

HALTON BOROUGH COUNCIL



*Municipal Building,
Kingsway,
Widnes.
WA8 7QF*

25 February 2014

**TO: MEMBERS OF THE HALTON
BOROUGH COUNCIL**

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 5 March 2014 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

-AGENDA-

Item No.		Page No.
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST	
3.	MATTERS REQUIRING A DECISION OF THE COUNCIL	
a)	Treasury Management Statement 2014/15 (Minute EXB 144 refers) Executive Board considered a report of the Operational Director, Finance, on the Treasury Management Statement 2014/15. RECOMMENDED: That Council adopt the policies, strategies, statements and prudential and treasury indicators as outlined in the report.	1 - 28
b)	Budget 2014/15 (Minute EXB 145 refers) Executive Board considered a report of the Operational Director, Finance, on the Budget 2014/15. RECOMMENDED: That Council adopt the resolution as set out in Appendix A of the report, which included setting the budget at £108.234m, the Council Tax requirement of £37.101m (before Parish, Police and Fire precepts) and the Band D Council Tax for Halton of £1,181.56.	29 - 50
c)	2013/14 Revised Capital Programme (Minute EXB 155 refers) Executive Board considered a report of the Operational Director, Finance, on the 2013/14 Capital Programme. RECOMMENDED: That Council approves the revisions to the Council's 2013/14 Capital Programme set out in paragraph 3.2 of the report.	51 - 58

<p>d) Capital Programme 2014-15 (Minute EXB 151 refers)</p> <p>Executive Board considered a report of the Strategic Director, Children and Enterprise, on the Capital Programme for the Children and Enterprise Directorate.</p> <p>RECOMMENDED: That Council approve the Capital Programme 2014/15.</p>	<p>59 - 64</p>
<p>e) Establishment of a Combined Authority for the Liverpool City Region (Minute EXB 150 refers)</p> <p>Executive Board considered a report of the Chief Executive on the establishment of a Combined Authority for the Liverpool City Region.</p> <p>RECOMMENDED: That Council</p> <ol style="list-style-type: none"> 1) confirms its previous decision that the Council should formally become a constituent member of the Liverpool City Region Combined Authority; 2) notes the position on the making of the Orders attached in Appendix 1 and the Parliamentary process currently in train; 3) endorses the Constitution for the Combined Authority as attached in Appendix 2; 4) approves the Operating Agreement for the Combined Authority as attached in Appendix 3; 5) approves arrangements set out in the report to appoint Members to the Combined Authority and its Committees; 6) notes that no allowances (other than travel and subsistence) will be paid to Members of the Combined Authority, the Scrutiny Pool and other Committees and Boards, with the exception of the Merseytravel Committee; 7) agrees that the payment of allowances for Co-opted Members of the Transport Committee will be dealt with in accordance with the current Merseyside Integrated Transport Authority Scheme and the Council's own scheme be amended accordingly; 	<p>65 - 254</p>

- 8) notes that a review of the Combined Authority's arrangements will be undertaken during the first year and reported to the Combined Authority's Annual General Meeting in 2015; and
- 9) agrees that approval to make any technical amendments to the Constitution and Operating Agreements for the Combined Authority and any other associated requirements to achieve the creation of the Combined Authority be delegated to the Chief Executive in consultation with the Leader of the Council.

f) Pay Policy Statement 2014/15

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To consider the attached report:-

RECOMMENDATION: That Council approves the Pay Policy Statement for 2014/15.

4. OUTSIDE BODIES MEMBERSHIP

Council are asked to note a change of membership for the Bridgewater Community Healthcare Trust Outside Body as follows:-

Councillor Morley will replace Councillor Wright.

RECOMMENDED: That this change be noted.

5. ABSENCE OF AN ELECTED MEMBER

At its meeting on 11 December 2013, Council resolved to grant Councillor Frank Fraser a period of absence from attending Council meetings for 3 months due to ill health. This extension would conclude on 14 March 2014.

In the event that Councillor Fraser continues to be absent from meetings of the Council, under Section 85 of the Local Government Act 1972, permission is sought for Councillor Fraser to be granted a further period of absence from attending Council meetings for a period of 3 months, concluding on 6 June 2014, due to continued ill health.

RECOMMENDED: That Councillor Fraser be granted a further period of absence from attending Council meetings for a period of 3 months, concluding on 6 June 2014.

REPORT TO: Executive Board

DATE: 6 February 2014

REPORTING OFFICER: Operational Director – Finance

PORTFOLIO: Resources

TITLE: Treasury Management Strategy Statement 2014/15

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

1.1 To consider the Treasury Management Strategy Statement which incorporates the Annual Investment Strategy (AIS) and the Minimum Revenue Provision (MRP) Strategy for 2014/15.

2.0 RECOMMENDATION: That the Council adopt the policies, strategies, statements, prudential and treasury indicators outlined in the report.

3.0 SUPPORTING INFORMATION

3.1 This Treasury Management Strategy Statement (TMSS) details the expected activities of the treasury function in the forthcoming financial year (2014/15). Its production and submission to Council is a requirement of the CIPFA Code of Practice on Treasury Management.

3.2 The Local Government Act 2003 requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.

3.3 The Act requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy; this sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

3.4 Government guidance notes state that Authorities can combine the Treasury Strategy Statement and Annual Investment Strategy into one report. The Council has adopted this approach and the Annual Investment Strategy is therefore included as paragraph 8.

3.5 The Council is also required to produce a Minimum Revenue Provision (MRP) Policy Statement. There is a formal statement for approval detailed in paragraph 11 with Appendix C discussing MRP in more detail.

4.0 POLICY IMPLICATIONS

4.1 The successful delivery of the strategy will assist the Council in meeting its budget commitments.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 There are no direct implications, however, the revenue budget and capital programme support the delivery and achievement of all the Council's priorities.

7.0 RISK ANALYSIS

7.1 The Authority operates its treasury management activity within the approved code of practice and supporting documents. The aim at all times is to operate in an environment where risk is clearly identified and managed. This strategy sets out clear objectives within these guidelines.

