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The Liverpool City Region
Combined Authority
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CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 1

Introduction
1.1 **This Constitution** sets out how the Liverpool City Region Combined Authority operates, what powers and functions it holds, what bodies make up the Combined Authority and are part of it, how decisions are made and the procedures that are followed to ensure that it operates efficiently, effectively and is both transparent and accountable.

1.2 **The diagrams** annexed to this introduction shows who the members are and what bodies make up the Liverpool City Region Combined Authority.

1.3 The Combined Authority’s area is that covered by the local government areas of the principal councils of Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral.

1.4 The Combined Authority is a local authority in its own right. It has eight members, being:
- a directly elected Mayor (known as the Metro Mayor);
- a councillor (elected member) appointed by each of the ‘Constituent Councils’, being the principal councils for Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral; and
- a member, who is non-voting, appointed by the Local Enterprise Partnership.

1.5 The Combined Authority is subject to overview and scrutiny and also audit by statutory committees made up of councillors from the Constituent Councils and others. This means that these Councillors are not members of the Combined Authority, they are referred to as non-statutory members.

1.6 The Combined Authority will also appoint officers, some directly employed and some seconded from the Constituent Councils, to whom delegated authority is granted to help fulfil the Combined Authority’s functions. A small number of the Combined Authority’ officers are required to be appointed by law to fulfil certain governance or statutory functions in relation to the Combined Authority.

1.7 Merseytravel, as the Passenger Transport Executive, is a body corporate that holds the status of an officer of the Combined Authority when fulfilling its delegated functions.

2.1 **Part 2** of this Constitution sets out the powers and functions that have been granted to the Combined Authority thus far. These are contained in the primary legislation, Part 6 of the Local Democracy, Economic Development and Construction Act 2009, and in Orders made under that legislation.

2.2 Some of the Orders made under that legislation are specific to the Liverpool City Region Combined Authority, setting out exactly what functions, powers and duties the Combined Authority is to hold. The Orders made in 2014 and in 2017 are the key sources of what the Combined Authority may or, by omission, may not do. Other Orders are more generic and apply to all combined authorities, such as the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 and the Combined Authorities (Finance) Order 2017.
2.3 The table in Part 2 lists and describes these functions. Against each there is also a key that explains the conditions, qualifications and provisions of note that apply to any particular function. For example, a function might be subject to one or more of the following, in that the function is:
- held by the Combined Authority in respect of the Liverpool City Region area, but are also retained to be exercisable concurrently by another public body, such as the Constituent Councils or a government agency;
- what is known as general functions only exercisable by the Metro Mayor; and
- subject to a two-thirds or unanimous vote of the Constituent Councils before it can be implemented. See separate Voting Table in Part 3 (page 79) which sets out the type of voting required on a range of functions and responsibilities.

3.1 **Part 3** explains what the bodies of the Combined Authority are, how they are made up and how they may go about undertaking their business. Like Part 2 in relation to the functions themselves, this is a cornerstone document about how decision are made from which the following documents of the Constitution flow.

3.2 Each Section explains how that body of the Combined Authority is constituted, what functions the body may fulfil and how the body may go about making decisions in exercise of responsibility for those functions.

3.3 These are:
- The Combined Authority (as a meeting);
- The Metro Mayor;
- The Overview and Scrutiny Committee; and
- The Audit and Governance Committee.

3.4 This includes provisions about how these bodies may then delegate responsibility for their functions to others. It sets out, for example, that the Combined Authority may establish committees to fulfil certain functions.

3.5 **Schemes of Delegation under Part 3** are set out here.

3.6 The officers of the Combined Authority are the principal recipients of delegated authority from the Combined Authority and the Metro Mayor. Some of these delegations will be transitory, contained in published decisions for a particular purpose at a particular time. Most, however, will be standing delegations for the delivery of administrative functions and will be listed here, including that of Merseytravel.

3.7 Certain officers are required to be appointed and fulfil their particular statutory and general functions of the Combined Authority. These are:

- **Head of the Paid Service**
  The officer who is responsible for overall corporate management and operational responsibility for the Combined Authority, including overall management responsibility for all officers.

- **Treasurer**
  The officer who is responsible for the administration of the Combined Authority’s financial affairs and holds a personal duty to report
any item of unlawful expenditure or an unbalanced budget.

Monitoring Officer
The officer who is responsible for the legal affairs of the Combined Authority, including access to information and holds a personal duty for ensuring lawfulness and fairness of decision making. The Monitoring Officer is also the Proper Officer.

Scrutiny Officer
An officer charged with the functions to promote the role of the Overview and Scrutiny Committee, provide support and guidance to its members and support and guidance to the Combined Authority and Metro Mayor in relation to these functions.

Merseytravel
The Passenger Transport Executive, which is the executive body of the Combined Authority in relation to its transport functions, established for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Local Democracy, Economic Development and Construction Act 2009. As a body corporate, Merseytravel is to be treated by the Combined Authority in arrangements for the discharge of functions as if it were an officer of the Combined Authority.

4.1 **Part 4** is the set of standing orders that flow from Part 3 and govern the means by which the Combined Authority governs itself and makes decisions.

4.2 **Part 4A** are the meeting standing orders. These are the rules outlining the law and practice that governs meetings of the combined authority, its committees and the meetings of the Overview and Scrutiny and Audit and Governance Committees. This includes provisions for voting and provisions for public engagement in public meetings.

4.3 **Part 4B** are rules concerning access to information and decision-making. This Section sets out the law and rules concerning information that must be published before and after decisions are made by the Combined Authority.

4.4 **Part 4C** sets out the Combined Authority’s Overview and Scrutiny Arrangements. These arrangements explains how the Combined Authority and the Overview and Scrutiny Committee will ensure that the Committee has power:

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority:

i. in all circumstances; and

ii. in respect of a decision made but not implemented (referred to as ‘call-in’) to include the power:
1. to direct that a decision is not to be implemented while it is under review or scrutiny by the Overview and Scrutiny Committee; and
2. to recommend that the decision be reconsidered.

(b) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor with respect to the discharge of any functions that are the responsibility of the Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority; and

(c) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor on matters that affect the Combined Authority’s area or the inhabitants of the area.

5.1 **Part 5** sets out the financial rules for the Combined Authority.

5.2 **Part 5A** sets out the legal rules concerning how the Combined Authority is funded, including the levy placed on the Constituent Councils and the precept to fund certain of the general functions exercisable by the Metro Mayor. This Section also sets out how the Metro Mayor’s budget is to be determined.

5.3 **Part 5B** sets out the general financial procedure rules by which the financial administration of the Combined Authority is accounted for.

5.4 **Part 5C** and **Part 5D** concern themselves respectively with how the Combined Authority deals with contracts with outside bodies and the buying and selling of property.

6.1 **Part 6** includes the various documents that set out how the Combined Authority, including the individual Members and officers individually, will behave in relation to conducting their duties and responsibilities in respect of the Combined Authority.

6.2 **Part 6A** sets out the Code of Conduct for Members, including members of ordinary committees and of the Overview and Scrutiny and Audit and Governance Committees. Part of the Code refers to the members’ responsibility to disclose certain interests on their register of interests, which can be found on the Combined Authority’s website, and the rest concerns the behaviours expected of a member of the Combined Authority. Failure to abide by their responsibilities in relation to ‘disclosable pecuniary interests’ can be a criminal offence, otherwise a breach of the Code is subject to investigation by the Monitoring Officer on a complaint and may be subject to a hearing before a Standards Sub-Committee.

6.3 **Part 6B** sets out the Officers’ Code of Conduct. Similar to the Members Code, this sets out behaviours expected of an officer, but unlike the Members Code it forms part of an officer’s contract of employment and any breach is to be dealt with under those procedures and a failure to disclose certain statutory interests is likewise a criminal offence.

6.4 **Part 6C** sets out guidance in relation to planning matters.
6.5 **Part 6D** sets out guidance to both Members and officers in governing how each relates to the other in day to day affairs.

6.6 **Part 6E** is the Combined Authority’s Code of Corporate Governance, including its Anti-Fraud and Corruption Policy Statement, setting out in greater detail how the Combined Authority intends to direct and control the mechanisms, processes and relations at its disposal in exercising responsibility for its powers and duties.

7.1 **Part 7** sets out how the allowances for members are established and set.

7.2 The Metro Mayor may be paid an allowance for his or her duties and responsibilities as Metro Mayor, but that is subject to a report produced by an Independent Remuneration Panel and, in any event, the Combined Authority is not permitted to pay an allowance in excess of the amount recommended by the Panel.

7.3 Beyond reimbursement for travel and subsistence in accordance with the Combined Authority’s scheme, other members of the Combined Authority may not receive any form of allowance from the Combined Authority. Instead, a member might receive a special responsibility allowance under their own council’s scheme of allowances in respect of their duties and responsibilities undertaken as a member of the Combined Authority, but that is a matter for the Constituent Council concerned.
The Combined Authority Members

Chaired by the Liverpool City Region Metro Mayor;
6 other voting Members (and a substitute), one from each Council, and each with a portfolio of responsibility assigned by the Metro Mayor; and
1 other Member from the Local Enterprise Partnership (and a substitute), who is non-voting.

Committees of the Combined Authority

To deliver functions of the Authority (not reserved to the Metro Mayor); and
May be made up of Combined Authority Members, Members who are members of the Councils and Non-voting members co-opted for their expertise and advice.

The Metro Mayor

To Chair and lead the Combined Authority;
To deliver certain functions that are reserved to him/herself.

Officers, including Merseytravel

Holding delegated powers to deliver the functions and advise the Members.
The Overview and Scrutiny Committee
Made up of members of Constituent Council’s unconnected with delivery of the Combined Authority functions.

The Committee’s role is to achieve greater public accountability over decisions made and services delivered to the whole Liverpool City Region.

The Audit and Governance Committee
Made up of:
- members of the Combined Authority;
- members of the Overview and Scrutiny Committee; and
- appointed persons to provide external independence.

The Committee’s role is to promote and maintain high standards of conduct by Combined Authority Members, including dealing with complaints about behaviour.

The Committee’s role is to provide assurance of the adequacy of the Combined Authority’s risk management framework and control environment.
The Liverpool City Region
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 2

Powers and Functions of the Combined Authority
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B. Delegated Transport Functions of the Constituent Councils (Art. 8 & 9, 2014 Order)
C. Passenger Transport Executive (Art. 10, 2014 Order)
D. Other Transport functions (Art. 11, 2014 Order)
E. Economic Development and Regeneration Functions (Art. 13, 2014 Order)
F. Spatial Development Strategy (Art. 3, 2017 Order)
G. Planning applications of potential strategic importance (Art. 5, 2017 Order)
H. Housing and Regeneration functions corresponding to those of the Homes and Communities Agency (Art. 6, 2017 Order)
I. Housing and Regeneration Functions – Acquisition and Appropriation of Land for Planning and Public Purposes (Art. 7, 2017 Order)
J. Housing and Regeneration Functions – Metro Mayoral Development Areas and MDC (Art. 10, 2017 Order)
K. Power to pay grant (Art. 14, 2017 Order)
L. Transport Functions – Agreements between authorities and improvement of highways (Art. 15, 2017 Order)
M. Transport Functions – Road Safety (Art. 16, 2017 Order)
O. General power of competence (Art. 13, schedule 2, para 1 2014 Order)
P. Incidental functions conferred on the Combined Authority (Art. 14, 2014 Order)
Q. Functions conferred on the Authority by local government legislation
R. Overview and Scrutiny Committees, Access to Information and Audit and Governance Committee
S. Adult Education Budget Functions (Article 3, 2018 Order)
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<tr>
<th><strong>Ref</strong></th>
<th><strong>Description of Functions</strong></th>
<th><strong>NB</strong></th>
<th><strong>Principal Legislative Provisions</strong></th>
<th><strong>Application</strong></th>
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<tbody>
<tr>
<td>A</td>
<td><strong>Transport Functions of the Merseyside Integrated Transport Authority (ITA)</strong></td>
<td></td>
<td>The discharge of all duties and responsibilities of the Integrated Transport Authority, which are provided for within the <em>Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport &amp; Works Act 1992 and the Local Transport Act 2008</em>, together with:</td>
<td>Articles 6, 7 and 12, 2014 Order</td>
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</table>

An integrated transport authority (ITA) was the body that administers the passenger transport executive (PTE) and was a combined authority established by the Local Government Act 1985 whose role was amended by the Local Transport Act 2008. An ITA is responsible for funding the PTE and making the policies that the PTEs carry out on their behalf.

The role and function of the Merseyside Integrated Transport Authority (ITA) is now subsumed into the Liverpool City Region Combined Authority, by way of the ITA being abolished and its functions (including ongoing rights and liabilities) transferred to the Combined Authority.

The Combined Authority is now responsible for the exercise of all of the integrated transport authority functions, which includes:
- Making appointments to the Board of the Passenger Transport Executive;
- Formulating general policies with respect to the description of public passenger services;
- Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area;
- Instructing the Passenger Transport Executive to secure the provision of such public passenger transport services as it considers appropriate to secure public transport requirements within the area in accordance with the Authority’s policies;
- Reviewing from time to time the organisation of the Passenger Transport Executive’s undertaking
- A duty to produce Local Transport Plans;
- The production of a Bus Strategy as part of the Local Transport Plan;
- Having regard to the Local Transport Plan, consider the making of a Quality Partnership Scheme, a Quality Contracts Scheme, a Ticketing Scheme and establishing Travel Concession Schemes;
- Determine what local bus information should be made available and the way it should be made available;
- The delegation of any of its duties and responsibilities as appropriate and, conversely, the Authority can undertake the duties of its committees.
- Agreeing the annual levy on the Constituent Authorities

<p>| | | | Articles 6, 7 and 12, 2014 Order |
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<td></td>
<td>- Powers and duties concerning the tunnel, including the toll and related finance provisions, regulation, communications and works.</td>
<td></td>
<td>The County of Merseyside Act 1980 (as transferred to the ITA under Mersey Tunnels Order 1986) and the Mersey Tunnels Act 2004</td>
<td>3, 4.</td>
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<td></td>
<td>Section 108 and 109 impose a duty to formulate transport policies and publish them as a local transport plan. The policies must promote ‘safe, integrated, efficient and economic transport’ and must have regard in particular to the needs of the elderly and people with mobility problems. Section 112 requires regard to be had to guidance issued by the Secretary of State.</td>
<td></td>
<td>The Metro Mayor’s general functions in relation to the Transport Act 2000 Act: sections (a) 108 (local transport plans); (b) 109 (further provision about plans: England); and (c) 112 (plans and strategies: supplementary).</td>
<td>Articles 8, 9 and 12, 2014 Order</td>
</tr>
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<td>B</td>
<td>Delegated Transport Functions of the Constituent Councils</td>
<td></td>
<td>The functions of Halton Council under the following enactments— (a) Parts iv and v of the Transport Act 1985; and (b) Part 2 of the Transport Act 2000.</td>
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<td>The Combined Authority has had transferred to it, in respect of Halton Council, those same functions in relation to local transport plans and of local passenger transport services and related financial provisions (save matters relating to road user charging and specified bridges).</td>
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<td>C</td>
<td>Passenger Transport Executive</td>
<td></td>
<td>The provisions of: (a) Part 5 of the Local Transport Act 2008 (Integrated Transport Authorities etc.); and (b) Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (Economic Prosperity Boards and Combined Authorities) are applied to the Passenger Transport Executive and the Combined Authority</td>
<td>Article 10, 2014 Order</td>
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<td>D</td>
<td>Other Transport functions</td>
<td></td>
<td>The following provisions are applied to the Combined Authority:</td>
<td>Article 11, 2014 Order</td>
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<td>(a) section 2 of the <strong>Road Traffic Reduction Act 1997</strong> (duty of principal councils to make reports) as functions of the constituent councils delegated to the Combined Authority;</td>
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<td>(b) sections 237A to 237E of the <strong>Local Government Act 1972</strong> (fixed penalty notices) so far as those provisions relate to the Mersey Tunnel Byelaws 2003; and</td>
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<td>2. (c) section 8 of the <strong>Highways Act 1980</strong>;</td>
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<td>- the <strong>Road Traffic Regulation Act 1984</strong>; and</td>
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<td>- section 49 of the <strong>New Roads and Street Works Act 1991</strong> as if the Combined Authority were a highway authority, a traffic authority and a street authority respectively</td>
<td></td>
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<td>E</td>
<td>Economic Development and Regeneration Functions</td>
<td></td>
<td>The following provisions are applied to the Combined Authority:</td>
<td>Article 13, 2014 Order</td>
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<td>2. (a) section 144 of the <strong>Local Government Act 1972</strong> (power to encourage visitors and provide conference and other facilities);</td>
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<td>conferences, trade fairs and exhibitions or improve, or encourage any other person or body to improve, any existing facilities for those purposes.</td>
<td></td>
<td>2. (b) sections 15ZA, 15ZB, 15ZC, 17A and 18A(1)(b) and sections 514A and 560A of the <strong>Education Act 1996</strong> (duties and powers related to the provision of education and training for persons over compulsory school age);</td>
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<td></td>
<td>The local authorities must “secure that enough suitable education and training is provided to meet the reasonable needs” of persons over compulsory school age but under 19 and persons subject to learning difficulty assessment aged 19 or over but under 25, which may include provision outside the area. In fulfilling this duty the authorities must, amongst others, act with a view to (i) encouraging diversity in the education and training that is available and (ii) increasing opportunities for people to exercise choice. The authorities must co-operate with other authorities in performing the duty. The authorities must have regard to guidance on these matters issued by the Secretary of State. This includes a duty to encourage participation in education and training by persons in the relevant group, and to encourage employers to participate in education or training provision for such persons. The authorities have a power to secure the provision of work experience for any person in their area in the relevant group and a duty to encourage both participation in it by such persons and employers’ provision of it. The authorities may also secure the provision of boarding accommodation (either within or outside their area) in connection with education or training provided by any provider, for any person who is (i) aged over compulsory school age, (ii) aged under 25, and (iii) subject to a learning difficulty assessment. The Combined Authority must prepare, and may revise, an assessment of the economic conditions of its area. It must consult such persons as it considers appropriate, including consultation with and participation of the Constituent Councils and to have regard to any material produced by them. It must also have regard to guidance from the Secretary of State as to the content and timing of assessments. The Combined Authority shall consider housing conditions in the area and the needs of the area with respect to the provision of further housing accommodation.</td>
<td></td>
<td>2. (c) section 69 of the <strong>Local Democracy, Economic Development and Construction Act 2009</strong> (duty to prepare an assessment of economic conditions); and 2. (d) section 8(1) of the <strong>Housing Act 1985</strong> (periodical review of housing needs)</td>
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<td>F</td>
<td><strong>Spatial development strategy</strong></td>
<td></td>
<td>The following provisions of the Greater London Authority Act 1999 as modified to correspond to the Liverpool City Region Combined Authority and the Combined Authority area:</td>
<td>Article 3, 2017 Order</td>
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<td></td>
<td>The Combined Authority must prepare and publish a “spatial development strategy”. This must include a statement formulating the Combined Authority’s strategy for spatial development in Liverpool City Region, including general policies in respect of the development and use of land in Liverpool City Region. It must also include statements dealing with the general spatial development aspects of other strategies for which the Combined Authority is responsible and such other policies or proposals as involve such considerations, whether or not they relate to the development or use of land. The strategy must deal only with matters of strategic importance to Liverpool City Region (whether or not they affect the whole area). It must contain such matter as is prescribed by regulations made under s.343 and may make different provision for different cases or for different parts of Liverpool City Region. Detailed provision is made as to public participation, involving preparation and publication of a draft, proposed strategy and the consideration of responses. The Combined Authority must, unless the Secretary of State otherwise directs, cause an examination in public to be held. The Combined Authority may then publish a final version, which must be in the form of the proposed strategy either as originally prepared or as modified to take account of representations made in accordance with regulations, any direction given by the Secretary of State under s.337(7), any report of an examination in public, or any other material considerations. The Combined Authority must monitor the implementation of the spatial development strategy, monitor the local development documents of each of the Constituent Councils and monitor and collect information about matters relevant to the preparation, review, alteration, replacement or implementation of the strategy. The “functional bodies” must have regard to the strategy in exercising any function. The Combined Authority must inform the Constituent Councils, anybody on which those authorities are represented or any other bodies which it considers should be informed of its views concerning matters of common interest relating to the planning or development of the Liverpool City Region. It may also inform them, or any of them, of its views concerning any other matters relating to the planning or development of those areas. The Combined Authority must from time to time consult the Constituent Councils about the exercise of these functions.</td>
<td>(a) section 334 (the spatial development strategy); (b) section 335 (public participation); (c) section 336 (withdrawal); (d) section 337 (publication); (e) section 338 (examination in public); (f) section 339 (review of matters affecting the strategy); (g) section 340 (reviews of the strategy); (h) section 341 (alteration or replacement); (i) section 342 (matters to which the Metro Mayor is to have regard); (j) section 346 (monitoring and data collection); and (k) section 348 (Metro Mayor’s functions as to planning around Greater London).</td>
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| G   | **Planning applications of potential strategic importance**  
Where an application for planning permission relating to land in Liverpool City Region is of potential strategic importance, the Combined Authority may direct that it is to be the local planning authority for the purpose of that application rather than the Constituent Council. The circumstances under which such a direction may be made are prescribed in Schedule 2 (Planning applications of potential strategic importance) of The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017, as is the meaning of “application of potential strategic importance”.  
In deciding whether to make a s.2A direction, the Combined Authority must have regard to guidance issued by the Secretary of State.  
Where the Combined Authority grants outline planning permission, matters can be reserved for subsequent approval by the local planning authority.  
Where the Combined Authority gives a s.2A direction, the function of agreeing a planning obligation under s.106 of the 1990 Act falls to the Combined Authority, after consulting the local planning authority.  
Before determining an application under these provisions, the Combined Authority must give the applicant and the local planning authority the opportunity to make oral representations at a “representation hearing”. | 3, 6. | The following provisions of the **Town and Country Planning Act 1990** as modified to correspond to the Liverpool City Region Combined Authority and the Combined Authority area:  
(a) section 2A of the Town and Country Planning Act 1990 (the Metro Mayor of London: applications of potential strategic importance);  
(b) section 2B of the Town and Country Planning Act 1990 (section 2A: supplementary provisions);  
(c) section 2C of the Town and Country Planning Act 1990 (matters reserved for subsequent approval);  
(d) section 2E of the Town and Country Planning Act 1990 (section 2A and planning obligations under section 106);  
(e) section 2F of the Town and Country Planning Act 1990 (representation hearings);  
(f) section 74 of the Town and Country Planning Act 1990 (directions etc. as to method of dealing with applications) | Article 5, 2017 Order |
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<td>G</td>
<td>Constituent Council’s local development documents must be “in general conformity with” the spatial development plan and, accordingly, these provisions require that the Combined Authority must be notified by the Constituent Councils as local planning authority of any applications of potential strategic importance. The Combined Authority may direct refusal of planning permission if it considers that to grant it would be contrary to the spatial development strategy or prejudicial to its implementation, or otherwise contrary to good strategic planning in the Liverpool City Region area. The Secretary of State may give a contrary direction.</td>
<td>3, 6.</td>
<td>The Town and Country Planning (Metro Mayor of London) Order 2008 as modified to correspond to the Combined Authority and Combined Authority area</td>
<td>Article 6, 2017 Order</td>
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</tbody>
</table>
| H   | Housing and Regeneration functions corresponding to those of the Homes and Communities Agency (HCA) Subject to the limitation on the exercise of the functions to the purposes of, or for purposes incidental to, the objects listed in the Order*: The Combined Authority may:  
- provide housing or other land and facilitate the provision of housing or other land  
- regenerate or develop land  
- provide infrastructure and to facilitate the provision of infrastructure The Combined Authority will therefore be able to acquire, hold, improve, manage, reclaim, repair or dispose of housing or other land or property, or facilitate these activities. It will also be able to carry out building and other operations, including the demolition or conversion of buildings, or facilitate such operations. The acquisition of land by the Combined Authority may be by agreement or compulsorily if the Secretary of State authorises it to do so. Compulsory acquisition may include the extinguishment of private rights of way or rights in relation to apparatus and for apparatus to vest in the Combined Authority. Where compulsory acquisition of land and new rights over land is intended, the procedure contained in The Acquisition of Land Act 1981 is required to be followed. In summary: | 3, 7, 8, 9. | The following provisions of the Housing and Regeneration Act 2008 as modified to correspond to the Liverpool City Region Combined Authority and the Combined Authority area:  
(a) section 5 (powers to provide housing or other land);  
(b) section 6 (powers for regeneration, development or effective use of land);  
(c) section 7 (powers in relation to infrastructure);  
(d) section 8 (powers to deal with land etc.);  
(e) section 9 (acquisition of land);  
(f) section 10 (restrictions on disposal of land);  
(g) section 11 (main powers in relation to acquired land);  
(h) section 12 (powers in relation to, and for, statutory undertakers); |
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<td>- the 1981 Act contains requirements as to publicity and notification, to enable any person to submit an objection to the Secretary of State within the specified period;</td>
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<td>(i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.); and</td>
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<td>- a statutory objector is a “qualifying person” on whom section 12 of the 1981 Act requires notice to be served and includes owners, leaseholders, tenants and occupiers of any land in the compulsory purchase order, and any other person having a right to claim compensation for interference with rights they enjoy over land, or who are likely to be entitled to make a claim for compensation for “injurious affection” (decrease in value of retained land as a result of the acquisition and proposed use of the land which is being acquired);</td>
<td></td>
<td>(j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).</td>
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<td>- if a relevant objection is made by a person with a statutory interest in the land, a public local inquiry will generally be held. It is also open to the statutory objectors to agree to their objections being considered through the written representations procedure;</td>
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<td>- an inspector will prepare a report and the Secretary of State will then consider the findings of the report and the inspector’s recommendation when deciding whether or not to confirm a compulsory purchase order;</td>
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<td>- where an order is confirmed, the usual compensation regime will apply, which is linked to the value of the land being acquired and may also include compensation for disturbance and other losses and, for example, legal costs in preparing a compensation claim.</td>
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<td>The legislation likewise ensures that following a compulsory acquisition the usual regime for compensation applies.</td>
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<td>The Combined Authority is not permitted to dispose of land for less than the best consideration it can reasonably obtain, unless the Secretary of State consents. The restriction to dispose of land for less than best consideration does not apply where the Combined Authority proposes to dispose of land by granting or assigning a short tenancy (a term of seven years or less). Unless the Secretary of State consents, the Combined Authority is not permitted to dispose of land that it has acquired by way of compulsory purchase. Such a disposal would also be subject to the restrictions on disposal at less than best consideration. Aside from this, the Combined Authority may dispose of land held by it in any way it considers appropriate.</td>
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<td>Any burial ground which has been used for the burial of the dead may not be used by the Combined Authority until prescribed requirements about the removal and reinternment of human remains, and the disposal of monuments, have been complied with.</td>
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### Housing and Regeneration Functions – Acquisition and Appropriation of Land for Planning and Public Purposes

**Appropriation**

These provisions empower the combined authority to acquire compulsorily, or by agreement, any land in their areas:

- **(a)** if the authority thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land; or
- **(b)** which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

The 1990 Act thus gives very wide powers to such an authority to acquire land for development by itself or to acquire and assemble it for disposal to private developers. The power under (a) must not, however, be exercised unless the authority thinks that the development, etc. is likely to contribute to the achievement of the promotion or achievement of any one or more of the economic, social or environmental well-being of its area. It is immaterial by whom the authority proposes that any activity or purpose mentioned should be undertaken or achieved, and it need not propose to undertake the activity or achieve the purpose itself.

As in the power listed above, the Acquisition of Land Act 1981 sets out a uniform procedural code for the authorisation of compulsory purchase. On completion of a compulsory acquisition of land under s.226, all private rights of way and rights in respect of apparatus are extinguished and the apparatus vests in the acquiring authority; this does not apply to the rights of statutory undertakers; compensation is payable for any loss.

The following provisions of the **Town and Country Planning Act 1990** are exercisable by the Combined Authority in relation to the area of the Combined Authority:

