

# LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Metro Mayor and Members of the Combined Authority

Meeting: 26 November 2021

Authority/Authorities Affected: All

EXEMPT/CONFIDENTIAL ITEM: No

## REPORT OF THE MONITORING OFFICER

### CONSTITUTION UPDATE AND GOVERNANCE MATTERS

#### 1. PURPOSE OF REPORT

- 1.1 This report seeks approval for the inclusion of a public question time for the Overview and Scrutiny Committee, approve a number of nominations and agree the revised staffing structure for the Combined Authority which will be included in the Constitution.
- 1.2 The report also provides a brief update on the work being undertaken in relation to the Freeport Business Case, Equalities Legislation, and the use of Emergency Powers by the Chief Executive.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Liverpool City Region Combined Authority:
  - a) agree to the inclusion of a Public Question Time for the Overview and Scrutiny Committee as set out in section 3 of the report and Appendix 2;
  - b) Councillor Gordon Friel be appointed as the Deputy Portfolio Holder (Transport and Air Quality) for 2021/22;
  - c) Councillor Geoff Pearl, St Helens MBC be appointed to the Overview and Scrutiny Committee
  - d) Councillor Andrea Wall, Halton BC be appointed to the Transport Committee;
  - e) note the updates provided on the Freeport Business Case, Equalities Legislation, and the exercise of Emergency Powers in paragraphs 5.1, 5.2 and 5.4; and
  - f) agree the Senior Leadership Team Staffing Structure Chart for inclusion in the Constitution at Part 3 Annex C and following recent recruitment note that the

definition of Chief and Deputy Chief Officer will be consistent with the paragraph 5.6.

### **3. OVERVIEW AND SCRUTINY COMMITTEE – PUBLIC QUESTION TIME**

- 3.1 At the meeting of the LCR Combined Authority held on the 20 March 2020, Unlock Democracy submitted two questions for consideration by the Combined Authority.
- 3.2 The questions submitted raised two issues, firstly that an opportunity to submit questions to the Overview and Scrutiny Committee should be included on its agendas. Secondly expressed their concern regarding the poor attendance by some Committee Members and asked that the Committee be reminded of the importance of the Scrutiny function.
- 3.3 At a meeting of the Overview and Scrutiny Committee held on 14 January 2021, Members considered a report which set out how public question time could operate for the Overview and Scrutiny Committee. It was recognised that this would differ to that of the LCR Combined Authority and the Transport Committee Public Question Time. Primarily because, as the Committee's role was to hold the LCR Combined Authority to account a traditional public question format may prove frustrating for members of the public and the Committee.
- 3.4 Accordingly, the Committee supported a bespoke public question facility which would relate to Task and Finish Group or a specific scrutiny activity. It is proposed that the agenda for each meeting will indicate which items would fall within this arrangement. Furthermore, to provide a broader engagement opportunity for residents, the Committee supported the proposal of introducing a scrutiny referral process. This would provide the public with an opportunity to submit a topic which they felt would be worthwhile of scrutiny activity. The request would be assessed by completing a proforma which is attached at Appendix 2.
- 3.5 As both proposals require a change to the Constitution, they are presented to the LCR Combined Authority for their consideration.

### **4. NOMINATIONS**

#### **4.1 Deputy Portfolio Holder**

To support the Portfolio Holder (Transport and Air Quality) in the delivery of their policy objectives it is proposed that Councillor Gordon Friel (Sefton MBC) be appointed as the Deputy Portfolio Holder. All other deputy portfolios are already similarly supported.

#### **4.2 Overview and Scrutiny Committee**

Following confirmation from St Helens Metropolitan Borough Council, the Combined Authority is recommended to appoint Councillor Geoff Pearl to the Overview and Scrutiny Committee, who replaces Councillor Haw.

#### **4.3 Transport Committee**

Following the sad death of Councillor Harry Howard, Halton Borough Council have advised that Councillor Andrea Wall will be their fourth representative on the Transport Committee.