7.2 Regular monitoring is undertaken during the year and reported on a quarterly basis to the Executive Board.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Working Papers	Financial Management	Jean Clieve
CIPFA TM Code	Kingsway House	
CIPFA Prudential Code		

HALTON BOROUGH COUNCIL
TREASURY MANAGEMENT STRATEGY
STATEMENT

2014/15

TREASURY MANAGEMENT STRATEGY STATEMENT 2014/15

1.0 INTRODUCTION

- 1.1 The suggested strategy for 2014/15 in respect of the following aspects of the treasury management function are based upon the views of the Operational Director Finance on interest rates, supplemented with leading market forecasts provided by the Council's treasury advisor, Capita Asset Services (formerly Sector).

The strategy covers:

- Treasury limits in force which will limit the treasury risk and activities of the Council
- The current treasury position
- Prospects for interest rates
- The borrowing strategy
- Policy on borrowing in advance of need
- The investment strategy
- Debt rescheduling
- Creditworthiness policy
- Policy on use of external service providers
- Prudential and Treasury Indicators

- 1.2 These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the CLG MRP Guidance, the CIPFA Treasury Management Code and CLG Investment Guidance.

- 1.3 Section 32 of the Local Government Finance Act 1992 requires the Council to calculate its budget requirement for each financial year to include the revenue costs that flow from capital financing decisions. This, therefore, means that increases in capital expenditure must be limited to a level whereby increases in charges to revenue from:-

1. increases in interest charges caused by increased borrowing to finance additional capital expenditure, and

2. increases in running costs from new capital projects

are limited to a level which is affordable within the projected income of the Council for the foreseeable future.

2.0 TREASURY LIMITS FOR 2014/15 TO 2016/17

- 2.1 It is a statutory duty under Section 3 of the Act and supporting regulations, for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the "Affordable Borrowing Limit". In England, the Authorised Limit represents the legislative limit specified in the Act.

- 2.2 The Council must have regard to the Prudential Code when setting the Authorised Limit, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax is 'acceptable'.
- 2.3 Whilst termed an "Affordable Borrowing Limit", the capital plans to be considered for inclusion incorporate financing by both external borrowing and other forms of liability, such as credit arrangements. The Authorised Limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years.
- 2.4 Details of the Authorised Limit can be found in Appendix D.

3.0 CURRENT TREASURY PORTFOLIO POSITION

- 3.1 The Council defines its treasury management activities as: "The management of the Council's 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".
- 3.2 The Council regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on the risk implications for the organisation.
- 3.3 The Council acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.
- 3.4 The Council's treasury portfolio position at 10th January 2014 comprised

		Principal		Ave. Rate
		£m	£m	%
Fixed Rate Funding	PWLB	-40.00		
	Market	-31.00		
Total Portfolio			-71.00	2.28
<i>Inclusive of:</i>				
<i>Mersey Gateway</i>	<i>PWLB</i>	<i>-30.00</i>		<i>1.97</i>
	<i>Market</i>	<i>-20.00</i>		<i>1.06</i>
Variable Rate Funding	PWLB	0.00		
	Market	0.00		
Other Long Term Liabilities (Finance Leases)			-0.59	
Gross Debt			-71.59	2.26
Total Investments			35.65	0.97

4.0 BORROWING REQUIREMENTS FOR 2014/15 to 2016/17

4.1 The table below summarises the net borrowing requirement for the authority for the next three years based on the current level of prudential borrowing contained in the capital programme.

	2012/13 £'000 actual	2013/14 £'000 probable	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate
New borrowing	4,243	24,082	14,512	2,909	72,924
Alternative financing arrangements	154	587	587	587	587
Replacement borrowing	0	0	0	0	0
Total CFR (borrowing requirement)	4,397	24,669	15,099	3,496	73,511

4.2 The Council is to receive £62.2 million in 2014/15, £4.6 million in 2015/16 and £1.6 million in 2016/17 from the Department for Transport (DfT) as part of the Mersey Gateway advanced land acquisition. The grant will be used to settle PWLB (Public Works Loans Board) and market borrowings taken between 2011/12 and 2014/15.

4.3 The £10m Lender's Option Borrowers Option (LOBO), currently with Euro Hypo Bank is on 6 month options (shown within Fixed Rate Market in Table 3.4). As such, it could fall to be replaced in any one of the years.

4.4 The Councils treasury portfolio position at 31 March 2013, with forward projections are summarised below:

	2012/13 £'000 actual	2013/14 £'000 probable	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate
External Borrowing					
Debt at 1 April	80,474	70,429	81,000	156,967	218,838
Expected Change in Debt	0	10,571	75,967	61,871	0
Other LTL	461	461	461	461	461
Expected Change in Other LTL	0	0	0	0	0
Actual Gross Debt at 31 March	80,935	81,461	157,428	219,299	219,299
CFR borrowing need	97,756	119,679	131,884	132,583	203,390
Under/(Over) Borrowing	16,821	38,219	(25,544)	(86,716)	(15,908)

4.5 The table shows actual external debt from treasury management operations against the underlying capital borrowing need.

4.6 The Council is currently maintaining an under borrowed position. This means that the capital borrowing need (the CFR) has not been fully funded by loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is relatively high. However, it is expected that during 2014/15 and 2015/16 the Council will take advantage of low long term interest rates and start borrowing for Mersey Gateway construction costs (ahead of need), which are due for payment in 2016/17 and 2017/18. The cost of borrowing for construction costs will be funded from future toll receipts. This explains the over borrowing position for 2014/15 onwards.

5.0 PROSPECTS FOR INTEREST RATES

5.1 The Council has appointed Capita Asset Services (formerly Sector Treasury Services) as treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Appendix A draws together a number of current City forecasts for short term (Bank Rate) and longer term fixed interest rates. The following table gives the Capita Asset Services central view.

Capita Bank Rate forecast for financial year ends (March)

- 2013/14 0.50%
- 2014/15 0.50%
- 2015/16 0.50%
- 2016/17 1.25%

There is the potential to the forecast remaining lower over the longer term if the recovery from the recession proves to be weaker than currently expected. A detailed view of the current economic background is contained within Appendix B to this report.