1. **Article 7, 2017 Order**
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<td></td>
<td>Disposal</td>
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<td>(j) section 239 of the Town and Country Planning Act 1990 (use and development of burial grounds); and</td>
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<td>(k) section 241 (use and development of open spaces).</td>
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<td>J</td>
<td>Housing and Regeneration Functions – Designation of Metro Mayoral Development Areas and Metro Mayoral Development Corporations</td>
<td></td>
<td>The following provisions of the Localism Act 2011 as modified to correspond to the Combined Authority and the Combined Authority area:</td>
<td>Articles 10-13, 2017 Order</td>
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<td>(a) section 197 (designation of Metro Mayoral development areas);</td>
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<td>(b) section 199 (exclusion of land from Metro Mayoral development areas);</td>
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<td>(c) section 200 (transfers of property etc. to a Metro Mayoral development corporation);</td>
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<td>(d) section 202 (functions in relation to Town and Country Planning);</td>
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<td>transferring property, rights and liabilities of the Combined Authority or a functional body, other than the Metro Mayoral development corporation, to a Metro Mayoral development corporation.</td>
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<td>(e) section 204 (removal or restriction of planning functions);</td>
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<td>A Metro Mayoral development corporation’s object is to secure the regeneration of its area and it may only do anything it considers appropriate for that purpose or incidental purposes. A Metro Mayoral development corporation can also have specific powers, which must be exercised for that purpose or incidental purposes. Once established, the Combined Authority is obliged to review, from time to time, the continuing existence of a Metro Mayoral development corporation.</td>
<td></td>
<td>(f) section 214 (powers in relation to discretionary relief from non-domestic rates);</td>
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<td>A Metro Mayoral development corporation can become the local planning authority for the purposes, separately or collectively, of plan making, development control and neighbourhood planning. Once made, these planning functions may be removed or restricted by the Combined Authority.</td>
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<td>(g) section 215 (reviews);</td>
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<td>Subject to prior consultation, the power to grant discretionary relief from business rates may be transferred from the relevant local authorities to a Metro Mayoral development corporation.</td>
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<td>(h) section 216 (transfers of property, rights and liabilities);</td>
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<td>The Combined Authority may transfer any Metro Mayoral development corporation property, rights or liabilities and also require the Secretary of State to revoke the order that established a Metro Mayoral development corporation, provided the Metro Mayoral development corporation has no property, rights or liabilities.</td>
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<td>(i) section 217 (dissolution: final steps);</td>
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<td>The Combined Authority may, following consultation, issue guidance or revoke or vary previous guidance to Metro Mayoral development corporations, which the Metro Mayoral development corporation must have regard to</td>
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<td>(j) section 219 (guidance by the Metro Mayor);</td>
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<td>Provisions are laid out for Membership, Terms of appointment of members, Staff, Remuneration etc.: members and staff, Committees and Proceedings and meetings of a Metro Mayoral development corporation, together with application of local government provisions concerning political restriction of officers, role of the monitoring officer and finance.</td>
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<td>(k) section 221 (consents);</td>
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<td>(l) paragraph 1 of Schedule 21 (membership);</td>
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<td>(m) paragraph 2 of Schedule 21 (terms of appointment of members);</td>
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<td></td>
<td>(n) paragraph 3 of Schedule 21 (staff);</td>
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<td>(o) paragraph 4 of Schedule 21 (remuneration etc.: members and staff);</td>
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<td></td>
<td>(p) paragraph 6 of Schedule 21 (committees); and</td>
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<td>(q) paragraph 8 of Schedule 21 (proceedings and meetings).</td>
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<td>K</td>
<td>Power to pay grant</td>
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<td>The following provisions of the <strong>Local Government Act 2003</strong>, as modified to correspond to the Liverpool City Region Combined Authority and the Combined Authority area:</td>
<td>Article 14, 2017 Order</td>
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<td>The Combined Authority is enabled through this power to make a grant for any purpose, capital or revenue, to any local authority in the Liverpool City Region towards expenditure incurred or to be incurred it.</td>
<td>3, 14, 15</td>
<td>- section 31 (power to pay grant).</td>
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<td>If the grant is intended to be paid to a constituent council in relation to the exercise of its highway functions, the Combined Authority must, in determining the amount of grant,</td>
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<td>- have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of those functions; and</td>
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<td>- in doing so, take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.</td>
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<td>The Combined Authority may place conditions on the payment of the grant, which may, in particular, include provision as to the use of the grant by the individual local authority and provision as to circumstances in which the whole or part of the grant must be repaid.</td>
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<td>Transport Functions – Agreements between authorities and improvement of highways</td>
<td></td>
<td>The following provisions of the <strong>Highways Act 1980</strong> are exercisable by the Combined Authority in relation to the area of the Combined Authority:</td>
<td>Article 15, 2017 Order</td>
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<td>The Combined Authority may enter into an agency agreement with the Secretary of State, whereby the Secretary of State may delegate to the Combined Authority all or any of his functions (including functions under a local or private Act) in relation to the Liverpool City Region area with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired in connection with a trunk road.</td>
<td>2.</td>
<td>(a) section 6 (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc.);</td>
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<td></td>
<td>The Combined Authority may also enter into an agency agreement with local highway authorities and strategic highways companies in relation to the Liverpool City Region area in respect of the construction, improvement or maintenance etc. of a highway for which any party to the agreement is the highway authority.</td>
<td></td>
<td>(b) section 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)</td>
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<td><strong>Transport Functions – Road Safety</strong>&lt;br&gt;The combined authority may prepare and carry out a programme of measures designed to promote road safety and may contribute towards the cost of measures for promoting road safety taken by other authorities or bodies. The combined authority may carry out studies into accidents arising out of the use of vehicles on roads or parts of roads, (other than roads for which the Secretary of State is the highway) within the area, and in the light of those studies:&lt;br&gt;- take such measures, as appear to the authority to be appropriate to prevent such accidents, and&lt;br&gt;- take such measures in constructing new roads as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use.</td>
<td></td>
<td>The following provisions of the <strong>Road Traffic Act 1988</strong> are exercisable by the Combined Authority in relation to the area of the Combined Authority:&lt;br&gt;- Sections 39(2) and 39(3) (duties of local authorities to prepare and carry out a programme of measures designed to promote road safety, and carry out studies into accidents arising out of the use of vehicles on certain roads within their areas).</td>
<td>Article 16, 2017 Order</td>
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<td>N</td>
<td><strong>Transport Functions – Traffic Regulation</strong>&lt;br&gt;The Combined Authority may exercise the functions of a traffic authority in the combined authority area in relation to the making of traffic regulation orders, where it appears to the authority making the order that it is expedient to make it—&lt;br&gt;- (a) for avoiding danger, or the likelihood of danger, to persons or other road traffic;&lt;br&gt;- (b) for preventing damage to the road or to any building;&lt;br&gt;- (c) for facilitating the passage of any class of traffic (including pedestrians);&lt;br&gt;- (d) for preventing the use of the road by unsuitable vehicular traffic;&lt;br&gt;- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot;&lt;br&gt;- (f) for preserving or improving the amenities of the area; or&lt;br&gt;- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).&lt;br&gt;A permanent traffic regulation order made by the Combined Authority is restricted to including only provisions —&lt;br&gt;- (a) specifying through routes for heavy commercial vehicles, or&lt;br&gt;- (b) prohibiting or restricting the use of heavy commercial vehicles (except in such cases, if any, as</td>
<td></td>
<td>The following provisions of the <strong>Road Traffic Regulation Act 1984</strong> are exercisable by the Combined Authority in relation to the area of the Combined Authority:&lt;br&gt;- (a) section 1 (traffic regulation orders outside Greater London);&lt;br&gt;- (b) section 2(4) (what a traffic regulation order may provide); and&lt;br&gt;- (c) section 9 (experimental traffic schemes)</td>
<td>Article 17, 2017 Order</td>
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<td>may be specified in the order) in such zones or on such roads as may be so specified, as the Combined Authority considers expedient for preserving or improving the amenities of their area or of some part or parts of their area. The Combined Authority may also make an experimental traffic order in the area, which may prohibit, restrict or regulate the use of a road by vehicular traffic or pedestrians or vehicular traffic or pedestrians of a specified class but may not continue in force for longer than 18 months.</td>
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<td>O</td>
<td><strong>General power of competence</strong></td>
<td></td>
<td>Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the <em>Localism Act 2011</em></td>
<td>Article 13 and Schedule 2, paragraph 1 to the 2014 Order</td>
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<td>The general power of competence gives the authority the same power to act that an individual generally has. This expressly includes the power to do things that are unlike anything that any other public body has done before, or may currently do. There are several boundaries to any exercise the general power, including the definition of ‘an individual’. Other statutory limitations or restrictions include: (a) those that apply to existing powers that are overlapped by the general power; (b) any express prohibitions, restrictions and limitations within primary or secondary legislation, to the use of the general power (but restrictions in post-commencement legislation will only apply to the general power where they are expressed to do so); (c) that the general power does not give local authorities power to delegate or contract out of their functions, nor to alter governance arrangements; and (d) the limits on doing things for commercial purpose in exercise of the general power.</td>
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<td><strong>Incidental functions conferred on the Combined Authority</strong></td>
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<td>The following provisions are exercisable by the Combined Authority:- (a) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);</td>
<td>Article 14, 2014 Order</td>
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<td>Where the Combined Authority considers it expedient for the promotion or protection of the interests of the inhabitants of their area it may:</td>
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<td>(b) Section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings); and</td>
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<td>- prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name; and</td>
<td></td>
<td>(c) subsection 1(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)</td>
<td>Article 15, 2014 Order</td>
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<td>- in their own name, make representations in the interests of the inhabitants at any public inquiry.</td>
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<td>The Combined Authority may conduct the function of carrying out, or assisting in carrying out, investigations into, and the collection of information relating to, any matters concerning that area or any part of it and may make arrangements for the information and the results of any such investigation to be made available to any other local authority in the area, any government department or the public. This is the case regardless of there being a scheme is in place as referred to in the legislation.</td>
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<td>Q</td>
<td><strong>General power a combined authority and boundaries to use of that power</strong></td>
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<td>(d) S113A and s113B of the Local Democracy, Economic Development and Construction Act 2009</td>
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<td>This gives powers to an authority to do (a) anything it considers appropriate to its functions, (b) anything incidental to those functions, (c) anything indirectly incidental (however indirectly incidental that might be) and (d) anything it considers to be connected with its functions or anything it may do under (a), (b) or (c). It also confirms in paragraph (e) that anything that it now has the power to do for a non-commercial purpose, it may also do for a commercial purpose.</td>
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<td>Q</td>
<td><strong>Functions conferred on the Authority by local government legislation</strong></td>
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<td>Section 119 and Sched 6 of the Local Democracy, Economic Development and Construction Act 2009 (amendments relating to EPBs and combined authorities) applies a number of local government and transport law provisions to the Combined Authority through amendments made to the following:</td>
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<td>The Combined Authority is defined as a “local authority”, and the duties and powers of a local authority accordingly apply, in respect of specified provisions of the legislation.</td>
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<td>- (a) Landlord and Tenant Act 1954</td>
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<td>Notwithstanding the number and range of provisions applied, the duties and powers in relation to the governance of the Combined Authority include those concerning the:-</td>
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<td>(b) Trustee Investments Act 1961</td>
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<td>(i) <strong>holding and conduct of local authority meetings</strong> now include the Combined Authority (as defined under section 99 and Schedule 12 of the Local Government Act 1972)</td>
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<td>(c) Local Government (Records) Act 1962</td>
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<td>(d) Local Government Act 1966</td>
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<td>(e) Leasehold Reform Act 1967</td>
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<td>(ii)</td>
<td>access to meetings and documents of certain authorities, committees and sub-committees (as per section 100J of the Local Government Act 1972)</td>
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<td>(f) Transport Act 1968</td>
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<td>(iii)</td>
<td>means by which functions may be discharged (as per section 101(13) of the Local Government Act 1972),</td>
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<td>(g) Local Government Grants (Social Need) Act 1969</td>
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<td>(iv)</td>
<td>the power to prosecute or defend legal proceedings (as per section 222(2) of the Local Government Act 1972),</td>
<td></td>
<td>(h) Employers’ Liability (Compulsory Insurance) Act 1969</td>
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<td>(v)</td>
<td>Local Government Ombudsman investigations and complaints (as per section 25(1) of the Local Government Act 1974)</td>
<td></td>
<td>(i) Local Authorities (Goods and Services) Act 1970</td>
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<td>(vi)</td>
<td>political restriction of officers and staff (Part 1: section 21(1)(jb) of the Local Government and Housing Act 1989)</td>
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<td>(j) Local Government Act 1972</td>
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<td>(ix)</td>
<td>duty to consider crime and disorder (as per section 17(2) of the Crime and Disorder Act 1998)</td>
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<td>(m) Health and Safety at Work etc. Act 1974</td>
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<td>(x)</td>
<td>best value authority status of the Combined Authority (as per section 1(1) of the Local Government Act 1999)</td>
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<td>(n) Local Government (Miscellaneous Provisions) Act 1976</td>
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<td>(xi)</td>
<td>freedom of information (as per Schedule 1 to the Freedom of Information Act 2000)</td>
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<td>(o) Race Relations Act 1976</td>
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<td>(xii)</td>
<td>recipient of grants by the Sec State for the purpose of enabling the authority to carry out any of their functions (as per section 157 Transport Act 2000)</td>
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<td>(p) Rent (Agriculture) Act 1976</td>
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<td>(xiii)</td>
<td>capital finance and accounts provisions (as per section 23 Local Government Act 2003)</td>
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<td>(q) Rent Act 1977</td>
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<td><strong>Overview and Scrutiny Committees, Access to Information and Audit and Governance Committees</strong></td>
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<td>(kk) Town and Country Planning Act 1990</td>
<td>The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017</td>
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<td>In addition to or in place of, the general local government provisions above, specific powers and duties are established for combined authorities in respect of:</td>
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<td>(ll) Local Government (Overseas Assistance) Act 1993</td>
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<td>- Overview and Scrutiny Committee(s);</td>
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<td>(mm) Railways Act 1993</td>
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<td>- Key decisions; and</td>
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<td>(nn) Deregulation and Contracting Out Act 1994</td>
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<td>(ww) Police Reform Act 2002</td>
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<td>(bbb) Local Government and Public Involvement in Health Act 2007</td>
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<td>Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area</td>
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<td>(1) The functions of the Secretary of State set out in parts of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Liverpool City Region:</td>
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<td>(a) section 86 (education and training for persons aged 19 or over and others subject to adult detention) (1);</td>
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<td>(b) section 87 (learning aims for persons aged 19 or over: provision of facilities) (2); and</td>
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<td>(c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees) (3).</td>
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<td>(2) The functions mentioned in paragraph do not include:</td>
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<td>(a) any functions relating to apprenticeship training;</td>
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<td>(b) any functions relating to persons subject to adult detention; or</td>
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<td>(c) any power to make regulations or orders.</td>
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**Principal Legislative Provisions**
- The Apprenticeships, Skills, Children and Learning Act 2009
- The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018/1142
**NB** Conditions, Qualifications and Provisions of Note in Exercise of the Functions

1. In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Combined Authority the PTE, Merseytravel, is to be treated as if it were an officer of the Combined Authority.

2. The Combined Authority holds these powers and duties concurrently with the Constituent Councils. (Where relevant, any requirement in any of the provisions for a Constituent Council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority).

3. These powers and duties are a general function of the Combined Authority exercisable only by the Metro Mayor (who will exercise the function and may delegate authority in accordance with Part 3, Section B).

4. The Metro Mayor may only exercise these functions if—
   (a) the Metro Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority—
      (i) a draft of the local transport plan,
      (ii) a draft of the local transport plan with any alterations, or
      (iii) a replacement of the local transport plan,

   stating that the Metro Mayor is proposing to exercise the Metro Mayor’s functions under sections 108 or 109 of the 2008 Act; and

   (b) the consideration period for the document has expired without the Combined Authority having rejected the proposal, for which purposes:
      (i) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the Combined Authority in accordance with standing orders of the Combined Authority, and
      (ii) the Combined Authority rejects a proposal if it resolves to do so on a motion—
          (1) considered at a meeting of the Combined Authority, and
          (2) agreed to by at least two thirds of the members of the Combined Authority appointed by the constituent councils or the substitute members acting in place of that member, present and voting.
5. The exercise of the functions in section 334 (the spatial development strategy), 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Metro Mayor requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

6. The exercise of these functions by the Metro Mayor requires the consent of the member of the Combined Authority appointed by the constituent council to whom the application for planning permission was made, or the substitute member acting in place of that member, to be provided at a meeting of the Combined Authority.

7. The Combined Authority is limited in its exercise of these functions to doing so only for the purposes of, or for purposes incidental to, the following objects—
   (a) to improve the supply and quality of housing in the Area,
   (b) to secure the regeneration or development of land or infrastructure in the Area,
   (c) to support in other ways the creation, regeneration or development of communities in the Area or their continued well-being, and
   (d) to contribute to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

8. These functions are exercisable concurrently with the Homes and Communities Agency (HCA).

9. The exercise of the functions in section 9 of the 2008 Act by the Metro Mayor requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members.

10. The exercise of the functions in section 226 of the 1990 Act by the Metro Mayor requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members.

11. The exercise by the Metro Mayor of the functions corresponding to the functions specified in section 197 (designation of Metro Mayoral development areas) of the 2011 Act requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Metro Mayoral development area.
12. The exercise by the Metro Mayor of the functions corresponding to the functions specified in section 199 (exclusion of land from Metro Mayoral development areas) of the 2011 Act in respect of any Metro Mayoral development area requires the consent of each member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Metro Mayoral development area.

13. The exercise by the Combined Authority of the functions corresponding to the functions specified in section 202(2) to (4) of the 2011 Act (functions in relation to Town and Country Planning) in respect of any Metro Mayoral development area requires the consent of all members of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

14. The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

15. The Metro Mayor may only exercise these functions if—

(a) the Metro Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority, a document stating that the Metro Mayor is proposing to pay a grant to one or more of the Constituent Councils towards expenditure incurred or to be incurred by it in relation to the exercise of its highway functions, and

(b) the consideration period for the document has expired without the Combined Authority having rejected the proposal, for which purposes:

(i) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the Combined Authority in accordance with standing orders of the Combined Authority, and

(ii) the Combined Authority rejects a proposal if it resolves to do so on a motion—

(1) considered at a meeting of the Combined Authority, and

(2) agreed to by at least two thirds of the members of the Combined Authority appointed by the constituent councils or the substitute members acting in place of that member, present and voting.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 3

Bodies of the Combined Authority
and
Responsibility for Functions
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A. THE COMBINED AUTHORITY

1. Overview

1.1 Meetings of the Combined Authority are of the body corporate, whose role it is to oversee and undertake responsibility for the exercise of those functions granted to the Combined Authority through the Local Democracy, Economic Development and Construction Act 2009 and the 2014 and the 2017 Orders made under it and any subsequent enactments.

2. Membership

2.1 Membership of the Combined Authority shall consist of:

(a) the directly elected Combined Authority Metro Mayor (‘the Metro Mayor’);

(b) six Constituent Council Members, whereby each of the Constituent Councils shall appoint:
   (i) one of its elected members (including any directly elected Mayor) as a member of the Combined Authority; and
   (ii) another elected member (including any directly elected Mayor) as a substitute member of the Combined Authority to act in the absence of the member appointed under (i) above, one of whom shall be appointed by the Metro Mayor as Deputy Mayor/Chair; and

(c) the Local Enterprise Partnership Member, whereby the Local Enterprise Partnership shall nominate:
   (i) one of its members to be a member of the Combined Authority; and
   (ii) another of its members as a substitute member of the Combined Authority to act in the absence of the member appointed under (i) above, who shall be a non-voting Member of the Combined Authority.

Where a substitute member attends any meeting of the Combined Authority in the place of a Member, they shall be treated as if they were the Member and will hold and be able to exercise all the same rights, powers, responsibilities and obligations accordingly.

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

2.2 Term of Membership

(a) The term of office of the Metro Mayor returned at an election for the return of a Metro Mayor for the area:
   (i) begins with the fourth day after the day of the poll at the election for the return of a Metro Mayor for the area, and
   (ii) ends with the third day after the day of the poll at the next election for the return of a Metro Mayor for the area.
(b) Other members or substitute members cease to be a member or substitute member of the Combined Authority if they cease to be:
   (i) a member of the constituent council that appointed them; or
   (ii) a member of the Local Enterprise Partnership that nominated them.

(c) A person may resign as a member or substitute member of the Combined Authority by written notice served on the Monitoring Officer of the constituent council or the chairman or vice-chairman of the Local Enterprise Partnership (as the case may be) of:
   (i) the constituent council that appointed them; or
   (ii) the Local Enterprise Partnership that nominated them, and the resignation shall take effect on receipt of the notice by the Monitoring Officer of the council or chairman or vice-chairman of the Local Enterprise Partnership (as the case may be).

(d) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (b) or (c)—
   (i) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person's place;
   (ii) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place and, on receipt of that notice, the Combined Authority shall appoint the nominee as the Local Enterprise Partnership Member at the next ordinary meeting of the Combined Authority.

(e) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person's place.

(f) Where a constituent council exercises its power under sub-paragraph (e), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate 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.

(g) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person's place.

(h) Where the Local Enterprise Partnership exercises its power under sub paragraph (g), it must give written notice of the new nomination together with the termination of the previous appointment to the Combined Authority and, on receipt of that notice, the Combined Authority shall appoint the nominee as the Local Enterprise Partnership Member and the new appointment shall take effect and the previous appointment terminate.
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.

2.3 **Chair.** The Metro Mayor or, in his or her absence, the Deputy Mayor/Chair shall chair all meetings of the Combined Authority when present.

2.4 **Quorum.** No business of the Combined Authority shall be transacted unless at least four Constituent Council Members or substitute members appointed are present.

3. **Meetings and Procedure**

3.1 **Voting**

(a) Subject to those matters at paragraphs (d) and (e) below, any matters that are to be decided by the Combined Authority are to be decided by a majority of the members present and voting on that question at a meeting of the Combined Authority, such majority to include the Metro Mayor, if the Metro Mayor is in post, or the deputy Metro Mayor/Chair acting in place of the Metro Mayor, if the deputy Metro Mayor/Chair is in post, and substitute members, acting in place of members.

(b) Each member, or a substitute member acting in that member’s place, and the Metro Mayor, if the Metro Mayor is in post, or the deputy Metro Mayor/Chair acting in place of the Metro Mayor, if the deputy Metro Mayor/Chair, is in post is to have one vote and no member or substitute member is to have a casting vote.

(c) If a vote is tied on any matter it shall be deemed not to have been carried.

(d) A decision on a question relating to any of the matters specified below, where such a question does not relate to the exercise of a general function exercisable only by the Metro Mayor in accordance with the Orders, requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members, acting in place of those members, present and voting on that question to be carried at a meeting of the Combined Authority. The matters referred to are:-

(i) the determination and review of any transitional arrangements on transport;
(ii) all matters relating to the constitution of the Combined Authority;
(iii) amendments to the standing orders of the Combined Authority;
(iv) all matters relating to the management, maintenance and funding of the Key Route Network of local roads which are to be maintained by the Combined Authority; and
(v) such matters as may be determined by the Combined Authority and set out in the standing orders within this Constitution, which are currently :-

(1) the co-option of additional members onto the Combined Authority.
(e) Where the exercise of a function exercisable by the Metro Mayor requires a period to have first expired without the Combined Authority having rejected or vetoed the proposals in question, as referred to below, the Combined Authority may reject or veto the proposal within that period only if it resolves to do so on a motion moved at a meeting of the Combined Authority and carried by at least two thirds of the members of the Combined Authority appointed by the constituent councils or the substitute members acting in place of that member, present and voting. The matters referred to are:-

(i) the proposals in exercise of the general functions of the Combined Authority exercisable only by the Metro Mayor as referred to at paragraphs 6.1(a)(ii) and 6.1(a)(iii) of Section B below; and

(ii) the proposals contained in the Metro Mayor’s draft budget (or revised draft budget) as set out at Part 5 - Section A(B) of this Constitution.

See the Summary Voting Guide (page 79) which sets out the type of voting required on a range of functions and responsibilities.

3.2 Procedure

(a) The Combined Authority will conduct business in accordance with the meeting standing orders, access to information rules and other standing orders, codes and protocols set out in Part 4 of this Constitution.

(b) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

4. Committees and advisory bodies

4.1 The Combined Authority will establish an Overview and Scrutiny Committee and an Audit and Governance Committee in accordance with legislative requirements and as described in Sections C to D below.

4.2 The Combined Authority:

(a) will establish the following standing Committees of the Combined Authority:

(i) Appointments and Disciplinary Committee

(ii) Transport Committee

as described in Section E and F;

(b) may establish such other Committees or Sub-Committees of the Combined Authority, which may include the co-option of any member of a Constituent Council or of any non-voting members, as it sees fit; and

(c) may establish such advisory panels and ad-hoc working groups as it considers may be expedient to assist it.
5. **Delegation**

5.1 The Combined Authority shall maintain and publish a scheme setting out where responsibility for the exercise of Combined Authority functions are delegated to:

(a) a Committee or Sub-Committee of the Combined Authority;

(b) an officer of the Combined Authority (including Merseytravel) or

(c) by joint arrangements with another authority.

5.2 The Combined Authority or specified nominated Members will need from time to time to act as a shareholder and/or guarantor for companies and/or joint ventures that it holds a legal interest in. When the Combined Authority owns or jointly owns such an entity it will generally appoint Members of the Combined Authority to represent the shareholders interest and/or to be a guarantor. The Combined Authority will also generally appoint one or more Combined Authority officers to act as Directors of the legal entity. To manage those types of legal interests the following arrangements and/or delegations are/or may be required:

(a) To establish a Sub Committee of the Combined Authority to manage those interests. Membership. Terms of reference, frequency of meeting, to be determined at the point of establishment and to be incorporated into the constitution as necessary.

The purpose of such arrangements would be to:

(1) Monitor the performance of a company in relation to its Business Plans and, in particular, the company’s performance:
   a. in financial matters;
   b. against the social goals of the company as set out in the company’s Objects, Business Case or Business Plans; and
   c. against the values of the Combined Authority.

(2) Evaluate and monitor:
   a. the financial and social returns on investment (be that shareholding, loans or direct investment); and
   b. risks and opportunities including those arising from joint ventures or new opportunities.

(3) Consider matters reserved to the Combined Authority for shareholder and/or guarantor approval, such as:
   a. Varying Articles of Association;
   b. Varying ownership and structure;
   c. Variations to shares (number of, rights, etc. or level of guarantor commitment;
   d. Entering contracts that:
      i. have a material effect on the business of the Combined Authority (including other companies within the group);
ii. are outside of the business plan or do not relate to the business; and
iii. significant in relation to the size of the business, the business plan, etc.
e. Material legal proceedings outside of ordinary business;
f. Adopting and amending business plans each year and strategic plans (3 years);
g. Appointment, removal and the remuneration of directors (members of the company board);
h. Selection of the chair of the board;
i. Appointment of auditors; and
j. Issue of dividends.
as more particularly set out in a company’s Articles of Association or Shareholder Agreement.

(b) report and make formal recommendations to the Combined Authority, directly meeting as it sees fit;

(c) make reports to and consult other committees of the Combined Authority or; and

(d) make reports to and consult the Combined Authority’s Audit Committee, in relation to that Committee’s particular functions.

6. **Functions**

6.1 All functions available to the Combined Authority aside from those functions allocated by legislation to other bodies of the Combined Authority and those delegated and set out in Part 2.
B. THE METRO MAYOR

1. Overview

1.1 The Metro Mayor is the directly elected executive leader of the Combined Authority. As well as being the Chair of meetings of the Combined Authority, some functions are conferred solely on the Metro Mayor. These functions are to be exercised as set out below.

2. Procedure for decision making by the Metro Mayor

2.1 Subject to decisions made under paragraph 2.2 below, the Metro Mayor (or the Deputy Mayor/Chair or other Combined Authority Member acting under delegated authority) will make decisions only in the presence of a convened meeting of the Combined Authority.

2.2 The Metro Mayor (or Deputy Mayor/Chair or other Combined Authority Member acting under delegated authority) may take a Metro Mayoral decision other than at a meeting of the of the Combined Authority convened and conducted in accordance with Part 4 of this Constitution only in the following circumstances:

(a) that the decision will not be a key decision (as defined in paragraph 11 of the Access to Information Procedure Rules set out at Part 4B of this Constitution);

(b) that the subject of the decision will not be directly related to transport or spatial planning matters;

(c) that the decision will be made following consideration by the Metro Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were a key decision;

(d) that the provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;

(e) that the provisions of the Access to Information Procedure Rules shall apply; and

(f) that the decision shall not be made until the Metro Mayor has confirmed his/her agreement by signing a Metro Mayoral Decision Proforma which is set out in Part 3 (page 84).

2.3 All Metro Mayoral decisions shall:

(a) record the considerations, options, recommendation and reasons for making the decision;

(b) be in a log held by the Monitoring Officer and available for public inspection; and
(c) be published on the Combined Authority’s website.

Save that no information which is ‘exempt’ or ‘confidential’ as defined in the Combined Authority’s Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.

3. **Qualified decision making**

3.1 This means decisions that require the Metro Mayor to have:

(a) first undertaken steps of consultation;

(b) obtained the consent of a relevant Member of the Combined Authority; or

(c) obtained the unanimous consent of the Members of the Combined Authority appointed by the constituent councils,

as set out at paragraph 5 below, may only be made at a meeting of the of the Combined Authority convened and conducted in accordance with Part 4 of this Constitution.

Please see the Summary Voting Table (page 79) in Part 3 of this Constitution.

4. **Delegation**

4.1 The Metro Mayor will

(a) appoint one of the members of the Combined Authority as deputy Mayor/Chair;

(b) allocate a clear portfolio of lead responsibilities to each of the Members of the Combined Authority, who will act as a supporting and advisory function on their respective policy areas on behalf of the Metro Mayor and the Combined Authority. These will be referred to as Portfolio Holders/Members; and

(c) maintain and publish a scheme setting out where responsibility for the exercise of particular Metro Mayoral functions, if any, are delegated to the Deputy Metro Mayor/Chair, an individual Member (in which circumstances the procedural provisions above shall apply) or officer of the Combined Authority or by joint arrangements with another authority.

5. **Deputy Portfolio Holders**

5.1 For each of the Portfolio’s agreed by the CA, the Portfolio Holder/Member will have the benefit and support of a Deputy Portfolio Holder.
5.2 Appointment to the position of Deputy Portfolio Holder will be in accordance with a process agreed between the Metro Mayor and the Portfolio Holders/Members.

5.3 The person appointed to be a Deputy Portfolio Holder should where possible be of a different gender to the Portfolio Holder/Member for a particular Portfolio.

5.4 A Deputy Portfolio Holder must not serve in any capacity, on the Overview and Scrutiny Committee, and by virtue of this statement it is to be noted that a Deputy Portfolio Holder cannot serve on the Audit and Governance Committee.

5.5 Deputy Portfolio Holders will have a standing invitation to attend all meetings of the Combined Authority. At such meetings they will be entitled to speak but not vote.

5.6 Unless stated otherwise, in a Combined Authority meeting, it is assumed that Deputy Portfolio Holders will be able to receive exempt papers and remain when exempt papers are being considered as part of a Combined Authority meeting.

6. Functions

6.1 Subject to the conditions set out in paragraphs 6.2 - 6.11 below, the following functions are general functions of the Combined Authority exercisable only by the Metro Mayor:

(a) the functions of the Combined Authority as listed in Part 2 of this Constitution, being:

(i) Section H: Housing and Regeneration - functions corresponding to functions that the Homes England) has in relation to the area of the Combined Authority;

(ii) Section K: Transport - Power to pay grant; and

(iii) Section B: Transport Functions of the Constituent Councils delegated to the Authority, insofar as it relates to the functions set out in sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the Transport Act 2000 Act.

(b) the functions of the Combined Authority corresponding to the functions of other public bodies as listed in Part 2 of this Constitution, being:

(i) Sections

(1) G: Planning – planning applications of potential strategic importance; and

(2) I: Housing and Regeneration - Acquisition and appropriation of land for planning and public purposes.
(ii) Section F: Planning - Spatial development strategy (with the exception of (k)); and

(iii) Section J: Metro Mayoral development areas - Designation of Metro Mayoral development areas.

6.2 The exercise by the Metro Mayor of the functions mentioned in paragraph 6.1(b)(i), more particularly referred to in Part 2, G, requires the consent of the member of the Combined Authority appointed by the constituent council to whom the application for planning permission was made, or the substitute member acting in place of that member, to be provided at a meeting of the Combined Authority.

6.3 In respect of the functions mentioned in paragraph 6.1(b)(ii), those in exercise of section 334 (the spatial development strategy), 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act, more particularly referred to in Part 2, F(a), (b), (c), (d), & (h) by the Metro Mayor requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

See the Summary Voting Table, Part 3 (page 79), which sets out the type of voting required on a range of functions and responsibilities.

6.4 The Metro Mayor may only exercise functions mentioned in paragraph 6.1(a)(iii), more particularly referred to in Part 2, B, if:

(a) the Metro Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority:
   (i) a draft of the local transport plan,
   (ii) a draft of the local transport plan with any alterations, or
   (iii) a replacement of the local transport plan,

   stating that the Metro Mayor is proposing to exercise the Metro Mayor’s functions under sections 108 or 109 of the Housing and Regeneration Act 2008, and

(b) the consideration period for the document has expired without the Combined Authority having rejected the proposal.

6.5 The Metro Mayor may only exercise functions mentioned in paragraph 6.1(a)(ii), more particularly referred to in Part 2, K if:

(a) the Metro Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority, a document stating that the Metro Mayor is proposing to pay a grant to one or more of the constituent councils towards expenditure incurred or to be incurred by it in relation to the exercise of its highway functions; and
(b) the consideration period for the document has expired without the Combined Authority having rejected the proposal.

6.6 The exercise of the functions by the Metro Mayor in respect of:

(a) section 9 of the Housing and Regeneration Act 2008 (acquisition of land), within those functions mentioned in paragraph 6.1(a)(i) and more particularly referred to in part 2, H (e); and

(b) section 226 Town and Country Planning Act 1990 (compulsory acquisition of land for development and other planning purposes), within those functions mentioned in paragraph 6.1(b)(i) and more particularly referred to in Part 2, I(a);

requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

6.7 The exercise by the Metro Mayor of the functions corresponding to the functions specified in section 197 (designation of Metro Mayoral development areas) of the Localism Act 2011, within those functions mentioned in at paragraph 6.1(b)(iii), more particularly referred to in Part 2 J (a) requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Metro Mayoral development area, to be provided at a meeting of the Combined Authority.

6.8 The exercise by the Metro Mayor of the functions corresponding to the functions specified in section and 199 (exclusion of land from Metro Mayoral development areas) of the Localism Act 2011, within those functions mentioned in paragraph 6.1(b)(iii) and referred to in Part 2, J (b), in respect of any Metro Mayoral development area requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Metro Mayoral development area to be provided at a meeting of the Combined Authority.

6.9 The exercise by the Combined Authority of the functions corresponding to the functions specified in section 202(2) to (4) of the Localism Act 2011 (functions in relation to Town and Country Planning), within those functions mentioned in paragraph 6.1(b)(iii) and referred to in Part 2, J (d) in respect of any Metro Mayoral development area requires the consent of all members of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions, to be provided at a meeting of the Combined Authority.
6.10 Members and officers of the Combined Authority may assist the Metro Mayor in the exercise of the functions mentioned in paragraph 6.1 above.

6.11 For the purposes of paragraphs 6.4(b) and 6.5(b) above,

(a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the Combined Authority in accordance with standing orders of the Combined Authority, and

(b) the Combined Authority rejects a proposal if it resolves to do so on a motion:
   (i) considered at a meeting of the Combined Authority, and
   (ii) agreed to by at least two thirds of the members of the Combined Authority appointed by the constituent councils or the substitute members acting in place of that member, present and voting.

6.12 For the purposes of the exercise of the general functions mentioned in paragraph 6.1, the Metro Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of Economic Prosperity Board or combined authority) as referred to in Part 2, P (d).

6.13 Finance and budgeting functions that are exercisable by the Metro Mayor are as set out at Part 5 Section A (B) of this Constitution.

6.14 Anything which, immediately before 8th May 2017, is in the process of being done by or in relation to the Combined Authority or by or in relation to a constituent council for the purposes of or in connection with the functions mentioned in paragraph 6.1, is to be treated as having been done by or in relation to the Metro Mayor.

7 Metro Mayor’s Political Adviser

7.1 The Metro Mayor may appoint one person as the Metro Mayor’s Political Adviser.

7.2 Any appointment under paragraph 7.1 is an appointment as an employee of the Combined Authority.

7.3 No appointment under paragraph 7.1 shall extend beyond:
   (a) the term of office for which the Metro Mayor who made the appointment was elected; or
   (b) where the Metro Mayor who appointed the political adviser ceases to be the Metro Mayor before the end of the term of office for which the Metro Mayor was elected, the date on which the Metro Mayor ceases to hold that office.

7.4 A person appointed under paragraph 7.1 is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.
7.5 Subject to paragraph 7.6, section 9(1), (8), (9) and (11) of the Local Government and Housing Act 1989 (assistants for political groups), shall apply in relation to an appointment under paragraph 6.1 as if:
(a) any appointment to that post were the appointment of a person in pursuance of that section; and
(b) the Combined Authority were a relevant authority for the purposes of that section.

7.6 Subsection (3) of section 9 of the 1989 Act shall apply in relation to an appointment under paragraph 7.1 as if the words “and that the appointment terminates” to the end of that subsection were omitted.
C. OVERVIEW AND SCRUTINY COMMITTEE

1. Overview

1.1 The Overview and Scrutiny Committee exists to achieve greater public accountability over decisions made and services delivered to the whole Liverpool City Region in respect of those functions under the remit of the Elected Metro Mayor and Combined Authority. The committee publishes a plan each year, indicating how it will exercise its powers, and it will have the power to suspend decisions of the combined authority whilst it reviews them.

