifically for public service mutuals and exclude any other type of provider from the tender process who do not meet the criteria.</p>
5	<p>This process can only be applied, however, when using the Competitive Flexible Procedure and must disqualify any public service mutual who has a comparable contract with SBSA for the previous three years, ending with the day on which the contract process referred to, is awarded.</p>
6	<p>Closed frameworks under light touch may exceed the general rule of four years. In determining the most advantageous term of a framework, officers should consider the projected future need to redesigning the services defined, volatility of the supplier market, external economic pressures, and the practical application of the direct award and additional competitive processes proposed. Open frameworks under light touch are restricted to a maximum term of 8 years</p>

7	Mandatory Standstill Periods are not imposed on any LTR process. If the decision is made to include a voluntary standstill notice period, this must be expressly stated in the tender notice and, once applied, must not be less than a period of eight working days beginning with the day on which the contract award notice is published.
8	There is no stipulated minimum time limit set for participation or tendering periods. SBSA needs to use its discretion and judgement on a case-by-case basis and must be reasonable and proportionate (to be agreed between the client and Procurement). However, when determining the time limits you must have regard to: <ul style="list-style-type: none"> a. the nature and complexity of the contract being awarded. b. the need for site visits, physical inspections, and other practical steps. c. the need for sub-contracting. d. the nature and complexity of any modification of the tender notice or any associated tender documents. e. the importance of avoiding unnecessary delay.
29. Advanced Payments	
1	Advanced payments must be authorised by both the Head of Procurement and S73 or Deputy S73 Officer.
30. Disposal of Goods and Assets	
1	Where SBSA has goods or assets that are no-longer required these are to be disposed of through the following processes via Procurement: <ul style="list-style-type: none"> a. If less than £25,000 3 written quotes b. If more than £25,000 an open competitive process
2	The S73 Officer will be required to authorise estimates of disposal valuations
3	The highest value unconditional bid received should be accepted
4	The chosen process must be approved in advance by the S73 Officer.
31. Finance Leases excluding Land and Property	
1	Where a contract requires SBSA to enter into a finance or lease agreement then advice should be sought from the S73 Officer in advance
2	Finance and lease agreements must be approved by the S73 Officer prior to signing.
32. Land and Property Transactions	
1	Before land or property, or an interest in land or property, is offered for sale or lease the advice of the Monitoring Officer and S73 Officer will be sought and the S73 Officer or a nominee (“the Director”) shall ensure a suitably RICS qualified valuer’s estimate of the likely price or rent has been obtained. SBSA will normally expect that best consideration is obtained in accordance with the relevant legislation.
2	The advice of the S73 Officer must be sought for all land and property transactions and/or proposals. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of the Strategic Authority Board.

3	Where a contract or proposal is likely to have any property implications for SBSA, such as the leasing, acquisition, or use of premises (whether SBSA owned or otherwise), the advice of the S73 Officer must be sought and followed.
4	Any transaction above key decision value will require the approval of the Strategic Authority Board.
5	Application of due diligence in land disposal/acquisition should be conducted in conjunction with Legal services.

Glossary of Terms

Audit Team	The organisation appointed by SBSA which provides internal assurance and oversees internal processes and controls
Concession	Contracts where the consideration consists either solely in the right to exploit the work or service, or in this right to exploit together with payment.
Contract	An agreement between two or more parties relating to supplies, services, utilities, or the execution of works for payment or otherwise by an agreement intended to bind those parties.
Contract Details Notice	A notice in accordance with Section 53 of the Procurement Act 2023
Contract Notice	An advert giving details of the contract being procured. The issue of the Contract Notice starts the central digital platform, RFQ or ITT process.
Contracts Register	A database of all SBSA Contracts maintained by Procurement.
Director	The relevant member of SBSA's Senior Leadership Team who has overall responsibility for the Service Area
e-tendering system	The computer system used by SBSA to undertake procurement activities.
Framework Agreement	An agreement or other arrangement which establishes the terms under which the Provider will enter one or more Contracts with SBSA or other public body during the period in which the Framework Agreement applies.
Legal Services	The in-house legal team providing legal advice to SBSA
Officer(s)	An employee, consultant or third party engaged on behalf of SBSA to conduct, assist or manage a procurement
Plan, Define, Procure, Manage	<p>Are the four stages envisaged by cabinet off relating to the whole life cycle of a contract.</p> <ol style="list-style-type: none"> 1. Plan incorporates publication of the pipeline of relevant activity. 2. Define incorporates the premarket activity such as premarket engagement, specification, and contract development. 3. Procurement incorporates the actual tender process, for example going out to market, clarifications, and evaluation of bids. 4. Manage incorporates all the contract management processes and payment of invoices.

Procurement Pipeline	The forthcoming planned procurement activity of SBSA as required by the Head of Procurement
Procuring	The service team Officer who is responsible for the procurement process. This also includes third parties who are procuring on behalf of SBSA.
Procurement Business Partner	The member of the Procurement Team who has been assigned to the procurement exercise.
Procurement Team	The team at SBSA who have overall responsibility for Procurement
Supplier	An organisation that supplies goods to, provides services to or undertakes works for SBSA.
Revenue earning contract	A Contract where either part of the consideration is a share for SBSA of any income generated by the Provider or where SBSA is acting as a Provider to another party.

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4.7 Officer Employment Procedure Rules

1. General

- 1 The Officer Employment Rules of Procedure set out the Strategic Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.
- 2 The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.
- 3 The functions of appointment and dismissal of and taking disciplinary action against Chief Officers must be discharged by the Strategic Authority.
- 4 This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers.
- 5 The Strategic Authority Chief Officers are, in accordance with the Local Government and Housing Act 1989, defined as follows:
 - a) a statutory chief officer (e.g., the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer);
 - b) a non-statutory chief officer (e.g., an officer who reports directly to the Head of Paid Service)

2. Recruitment and Appointment

- 1 The Strategic Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer, or of the partner of such persons.
- 2 No candidate so related to a Member, or an officer will be appointed without the authority of the Head of Paid Service, or an officer nominated by them.
- 3 The Strategic Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Strategic Authority. The content of this paragraph will be included in any recruitment information.
- 4 No Member will seek support for any person for any appointment with the Strategic Authority.
- 5 Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment

3. Appointments

- 1 Where the Strategic Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73 (1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer, the Strategic Authority will appoint an Appointments Panel.
- 2 The Appointments Panel will draw up a statement specifying:
 - a. the pay range for the post.
 - b. the duties of the Officer concerned; and
 - c. any qualifications or qualities to be sought in the person to be appointed.