6.0 BORROWING STRATEGY

6.1 Borrowing rates

The Capita Asset Services forecast for new PWLB borrowing is as follows:-

	PWLB Borrowing Rates (including certainty rate adjustment)		
	5 year	25 year	50 year
Dec-13	2.50	4.40	4.40
Mar-14	2.50	4.40	4.40
Jun-14	2.60	4.50	4.50
Sep-14	2.70	4.50	4.50
Dec-14	2.70	4.60	4.60
Mar-15	2.80	4.60	4.70
Jun-15	2.80	4.70	4.80
Sep-15	2.90	4.80	4.90
Dec -15	3.00	4.90	5.00
Mar-16	3.10	5.00	5.10
Jun-16	3.20	5.10	5.20
Sep-16	3.30	5.10	5.20
Dec-16	3.40	5.10	5.20
Mar-17	3.40	5.10	5.20

- 6.2 The cheapest borrowing will be internal borrowing by running down cash balances and foregoing interest earned at historically low rates. However, in view of the overall forecast for long term borrowing rates to increase over the next few years, consideration will be given to weighing the short term advantage of internal borrowing against potential long term costs if the opportunity is missed for taking market loans at long term rates which will be higher in future years.
- 6.3 Shorter term borrowing is expected to be cheaper than long term borrowing and will therefore be attractive throughout the financial year when compared to long term fixed rate borrowing.
- 6.4 Long term fixed rate market loans at rates significantly below PWLB rates for the equivalent maturity period (where available) may be sought and the Council will maintain an appropriate balance between PWLB and Market debt.
- 6.5 The Operational Director – Finance will certify all borrowings sourced to finance both day-to-day cash flow fluctuations and the capital programme. Borrowings will be sourced principally from either the PWLB or the Market, either by the use of external brokers or direct by the Treasury Manager. The Operational Director – Finance is responsible for putting in place procedures for managing and controlling treasury management activity, managing and controlling risk and pursuing value for money whilst satisfying the requirements of regulation 24 of the Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 (SI 2003/3146) as amended.
- 6.6 PWLB borrowing for periods under 5 years is expected to be significantly lower than rates for longer periods. This offers a range of options for new borrowing which will spread debt maturities away from a concentration in longer dated debt.
- 6.7 The Council will consider the advantages to PWLB annuity and EIP (Equal Instalments of Principal) loans as well as maturity loans.
- 6.8 Longer term rates are expected to gradually increase during the year so it should therefore be advantageous to time new borrowing for the start of the year.
- 6.9 **Sensitivity of the Forecast** – in normal circumstances, the main sensitivities of the forecast are likely to be the two scenarios noted below. Council Officers, in conjunction with the treasury advisors, will continually monitor both the prevailing interest rates and the market forecasts, adopting the following responses to a change of sentiment:
- *If it were felt that there was a significant risk of a sharp FALL in long and short term rates e.g. due to a marked increase of risks around relapse into recession or risks of deflation, then long term borrowings will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered.*
 - *If it were felt that there was a significant risk of a much sharper RISE in long and short term rates than that currently forecast, perhaps arising from a greater than expected increase in world economic activity or a sudden*

increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates were still relatively cheap.

6.10 External v Internal Borrowing

	2012/13 £'000 actual	2013/14 £'000 probable outturn	2014/15 £'000 estimate	2015/16 £'000 estimate	2016/17 £'000 estimate
Actual external debt (Gross)	80,474	71,000	145,967	207,838	200,762
Cash Balances	-22,369	-35,650	-48,384	-64,153	-49,579
Net Debt	58,105	34,350	97,583	143,685	151,183

- 6.11 The Council currently estimates a difference of £34.35 million between gross debt and net debt after deducting cash balances of £35.65 million for 2013/14. This is a reduction from the net position as at 2012/13 and takes account of the reduction in borrowings for Mersey Gateway land acquisition costs.
- 6.12 The usual aim of the Treasury Management Strategy is to reduce the difference between the two debt levels over the medium term. Although given the unique nature of the Mersey Gateway project and the potential to borrow ahead of need, the net debt position is expected to increase from 2014/15 as the Council looks to borrow funds to cover construction costs for the project.
- 6.13 A factor which will be carefully considered is the difference between borrowing rates and investment rates (referred to as 'the cost of carry'). The Council will ensure that it obtains value for money, once an appropriate level of risk management has been attained to ensure the security of its investments.
- 6.14 The next financial year is expected to continue to be one of historically abnormally low Bank Rate. This provides a continuation of the current window of opportunity for local authorities to fundamentally review their strategy of undertaking new external borrowing.
- 6.15 Over the next three years, investment rates are therefore expected to be below long term borrowing rates and so value for money considerations would indicate that value could be best obtained by avoiding new external borrowing and by using internal cash balances to finance new capital expenditure or to replace maturing external debt (this is referred to as internal borrowing). This would maximise short term savings.
- 6.16 However, short term savings by avoiding new long term external borrowing in 2014/15 will also be weighed against the potential for incurring additional long term extra costs by delaying unavoidable new external borrowing until later years when PWLB long term rates are forecast to be significantly higher.
- 6.17 The Operational Director - Finance will monitor the interest rate market and adopt a pragmatic approach to changing circumstances, reporting any decisions to the Executive Board at the next available opportunity.

7.0 POLICY ON BORROWING IN ADVANCE OF NEED

7.1 The Council will not borrow more than or in advance of its need purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

If borrowing were to be undertaken in advance of need, the Council would:-

- Ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need.
- Ensure the ongoing revenue liabilities created, and the implications for the future plans and budgets have been considered.
- Evaluate the economic and market factors that might influence the manner and timing of any decision to borrow.
- Consider the merits and demerits of alternative forms of funding.
- Consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use.
- Consider the impact of borrowing in advance and temporarily increasing investment cash balances (until required to finance capital expenditure) and the consequent increase in exposure to counterparty risk, and other risks, and the level of such risks given the controls in place to minimise them.

8.0 ANNUAL INVESTMENT STRATEGY

8.1 The Council will have regard to CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities are:-

- (a) the security of capital
- (b) the liquidity of its investments

8.2 The Council will also aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity. The risk appetite of the Council is low in order to give priority to security of its investments.

8.3 The borrowing of monies purely to invest or on-lend and make a return is unlawful and this Council will not engage in such activity.

8.4 Investment instruments identified for use in the financial year are listed under the 'Specified' and 'Non-Specified' investments categories.

8.5 Eligible counterparties and their limits were last reviewed and set by the Executive Board 7th February 2013.

- 8.6 Since that time, counterparty limits for HSBC and Standard Chartered have been increased as part of the Mid Year Review report approved by Executive Board on 12th December 2013. The list is continually reviewed to ensure that all the counterparties still meet the Council's minimum requirements for investment purposes. It is recommended that Handelsbanken be added to the Council's counterparty list, and that Yorkshire Building Society and Skipton Building Society be removed. Appendix E contains a list of all the Councils counterparties and their corresponding investment limits.