2. Membership

2.1 Appointment

(a) At the Annual Meeting of the Combined Authority the Combined Authority shall appoint such a number of members of each of the Constituent Councils to an Overview and Scrutiny Committee, so 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.

(b) An Overview and Scrutiny Committee or Sub-Committee may not include a Member of the Combined Authority or Sub-Committee (including the Metro Mayor) or a voting member of a Committee whose terms of reference include responsibility for the exercise of functions of the Combined Authority (other than functions relating to overview and scrutiny or audit and standards).

(c) Non-voting members may be co-opted from other organisations in such manner and at such times as the Overview and Scrutiny Committee may decide.

(d) Voting members (i.e. not necessarily members drawn from the constituent councils) may be co-opted by resolution of the Combined Authority, subject to maintaining that the majority of members of the Committee or any Sub-Committee must be members of Constituent Councils.

2.2 Chair

The Chair and Vice-Chair(s) of the Committee shall be appointed annually from amongst the voting members by that Committee at its first meeting following the Annual Meeting of the Combined Authority and before proceeding to other business, subject to:

(a) where the Metro Mayor is a member of a registered political party, a person may not be appointed as Chair of the Overview and Scrutiny Committee if that person is a member of the same registered political party; or
(b) where the Metro Mayor is not a member of a registered political party, a person may not be appointed as Chair of the Overview and Scrutiny Committee if that person is:
   (i) a member of the registered political party which has the most representatives among the members of the constituent councils on the combined authority, or
   (ii) where two or more parties have the same number of representatives, a member of any of those parties.

2.3 Quorum

No business of the Overview and Scrutiny Committee shall be transacted unless at least two-thirds of the voting members are present, of whom at least 6 must be constituent council members and from at least 4 of the Constituent Councils.

3. Meetings and Procedure

3.1 Any matters that are to be decided by the Overview and Scrutiny Committee or, as the case may be, a Sub-Committee of the Overview and Scrutiny Committee are to be decided:

   (a) by a simple majority of the members present;

   (b) whereby each member acting in that member’s place, is to have one vote and no member or substitute member is to have a casting vote; and

   (c) whereby if a vote is tied on any matter it shall be deemed not to have been carried.

3.2 The Committee will conduct business in accordance with the overview and scrutiny arrangements, meeting standing orders, access to information rules and other standing orders, codes and protocols set out in Part 4 of this Constitution.

4. Delegation

4.1 The Overview and Scrutiny Committee may establish such Sub-Committees, panels and ad-hoc working groups as it considers expedient to assist it and will do so where possible at the annual meeting of the Overview and Scrutiny Committee in furtherance of the Committee’s work-plan for the forthcoming year.

5. Functions

5.1 The Committee exists in order to achieve greater public accountability over decisions made and services delivered to the whole Liverpool City Region under the remit of the Combined Authority and the Metro Mayor, in respect of which the Committee has powers:

   (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the
Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority;

(b) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor with respect to the discharge of any functions that are the responsibility of the Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority; and

(c) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor on matters that affect the Combined Authority's area or the inhabitants of the area.
D. **AUDIT AND GOVERNANCE COMMITTEE**

1. **Composition**

**Membership**

The Audit and Governance Committee will be composed of 7 Members as follows:

(a) 6 Members which consist of two from the voting members of the Combined Authority and four members from the Overview and Scrutiny Committee; and

(b) 1 Independent Member.

**Chairing the Committee**

The Chair shall be appointed annually from amongst the voting membership of the Committee at its first meeting following the Annual Meeting and before proceeding to other business.

**Appointment**

The Combined Authority shall appoint an Audit and Governance Committee at the Annual Meeting of the Combined Authority, which shall consist of:

(a) members appointed from the voting members of:
   (i) Combined Authority and
   (ii) Overview and Scrutiny Committee, together with
   (iii) another elected voting member as a substitute member of the Audit and Governance Committee to act in the absence of the member appointed above, in such a manner that the members of the Audit and Governance Committee taken as a whole will 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;

(b) at least one Independent Person, appointed through the prescribed procedure and who:
   (i) is not a member, co-opted member or officer of the authority;
   (ii) is not a member, co-opted member or officer of a parish council for which the authority is the principal authority;
   (iii) is not a relative, or close friend, of a person within sub-paragraph (i) or (ii); and
   (iv) was not at any time during the 5 years ending with an appointment:
      1. a member, co-opted member or officer of the authority; or
      2. a member, co-opted member or officer of a parish council for which the authority is the principal authority; and
such non-voting members may be co-opted from other organisations in such manner and at such times as the Audit and Governance Committee may decide.

Quorum

No business of the Audit and Governance Committee shall be transacted unless at least two-thirds of the voting members are present.

Meetings and Procedure

The Committee will conduct business in accordance with the overview and scrutiny rules, meeting standing orders, access to information rules and other standing orders, codes and protocols set out in Part 4 of this Constitution.

Delegation

The Committee may establish such sub-committees, panels and ad-hoc working groups as it considers expedient to assist it.

2. Statement of Purpose

The Audit and Governance Committee is a key component in the Combined Authority’s Corporate Governance Arrangements. Its main objectives are to:

- provide an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards;
- provide independent assurance to members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Combined Authority’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place; and
- promote and maintain high standards of conduct by Combined Authority Members.

3. Functions

The Combined Authority has delegated to the Audit and Governance Committee the following roles in order to advise the Combined Authority:

Governance, risk and control

(a) To review the Combined Authority’s corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance;

(b) to satisfy itself that the Combined Authority’s Annual Governance Statement properly reflects the risk environment and any actions required
to improve it, taking into account the internal audit’s opinion on the overall adequacy and effectiveness of the Combined Authority’s framework of governance, risk and management control, and demonstrate how governance supports the achievements of the Combined Authority’s objectives;

(c) to consider the Combined Authority’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;

(d) to consider the Combined Authority’s framework of assurance and ensure that it adequately addresses the risks and priorities of the Combined Authority;

(e) to monitor the effective development and operation of risk management in the Combined Authority;

(f) to monitor progress in addressing risk-related issues reported to the committee;

(g) to consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;

(h) to review the assessment of fraud risks and potential harm to the Combined Authority from fraud and corruption;

(i) to monitor the counter-fraud strategy, actions and resources;

(j) to review the governance and assurance arrangements for significant partnerships or collaborations;

**Internal audit**

(a) to consider the effectiveness of the Combined Authority’s risk management arrangements and the control environment. Review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations;

(b) to monitor the effectiveness of the control environment, including arrangements for ensuring value for money and for managing the Combined Authority’s exposure to the risks of fraud and corruption;

(c) to approve the internal audit charter;

(d) to approve the Code of Ethics for Internal Audit;

(e) to review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations;
(f) to approve the risk-based internal audit plan, including the internal audit’s resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;

(g) to support the effectiveness of the internal audit process and promote the effective use of internal audit within the assurance framework;

(h) to approve significant interim changes to the risk-based internal audit plan and resource requirements;

(i) to make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope of resource limitations;

(j) to oversee internal audit’s independence, objectivity, performance and professionalism;

(k) to consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments;

(l) to consider reports from the Head of Internal Audit on internal audit’s performance during the year, including the performance of external providers of internal audit services. These will include:
   • updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
   • regular reports on the results of the Quality Assurance & Improvement Programme (QAIP); and
   • reports on instances where the internal audit function does not conform to the Public Sector Internal Audit (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement (AGS).

(m) to consider the Head of Internal Audit’s annual report:
   • the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of the internal audit; and
   • the opinion of the overall adequacy and effectiveness of the Combined Authority’s framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.

(n) to consider summaries of specific internal audit reports as requested;

(o) to receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Combined Authority or there are concerns about progress with the implementation of agreed actions;
(p) to contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years;

(q) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations;

(r) To provide free and unfettered access to the Audit & Governance Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

External audit
(a) to support the independence of external audit through consideration of the external annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA);

(b) to consider the annual letter, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit;

(c) to comment on the scope and depth of external audit work and to ensure it gives value for money;

(d) to commission work from internal and external audit;

(e) to advise and recommend on the effectiveness of relationships between external audit and internal audit, inspection agencies and other relevant bodies;

Financial reporting
(a) to review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Combined Authority;

(b) to consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts;

Standards
(a) to promote and maintain high standards of conduct by Members;

(b) to assist Combined Authority Members to observe the Combined Authority’s Code of Conduct for Members;

(c) to advise the Combined Authority on the adoption, revision or replacement of the Combined Authority’s Code of Conduct for Members and the Combined Authority’s Arrangements for Dealing with Complaints that Combined Authority Members have failed to comply with the Combined Authority’s Code of Conduct for Members (“the Authority’s Arrangements”);
(d) to monitor the operation of the Combined Authority’s Code of Conduct for Members and the Authority’s Arrangements;

(e) to advise, train or arrange to train Combined Authority Members to observe the Combined Authority’s Code of Conduct for Members;

(f) to determine, in accordance with the Authority’s Arrangements, whether a Member has failed to comply with the Combined Authority’s Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Combined Authority Member, such actions to include:

- publication of the findings of the Combined Authority’s Standards Committee in respect of the Subject Member’s conduct;
- reporting the findings of the Combined Authority’s Standards Committee to the Combined Authority for information;
- recommendation to the Combined Authority that the Subject Member should be censured;
- instructing the Combined Authority’s Monitoring Officer to arrange training for the Subject Member; or
- recommendation to the Combined Authority that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Combined Authority;

(g) to determine appeals against the Monitoring Officer’s decision on the grant of dispensations;

**Accountability arrangements**

(a) to report to the Combined Authority on the Committee’s findings, conclusions and recommendations concerning the adequacy and effectiveness of the Authority’s governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions;

(b) to report to the Combined Authority on the performance of the Committee in relation to its Terms of Reference and the effectiveness of the Committee in meeting its purpose;

(c) to publish an annual report on the work of the Committee;

**Amendments to the Constitution**

(a) to consider proposed constitutional amendments;

**Information Management**

(a) to determine on behalf of the CA information management policies and procedures and monitor their application; and

(b) to report to the CA on an annual basis, the up to date position regarding information management policies, procedures and their application.
E. THE APPOINTMENTS AND DISCIPLINARY COMMITTEE

1. Overview

1.1 The Appointments and Disciplinary Committee deals with staff terms and conditions, including the process and procedures for the appointment and dismissal of senior staff and determining the pay and grading.

2. Membership

2.1 Appointment

The Combined Authority shall appoint an Appointments and Disciplinary Committee at the Annual Meeting of the Combined Authority, which shall consist of all members of the Combined Authority, of which any 3 or more may be called to form the Committee as required, and which:
(a) should wherever possible include the Combined Authority Member holding the relevant portfolio lead for corporate resources; and
(b) may include the Metro Mayor.

2.2 Chair

The Chair of the Committee shall be appointed annually from amongst the voting members by that Committee at its first meeting following the Annual Meeting and before proceeding to other business.

2.3 Quorum

No business of the Committee shall be transacted unless at least three of the voting members are present.

3. Meetings and Procedure

3.1 The Committee will conduct business in accordance with the overview and scrutiny rules, meeting standing orders, access to information rules and other standing orders, codes and protocols set out in this Constitution.

4. Delegation

4.1 Beyond those staffing matters expressly set out at paragraph below, all other staffing and human resources matters are delegated to the Head of Paid Service.
5. **Functions**

5.1 Whilst it is for the Combined Authority to determine the terms of reference of the Committee at the Annual Meeting and from time to time, it is envisaged that the Committee will exercise responsibility for the following functions:

(a) To approve Person Specifications and Job Descriptions for Head of Paid Service and other Statutory Chief Officers, Chief Officers and Deputy Chief Officers.

(b) To shortlist applicants for interview and to interview and make recommendations to the Combined Authority in relation to the appointment of the Head of Paid Service.

(c) To shortlist applicants for interview and to interview and make appointments to Chief Officer and Deputy Chief Officer posts.

(d) To approve any specific terms and conditions within approved Combined Authority budget and policy framework.

(e) In addition to the above the Appointments and Disciplinary Panel may deal with the discipline and dismissal of Chief Officers and Deputy Chief Officers but any dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer must be approved by the Combined Authority and such dismissal proceedings shall comply with Schedule 3 of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 including the requirement to appoint two independent persons to the Panel.

(f) Head of Paid Service and other Statutory Chief Officers and Chief Officers has the meaning ascribed in the Local Government and Housing Act 1989 as they relate to the Combined Authority. Deputy Chief Officer refers to a Deputy Chief Officer as defined by section 2(8) of the Local Government and Housing Act 1989.

5.2 The functions listed at 5.1 in respect of those officers of the Combined Authority referred to at 5.1(a) above are delegated to the head of paid service (save for the role head of paid service itself) where those positions are to be or have been filled on an interim or temporary basis only.

5.3 The functions listed at 5.1 in respect of any officer of the Combined Authority other than those referred to at 5.1(a) above are delegated to the head of paid service.

For the purposes of the Constitution the Head of Paid Service and other Statutory Chief Officers, Chief Officers and Deputy Chief Officers are the staff cited in the Staffing Structure Chart attached on page 85.
F. THE TRANSPORT COMMITTEE

1. Overview

1.1 The Transport Committee’s role is to undertake transport and travel policy functions on behalf of the Combined Authority, together with certain delegated functions in relation to transport and travel, the development of funding proposals and oversight of Merseytravel as the Passenger Transport Executive and Executive Body for the Combined Authority.

2. Membership

2.1 Appointment

The Combined Authority shall appoint a Transport Committee at the Annual Meeting of the Combined Authority, which shall consist of:
(a) nominees from each Constituent Council; and
(b) such other members as may be beneficial to the workings of the Committee, which may include;
(i) the Metro Mayor;
(ii) the Combined Authority Member holding the relevant portfolio lead; and
(iii) non-voting members drawn from members of the Constituent Councils or elsewhere as may be determined by the Combined Authority.

2.2 Chair

The Chair of the Committee shall be appointed annually from amongst the voting members by that Committee at its first meeting following the Annual Meeting and before proceeding to other business.

2.3 Quorum

No business of the Committee shall be transacted unless at least three of the voting members are present.

3. Meetings and Procedure

3.1 The Committee will conduct business in accordance with the Overview and Scrutiny rules, meeting standing orders, access to information rules and other standing orders, codes and protocols set out in Part 4 of this Constitution.
4. **Delegation**

4.1 The Committee may establish such sub-committees, panels and ad-hoc working groups as it considers expedient to assist it.

4.2 Wherever possible, the Committee will exercise its delegations without further delegation to Sub-Committees or an officer, but may do so if the Committee consider it appropriate.

5. **Functions**

5.1 Whilst it is for the Combined Authority to determine the terms of reference of the Committee at the Annual Meeting and from time to time, it is envisaged that the Committee will exercise responsibility for the following functions:

6. **Transport Functions of the Combined Authority referred to the Transport Committee**

The following transport functions of the Combined Authority are **not delegated** but are referred by the Authority to the Committee to make recommendations to the Combined Authority:

(a) in respect of strategies, plans, discharge of the statutory responsibilities of the Combined Authority, and policies relating to **transport**.

(b) in respect of **finance**, the Levy and any Differential Levy, (the capital programme of the Combined Authority (and Merseytravel) and the setting of the Mersey Tunnel tolls.

(c) in respect of **Merseytravel** (as the Passenger Transport Executive and Executive Body for the Combined Authority) and the status of Merseytravel as an officer of the Combined Authority:
   (i) financial grants (including the grant for the operation and maintenance of Mersey Tunnels); and
   (ii) provide directions to Merseytravel in regard to functions being undertaken for the Authority;

(d) in respect of policies and procedures governing the development and review of the Single Asset Management Plan and related frameworks for the **Key Roads Network** (KRN); including:
   (i) on general policies and procedures in respect of the management and enhancement of the KRN; and
   (ii) in respect of the scope / extent of the KRN and any alternations required to that network to maximise its effectiveness and efficiency.
7. **Transport Functions of the Combined Authority delegated to the Transport Committee**

The following transport functions of the Combined Authority are delegated by the Authority to the Transport Committee, subject to the Committee exercising these functions in accordance with any transport policies of the Combined Authority, the Local Transport Plan and the Combined Authority’s agreed transport budget and borrowing limits (and without prejudice to the Combined Authority’s right to discharge such functions itself):

(a) **In respect of strategy, policy and agreements**

(i) monitoring performance against the Local Transport Plan and other Combined Authority transport policies, plans and strategies;
(ii) formulating, developing and monitoring procedures for stakeholder consultation on the Combined Authority’s transport policies, including taking responsibility for the active promotion of Liverpool City Region’s transport interests; and
(iii) submitting responses to consultations on behalf of the Combined Authority in respect of transport and transport-related issues.

(b) **In respect of finance**

(i) monitoring the Combined Authority’s transport budget and capital schemes; and
(ii) approving the level of financial support of local rail services over and above that in the baseline franchise specification agreed between Liverpool City Region and the Department for Transport.

(c) **In respect of Merseytravel** (as the Passenger Transport Executive and Executive Body for the Combined Authority),

In its status as an officer in respect of arrangements for the discharge of functions of the Combined Authority:

(i) monitoring and overseeing the activities and performance of Merseytravel and the transport network as appropriate;
(ii) ensuring that Merseytravel implements its delegations;
(iii) determining variations in charges for transport services or facilities provided by Merseytravel;
(iv) considering issues arising from the implementation by Merseytravel of transport schemes on behalf of the Authority;
(v) to give to Merseytravel such directions as appear from any such review to be requisite to ensure that Merseytravel’s undertaking is organised in an efficient manner;
(vi) approval of any transactions of Merseytravel which require approval under Section 10(1) of the Transport Act 1968; and
(vii) exercise any delegation from the Combined Authority as required.
8. **Transport Functions of the Combined Authority that MAY OR MAY NOT be delegated to the Transport Committee**

**Land Procedure Rules - Approval of Major Disposals**

The Transport Committee is referred to the provisions set out in Part 5 – Financial Standing Orders – Section D - Land Procedure Rules Paragraph 2 – Approval of Major Disposals, sub-section 2.1, which sets out as follows:

“The principle and method of each major disposal must be approved by the Combined Authority, except that in the case of land held for transport functions, the principle and method shall be approved by the Transport Committee and that, in the case of land occupied by Merseytravel, the principle and method shall be approved by the Transport Committee, unless the Combined Authority has previously indicated that it will determine the principle and method.”
G. STANDING DELEGATIONS TO HEAD OF PAID SERVICE, DIRECTORS AND MONITORING OFFICER THE HEAD OF PAID SERVICE, DIRECTORS AND MONITORING OFFICER

General Principles

1. The Combined Authority and the Metro Mayor may choose to delegate any of the Combined Authority’s functions to officers of the Combined Authority.

2. Powers delegated to the Head of Paid Service, Directors and Monitoring Officer, may be exercised by other officers if the Head of Paid Service, Directors and Monitoring Officer, have further delegated that power, but this must be properly recorded and capable of being evidenced. Head of Paid Service, Directors and Monitoring Officer of the Combined Authority may work where appropriate in consultation with the relevant Chief Executive of the Constituent Councils.

3. The exercise of delegated powers by officers shall be in accordance with the principles of decision-making, which the Combined Authority follows, and in accordance with the requirements of the Constitution.

4. The Head of Paid Service, Directors and Monitoring Officer, are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Combined Authority or one of its Committees.

5. Where delegated powers are exercised, the Head of Paid Service, Directors and Monitoring Officer, should ensure that the decisions taken are appropriately recorded.

6. To note that the Head of Paid Service, Directors and Monitoring Officers and officers more generally within both the Combined Authority and Merseytravel have the benefit of an electronic means of recording Delegated Decisions.

General Delegations to, Head of Paid Service, Directors and Monitoring Officer

1. The day-to-day routine, management, supervision and control of services provided on behalf of the Combined Authority relating only to the functions for which they are responsible.

2. Within the scope of their delegations, the exercise of powers in relation to Low Value Procurements as set out in the Contract Procedure Rules, subject to compliance with any guidance issued by the Treasurer.

3. Within the scope of their delegations, the acceptance of tenders in accordance with the provisions of the Contract Procedure Rules.

4. Within the scope of their delegations, the power to set up Boards on an informal basis for the purpose of promoting economic development and regeneration in the Liverpool City Region. The Head of Paid Service, Directors and Monitoring
Officer, in respect of any Board will determine its membership. In particular, the Head of Paid Service, Directors and Monitoring Officer will have the power to co-ordinate the work of the relevant Board with a view to furthering the aims and ambitions of the Combined Authority. Any Board established under this power will not itself have decision-making powers and the Head of Paid Service, Directors and Monitoring Officer, will be responsible for ensuring that the work of the Board is, in appropriate circumstances, referred to the Combined Authority for consideration and approval.

5. To update and/or amend the Combined Authority Constitution as may be required for legal and/or factual accuracy so long as such updates/amendments are reported to the next available meeting of the Combined Authority.

Decision making

The Managing Director (Head of Paid Service), or their appointed nominee, may make decisions concerning companies in which the Council is or is proposed to become a shareholder in the presence of the Shareholder Board.

Following Combined Authority approval of a Strategic Investment Fund (SIF) project to give officers with delegated authority to deal with changes that may occur whilst the project is being delivered with the following parameters:

(a) Immaterial includes:
   i. financial changes up to the greater of £100k and 5%
   ii. changes in outputs up to 7.5%; and
   iii. delays in timing (for both funding and outputs) of up to 10%.

   of the value of the SIF funding approved

(b) Intermediate includes:
   i. Financial changes up to the greater of £250k and 10%;
   ii. changes in outputs up to 15%; and
   iii. delays in timing (for both funding and outputs) of up to 20%.

   of the value of the SIF funding approved.

Such changes may be approved by the Head of Paid Service, and/or Directors and Monitoring Officer. Such Directors must include the Treasurer. Such consideration can include changes in delivery arrangements unless they present a material change in risk to the SIF commitment approved. Such decisions will be reported to the Combined Authority as part of the SIF monitoring arrangements.

The Combined Authority shall continue to consider material changes in excess of these thresholds.
Delegated Powers of the Head of Paid Service

1. The functions of the Head of Paid Service as set out in the Local Government and Housing Act 1989.

2. The discharge of any function not reserved to the Combined Authority or delegated to any Committee or officer.

3. The discharge of any function delegated to another officer where that officer is absent or otherwise unable to act.

4. The taking of any action which is required as a matter of urgency or which cannot reasonably await consideration at the next scheduled meeting of the Combined Authority where such action is necessary in the view of the Head of Paid Service to protect the interests of the Combined Authority and where practicable the Head of Paid Service has consulted with the Chair of the Combined Authority.

5. To make such arrangements as are necessary for the organisation of meetings of the Overview and Scrutiny Committee, Appointments and Disciplinary Committee, Audit and Governance Committee and the Transport Committee and any Sub-Committees, including determining requests to record or film such meetings.

6. To exercise the responsibilities assigned to the Head of Paid Service, which are set out in the Constitution.

7. To determine applications from adjacent local authorities to become associate members, subject to consultation with the Chair and Vice Chair of the Combined Authority.

8. The provision of a response to any Government consultation, subject to consultation with the Chair.

9. The co-ordination of public relations for the Combined Authority, including the approval of press releases on behalf of the Combined Authority.

10. To update and/or amend the Combined Authority Constitution as may be required for legal and/or factual accuracy so long as such updates/amendments are reported to the next available meeting of the Combined Authority.

11. The employment functions listed at Part 3, Section E, paragraph 5.1 in respect of:
   (a) those officers of the Combined Authority referred to at 5.1(a), save for the role head of paid service itself, where those positions are to be or have been filled on an interim or temporary basis only; and
   (b) any officer of the Combined Authority other than those referred to at paragraph 5.1(a).
Delegations to the Treasurer

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

2. The taking of all action required on borrowing, investment and financing, subject to the submission to the Combined Authority of an annual report of the Treasurer on treasury management activities and at 6-monthly intervals in accordance with CIPFA’s Code of Practice for Treasury Management & Prudential Codes.

3. To effect all insurance cover required in connection with the business of the Combined Authority and to settle claims under such insurances, where this is appropriate, for the benefit of the Combined Authority.

4. To accept grant offers on behalf of the Combined Authority, subject to all the terms and conditions set out by the grant awarding body.

5. The submission of all claims for grant to the UK Government or the European Community (EC) or any other third party.

6. To make all necessary banking arrangements on behalf of the Combined Authority to sign all cheques drawn on behalf of the Combined Authority or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the facsimile signature of the Treasurer.

7. To monitor capital spending and submit a report to the Combined Authority at not more than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by Merseytravel.

8. In relation to revenue expenditure under the control of the Head of Paid Service, Directors and Monitoring Officer, Head of Paid Service, Directors and Monitoring Officer, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £25,000.

9. The approval of contracts and agreements proposed to be entered into by the Combined Authority provided that, subject to any other requirement of this Constitution, the Treasurer may give a general consent to Head of Paid Service, Directors and Monitoring Officer the Head of Paid Service, Directors and Monitoring Officer, to enter into contracts or agreements, the value of which does not exceed £150,000.

10. The collection of all money due to the Combined Authority and the writing-off of bad debts in accordance with the Financial Procedure Rules.

11. To supervise procedures for the invitation, receipt and acceptance of tenders.

12. To administer the Members’ Allowance Scheme.
13. To discharge the functions of the ‘responsible financial officer’ under the Accounts and Audit (England) Regulations 2011, including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Combined Authority at the end of the year to which it relates and of the Combined Authority’s income and expenditure for that year.

14. To discharge the functions of the Combined Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of regulations 4(3), 6(4) and 8(3)).

15. To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.

16. To determine an amount (not exceeding £5,000) being the maximum sum which the Combined Authority will receive in cash without the express written consent of the Treasurer.

17. To exercise the responsibilities assigned to the Treasurer, which are set out in the Constitution.

Delegations to the Monitoring Officer

1. The functions of the Monitoring Officer set out in the Local Government and Housing Act 1989.

2. To receive complaints that any member has failed to comply with the Code of Conduct for Members.

3. To determine whether to reject, informally resolve or investigate any complaint received, referred to in 2 above, and to take such action as is necessary to implement that determination.

4. To prepare and maintain the Combined Authority’s Register of Members’ Interests and have it available for inspection as required by the Localism Act 2011.

5. To determine requests from Members for dispensations pursuant to the provisions of the Localism Act 2011, subject to the right of appeal by a member to the Standards Committee in the case of a refusal.

6. To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority’s interests.

7. To settle any threatened legal proceedings where it is in the Combined Authority’s interests to do so.
8. To instruct Counsel and professional advisers as appropriate.

9. To provide undertakings on behalf of the Combined Authority.

10. To supervise the preparation and completion of legal documents and processes necessary to give effect to the decisions of the Combined Authority.


12. To accept service on behalf of the Combined Authority.


14. To oversee and ensure the authentication of documents in the following manner:

   (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires;

   (b) Contracts will be entered into in accordance with the Authority’s Contract Procedure Rules set out in Part 5 of the Constitution, unless the Authority has delegated the function to a Constituent Council or Merseytravel, in which case the Contract Procedure Rules of such body shall be adhered to; and

   (c) Land transactions will be entered into in accordance with the Authority’s Land Procedure Rules set out in Part 5 of the Constitution, unless the Authority has delegated the function to a Constituent Council or Merseytravel, in which case the Land Procedure Rules of such body shall be adhered to.

15. To hold responsibility for the holding and application of the Common Seal of the Authority in the following manner:

   (a) The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer;

   (b) A decision of the Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision and the Common Seal will be affixed to those documents which, in the opinion of the Monitoring Officer, should be sealed; and

   (c) The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.
16. To exercise any other responsibilities attributed to the Monitoring Officer as may be set out in the Constitution.

17. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Combined Authority, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out above. In undertaking this task the Monitoring Officer may:

(a) observe meetings and different parts of the Members and officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and

(d) compare practices in this Authority with those in other comparable authorities or national examples of best practice.

18. Unless specifically stated otherwise references throughout this Constitution to the Monitoring Officer shall mean the Monitoring Officer.

19. To update and/or amend the CA Constitution as may be required for legal and/or factual accuracy so long as such updates/amendments are reported to the next available meeting of the Combined Authority.

Delegations to Merseytravel

1. Merseytravel, as the statutory Passenger Transport Executive (PTE), is the executive body of the Combined Authority in relation to its transport functions, established for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Local Democracy, Economic Development and Construction Act 2009.

2. As a body corporate, Merseytravel is to be treated by the Combined Authority in arrangements for the discharge of functions as if it were an officer of the Combined Authority and the functions and responsibilities as exercised by Merseytravel are to be interpreted accordingly.

3. Where arrangements are in force for the discharge of functions of a Constituent Council by the Authority by virtue of:

(a) section 101(1)(b) of the Local Government Act 1972; or
Merseytravel has power to discharge any function which is the subject of arrangements entered into with it by virtue of paragraphs 1, 2 and 3 above. The following are specifically delegated to Merseytravel as an officer of the Combined Authority:

(a) to provide advice to the Combined Authority to enable development of policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within the Liverpool City Region;

(b) to secure the implementation of the Authority’s transport policies and the LTP;

(c) to appoint officers to act as law enforcement officers in respect of the Mersey Tunnels as provided for by the County of Merseyside Act 1980;

(d) to enforce the County of Merseyside Act 1980 and the Mersey Tunnels Bylaws 2003;

(e) to provide and operate the concessionary travel scheme as determined by the Authority;

(f) to provide travel information as determined by the Combined Authority;

(g) to recover and account for tolls revenue on behalf of the Combined Authority; and

(h) to issue fixed penalty notices in respect of offences under the Mersey Tunnel Byelaws 2003.
H. PARTNERS AND COMPANIES

Combined Authority Arrangements with the Local Enterprise Partnership (LEP)

The Combined Authority and the LEP have developed a joint proposal for strategic alignment. The proposal contains no changes to the LEP Board’s role. It will continue to provide business and third sector insights to the Combined Authority and our local authorities, mainly through their participation in the board. The LEP Board, and in particular its chair, will continue also to provide a voice of LCR business to central government.

Following the LEP review, the Combined Authority will act as accountable body for all the LEP Board’s activities (extending beyond its current role as accountable body for investing devolved funds) and to permit the LEP Board to acquire its legal personality (thus satisfying the review’s requirement for LEP boards to acquire a legal personality). The LEP Board will use the Combined Authority’s legal personality but continue to operate under its own constitution and therefore at a distance from the Combined Authority itself. See link to LEP constitution https://www.liverpoollep.org/about-lep/lcr-governance/

The Combined Authority has assumed sole responsibility for all policy development (but will continue to seek the LEP Board’s advice in its development) and will manage all devolved growth funding. This focuses the LEP Company’s role, as follows:

- Sector managers and their teams will continue to service the LEP Board and its sub-boards (the independent secretariat function in government’s language)
- The LEP Company will continue to deliver programmes of activity aimed at economic growth and sector management. The LEP Company’s role will be non-exclusive.

The Combined Authority may choose to commission the LEP Company or another body to deliver its programmes. Likewise, the LEP Company will continue to deliver programmes for third parties like universities, as well as those identified as priorities by the LEP Board. The LEP Company will become the “Growth Delivery Group”.

The LEP Board will commission the Growth Delivery Group directly. To commission directly, EU law requires that the Growth Delivery Group to be controlled by the commissioning party. Since the LEP Board is using the Combined Authority’s legal personality, the Combined Authority therefore holds majority control of the Growth Delivery Group. The Growth Delivery Group will continue to manage its funds independently, though it will raise programme funds externally and from the Strategic Investment Fund.
3.26 The graphic below summarises the legal changes
### Summary Voting Table

<table>
<thead>
<tr>
<th>STATUTORY/CONSTITUTIONAL REQUIREMENT</th>
<th>TYPE OF VOTE REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 3, Section A – Combined Authority</strong></td>
<td></td>
</tr>
</tbody>
</table>
| (f) A decision on a question relating to any of the matters specified below, where such a question does not relate to the exercise of a general function exercisable only by the Metro Mayor in accordance with the Orders, requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members, acting in place of those members, present and voting on that question to be carried at a meeting of the Combined Authority. The matters referred to are: -  
  (vi) the determination and review of any transitional arrangements on transport;  
  (vii) all matters relating to the constitution of the Combined Authority;  
  (viii) amendments to the standing orders of the Combined Authority;  
  (ix) all matters relating to the management, maintenance and funding of the Key Route Network of local roads which are to be maintained by the Combined Authority; and  
  (x) such matters as may be determined by the Combined Authority and set out in the standing orders within this Constitution, which are currently: (1) the co-option of additional members onto the Combined Authority. | REQUIRES UNANIMOUS VOTE OF ALL CA MEMBERS PRESENT AT MEETING |
| **Part 3 – Section B – Metro Mayor** |                          |
| **Planning Applications and Acquisition of Land for planning and public purposes** |                          |
| The exercise by the Metro Mayor of the following functions | REQUIRES CONSENT OF MEMBER(S) REPRESENTING CONSTITUENT COUNCIL(S) TO WHOM THE APPLICATION FOR PLANNING PERMISSION WAS MADE |
| (1) Planning – planning applications of potential strategic importance and  
(2) Housing and Regeneration - Acquisition and appropriation of land for planning and public purposes | |

referred to in Part 2, G, requires the consent of the member of the Combined Authority
appointed by the constituent council to whom the application for planning permission was made, or the substitute member acting in place of that member, to be provided at a meeting of the Combined Authority.