3	<p>The Strategic Authority will:</p> <ol style="list-style-type: none"> a. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and b. make arrangements for a copy of the written statement mentioned above to be sent to any person on request.
4	<p>The appointment of any other officer is a matter for the Head of Paid Service. When appointing to interim Chief Officer positions, the Head of Paid Service must consult with the Appointments Panel before making such appointment. The Head of Paid Service must also update the Appointments Panel every six months on the position with recruiting to Chief Officer roles when an interim is in place.</p>
5	<p>The Appointments Panel will conduct a competitive interview process and determine appointment when appointing Chief Officers, that Appointments Panel consists of:</p> <ol style="list-style-type: none"> a. The Chair of the Strategic Authority (or their nominee) if different from that listed in b. below b. The Lead Constituent Council representative for each Constituent Council
6	<p>The Appointments Panel will undertake the following:</p> <ol style="list-style-type: none"> a. Interview all qualified applicants for the post, or b. Select a shortlist of such qualified applicants and interview those included on the shortlist.
7	<p>Upon completion of this process the Appointments Panel will make a recommendation to the Strategic Authority for confirmation.</p>
8	<p>Prior to a final appointment offer being made to the successful applicant, all Members of the Strategic Authority must be informed of the details of the intended appointee, and have raised no objection within the specified period, (2 clear working days). Usual pre-employment checks will then commence in line with Human Resources and regulatory procedures and processes.</p>
9	<p>The Strategic Authority will, following the recommendation of such an appointment by the Appointments Panel, approve the appointment of:</p> <ul style="list-style-type: none"> ▪ Chief Executive (Head of Paid Service) ▪ Chief Finance Officer (Section 73 Officer) ▪ Monitoring Officer
10	<p>Where no qualified person has applied, the Strategic Authority shall make further arrangements for advertisement in accordance with Rule 3.3 (a)</p>
4. Disciplinary Action	
1	<p>The Head of Paid Service, the Monitoring Officer or Chief Finance Officer, and any other Chief Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.</p>
2	<p>No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.</p>
3	<p>Members will not be involved in the disciplinary action against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Strategic Authority's disciplinary, capability and related procedures</p>

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

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4.8 Business Board Recruitment and Appointment Procedure

The Strategic Authority is committed to establishing a Business Board that brings together senior representatives from industry, employers, and the wider business community to provide expert insight, support strategic decision-making, and strengthen economic leadership across the Sussex and Brighton area.

To ensure that the Business Board is constituted through a fair, transparent, and robust process, a dedicated Recruitment and Appointment Procedure will be developed at the earliest opportunity in 2026 and brought forward for formal approval by the Strategic Authority Board. Until that time, this section serves as a placeholder, signalling the Authority's intention to create a clear and accountable framework that sets out the criteria, process, and governance arrangements for identifying, selecting, and appointing Business Board members in a manner aligned with the Authority's strategic priorities and commitment to inclusive economic growth.

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5. Protocols and Ethical Standards

5.1 Statutory Consents

Certain functions of the Strategic Authority may only be exercised with the formal consent of one or more Constituent Councils, District or Borough Councils, or other designated bodies, as required by legislation or by the Strategic Authority’s establishing Order.

Statutory Consents play an essential role in ensuring that decisions with significant local impact, financial implications, or shared responsibility are taken collaboratively, transparently, and with appropriate democratic oversight. The detailed protocol governing how Statutory Consents will be requested, considered, granted, or withheld; together with associated timelines, documentation requirements, and escalation routes, will be developed at the earliest opportunity in 2026 and brought forward for formal adoption into this Constitution.

Until that time, this section serves as a placeholder signalling the Authority’s commitment to establishing a clear, lawful, and robust framework that safeguards the interests of Constituent Councils, supports effective joint working, and ensures compliance with all statutory requirements relating to the exercise of concurrent or consent bound functions.

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5.2 Non-Constituent Members (Arrangements for appointment, disqualification and dismissal)

Non-Constituent Members can play an important role in ensuring that the Strategic Authority benefits from wider perspectives across the Sussex and Brighton area. To support transparency, fairness, and consistency in these arrangements, the Strategic Authority will develop a full procedure governing the appointment, disqualification, and dismissal of Non-Constituent Members at the earliest opportunity in 2026.

Once prepared, this procedure will be brought forward for formal consideration and adoption by the Strategic Authority Board. Until that time, this section serves as a placeholder, signalling the Authority's commitment to establishing a clear, robust, and lawful framework that sets out eligibility criteria, nomination processes, terms of appointment, grounds for disqualification, and the mechanisms for resignation or removal, ensuring strong governance and accountability in the composition of the Board.

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5.3 Associate Members

The Strategic Authority recognises the value that Associate Members can bring through their specialist expertise, partnership insight, and contribution to the broader strategic objectives of the Sussex and Brighton area. Associate Members offer an important mechanism for engaging organisations and individuals who are not Constituent or NonConstituent Members but whose involvement can strengthen collaborative working and support the Authority’s long-term ambitions.

A full procedure setting out the arrangements for the appointment, roles, expectations, disqualification, and removal of Associate Members will be developed at the earliest opportunity in 2026 and presented for formal approval by the Strategic Authority Board. Until this work is completed, this section serves as a placeholder, confirming the Authority’s commitment to establishing a clear, transparent, and robust framework that ensures Associate Member participation is aligned with good governance, accountability, and the public interest.