Specified v Non-Specified Investments

- 8.7 There have been an increasing number of innovative investment products being marketed over recent years. They have arisen due to the relatively low interest rate environment which has prevailed during this period. The initial guidance from the CLG focused on high security and more particularly credit risk. This approach however does not deal with market risk, which is the sudden adverse movement in interest rates. In some products this could lead to a significant diminution of the maturity value below that of the original sum invested.
- 8.8 Because of this it has been suggested that if any investment other than a straight cash deposit is envisaged the following tests are applied;-
1. the working of the product is fully understood;
 2. the degree of risk exposure the product carries is identified;
 3. the level of risk fits within the parameters set by the authority;
 4. the product complies with the CIPFA Code of Practice on Treasury Management (prime focus on security and best value applied to optimise returns).
- 8.9 The Council has previously used straightforward cash deposits, with both fixed and variable rates, but always with options to repay if the counterparty wanted to change the terms and agreement couldn't be reached. The issue therefore still boils down to credit risk and this is handled through the counterparty weighted rankings and prudential indicators which limit the amount that can be placed with non rated organisations at any one time.

Specified Investments:

- 8.10 All such investments will be sterling denominated, with maturities up to maximum of 1 year, meeting the minimum 'high' credit quality where applicable (i.e. credit rated counterparties).

	Minimum 'High' Credit Criteria	Use
Debt Management Agency Deposit Facility	--	In-house
UK Government Gilts	UK Only (AAA)	In house
Bonds Issued by an Institution guaranteed by the UK government	UK Only (AAA)	In house
Term Deposits – UK Government	--	In-house
Term Deposits – Other LAs	--	In-house
Term Deposits – Banks and Building Societies	On Approved List and Rated A or above	In-house

If forward deposits are to be made, the forward period plus the deal period should not exceed one year in aggregate.

Non-Specified Investments:

- 8.11 A maximum of 30% will be held in aggregate in non-specified investments for 2-3 years and 60% for 1-2 years. This group can include non-credit rated organisations but with caution.

	Minimum Credit Criteria	Use	Max % of Total Investments	Max. Maturity Period
Term deposits – UK government (with maturities in excess of 1 year)	-	In-house	30% 60%	2-3 years 1-2 years
Term deposits – other LAs (with maturities in excess of 1 year)	-	In-house	30% 60%	2-3 years 1-2 years
Term deposits – banks and building societies (with maturities in excess of 1 year)	On Approved List and less than A or Unrated.	In-house	30% 60%	2-3 years 1-2 years

Investment Strategy

- 8.12 In-house funds: Investments will be made with reference to cash flow requirements and the outlook for short term interest rates (i.e. rates for investments up to 12 months).
- 8.13 The Council has avoided locking into longer term deals while investment rates are down at historically low levels, and has chosen instead to finance the capital programme by running down investment balances.
- 8.14 The interest rate outlook is particularly relevant to the performance of the Council's investment portfolio. The timing of any increase in investment rates will be subject to the speed of economic recovery.

- 8.15 The Council has placed much of its current portfolio into fixed rate, fixed period deals. The Council's policy will be to explore the availability of variable rate investments, whilst prioritising security and liquidity over yield in order to optimise a return commensurate with the principal invested. The Council will also continue to run down the level of investments, to reduce counterparty and interest rate exposure whilst waiting for the opportune time to borrow to fund its long term capital projects. This policy will minimise the impact of low investment rates.
- 8.16 For its cash flow generated balances, the Council will seek to utilise its business reserve account and short-dated deposits (1-3 months) in order to benefit from the compounding of interest.

End of year Investment Report

- 8.17 At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

9.0 DEBT RESCHEDULING

- 9.1 As short term borrowing rates will be considerably cheaper than longer term rates, there may be potential for some residual opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the size of the premiums incurred, their short term nature, and the likely cost of refinancing those short term loans, once they mature, compared to the current rates of longer term debt in the existing debt portfolio. Any such rescheduling and repayment of debt is likely to cause a flattening of the Council's maturity profile.
- 9.2 Consideration will be given to identifying whether there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt.
- 9.3 All rescheduling will be reported to the Executive Board at the meeting following its action.

10.0 EXTRAORDINARY ITEMS

- 10.1 The Council will actively seek during 2014/15 to reduce the impact of the cost of borrowing used to finance Mersey Gateway construction costs. This will involve, taking borrowing when a rate reaches a pre set 'trigger' and placing funds with a counterparty until expenditure falls due.

11.0 MINIMUM REVENUE PROVISION POLICY STATEMENT 2014/15

- 11.1 The major proportion of the MRP for 2014/15 will relate to the more historic debt liability that will continue to be charged at the rate of 4%, in accordance with option

1 of the guidance. Certain expenditure reflected within the debt liability at 31st March 2011 will under delegated powers be subject to MRP under option 3, which will be charged over a period which is reasonably commensurate with the estimated useful life applicable to the nature of the expenditure, using the equal instalment method. For example, capital expenditure on a new building, or on the refurbishment or enhancement of a building, will be related to the estimated life of that building.

- 11.2 Estimated life periods will be determined by the Operational Director – Finance under delegated powers. To the extent that expenditure is not on the creation of an asset and is of a type that is subject to estimated life periods that are referred to in the guidance, these periods will generally be adopted by the Council. However, the Council reserves the right to determine useful life periods and prudent MRP in exceptional circumstances where the recommendations of the guidance would not be appropriate.
- 11.3 As some types of capital expenditure incurred by the Council are not capable of being related to an individual asset, asset lives will be assessed on a basis which most reasonably reflects the anticipated period of benefit that arises from the expenditure. Also, whatever type of expenditure is involved, it will be grouped together in a manner which reflects the nature of the main component of expenditure and will only be divided up in cases where there are two or more major components with substantially different useful economic lives.
- 11.4 A brief explanation of the Minimum Revenue Provision and the options available is contained in Appendix C.

