

# LIVERPOOL CITY REGION COMBINED AUTHORITY

To:	The Metro Mayor and Members of the Combined Authority
Meeting:	29 April 2022
Authority/Authorities Affected:	All
EXEMPT/CONFIDENTIAL ITEM:	No
KEY DECISION:	No

## REPORT OF THE MONITORING OFFICER

### THE CONSTITUTION

#### 1. PURPOSE OF REPORT

The purpose of the report is twofold;

At the meeting of the Audit and Governance Committee on 30<sup>th</sup> March 2022, Members considered revisions to the Constitution. Accordingly, the Committee agreed revisions and the approval of the Combined Authority to the recommendations is now sought.

The Association of Democratic Services Officers are promoting a motion to seek legislative change to allow hybrid meetings to take place, Members are asked to consider approving this motion.

#### 2. RECOMMENDATIONS

It is recommended that the Liverpool City Region Combined Authority:

- (a) note the contents of the report and the Constitution as currently published;
- (b) consider and approve the provisions on motions attached as Appendix 1;
- (c) note the ongoing review of the Constitution;
- (d) approve Appendix 1 to the Combined Authority to update the Standing Orders upon motions;
- (e) agree to amend the Standing Delegations to the Monitoring Officer (Part 3 Section G) as per paragraph 3.7 with regard to the process to handle replacement Members of the Combined Authority or any of its Committees.
- (f) agree to the proposed changes to the Constitution as set out in paragraphs 3.8 (cancellation of meetings) and 3.9 (absence of the Head of Paid Service) of this report;
- (g) approve the delegation to the Audit and Governance Committee in respect of the annual accounts as outlined in paragraph 3.11;

- (h) note that further reports on the Constitution will be presented in the new municipal year to ensure that the Constitution reflects good practice and supports effective governance;
- (i) agree that This Combined Authority supports the petition launched by ADSO and LLG on 5 January 2022 with regard to remote and hybrid meetings; and
- (j) requests the Metro Mayor to write to the Secretary of State for Levelling Up, Housing and Communities calling upon the Government to change the law to allow councils/ Combined Authorities the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.

### **3. BACKGROUND**

- 3.1. Members are aware of the importance of a Constitution to any public sector organisation and also of the need to ensure that it is reviewed on a regular basis.
- 3.2. Members will also be aware that the Monitoring Officer has a delegation within the Constitution at paragraph 2.5 of Part 3G Standing Delegations to update the Constitution for legal or factual accuracy. Exercise of this delegation must be reported to the next Combined Authority meeting.
- 3.3. The Constitution is an evolving document, particularly so in the first years of the Combined Authority. In this vein, Members will be aware that reports are periodically considered which look to update, amend or redraft parts of the Constitution. Good practice is to review a Constitution from beginning to end every three to five years. This means on this occasion a comprehensive review of the Constitution has been undertaken, looking at for example, previously approved amendments to ensure that these have been correctly transcribed into and throughout the document.
- 3.4. Further minor amendments (within the Monitoring Officers delegation) have been actioned to reflect changes to job titles and roles and to ensure consistency of referencing. In an attempt to ensure that the Constitution is readily accessible and also easily updated. The Constitution has now been built within the Modern.Gov system and will be accessible for Members along with the agenda packs. This way of working will aid future updates and publication. The Constitution can be viewed on the website via this link - [Agenda for Constitution on Friday, 4th March, 2022 | Liverpool City Region Combined Authority \(merseytravel.gov.uk\)](https://www.merseytravel.gov.uk/agenda-for-constitution-on-friday-4th-march-2022).
- 3.5. The Monitoring Officer has also reviewed best practice in relation to the Standing Orders upon motions from the Constitutions of the Constituent Councils and suggested provisions relating to motions are attached as Appendix 1 for Member's consideration and approval. The main changes are to more formally recognise the need for/use of motions in various Combined Authority meetings and to ensure that their operation when used is efficient and effective. It is proposed that at any point in the Constitution where a Member or member of the public is invited to speak that the time for doing so will be 5 minutes.
- 3.6. The Monitoring Officer is also reviewing the report template to ensure that the corporate plan and policies of the Combined Authority are at the forefront of Officers' minds in presenting reports and are fully thought out within such reports.