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5.4 Member Code of Conduct	
1. Member Conduct	
1	All constituent, non-constituent and associate members when acting in their capacity as a Strategic Authority member shall comply with the Local Government Association’s Member Code of Conduct and arrangements (see appendix 1), including those relating to registering and disclosing of disclosable pecuniary and other interests.
2. Compliance with the Constitution	
1	All meetings of the Strategic Authority will be conducted in accordance with the relevant Standing Orders set out in the constitution when considering any matter.
2	All Members of the Strategic Authority will observe the policies set out in the constitution.
3. The Members Code of Conduct and Arrangements	
	Local Government Association Model Code of Conduct
4. The Arrangements	
	Guidance on the LGA Model Code of Conduct Complaints Handling

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5.4a Protocol for the Monitoring Officer

1. General Introduction to Statutory Responsibilities

- 1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This protocol provides some general information on how those statutory requirements will be discharged within the Strategic Authority.
- 2 The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Strategic Authority. In doing so, they will also safeguard, so far as is possible, the Chair, members and officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 3 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on the Chair, members and officers:
 - a. complying with the law of the land and any relevant codes of conduct;
 - b. complying with any general guidance issued, from time to time, by the Monitoring Officer;
 - c. making lawful and proportionate decisions; and
 - d. generally, not taking action that would bring the Authority, their offices or professions into disrepute.

2. Working Arrangements

- 1 Having excellent working relations with the Chair, members and officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Strategic Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Chair or the Authority) will assist in fulfilling those responsibilities. The Chair, members and officers must, therefore, work with the Monitoring Officer in discharging these responsibilities
- 2 The Monitoring Officer issues guidance to officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all officers. The guidance also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual/potential transgression by the Chair and/or the Strategic Authority.
- 3 The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for officers, the Chair and members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the Chair and/or the Strategic Authority to consider issues they/it might not wish to.
- 4 The Monitoring Officer and the Chair and/or the Strategic Authority should co-operate in every way possible so as to reduce the chance of the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Governance Services, but particularly those in the Legal Services team who will, in providing corporate legal advice do so in an enabling manner, but also identify areas of particular risk and concern, assisting officers, the Chair and members to achieve their objectives, but ultimately in a lawful and proper manner.
- 5 The following arrangements and understandings between the Monitoring Officer, the Chair, members and chief officers are designed to ensure the effective discharge of the Strategic Authority's business and functions.

6	<p>The Monitoring Officer will:</p> <ol style="list-style-type: none"> a. be alerted by the Chair, or by members or by officers to any issue(s) that may become of concern to the Strategic Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise; b. have advance notice of at least five working days (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Strategic Authority at which a binding decision of the Strategic Authority may be made at, or of any binding decision to be made by the Chair, including in both cases, a failure to take a decision where one should have been taken; c. have the right to attend any meeting of the Strategic Authority before any binding decision is taken by the Strategic Authority or to be notified and, where necessary, meet with the Chair before they make any binding decision, including in both cases, a failure to take a decision where one should have been taken; d. in carrying out any investigation have unqualified access to any information held by the Chair and/or the Strategic Authority and to any officer who can assist in the discharge of these functions; e. ensure the other statutory officers are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise; f. report to the Strategic Authority, from time to time, on the constitution and any necessary or desirable changes; g. as per the statutory requirements, make a report to the Strategic Authority, as necessary on the staff, accommodation and resources they require to discharge their statutory functions; h. have a special relationship of respect and trust with the Chair, and chairs of the Strategic Authority's committees, sub-committees and working groups with a view to ensuring the effective and efficient discharge of Chair and/or Strategic Authority business; i. develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the Authority, on behalf of the Chair or the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary); j. maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality; k. give informal advice and undertake relevant enquiries into allegations of misconduct; l. defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved; m. have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions; n. be responsible for preparing any training programme for members on ethical standards and code of conduct issues; o. ensure that the Chair and members and officers of the Strategic Authority are fully aware of their obligations in relation to probity.
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7	To ensure the effective and efficient discharge of these arrangements, the Chair, members and officers will report any breaches of statutory duty or Strategic Authority policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.
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8	The Monitoring Officer is also available for the Chair, members and officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.
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3. Monitoring the Protocol

1	The Monitoring Officer will report to the Strategic Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.
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Conflicts and Interpretation

1	<p>Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which they have previously advised the Chair and/or the Strategic Authority, they shall consult the Chief Executive who may then either:</p> <ol style="list-style-type: none"> a. refer the matter to another officer for investigation and report to the Chief Executive; or b. ask another Authority to make their Monitoring Officer available to investigate the matter and report to the Chief Executive and/or the Authority as appropriate; or c. instruct another qualified person to undertake the investigation and report to the Chief Executive and/or the Strategic Authority as appropriate.
2	<p>Questions of interpretation of this guidance will be determined by the Monitoring Officer.</p>

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5.4b Member – Officer Protocol

1	The Strategic Authority recognises the importance of establishing a clear and robust Member–Officer Protocol to support effective, respectful, and transparent working relationships across the organisation.
2	As the Strategic Authority continues to develop its governance framework during its formative period, the detailed content of this Protocol will be prepared and brought forward for consideration and formal adoption at the earliest opportunity in 2026. Until that time, this section serves as a placeholder, signalling the Strategic Authority’s commitment to setting out clear expectations, roles, and behaviours that underpin high standards of conduct and collaborative working between Members and Officers.

2. Principles to be reflected in the Protocol

1	The Member–Officer Protocol, once developed, will set out the core principles that underpin effective and respectful working relationships within the Strategic Authority. It will articulate expectations relating to mutual trust, courtesy, professionalism, and integrity; clarify the distinct yet complementary roles of Members and Officers; and establish standards for communication, decision-making, and the sharing of information.
2	The Protocol will also address confidentiality, impartiality, political neutrality, and the appropriate handling of disagreements or concerns. Together, these principles will provide a clear and durable framework that supports good governance, safeguards ethical conduct, and ensures that Members and Officers work collaboratively in the public interest.

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5.4c Social Media Protocol

1	The Strategic Authority recognises the importance of establishing a clear Social Media Protocol to support transparent, responsible, and effective communication by Members and Officers. As the Authority continues to develop its wider governance framework, the detailed content of this Protocol will be prepared at the earliest opportunity in 2026 and brought forward for formal consideration and adoption.
2	Until that point, this section serves as a placeholder, signalling the Authority's commitment to setting out clear expectations for the appropriate use of social media, safeguarding organisational reputation, and ensuring that all online engagement aligns with high standards of conduct, accountability, and public trust.