12.0 CREDITWORTHINESS POLICY

- 12.1 The Council uses the creditworthiness service provided by Capita Asset Services. This service uses a sophisticated modelling approach with credit ratings from all three rating agencies - Fitch, Moodys and Standard and Poors, forming the core element. However, it does not rely solely on the current credit ratings of counterparties but also uses the following as overlays: -
- credit watches and credit outlooks from credit rating agencies
 - Credit Default Swap (CDS) spreads to give early warning of likely changes in credit ratings
 - sovereign ratings to select counterparties from only the most creditworthy countries
- 12.2 This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour code bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the duration for investments and are therefore referred to as durational bands

12.3 The selection of counterparties with a high level of creditworthiness will be achieved by selecting institutions down to a minimum durational band within Capita's weekly credit list of worldwide potential counterparties. The Council will therefore use counterparties within the following durational bands:

- Yellow 5 years
- Purple 2 years
- Blue 1 year (only applies to nationalised/semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 3 months
- No Colour not to be used

12.4 All credit ratings will be monitored on a weekly basis. The Council is alerted to changes to ratings of all three agencies through its use of the Capita creditworthiness service.

- If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- In addition to the use of Credit Ratings the Council will be advised of information in movements in Credit Default Swap against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.

12.5 Sole reliance will not be placed on the use of this external service. In addition the Council will also use market data and market information, information on government support for banks and the credit ratings of that government support.

13.0 POLICY ON THE USE OF TREASURY MANAGEMENT CONSULTANTS

13.1 The Council uses Capita Asset Services as its external treasury management advisers.

13.2 The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

14.0 TREASURY MANAGEMENT INDICATORS FOR 2014/15-2016/17

14.1 The treasury management indicators as set out in Appendix D to this report are relevant for the purposes of setting an integrated treasury management strategy.

15.0 ADOPTING THE CIPFA CODE OF PRACTICE ON TREASURY MANAGEMENT

15.1 The Council is required to indicate that it has adopted the revised CIPFA code of practice on treasury management. The original 2001 code was adopted in March 2002, the revised 2009 Code was adopted in March 2010 with the 2011 version being adopted in March 2012.

16.0 ROLES AND RESPONSIBILITIES FOR TREASURY MANAGEMENT

16.1 Appendix F outlines the respective roles and responsibilities for Treasury Management within Halton Borough Council as outlined in the Treasury Management Code.

INTEREST RATE FORECASTS

Appendix A

Bank Rate														
	NOW	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Capita Asset Services	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.00%	1.25%
UBS	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	-	-	-	-	-
Capital Economics	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	-	-	-	-	-
5yr PWLB Rate														
	NOW	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Capita Asset Services	2.63%	2.50%	2.60%	2.70%	2.70%	2.80%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.40%
UBS	2.63%	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Economics	2.63%	2.60%	2.60%	2.60%	2.60%	2.70%	2.80%	3.00%	3.20%	-	-	-	-	-
10yr PWLB Rate														
	NOW	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Capita Asset Services	3.72%	3.60%	3.70%	3.80%	3.80%	3.90%	3.90%	4.00%	4.10%	4.20%	4.30%	4.30%	4.40%	4.50%
UBS	3.72%	3.70%	3.80%	3.90%	4.05%	4.05%	4.30%	4.55%	4.55%	-	-	-	-	-
Capital Economics	3.72%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	4.05%	-	-	-	-	-
25yr PWLB Rate														
	NOW	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Capita Asset Services	4.35%	4.40%	4.50%	4.50%	4.60%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.10%	5.10%	5.10%
UBS	4.35%	4.55%	4.55%	4.80%	4.80%	5.05%	5.05%	5.30%	5.30%	-	-	-	-	-
Capital Economics	4.35%	4.35%	4.35%	4.35%	4.35%	4.35%	4.35%	4.35%	4.45%	-	-	-	-	-
50yr PWLB Rate														
	NOW	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17
Capita Asset Services	4.31%	4.40%	4.50%	4.50%	4.60%	4.70%	4.80%	4.90%	5.00%	5.10%	5.20%	5.20%	5.20%	5.20%
UBS	4.31%	4.45%	4.45%	4.70%	4.70%	4.90%	4.90%	5.05%	5.05%	-	-	-	-	-
Capital Economics	4.31%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.60%	-	-	-	-	-

Economic Background (provided by Capita Asset Services)

THE UK ECONOMY

Economic growth. Until 2013, the economic recovery in the UK since 2008 had been the worst and slowest recovery in recent history. However, growth strongly rebounded in 2013 - quarter 1 (+0.3%), 2 (+0.7%) and 3 (+0.8%), to surpass all expectations as all three main sectors, services, manufacturing and construction contributed to this strong upturn. The Bank of England has, therefore, upgraded growth forecasts in the August and November quarterly Inflation Reports for 2013 from 1.2% to 1.6% and for 2014 from 1.7% to 2.8%, (2015 unchanged at 2.3%). The November Report stated that: -

In the United Kingdom, recovery has finally taken hold. The economy is growing robustly as lifting uncertainty and thawing credit conditions start to unlock pent-up demand. But significant headwinds — both at home and abroad — remain, and there is a long way to go before the aftermath of the financial crisis has cleared and economic conditions normalise. That underpins the Monetary Policy Committee's (MPC's) intention to maintain the exceptionally stimulative stance of monetary policy until there has been a substantial reduction in the degree of economic slack. The pace at which that slack is eroded, and the durability of the recovery, will depend on the extent to which productivity picks up alongside demand. Productivity growth has risen in recent quarters, although unemployment has fallen by slightly more than expected on the back of strong output growth.

Forward surveys are currently very positive in indicating that growth prospects are also strong for 2014, not only in the UK economy as a whole, but in all three main sectors, services, manufacturing and construction. This is very encouraging as there does need to be a significant rebalancing of the economy away from consumer spending to construction, manufacturing, business investment and exporting in order for this start to recovery to become more firmly established. One drag on the economy is that wage inflation continues to remain significantly below Consumer Prices Index (CPI) inflation so disposable income and living standards are under pressure, although income tax cuts have improved this to some extent. This therefore means that labour productivity must improve significantly for this situation to be corrected by the warranting of increases in pay rates.