<table>
<thead>
<tr>
<th>Spatial Development Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Combined Authority must prepare and publish a spatial development strategy. It must contain matters that are prescribed under Section 343 of the Greater London Act 1999 (as amended).</td>
</tr>
</tbody>
</table>

In respect of the following functions exercised by the Metro Mayor,
- section 334 (the spatial development strategy),
- section 335 (public participation),
- section 336 (withdrawal),
- section 337 (publication) and
- section 341 (alteration or replacement) of the strategy,

these functions require a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

<table>
<thead>
<tr>
<th>Draft Local Transport plan (with any alterations) and/or a replacement Local Transport Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the Combined Authority wishes to reject a draft Local Transport Plan, a draft Local Transport Plan with any alterations or a replacement of the Local Transport Plan it can only do so if;</td>
</tr>
</tbody>
</table>
- The consideration period of the document has NOT expired (21 days beginning with the day the document is laid) and,  
- It is considered at a meeting of the Combined Authority, and  
- Agrees to reject the draft document/proposal with a two-thirds majority of the Combined Authority members or their substitutes. |

REQUIRES UNANIMOUS VOTE OF ALL CA MEMBERS PRESENT AT MEETING

REJECTED IF ALL CONDITIONS ARE MET AND BY A TWO THIRDS MAJORITY OF THOSE PRESENT AT MEETING
### Payment of Grant to one or more Constituent Council for expenditure incurred/to be incurred in relation to the exercise of highway functions

If the Combined Authority wishes to reject a proposal by the Metro Mayor to pay grant to one or more Constituent Council for expenditure incurred/to be incurred in relation to the exercise of highway functions, it can only do so if;

- The consideration period of the document has NOT expired (21 days beginning with the day the document is laid) and,
- It is considered at a meeting of the Combined Authority, and
- Agrees to reject the payment of grant proposed with a two-thirds majority of the Combined Authority members or their substitutes.

**REJECTED IF ALL CONDITIONS ARE MET AND BY A TWO THIRDS MAJORITY OF THOSE PRESENT AT MEETING**

### Acquisition of land for Homes England Functions and/or development or other planning purposes

The exercise of the functions by the Metro Mayor in respect of:

(a) section 9 of the Housing and Regeneration Act 2008 (acquisition of land), within those functions, namely functions that Homes England has in relation to the area of the Combined Authority; and

(b) section 226 Town and Country Planning Act 1990 (compulsory acquisition of land for development and other planning purposes),

requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

**REQUIRES CONSENT OF MEMBER(S) REPRESENTING CONSTITUENT COUNCIL(S) WHOSE COUNCIL AREA CONTAINS ANY PART OF THE LAND SUBJECT TO THE PROPOSED COMPULSORY ACQUISITION**

### Designation of Mayoral Development Areas

The exercise by the Metro Mayor of the functions corresponding to the functions specified in section 197 (designation of Metro Mayoral development areas) of the Localism Act 2011, requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed development areas or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

**REQUIRES CONSENT OF MEMBER(S) REPRESENTING CONSTITUENT COUNCIL(S) WHOSE LOCAL**
appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Metro Mayoral development area, to be provided at a meeting of the Combined Authority.

<table>
<thead>
<tr>
<th>Exclusion of Land from Mayoral Development Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>The exercise by the Metro Mayor of the functions corresponding to the functions specified in section 199 (exclusion of land from Metro Mayoral development areas) of the Localism Act 2011, in respect of any Metro Mayoral development area requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Metro Mayoral development area to be provided at a meeting of the Combined Authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Town and Country Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>The exercise by the Combined Authority of the functions corresponding to the functions specified in section 202(2) to (4) of the Localism Act 2011 (functions in relation to Town and Country Planning), in respect of any Metro Mayoral development area requires the consent of all members of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions, to be provided at a meeting of the Combined Authority.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 5 – Section A – Funding &amp; Budget Procedure Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Metro Mayor’s budget is deemed approved by the CA unless the authority makes a report to review the budget before 8 February in any given year.</td>
</tr>
<tr>
<td>Any decision to veto the draft Metro Mayor’s budget (or draft revised budget) must be decided by a two-thirds majority of the members present and voting (or their substitutes)</td>
</tr>
</tbody>
</table>

| REQUIREES CONSENT OF MEMBER(S) REPRESENTING CONSTITUTE COUNCIL(S) WHOSE LOCAL GOVERNMENT AREA CONTAINS ANY PART OF THE AREA TO BE EXCLUDED FROM A METRO MAYORAL DEVELOPMENT AREA |
| REQUIREES CONSENT OF MEMBER(S) REPRESENTING CONSTITUTE COUNCIL(S) WHOSE LOCAL GOVERNMENT AREA CONTAINS THE WHOLE OR ANY PART OF THE AREA IN REPSECT OF WHICH THE COMBINED AUTHORITY PROPOSES TO EXERCISE THE TOWN AND COUNTRY PLANNING FUNCTIONS |
| REQUIREES RECORDED VOTE - TWO THIRDS MAJORITY OF THOSE PRESENT AT MEETING |
The Combined Authority must determine the calculation of and amounts to be used in setting precept for a financial year in accordance with the requirements of the Local Government Finance Act 1992. In particular the following provisions:

- Section 42A (calculation of Council tax requirement by authorities in England)
- Section 42B (calculation of basic amount of tax by authorities in England)
- Sections 47-49 (calculation of tax for different valuation bands, calculation of amount payable by each billing authority; substitute calculations and
- Section 52ZJ (major precepting authority’s duty to make substitute calculations)

Any decision to veto the Metro Mayor’s draft budget (or draft revised budget) and approve the Metro Mayor’s draft budget incorporating the Combined Authority’s recommendations contained in the report to the Metro Mayor must be decided by a two-thirds majority of the members, or substitute members acting in their place, of the Combined Authority present and voting on the question at a meeting of the authority.

REQUIRES RECORDED VOTE - TWO THIRDS MAJORITY OF THOSE PRESENT AT MEETING

REJECTION OF METOR MAYORS DRAFT BUDGET REQUIRES TO THIRDS MAJORITY OF THOSE PRESENT AT MEETING
LIVERPOOL CITY REGION COMBINED AUTHORITY

To:
Meeting:
Authority/Authorities Affected:
EXEMPT/CONFIDENTIAL ITEM:

REPORT OF THE

REPORT TITLE

1. PURPOSE OF REPORT
2. RECOMMENDATIONS
3. BACKGROUND
4. RESOURCE IMPLICATIONS
   4.1 Financial
   4.2 Human Resources
   4.3 Physical Assets
   4.4 Information Technology
5. RISKS AND MITIGATION
6. EQUALITY AND DIVERSITY IMPLICATIONS
7. COMMUNICATION ISSUES
8. CONCLUSION

NAME
Title

Contact Officer(s):

Appendices:
Staffing Structure Chart

Liverpool City Region Combined Authority Structure

LCRCA Chief Executive
&
Merseytravel
Director General
Frank Rogers

**Programme Director New Trains
David Powell

Director of Integrated Transport
vacant

Director of Corporate Development & Delivery
Liz Chandler

Director of Corporate Services
John Fogarty

Director of Policy & Strategic Commissioning
Kirsty Pearce

Director of Commercial Development & Investment
Mark Bousfield

** Not a CA Director, but a Director for the purpose of Rolling Stock Project.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 4

Standing Orders and Procedures
# Section A

## Meetings Standing Orders

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1. **Interpretation, Suspension and Chair’s Ruling**

1.1 These Standing Orders apply to meetings of the Combined Authority and, where appropriate, to meetings of Committees and Sub-Committees of the Combined Authority. Any reference to Combined Authority in these Standing Orders also refers to Committees and Sub-Committees.

1.2 References in these Standing Orders to the “Chair” means:

- the Metro Mayor,
- the Deputy Mayor or Chair; or
- the person appointed to preside in respect of that meeting in accordance with paragraph 4 below.

1.3 References in these Standing Order to the “Vice-Chair” means:

- the Deputy Mayor or Chair; or
- the person appointed to preside in respect of that meeting in accordance with paragraph 4 below.

1.4 These Standing Orders should be read in conjunction with other parts of the Combined Authority’s Constitution.

1.5 **These Standing Orders are subject, in whole or in part as indicated, to a statute or other enactment whether passed before or after these Standing Orders came into effect.**

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

2. **Suspension and Revocation of the Meeting Standing Orders**

2.1 **With the exception of the Standing Orders marked by an asterisk (**) any Standing Order may be suspended at a meeting of the Combined Authority either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any Standing Orders will not be moved without notice unless at least 4 Members of the Combined Authority are present.**

2.2 Standing Orders may be changed by the Combined Authority, which will be subject to a unanimous vote, either at the Annual Meeting or by a motion on notice made at a meeting of the Combined Authority.
3. **Chairing of Meetings**

3.1 **The Combined Authority Metro Mayor (‘the Metro Mayor’) or, in his or her absence, the Deputy Metro Mayor/Chair shall chair all meetings of the Combined Authority whenever he or she is present.**

3.2 In respect of all other committees, meetings or working groups, the Chair and Vice-Chair shall be appointed in accordance with the respective provision of Part 3 of this Constitution (Bodies of the Combined Authority).

3.3 In all other instances, in the absence of the Chair and Vice-Chair, the meeting shall appoint another member to chair the meeting.

3.4 The Chair (or the Vice Chair or any other Member presiding in the absence of the Chair or Vice Chair) shall not have a casting vote on any issue.

4. **Meetings**

4.1 **The Annual Meeting of the Combined Authority shall be held in May or June on a date and at a time determined by the Combined Authority.**

4.2 **Ordinary meetings of the Combined Authority for the transaction of general business shall be held on such dates and at such times as the Combined Authority shall determine at its Annual Meeting.**

4.3 **An Extraordinary Meeting of the Combined Authority may be called at any time by:**
   (a) the Metro Mayor;
   (b) the Monitoring Officer; or
   (c) any five Members of the Combined Authority if they have signed a requisition presented to the Metro Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

**Admission of Public**

4.4 **All meetings of the Combined Authority, its Committees and Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:**
   (a) In accordance with Section 100A(2) of the Local Government Act 1972; or
   (b) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt
information as defined in Section 101 of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

5. **Notice of Meetings**

5.1 Five clear working days before a meeting of the Combined Authority:

(a) notice of the date, time and place of the intended meeting shall be published by the Head of Paid Service and posted on the Combined Authority's website; and

(b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent to all Members of the Combined Authority by electronic mail.

5.2 Lack of service on a Member of the Combined Authority of the summons shall not affect the validity of a meeting of the Combined Authority.

6. **Meeting Agendas**

6.1 The Chair of the Combined Authority will decide upon the agenda for the meetings of the Combined Authority. The Chair may put on the agenda of any meeting any matter, which the Chair wishes.

6.2 Any Member of the Combined Authority may require the Head of Paid Service to ensure that an item is placed on the agenda of the next available meeting of the Combined Authority for consideration.

7. **Urgency Procedure for inclusion of late items onto the agenda for meetings of the Combined Authority**

7.1 Any item proposed to be included on the agenda for any meeting of the Combined Authority in accordance with sub-paragraph 6.2 above, which is not submitted in writing before 7 working days of the meeting, shall not be included on the agenda for that meeting unless it is agreed by the Chair. In this case, the amended agenda for the meeting will state the reason for the late acceptance of any such item.

7.2 The Head of Paid Service shall set out in the agenda for each meeting of the Combined Authority the items of business requested by Members (if any) in the order in which they have been received, unless the Member concerned has given prior written notice to the Head of Paid Service prior to the issue of the agenda for the meeting, for it to be withdrawn. If the Member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the Combined Authority decides otherwise, be treated as withdrawn.
7.3 (a) A motion or amendment to rescind a decision made at a meeting of the Combined Authority within the previous six months cannot be moved unless notice of the motion is signed by at least three members.

(b) A motion or amendment in similar terms to one which has been rejected by the Combined Authority in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least three members.

7.4 Except in the case of business required by these Standing Orders to be transacted at a meeting of the Combined Authority, and other business brought before the meeting as a matter of urgency (and of which the Head of Paid Service shall have prior notice and which the Chair considers should be discussed at the meeting), no business shall be transacted at a meeting of the Combined Authority other than that specified in the agenda for the meeting.

8. Access to Information

8.1 Access to agenda, reports and associated documents in respect of a meeting of the Combined Authority are as determined by Part VA, Section 100A-100K of the Local Government Act 1972 (Access to Meetings and Documents of Certain Authorities, Committees and Sub-Committees) and The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 and set out at Part 4B of this Constitution.

9. Quorum

9.1 Except where otherwise stated in Part 3 of this Constitution, no business shall be transacted at any meeting of the Combined Authority unless at least 4 of the Members or substitute members appointed by the constituent councils are present.

9.2 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.

9.3 If during any meeting of the Combined Authority 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 Combined Authority.

10. Order of Business

10.1 At every meeting of the Combined Authority the order of business shall be to select a person to preside if the Chair or Vice-Chair are absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied:
(a) by the Chair at his/her discretion; or
(b) on a request agreed to by the Combined Authority.

10.2 The Chair may bring before the Combined Authority at their discretion any matter that they consider appropriate to bring before the Combined Authority as a matter of urgency. If such an urgent item is brought before the Combined Authority an explanation for the urgency shall be provided either as part of a report or recorded in the minutes of the meeting.

11. **Questions, Statements and Petitions**

**Questions**

11.1 There will be an opportunity for a period of 30 minutes in total for public questions at meetings of the Combined Authority.

11.2 Subject to these standing orders, Members of the public addressing a meeting will be permitted to speak for up to 5 minutes per person (less if more than 6 people wish to speak).

11.3 Up to 2 questions may be asked by a member of the public of the Metro Mayor (which may be referred to the Deputy Mayor/Chair or member with portfolio) and submitted to the meeting only if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer by no later than 5.00pm on the Monday in the week of the meeting of the Combined Authority at which it is to be asked. Each question must give the name and address of the questioner and must identify the person to whom it is wished to be put.

11.4 Questions will be asked in the order in which they were received, except that the Chair may group together similar questions and determine whether to take a supplementary question. A supplementary question must arise directly out of the original question or the reply.

11.5 Replies to questions will where possible be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting.

11.6 The Monitoring Officer may reject a question if it does not apply to:

(a) matters which are not directly related to Combined Authority’s functions;

(b) matters which do not directly relate to the Liverpool City Region;

(c) matters which are better addressed to a Constituent Council (or other the relevant public authority);

(d) matters outside the remit of the Committees of the Combined Authority;
(e) matters which concern an individual’s circumstances where it would be inappropriate for details to be aired in public;

(f) any business or contractual matter considered to be under negotiation or otherwise commercially sensitive;

(g) any matter that may require the disclosure of confidential or exempt information;

(h) allegations against individual members or officers of the Combined Authority, its Committees or a Constituent Council (in these cases the Combined Authority or relevant body’s complaints or code of conduct procedures should be used); or

(i) any defamatory, frivolous or offensive submissions.

Statements and Petitions

11.7 A single petition or statement may be submitted by a member of the public, provided that notice is given in writing or by electronic mail to the Monitoring Officer (and includes their name and address and details of the wording of the petition, and in the case of a statement, a copy of the submission), by no later than 5.00pm on the Monday in the week of a meeting of the Combined Authority at which it is to be asked, may present a petition or submit a statement at ordinary meetings.

11.8 Statements, provided they are of reasonable length and submitted to the Monitoring Officer within time, will be copied and circulated to all members of the Combined Authority and will be made available to the public attending the meeting by not later than one hour before the meeting. If requested, a written reply will be provided within 10 working days following the Combined Authority meeting.

11.9 Petitions will be received without debate but, after receiving a petition with no less than 2,000 signatures, the petition will be referred for further consideration to a future meeting, the Metro Mayor or member with portfolio, Committee or officer of any other person as the Chair considers appropriate.

12. Submission of Committee Proceedings

12.1 Except where any Committee or Sub-Committee of the Combined Authority is acting under delegated authority, the Minutes of the proceedings of any Committee or Sub-Committee of the Combined Authority, shall be submitted to the Combined Authority for confirmation. Confirmation by the Combined Authority of those Minutes shall constitute approval of the proceedings of any Committee or Sub-Committee of the Combined Authority.

12.2 Where any Committee or Sub-Committee of the Combined Authority is acting under delegated authority, the Minutes of the Committee or Sub-Committee
of the Combined Authority shall be submitted to the Combined Authority for information.

13. **Standing Orders of Debate**

13.1 A Motion or amendment shall not be discussed unless it has been proposed and seconded.

13.2 If the Monitoring Officer considers a motion:

   (a) is not about a matter for which the Combined Authority has a responsibility or which affects the City Region;

   (b) is illegal, improper, defamatory, frivolous or offensive;

   (c) is substantially the same as a question which has been put at a meeting of the Combined Authority in the past six months; or

   (d) requires the disclosure of confidential or exempt information,

s/he will consult the Chair and inform the Head of Paid Service who will then decide whether or not to reject the motion.

13.3 A Member shall address the Chair and direct any speech to the question under discussion. If two or more Members indicate they wish to speak, the Chair shall call on one to speak first.

13.4 An amendment shall be relevant to the Motion and shall be either:-

   (a) to leave out words from the Motion;

   (b) to leave out words from, and insert or add others to, the Motion; and

   (c) to insert words in, or add words to, the Motion

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into or negating the original Motion before the Combined Authority.

13.5 A Member shall not speak for longer than five minutes on any matter without the consent of the Chair.

13.6 A Member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a specified statutory provision or the Constitution and the way in which the Member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by the Member in the current debate which may appear to have been misunderstood. The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.
13.7 If an amendment is rejected, other amendments 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 substantive Motion upon which any further amendment may be moved.

13.8 A further amendment shall not be moved until the Combined Authority has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.

13.9 A Member at the conclusion of a speech of another Member may move without comment:
(a) that the question/motion be now put;
(b) that the debate/motion be adjourned;
(c) that the Combined Authority proceed to the next business; and
(d) that this meeting of the Combined Authority be adjourned.

If such a Motion is seconded, the Chair shall, subject to the mover’s right to reply, put the Motion to the vote, and if it is carried:-
(i) in case (a), the Motion then before the Combined Authority shall, subject to the right to reply, be put to the vote; or
(ii) in case (b), the debate on the Motion then before the Combined Authority shall stand adjourned until the next ordinary meeting of the Combined Authority; or
(iii) in case (c), the Motion then before the Combined Authority shall be regarded as lost and the Combined Authority shall proceed to the next item on the Agenda, if any; or
(iv) in case (d), the meeting shall stand adjourned.

13.10 If the Chair is of the opinion that the matter before the Combined Authority has been sufficiently discussed the Chair may put the Motion that the question now be put.

13.11 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Standing Orders of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.

13.12 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the Combined Authority during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.
14. Voting

Please refer to the Summary Voting Table to be found at Part 3, page 79.

15. Conduct of Members

15.1 If the Chair is of the opinion that at a meeting any Member of the Combined Authority, or Substitute Member acting in that Member’s place, has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Combined Authority, the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:

(a) the Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting of the Combined Authority;

(b) the Chair may direct the Member to withdraw from all or part of the remainder of the meeting of the Combined Authority;

(c) the Chair may order the Member to be removed from the meeting of the Combined Authority; and

(d) the Chair may adjourn the meeting of the Combined Authority for such period as they consider expedient.

15.2 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in the Chair may, without question put, adjourn the meeting of the Combined Authority for such period as the Chair considers expedient.

16. Disturbance by Members of the Public

16.1 If a member of the public interrupts the proceedings at any meeting of the Combined Authority the Chair shall warn him or her. If they continue the interruption, the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

17. Notification and Declaration of Interests

Members of the Combined Authority shall comply with the Code of Conduct for Members contained in Part 6A of the Constitution.

18. Records

18.1 The Head of Paid Service shall ensure that the names of the Members of the Combined Authority present at any meeting of the Combined Authority, and
any Substitute Member acting in a Member’s place, shall be recorded in the Minutes of the meeting concerned.

18.2 The Minutes of the proceedings of a meeting of the Combined Authority are to be kept in such form as the Combined Authority may from time to time determine.

18.3 The Minutes of the proceedings of a meeting of the Combined Authority shall be signed at the next suitable meeting of the Combined Authority.

18.4 Any minute purporting to be signed as mentioned in sub-paragraph 18.3 shall be received in evidence for the purposes of any legal proceedings without further proof.

18.5 Until the contrary is proved, a meeting of the Combined Authority, a Minute of whose proceedings has been signed in accordance with this paragraph 18 is deemed to have been duly convened and held, and all the Members of the Combined Authority present at the meeting, and any Substitute Member acting in a Member’s place, are deemed to have been duly qualified.

18.6 For the purposes of sub-paragraph 18.3, the next suitable meeting of the Combined Authority is the next following meeting of the Combined Authority.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 4
# Section B

## Access to Information Procedure Rules

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1. **APPLICATION**

Except as otherwise indicated, these rules apply to all meetings of the Combined Authority, the Committees and sub-committees, together with decisions to be made by the Metro Mayor and Key Decisions to be taken by officers. They do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. **ATTENDANCE AT MEETINGS**

Members of the public may attend all meetings, subject only to the exceptions in these rules.

3. **NOTICES OF MEETINGS**

The Combined Authority will give at least five clear working days’ notice (excluding the day of the meeting and day of despatch) of any meeting by posting details of the meeting at [No. 1 Mann Island, Liverpool, L3 1BP].

4. **ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Combined Authority will make copies of the agenda and reports available for public inspection at the designated office at least five clear working days before the meeting and as far as possible, on the Combined Authority’s web site. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make each report available to the public as soon as the report is completed and sent to Members.

5. **SUPPLY OF COPIES**

The Combined Authority will supply copies of and/or make available on the Combined Authority’s web site:

(a) Any agenda and reports which are open to public inspection;

(b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) If the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item.

Should a person or organisation require a copy of an agenda to be posted to them an appropriate charge may be levied.
6. **ACCESS TO MINUTES AND RELATED DOCUMENTS AFTER THE MEETING**

The Combined Authority will make available copies of the following for six years after a meeting:

(a) The Minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) The agenda for the meeting; and

(c) Reports relating to items when the meeting was open to the public.

7. **BACKGROUND PAPERS**

(a) **List of background papers**

Each report must include a list of those documents (called background papers) relating to the subject matter of the report which:

(i) Disclose any facts or matters on which the report or an important part of the report is based; and

(ii) Which have been relied on to a material extent in preparing the report,

but does not include those which disclose exempt or confidential information (as defined in Rule 9) and in respect of executive reports, the advice of a political advisor. Nor does background papers include "published works" such as legislation or statutory guidance for example.

(b) **Public inspection of background papers**

The Combined Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

(c) **Background Documents to Executive Decisions**

At least one copy of each of the background documents listed for Metro Mayoral decisions taken must be available for inspection at the Combined Authority’s offices and on the Combined Authority’s website.
8. SUMMARY OF PUBLIC'S RIGHTS

These Rules are the written summary of the public’s rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Combined Authority offices at [No. 1 Mann Island, Liverpool, L3 1BP] and on the website.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

(a) Confidential Information

A meeting must exclude the public during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence.

“Confidential information means—

(i) information furnished to the Combined Authority or a Constituent Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
(ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

(b) Exempt Information

A meeting may by resolution exclude the public during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information. The resolution shall identify the proceedings, or the part of the proceedings, to which it applies, and state the description of the exempt information giving rise to the exclusion of the public.

“Exempt information” means information for the time being defined in Part 1 Schedule 12A of the Local Government Act 1972 as follows:

(i) The categories of exempt information and relevant qualifications are:
   1. Information relating to any individual.
   2. Information which is likely to reveal the identity of an individual.
   3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

   Information falling within this paragraph is not exempt information by virtue of this paragraph if it is required to be registered under:
a. the Companies Acts (as defined in section 2 of the Companies Act 2006);
b. the Friendly Societies Act 1974;
c. the Friendly Societies Act 1992;
d. the Co-operative and Community Benefit Societies Act 2014;
e. the Building Societies Act 1986; or
f. the Charities Act 2011.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:
   a. to give 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.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

(ii) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(iii) Information which—
   a. falls within any of (i)(1) to (i)(7) above; and
   b. is not prevented from being exempt by virtue of the qualification to (i)(3) or to (ii) above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Combined Authority may exclude access by the public to reports that relate to business that has either been published as part of an agenda for a forthcoming meeting of the Combined Authority or has been transacted at a meeting, on or at a part of a meeting, which was not open to the public in accordance with Rule 9. Such reports will be marked ‘Not for Publication’ together with the category of information likely to be disclosed.
11. **KEY DECISIONS**

Overview and Scrutiny Committee

“A “Key Decision” means a decision of a decision maker, which in the view of the Overview and Scrutiny Committee of the Combined Authority is likely:

(a) to result in the Combined Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the combined authority’s budget for the service or function to which the decision relates; or

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

In relation to expenditure or savings referred to in 11a), as a guide, this will ordinarily be taken to mean that a Key Decision will result in expenditure or savings (other than a decision to be made under the Single Investment Fund processes) in excess of £150k for both revenue and/or capital.”

12. **PROCEDURES BEFORE TAKING KEY DECISIONS**

(a) **Notice**

Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:

(i) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the combined authority;

(ii) the matter in respect of which the decision is to be made;

(iii) the decision maker’s name, and title if any;

(iv) the date on which, or the period within which, the decision is to be made;

(v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

(vi) the address from which, subject to any prohibition or restriction on their disclosure under Rule10, copies of, or extracts from, any document listed is available;

(vii) that other documents relevant to those matters may be submitted to the decision maker; and

(viii) the procedure for requesting details of those documents (if any) as they become available.
(b) Publication of the Notice

Subject to Rule 13 (general exception) and Rule 14 (special urgency), a key decision may not be taken unless:

(i) the notice referred to at 12(a) above has been published:
   (1) if the Combined Authority has a website, on its website; or
   (2) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and made available for inspection by the public at the offices of the combined authority [at No. 1 Mann Island, Liverpool, L3 1BP];

(ii) at least twenty eight clear days have elapsed since the publication of the notice; and

(iii) where the decision is to be taken at [or in the presence of] a meeting of the Combined Authority or its committees, notice of the meeting has been given in accordance with Rule 4 (notices of meetings) above.

(c) Treatment of confidential and exempt information

Where, in relation to any matter—

(i) 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

(ii) documents relating to the decision need not, because of Rule 9a (confidential information), be disclosed to the public,

the notice referred to above 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.

13. NOTICE OF A KEY DECISION - GENERAL EXCEPTION

(a) Subject to Rule 14, where the publication of the intention to make a Key Decision under Rule 12 is impracticable, that decision may only be made—

(i) where the Monitoring Officer has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;

(ii) where the Monitoring Officer has made available to the public at the offices of the Combined Authority for inspection by the public and published on the Combined Authority’s website, if it has one, a copy of the notice given pursuant to sub-paragraph (i); and

(iii) after 5 clear days have elapsed following the day on which the Monitoring Officer made available the copy of the notice referred to in sub-paragraph (ii).
(b) Where paragraph (a)(i) or (ii) applies to any matter, Rule 12 need not be complied with in relation to that matter.

(c) As soon as reasonably practicable after the Monitoring Officer has complied with paragraph (a), he or she must:
   (i) make available to the public at the offices of the Combined Authority a notice setting out the reasons why compliance with Rule 12 is impracticable; and
   (ii) publish that notice on the Combined Authority’s website, if it has one.

14. NOTICE OF A KEY DECISION - CASES OF SPECIAL URGENCY

(a) Where the date by which a key decision must be made makes compliance with Rule 13 impracticable, the decision may only be made where the decision maker has obtained agreement from—
   (i) the chair of the relevant Overview and Scrutiny Committee; or
   (ii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the Combined Authority; or
   (iii) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the Combined Authority, the Vice-Chair of the Combined Authority that the making of the decision is urgent and cannot reasonably be deferred.

(b) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (a) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must—
   (i) make available to the public at the offices of the combined authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
   (ii) publish that notice on the Combined Authority’s website, if it has one.

15. OVERVIEW AND SCRUTINY COMMITTEE MEMBERS – ADDITIONAL ACCESS TO DOCUMENTS

(a) Rights to copies

Subject to 15b below, a Member of the Overview and Scrutiny Committee or sub-committee will be entitled to copies of any document which is in the possession or control of the Combined Authority or the Metro Mayor and which contains material relating to:
   (i) any business that has been transacted at a meeting of a decision-making body of that authority; or
   (ii) any decision that has been made by the Metro Mayor or any other individual Member of the combined authority.

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.
(b) Limits on rights

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Combined Authority or the Metro Mayor determines that a Member of a Scrutiny Committee is not entitled to a copy of a requested document it must provide Overview and Scrutiny Committee with a written statement setting out their reason for that decision.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 4
## Section C

### Overview and Scrutiny Arrangements

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1. **Function of Overview and Scrutiny at a City Region Level**

**Introduction**

1.1 The Combined Authority is supported by Overview and Scrutiny arrangements in order to achieve greater public accountability over the Liverpool City Region and in respect of those functions under the remit of the Combined Authority and the elected Metro Mayor.

**Powers**

1.2 These arrangements ensure that the Overview and Scrutiny Committee has power:

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority:

   (i) in all circumstances; and

   (ii) in respect of a decision made but not implemented (referred to as ‘call-in’) to include the power:

      (1) to direct that a decision is not to be implemented while it is under review or scrutiny by the Overview and Scrutiny Committee; and

      (2) to recommend that the decision be reconsidered;

(b) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor with respect to the discharge of any functions that are the responsibility of the Combined Authority or of the Metro Mayor when exercising responsibility for any general functions of the Combined Authority; and

(c) to make reports or recommendations to the Combined Authority and/or to the Metro Mayor on matters that affect the Combined Authority's area or the inhabitants of the area.

**Approach**

1.3 The principal ways in which the Metro Mayor and the Combined Authority will be 'held to account' via Scrutiny are:

(a) in the role of 'Critical Friend';

(b) via call-in; and

(c) through monitoring the delivery of the Combined Authority and Metro Mayor's Corporate or Strategic Plans and Policies.

1.4 Scrutiny will support the Combined Authority and the Metro Mayor to:

- Develop policies to deal with new issues;
- Review existing policies which are considered to be in need of review;
- Contribute to the formulation and review of the annual budget;
• Review policies or actions of agencies external to the local authorities which may be impacting adversely on the quality of life of local people; and
• To undertake scrutiny reviews into areas of strategic importance for the City Region.

1.5 The Combined Authority’s Overview and Scrutiny Committee is to consider matters of strategic significance for the Liverpool City Region area with a view to focusing on sub-regional issues that are directly linked to the work of the Combined Authority and the Metro Mayor.

1.6 The Overview and Scrutiny Committee will take a similar approach to a Parliamentary Select Committee. Overview and Scrutiny Committee members will collect evidence through a variety of sources, including:
• Questioning expert ‘witnesses’;
• Receiving reports and other literature;
• Undertaking consultation; and
• Communication with stakeholders.

1.7 The Overview and Scrutiny Committee will work with this information to make suggestions for improvement, acknowledge good practice and make recommendations.

1.8 The Overview and Scrutiny Committee will not deal with individual issues or queries that are more suitably dealt with by a Constituent Council or specific organisation.

1.9 The findings of each review will be submitted to the Metro Mayor and/or Combined Authority for consideration.

1.10 There are a number of potential sources for identifying in-depth studies to be carried out by the Overview and Scrutiny Committee:
• the Overview and Scrutiny Committee itself,
• the Metro Mayor;
• the Combined Authority and its members;
• the Combined Authority Corporate Plan; and
• the Forward Plan.

1.11 The Metro Mayor and/or the Combined Authority may request scrutiny of a particular policy or matter before agreeing a policy or taking a decision.

1.12 The Overview and Scrutiny Committee may review the outcomes of the Combined Authority or Metro Mayor’s Corporate or Strategic Plans. Any involvement of scrutiny in this activity needs to demonstrate that it adds value to what the Metro Mayor and the Combined Authority, or Committees are trying to achieve.

1.13 Scrutiny will also act when it is concerned about evidence of poor performance and it is not satisfied by the Metro Mayor’s or Combined Authority’s response to it.
2. **Membership**

2.1 As set out at Part 3(C) of this Constitution:

(a) At the Annual Meeting of the Combined Authority, the Combined Authority shall appoint such a number of members of each of the Constituent Councils to an Overview and Scrutiny Committee, so 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.