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5.4d Communications Protocol

1	The Strategic Authority recognises the need for a clear and consistent Member Communications Protocol to support effective, transparent, and professional communication between Members, Officers, partners, and the public. As the Strategic Authority continues to develop its wider governance framework, the detailed content of this Protocol will be prepared at the earliest opportunity in 2026 and brought forward for formal consideration and adoption.
2	Until that time, this section acts as a placeholder, signalling the Authority's commitment to establishing clear expectations and standards for Member communications that promote accountability, safeguard organisational reputation, and ensure that information is shared accurately, appropriately, and in the public interest

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5.5 Officer Code of Conduct

1. Introduction

- 1 The public is entitled to expect the highest standard of conduct from all Officers who work for the Strategic Authority. The aim of this code is to lay down guidelines for Officers that will help maintain and improve standards and protect Officers from misunderstanding and criticism. The Code of Conduct incorporates the principles defined by the Nolan Committee's first report on standards in public life.
- 2 This Code of Conduct sets out guidelines that maintain the highest standards of propriety. If Officers are in any doubt over any issue, e.g. whether or not to accept a gift or offer of hospitality, they should consult their manager. However, ultimate responsibility rests with the individual Officer, who must at all times be able to justify their actions and be able to refute any allegations of impropriety.

2. Our conduct and behaviour

- 1 Our values guide the way we work and underpin the policies and processes we've developed, helping us all to be clear about what's expected of us as an employer and what's expected of you as an employee.
- 2 Our policies reflect the way we want to work together to lift our region and make an impact. This policy is designed to help and encourage all colleagues to achieve and maintain standards of conduct, integrity and professionalism at all times.
- 3 The code of conduct reflects the practices, demands and expectations which Strategic Authority colleagues are required to meet in order to maintain public confidence in the performance of their official duties.
- 4 This code of conduct applies to all colleagues. The purpose of this policy is to ensure high standards, and to avoid both impropriety and any appearance of impropriety. Failure to adhere to the standards expected could bring the Strategic Authority into disrepute. Colleagues who fail to meet the highest standards of conduct will be managed in accordance with the Strategic Authority disciplinary policy.
- 5 This policy is a framework which clearly outlines the expected standards, behaviours and responsibilities to be followed by all colleagues. Each colleague of the Strategic Authority is responsible for keeping up to date with any changes in policy, principles and procedures.
- 6 This policy does not form part of any colleague's contract of employment and we may amend it at any time.

3. Principles

- 1 The seven principles of public life, known as the Nolan principles, apply to anyone who works as a public officeholder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in local government. The seven principles are:
 - Selflessness - holders of public office should act solely in terms of the public interest.
 - Integrity - holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 - Objectivity - holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

	<ul style="list-style-type: none"> ▪ Accountability - holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this. ▪ Openness - holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. ▪ Honesty - holders of public office should be truthful. ▪ Leadership - holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
2	Further, you must act within the law whilst undertaking your official duties. Where you are a member of a professional body, you must also comply with any standards of conduct which are set by that body.
3	This code does not seek to address every possible circumstance and if a particular action has not been addressed within this policy, this does not mean the Strategic Authority condones that action. You should consult your line manager if you have any queries about a proposed course of action, suspect maladministration, financial impropriety or any of the provisions of this code or how to comply with them.
4. Standards of Behaviour	
1	<p>The Strategic Authority expects certain standards of behaviour; you should ensure that you:</p> <ul style="list-style-type: none"> ▪ treat colleagues, customers and members of the public with dignity and respect; ▪ are committed to delivering quality services at all times working within the Strategic Authority's policies and procedures; ▪ communicate openly and honestly with colleagues; ▪ carry out your duties in the best interests of our customers and the Strategic Authority; ▪ conduct yourself in a way that is not discriminatory to others; ▪ do not use offensive or abusive language or behaviour; ▪ do not use your position to influence or benefit yourself, family or friends from the provision of Strategic Authority services; ▪ arrive for work punctually, appropriately dressed and fit to carry out your duties (this includes wearing your identity badge and items of personal protective clothing that are supplied to you); and ▪ take reasonable care of your own health and safety and others that may be affected by your work activities.
5. Equality and Diversity	
1	Discrimination, harassment, and bullying have no place in our workplace. We take immediate and decisive action to address and tackle such behaviours, ensuring a safe and respectful environment for all. All colleagues have a duty to comply with equalities legislation and to ensure that the appropriate standards of conduct are upheld at all times.
2	All colleagues are required to treat colleagues, partners and the public in a fair and equitable way, avoiding discrimination, harassment and bullying in any form and anything that could demean, distress, disrespect or upset people. Remember that people may have different standards to you and may be offended or feel harassed by behaviour that you think is acceptable.
3	You are responsible for ensuring that you have read the Equality, Diversity and Inclusion policy.
6. Whistleblowing	

1	If you become aware of activities that you believe to be illegal, improper, unethical or otherwise inconsistent with this policy, you must report the matter via the Strategic Authority Whistleblowing Policy.
7. Political Neutrality and Politically Restricted Posts	
1	As a Strategic Authority colleague, you serve SBSA as a whole and you should respect the individual rights of elected members and follow the protocol on member/officer relations. You must not allow your personal or political opinions to interfere with your work or your behaviour as an SBSA colleague.
2	If you are employed in a politically restricted post, you will have been notified of this in your contract of employment which prevents you from having any active political role either in or outside the workplace.
8. Recruitment	
1	If you are involved in recruitment, you must ensure that appointments are made on the basis of merit and fairness and in accordance with the Strategic Authority Recruitment and Selection Policy.
9. Dress Code	
1	The Strategic Authority does not have a formal dress code; it's aim is to maintain an image of a professional organisation with regard to appearance and standards of dress appropriate for your role. This dress code will take into account relevant Health and Safety requirements and allow for reasonable adjustments under the Equality Act 2010. If you require any further advice, please speak with your line manager or HR.
10. Health and Safety	
1	The Strategic Authority has a legal duty of care for the health, safety and welfare of its colleagues. In addition, all colleagues must take reasonable steps to protect their own health and safety and that of other people who may be affected by their actions or omissions at work.
11. Gifts and Hospitality	
1	We work with integrity, untainted by bribery or corruption. The general principle is that you should not receive or ask for any gift, reward or advantage for work done in your official capacity. Our Gifts and Hospitality policy explains in more detail the standards and behaviour required of you and business partners to comply with the expectations of the Strategic Authority and the Bribery Act 2010.
12. Conflict of Interest and Personal Relationships	
1	You must not allow personal interests to conflict with the Strategic Authority's business and you must not use your position, facilities or equipment to benefit yourself, family, friends or a private company/ interest.
2	To avoid any difficulties arising from a potential clash of interests you must: <ul style="list-style-type: none"> ▪ notify your manager if you have links, of any sort, with an outside organisation (for example through paid employment, consultancies or advisory positions, directorships or partnerships, significant holdings of shares or other financial securities, positions held as a councillor, governor or trustee, or trade union or pressure groups representative) which may work for SBSA, or supply goods and services to it (or are tendering or preparing to do so), get (or are applying for) grants or other benefits from SBSA, if you are involved in the grant allocation process or where this could create a conflict of interest