Forward guidance. The Bank of England issued forward guidance in August which stated that the Bank will not start to consider raising interest rates until the jobless rate (Labour Force Survey / ILO i.e. not the claimant count measure) has fallen to 7% or below. This would require the creation of about 750,000 jobs and was forecast to take three years in August, but revised to possibly December 2014 in November. The UK unemployment rate has already fallen to 7.4% on the three month rate to October 2013 (although the rate in October alone was actually 7.0%). The Bank's guidance is subject to three provisos, mainly around inflation; breaching any of them would sever the link between interest rates and unemployment levels. This actually makes forecasting Bank Rate much more complex given the lack of available reliable forecasts by economists over a three year plus horizon. The recession since 2007 was notable for how unemployment did NOT rise to the levels that would normally be expected in a major recession and the August Inflation Report noted that productivity had sunk to 2005 levels. There has, therefore, been a significant level of retention of labour, which will mean that there is potential for a significant amount of GDP growth to be accommodated without a major reduction in unemployment. However, it has been particularly encouraging that the strong economic growth in

2013 has also been accompanied by a rapid increase in employment and forward hiring indicators are also currently very positive. It is therefore increasingly likely that early in 2014, the Monetary Policy Committee (MPC) will need to amend its forward guidance by reducing its 7.0% threshold rate and/or by adding further wording similar to the Fed's move in December (see below).

Credit conditions. While Bank Rate has remained unchanged at 0.5% and quantitative easing has remained unchanged at £375bn in 2013, the Funding for Lending Scheme (FLS) was extended to encourage banks to expand lending to small and medium size enterprises. The second phase of Help to Buy aimed at supporting the purchase of second hand properties, will also start in earnest in January 2014. These measures have been so successful in boosting the supply of credit for mortgages, and so of increasing house purchases, (though levels are still far below the pre-crisis level), that the Bank of England announced at the end of November that the FLS for mortgages would end in February 2014. While there have been concerns that these schemes are creating a bubble in the housing market, house price increases outside of London and the south-east have been much weaker. However, bank lending to small and medium enterprises continues to remain weak and inhibited by banks still repairing their balance sheets and anticipating tightening of regulatory requirements.

Inflation. Inflation has fallen from a peak of 3.1% in June 2013 to 2.1% in November. It is expected to remain near to the 2% target level over the MPC's two year time horizon.

AAA rating. The UK has lost its AAA rating from Fitch and Moody's but that caused little market reaction.

THE GLOBAL ECONOMY

The Eurozone (EZ). The sovereign debt crisis has eased considerably during 2013 which has been a year of comparative calm after the hiatus of the Cyprus bailout in the spring. In December, Ireland escaped from its three year EZ bailout programme as it had dynamically addressed the need to substantially cut the growth in government debt, reduce internal price and wage levels and promote economic growth. The EZ finally escaped from seven quarters of recession in quarter 2 of 2013 but growth is likely to remain weak and so will dampen UK growth. The European Central Bank's (ECB)'s pledge to buy unlimited amounts of bonds of countries which ask for a bail out has provided heavily indebted countries with a strong defence against market forces. This has bought them time to make progress with their economies to return to growth or to reduce the degree of recession. However, debt to GDP ratios (2012 figures) of Greece 176%, Italy 131%, Portugal 124%, Ireland 123% and Cyprus 110%, remain a cause of concern, especially as many of these countries are experiencing continuing rates of increase in debt in excess of their rate of economic growth i.e. these debt ratios are continuing to deteriorate. Any sharp downturn in economic growth would make these countries particularly vulnerable to a new bout of sovereign debt crisis. It should also be noted that Italy has the third biggest debt mountain in the world behind Japan and the US. Greece remains particularly vulnerable and continues to struggle to meet EZ targets for fiscal correction. Whilst a Greek exit from the Euro is now improbable in the short term, as Greece has made considerable progress in reducing its annual government deficit and a return towards some economic growth, some commentators still view an eventual exit as being likely. There are also concerns that austerity measures in Cyprus could also end up in forcing an exit. The question remains as to how much damage an exit by one country would do and whether contagion would spread to other countries. However, the longer a Greek exit is delayed, the less are likely to be the repercussions beyond Greece on other countries and on EU banks.

Sentiment in financial markets has improved considerably during 2013 as a result of firm Eurozone commitment to support struggling countries and to keep the Eurozone intact. However, the foundations to this current "solution" to the Eurozone debt crisis are still weak and events could easily conspire to put this into reverse. There are particular concerns as to whether

democratically elected governments will lose the support of electorates suffering under EZ imposed austerity programmes, especially in countries like Greece and Spain which have unemployment rates of over 26% and unemployment among younger people of over 50%. The Italian political situation is also fraught with difficulties in maintaining a viable coalition which will implement an EZ imposed austerity programme and undertake overdue reforms to government and the economy. There are also concerns over the lack of political will in France to address issues of poor international competitiveness,

USA. The economy has managed to return to robust growth in Q2 2013 of 2.5% year on year and 4.1% year on year in Q3, in spite of the fiscal cliff induced sharp cuts in federal expenditure that kicked in on 1 March, and increases in taxation. The Federal Reserve therefore decided in December to reduce its \$85bn per month asset purchases programme of quantitative easing by \$10bn. It also amended its forward guidance on its pledge not to increase the central rate until unemployment falls to 6.5% by adding that there would be no increases in the central rate until 'well past the time that the unemployment rate declines below 6.5%, especially if projected inflation continues to run below the 2% longer run goal'. Consumer, investor and business confidence levels have all improved markedly in 2013. The housing market has turned a corner and house sales and increases in house prices have returned to healthy levels. Many house owners have, therefore, been helped to escape from negative equity and banks have also largely repaired their damaged balance sheets so that they can resume healthy levels of lending. All this indicates a reasonable growth rate looking forward.

China. There are concerns that Chinese growth could be on an overall marginal downward annual trend. There are also concerns that the new Chinese leadership have only started to address an unbalanced economy which is heavily dependent on new investment expenditure, and for a potential bubble in the property sector to burst, as it did in Japan in the 1990s, with its consequent impact on the financial health of the banking sector. There are also concerns around the potential size, and dubious creditworthiness, of some bank lending to local government organisations and major corporates. This primarily occurred during the government promoted expansion of credit, which was aimed at protecting the overall rate of growth in the economy after the Lehmans crisis.