(b) An Overview and Scrutiny Committee or Sub-Committee may not include a Member of the Combined Authority or Sub-Committee (including the Metro Mayor) or a voting member of a Committee whose terms of reference include responsibility for the exercise of functions of the Combined Authority (other than functions relating to overview and scrutiny or audit and standards).

(c) Non-voting members may be co-opted from other organisations in such manner and at such times as the Overview and Scrutiny Committee may decide and voting members may be co-opted by resolution of the Combined Authority, subject to maintaining that the majority of members of the Committee or any Sub-Committee must be members of Constituent Councils.

2.2 A protocol will be drawn up and agreed by the Combined Authority to secure political balance on the Committee. This will include:

(a) an annual review based on the election results in any given year.

(b) provision for leaders of the respective opposition political groups to collectively agree their party nominations to the Overview and Scrutiny Committee

3. **Overview and Scrutiny Committee**

3.1 Any member of the Overview and Scrutiny Committee, who is also appointed to any ordinary (functional) Committee of the Combined Authority, cannot participate in the operation of the Overview and Scrutiny arrangements on any issues which were taken at any meeting of the Combined Authority or any Committee of the Combined Authority at which they were present.

3.2 The term of office for members of the Overview and Scrutiny Committee will be one year from the date of the annual council meeting of the Constituent Council that nominates them to the Overview and Scrutiny Committee, unless:

a) they cease to be an elected member of the Constituent Council that appointed them;

b) they wish to no longer participate in these arrangements; or

c) the Monitoring Officer is advised by any of the Constituent Councils that it wishes to change one or more of its nominees to the Overview and Scrutiny Committee.
4. Meetings of the Committee

4.1 The members appointed by the Combined Authority to the Overview and Scrutiny Committee will hold at least one annual meeting, being the first meeting following the Annual Meeting of the Combined Authority, and may convene additional meetings in accordance with these arrangements.

4.2 At the annual meeting of the Overview and Scrutiny Committee, and before proceeding to other business, the Committee will elect a Chair and Vice Chair and in so doing shall comply with any legislative requirement in respect of any such appointments (as outlined at Part 3, Section C of this Constitution).

4.3 The quorum for the annual meeting and any other meetings of the Overview and Scrutiny Committee is two-thirds of the total number of members are present, of whom at least 6 must be Constituent Council members from at least 4 of the Constituent Councils.

4.4 The principle of decision-making at any such meeting shall be that, wherever possible, decisions will be made by agreement, without the need for a vote. If a vote is necessary it will be a simple majority of those present and the Chair will not have a casting vote.

4.5 The venue for each annual meeting and the usual venue for any other meetings will be the offices of the Liverpool City Region Combined Authority, save that the Overview and Scrutiny Committee may choose to hold meetings other than the annual meeting in other venues if this is deemed to assist the Overview and Scrutiny process.

4.6 Notice of the annual meeting and any other meetings of the Committee or Sub-Committees will be sent to each Overview and Scrutiny Committee member in accordance with the requirements of the Local Government Act 1972 and the Access to Information Procedure Rules set out at Part 4B of this Constitution.

5. Work Programme

5.1 Each year, and at the annual meeting, the Overview and Scrutiny Committee shall:

(a) determine the areas of review and Overview and Scrutiny that they are likely to wish to pursue during the ensuing 12 months, subject to having consulted the Combined Authority and the Metro Mayor in developing that plan; and

(b) agree to establish such Sub-Committees and Overview and Scrutiny Working Groups from amongst their number (as set out below) as it considers necessary to carry out agreed areas of review and scrutiny.
6. Agenda

6.1 The published agenda for each annual meeting and any other meetings will be established by the Monitoring Officer in consultation with the Chair.

6.2 Any statutory officer of the combined authority will be entitled to require an item to be placed on the agenda for the meeting of the Overview and Scrutiny Committee or Sub-Committee, subject to consultation with the Chair concerning urgency and relevance to the functions of the Committee or Sub-Committee.

6.3 A request may be made in writing to the /Monitoring Officer for referral of a matter to the Overview and Scrutiny Committee or an Overview and Scrutiny Sub-Committee by:
(a) any member of the Overview and Scrutiny Committee;
(b) any member of that sub-committee;
(c) any member of the combined authority; and
(d) any member of a constituent council or a non-constituent council of the combined authority.

6.4 Subject to paragraphs 6.5 and 6.6 below, the Monitoring Officer shall confer with the Chair of the Overview and Scrutiny Committee or Sub-Committee concerned regarding the work programme and agenda planning and then, taking account of the urgency of the matter and the requirement for production of any associated reports, shall refer the matter by including it as an item on the agenda of a forthcoming meeting.

6.5 Where a request is made under paragraph 6.3 above, the Monitoring Officer shall refuse to refer a matter to the Overview and Scrutiny Committee or sub-committee where, in the Monitoring Officer’s opinion, the referral is not relevant to the functions of the Committee or Sub-Committee, which will include where it is the Monitoring Officer’s view that the referral would have been better made under a Constituent Council’s Overview and Scrutiny arrangements rather than those of the Combined Authority.

6.6 Where a request is made under 6.3(c) or 6.3(d) above, the Monitoring Officer shall refuse to refer a matter to the Overview and Scrutiny Committee or Sub-Committee where, in the Monitoring officer’s opinion, the referral is of an excluded matter in terms of:

(a) the matter being a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006;
(b) the matter being:
   (i) related to a planning decision;
   (ii) related to a licensing decision; or
   (iii) related to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment;

unless it consists of an allegation that a function for which the Combined Authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis; or

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(c) the matter being vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-committee of that committee.

6.7 Before coming to his or her opinion as required at paragraphs 6.5 and 6.6 above, the Monitoring Officer may first require discussion or consultation with the member making the referral or with any other persons the Monitoring Officer believes may aid him or her in coming to that opinion or otherwise aid agenda planning or report writing in respect of that matter.

7. **Overview and Scrutiny Sub-Committees**

7.1 The Overview and Scrutiny Committee may:
(a) appoint one or more sub-committees, and
(b) arrange for the discharge of any of its functions by any such sub-committee.

7.2 Any Sub-Committee of the Overview and Scrutiny Committee:
(a) shall be Subject to the provisions of these Arrangements; and
(b) may not discharge any functions other than those conferred on it under 5.1(b) above.

8. **Overview and Scrutiny Working Groups**

8.1 The annual meeting of the Overview and Scrutiny Committee may establish Overview and Scrutiny Working Groups to undertake agreed Overview and Scrutiny reviews.

8.2 Overview and Scrutiny Working Groups shall where possible, include Constituent Council members from at least 4 of the Constituent Councils.

8.3 Overview and Scrutiny Working Groups may only be appointed to carry out specific overview and scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Overview and Scrutiny Committee.

8.4 The Metro Mayor and/or the Combined Authority may also, if they choose, request that an Overview and Scrutiny Working Group be appointed to examine a specific issue in more detail and report back its findings to the Combined Authority as appropriate.

8.5 Overview and Scrutiny Working Groups may meet in private or in public as they consider fit. Any meeting held in private, as a working group, will not be required to comply with the Access to Information Procedure Rules set out at Part 4B of this Constitution.

8.6 Overview and Scrutiny Working Group will have no delegated powers and will refer the outcome of their investigations to the Overview and Scrutiny Committee for consideration and decision to then, if deemed appropriate, be recommended to the Metro Mayor and/or Combined Authority.
9. **General**

9.1 Subject to these provisions set out in this Section 2 of the Arrangements, meetings will proceed in accordance with the Meetings Standing Orders of the Combined Authority set out at Part 4A of this Constitution.

10. **The Value of Pre Scrutiny Work**

10.1 This is where the Overview and Scrutiny Committee looks at a planned decision shortly before (usually two to three weeks) it is made by the Combined Authority. It is often seen as a contrast with post-decision scrutiny through the call-in arrangements, whereby the implementation of a decision can be delayed. Another way of carrying out pre-decision scrutiny is to try to look at a planned decision several months before it goes to the Combined Authority.

10.2 Looking at decisions before they are made provides an important means to influence those decisions, and to improve them. It gives scrutineers an opportunity to challenge assumptions that may have been made as the decision was developed; it also gives them the chance to consider how decision-makers have considered what risks might arise from the implementation of the decision, and how those risks might be mitigated. Scrutiny councillors bring a different perspective to the decision-making process than that provided by Combined Authority members or officers, which can help decisions to be more robust.

10.3 The way in which the Overview and Scrutiny Committee carries out pre-decision scrutiny will depend on the decision itself, timing and the level of resource available.

10.4 Pre-decision scrutiny work carried out immediately prior to a decision being made will inevitably focus on questions being posed to the relevant officers and members. Work carried out beforehand, with more resources and time, can open out evidence gathering to include a wider selection of stakeholders, including partners and members of the public.

11. **Relationship with Constituent Councils**

11.1 In exercising, or deciding whether to exercise, any of its functions an Overview and Scrutiny Committee of a Combined Authority must have regard to any guidance for the time being issued by the Secretary of State.

11.2 The Constituent Councils will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.

11.3 Members of the Overview and Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Councils or elsewhere and will not duplicate the work of existing bodies or agencies.
12. Evidence gathering

12.1 The Overview and Scrutiny Committee, or a Sub-Committee may, in fulfilling its functions:

(a) request the Metro Mayor, Deputy-Metro Mayor/Chair, Members or officers of the Combined Authority to attend before it to answer questions, and

(b) invite other persons to attend meetings of the committee.

12.2 A person to whom a request is made they are not obliged by that requirement to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

12.3 Subject to prior notice being given, the Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer for any meetings set up under these arrangements.

12.4 In making an invitation under 12.1(b) above to request the attendance of officers employed by a Constituent Council to answer questions and give evidence at any Overview and Scrutiny meetings, those requests will be made via the Chief Executive (Head of Paid Service) of the relevant Constituent Council.

12.5 Whilst it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any Overview and Scrutiny meetings in response to that invitation, consideration will be given to meeting specific requests. If any invitation is declined by a Constituent Council, that Council's Chief Executive (Head of Paid Service) must state the reasons for so doing.

12.6 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement wherever possible.

12.7 If a request is made under paragraph 12.1(a) above and it is not complied with the Overview and Scrutiny Committee, or a Sub-Committee can require the attendance of the said individual to aid with fulfilment of their functions.

13. Call In

13.1 The following sets out the details of how the Overview and Scrutiny Committee proposes to exercise its powers in relation to the review and scrutiny of decisions made but not yet implemented and its arrangements in connection with the exercise of those powers. The Overview and Scrutiny Committee may change these at any time but must first:

(a) obtain the consent of the Combined Authority to the proposals and arrangements; and

(b) publish any changes.
13.2 When a decision is made by the Combined Authority or the Metro Mayor, or a key decision is made by an officer under delegated authority, the decision shall be published, including, where possible, by electronic means, and shall be available at the Combined Authority’s offices normally within two days of being made. Members of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

13.3 That notice of decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.

13.4 During that period of five working days after the publication, the Head of Paid Service shall call-in a decision for scrutiny if so requested in writing by two thirds of the Members of the Overview and Scrutiny Committee. In submitting the request for a decision to be called-in, the requester(s) must specify the reasons for wishing to call-in the decision.

13.5 The call-in request will be deemed invalid where, in the view of the Monitoring Officer, the reason(s) for the call-in as expressed in the written request fails to:
   a) question the soundness of the decision, based on identified irrelevant factors being taken into account or relevant factors either not or not sufficiently being taken into account by the decision-taker;
   b) identify where the decision or decision-taker did not have sufficient regard to Combined Authority policies or consultee responses in being guided to the decision; or
   c) question whether the decision conforms with agreed policies.

13.6 In identifying the reasons for the call-in request under paragraphs 13.5(a) to (c) above, requester(s) shall provide as much information, detail, explanation, evidence and/or facts as possible so as to ensure that the full reasons, evidence, rationale and purpose of the call-in are understood.

13.7 On receipt of the written request for call-in that is deemed to be valid, the Monitoring Officer shall arrange for a meeting of the Overview and Scrutiny Committee to be convened at the first available opportunity and in any event within seven working days of the request being notified to him/her.

13.8 The decision is then not to be implemented while it remains under review or scrutiny by the Overview and Scrutiny Committee.

13.9 The Overview and Scrutiny Committee will consider whether or not to exercise any of the powers open to it in relation to a matter referred to the committee to:
   a) recommend that the decision be reconsidered by the decision-maker; and
   b) recommend that the decision is not implemented until that process of reconsideration is completed.
13.10 In considering whether or not to exercise any of the powers open to it in relation to a matter referred, the Committee:

(a) must have regard to any representations made by the members submitting the call-in as to why it would be appropriate for the Committee to exercise any of these powers in relation to the matter; and

(b) should address the following criteria, as to whether:

(i) there are significant legal, financial or propriety issues relating to the proposal;

(ii) the decision taker has failed to seek or to take into account any views expressed by the Overview and Scrutiny Committee or relevant Sub-Committee;

(iii) the decision is likely to cause significant concern or distress to a local community or prejudice to individuals within it;

(iv) the issue is one which has not been the subject of consultation, or as significant a process of consultation, as it ought;

(v) any damage to the interests of the Combined Authority will be caused by delay in taking or implementing the decision and, if so, whether that damage will be significant?

14. Outcome of the Call-In

14.1 Where the Overview and Scrutiny Committee resolves not to exercise any of its powers in relation to the matter, it must notify the members calling-in the decision of its decision and the reasons for it and provide a copy for the decision maker.

14.2 Where the Overview and Scrutiny Committee resolves to exercise any of its powers in relation to the matter, it must notify the decision maker and set out the basis upon which reconsideration is requested and any other recommendations are made.

14.3 Upon receipt of a recommendation that the decision be reconsidered, the decision-making body will reconsider the decision and that reconsideration shall take place within seven working days of the Overview and Scrutiny Committee’s request.

14.4 The Overview and Scrutiny Committee shall provide the members calling-in the decision with a copy of any report or recommendations which it makes under 14.2 above in connection with the matter referred to it by the members. This publication will not include any confidential information or any relevant exempt information that the Committee must or may exclude save that, where information is so excluded, the Overview and Scrutiny Committee or the Combined Authority, or the Metro Mayor, in publishing, or providing a copy of, the document:

(i) may replace so much of the document as discloses the information with a summary which does not disclose that information; and

(ii) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
15. **Exclusions to Call-In**

15.1 The call-in procedure set out above shall not apply where, in the view of the decision-making body stated when the decision is made, any delay in implementing the decision would prejudice the interests of the Combined Authority or the interests of the public. To inform the view of the decision making body, the Monitoring Officer shall secure the view of the Chair of the Overview and Scrutiny Committee on the proposal to waive the call-in procedure and duly report this to the decision making body in advance of their determination.

15.2 No further requests for reconsideration may be made in cases where decisions have been reconsidered and the decision has been affirmed.

15.3 Decisions which have been subject to pre-scrutiny by the Overview and Scrutiny Committee cannot be recommended for reconsideration unless the decision taken is, in the view of the Monitoring Officer, significantly different from the proposal under contemplation at the pre-scrutiny stage which occurred at the Overview and Scrutiny meeting.

16. **Reports and Recommendations of the Overview and Scrutiny Committee**

16.1 Where the Overview and Scrutiny Committee makes a report or recommendation to the Combined Authority or the Metro Mayor, it may

(a) publish the report or recommendations;

(b) by notice in writing, require the Combined Authority to

(i) consider the report or recommendation;

(ii) provide a response to the Overview and Scrutiny Committee indicating what action (if any) it proposes to take; and

(iii) where the Overview and Scrutiny Committee has published the report or recommendations, publish the response.

16.2 A notice under 16.1(b) above will require Combined Authority and/or the Metro Mayor to comply with it within two months, beginning with the date on which the Metro Mayor and/or Combined Authority receives the report or recommendations or (if later) the notice.

16.3 The Metro Mayor and/or Combined Authority will comply with a notice given under 16.1(b).

16.4 The requirements or power to publish contained in 16.1(a) and 16.3 shall not apply where the reports contain exempt or confidential information.

17. **The Party Group Whip**

17.1 Statutory Guidance and good practice in relation to Overview and Scrutiny views whipping as incompatible with the role of the Committee, where whipping is defined as

"Any instruction given by or on behalf of a political group to any member who is a member of that group as to how that member shall speak or vote
on any matter before a meeting of the authority or of any committee or subcommittee, or the application or threat to apply any sanction by the group in respect of that member should he/she speak, vote or decide in any particular manner."

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

18. Scrutiny Officer

18.1 The Combined Authority must designate one of its officers as the Scrutiny Officer of the Overview and Scrutiny Committee, to discharge the functions to:
(a) promote the role of the Overview and Scrutiny Committee;
(b) provide support and guidance to the Overview and Scrutiny Committee and its members; and
(c) provide support and guidance to members of the Combined Authority and to the Metro Mayor in relation to the functions of the Overview and Scrutiny Committee,
in respect of which the Overview and Scrutiny Committee includes the Overview and Scrutiny Sub-Committees and Working Groups.

18.2 The Combined Authority may not designate as the Scrutiny Officer any officer of a Constituent Council.

19. Constituent Council Support to Overview and Scrutiny

19.1 The Overview and Scrutiny leads from each Constituent Council are to provide guidance to the Overview and Scrutiny Committee on its work programme, advice on the scoping of reviews (at different levels) and ensuring the appropriate information and advice is made available during the reviews, where appropriate, through the use of expert witnesses.

19.2 The decisions and recommendations of the Overview and Scrutiny Committee will be communicated to the Constituent Councils and to Merseytravel as appropriate, in addition to the Combined Authority and the Metro Mayor, as soon as practicable.

20. Advice to Overview and Scrutiny

20.1 The Overview and Scrutiny Committee may ask individuals or groups to assist it on a review by review basis and may ask independent professionals for advice during the course of reviews. Such individuals or groups will not be able to vote.

20.2 The Scrutiny Officer of each Constituent Council is to ensure that the work programmes and minutes relating to the work carried out by the Overview and
Scrutiny Committee in scrutinising the Combined Authority are circulated appropriately within their own Constituent Council’s overview and scrutiny arrangements.

20.3 Each Constituent Council will nominate one of the members of that Constituent Council who have been appointed to the Overview and Scrutiny Committee to act as that Constituent Council’s ‘Combined Authority Overview and Scrutiny Link’. The Combined Authority Overview and Scrutiny Link will be responsible for reporting back to their own Constituent Council on the Overview and Scrutiny work carried out by the Overview and Scrutiny Committee and will also be responsible for reporting to the Overview and Scrutiny Committee any issues identified locally by their own Constituent Council which may warrant Overview and Scrutiny at a sub-regional level. The nomination of a Combined Authority Overview and Scrutiny Link and the way in which this role will be performed will be determined by each Constituent Council.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 5

Financial Standing Orders
# Section A

## Funding and Budget Procedure Rules

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A. **FUNDING**

A1 **COSTS TO BE MET FROM LEVYING**

1. Subject to paragraph (2) and to paragraphs (7) and (8) below, the Constituent Councils must ensure that any reasonably incurred costs of the Combined Authority are met to the extent that the Combined Authority has not decided to meet these costs from other resources available to the Combined Authority.

2. Subject to paragraph (4), the Constituent Councils must meet the costs of the expenditure reasonably incurred by the Metro Mayor in, or in connection with, the exercise of the functions specified in (articles 3, 5, 6, 7, 10 and 19(1) of the 2017 Order (SI2017/430)) to the extent that the Metro Mayor has not decided to meet these costs from other resources available to the Combined Authority.

3. Any amount payable by each of the Constituent Councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the Constituent Councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population of the Combined Authority which resides in the local government area of that council at the relevant date as estimated by the UK Statistics Authority (or its successor).

4. In relation to the expenditure mentioned in paragraph (2):
   (a) to the extent to which such expenditure is to be met by amounts payable under arrangements made under paragraph (3):
      (i) the Metro Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and
      (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred;
   (b) any precept issued in relation to such expenditure under regulations made under section 40 of the Local Government Finance Act 1992 is to be disregarded from any calculation of the costs of the expenditure.

5. The functions mentioned in (articles 16 to 18 of the 2017 Order) are to be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992 (SI 1992.2789 as amended).

6. For the purposes of this article the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

7. The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport shall be met by means of two separate levies issued by the Authority to:
   (a) the district councils in the county of Merseyside; and
   (b) Halton Council under section 74 of the Local Government Finance Act 1988, and in accordance with regulations made thereunder.
8. In determining the amount of the levies to be issued to Halton Council for a financial year, no account may be taken of the cost of meeting any liabilities or expenses, including transferred pension liabilities, incurred by the Combined Authority or to be incurred in consequence of the abolition of the Integrated Transport Authority and transfer of functions, etc. (Art. 6, 2014 Order).

A2. COSTS OF METRO MAYOR TO BE MET FROM PRECEPTS

9. Subject to Section A1 above (and transitional provisions), the costs of the Metro Mayor that are incurred in, or in connection with, the exercise of Metro Mayoral functions are to be met from precepts issued by the Combined Authority under section 40 of the 1992 Act (issue of precepts by major precepting authorities).
B SETTING OF THE COMBINED AUTHORITY’S BUDGET:
METRO MAYOR’S GENERAL FUNCTIONS

1. Metro Mayor to notify Combined Authority of proposed budget: general component

   (1) The Metro Mayor must, before 1st February in any financial year, notify the Combined Authority of the Metro Mayor’s draft budget in relation to the following financial year.

   (2) The draft budget must:
       (a) set out the Metro Mayor’s spending plans and how the Metro Mayor intends to meet the costs of the Metro Mayor’s general functions; and
       (b) include the relevant amounts and calculations.

   (3) In this Section references to “the Combined Authority” are, except in Rule 4(7) and (8) below, to be construed as references to members of the Combined Authority other than the Metro Mayor.

2 Combined Authority to review budget

   (1) The Combined Authority must review the Metro Mayor’s draft budget notified to it under Rule 1.

   (2) The Combined Authority may make a report to the Metro Mayor on the draft budget.

   (3) Any report:
       (a) must set out whether or not the Combined Authority would approve the draft budget in its current form; and
       (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.

   (4) The Metro Mayor’s draft budget shall be deemed to be approved by the Combined Authority unless the authority makes a report under paragraph (2) to the Metro Mayor before 8th February.

3 Metro Mayor’s consideration of report

   (1) Where the Combined Authority makes a report under Rule 2, it must specify a period of at least five working days beginning on the day after the day on which the Metro Mayor receives the report within which the Metro Mayor may:
       (a) decide whether or not to make any revisions to the draft budget; and
       (b) notify the Combined Authority of the reasons for that decision and, where revisions are made, the revised draft budget.
4 Combined Authority’s decision on budget

(1) When any period specified under Rule 3 by the Combined Authority has expired the authority must determine whether to:

(a) approve the Metro Mayor’s draft budget (or revised draft budget, as the case may be); or

(b) veto the draft budget (or revised draft budget) and approve the Metro Mayor’s draft budget incorporating the Combined Authority’s recommendations contained in the report to the Metro Mayor under Rule 2.

(2) The Metro Mayor’s draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the relevant period in accordance with this Rule.

(3) In making a decision on a question under paragraph (1) the Combined Authority must take into account the reasons given by the Metro Mayor under Rule 3.

(4) Any decision to veto the Metro Mayor’s draft budget (or draft revised budget) and approve the Metro Mayor’s draft budget incorporating the Combined Authority’s recommendations contained in the report to the Metro Mayor under Rule 2 must be decided by a two-thirds majority of the members, or substitute members acting in their place, of the Combined Authority present and voting on the question at a meeting of the authority.

(5) In paragraph (2) “relevant period” means the period of five working days beginning with the day after the date on which the period specified under Rule 3 expires.

(6) Paragraph (7) applies in a case where the Metro Mayor has failed, in accordance with article 5(1), to notify the Combined Authority of the Metro Mayor’s draft budget before 1st February.

(7) Where this paragraph applies, the Combined Authority must determine the relevant amounts and calculations that are to be used for the financial year.

(8) Any decision under paragraph (7) must be decided by a two-thirds majority of the members, or substitute members acting in their place, of the Combined Authority present and voting on the question at a meeting of the authority.

(9) Paragraphs (4) and (8) have effect subject to:

(a) paragraphs (10) and (11); and

(b) any provision to the contrary in an order made under Part 6 of the 2009 Act.
(10) In paragraphs (4) and (8) “member” and “substitute member” does not include any person who is not a member of a Constituent Council.

5 Calculations and amounts to be used in setting precept

(1) The relevant amounts and calculations which are approved by the Combined Authority in accordance with Rule 4 shall be used in making a calculation (whether originally or by way of substitute):
   (a) under the provisions of the 1992 Act mentioned in paragraph (2); and
   (b) in calculating the amounts to be stated in a precept under Chapter 4 of Part 1 of the 1992 Act (precepts).

(2) The provisions are:
   (a) section 42A (calculation of council tax requirement by authorities in England);
   (b) section 42B (calculation of basic amount of tax by authorities in England);
   (c) sections 47 to 49 (calculation of tax for different valuation bands; calculation of amount payable by each billing authority; substitute calculations); and
   (d) section 52ZJ (major precepting authority’s duty to make substitute calculations).

6 Transparency of budget decision

(1) Immediately after any vote is taken at a meeting to consider a question under Rule 4, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 5
# Section B

Financial Procedure Rules

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1 General

1.1 These Financial Procedure Rules have been prepared in accordance with the Authority’s Constitution.

1.2 The Authority is responsible for:
(a) adopting the Authority’s Constitution, including these Financial Procedure Rules;
(b) setting policy and approving the Authority budget;
(c) approving procedures for the recording and reporting of its decisions taken;
(d) the determination of the Levy to be issued to the Constituent Authorities; and
(e) the determination of the Precept to be issued.

1.3 The Metro Mayor is responsible for keeping a fund (to be known as the Metro Mayor’s General Fund) in relation to receipts arising, and liabilities incurred, in the exercise of the Metro Mayor’s general functions, including the keeping of accounts of payments made into or out of the Metro Mayor’s General Fund.

1.4 The Treasurer is responsible for maintaining a continuous review of Financial Procedure Rules and submitting any changes necessary to the Authority for approval. The Treasurer is also responsible for reporting, where appropriate, breaches to the Financial Procedure Rules to the Authority.

1.5 The Head of Paid Service, Directors and Monitoring Officer, are responsible for compliance with these Financial Procedure Rules. The Head of Paid Service, Directors and Monitoring Officer, with delegated authority may only delegate to other officers who have the skills and knowledge appropriate to the task. Officers shall be informed by his/her Head of Paid Service, Directors and Monitoring Officer of the extent of any sub-delegation. Head of Paid Service, Directors and Monitoring Officers shall supply the Treasurer with a list of sub-delegations, which have been made and shall review and update this list on a regular basis.

1.6 Where Head of Paid Service, Directors and Monitoring Officers or their nominated officers require further guidance on the interpretation and application of these Financial Procedure Rules, this should be obtained from the Treasurer.

2 The Role of the Treasurer

2.1 The Treasurer is the responsible officer for the proper administration of the Authority’s financial affairs. The Treasurer will also fulfil all relevant statutory responsibilities, including those set out in Part VIII of the Local Government Finance Act 1988.

2.2 Financial management covers all financial accountabilities in relation to running the Authority, including the policy framework and budget.
2.3 The Treasurer will determine the standards of financial management to be observed by Head of Paid Service, Directors and Monitoring Officers and will monitor compliance with them.

3 **The Role of Head of Paid Service, Directors and Monitoring Officers**

3.1 Head of Paid Service, Directors and Monitoring Officers shall promote the financial management standards set by the Treasurer and shall monitor adherence to the standards and practices.

3.2 It is the responsibility of Head of Paid Service, Directors and Monitoring Officers to consult with the Treasurer and seek advice on any matter likely to have a material effect on the Authority’s finances, before any decisions are made.

3.3 If any Head of Paid Service, Directors and Monitoring Officer or officer acting on behalf of the Authority is aware of any contravention of these Financial Procedure Rules, they must immediately notify the Treasurer who shall determine appropriate action.

4 **Managing Expenditure**

4.1 All revenue and capital expenditure must be incurred in accordance with the Financial Procedure Rules and Contract Procedure Rules or Land Procedure Rules of the Combined Authority, Merseytravel or the appropriate Constituent Council, unless otherwise determined by the Treasurer.

4.2 Head of Paid Service, Directors and Monitoring Officers are expected to plan and manage their expenditure to ensure:
   (a) that resources are used in the most efficient, effective and economic way;
   (b) that expenditure does not exceed the overall budget allocated; and
   (c) that future commitments for the Authority are not made for which they have not identified future resources.

4.3 Head of Paid Service, Directors and Monitoring Officers shall inform the Treasurer as soon as possible of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Authority. A record shall be maintained of all such transactions in a form to be determined by the Treasurer.

5 **Accounting Policies Records and Returns**

5.1 The Treasurer will determine the Authority’s required accounting policies and procedures taking into account prevailing national and international accounting requirements.

5.2 Head of Paid Service, Directors and Monitoring Officers and their officers will adhere to the accounting policies and procedures as determined by the Treasurer.
5.3 All the principal accounting and costing records of the Authority shall be determined by the Treasurer and compiled under the Treasurer’s direction.

5.4 The Treasurer shall exercise overall supervision and control over the form and standard of all financial records, financial statements and accounts kept by the Authority and its Head of Paid Service, Directors and Monitoring Officers, and will determine the period for which such documents shall be kept.

5.5 As soon as possible after the end of Authority’s financial year in each year, each Head of Paid Service, Directors and Monitoring Officer shall, in line with the guidance of the Treasurer, account for all income due to the Authority for works goods and services supplied in the previous financial year (debtors), and all payments due for works goods and services received in the previous financial year (creditors).

5.6 The Treasurer is responsible for preparation of the Authority's annual statement of accounts in accordance with the Authority's accounting policies. The Treasurer will:
   (a) draw up the timetable for final accounts preparation;
   (b) make proper arrangements for the completion of the Authority's accounts;
   (c) make proper arrangements for the audit of the Authority's accounts; and
   (d) publish the audited accounts in accordance with the statutory timetable.

5.7 Head of Paid Service, Directors and Monitoring Officers must maintain appropriate reconciliations and working papers to support the production of the annual statement of accounts in accordance with guidance issued by the Treasurer.

5.8 The Authority’s Audit and Governance Committee is responsible for the scrutiny and approval of the annual statement of accounts prior to their certification by the external auditor. Should the Audit and Governance Committee not be able to conclude this function for any reason then it will be carried out by the Combined Authority.

6 Financial Management

Budget Monitoring and Control – Revenue and Capital

6.1 Head of Paid Service, Directors and Monitoring Officers are responsible for monitoring their income and expenditure against the revenue and capital budgets approved by the Authority.

6.2 The Treasurer will establish an appropriate framework of financial management and control for the Authority which ensures that:
   (a) budget management is exercised within approved Authority revenue and capital budgets;
(b) expenditure and income is monitored using information held on the Authority’s corporate financial information system; and
(c) timely and sufficient information on receipts and payments on each budget is available to enable managers to fulfil their budgetary responsibilities.

6.3 Unless otherwise determined by the Treasurer, each Head of Paid Service, Directors and Monitoring Officer shall make appropriate arrangements for compliance with the Authority’s Financial Procedure Rules for the proper management and monitoring of revenue and capital income and expenditure.

6.4 Head of Paid Service, Directors and Monitoring Officers must personally ensure that any information which suggests a potentially significant variation against their approved budget (both overspends and underspends) is notified at the earliest opportunity to the Treasurer. Where appropriate, the Treasurer shall prepare a specific report for the Authority to consider the proposed approach to mitigate the effects of such variation.

6.5 In respect of a forecast overspend that cannot be contained within the relevant approved budget, the Head of Paid Service, Directors and Monitoring Officer should seek to identify proposed corrective action or alternative funding options. The Treasurer will work with Head of Paid Service, Directors and Monitoring Officers to consider these options. Wherever possible, action should be taken by the Head of Paid Service, Directors and Monitoring Officer to reduce planned levels of expenditure.

6.6 Where additional revenue or capital resources become available, or are forecast to become available, the Head of Paid Service, Directors and Monitoring Officer must notify the Treasurer at the earliest opportunity. If deemed appropriate, the Treasurer shall prepare a specific report for the Authority to consider the allocation of the additional available resources.

6.7 At the end of each financial year, the Treasurer will report to the Authority on the treatment of any residual overspending or underspending against the Authority’s revenue and capital budgets.

**Reporting of Budget Monitoring**

6.8 The Treasurer will prepare revenue and capital budget monitoring reports in conjunction with Head of Paid Service, Directors and Monitoring Officers for presentation to the Authority on a regular basis. The frequency and content of these reports shall be determined by the Treasurer, in consultation with the Authority.

**Approval for Capital Expenditure**

6.9 Where Head of Paid Service, Directors and Monitoring Officers wish to propose new capital schemes or blocks for inclusion in the Authority’s capital programme, they must first consult the Treasurer who will determine the
approach to be taken for approval of the proposal.

