

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Metro Mayor and Members of the Combined Authority

Meeting: 1 November 2019

Authority/Authorities Affected: All

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE

1. PURPOSE OF REPORT

- 1.1 To re-present an item that was deferred at the meeting of the LCR Combined Authority on 4 October 2019 (paragraphs 3.1-2).
- 1.2 To note the use of delegated power by the Head of Paid Service in relation to a staffing matter (paragraphs 3.3-5)
- 1.3 Establish an officer delegation in relation to the use of Thematic Funds as set out in paragraphs 3.6-8.

2. RECOMMENDATIONS

It is recommended that the Liverpool City Region Combined Authority:-

- (a) Determine whether to change (as set out in paragraph 3.1 of the report) the Combined Authority Constitution (Part 3, Bodies of the Combined Authority and Responsibility for Functions, Section A – The Combined Authority, paragraph 3.1 (d) (v) (1)), from a unanimous vote to a majority vote;
- (b) Note that the Head of Paid Service has exercised his delegated authority to make an interim appointment to the position of Director of Integrated Transport in accordance with Part 3, Bodies of the Combined Authority and Responsibility for Functions, Section E – Appointments and Disciplinary Committee, paragraph 5.2;
- (c) Agree to delegate authority to the Head of Paid Service, Directors and statutory officers to expend up to £1million in relation to decisions in the Thematic Fund created from the Strategic Investment Fund and that decisions of £1million or more to be considered by officers in conjunction with the relevant Portfolio Holder; and
- (d) Agree that Councillor Pam Howard (St Helens Metropolitan Borough Council) be appointed to the Transport Committee.

3. BACKGROUND

Process for Co-option of Additional Members onto the Combined Authority

3.1 Members will recall that a revised constitution was submitted and approved at the LCR Combined Authority's annual meeting in May 2019. Further amendments to the Constitution were presented at the meeting on 4 October 2019 for member consideration and with one exception all were approved. The following item was deferred and is re-presented for member consideration and determination.

3.2 "At **Part 3, Bodies of the Constitution, Section A – The Combined Authority** (paragraph 3.1 (d)), it is noted that the Combined Authority has opted to have a unanimous vote in relation to the co-option of members onto the Combined Authority. This is a local choice not a statutory requirement. Members are asked to consider as to whether this local choice should continue or whether it should change to a majority vote. For Members ease the relevant extract from the constitution is set out below."

"(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."*

Use of Delegated Power by the Head of Paid Service

3.3 Members will be aware that the Director of Integrated Transport retired in July 2019 and a recruitment campaign has been carried out to replace the former post holder. Unfortunately, this campaign failed to attract candidates who could meet all of the criteria defined in the Role Description and Person Specification for the post and lead on the integration of multiple modes of transport. In the circumstances, the Senior Head of Service – Operations in the Integrated Transport Directory has been requested by the Head of Paid Service to undertake the functions of the Director of Integrated Transport on an interim basis for up to 2 years.

3.4 The Head of Paid Service was mindful of the existence of significant existing transport projects and other challenges that are evolving and will come to the fore in the short to medium term. This will ensure that delivery is maintained but allow

some flexibility as the wider transport agenda evolves and clarity is developed for future programmes.

- 3.5 In making this decision the Head of Paid Service has relied upon the delegated powers contained in Part 3, Bodies of the Combined Authority and Responsibility for Functions, Section E – Appointments and Disciplinary Committee, paragraph 5.2. In summary this delegated power allows the Head of Paid Service to appoint staff to the grade of Director on an interim basis.

Use of Thematic Funds

- 3.6 Members will recall at the last meeting of the LCR Combined Authority in October 2019, Thematic Funds were established. For Members' ease, the information that was contained in the October 2019 report is set out below.
- 3.7 "From time to time the Combined Authority may determine that it wishes from within the overall Strategic Investment Fund to create smaller thematic funds to spend on specific purposes. Examples are the BREXIT Resilience fund and the Inward Investment fund. In order for these Thematic funds to be distributed in accordance with the principles agreed by members, there needs to be specific delegations to officers. Accordingly it is requested that the following delegation be included in the Constitution in **Part 3, Section G**, as described above.

"Following Combined Authority approval of the creation of a Thematic Fund, Officers be authorised to expend Thematic Funds in accordance with;

- *The principles identified in the economic case supporting the decision to create the Thematic Fund.*
- *The processes outlined in the Assurance Framework up to and including the SIF Investment Panel.*
- *Decisions to spend this funding can be in excess of the key decision thresholds*

Such expenditure will be reported to members of the Combined Authority by way of the SIF quarterly update report."

- 3.8 Following further internal consideration it is suggested that the following be included in addition to the above.

"Such expenditure that is below £1million will be within the authority of the following officers; Head of Paid Service, Directors and Monitoring Officer. Such expenditure that is £1million or more shall be determined in consultation with the relevant portfolio holder for the Strategic Investment Fund activity"

In the current construction of Portfolios this would be the position held by Cllr Pat Hackett, Inclusive Economy and Third Sector.

Transport Committee

- 3.9 St Helens Metropolitan Borough Council have advised that Councillor Pam Howard is to replace Councillor Paul Pritchard on the Transport Committee. The LCR

Combined Authority is requested to appoint Councillor Pam Howard to the Transport Committee.

4. RESOURCE IMPLICATIONS

4.1 Financial

None arising from the contents of this report.

4.2 Human Resources

None arising from the contents of this report

4.3 Physical Assets

None arising from the contents of this report

4.4 Information Technology

None arising from the contents of this report

5. RISKS AND MITIGATION

- 5.1 Keeping the constitution up to date helps to ensure that the LCR Combined Authority rules, procedures and requirements are fit for purpose and can provide assurance to the Audit and Governance Committee and beyond.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 None arising from the contents of this report

7. COMMUNICATION ISSUES

- 7.1 None arising from the contents of this report

8. CONCLUSION

- 8.1 This report serves three purposes, namely to:

- re-present an item that was deferred at the meeting of the LCR Combined Authority on 4 October 2019;
- note the use of delegated power by the Head of Paid Service in relation to a staffing matter; and
- establish an officer delegation in relation to the use of Thematic Funds.

All constitutional amendments agreed, will be duly updated in the constitution.

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Appendices and Background Documents:

Nil