Japan. The initial euphoria generated by "Abenomics", the huge quantitative easing (QE) operation instituted by the Japanese government to buy Japanese debt, has tempered as the follow through of measures to reform the financial system and the introduction of other economic reforms, appears to have stalled. However, at long last, Japan has seen a return to reasonable growth and positive inflation during 2013 which augurs well for the hopes that Japan can escape from the bog of stagnation and deflation and so help to support world growth. The fiscal challenges though are huge; the gross debt to GDP ratio is about 245% in 2013 while the government is currently running an annual fiscal deficit of around 50% of total government expenditure. Within two years, the central bank will end up purchasing about Y190 trillion (£1,200 billion) of government debt. In addition, the population is ageing due to a low birth rate and, on current trends, will fall from 128m to 100m by 2050.

CAPITA ASSET SERVICES FORWARD VIEW

Economic forecasting remains difficult with so many external influences weighing on the UK. Major volatility in bond yields is likely to endure as investor fears and confidence ebb and flow between favouring more risky assets i.e. equities, and safer bonds.

There could well be volatility in gilt yields over the next year as financial markets anticipate further tapering of asset purchases by the Fed. The timing and degree of tapering could have a significant effect on both Treasury and gilt yields. Equally, while the political deadlock and infighting between Democrats and Republicans over the budget has almost been resolved the raising of the debt limit, has only been kicked down the road. A final resolution of these issues could have a significant effect on gilt yields during 2014.

The longer run trend is for gilt yields and Public Works Loan Board (PWLB) rates to rise, due to the high volume of gilt issuance in the UK, and of bond issuance in other major western countries. Increasing investor confidence in economic recovery is also likely to compound this effect as a continuation of recovery will further encourage investors to switch back from bonds to equities.

The overall balance of risks to economic recovery in the UK is currently evenly weighted. However, only time will tell just how long this period of strong economic growth will last; it also remains exposed to vulnerabilities in a number of key areas.

The interest rate forecasts in this report are based on an initial assumption that there will not be a major resurgence of the EZ debt crisis, or a break-up of the EZ, but rather that there will be a managed, albeit painful and tortuous, resolution of the debt crisis where EZ institutions and governments eventually do what is necessary - but only when all else has been tried and failed. Under this assumed scenario, growth within the EZ will be tepid for the next couple of years and some EZ countries experiencing low or negative growth, will, over that time period, see a significant increase in total government debt to GDP ratios. There is a significant danger that these ratios could rise to the point where markets lose confidence in the financial viability of one, or more, countries. However, it is impossible to forecast whether any individual country will lose such confidence, or when, and so precipitate a resurgence of the EZ debt crisis. While the ECB has adequate resources to manage a debt crisis in a small EZ country, if one, or more, of the large countries were to experience a major crisis of market confidence, this would present a serious challenge to the ECB and to EZ politicians.

Downside risks currently include:

- UK strong economic growth is currently very dependent on consumer spending and recovery in the housing market. This is unlikely to endure much beyond 2014 as most consumers are maxed out on borrowing and wage inflation is less than CPI inflation, so disposable income is being eroded.
- A weak rebalancing of UK growth to exporting and business investment causing a major weakening of overall economic growth beyond 2014
- Weak growth or recession in the UK's main trading partners - the EU and US, depressing economic recovery in the UK.
- Prolonged political disagreement over the raising of the US debt ceiling.
- A return to weak economic growth in the US, UK and China causing major disappointment in investor and market expectations.
- A resurgence of the Eurozone sovereign debt crisis caused by ongoing deterioration in government debt to GDP ratios to the point where financial markets lose confidence in the financial viability of one or more countries and in the ability of the ECB and Eurozone governments to deal with the potential size of the crisis.
- The potential for a significant increase in negative reactions of populaces in Eurozone countries against austerity programmes, especially in countries with very high unemployment rates e.g. Greece and Spain, which face huge challenges in engineering economic growth to correct their budget deficits on a sustainable basis.
- The Italian political situation is frail and unstable; this will cause major difficulties in implementing austerity measures and a programme of overdue reforms. Italy has the third highest government debt mountain in the world.

- Problems in other Eurozone heavily indebted countries (e.g. Cyprus and Portugal) which could also generate safe haven flows into UK gilts, especially if it looks likely that one, or more countries, will need to leave the Eurozone.
- A lack of political will in France, (the second largest economy in the EZ), to dynamically address fundamental issues of low growth, poor international uncompetitiveness and the need for overdue reforms of the economy.
- Monetary policy action failing to stimulate sustainable growth in western economies, especially the Eurozone and Japan.
- Geopolitical risks e.g. Syria, Iran, North Korea, which could trigger safe haven flows back into bonds.

The potential for upside risks to UK gilt yields and PWLB rates, especially for longer term PWLB rates include: -

- A sharp upturn in investor confidence that sustainable robust world economic growth is firmly expected, causing a surge in the flow of funds out of bonds into equities.
- A reversal of Sterling's safe-haven status on a sustainable improvement in financial stresses in the Eurozone.
- UK inflation being significantly higher than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.
- In the longer term – an earlier than currently expected reversal of QE in the UK; this could initially be implemented by allowing gilts held by the Bank to mature without reinvesting in new purchases, followed later by outright sale of gilts currently held.

Appendix C

Minimum Revenue Provision

Capital expenditure is generally expenditure on assets which have a life expectancy of more than one year e.g. buildings, vehicles, machinery etc. It would be impractical to charge the entirety of such expenditure to revenue in the year in which it was incurred therefore such expenditure is spread over several years in order to try to match the years over which such assets benefit the local community through their useful life. The manner of spreading these costs is through an annual Minimum Revenue Provision, which was previously determined under Regulation, and will in future be determined under Guidance.

Statutory duty

Statutory Instrument 2008 no. 414 s4 lays down that:

- “A local authority shall determine for the current financial year an amount of minimum revenue provision that it considers to be prudent.”
- The above is a substitution for the previous requirement to comply with regulation 28 in S.I. 2003 no. 3146 (as amended).
- There is no requirement to charge MRP where the Capital Financing Requirement is nil or negative at the end of the preceding financial year.
- The share of Housing Revenue Account CFR is not subject to an MRP charge.

Government Guidance

Along with the above duty, the Government issued guidance which came into force on 31st March 2008 which requires that a Statement on the Council’s policy for its annual MRP should be submitted to the full Council for approval before the start of the financial year to which the provision will relate.