**The Capital Programme**

6.10 The Capital Programme will be reported to the Authority at regular intervals as determined by the Treasurer.

6.11 Head of Paid Service, Directors and Monitoring Officers must ensure that capital expenditure plans are phased as accurately as possible, and as soon as possible. These should be based on estimates if there is uncertainty regarding confirmation of funding sources or scheme details.

6.12 Any proposal to re-phase (i.e. delay or bring forward) programmed capital expenditure should be notified by the Head of Paid Service, Directors and Monitoring Officer to the Treasurer at the earliest opportunity. If deemed appropriate, the Treasurer shall prepare a report for the Authority to consider the proposal.

**7 Financial Planning**

**Budget Preparation**

7.1 The Authority is required to establish an annual budget in line with its strategic plan. The Treasurer shall determine the appropriate timetable for the preparation of the annual budget that conforms to the statutory deadlines, including those in relation to setting the Levy for Constituent Councils.

7.2 The annual budget must take proper account of available resources and financial risk.

7.3 Each financial year, as part of the Authority’s ongoing Medium Term Financial Strategy, Head of Paid Service, Directors and Monitoring Officers will develop annual revenue and capital budget proposals in consultation with the Treasurer for consideration by the Authority.

7.4 Head of Paid Service, Directors and Monitoring Officers shall also prepare a rolling three-year programme of capital expenditure, identifying realistic phasing of all approved schemes.

7.5 The Treasurer will advise the Authority on the robustness of budget proposals and the adequacy of reserves in accordance with his/her responsibilities under these Financial Procedure Rules.

**8 Maintenance of Reserves and Balances**

8.1 All revenue reserves held by the Authority will be kept under review by the Treasurer with a view to ensuring that they are spent on their specified purposes and that planned expenditure is properly phased.
8.2 The Treasurer will advise the Authority on prudent levels of reserves and general balances for the Authority.

8.3 The Authority will determine a reserves strategy as part of its Medium Term Financial Strategy on advice provided by the Treasurer.

8.4 In establishing its reserves strategy, the Authority must consider all known financial risks and future liabilities of the Authority.

9 Treasury Management

9.1 The Authority’s treasury management activities shall be defined as the management of its investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

9.2 All treasury management activity shall be undertaken in full compliance with the Chartered Institute of Public Finance and Accountancy’s Code of Practice: Treasury Management in Public Services (revised 2011) as may be revised from time to time or such other practices and procedures as may be approved by the Authority.

9.3 All investments and borrowings shall be made in the name of the Authority.

9.4 All of the Authority’s funds shall be aggregated for the purposes of the treasury management and shall be under the control of the Treasurer.

9.5 Head of Paid Service, Directors and Monitoring Officers shall ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the prior approval of the Treasurer and the Authority.

9.6 Credit arrangements, such as finance leases, operating leases, and borrowing cannot be entered into without the approval of the Treasurer.

10 Banking Arrangements and Cheque Security

10.1 No officer other than the Treasurer may open any bank account in the name of the Authority.

10.2 The Authority’s banking terms and overdraft arrangements shall be agreed by the Treasurer.

10.3 All arrangements for the ordering and issuing of cheques shall be made by the Treasurer, who shall make proper arrangements for their custody.

10.4 All cheques drawn on behalf of the Authority shall be signed by the Treasurer.
11 Arrangements with External Organisations

Partnerships

11.1 The Treasurer must be consulted prior to the establishment of any financial arrangements as part of partnerships or joint arrangements with external companies, other public organisations and community and voluntary groups. No partnership or joint arrangements shall be entered into without the approval of the Authority.

11.2 Head of Paid Service, Directors and Monitoring Officers must confirm whether any arrangement requires the Authority to be designated an ‘Accountable Body’. Where this is the case, the Treasurer must be consulted and approval of the Authority must be obtained prior to the arrangement becoming operational.

11.3 The financial arrangements of all partnerships where the Authority is the Accountable Body should meet the requirements of the Authority’s Financial Procedure Rules and Contract Procedure Rules.

11.4 Head of Paid Service, Directors and Monitoring Officers must ensure that the accounting and monitoring arrangements to be adopted relating to partnerships and joint arrangements are in accordance with the requirements of the Treasurer.

External Funding

11.5 The Treasurer must be consulted on all submissions to central government and external agencies for funding. Prior to making any submission in relation to external funding, Head of Paid Service, Directors and Monitoring Officers must ensure that:

(a) an exit strategy is identified to manage the ultimate cessation of the funding stream with no adverse impact on the Authority;

(b) any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements; and

(c) they are able to comply with the terms and conditions of a grant scheme, including auditor certification requirements, before accepting them.

11.6 Head of Paid Service, Directors and Monitoring Officers must seek approval from the Treasurer before accepting any offer of funding from external bodies.

11.7 Head of Paid Service, Directors and Monitoring Officers must ensure that all funding from external bodies is recorded, monitored and accounted for in accordance with Financial Procedure Rules and also the requirements of the funding body.

11.8 Head of Paid Service, Directors and Monitoring Officers are responsible for ensuring that all expenditure to be funded by grant is properly incurred in
accordance with the requirements and conditions of the funding body, and is supported by adequate evidence.

11.9 Head of Paid Service, Directors and Monitoring Officers are responsible for ensuring the completion and submission of grant claims. Head of Paid Service, Directors and Monitoring Officers must also ensure that grant claims comply with the requirements and grant conditions of the funding body, and are submitted promptly and supported by adequate evidence. The Treasurer will provide guidance and advice on compliance with general and specific grant conditions and the requirements for submission.

11.10 Head of Paid Service, Directors and Monitoring Officers must ensure that all income and expenditure relating to external funding approvals is properly budgeted for. These budgets should be monitored as part of the budget monitoring arrangements set out in these Financial Procedure Rules.

11.11 The Treasurer will maintain a register of bids submitted to external bodies together with a register of all grant arrangements entered into with external bodies. Head of Paid Service, Directors and Monitoring Officers are responsible for ensuring that the information held on these registers is accurate and up to date in accordance with the Authority’s External Funding Strategy.

12 Income

12.1 All monies received on behalf of the Authority shall be paid in full into the Authority’s bank account or, where approved by the Treasurer, Merseytravel or the relevant Constituent Council’s bank account.

12.2 Any Value Added Tax should be accounted for separately.

12.3 The write-off of unrecoverable debt should be in accordance with the Treasurer’s write off criteria (see Financial Procedure Rule 18 below). Fees and Charges (including Tunnel Tolls).

12.4 Any proposal to introduce new charges or make changes in existing charges for the provision of services by the Authority must be in line with the guidance of the Treasurer and must be agreed by the Authority.

12.5 A schedule of all fees and charges for the provision of services will be presented by the Treasurer for approval by the Authority on an annual basis.

13 Ordering of and Payments for Works Goods and Services

General Ordering Procedures

13.1 All orders for works goods and services must be made in accordance with the Authority’s Financial Procedure Rules and Contract Procedure Rules.
Contract Payments and Variations

13.2 Payments to contractors on account of contracts must be made in accordance with the requirements of the Authority's Financial Procedure Rules and Contract Procedure Rules.

13.3 Where a breach of contract occurs, the Head of Paid Service, Directors and Monitoring Officer concerned shall seek appropriate legal advice and, in consultation with the Treasurer, shall prepare a statement of any liquidated and ascertained damages, or such other penalties stipulated in the contract. Any breach that may lead to termination of the contract shall be reported to the Monitoring Officer.

13.4 Any variation in the amount of a contract must be notified to the Treasurer. Where appropriate the Treasurer may require the matter to be reported to the Authority.

14 Insurance

14.1 The Treasurer, in consultation with Head of Paid Service, Directors and Monitoring Officers, shall be responsible for ensuring that all insurable risks of the Authority are adequately covered, for maintaining the necessary records and for making all claims on behalf of the Authority.

14.2 Head of Paid Service, Directors and Monitoring Officers shall notify the Treasurer promptly of all risks, liabilities, properties or vehicles which are required to be insured, and of any alterations affecting risk or insurances indicating the amount of cover required.

14.3 Head of Paid Service, Directors and Monitoring Officers shall immediately notify the Treasurer of any fire, loss, accident or other event that may give rise to a claim against the Authority's insurers.

15 Internal Audit

15.1 The Treasurer shall be responsible for maintaining an internal audit of all accounts and financial transactions of the Authority, and shall satisfy himself/herself as to security arrangements for the custody and safeguarding of the Authority's assets as laid down in any legislation applicable to the Authority and any relevant codes of practice adopted by the Authority.

15.2 The Treasurer, or nominated individuals undertaking internal audit functions, shall have authority to visit all establishments of the Authority, shall have access to all relevant records of any Service, and shall be entitled to require the production of all cash, stores and other property and to obtain information or explanations with regard to any matters under examination.

15.3 Head of Paid Service, Directors and Monitoring Officers shall notify the Treasurer immediately of any circumstances which may suggest the possibility of irregularity or loss affecting cash, stores, property or transactions
of the Authority. Where the Treasurer considers that an irregularity may have occurred, action shall be taken by way of an investigation and report.

15.4 Head of Paid Service, Directors and Monitoring Officers shall consider and respond promptly to recommendations in audit reports and ensure that any agreed actions arising from audit recommendations are implemented in a timely manner.

16 External Audit

16.1 The Treasurer will ensure that external auditors are given reasonable access to premises, personnel, documentation and assets considered necessary for the purposes of their work and to ensure effective liaison with the Authority’s internal audit function.

16.2 Head of Paid Service, Directors and Monitoring Officers shall ensure all records and systems are up to date and available for inspection by the external auditor.

17 Inventories/Asset Registers

17.1 Head of Paid Service, Directors and Monitoring Officers shall ensure that an inventory is prepared and maintained in a manner agreed with the Treasurer.

17.2 Write-off of any assets should be in accordance with the Treasurer’s write off criteria (see Financial Procedure Rule 18 below).

17.3 The disposal of surplus, obsolete, or redundant equipment shall be effected in accordance with the procedures laid down by the Treasurer.

18 Write-Off Criteria

18.1 Any write-offs shall be in accordance with the following write off criteria:

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<th>Value of Individual Item to be Written off</th>
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<td>Up to and including £50,000</td>
<td>Appropriate Head of Paid Service, Directors and Monitoring Officer and the Treasurer (unless considered by the appropriate Head of Paid Service, Directors and Monitoring Officer and/or the Treasurer that the item should be referred to the Authority)</td>
</tr>
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<td>Above £50,000</td>
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CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 5
## Section C

**Contract Procedure Rules**

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1. **The need for Contract Procedure Rules**

1.1 Every contract entered into by the Combined Authority shall be entered into pursuant to or in connection with the Combined Authority’s functions and shall comply with:

(a) all relevant statutory provisions;

(b) the relevant European procurement rules (i.e. the EC Treaty, the general principles of EU law and the EU public procurement directives implemented by the EU Regulations);

(c) the Combined Authority’s Constitution including these Contract Procedure Rules, the Combined Authority’s Financial Procedure Rules and the Combined Authority’s Scheme of Delegation; and

(d) the Combined Authority’s Procurement Strategy and policies.

1.2 These Contract Procedure Rules are intended to ensure that all Combined Authority contracts are entered into following a transparent and fair procurement process and provide best value for the Combined Authority.

1.3 The highest standards of probity are required of all officers and Members involved in the procurement, award, and management of Combined Authority contracts. Members shall comply with the Code of Conduct for Members.

1.4 At all times during the contract award procedure, the Combined Authority, through its Members and officers, shall consider and implement the principles of non-discrimination, equal treatment, and transparency.

1.5 The procurement guidance issued by the Treasurer assists with ensuring the consistency of approach to procurement across the Combined Authority. Head of Paid Service, Directors and Monitoring Officers shall have regard to the procurement guidance when undertaking procurement.

1.6 It is recognised, however, that through the normal course of its business, contracts will be entered into and expenditure incurred on behalf of the Combined Authority by its Constituent Councils and its Accountable Body.

1.7 Where expenditure is incurred or contracts entered into by Constituent Councils using Combined Authority resources, it shall be that body’s own Contract Procurement Rules that will be relevant in determining thresholds for the purposes of delegated Combined Authority to spend.

1.8 The Combined Authority, through its Treasurer, shall maintain an up-to-date record of each Constituent Council’s contract procurement rules for the purposes of assurance.

1.9 The Contract Procurement Rules contained within this document relate solely to contracts entered into and expenditure incurred directly by the Combined Authority.
2. **Commissioning and Procurement plans**

2.1 Prior to the start of each financial year, each Head of Paid Service, Directors and Monitoring Officer shall prepare a commissioning and procurement plan setting out the Combined Authority’s contracts within the scope of their delegation to be procured during that financial year and where possible for forthcoming years. A copy shall be supplied to the Treasurer. The Treasurer shall, from the individual service procurement plans, prepare the annual commissioning and procurement plan for the Combined Authority.

3. **Who has authority to carry out procurement on behalf of the Combined Authority?**

3.1 Any procurement carried out on behalf of the Combined Authority may only be undertaken by officers within the scope of their delegated authority under the Combined Authority’s Constitution. Officers with delegated authority may only sub-delegate to other officers who have the skills and knowledge appropriate to the task. Officers shall be informed by his/her Head of Paid Service, Directors and Monitoring Officer of the extent of any delegated authority and any applicable financial thresholds for each procurement. Head of Paid Service, Directors and Monitoring Officer shall supply the Treasurer with a list of the sub-delegations which have been made and shall review and update this list on a regular basis.

3.2 Head of Paid Service, Directors and Monitoring Officer may authorise their officers to place orders against framework agreements which have been entered into by the Combined Authority or which the Combined Authority has the benefit of using the provisions of Contract Procedure Rule 33.

4. **What contracts do not require compliance with the Combined Authority’s Contract Procedure Rules?**

4.1 These Contract Procedure Rules do not apply to the seeking of offers in relation to a public contract, framework agreement or dynamic purchasing system which is exempt under the provisions of the EU Regulations including the following:

(a) employment or other contracts of service; and
(b) for the disposal (see Land Procedure Rules) or acquisition of an interest in land (including buildings or other immovable property or concerning rights thereon).

4.2 Contracts procured by Merseytravel or Constituent Councils on behalf of the Combined Authority under delegated powers, do not require compliance with the Combined Authority’s Contract Procedure Rules. In such circumstances, the Contract Procedure Rules of Merseytravel or the Constituent Council (as appropriate) shall be complied with.

5. **What is the pre-procurement procedure?**

5.1 Before commencing a procurement exercise, it is essential that the Head of Paid Service, Directors and Monitoring Officer leading the procurement has identified the need and fully assessed any options for meeting those needs
and, where proportionate to the value and risks of the procurement, the Head of Paid Service, Directors and Monitoring Officer shall complete a procurement approach & initiation document and a risk assessment. The risk assessment shall be updated at regular intervals both during the procurement phase and also after contract award. Consideration shall be given to the Combined Authority's Procurement Strategy, procurement plans, and the duty to consider social, economic, and environmental well-being under the terms of the Public Services (Social Value) Act 2012.

5.2 Before undertaking a procurement exercise the Head of Paid Service, Directors and Monitoring Officer shall:

(a) consider all other means of satisfying the need (including recycling and reuse where appropriate);

(b) consider whether there is an appropriate standing list (see Contract Procedure Rule 31 below) or a framework agreement (see Contract Procedure Rule 33 below) that should be used;

(c) ensure that resources have been identified to fund the potential cost of the procurement; and,

(d) establish a business case for the procurement.

5.3 The Treasurer shall maintain a full list of framework agreements for use by Head of Paid Service, Directors and Monitoring Officers. Any appropriate framework agreements in place shall be used by Head of Paid Service, Directors and Monitoring Officers regardless of the potential value of a contract.

6. How does the Combined Authority estimate the contract value?

6.1 The Combined Authority should make the best use of its purchasing power by aggregating purchases wherever possible. Particular supplies, services, or works shall not be split in an attempt to avoid the applicability of these Contract Procedure Rules or the EU Regulations.

6.2 The choice of method used to calculate the estimated value of a contract may not be made with the intention of excluding it from the scope of the EU Regulations.

7. Low value procurements

7.1 Procurements that are valued below £10,000 shall be classed as low value. The Treasurer shall issue guidance to Head of Paid Service, Directors and Monitoring Officers recommending the preferred method of procurement required in order to demonstrate the Most Economically Advantageous Offer for the Combined Authority.

8. Intermediate and high value procurements

8.1 Procurements that are valued between £10,000 and the prevailing EU threshold for supplies and services, or between £10,000 and £1,000,000 in respect of works, shall be classed as intermediate value procurements.
8.2 These procurements shall be conducted by the Treasurer with a minimum of three quotations invited via the Combined Authority’s electronic quotation and tendering system.

8.3 Procurements that are valued above the prevailing EU threshold for supplies and services, or above £1,000,000 in respect of works, or which may involve a transfer of staff, shall be classed as high value procurements, and shall be conducted by the Treasurer in accordance with one of the four contract award procedures set out in Contract Procedure Rules 13, 14, 15, and 16 as appropriate for the particular procurement, i.e. open, restricted, negotiated, or competitive dialogue.

9. Joint procurement

9.1 These Contract Procedure Rules shall apply to any procurement where tenders are invited by the Combined Authority on behalf of any partnership, consortium, association or similar body of which the Combined Authority is a member, unless such tenders are invited in accordance with the method prescribed by such consortium, association or body and where necessary with the requirements of the EU Regulations.

10. Contract terms and conditions

10.1 Contracts at or above £50,000 shall be entered into on the Combined Authority’s terms and conditions, which shall be included with each purchase order and Invitation to Tender, Invitation to Negotiate or Invitation to take part in Competitive Dialogue. For framework agreements (see Contract Procedure Rule 33), contracts shall be entered into on the terms and conditions of the central government agency, other local Combined Authority, or other public body that procured the framework. Exceptions to this rule must be approved in advance by the Treasurer.

10.2 Where contracts are subject to the EU Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words “or equivalent”. This requirement applies to both Part A and Part B Services.

10.3 Every formal contract in writing within the meaning of Contract Procedure Rule 10 shall specify or contain (as a minimum):

(a) the services, supplies, or works to be provided;
(b) the price to be paid, with a statement of discounts or other deductions;
(c) the time or times within which the contract is to be performed;
(d) that all relevant health and safety legislation and codes of practice must be complied with and that any specific health and safety requirements set out in the Invitation to Tender or Invitation to Negotiate required prior to contract award have been satisfied;
(e) a clause to secure that, should the Supplier fail to deliver the services, supplies or works within the time or times specified in the contract, the
Combined Authority shall be entitled to terminate the contract either wholly or in part and recover from the Supplier any additional costs arising from the obtaining of any suitable replacement;

(f) a clause empowering the Combined Authority to cancel the contract and recover from the Supplier the amount of any loss resulting from such cancellation, if the Supplier or any person acting on their behalf, in relation to the obtaining or execution of the contract or any other contract with the Combined Authority, have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972;

(g) a clause requiring the Supplier to provide information to the Combined Authority in order for the Combined Authority to fulfil its obligations under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004; and

(h) how, in respect of a service contract to which the Public Services (Social Value) Act 2012 applies, the Combined Authority’s social value duty will be achieved by the Supplier.

10.4 Contracts for the execution of construction, maintenance and repair work which exceed £50,000 (excluding VAT) in value or amount shall, except where otherwise agreed by the Treasurer, provide for liquidated damages to be paid to the Combined Authority in case the terms of the contract are not duly performed.

10.5 Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution or an equivalent European or International Standard is current at the date of the tender, every contract shall require that services supplies or works used or supplied and all workmanship shall be of a standard at least in accord with the standard, or such higher standard as may be specified in the contract.

11. Bonds, guarantees and insurance

11.1 For high value procurements, the Head of Paid Service, Directors and Monitoring Officer, in consultation with the Treasurer, shall consider, as part of its pre-qualification assessment and evaluation process, whether security, and if so of what form, shall be required from the preferred Supplier. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall consult with the Treasurer as to the acceptability of the form of security agreed with the preferred Supplier.

11.2 The Combined Authority shall require and take sufficient security for the due performance of every such contract with an estimated value in excess of £500,000 (excluding VAT), unless the Treasurer considers it is in the interests of the Combined Authority not to do so.

11.3 The Head of Paid Service, Directors and Monitoring Officer shall consider the appropriate type (employee liability, public liability, professional indemnity, product liability etc.) and level of insurance requirements for each contract.
The evaluation team shall consult with the Treasurer when determining the appropriate levels of insurance.

12. **Contracts subject to the EU Regulations**

12.1 Where an estimated value of a contract exceeds the current EU threshold, the contract shall be tendered in accordance with the EU Regulations. Under the EU Regulations, the contract may be tendered under the open, restricted, competitive dialogue or, in exceptional circumstances exhaustively set out in the EU Regulations, the negotiated procedure. A contract notice in the prescribed form shall be published by the Head of Paid Service, Directors and Monitoring Officer in the OJEU in order to invite tenders or expressions of interest for Part A services contracts, supplies, and works contracts subject to the EU Regulations. Contracts for Part B services do not need to be advertised in OJEU.

12.2 The OJEU thresholds are revised by the EU every two years. The Treasurer will inform Head of Paid Service, Directors and Monitoring Officers of the new OJEU thresholds when they are revised.

12.3 The EU Regulations set out the minimum timescales for receipt of expressions of interest and tenders (bids for the negotiated procedure). Where the Combined Authority has published a Prior Information Notice announcing its forthcoming contracts for the year ahead, it may rely on reduced timescales if appropriate.

12.4 A copy of the OJEU notice published in accordance with 12.1 above shall be supplied to the Treasurer by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement.

12.5 The EU Regulations only partly apply to works concessions and do not currently apply to service concessions (a concession contract is an agreement with a contractor/supplier for the right to exploit works or services whereby it receives some or all of the consideration from third parties). It is proposed by the European Commission that a concessions directive should apply to concession contracts (as at November 2013). Specific legal advice should therefore be obtained as to the appropriate procurement process to be followed in compliance with any applicable legislation and regulations in force at the time and following these Contract Procedure Rules where appropriate and applicable to any such process.

13. **Open procedure**

13.1 All Suppliers applying are invited to tender. If publication of a notice in the OJEU is not required then a notice shall be published in:

(a) the Combined Authority’s electronic tendering system; and,

(b) where appropriate local newspapers and/or trade journals in order to target the appropriate market for the particular contract.

13.2 The notice shall contain details of the proposed contract and specify a deadline within which interested parties may apply. The Invitation to Tender
shall specify the return date for tenders.

14. **Restricted procedure**

14.1 All Suppliers applying are invited to submit a pre-qualification questionnaire. Suppliers that meet the published pre-qualification criteria related to those matters set out in Contract Procedure Rule 17 shall be invited to tender.

14.2 If publication of a notice in the OJEU is not required then the notice requirements are the same as in the open procedure (see Contract Procedure Rule 13 above) except that the notice shall state that the restricted procedure is being used.

14.3 If the EU Regulations apply, a minimum of five Suppliers shall be invited to tender, or, where less than five Suppliers meet the selection criteria, such number as do meet the selection criteria.

14.4 Where the EU Regulations do not apply, a minimum of four Suppliers shall be invited to tender, or, where less than four Suppliers meet the selection criteria, such number as do meet the selection criteria.

15. **Negotiated procedure**

15.1 Negotiated procedures should only to be used in exceptional circumstances. Only those Suppliers selected by the Combined Authority are invited to negotiate. Suppliers are selected on the basis of published pre-qualification criteria relating to those matters set out in Contract Procedure Rule 17.

15.2 If a publication of a notice in the OJEU is not required, the notice requirements are the same as in the open procedure (see Contract Procedure Rule 13 above). Any notice shall state that the negotiated procedure is being used.

15.3 A minimum of three Suppliers should be invited to negotiate following publication of a notice, or, where less than three Suppliers meet the selection criteria, such number as do meet the selection criteria.

15.4 At least two officers, at least one of whom shall be the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement or a person authorised by him/her, shall be present at all times during the negotiations.

15.5 The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall keep proper written records of all negotiations and, where appropriate, these shall be signed and/or approved as such by all participants.

16 **Competitive dialogue**

16.1 Competitive dialogue can be used where a procurement is particularly complex in technical terms or the project is not able to be specified clearly or is of legal or financial complexity.

16.2 A contract notice should be placed and selection should be made of those who will be invited to take part in the dialogue.
16.3 The dialogue may embrace all aspects of the contract for the purpose of identifying one or more solutions to the purchasers needs before seeking bids from those remaining in the dialogue.

16.4 A minimum of three Suppliers should be invited to the dialogue.

16.5 Competitive dialogue is used to help define the means of achieving broad objectives and allows bidders to produce innovative solutions.

16.6 The award criteria may not be changed during the award procedure so that all parties are treated equally.

16.7 During the dialogue the Combined Authority shall ask participants to specify their proposals in writing. The Combined Authority can continue the dialogue until it can identify the solution or solutions which are capable of meeting its needs.

16.8 At the appropriate time the Combined Authority declares the dialogue concluded and informs the participants. The Combined Authority then asks the participants to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue.

17. **Pre-qualification**

17.1 The Combined Authority shall only invite to tender or enter into a contract with a Supplier if it is satisfied as to the Supplier's:

(a) personal situation/eligibility;

(b) economic and financial standing; and,

(c) technical and/or professional ability.

17.2 Technical and/or professional ability includes:

(a) the Supplier’s performance in respect of recent contracts providing similar works, services and supplies;

(b) the educational and professional qualifications of the Supplier and/or its managerial staff or those providing the services or managing the work; and

(c) quality management systems including human resources, health and safety, and environmental management systems, where relevant to the performance of the contract. This is in relation to the tools, plant or technical equipment available to the Supplier for carrying out the contract and the proportion of the contract which the Supplier intends possibly to sub-contract.

18. **The Invitation to Tender or Invitation to Negotiate**

18.1 The Invitation to Tender or Invitation to Negotiate shall include details of the Combined Authority’s requirements for the particular contract including:

(a) a description of the services, supplies, or works being procured;
(b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;

(c) a specification and instructions on whether any variants are permissible;

(d) the Combined Authority’s terms and conditions of contract;

(e) the evaluation criteria including any relative or range of weightings assigned to each;

(f) pricing mechanism and instructions for completion;

(g) where appropriate, whether the Combined Authority has determined that the Transfer of Undertakings (Protection of Employment) Regulations 1981 or any succeeding legislation may apply;

(h) form and content of method statements to be provided;

(i) rules for submitting of tenders; and

(j) any further information which will inform or assist tenderers in preparing tenders.

19. Submission and opening of tenders

19.1 Tenders shall be submitted in accordance with requirements set out in the Invitation to Tender or Invitation to Negotiate, and via the Combined Authority’s electronic tendering system in accordance with Contract Procedure Rule 20. The deadline for the return of tenders is to be a Friday at 9.30am unless otherwise agreed by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement and the Treasurer.

19.2 The Treasurer shall be notified by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement immediately tenders are invited of:

(a) the time and date (or of any revision thereof) by which tenders should be received by the Treasurer; and

(b) the names of the persons invited to tender where tenders have been invited following public notice pursuant to Contract Procedure Rule 14 or from a standing list pursuant to Contract Procedure Rule 31.

19.3 Tenders shall be opened in the presence of the Treasurer, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement or their respective designated representatives. Such opening shall commence at 9.30 am on the Friday morning immediately following the expiration of the time for receipt of tenders, or such other time as may be determined by the Treasurer.
19.4 The Treasurer, or his/her designated representative, shall unlock the secure system for the receipt of electronic tenders and record them on a form provided for the purpose.

19.5 The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement and the Treasurer, or their respective designated representatives, will verify that the tenders are opened and recorded correctly.

19.6 No tender shall be opened which is received after the deadline for that contract or which in any way contravenes the requirements of Contract Procedure Rule 19.1. Any such tender which is not considered will remain unopened. This will remain unopened by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement until a tender is accepted, subject only to the preparation of any formal contract. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall then inform the sender accordingly.

20. Electronic tendering and quotations

20.1 All documents required for procurement under these Contract Procedure Rules including Invitation for Quotation, Invitations to Tender/Negotiate shall be made available on the Combined Authority’s electronic tendering system.

20.2 Responses to an Invitation for Quotation, an Invitation to Tender or an Invitation to Negotiate shall be submitted onto the Combined Authority’s electronic tendering system, recorded, kept securely, and not opened until the deadline has passed for receipt of the quotation or tender.

21. Tender evaluation and the use of electronic auctions

21.1 Tenders subject to the EU Regulations shall be evaluated in accordance with the relevant regulations and the evaluation criteria set out in the Invitation to Tender or Invitation to Negotiate. All other tenders shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or Invitation to Tender or Invitation to Negotiate. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the most economically advantageous offer to the Combined Authority. The evaluation criteria shall be predetermined and listed in the Invitation to Tender or Invitation to Negotiate. In addition, the evaluation criteria shall be strictly observed at all times throughout the contract award procedure by any person involved in the tender evaluation.

21.2 It may be appropriate to evaluate tenders by use of an electronic auction provided that:

(a) where the EU Regulations apply, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall comply with the requirements set out those regulations;

(b) the means and procedures for carrying out the electronic auction have been agreed in advance of the issuing of the notice required by Contract Procedure Rule 13;
before proceeding with an electronic auction, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall make a full initial evaluation of the tenders in accordance with the agreed contract award criterion/evaluation criteria and with the weighting fixed for them to determine which are admissible tenders;

all tenderers who submit admissible tenders shall be invited simultaneously by electronic means to offer new prices and/or new values;

the invitation shall contain all relevant information concerning individual connection to the system being used, stating the date and time of the start of the electronic auction. The electronic auction may take place in a number of successive phases. The electronic auction may not start sooner than two working days after the date on which invitations are sent out;

when the contract is to be awarded on the basis of the Most Economically Advantageous Offer, the invitation shall be accompanied by the outcome of a full evaluation of the relevant tenderer, carried out in accordance with Contract Procedure Rule 21.2.(c);

the invitation shall also state the mathematical formula to be used in the electronic auction to determine automatic re-rankings on the basis of the new prices and/or new values submitted. That formula shall incorporate the weighting of all the evaluation criteria fixed to determine the Most Economically Advantageous Offer, as indicated in the contract notice or in the tender documents;

the invitation shall specify the manner in which the electronic auction is to close; and

after closing an electronic auction the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall award the contract on the basis of the results of the electronic auction.

22. Post-tender negotiation

22.1 Where procurement is conducted using either the open or restricted procedures, no post tender negotiations are permitted. However, to avoid confusion, the Combined Authority is entitled to seek clarification from Suppliers where appropriate.

23. Evaluation team

23.1 For each high value procurement, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement undertaking the procurement shall form an evaluation team with responsibility for evaluating tenders with representation from other services as s/he considers appropriate in the circumstances.
24. **Awarding contracts**

24.1 Subject to Contract Procedure Rule 24.2, the Combined Authority shall only award a contract where at the time of contract award this represents the Most Economically Advantageous Offer or is the lowest price depending on contract award criterion chosen by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement.

24.2 This Contract Procedure Rule sets out the procedures that shall apply to the acceptance of tenders and quotations. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall have Combined Authority to accept (as appropriate):

(a) the lowest tender if payment is to be made by the Combined Authority;

(b) the highest tender if payment is to be received by the Combined Authority; or

(c) the tender which represents the Most Economically Advantageous Offer to the Combined Authority

This is provided that the amount of the tender does not exceed or fall short as the case may be of an estimate approved by the Combined Authority, or Treasurer as the case may be, in accordance with the procedure set out in Contract Procedure Rule 6.

24.3 Where the value of the tender selected by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement exceeds or falls short of the approved estimate by no more than 5% or £50,000 (excluding VAT) (whichever is the lower), the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement, in consultation with the Treasurer, shall have Combined Authority to accept the selected tender following a report submitted to Treasurer, which identifies and addresses the financial implications.

24.4 Where the value of the tender selected by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement exceeds or falls short of the approved estimate by more than 5% or £50,000 (excluding VAT) (whichever is the lower), a report must be submitted by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement to the Treasurer, which addresses the financial implications arising from approving the selected tender. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall only have Combined Authority to accept the selected tender if approval is given by the Treasurer.

24.5 Any significant error made by a tenderer in arithmetic, pricing or other matter relating to the performance of the proposed contract, discovered in a tender or accompanying documents before a contract has been executed, shall be reported by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement concerned to the Treasurer. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement in consultation with the Treasurer, shall then decide whether or not the tenderer shall be given the opportunity of confirming his offer/tender or
of amending it to take account of any such error before any tender for the contract is unconditionally accepted.

25. **Debriefing**

25.1 The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall provide a debriefing to tenderers.

26. **Contract award notice**

26.1 Where a contract has been tendered pursuant to the EU Regulations, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall publish a contract award notice in the OJEU no later than 48 days after the date of award of the contract. Contract award notices are required for Part B Services. In addition, notice of the contract award shall be given by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement undertaking the procurement via the Contracts Register on the Combined Authority’s website.