## **5. GOVERNANCE UPDATES**

### **5.1 Freeport**

At the September 2021 Combined Authority meeting Members approved the Freeport Outline Business Case and noted that a draft of the Outline Business Case had already been submitted to Government on the 10 September 2021 which was the subject of subsequent Member approval at the September meeting. However, the purpose of this update is to make Members aware that the timeline for submission of the Full Business Case has been delayed by Government from end of December 2021 until April 2022.

### **5.2 Equalities**

Members will be aware of the need for public sector organisations to meet their obligations under the Public Sector Equality Duty. This part of this report is to advise Members of the improvement work being undertaken to meet these duties and to improve transparency in this regard. Equality Impact Assessment Training has been delivered via external trainers to staff from across the Combined Authority. Staff attending the training were those who initiate and deliver projects, develop policy and/or write or contribute to the writing of reports for the Combined Authority and other public meetings. Equalities training is available to all staff via E Learning.

5.3 Future agendas and reports will be more evidently supported by the production of Equality Impact Assessments and links will be included in the reports to the Assessments or where appropriate as part of the agenda pack. Staffing resources to support this work have also been reviewed and will shortly result in a specific staffing appointment.

### **5.4 Emergency Powers**

In March 2020, a Governance report was considered by the Combined Authority in preparation of the pandemic. One of the matters that was included in the report was the temporary provision of Emergency Powers to the then Chief Executive to act and take decisions in excess of the key decision threshold up to the value of £2 million. The Combined Authority was to be advised of any such decisions at the next available meeting. Each time the powers were used they were discussed in advance with Chief Executives from each of the Constituent Councils, Portfolio Holders, Deputy Portfolio Holders, and the Metro Mayor. Over the course of the pandemic a small number of decisions were taken and duly reported. An example of such decisions related to the Additional Restrictions Grant funding issued by Government which required the Authority to respond expeditiously. The original period in which such emergency decisions could be taken was extended and expired on 30 October 2021. It is not recommended that this be extended.

### **5.5 Staffing Structure Chart**

Members will appreciate that from time to time, the Chief Executive acting in the statutory capacity as Head of Paid Service (Section 4 Local Government and Housing Act 1989), will consider the staffing structure. Given the recent recruitment to the Executive Director posts this has been updated as a matter of good practice it is recommended that a staffing structure be included and published as part of the Constitution (Part 3 Annex C). Attached at Appendix 1 is the latest version of the staffing structure.

- 5.6 For the purposes of clarity Chief Officers are the Head of Paid Service, the Executive Directors, and the Monitoring Officer. These posts are subject to the terms of reference of the Appointment and Disciplinary Committee. All other officers/posts cited in the structure chart are Deputy Chief Officers.

## **6. RESOURCE IMPLICATIONS**

### **6.1 Financial**

There are none arising from the contents of this report.

### **6.2 Human Resources**

There are none arising from the contents of this report.

### **6.3 Physical Assets**

There are none arising from the contents of this report.

### **6.4 Information Technology**

There are none arising from the contents of this report.

## **7. RISKS AND MITIGATION**

- 7.1 There are none arising from the contents of this report.

## **8. LEGAL IMPLICATIONS**

- 8.1 Several pieces of legislation have been considered in the production of this report including Section 9P Local Government Act 2000, Sections 4 and 5 of the Local Government and Housing Act 1989 and the public sector equality duty contained in the Equality Act 2010.

## **9. EQUALITY AND DIVERSITY IMPLICATIONS**

- 9.1 There are none arising from the contents of this report.

## **10. COMMUNICATION ISSUES**

10.1 There are none arising from the contents of this report.

## 11. CONCLUSION

11.1 The recommendations contained in the report will ensure that the Combined Authority Constitution remains up to date and fit for purpose.

JILL COULE  
Monitoring Officer

Contact Officer:

Jill Coule, Monitoring Officer, 0151 330 1855

Louise Outram, Deputy Monitoring Officer, 0151 330 1700

### Appendices

Appendix 1 – Senior Leadership Structure Chart

Appendix 2 – Overview and Scrutiny Referral Form

### Background Documents:

Nil