- 3.7. It is also proposed that the Constitution be amended to enable (post annual Meeting and upon notice from the Constituent Council) the replacement of Members on either the Combined Authority or alternatively on its Committees to be actioned swiftly without the direct approval of the Combined Authority (i.e. waiting for the next meeting). This would be achieved by a delegation to the Monitoring Officer to be exercised in consultation with the Metro Mayor or the Chair of the relevant Committee to action the resolution from the Constituent Council.
- 3.8. The Constitution is currently silent on cancelling Combined Authority and Committee meetings and it is recommended that a provision be inserted to reflect that meetings can be cancelled by the Head of Paid Service in consultation with the Chair and the Monitoring Officer, which is the practice that is being utilised.
- 3.9. The Constitution is currently silent upon the exercising of the powers of the Head of Paid Service in the event of their absence. At present a letter is completed on each occasion of absence by the post holder specifically delegating powers to one identified officer during the period of absence. It is proposed that the delegation will form part of Part 3 – Section G and will reflect that in the absence of the Head of Paid Service the Executive Director-Place (Deputy Chief Executive) will be able to exercise any delegation or power on behalf of /in place of the Head of Paid Service.
- 3.10. The views of Members are sought in relation to the matters referenced above and advise upon any other areas that Members feel should be reviewed by the Monitoring Officer on the Constitution for consideration and adoption by the Combined Authority for the municipal year 2022/23.
- 3.11. Following publication of the annual calendar for municipal meetings for the Combined Authority, Members may have noted a changed pattern of meetings. By statute each year, the Combined Authority is obliged to sign off its accounts by 30 September. The accounts will be presented to the Audit and Governance Committee for sign off and will be received by the Combined Authority accordingly. To do this will require a delegation from the Combined Authority to the Audit and Governance Committee. In turn such a delegation will need to be incorporated into the Terms of Reference for the Committee.
- 3.12. As part of the ongoing review, the Monitoring Officer has identified further work/potential changes to current practice and this relates to Outside Bodies.
- Each year a number of individuals are appointed to represent the Combined Authority and/or Merseytravel on what are classed as Outside Bodies. It is anticipated that recommendations will be made to a future meeting of the Combined Authority to include improved arrangements so that feedback and reports can be received from the Outside Body and duly considered at an appropriate Committee.
  - The Financial Standing Orders (part 5) are also being reviewed by relevant officers.

- 3.13 Members are also requested to consider a motion which has been considered by the Monitoring officers in relation to the freedom to hold remote meetings, including hybrid meetings when appropriate. Members will be aware that this was successfully utilised during the last two years and had helped in meetings where quoracy was an issue. The Association of Democratic Services Officers and Lawyers in Local Government have requested Authorities to consider passing the following resolution

*“This Combined Authority supports the petition launched by ADSO and LLG on 5 January with regard to remote and hybrid meetings. We agree to write to the Secretary of State for Levelling Up, Housing and Communities calling on the Government to change the law to allow councils the flexibility to hold such meetings when they deem appropriate within agreed rules and procedures.”*

#### **4. RESOURCE IMPLICATIONS**

##### 4.1 Financial

None.

##### 4.2 Human Resources

None.

##### 4.3 Physical Assets

None.

##### 4.4 Information Technology

Optimising use of the relevant IT software system to host the Constitution is a significant development of this system.

#### **5. LEGAL IMPLICATIONS**

5.1 It is essential that any public body has an effective Constitution and that this is reviewed on a regular basis.

5.2 The motion on hybrid meetings seeks to effect legislative change.

#### **6. RISKS AND MITIGATION**

There is a risk that not keeping the Constitution up to date would be detrimental to the principle of ensuring that the aims of good governance are given full effect.

## **7. EQUALITY AND DIVERSITY IMPLICATIONS**

If the resolution regarding hybrid meetings is agreed by members and if as a result there is a change in the law, this could make meetings more accessible and have a positive impact on an individuals ability to participate in democratic meetings.

## **8. PRIVACY IMPLICATIONS**

None.

## **9. COMMUNICATION ISSUES**

None.

## **10. CONCLUSION**

To have a Constitution is a statutory requirement for the Combined Authority. The statutory role of the Monitoring Officer is to ensure that it is updated correctly. In addition it is important that the Constitution reflects the practices of the Combined Authority and is readily understood.

JILL COULE  
**Monitoring Officer**

### Contact Officer(s):

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### Appendices:

Appendix One – Revised Motions

### Background Documents:

None