26.2 Where the EU Regulations do not apply, in respect of any high value procurement, notice of the contract award shall be given by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement undertaking the procurement via the Contracts Register on the Combined Authority’s website.

27. **Execution of contracts**

27.1 Any contracts valued at or above £50,000 shall be formal, made in writing and executed as a deed by the affixing of the Combined Authority’s common seal or signed by the Monitoring Officer or other person duly authorised in this regard (as considered appropriate). The exception is where the Monitoring Officer and the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement agree beforehand that such a formal contract can be dispensed with. All other contracts may be signed by the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement.

27.2 All payments and or variations shall be made in accordance with the terms of the executed contract and also the requirements of the Financial Procedure Rules.

28. **Contract extension**

28.1 Any contract may be extended in accordance with its terms.

28.2 Where the terms do not expressly provide for extension, and in exceptional circumstances and where it is necessary in order to comply with these Contract Procedure Rules, the Head of Paid Service, Directors and Monitoring Officer, with approval of the Treasurer, may extend the contract for such period and on such terms as shall be agreed with the Supplier provided that the Head of Paid Service, Directors and Monitoring Officer shall always be satisfied that any extension will achieve value for money for the Combined Authority and is reasonable in all the relevant circumstances.
28.3 No extension shall be entered into by a Head of Paid Service, Directors and Monitoring Officer with the specific intention of avoiding the application of the EU Regulations to the procurement or where such extension would be in contravention of the EU Regulations. The Head of Paid Service, Directors and Monitoring Officer shall take legal advice before entering into any extension under Contract Procedure Rule 28.2.

29. Termination of contract

29.1 For any contract resulting from high value procurement, termination shall be approved by the Head of Paid Service, Directors and Monitoring Officer with approval of the Treasurer. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.

30. Records of tenders and contracts

30.1 The Treasurer shall maintain a list of all tenders received.

30.2 A Contracts Register of all contracts awarded, of whatever value, shall be maintained by Head of Paid Service, Directors and Monitoring Officers in conjunction with the Treasurer. Information contained in the Contracts Register will be available publicly on the internet.

30.3 For every individual contract, of whatever value, a contracts file shall be maintained by the appropriate Head of Paid Service, Directors and Monitoring Officer responsible for the procurement.

31. Standing lists of contractors

31.1 The Combined Authority may maintain standing lists of Suppliers that meet its pre-qualification requirements. Head of Paid Service, Directors and Monitoring Officers may use such standing list or a nationally procured and recognised alternative list. Quotations and tenders for contracts that are not subject to the EU Regulations may be invited from Suppliers included on such standing list or a nationally procured and recognised alternative list.

31.2 Each standing list shall:

(a) be compiled and maintained by the relevant Head of Paid Service, Directors and Monitoring Officer;

(b) contain the names of all Suppliers who wish to be included in it and who after appropriate enquiries have been made by the Head of Paid Service, Directors and Monitoring Officer concerned and the Treasurer, are approved by the Combined Authority or Head of Paid Service, Directors and Monitoring Officer as provided for in the Scheme of Delegation; and,

(c) indicate whether a Supplier whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories.
31.3 At least four weeks before each standing list is first compiled, notice inviting applications for inclusion on it shall be published in accordance with Contract Procedure Rule 13 if a notice in OJEU is not required.

31.4 Each standing list shall be amended as required from time to time to include new applications for inclusion and to delete any Suppliers no longer thought fit to be included. Each standing list shall be formally reviewed in the manner set out below by the appropriate Head of Paid Service, Directors and Monitoring Officer in consultation with the Treasurer at intervals not exceeding three years. At least four weeks before each review, each Supplier whose name appears in the standing list shall be asked whether it wishes its name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 31.3 above.

31.5 Where an invitation to tender for a contract is limited to Suppliers named on the standing list maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the Suppliers on the list. These Suppliers will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such Suppliers, to all such Suppliers. If there are more than four Suppliers, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement in consultation with the Treasurer, will select the Suppliers who will receive invitations, and the manner in which they are sent. This will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from Suppliers appearing on the standing list.

31.6 Where the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement invites tenders from a nationally procured and recognised alternative list of Suppliers, s/he shall comply with any terms requiring a mini competitive exercise between those Suppliers specified by the organisation who procured the list. In the absence of such terms, so far as is reasonably possible, the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall comply with Contract Procedure Rule 31.5 above.

32. **Nominated and named sub-contractors**

32.1 If a sub-contractor, Supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contract Procedure Rules and the terms of the invitation shall be compatible with the main contract.

33. **Framework agreements and dynamic purchasing systems**

33.1 Framework agreements are used where the Combined Authority wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise. However, the framework agreement may include within its terms a requirement for a mini competitive exercise between those Suppliers who are parties to the framework agreements. Any framework agreement shall be tendered in accordance with these Contract Procedure Rules. Where the Combined Authority has entered into a framework
agreement through procurement or is able to place orders from existing framework agreements procured by central government agencies, other local authorities, or other public bodies, then the Combined Authority may benefit from using those contracts without entering into a separate procurement. A framework agreement shall not last for more than four years. Legal advice should be sought before considering the award of a contract using a framework agreement not procured directly by the Combined Authority.

33.2 A dynamic purchasing system shall be tendered in accordance with Contract Procedure Rule 13 for an open procedure. Where a dynamic purchasing system is established, the Combined Authority must offer unrestricted, direct and full access to the specification and to any additional documents by electronic means from the date of publication of the contract notice to the date when the dynamic purchasing system ceases. A dynamic purchasing system shall not last for more than four years.

33.3 Any Supplier interested in joining a dynamic purchasing system, and which meets the selection criteria, can submit an indicative tender setting out terms for supplying the requirements. The Treasurer shall evaluate the indicative tender within 15 days of the date of its submission and must admit to the dynamic purchasing system any Supplier if the indicative tender complies with the specification and any additional documents. Once admitted to the dynamic purchasing system a Supplier may improve an indicative tender at any time.

33.4 Any appropriate framework agreements or dynamic purchasing systems in place shall be used regardless of value.

34. Letters of intent

34.1 Letters of intent shall only be used in exceptional circumstances as follows:

(a) where a Supplier is required to provide services, supplies, or works prior to formal written acceptance by the Combined Authority; or

(b) where the Combined Authority’s form of tender does not include a statement that until such time as a formal contract is executed, the Combined Authority’s written acceptance of a tender or quotation shall bind the parties into a contractual relationship.

34.2 Any such letters of intent shall be issued by the Treasurer, which may allow a start upon the works or the ordering of services or supplies but shall not permit any payments to be made thereunder except where such payment shall not exceed a sum of £10,000 and that such payment shall only be payable if the formal contract is not entered into. Where the formal contract is entered into any such payment made under the letter of intent shall be treated as a payment made under the formal contract.

35. Appointment and Role of consultants

35.1 Any consultants used by the Combined Authority shall be appointed in accordance with these Contract Procedure Rules. Where the Combined Authority uses consultants to act on its behalf in relation to any procurement,
then the Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. A consultant may however form part of the Combined Authority’s evaluation team and may score tenders and/or quotations as if s/he were an officer of the Combined Authority. The Head of Paid Service, Directors and Monitoring Officer responsible for the procurement shall ensure that the consultant’s performance is monitored and appropriate records are kept.

36. Statistical returns

36.1 The Combined Authority shall make any statistical returns to government departments for onward transmission to the European Commission concerning the contracts awarded during the year under the EU Regulations.

36.2 The Treasurer is responsible for these statistical returns and will make the necessary arrangements for information to be collected annually. Head of Paid Service, Directors and Monitoring Officers shall provide all information which the Treasurer requires in order to make such statistical return.

37. Damage to Combined Authority property

37.1 In the event of Combined Authority property being damaged by fire or other insured peril and it is expedient in the Combined Authority’s interests not to proceed to effect reinstatement of the property using normal procedures under these Contract Procedure Rules, then upon the approval of the loss adjuster acting for the Combined Authority’s insurers, the appropriate Head of Paid Service, Directors and Monitoring Officer, in consultation with the Treasurer, shall be authorised to accept the tender of a person, being one of at least four persons who have been invited to tender from the standing list of approved contractors under Contract Procedure Rule 31.

38. Emergency procedures

38.1 In the event of circumstances rendering emergency measures necessary which cannot expediently be approved through normal Combined Authority procedures, the appropriate Head of Paid Service, Directors and Monitoring Officer and the Treasurer are authorised, notwithstanding anything contained in the Combined Authority’s Contract Procedure Rules or Financial Procedure Rules, to carry out or contract for the immediate carrying out any necessary works or do anything else necessary on behalf of the Combined Authority.

38.2 In a continuing emergency any action taken or contract entered into shall be reported to a Special Combined Authority Meeting which shall take such action as necessary to deal with the situation.

38.3 Prior to reference to the Combined Authority, such exercise of emergency measures shall be subject to a total limit of expenditure of £150,000 (excluding VAT).
39. **Waivers of Contract Procedure Rules**

39.1 Waivers of any of these Contract Procedure Rules shall only be given in exceptional circumstances. Waivers may not be made retrospectively. A Head of Paid Service, Directors and Monitoring Officer empowered to let a particular contract shall consult with the Treasurer upon any proposal to waive these Contract Procedure Rules. Waivers shall be reported in writing by the Head of Paid Service, Directors and Monitoring Officer to the Treasurer and the written report shall specify why the waiver was justified. A waiver of these Contract Procedure Rules shall be approved by the Treasurer.

40. **Non-compliance and ratification**

40.1 If it comes to notice of a Head of Paid Service, Directors and Monitoring Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Head of Paid Service, Directors and Monitoring Officer with responsibility for the procurement, s/he shall without delay notify the Treasurer, who shall take such action as s/he deems necessary.

40.2 Where these Contract Procedure Rules have not been complied with, the decision to award a contract may be ratified by the Treasurer. Requests for ratification shall be reported in writing by the Head of Paid Service, Directors and Monitoring Officer to the Treasurer and the report shall specify the circumstances relating to the non-compliance with these Contract Procedure Rules and why ratification is requested. The Combined Authority’s auditor shall be supplied with a copy of any report seeking ratification.
Definitions

“Annual Procurement Plan”

A plan identifying procurements (see Contract Procedure Rule 8.1) and other major projects proposed by the Combined Authority so that appropriate resources can be identified and procured. It also provides a basis for Prior Information Notices and other information provided to suppliers to give advance notice of bidding opportunities.

“Contracts Register”

A register held and maintained by the Treasurer containing details of contracts entered into by the Combined Authority of whatever value.

“Dynamic Purchasing System”

A dynamic purchasing system is a completely electronic process for making commonly used purchases, the characteristics of which are generally available on the market and meet the requirements of the Combined Authority. They are limited in duration to four years. Throughout its validity it is open to any Supplier which satisfies the selection criteria and has submitted an indicative tender that complies with the specification.

“Electronic Auction”

A process involving an online auction presenting new prices, revised downwards, and/or new values concerning certain elements of tenders, which occur after an initial full evaluation of the tenders, enabling them to be ranked using automatic evaluation methods.

“EU Regulations”

The UK regulations implementing the EU public procurement directives from time to time.

“Framework Agreement”

An agreement which allows the Combined Authority to place orders with a Supplier to provide supplies, services, or works in accordance with the terms of the agreement. The framework agreement itself usually constitutes a non-binding offer with no obligations on the Combined Authority to place orders with the Supplier. If the Combined Authority places an order with the Supplier a binding contract comes into being. A framework agreement can be a binding agreement where it is executed as a deed.

“Most Economically Advantageous Offer”

From the Combined Authority’s perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion, and social value.
“Supplier”

Any person or body of persons providing, or seeking to provide, supplies, services, or works to the Combined Authority.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 5
## Section D

### Land Procedure Rules

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1. **Application**

1.1 These Land Procedure Rules apply where there is a land transaction.

1.2 The terms used within these rules, along with their meanings, are listed below:

   (a) “land transaction” means the acquisition, disposal of, or other dealing with land, whether or not buildings, plant and equipment, fixtures and fittings or other assets are included in that transaction. A transaction concerning only plant and equipment, fixtures and fittings or other assets is not a land transaction;

   (b) “major disposal” means a land transaction which consists of either a disposal of the freehold where the consideration exceeds £250,000 or the grant of a lease or licence where the rent exceeds £50,000 per annum or where the premium exceeds £250,000;

   (c) “the property procedures” means the procedures adopted by the Combined Authority from time to time (if any) in respect of the Combined Authority’s property; and

   (d) “best consideration” means the obligation to achieve a consideration which is the best that can reasonably be obtained.

The Combined Authority’s codes and protocols, and Contract Procedure Rules, shall continue to apply to major disposals unless otherwise stated in, or inconsistent with, the Land Procedure Rules. In these circumstances, the Land Procedure Rules shall prevail. The Contract Procedure Rules are:

Rule 10 (Contracts Terms and Conditions)
Rule 11 (Bonds, Guarantees and Insurance)
Rule 19 (Submission and Opening of Tenders)
Rule 20 (Electronic Tendering and Quotations)
Rule 21 (Tender Evaluation and the Use of Electronic Auctions)
Rule 23 (Evaluation Team)
Rule 25 (Debriefing)
Rule 27 (Execution of Contracts)
Rule 30 (Records of Tenders and Contracts)
Rule 40 (Non-Compliance and Ratification)

2. **Approval of Major Disposals**

2.1 The principle and method of each major disposal must be approved by the Combined Authority, except that in the case of land held for transport functions, the principle and method shall be approved by the Transport Committee and that, in the case of land occupied by Merseytravel, the principle and method shall be approved by the Transport Committee, unless the Combined Authority has previously indicated that it will determine the principle and method. When determining such matters, the Combined
Authority or the Transport Committee (as appropriate) shall consider a report which:-

(a) specifies the land to be disposed of;
(b) confirms whether the land has been declared surplus to the Combined Authority’s requirements;
(c) advises upon the proposed method of disposal, and provides the reasons for selecting that method;
(d) confirms whether or not the proposed method of disposal is likely to achieve best consideration and, where other than open competition is recommended, describes how this will be satisfied/evidence; and
(e) in matters where it is proposed that the disposal should be for less than best consideration, gives reasons for and against seeking best consideration and specifies the relevant legal powers of the Combined Authority to accept less than best consideration.

2.2 In major disposals, where the approved method of disposal is the inviting of formal tenders or informal offers, the disposal must be advertised in at least one local newspaper circulating in the district and on the Combined Authority’s website. For major disposals, where the value of the land is estimated to be greater than £500,000, it must also be advertised in at least one specialist journal or publication circulating among people who are likely to be interested in acquiring that land, as determined by the either the Head of Paid Service, the Directors and/or the Monitoring Officer.

3. Alteration to/errors in or late Formal Tenders and Informal Offers

3.1 Where

(a) there are alterations/errors in a tender; or

(b) where a tender or offer is received late, or otherwise fails to comply with the procedural requirements of these Land Procedure Rules; and

(c) the Treasurer believes it is in the Combined Authority’s best interests to recommend acceptance of such alterations/errors, or to consider a tender or offer which is received late or otherwise fails to comply with the procedural requirements of these Land Procedure Rules, and where in the opinion of the Treasurer it is possible that other tenderers/offerors will otherwise be prejudiced,

then all tenderers/offerors shall be given the opportunity to re-submit their tenders/offers within a timescale specified by the Treasurer.

3.2 Where, in accordance with Rule 3.1 above, the decision is made to ask tenderers/offerors to re-submit their tenders/offers, the Treasurer shall explain
why the decision was made, supplying such additional information as may be necessary (if any) to assist tenderers/offerors with their re-submission.

4. Approval of Land Transactions other than Major Disposals

4.1 The principal terms of land transactions other than major disposals (except where the approved method of disposal is by formal tender or auction), must be approved by the Treasurer. When determining such matters, the Treasurer shall confirm either that the consideration agreed represents best consideration, specify the reasons for accepting less than best consideration and the relevant legal powers of the Combined Authority to do so.

4.2 The Treasurer may:

(a) negotiate rent reviews for leases of land/premises and take appropriate action to protect the Combined Authority’s interest;

(b) terminate licences, leases or tenancies of land or property taken by the Combined Authority which are no longer required;

(c) consent to Land and Tenant protected renewals, the assignment, underletting or change of use requests of leases granted by the Combined Authority and accept surrenders thereof;

(d) appoint specialist valuers, where necessary, as provided within the budget, provided that the total expenditure does not exceed £50,000 in total;

(e) grant or approve the entering into of any licences, tenancies and leases provided that the term is not in excess of seven years less one day duration and provided that no statutory protection attaches;

(f) grant appropriate licences to commercial advertisers for the display of advertisements on the Combined Authority properties;

(g) accept display copy in accordance with the approved code of advertising practice;

(h) grant easements of a minor nature over Combined Authority land;

(i) serve notice of termination of tenancy under Part II of the Landlord and Tenant Act 1954 (as amended by the Law of Property Act 1969) and to apply to the County Court under Section 24(A) of the 1954 Act, in those cases where the Combined Authority is prepared to grant a new tenancy or lease and the service of such notice will expedite negotiations; and

(j) grant wayleaves for the laying of services under, on or through land and premises owned by the Combined Authority up to a maximum premium of £50,000.
5. **Application of the Property Procedures**

All land transactions must be conducted in accordance with the property procedures.

6. **Record of All Land and Buildings**

The Treasurer shall keep a record of all land and buildings owned by the Combined Authority and shall be responsible for the safekeeping and retention of all property deeds.

7. **Land and Buildings**

In relation to land and buildings, the Treasurer shall

(a) ensure that lessees and other prospective occupiers of the Combined Authority land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Monitoring Officer, has been established as appropriate;

(b) ensure the proper security of all buildings and other assets under their control and take the appropriate action in any case where security is thought to be defective or where it is considered that special security arrangements may be needed;

(c) identify land or buildings which are surplus to requirements;

(d) ensure that no Combined Authority-owned land or building is subject to personal use or any other use other than in pursuance of approved service delivery without proper Combined Authority approval and, where appropriate, documentation identifying terms, responsibilities and duration of use;

(e) arrange for the valuation of assets for accounting purposes; and

(f) not dispose of any land or property without the involvement of the Monitoring Officer.

8. **Contractual Formalities**

All contracts and other documentation for land transactions shall be in writing, signed or sealed, as appropriate, as determined by the Monitoring Officer.
CONSTITUTION OF
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Part 6

Codes and Protocols
# Section A

## Members Code of Conduct

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For Members of the Combined Authority and its Committees

1. **Introduction**

The Liverpool City Region Combined Authority has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

The Code sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 and is required, when viewed as a whole, to be consistent with the following general principles of conduct identified by the Committee on Standards in Public Life as set out in Appendix 1 - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2. **Interpretation**

In this Code:

- “member” includes a co-opted member or non-voting member;
- “co-opted member” is a person who is not a member of the authority but who is appointed as a member of any of its committees or sub-committees, or a member of and represents the authority on any joint committee or joint sub-committee of the authority, and who is entitled to participate at such meetings;
  - “meeting” means;
  - any meeting of the authority or any of its committees, sub-committees, joint committees or joint sub-committees;
  - any briefing by officers;
  - any site visit to do with business of the authority; and
  - includes for these purposes a time and place where a member may act as an individual decision maker.

3. **General Obligations**

3.1 When acting in your role as a member of the Authority you are expected to observe the general principles of conduct identified by the Committee on Standards in Public Life (as set out in Appendix 1) and, in particular, that you:

a) **DO** treat others with respect.

b) “You must not bully or harass any person.”

Bullying usually (but not exclusively) arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, can occur through all means of communication. Bullying tends to be a pattern
of behaviour or can be a one off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- Unwelcome physical, verbal or non-verbal conduct;
- Intimidatory behaviour including verbal abuse or the making of threats;
- Making someone’s working life difficult;
- Disparaging, ridiculing or mocking comments and remarks;
- Physical violence; and
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

Harassment can occur through verbal or written comments (including ones made online). The following list provides some examples but it is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading ‘personal space’;
- Inappropriate remarks or questioning such as comments about someone’s appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);
- Intrusive questioning, including the persistent discussion of a person’s sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

c) **DO NOT** conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of members.

d) **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

i. you have the consent of a person authorised to give it;
ii. you are required by law to do so;
iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
iv. the disclosure is –
   1. reasonable and in the public interest; and
   2. made in good faith and in compliance with the reasonable requirements of the Authority; and
   3. you have consulted the Monitoring Officer prior to its release

e) **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
3.2 When using, or authorising the use by others of the resources of the Authority –

a) **DO** act in accordance with the Authority’s reasonable requirements including the requirements of the Authority’s ITC policy and the policies, copies of which have been provided to you and which you are deemed to have read;

b) **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and

c) **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

4. **Registration of Interests**

4.1. You must within 28 days of

   (a) this Code being adopted by the authority; or

   (b) your election or appointment to office (as appropriate)

   register with the Monitoring Officer the interests which fall within the description of interests set out in Appendix 2 (Disclosable Pecuniary Interests) and Appendix 3 (Other Interests).

4.2 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix 2 or 3, or of any change to a registered interest, notify the Monitoring Officer of that new interest or change.

5. **Disclosure of Interests and Participation in Meetings**

5.1 If you are present at a meeting and you or your spouse/partner have an interest as set out in Appendix 2 (Disclosable Pecuniary Interests):

   (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;

   (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;

   (c) you must leave the room where the meeting is held during any discussion or vote; and

   (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

5.2 Where a matter arises at a meeting which relates to an interest as set out in Appendix 3 (Other Interests):

   (a) you must not vote on the matter;
(b) you may speak on the matter only if members of the public are allowed to speak at the meeting;

(c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.

5.3 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix 2 in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours, and you are aware or ought reasonably to be aware of the existence of that interest:

(a) you must declare the interest;

(b) you must not vote on the matter;

(c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

6. **Pre-determination and bias**

6.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

6.2 When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

7. **Gifts and Hospitality**

7.1 You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

8. **Sensitive interests**

8.1 Where you consider that disclosure of the details of an interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a “sensitive interest”, you need only declare the fact that you have an interest but not the details of that interest. Copies of the public register of interests may state you have an interest the details of which are withheld.
**APPENDIX 1**

**The Seven Principles of Public Life**

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description [Revised]</th>
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<tbody>
<tr>
<td><strong>Preamble</strong></td>
<td>The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.</td>
</tr>
<tr>
<td><strong>Selflessness</strong></td>
<td>Holders of public office should act solely in terms of the public interest.</td>
</tr>
<tr>
<td><strong>Integrity</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Objectivity</strong></td>
<td>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</td>
</tr>
<tr>
<td><strong>Accountability</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Openness</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Honesty</strong></td>
<td>Holders of public office should be truthful.</td>
</tr>
<tr>
<td><strong>Leadership</strong></td>
<td>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.</td>
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APPENDIX 2

Disclosable Pecuniary Interests

The definition of a “disclosable pecuniary interest” in relation to a Member is if it is of a description specified in the table below and either—

(a) it is an interest of the Member's; or

(b) it is an interest of —
   (i) the Member's spouse or civil partner,
   (ii) a person with whom the Member is living as husband and wife, or
   (iii) a person with whom the Member is living as if they were civil partners, and the Member is aware that that other person has the interest.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vocation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</td>
</tr>
</tbody>
</table>
| Contracts                                    | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –
   (a) under which goods or services are to be provided or works are to be executed; and
   (b) which has not been fully discharged.                                                                                                                                                                               |
<p>| Land                                         | Any beneficial interest in land which is within the area of the relevant authority.                                                                                                                                         |
| Licences                                     | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.                                                                                                     |</p>
<table>
<thead>
<tr>
<th>Subject</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate tenancies</td>
<td>Any tenancy where (to M’s knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</td>
</tr>
<tr>
<td>Securities</td>
<td>Any beneficial interest in securities of a body where – (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</td>
</tr>
</tbody>
</table>

The definition above is as set out at section 30(3) of the Localism Act 2011 and the description of interests are as specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Failure to register these interests, or to participate in any discussion or voting at a meeting in respect of these interest without a dispensation, is a criminal offence.

**NB.** The definition of a sensitive interest is:

An interest which the elected member or co-opted member and the Monitoring Officer consider, if disclosed, could lead to the elected or co-opted member or a person connected with them being subject to violence or intimidation.
APPENDIX 3

Other Interests

In addition to the requirement to register disclosable pecuniary interests and in the interest of openness and transparency, the Authority also requires you as an elected or co-opted member to register any involvement which you have either as a member of, or as someone who holds a position of general control or management in, the following bodies:

(i) a body to which you have been appointed or nominated by the Authority as its representative;

(ii) any public authority or body exercising functions of a public nature;

(iii) any company, industrial and provident society, charity or body directed to charitable purposes;

(iv) any body whose principal purposes include the influence of public opinion or policy;

(v) any trade union or professional association This requirement applies only to you as the elected or co-opted member. It does not require you to register interests (other than the pecuniary interests referred to) of any other person.
APPENDIX 4

Standard Dispensations

Where the decision relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

(i) Housing, where you are a tenant of the Authority unless those functions relate particularly to your tenancy or lease;

(ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school unless it relates particularly to the school which the child attends;

(iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;

(iv) An allowance, payment or indemnity given to members;

(v) Any ceremonial honour given to members; and

(vi) Setting council tax, levy or a precept under the Local Government Finance Act 1992
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 6
Section B

Officers’ Code of Conduct

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1. **INTRODUCTION**

1.1. The NJC (National Joint Council for Local Government Services) National Agreement on Pay and Conditions of Service incorporates the following statements:

   “Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.

   Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.”

1.2. This Code has been drawn up broadly in line with the Local Government Management Board’s draft Code of Conduct.

1.3. Combined Authority employees are expected to conduct themselves with integrity and honesty in carrying out their duties and must provide the highest possible standard of service to the public. Where it is part of their duties to provide appropriate advice to members and fellow employees this must be done with impartiality at all times.

1.4. This Code of Conduct is intended as a guide for employees on the standards that are expected. It builds on the expectation that officers will observe the general principles of conduct identified by the Committee on Standards in Public Life (as set out in Appendix 1 to the Members Code of Conduct at Part 6A) as it equally applies to them.

1.5. Employees will be expected, without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service (see paragraph 15 - Whistleblowing).

1.6. Any breach of the terms of this Code will be dealt with in accordance with the provisions of the Disciplinary Procedure of the Combined Authority.

1.7. If employees are in any doubt about any of the provisions of the Code they should seek advice from their manager.

2. **STANDARDS**

2.1 Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to other employees and Members with impartiality. Employees should bring to the attention of the management any deficiency in the provision of service and must report any impropriety or breach of procedure to their senior Officer.
3. **DISCLOSURE OF INFORMATION**

3.1. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.

3.2. Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee/Board reports and background documents.

3.3. Employees must not use any information obtained in the course of their employment for personal gain or benefit, or pass it onto others who might use it in such a way.

3.4. Only employees authorised by their Head of Paid Service, Directors and Monitoring Officer to do so may talk to the Press, or otherwise make public statements on behalf of their department. Any employee contacted by the Press should pass it to their manager who will in normal circumstances refer the matter to the appropriate Head of Paid Service, Directors and Monitoring Officer who will deal with it.

3.5. If employees consider that the non-disclosure of certain information is contrary to the wider public interest, they should advise their Head of Paid Service, Directors and Monitoring Officer or the Head of Paid Service of the information and the issues concerned.

4. **POLITICAL NEUTRALITY/ACTIVITY**

4.1. Employees serve the Combined Authority as a whole. It follows, therefore, that they must serve all Members the Combined Authority as a whole and not just Members of any controlling group, and must ensure that the individual rights of all Members are respected.

4.2. Some senior employees will be expected, within the Combined Authority’s guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the controlling group.

4.3. Some employees, who are normally those in more senior positions, are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules for claiming exemption, but any employee who is any doubt about their position should contact the Head of Paid Service.

4.4. If an employee is in any doubt about whether an activity is political activity and covered by these rules they should seek advice from their Head of Paid Service, Directors and Monitoring Officer.
4.5. It is important that all employees are aware of their position in terms of political activity because if these statutory provisions are breached this may constitute a breach of the Contract of Employment which may be dealt with under the Combined Authority’s disciplinary procedure.

4.6. Employees, whether or not politically restricted, must follow every lawful policy of the Combined Authority and must not allow their own personal or political opinions to interfere with their work.

5. **RELATIONSHIPS**

5.1 **Members**

Some employees are required to give advice to Members as part of their job and mutual respect between employees and Members is essential to good local government.

5.2 **The Local Community and Service Users**

Employees must always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

5.3 **Contractors**

All relationships with contractors or potential contractors must be made known to the appropriate Manager. Orders and contracts must be awarded in line with the Combined Authority’s financial regulations.

Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, must declare that relationship to the appropriate manager.

6. **OUTSIDE COMMITMENTS**

6.1. An employee’s off-duty hours are their personal concern but they must not place themselves in a position where their employment and private interests conflict. The Combined Authority would not wish to preclude employees unreasonably from undertaking additional work unless that work conflicts with or detrimentally affects the Combined Authority’s interests or in any way weakens public confidence in the conduct of the Combined Authority’s business, or in any way affects the ability to fulfil the Contract of Employment.

6.2. Officers on a Head of Service Grade or above are expected to devote the whole of their paid employment work to the Combined Authority and must not engage in any other business or take up any other additional appointment for financial
gain without the agreement in advance of their Head of Paid Service, Directors and Monitoring Officer (Paragraph 71 of the NJC National Conditions of Service).

7. PERSONAL INTERESTS

7.1. Employees must declare to their line manager, non-financial interests that they consider could bring conflict with the Combined Authority's interests (e.g. involvement with an organisation receiving grant aid from the Combined Authority, membership of an NHS Trust Board, involvement with an organisation or pressure group which may seek to influence their authority's policies, personal relationships etc). Membership of a trade union is exempted from this requirement.

7.2. Employees must declare any financial interest, which could conflict with the Combined Authority's interests. Employees should note that, in addition to the provisions of this Code and of conditions of employment, it is criminal offence to fail to comply with the following requirement:

“If it comes to the knowledge of an officer employed by a local authority that a contract in which he or she has any pecuniary interest, whether direct or indirect (not being a contract to which they are a party), has been, or is proposed to be, entered into by the authority or any committee thereof, the officer shall as soon as practicable give notice in writing to the authority of the fact that the officer is interested therein” (s.117(1) of the Local Government Act 1972).

7.3. Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Combined Authority services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their line manager (e.g. allocation of Combined Authority housing or assessment of housing benefit).

8. EQUALITY ISSUES

8.1 Employees have an obligation to ensure that policies relating to equality issues as agreed by the Combined Authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. SEPARATION OF ROLE DURING TENDERING

9.1. Employees should be clear on the separation of client and contractor roles within the Combined Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

9.2. Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
9.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.

9.4. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. CORRUPTION

10.1 It is a criminal offence for an employee to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. USE OF FINANCIAL RESOURCES

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Combined Authority.

12. USE OF COMBINED AUTHORITY FACILITIES

12.1 Officers of the Combined Authority are provided with facilities, including office equipment, computer facilities, transport, telephones, secretarial services etc., to use in carrying out their official duties. Certain facilities, such as telephones and photocopiers, are available to staff for limited private incidental use with prior agreement of the officers Head of Service. However, Combined Authority work must always be given priority. Unauthorised use of equipment will render an employee liable to disciplinary action and/or legal proceedings.

12.2 The Combined Authority recognises the importance of information technology in delivering efficient, high quality services. All officers are required to take appropriate measures to ensure the security of information, and the protection of IT equipment and information from threats such as computer viruses and theft. Employees can introduce a virus when utilising their own software and this must in no circumstances take place without the prior written approval both of the Head of Information Technology and the employee’s relevant senior officer.

12.3 The use of IT equipment is regulated by various Procedure Rules including the Acceptable Use of IT Policy and acts of parliament including Data Protection legislation and the Freedom of Information Act (2000). All employees are obliged to act in accordance with these regulations and employees must be aware of the requirements of these policies for both business and personal use of IT equipment. Details can be accessed through the Intranet site.
12.4 Employees who have responsibility for the use of equipment, machinery, etc. must always ensure that routine checks are carried out prior to use. Any defect or damage must be reported immediately by the employee to their supervisor.

12.5 Employees who use social media as part of their day-to-day work, including the management of council social media accounts to engage with residents, should adhere to the Council’s Social Media protocol.

13. GIFTS AND HOSPITALITY

13.1 Insofar as Members are concerned, paragraphs 27 to 29 of the National Code of Local Government Conduct deal with gifts and hospitality. Although the National Code of Local Government Conduct has been designed specifically for Members, employees should be aware of its provisions and operate within them.

13.2 In relation to Officers specifically, Section 117(2) of the Local Government Act 1972 states that an Officer shall not, under colour of his/her office, accept any fee or reward whatsoever other than his proper remuneration. Any breach is a criminal offence.