	<ul style="list-style-type: none"> ▪ not participate in any appointment process (or application for appointment) to SBSA, where you are related to, or have a close personal relationship with, the applicant ▪ avoid acting as professional representative on behalf of a friend, partner, or relative, in their dealings with SBSA ▪ declare any possible conflict of interest to your line manager.
3	Disclosure must be made as soon as it becomes evident there is or may be a conflict of interest.
4	If you also hold elected office at a District or Borough Council within the Strategic Authority boundary a Protocol is available to provide support to both you and SBSA, as the employer, by helping navigate situations that arise. In such circumstances you are advised to read the protocol to recognise the responsibilities of both positions to manage any conflict of interest. You should also be clear how the role of working for SBSA/ your obligations to SBSA and as an elected member/ how you are accountable to your constituents, could intersect.
13. Secondary Employment	
1	If you wish to undertake another role, whether paid or unpaid, job alongside your Strategic Authority role, you must obtain written consent from your line manager before accepting or commencing the second job.
2	To enable the Strategic Authority to comply with its health and safety obligations under the Working Time Regulations 1998, you are required to notify your manager of any work undertaken outside of hours worked with SBSA.
3	Failure to disclose such information will be regarded as a disciplinary offence, which could lead to your dismissal.
14. Strategic Authority Property and Confidentiality	
1	We provide work equipment for you to use to carry out our duties. You must not use our facilities or equipment for your own personal use unless you have been given advance approval.
2	You are responsible for the safekeeping and proper use of any equipment issued to you and must take reasonable steps to protect it from theft or damage such as not leaving equipment visible in an unattended car.
3	You are also responsible for ensuring that you process all information in accordance with the Strategic Authority's policies and that all confidential information is kept secure.
15. Information Security, Email, Internet, Social Networking, Software and Telecommunications acceptable usage	
1	You must adhere fully to the Strategic Authority Data Protection Policy and General Usage policy which covers Internet and Social Networking Usage. These detail the standards expected of all colleagues in protecting information in whatever form it takes.
2	Any breach of these policies may be dealt with in accordance with the Strategic Authority disciplinary policy.
16. Social Media	
1	Social and digital media channels are useful tools for communicating and engaging with the public. You must make sure that your use of, and participation in, social media does not bring the Strategic Authority into disrepute or breach their obligations under relevant legislation or SBSA policies.

2	You should take care to use social media, whether for work purposes or personal use, in a manner that is consistent with the terms and conditions of your employment. Do not post content that breaches confidentiality, contains inappropriate comments about colleagues or customers, is abusive or hateful or would potentially cause embarrassment or affect the Strategic Authority's reputation. Make sure you are clear that any views you express are your own and not those of your employer and think carefully about what you publish, even outside work, because inappropriate use could lead to disciplinary action.
3	You are also reminded of the expected behaviours required when posting on intranets and other public forums and that you agree to the following rules: <ul style="list-style-type: none"> ▪ Contributions must not be abusive, offensive, harassing, defamatory, threatening, obscene, profane, sexually orientated, unlawful, an invasion of someone's privacy or in breach of any Strategic Authority policy. ▪ Please respect others: read what you write before you post it and think if anyone else could misinterpret it and find it offensive or of a personal nature.
17. Disciplinary Rules	
1	You must adhere to the Strategic Authority standards of behaviour and failure to do so will be dealt with in accordance with the Strategic Authority Disciplinary Policy.
18. Grievance	
1	During your employment with SBSA you may experience cause to seek redress for a grievance relating to your employment. If you do, you should refer to SBSAs Grievance Policy.
19. Fitness for Duty	
1	You should not present yourself for duty in an unfit state (e.g. through alcohol or drugs) and should remain in a fit state while on duty.
2	Drinking alcohol whilst on duty and the taking of recreational drugs or other psychoactive (mind-altering) substances which may or may not be illegal, for non-medicinal purposes is strictly prohibited. Only medication prescribed by your GP or purchased over the counter may be taken. You must make sure that you are fit for duty if on call or about to start work. You must be mindful of the effect your behaviour will have on our reputation and disciplinary action will be taken against you if you are found to be under the influence of drugs, alcohol or other substances while on duty.
3	You have a duty to inform your line manager if you are taking any medication or substances as described above, which interferes with the safe performance of, or your ability to do your role. Your manager will then decide after discussion with yourself, and, if necessary, in consultation with Occupational Health, what work can safely be undertaken with due regard to your welfare.
4	You must tell your doctor if you drive when they are prescribing medication. You should also refrain from over-medicating while at work or if you are about to start work, with either prescribed or over the counter medicines that exceed the recommended dosage.
5	You must report any concerns you may have about a colleague's or any other colleague's fitness for duty to their manager. Such reports will be treated confidentially and the manager will take appropriate action.
20. Breaking the Law	