13.3 Employees must always be aware that the acceptance of inducements might be seen as corruption, which is a criminal offence under the Bribery Act 2010. This Act covers the request, agreement to receive, or acceptance of an advantage or bribe as well as the offer, promise, or giving of an advantage or bribe to another person.

Register to be Maintained

13.4 To demonstrate the openness and integrity of the circumstances relating to the offer and acceptance of gifts, hospitality or other favours, each Service must establish and maintain a register (or registers as appropriate) of favours etc offered, detailing the nature of the favour, and indicating whether such favours are declined or accepted. Each person will be responsible for entering details of all favours offered to, or accepted by, them in the appropriate register. The Head of Paid Service and appropriate senior managers will maintain their own registers. The Head of Audit is available to provide detailed advice on the format of registers, together with what should be included within them.

13.5 Registers must be open for inspection at any time, and without prior notice by the following:

(a) The Head of Paid Service;
(b) Monitoring Officer;
(c) Senior Managers as appropriate when appointed;
(d) Internal Audit Staff;
(e) The External Auditor.
Gifts

13.6 There are a number of considerations to be taken into account where gifts are concerned. The nature of the gift in terms of value and the motivation of the person giving the gift are the two main issues. A distinction must also be drawn between such items, which may be used at work, as opposed to gifts of a personal nature, which should be refused.

13.7 Most firms, as part of their normal commercial activity, distribute gifts which range from the promotional (e.g. calendars, diaries etc) to the more expensive (e.g. wines and spirits). The more expensive gifts are obviously distributed where they will have the greatest specific impact. While this may be commonplace and acceptable conduct in some parts of the private sector, the requirements of the public sector are very different.

Guidance

(a) Officers must refuse any personal gift offered to them by any person or firm who has or seeks dealings with the Combined Authority.

(b) The exception to this is modest promotional material of low value such as calendars and diaries, which are, in many cases, unsolicited and simply delivered by post. Even here, however, staff must use judgment, and more expensive promotional items must be refused and returned.

(c) From time to time, staff may find themselves in a position where they have to refuse and/or return gifts. This requires diplomatic handling and staff must not behave in ways which donors of gifts might regard as impolite or unnecessarily critical of a recognised private sector practice.

(d) It is sometimes acceptable to the giver for a gift, which in other circumstances would be refused as in (c) to be donated instead to charity. An arrangement of this sort must only be made with a Senior Manager’s approval, must be entered in the Register, and recorded by letter to the giver indicating that the gift has been donated to charity.

Hospitality

13.8 Contracts established socially can be helpful in the Combined Authority’s interests. It is therefore appropriate in certain circumstances for the Combined Authority’s staff to accept invitations for social involvement with persons or bodies, including those who have, or may seek to have, business dealings with the Combined Authority. At the same time it is very easy for such involvement to be misconstrued as providing an opportunity to bring about undue influence and there will, therefore, be occasions when hospitality must be declined.
13.9 Where hospitality is offered to staff as representatives of the Authority, it may be accepted where it appears reasonable in all the circumstances to do so. Due regard must be taken as to whether the invitation has been extended to other Officers of the Combined Authority or to Officers of similar standing from other public authorities. Where hospitality is offered to one employee only, special caution is needed as an employee alone may be viewed as more vulnerable than a number of employees. However, such "safety in numbers", whilst more likely to demonstrate the principle of openness, must not be seen as absolute protection, particularly where the host is seeking to do business with the Combined Authority or to obtain a decision from it. It is important to avoid any suggestion of improper influence. Again, it is a matter of judgment, and the following examples are intended to give general guidance.

Acceptable

(a) A working lunch of a modest standard provided to allow the parties to continue to discuss business.
(b) Invitation to a Society or Institute dinner or function.
(c) Invitation to take part in company jubilee or other anniversary celebration.
(d) Invitation to trade fairs or similar events where there is a general invitation to customers.

Unacceptable

(a) Offer of a holiday, hotel accommodation, or company flat at the company’s expense.
(b) Offer of theatre tickets or tickets to a sporting occasion etc.

13.10 It is generally more acceptable to join in hospitality offered to a group, than to accept something unique to the individual. When a particular person or body has a matter currently in issue with the Combined Authority (e.g. arbitration arising from a contract or an industrial development proposal), an offer of hospitality must be refused even if in normal times it would be acceptable.

13.11 Where an external organisation requires an employee of the Combined Authority to visit workshops to inspect plant etc, it is expected that the organisation concerned would provide reasonable travel expenses.

13.12 If an employee is invited to give a lecture in his/her capacity as an employee reasonable travel expenses could be kept by the employee but any fee payable must be paid to the Combined Authority.
Favours

13.13 It is accepted that favours may often be offered by outside agencies in good faith and to promote a good working relationship and understanding.

13.14 Constant refusals to accept such offers could impair essential working relationships and possibly create an atmosphere of distrust with a consequential detrimental effect on the business being conducted.

13.15 However, it is vitally important to be able to demonstrate that Combined Authority business is conducted with the utmost integrity, without any taint of impropriety or corruption. Accordingly, offers of personal favours by organisations or individuals with whom the Combined Authority deals must be treated by employees with due caution. Favours must not affect proper working relationships, or allow concern that they are affecting proper working relationships.

13.16 A distinction must be drawn between favours perceived to be offered as goodwill gestures, and those which might be seen to be inducements. Any favour which could be regarded as an inducement to influence the business of the Combined Authority in an improper manner cannot be accepted. The offer of any such favour must immediately be reported to the employee’s Senior Manager or Head of Paid Service.

13.17 Trade or other discounts, a similar preferential treatment for personal items must not be sought or accepted by individual employees as a direct consequence of their employment by the Combined Authority.

14. SPONSORSHIP - GIVING AND RECEIVING

14.1 Where an outside organisation wishes to sponsor or is sought to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

14.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly where the Combined Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.
15. **WHISTLEBLOWING**

15.1 If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee’s rights under the Public Interest Disclosure Act 1998, and with the Combined Authority’s confidential reporting procedure, or any other procedure designed for this purpose.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED
AUTHORITY

Part 6
Section C

Members Code on Planning Matters

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1 Background

1.1 The Members’ Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members’ conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual authorities at the time.

1.2 The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Lawyers in Local Government (ACSeS as was), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

1.3 This 2013 update takes into account the update to the Principles of Public Life (the ‘Nolan principles’) and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on ‘Openness and transparency on personal interests’ published by the Department for Communities and Local Government 2013.

1.4 For further reading please refer to ‘Probity in Planning’ issued by the Local Government Association.

2 Introduction

2.1 The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

2.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.

2.3 When the Code applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Authority in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

3. **Relationship to the Members’ Code of Conduct**

(a) **Do** apply the rules in the Members’ Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

(b) **Do** then apply the rules in this Members’ Planning Code, which seek to explain and supplement the Members’ Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members’ Planning Code, you may put:
   i. the Authority at risk of proceedings on the legality of the related decision or maladministration; and
   ii. yourself at risk of being named in a report made to the Authority or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

4 **Development Proposals and Personal Interests**

(a) **Do** disclose the existence and nature of your interest as required by your Authority’s Member Code of Conduct.

(b) **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that:

   “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”.

It is therefore advisable that you:

- **Don’t** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a member. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a member may place additional
limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

5 **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

(a) **Don't** fetter your discretion by approaching the decision with a closed mind.

(b) **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

(c) **Do** keep at the front of your mind that, when you come to make the decision, you:
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers’ presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are required to take account of all material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.

(d) **Do** be aware that you can be biased where the Combined Authority or your Constituent Authority is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived
by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

(e) Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body, including when acting as a member of a Constituent Council (or where you are also a member of the parish council, for example), provided:
   i. the proposal does not substantially effect the well being or financial standing of the consultee body;
   ii. you make it clear to the consultee body that:
      1. your views are expressed on the limited information before you only;
      2. you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
      3. you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

(f) Do explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. *(Use the disclosure form provided for disclosing interests.)*

(g) Do take the opportunity to exercise your separate speaking rights as a Ward/Local Member *(where this is granted by the authority’s standing orders or by the consent from the Chair and Committee)* where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
   i. advise the Monitoring Officer or Chair that you wish to speak in this capacity before commencement of the item;
   ii. remove yourself from the seating area for members of the Committee for the duration of that item; and
   iii. ensure that your actions are recorded.

6 Contact with Applicants, Developers and Objectors

(a) Do refer those who approach you for planning, procedural or technical advice to officers.

(b) Don’t agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [appropriate officer to be appointed] to organise it. The officer(s) will then ensure that those present at the meeting
are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

(c) **Do** otherwise:
   i. follow the Authority’s rules on lobbying;
   ii. consider whether or not it would be prudent in the circumstances to make notes when contacted; and
   iii. report to the [appropriate officer to be appointed] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

(a) **Don’t** attend a planning presentation without requesting an officer to be present.

(b) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

(c) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

(d) **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

7 **Lobbying of Members**

(a) **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee’s decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.

(b) **Do** remember that your overriding duty is to city region, not just to the people in your constituent council and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

(c) **Don’t** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
(d) **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.

(e) **Do** promptly refer to the [appropriate manager to be appointed] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

(f) **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

(g) **Do** note that, unless you have a disclosable or overiding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
   i. listening or receiving viewpoints from residents or other interested parties;
   ii. making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
   iii. seeking information through appropriate channels; or
   iv. being a vehicle for the expression of opinion of others in your role as a Member of the Combined Authority.

8 **Lobbying by Members**

(a) **Don’t** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

(b) **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

(c) **Don’t** excessively lobby fellow members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

(d) **Don’t** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.
9 Site Visits/Inspections

(a) Do try to attend site visits organised by the Authority where possible.

(b) Don't request a site visit unless you feel it is strictly necessary because:
   i. particular site factors are significant in terms of the weight attached to
      them relative to other factors or the difficulty of their assessment in
      the absence of a site inspection; or
   ii. there are significant policy or precedent implications and specific site
       factors need to be carefully addressed.

(c) Do ensure that you report back to the Committee any information gained from
    the site visit that you feel would benefit all Members of the Committee.

(d) Do ensure that you treat the site visit only as an opportunity to seek
    information and to observe the site.

(e) Do ask the officers at the site visit questions or seek clarification from them
    on matters which are relevant to the site inspection.

(f) Don't hear representations from any other party, with the exception of the
    Ward Member(s) whose address must focus only on site factors and site
    issues. Where you are approached by the applicant or a third party, advise
    them that they should make representations in writing to the authority and
    direct them to or inform the officer present.

(g) Don't express opinions or views.

(h) Don't enter a site which is subject to a proposal other than as part of an official
    site visit, even in response to an invitation, as this may give the impression of
    bias unless:
       i. you feel it is essential for you to visit the site other than through
          attending the official site visit;
       ii. you have first spoken to the Development Control Manager about your
           intention to do so and why (which will be recorded on the file); and
       iii. you can ensure you will comply with these good practice rules on site
           visits.

10 Public Speaking at Meetings

(a) Don't allow members of the public to communicate with you during the
    Committee's proceedings (orally or in writing) other than through the scheme
    for public speaking or through the Chair, as this may give the appearance of
    bias.

(b) Do ensure that you comply with the Authority's procedures in respect of public
    speaking.
11 Officers
   (a) Don’t put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [appropriate manager to be appointed], which may be incorporated into any committee report).

   (b) Do recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.

   (c) Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Authority’s Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute’s Code of Professional Conduct. As a result, planning officers’ views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

12 Decision Making
   (a) Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.

   (b) Do come to meetings with an open mind and demonstrate that you are open-minded.

   (c) Do comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

   (d) Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

   (e) Don’t vote or take part in the meeting’s discussion on a proposal unless you have been present to hear the entire debate, including the officers’ introduction to the matter.

   (f) Do have recorded the reasons for Committee’s decision to defer any proposal [and that this is in accordance with the Authority’s protocol on deferrals].

   (g) Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this
conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

13 Training

(a) Don’t participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Authority.

(b) Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

(c) Do participate in the annual review of a sample of planning decisions to ensure that Members’ judgements have been based on proper planning considerations.
CONSTITUTION OF

THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 6
## Section D

### Protocol on Member and Officer Relations

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1 Introduction

1.1 The purpose of this Protocol is to guide Members and officers of the Combined Authority in their relations with one another.

1.2 Both Members and officers are servants of the public and they depend on each other in carrying out the work of the authority, but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Combined Authority and their job is to give advice to the Combined Authority, as well as to individual Members, and to carry out the Combined Authority’s work under the direction and control of the Combined Authority and its various bodies.

1.3 Mutual respect between Members and officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

1.4 The relationship has to function without compromising the ultimate responsibilities of officers to the Combined Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and officers.

2 Roles of Members

2.1 Members undertake many different roles. Broadly these are:

(a) Members express political values and support the policies of the party or group to which they belong (if any).

(b) Members represent their Constituent Council, electoral ward and are advocates for the citizens who live in the area.

(c) Members are involved in active partnerships with other organisations as community leaders.

(d) Members contribute to the decisions taken by the Combined Authority and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

(e) Members help develop and review policy and strategy.

(f) Members monitor and review policy implementation and service quality.

(g) Members are involved in quasi-judicial work through their membership of committees.
3 **Roles of Officers**

3.1 Briefly, Officers have the following main roles:

(a) Managing and providing the services for which the Combined Authority has given them responsibility and being accountable for the efficiency and effectiveness of those services.

(b) Providing advice to the Combined Authority and its various bodies and to individual Members in respect of the services provided.

(c) Initiating policy proposals.

(d) Implementing agreed policy.

(e) Ensuring that the Combined Authority always acts in a lawful manner.

4 **Respect and Courtesy**

4.1 For the effective conduct of Combined Authority’s business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays a very important part in the Combined Authority’s reputation and how it is seen in public. It is very important that both Members and officers remember their respective obligations to enhance the Combined Authority’s reputation and to do what they can to avoid criticism of other Members, or other officers, in public places.

5 **Undue Pressure**

5.1 It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position.

5.2 In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

5.3 A Member should not apply undue pressure on an officer either to do anything that he or she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined Authority property and services.

5.4 Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in his or her favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.
6  **Familiarity**

6.1 Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

6.2 Such familiarity could also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.

6.3 For these reasons close personal familiarity must be avoided.

7  **Breach of Protocol**

7.1 If a Member considers that he or she has not been treated with proper respect or courtesy they may raise the issue with the officer’s senior manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Paid Service or Head of Paid Service, Directors and Monitoring Officer responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an officer if the circumstances warrant it.

7.2 If an officer considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Paid Service, Monitoring Officer or Head of Paid Service, Directors and Monitoring Officer. In certain circumstances breach of the Protocol may also constitute a breach of the Members’ Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential hearing by the Standards Sub-Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Head of Paid Service will assist in this process if necessary.

8  **Provision of Advice and Information to Members**

8.1 Members are free to approach officers of the Combined Authority to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Combined Authority. This can range from a request for general information about some aspect of the Combined Authority’s activities to a request for specific information on behalf of a constituent.

8.2 Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 5 working days of the receipt of the enquiry.

8.3 The legal rights of Members to inspect Combined Authority documents are covered partly by statute and partly by common law.
8.4 The Access to Information Procedure Rules (Part 4B) of the Constitution explain the position with regard to access to papers relating to the business of a Combined Authority body.

8.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Combined Authority. Mere curiosity is not sufficient.

8.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service’s resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.

8.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Combined Authority and, more specifically, about issues and events affecting the area that he represents.

8.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate lead Member or Committee Chair concerned should be advised about the information provided.

8.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of officers deliberately obstructing the wishes of politicians. In fact, this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Combined Authority.

8.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation. The Combined Authority’s will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

9 Confidentiality

9.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

(a) he/she has the consent of a person authorised to give it;
(b) he/she is required by law to do so;

(c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(d) the disclosure is:

(i) reasonable and in the public interest; and

(ii) made in good faith and in compliance with the reasonable requirements of the authority.

9.2 Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Combined Authority's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

9.3 Information and correspondence about an individual's private or business affairs will normally be confidential.

9.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

9.5 Any Combined Authority information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Combined Authority.

9.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

10 Provision of Support Services to Members

10.1 The only basis on which the Combined Authority can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Combined Authority. Such support services must therefore only be used on Combined Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.
11 Correspondence

11.1 Official letters on behalf of the Combined Authority should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Combined Authority should never be sent out in the name of a Member.

12 Media

12.1 Communication with the media can be an important part of a Member’s workload. In general, Members provide comment and views while Officers provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Head of Paid Service, Directors and Monitoring Officer concerned or ask the Press Office to do so.

13 The Combined Authority's Role as Employer

13.1 In their dealings with officers, Members should recognise and have regard to the Combined Authority’s role as employer. Members should be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Combined Authority.

14 Political Activity

14.1 There are a number of constraints that apply to an employee who occupies a post that is designated as “politically restricted” under the terms of the Local Government and Housing Act 1989. In summary, such officers are prevented from:

(a) being a Member of Parliament, European Parliament or local authority;

(b) acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to above;

(c) being an officer of a political party or any branch of a political party; or a

(d) member of any committee or sub-committee of such a party or branch, if their duties would be likely to require them to:-
   i. participate in the general management of the party or branch;
   or
   ii. act on behalf of the party or branch in dealings with persons other than members of the party;

(e) canvassing on behalf of a political party or a candidate for election to any the bodies referred to above.
(f) speaking to the public with the apparent intent of affecting public support for a political party; and

(g) publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

14.2 It is common for party groups to give preliminary consideration to matters of Combined Authority business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles e.g. chairperson or spokesperson. Officers should be required to give information and advice to political groups on Combined Authority business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by officers.

14.3 Usually the only officers involved in attending group meetings will be the Head of paid Service and Head of Paid Service, Directors and Monitoring Officers and they will generally leave the meeting after making their presentation and answering questions.

14.4 Officers are employed by the Combined Authority as a whole. They serve the Combined Authority and are responsible to the Head of Paid Service and senior manager, and not to individual Members of the Combined Authority whatever office they might hold.

14.5 Both Members and officers are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

15 Sanctions

15.1 Complaints about any breach of this Protocol by a member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

15.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant senior manager or where appropriate the Head of Paid Service.
16 Conclusion

16.1 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and officers, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Combined Authority, its Members and Officers.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 6
# Section E

## Code of Corporate Governance

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</table>
1. **Introduction**

Corporate governance “comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved” (CIPFA/SOLACE, 2016).

To demonstrate good corporate governance, the Authority should carry out its functions in a way that demonstrates accountability, transparency, effectiveness, integrity, and inclusivity. This means doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

The Liverpool City Region Combined Authority (LCRCA) is required to establish a Code of Corporate Governance that sets out its approach to achieving and maintaining good corporate governance. It follows mandatory guidance produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) in “Delivering Good Governance in Local Government” (2016).

This guidance sets out a number of Core Principles that detail the key requirements for the organisation. These are illustrated in the diagram below:

**Achieving the Intended Outcomes While Acting in the Public Interest at all Times**

![Diagram](source: Delivering Good Governance in Local Government (CIPFA/SOLACE, 2016))
2. **Annual Review and Reporting**

The LCRCA has a statutory requirement (under the Accounts and Audit Regulations 2015 (regulation 6(1) (a)) to produce an Annual Governance Statement in order to report publicly on the effectiveness of the system of internal control and governance arrangements.

The Annual Governance Statement is informed by a number of sources. These include internal audit work, and its associated opinions as detailed in the Head of Internal Audit’s Annual Report; work undertaken by external review agencies, such as the external auditor and other inspectorates; and the assurances provided by the senior managers of the organisation on the effectiveness of the controls within their respective areas of responsibility. However, its main source is the annual review of its governance arrangements so as to ensure:

- continuing compliance with principles as outlined in this Code;
- corporate governance arrangements are adequate and operating effectively in practice; and
- where reviews of the corporate governance arrangements have revealed gaps, action is planned that will ensure effective governance in future.

The Annual Governance Statement is published as part of the Statement of Accounts.
3. **Applying The Principles of Good Governance**

In order to achieve good governance, the Combined Authority will seek to apply each of the seven Core Principles, along with their Sub-Principles, in the following way:

<table>
<thead>
<tr>
<th>Core Principle</th>
<th>Sub-Principles</th>
<th>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law</td>
<td>Behaving with integrity</td>
<td>• Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</td>
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<td></td>
<td></td>
<td>• Ensuring that the behaviours and values for the organisation are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)</td>
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<td></td>
<td></td>
<td>• Leading by example and using the behaviours and values as a framework for decision making and other actions</td>
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<td></td>
<td>• Demonstrating, communicating and embedding the behaviours or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</td>
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<tr>
<td>Demonstrating strong commitment to ethical values</td>
<td></td>
<td>• Seeking to establish, monitor and maintain the organisation’s ethical standards and performance</td>
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<td></td>
<td></td>
<td>• Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation’s culture and operation</td>
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<td></td>
<td></td>
<td>• Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</td>
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<td></td>
<td>• Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</td>
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<td>Core Principle</td>
<td>Sub-Principles</td>
<td>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</td>
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<td>Respecting the rule of law</td>
<td>- Ensuring members and staff</td>
<td>• Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</td>
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<td></td>
<td>Ensuring members and staff</td>
<td>• Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</td>
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<td></td>
<td>demonstrate a strong commitment</td>
<td>• Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders</td>
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<td></td>
<td>to the rule of the law as well</td>
<td>• Dealing with breaches of legal and regulatory provisions effectively</td>
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<td></td>
<td>as adhering to relevant laws and</td>
<td>• Ensuring corruption and misuse of power are dealt with effectively</td>
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<td></td>
<td>regulations</td>
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<td>B. Ensuring openness and</td>
<td>Openness</td>
<td>• Ensuring an open culture through demonstrating, documenting and communicating the organisation’s commitment to openness</td>
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<td>comprehensive stakeholder</td>
<td></td>
<td>• Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</td>
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<tr>
<td>engagement</td>
<td></td>
<td>• Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</td>
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<td></td>
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<td>• Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action</td>
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<td>Engaging comprehensively with</td>
<td>• Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder</td>
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<td>institutional stakeholders</td>
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<td>Core Principle</td>
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<td>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</td>
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<td></td>
<td></td>
<td>relationship are clear so that outcomes are achieved successfully and sustainably</td>
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<td></td>
<td>• Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</td>
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<td></td>
<td>• Ensuring that partnerships are based on:</td>
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<td>o trust</td>
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<td>o a shared commitment to change</td>
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<td>o a culture that promotes and accepts challenge among partners</td>
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<td></td>
<td></td>
<td>and that the added value of partnership working is explicit</td>
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<td>Engaging with individual citizens and service users effectively</td>
<td></td>
<td>• Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</td>
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<td></td>
<td></td>
<td>• Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement</td>
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<td></td>
<td>• Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs</td>
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<td></td>
<td>• Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account</td>
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<td></td>
<td>• Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity</td>
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<td>• Taking account of the impact of decisions on future generations</td>
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<td>Core Principle</td>
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<td>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</td>
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<tr>
<td>C. Defining outcomes in terms of sustainable economic, social and environmental benefits</td>
<td>Defining outcomes</td>
<td>- Having a clear vision, which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation’s overall strategy, planning and other decisions</td>
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<td>- Specifying the intended impact on, or changes for, stakeholders including citizens and service users.</td>
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<td>- Delivering defined outcomes on a sustainable basis within the resources that will be available.</td>
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<td>- Identifying and managing risks to the achievement of outcomes</td>
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<td>- Managing expectations effectively with regard to determining priorities and making the best use of the resources available</td>
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<td>Sustainable economic, social and environmental benefits</td>
<td></td>
<td>- Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision</td>
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<td>- Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation’s intended outcomes and short-term factors such as the political cycle or financial constraints</td>
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<td>- Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</td>
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<td>- Ensuring fair access</td>
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<td>Core Principle</td>
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<td>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</td>
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</table>
| D. Determining the interventions necessary to optimise the achievement of the intended outcomes | Determining interventions     | • Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided  
• Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts |
| Planning interventions                                  | Planning interventions         | • Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets  
• Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered  
• Considering and monitoring risks facing each partner when working collaboratively, including shared risks  
• Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances  
• Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured  
• Ensuring capacity exists to generate the information required to review service quality regularly  
• Preparing budgets in accordance with objectives, strategies and the medium term financial plan  
• Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy |
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<th>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</th>
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</table>
| Optimising achievement of intended outcomes        | • Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints  
• Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term  
• Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage  
• Ensuring the achievement of ‘social value’ through service planning and commissioning |
| E. Developing the entity’s capacity, including the capability of its leadership and the individuals within it | Developing the entity’s capacity                                                                                                           | • Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness  
• Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently  
• Recognising the benefits of partnerships and collaborative working where added value can be achieved  
• Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources |
| Developing the capability of the entity’s leadership and other individuals | Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained  
• Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body  
• Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully |
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<tr>
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<th>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</th>
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<td></td>
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<td>to changing legal and policy demands as well as economic, political and environmental changes and risks by:</td>
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<td></td>
<td>o ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</td>
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<td>o ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</td>
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<td></td>
<td>o ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external</td>
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<td></td>
<td>• Ensuring that there are structures in place to encourage public participation</td>
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<td>• Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</td>
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<td></td>
<td></td>
<td>• Holding staff to account through regular performance reviews which take account of training or development needs</td>
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<td></td>
<td>• Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</td>
</tr>
<tr>
<td>F. Managing risks and performance through robust internal control and strong public</td>
<td>Managing risk</td>
<td>• Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</td>
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<td></td>
<td>• Implementing robust and integrated risk management arrangements and ensuring that they are working effectively</td>
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<td></td>
<td>• Ensuring that responsibilities for managing individual risks are clearly allocated</td>
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<td>Core Principle</td>
<td>Sub-Principles</td>
<td>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</td>
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</tbody>
</table>
| financial management           | Managing performance     | • Monitoring service delivery effectively including planning, specification, execution and independent post implementation review  
• Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation’s financial, social and environmental position and outlook  
• Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation’s performance  
• Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement  
• Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements) |
| Robust internal control        |                           | • Aligning the risk management strategy and policies on internal control with achieving objectives  
• Evaluating and monitoring risk management and internal control on a regular basis  
• Ensuring effective counter fraud and anti-corruption arrangements are in place  
• Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor  
• Ensuring the audit committee which is independent of the executive and accountable to the governing body:  
  o provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment  
  that its recommendations are listened to and acted upon |
<table>
<thead>
<tr>
<th>Core Principle</th>
<th>Sub-Principles</th>
<th>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</th>
</tr>
</thead>
</table>
| Managing data  | • Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data  
• Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies  
• Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring |
|                | Strong public financial management                  | • Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance  
• Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls |
| G. Implementing good practices in transparency, reporting and audit to deliver effective accountability | Implementing good practice in transparency  
• Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate  
• Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand |
|                | Implementing good practices in reporting            | • Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way  
• Ensuring members and senior management own the results reported  
• Ensuring robust arrangements for assessing the extent to which the principles contained in this Code have been applied and publishing the results on this assessment, including an action plan for improvement and |
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<tr>
<th>Core Principle</th>
<th>Sub-Principles</th>
<th>The Liverpool City Region Combined Authority will seek to apply the Core Principle and Sub-Principles by:</th>
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<tr>
<td></td>
<td>evidence to demonstrate good governance (the annual governance statement)</td>
<td>• Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations</td>
</tr>
<tr>
<td>Assurance and effective accountability</td>
<td>• Ensuring that recommendations for corrective action made by external audit are acted upon</td>
<td>• Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon</td>
</tr>
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<td></td>
<td>• Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</td>
<td>• Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</td>
</tr>
<tr>
<td></td>
<td>• Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.</td>
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</tbody>
</table>
4. **Anti-Fraud and Corruption Policy Statement**

4.1 **Introduction**

Fraud occurs when a person unlawfully obtains the property or money of another person or persons, or attempts to do so, by falsification of records. Fraud is intentional deceit and includes offences such as embezzlement, false pretences, forgery, bribery, corruption, and falsification of accounts. For the purposes of this policy statement, fraud also includes the physical theft of assets. Combined Authority officers and Members can be exposed to pressures from contractors and the public to act in a particular way, which may involve preferential treatment in accessing all types of services, benefits, and funds. Such behaviour constitutes corruption.

It is estimated that fraud within the public sector costs taxpayers hundreds of millions of pounds each year, and deprives members of the community of valuable resources, which could otherwise be used to provide essential services.

4.2 **Culture and Stance**

The Combined Authority is committed to combating fraud and corruption, wherever it may be found. It is determined to eliminate fraud and corruption by those who attempt to obtain assets or services from the Combined Authority to which they are not entitled, and by employees or Members of the Combined Authority who abuse their positions of trust.

The openness, integrity, and accountability of the Combined Authority's employees and Members form the cornerstone of effective corporate governance. The reputation of the Combined Authority depends on the standards of behaviour of all associated with it, whether employee, Member, supplier or contractor. Therefore, the Combined Authority requires its Members and employees to demonstrate the highest standard of integrity at all times.

These standards are clearly laid out in the Combined Authority’s Code of Conduct for Elected Members and Co-opted Members and Officer Code of Conduct, each of which include the requirement to complete Registers of Interest and Gifts & Hospitality. The Combined Authority's disciplinary procedures require that managers take firm and appropriate action, wherever fraud or corruption by employees has been suspected or discovered.

Any individual reasonably believing that a Member’s conduct fails to comply with the Combined Authority’s Code of Conduct for Combined Authority Members should make a written allegation to that effect to the Monitoring Officer as soon as practicable.

The Combined Authority has clauses in all of its contracts concerning fraud, bribery, and corruption arising from the offering or giving of gifts, rewards, or any
other inducements in relation to the obtaining or performance of a contract. The consequence of such acts is that the Combined Authority can cancel the relevant contract and recover from the contractor the amount of any loss resulting from the cancellation. Such actions may also lead to prosecution.

As part of the Combined Authority’s risk management arrangements, it is the responsibility of all the Combined Authority’s managers to establish and maintain systems of internal control and to ensure that the Combined Authority’s resources are not abused. The Internal Audit Service works closely with managers to examine, evaluate, and report on the adequacy of internal controls, thereby contributing towards effective prevention and detection of fraud and corruption.

The Combined Authority wholeheartedly supports the police and other external agencies in fighting fraud and corruption within the public sector, and has established arrangements for co-operation and joint working with these other bodies. As a matter of routine, public authorities make available employee data, so that they can be matched against records elsewhere, whilst complying with the principles of the Data Protection Act 1998. This process is known as data matching, and is primarily designed to reduce fraud. Any employees found to be acting fraudulently will be subject to disciplinary action.

The Combined Authority recognises the importance of criminal prosecution in deterring fraud and corruption, and to this end it may refer such matters to the police for their consideration where appropriate. In addition, the Combined Authority may take forward its own prosecutions in such cases.

4.3 Raising Concerns

In respect of Members who suspect the existence of a potential irregularity, the Combined Authority’s procedures for dealing with suspected financial irregularities state that any Member who suspects, with good reason, that a financial irregularity or any other wrong-doing has occurred should immediately inform the Head of Paid Service, Directors or the Monitoring Officer.

The Combined Authority also encourages employees and contractors to report their concerns about suspicious activities. This is commonly known as the whistle blowing procedure. An employee should immediately report concerns to the relevant line manager. If necessary, suspicions can alternatively be reported to:-

- the employee’s Head of Paid Service, Directors and Monitoring Officer;
- the Head of Paid Service, Treasurer or Monitoring Officer;
- the Chief Internal Auditor; or
- any other senior manager, who the employee believes will assist in bringing the employee’s concerns to the attention of the appropriate people.

Members and employees should be aware that, if in doubt, suspicions should be reported, and that the Combined Authority would take appropriate action in all cases.
CONSTITUTION OF
THE LIVERPOOL CITY REGION COMBINED AUTHORITY

Part 7

Metro Mayors Allowances and Independent Remuneration Panel

2019 – 2020
CITY REGION METRO MAYORS ALLOWANCES SCHEME

Liverpool City Region in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, (“the Regulations”) makes the following scheme:

This Scheme shall be cited as the City Region Metro Mayor Allowances Scheme and shall have effect from 21 April 2017.

It was agreed by the Combined Authority that the Independent Remuneration Panel established by Liverpool City Council in accordance with Regulation 20 of the Local Authorities (Members Allowances) (England) Regulations 2003 be appointed to produce a report and recommendations for the allowance of the City Region Metro Mayor.

Liverpool City Region Metro Mayor Allowance

An Allowance is payable to the City Region Metro Mayor and which is designed to cover the activities and duties – together with any incidental cost for which no other provision is made – in respect of the discharge of the office of City Region Metro Mayor.

Payment of Expenses and Allowances

1. Subject to paragraph 4 below, no remuneration shall be payable by the Combined Authority to its members other than the reimbursement for allowable travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority. Such claims must be made in accordance with the Authority’s guidance.

2. Any remuneration or reimbursement for travel and subsistence of co-opted members to the Authority shall only be payable in accordance with the terms agreed by the Authority.

3. A Constituent Council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.

4. The Combined Authority may only pay an allowance to the Metro Mayor if:

   a. the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members’ Allowances) (England) Regulations 2003 which contains recommendations for such an allowance; and
   b. the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.