1	You must advise your line manager immediately in the event that you are arrested by the police whether or not this leads to a criminal charge, caution or conviction of a criminal or civil offence; subject to legal proceedings or receive any criminal convictions and/ or police cautions while employed by the Strategic Authority. Your manager will then consider whether the arrest, including the actions leading up to the arrest, risks the reputation of SBSA, damages confidence in you and/ or makes you unsuitable to carry out your role. The relevant procedures will then be followed accordingly.
2	If you are in a driving role you must disclose any points received/speeding offences/driving ban to your manager immediately. Failure to do this will be dealt with in accordance with SBSAs Disciplinary Policy.
21. Conflict/ Disclosure of Personal Interests	
1	You must not allow personal interests to conflict with Strategic Authority business and you must not use your position, facilities or equipment to benefit yourself, family, friends or a private company/interest.
2	You must register with your line manager any personal interests you/your spouse/partner has which may conflict with SBSAs interest. This includes any employment by, substantial shareholding in or membership of any external company or body which has, or may enter into, a contractual relationship with SBSA, or which is involved in campaigning or lobbying in respect of any SBSA activity.
3	The same principles apply to work carried out through partnership arrangements. If you are involved in any type of partnership working with other agencies/companies and there appears to be a potential conflict of interest, you must also register this as described above.
4	Disclosure must be made as soon as it becomes evident there is or may be a conflict of interest. It may come to light in processes such as recruitment, tendering or during committee meetings. It must be declared immediately if you, a relative or friend has, or could be perceived as having, a personal interest in the process. Arrangements should be made to protect both the Strategic Authority and your position.
5	You must also declare membership of any organisation not open to the public, which requires allegiance and which has secrecy about rules, membership or conduct.
22. Personal Relationships	
1	You must not be involved in making decisions that directly affect your family, friends or anyone with whom you have a close personal relationship; for example, recruitment and selection processes, disciplinary processes, decisions relating to pay, or tender procedures.
2	If during your duties you are in close contact with children and vulnerable adults you must maintain professional relationships at all times. Appropriate boundaries should be made clear from the outset whilst being sensitive to the customer's personal history and how that might affect the relationship.
3	Close relationships that develop during the course of employment between yourself and a colleague must be declared by both parties to their line manager. Alternative working arrangements will be put in place if it is likely to cause a conflict of interest.
4	If you are dealing with a contractor or third party with whom you have previously had or currently have a close personal relationship, you should declare that relationship to your line manager.

23. Reporting of Complaints or Incidents	
1	You are required to report in a timely manner any complaints about service delivery, any incident of unacceptable behaviour towards the public/ colleagues or malpractice which have been noted, reported or alleged. This includes concerns relating to safeguarding children and vulnerable adults. You should refer to the Strategic Authority Whistleblowing Policy if appropriate.
2	You are required to assist in any investigations of any complaint, disciplinary, and/or criminal investigations, this may include attending meetings/hearings, giving evidence or providing written statements. Any behaviour or actions, which hinder or delay investigations, will themselves be investigated and may result in disciplinary proceedings.
24. Off Duty	
1	This policy relates predominantly to the work environment and work-related social events. However, there may be circumstances when your behaviour outside work might adversely affect the reputation and integrity of the Strategic Authority, for example a criminal conviction or an inappropriate comment on social media about SBSA or your colleagues or the public.
2	Your behaviour, both in and out of work, must not jeopardise your employment, undermine the trust placed in you as a Strategic Authority colleague or bring or risk bringing SBSA into disrepute. Although when you are off duty what you do is your personal concern, you must not allow work and private interests to conflict.
25. Support and Guidance	
1	Further support and guidance on the code of conduct are available from your line manager or HR.

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5.5a Protocol for Employees who are District or Borough Councillors

1. Introduction

- 1 This Protocol deals with situations where individuals who are elected members of a district or borough council in the Sussex and Brighton Strategic Authority area and are also employed as a paid officer within the Strategic Authority.
- 2 The purpose of this Protocol is to provide guidance to Strategic Authority Officers who also hold elected office at a District or Borough Council within the SBSA boundary. This Protocol is considered part of the Officer Code of Conduct for such officers. The Protocol seeks to underpin the Code of Conduct and its underlying principles.
- 3 It is essential to ensure that there is clarity and a constructive and trusting relationship between the Strategic Authority and Officers who are District or Borough Councillors.

2. Principles

- 1 The Strategic Authority Constitution in its officer's code of conduct states that officers at the Strategic Authority
 - must not allow their private interests or beliefs to conflict with their professional duty to the Strategic Authority as its employees.
 - must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- 2 Any failure to adhere to the officer code of conduct can be considered a disciplinary matter and may lead to a range of sanctions which can ultimately include dismissal. In addition, this could also be a violation of the relevant council code of conduct required of an elected member resulting in a complaint to the Monitoring Officer of the relevant council
- 3 The Strategic Authority values the experience and insight that officers who serve as councillors in District or Borough council can bring to the organisation and this guide is aimed at protecting its officers by giving them clear guidance around these issues, and to ensure that they are able to adhere to the requirements of both roles

3. Protocol

- 1 This Protocol aims to assist Officers to
 - managing actual and potential conflicts of interests
 - ensure that they uphold public trust while balancing their dual role.
- 2 Conflicts of interest can create uncertainty and undermine public confidence that key principles of public life, such as integrity, objectivity and openness, are being followed. If these conflicts are not recognised and dealt with effectively, it has the potential to damage the decision-making processes within the Strategic Authority and the relevant local authority.
- 3 In the worst case, the threat to the integrity of decision making posed by apparent or actual bias creates a risk that the decision (by the relevant Council or by the Strategic Authority) will be challenged by way of Judicial Review where the courts intervene to determine the lawfulness of decisions. Judicial Review is an expensive and lengthy process and may take many months, a year, or more, to obtain a final decision from the courts.
- 4 The Protocol seeks to provide support to both Officers and the Strategic Authority as the employer by helping navigate situations where there are such dual roles, Officers in such circumstances are advised to:

	<ul style="list-style-type: none"> ▪ Understand the dual role – recognising the responsibilities of both positions is the foundation for managing conflicts. As an SBSA officer they have obligations to their employer and as an elected member they are accountable to their constituents. Be clear how these roles could intersect. ▪ Know any policies – officers should familiarise themselves with any policies or guidance the Strategic Authority and/or the authority they represent has on roles, responsibilities and managing conflicts of interest, such as their Code of Conduct. ▪ Principles based approach – Everyone in public office at all levels, all who serve the public or deliver public services, including Members and local or devolved authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Officers in dual roles should ensure their actions are consistent with the Nolan Principles.
4. The Officer Code of Conduct	
1	<p>The Officer Code of Conduct should:</p> <ul style="list-style-type: none"> ▪ provide officers of the Strategic Authority with an effective ethical framework within which to work; and give the public confidence that the Strategic Authority’s officers are working on their behalf in an appropriate manner; and ▪ provide guidance to officers on the possible consequences of breaches of this code.
2	<p>The Code of Conduct is clear that:</p> <ul style="list-style-type: none"> ▪ The Strategic Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law. ▪ The Strategic Authority expects officers to follow every policy/procedure of the Strategic Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.
5. Impact of Private Interests	
1	<p>The Code of Conduct is clear that Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.</p>
2	<p>The Strategic Authority considers political office as a District or Borough Councillor as a private interest.</p>
3	<p>The Code of Conduct further sets out requirements regarding:</p> <ul style="list-style-type: none"> ▪ Compromising the impartiality of the Strategic Authority’s Officers ▪ Improper use of position
6. Activity as a Sussex & Brighton Strategic Authority Officer	
1	<p>All employees and prospective employees must disclose to their [manager / the hiring manager] if they are elected members of a district or borough council in Sussex.</p>
2	<p>The Officer is responsible for recognising where conflicts and potential conflicts may arise. To the extent possible while still fulfilling their duties as an SBSA employee, where their dual role impacts their ability to perform their Strategic Authority duties to the required standard, they should recuse themselves from matters and projects.</p>

3	Where a conflicted officer decides to act on a project where there is a conflict risk, a greater importance should be placed on record-keeping and in particular documenting the rationale for decisions to ensure transparency in decision-making. This will provide appropriate protections to the Officer as well as to SBSA as the employer.
4	Managers should also be alive to conflicts and where possible help manage conflict risk at an informal organisational level. For example, where an officer is placed on a particular project that directly relates to the borough / district that they are elected to represent, it may be prudent to reassign them to a different project, so the interests of borough / district do not conflict with the best interests of SBSA.
5	<p>However, from an organisational perspective this is not always possible and other proportionate mitigation measures suitable to the potential risk to SBSA should be considered and agreed, such as:</p> <ul style="list-style-type: none"> ▪ Information barriers – these are arrangements to prevent inadvertent spread of confidential information between conflicted parties, such as password protecting electronic files or limiting access to electronic workspaces. ▪ Greater supervision – the conflicted officers' work, if appropriate, could be supervised at regular intervals to provide an independent view on any decisions being made that could give the perception of bias. ▪ Use of independent advisors – if the conflict presents a significant risk to the Strategic Authority and SBSA does not have an officer of equivalent expertise to the conflicted officer, it may be appropriate to instruct an external independent adviser to oversee significant decisions / projects. ▪ Positions of potential conflict - There are barriers to positions that Officers who are also borough / district Councillors can hold outside of political restriction requirements, these apply to working with/ providing support to the Chief Executive, the Monitoring Officer and the Section 73 Officer who will have access to confidential information regarding politicians.

7. Social Media use

1	Officers are required to adhere to the Code of Conduct and any protocols that it may have relating to social media. Such protocols exist to provide guidance and to promote greater clarity on the use of social media.
2	Social and digital media channels are useful tools for communicating and engaging with the public. You must make sure that your use of, and participation in, social media does not bring SBSA into disrepute or breach their obligations under relevant legislation or SBSA policies.
3	You should take care to use social media, whether for work purposes or personal use, in a manner that is consistent with the terms and conditions of your employment. Do not post content that breaches confidentiality, contains inappropriate comments about colleagues or customers, is abusive or hateful or would potentially cause embarrassment or affect the Strategic Authority's reputation.
4	Make sure you are clear that any views you express are your own and not those of your employer and think carefully about what you publish, even outside work, because inappropriate use could lead to disciplinary action.
5	<p>You are also reminded of the expected behaviours required when posting on intranets and other public forums and that you agree to the following rules:</p> <ul style="list-style-type: none"> ▪ Contributions must not be abusive, offensive, harassing, defamatory, threatening, obscene, profane, sexually orientated, unlawful, an invasion of someone's privacy or in breach of any SBSA policy. ▪ Please respect others: read what you write before you post it and think if anyone else could misinterpret it and find it offensive or of a personal nature.

8. Behaviour as a District or Borough Councillor

1	It is important that you adhere to the code of conduct for your District/ Borough Councillor.
2	However, there may be circumstances when your behaviour outside of SBSA as a councillor might adversely affect the reputation and integrity of the Strategic Authority, for example an inappropriate comment on social media about SBSA or your colleagues or the public. Your behaviour, both in and out of work, must not jeopardise your employment, undermine the trust placed in you as an SBSA colleague or bring or risk bringing the Strategic Authority into disrepute. Although when you are off duty what you do is your personal concern, you must not allow work and private interests to conflict.
9. Treatment of Information	
1	The Officer Code of Conduct encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to: <ul style="list-style-type: none"> ▪ a Member, ▪ a relevant Strategic Authority officer, ▪ other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.
2	This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.
10. Political Restrictions	
1	Some posts within the Strategic Authority will be designated 'politically restricted posts'. Employees in politically restricted posts are prevented from having any active political role either in or outside of work. They are automatically disqualified from standing for or holding elected office as local councillor, MP, MEP or members of the Welsh Assembly or Scottish Parliament.
2	The decision on whether a post is designated as 'politically restricted' will be taken by the Strategic Authority and will be made clear when the post is advertised and in any employment terms and conditions. If you hold employment with SBSA and seek election you must resign your position prior to being confirmed as a candidate if you hold a politically restricted post.
3	Politically restricted posts fall into two broad categories: 'specified posts' and 'sensitive posts'. Specified posts are a list of roles that are automatically politically restricted without rights of appeal, for example the Head of Paid Services. Whereas sensitive posts are those where the duties satisfy the sensitive posts criteria.
11. Activity as a Councillor	
1	Elected members are expected to put service to the public and their constituents ahead of their own self-interest and should, wherever possible, avoid taking decisions in circumstances that could reasonably be perceived as contradicting this ethos.
2	As an Elected Member your employment with SBSA will be a disclosable pecuniary interest (DPI). DPIs must be registered with the Monitoring Officer at the council to which you are elected, within 28 days of your election. It is a criminal offence to not register a DPI.
3	You may not participate in decision making about any issue where your DPI is a conflict of interest, it is a criminal offence to participate in decision making where you hold a DPI.

4	You should receive training from your councils on these issues and individual elected members have the ability to determine for themselves whether they are required to remove themselves from any meeting where the DPI means that they have a conflict of interests.
5	If an SBSA Officer who is a district/ borough Member is taking part in a district or borough council meeting and an issue is under discussion that affects or conflicts with the interests of their employer, then their official duties and responsibilities as an elected member could be (or be perceived as being) improperly influenced by virtue of their employment with SBSA.
6	Such Officers are recommended to inform the Monitoring Officer at the Council which they are elected of their SBSA role and seek advice and guidance as required.
7	<p>The Officer should follow any guidance the borough and/or district council it is elected to represent publishes surrounding conflicts of interest. In addition, the following guidance should be considered:</p> <ul style="list-style-type: none"> ▪ Disclosure - Upon taking office as an elected member, elected members must notify the relevant council's Monitoring Officer of any disclosable interests to be included in the register of interests. The Member should ensure their employment with SBSA is disclosed and any changes to their employment with SBSA, such as a change in role, should be disclosed on an ongoing basis. ▪ Identifying Conflicts - Recognise situations where the Member's paid employment with SBSA could conflict with their responsibilities as an elected member, for example, funding, contracts or policies that directly affect your authority. ▪ Recusal - Where a Member is of the opinion that a conflict of interest arises in relation to a particular decision being discussed and voted on, they should follow the relevant authority's procedure for declaring conflicts to that council's Monitoring Officer. They may have to recuse themselves from discussions and decisions related to the Strategic Authority that may affect their role at SBSA. ▪ Separation of Roles - Clearly separate the duties as an elected member from the employment role at SBSA. They should avoid using their position to influence outcomes that may benefit their employer.

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5.6 Public Code of Conduct

The Strategic Authority is committed to fostering a culture of respect, integrity, and constructive engagement between the organisation and the public it serves. To support this commitment, a comprehensive Public Code of Conduct will be developed at the earliest opportunity in 2026, with oversight and scrutiny provided by the Audit and Governance Committee.

Once adopted, the Public Code of Conduct will set out clear expectations for the behaviour of individuals engaging with the Strategic Authority, whether in person, in writing, or through digital and social channels, to ensure that all interactions take place in a safe, respectful, and inclusive environment. Until the detailed Code is prepared, this section serves as a placeholder, signalling the Authority's intention to establish a robust framework that protects staff, Members, and the public; supports effective participation; and upholds the values of openness, fairness, and accountability.

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5.7 Complaints

1	The Strategic Authority is committed to maintaining high standards of transparency, accountability, and public confidence in all aspects of its work. To support this commitment, a comprehensive Complaints Procedure will be developed at the earliest opportunity in 2026 and presented for formal consideration and adoption.
2	This Procedure will set out clear, fair, and accessible processes through which members of the public, partners, and other stakeholders may raise concerns about the Strategic Authority's services, actions, or decision-making. Until the detailed Procedure is established, this section serves as a placeholder, signalling the Strategic Authority's intention to adopt a robust framework that ensures complaints are handled promptly, impartially, and in accordance with principles of natural justice and good governance.
3	The Complaints Procedure, once developed, will set out a clear and comprehensive framework for how concerns raised by members of the public, partners, service users, and other stakeholders will be managed by the Strategic Authority. It will define the types of issues that may be considered under the procedure, the steps for submitting a complaint, and the standards for acknowledging, investigating, and responding to concerns in a timely and transparent manner.
4	The Procedure will establish clear pathways for escalation, including internal review stages and routes to external bodies such as the Local Government and Social Care Ombudsman, where applicable. It will also set out expectations for fairness, impartiality, confidentiality, data protection, and record-keeping to ensure that all complaints are handled consistently, respectfully, and in accordance with principles of natural justice. Together, these provisions will support learning, accountability, and continuous improvement across the Strategic Authority.

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6. Allowances

1. The Member Allowances Scheme

The Strategic Authority is required to establish a Member Allowances Scheme that sets out the remuneration, allowances, and expenses payable to Members in the discharge of their official duties. In accordance with the relevant regulations governing Strategic Authorities, an Independent Remuneration Panel will be convened at the earliest opportunity to undertake the required review and make recommendations on the appropriate level and structure of allowances for the Sussex and Brighton Strategic Authority.

The outcomes of this independent review will be presented to the Strategic Authority Board for formal consideration and adoption. Until these arrangements are in place, this section serves as a placeholder, confirming the Authority's commitment to ensuring that its Member Allowances Scheme is transparent, evidence based, and underpinned by independent scrutiny in line with statutory requirements.

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7. Management Structure

The Strategic Authority is committed to establishing a clear and transparent senior management structure that supports effective leadership, accountability, and delivery of its statutory functions and strategic priorities. This section of the Constitution will in due course set out the organisation's senior officer arrangements, including the roles, responsibilities, and reporting lines of the Chief Executive (Head of Paid Service), statutory officers, and other chief officers.

The detailed Management Structure will be developed at the earliest opportunity as the organisation matures and recruitment to key leadership posts progresses. Until that point, this section serves as a placeholder, signalling the Authority's intention to adopt a comprehensive and clearly defined management framework that ensures strong corporate governance, operational efficiency, and clarity for Members, officers, partners, and the public.

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8. Key Policy

The Strategic Authority is committed to establishing a suite of key organisational policies that uphold the highest standards of governance, integrity, and public accountability. This section of the Constitution will contain a number of core policies essential to the effective and ethical operation of the Authority, including (but not limited to) the Whistleblowing Policy, the Antifraud Policy, and the Antibribery Policy.

These policies will be developed at the earliest opportunity as the Strategic Authority's governance arrangements, operational structures, and organisational culture take shape. Additional key policies will be introduced in alignment with the Authority's ongoing development, ensuring that its policy framework remains robust, comprehensive, and responsive to emerging statutory requirements, risks, and best practice.

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