The Council is legally obliged to “have regard” to the guidance, which is intended to enable a more flexible approach to assessing the amount of annual provision than was required under the previous statutory requirements. The guidance offers four main options under which MRP could be made, with an overriding recommendation that the Council should make prudent provision to redeem its debt liability over a period which is reasonably commensurate with that over which the capital expenditure is estimated to provide benefits. The requirement to ‘have regard’ to the guidance therefore means that: -

1. although four main options are recommended in the guidance, there is no intention to be prescriptive by making these the only methods of charge under which a local authority may consider its MRP to be prudent.
2. it is the responsibility of each authority to decide upon the most appropriate method of making a prudent provision, after having had regard to the guidance.

Option 1: Regulatory Method

Under the previous MRP regulations, MRP was set at a uniform rate of 4% of the adjusted CFR (i.e. adjusted for “Adjustment A”) on a reducing balance method (which in effect meant that MRP charges would stretch into infinity). This historic approach must continue for all capital expenditure incurred in years before the start of this new approach. It may also be used for new capital expenditure up to the amount which is deemed to be supported through the SCE annual allocation.

Option 2: Capital Financing Requirement Method

This is a variation on option 1 which is based upon a charge of 4% of the aggregate CFR without any adjustment for Adjustment A, or certain other factors which were brought into account under the previous statutory MRP calculation. The CFR is the measure of an authority’s outstanding debt liability as depicted by their balance sheet.

Option 3: Asset Life Method

This method may be applied to most new capital expenditure, including where desired that which may alternatively continue to be treated under options 1 or 2.

Under this option, it is intended that MRP should be spread over the estimated useful life of either an asset created, or other purpose of the expenditure. There are two useful advantages of this option: -

- longer life assets e.g. freehold land can be charged over a longer period than would arise under options 1 and 2
- no MRP charges need to be made until the financial year after that in which an item of capital expenditure is fully incurred and, in the case of a new asset, comes into service use (this is often referred to as being an ‘MRP holiday’). This is not available under options 1 and 2

There are two methods of calculating charges under option 3: -

- a. equal instalment method – equal annual instalments
- b. annuity method – annual payments gradually increase during the life of the asset

Option 4: Depreciation Method

Under this option, MRP charges are to be linked to the useful life of each type of asset using the standard accounting rules for depreciation (but with some exceptions) i.e. this is a more complex approach than option 3.

The same conditions apply regarding the date of completion of the new expenditure as apply under option 3.

Date of implementation

The previous statutory MRP requirements ceased to have effect after the 2006/07 financial year. Transitional arrangements included within the guidance no longer apply for the MRP charge for 2009/10 onwards. Therefore, options 1 and 2 should only be used for Supported Capital Expenditure (SCE). Authorities are however reminded that the DCLG document remains as guidance and authorities may consider alternative individual MRP

approaches, as long as they are consistent with the statutory duty to make a prudent revenue provision.

Strategy Adopted for 2013/14 and 2014/15

In order to determine its MRP for 2013/14 and taking into consideration the available options the Council has applied the following strategy:

- For all capital expenditure incurred before 2009/10 and for all capital expenditure funded via supported borrowing MRP to be calculated using Option 1 – The Regulatory Method.
- For all capital expenditure incurred from 2009/10 financed by prudential borrowing MRP to be calculated using Option 3 the Asset Life Method
- For credit arrangements such as on balance sheet leasing arrangements (finance leases) MRP charge to be equal to the principal element of the annual rental.
- For on balance sheet PFI contracts MRP charge to be equal to the principal element of the annual rental.

It is recommended that for 2014/15 the Council adopt the same strategy for calculating MRP as that used for 2013/14.

Appendix D

Prudential Indicators 2014/15

			2012/13	2013/14	2014/15	2015/16	2016/17
			Actual	Probable Outturn	Estimate	Estimate	Estimate
	Prudential Indicators						
1	Total capital expenditure (estimate) Note: These figures will be amended as further allocations and grant approvals are received	£m		53.31	36.18	15.96	77.87
2	Total capital expenditure (actual)	£m	50.46				
3	Capital Financing Requirement (estimate)	£m		119.68	131.88	132.58	203.39
3	Capital Financing Requirement (actual)	£m	97.76				
4	Ratio of financing costs to net revenue stream (estimate)	%		3.83	4.60	5.92	9.10
4	Ratio of financing costs to net revenue stream (actual)	%	3.28				
5	Incremental impact of capital investment decisions on the Council Tax (estimate)	£		2.32	0.48	0.83	0.83
5	Incremental impact of capital investment decisions on the Council Tax (actual)	£	1.34				
	Treasury Management Indicators						
6	Adopted CIPFA Code of Practice for Treasury Management		yes	yes	yes	yes	yes
7	Operational boundary for external debt	£m		70.59	146.55	208.42	201.35
8	Authorised limit for external debt	£m		81.59	157.55	219.42	212.35
9	External debt (actual)	£m	80.93				
10	Upper limit on interest rate exposure on fixed rate debt (principal)	£m %		31.54 90	88.35 90	129.84 90	136.59 90
10	Upper limit on interest rate exposure on Variable rate debt (principal)	£m %		10.48 30	29.45 30	43.28 30	45.53 30
11	Total principal sums invested for periods longer than 364days			15.45	48.81	60.00	50.01
12	Maturity structure of borrowing as a percentage of fixed rate borrowing				Upper	Lower	
	Under 12 months	%		15	100	0	
	12 months – 2 years	%		42	100	0	
	2 years – 5 years	%		28	100	0	
	5 years – 10 years	%		0	100	0	
	10 years and above	%		14	100	0	

Counterparty List for 2014/15

	Limits	
	less than 3 months £m	more than 3 months £m
Banks		
HSBC Plc	30.00	20.00
Santander UK Plc	15.00	10.00
Barclays Plc	15.00	10.00
Lloyds	30.00	20.00
National Westminster Plc (Liquidity Account)	15.00	10.00
Standard Chartered Bank Plc	20.00	15.00
Royal Bank of Scotland Plc	30.00	20.00
Clydesdale Bank	10.00	7.50
Handlesbanken	20.00	15.00
Building Society		
Nationwide BS	15.00	10.00
Coventry BS	10.00	7.50
Local Authorities	5.00	2.50
Debt Management Account Deposit Facility (DMADF)	2.50	2.50

Note: the proposed limits for 2014/15 will remain the same as the limits agreed by Executive Board for 2013/14 on 12th December 2013, except for the added inclusion of Handlesbanken and the removal of Yorkshire BS and Skipton BS.

Treasury Management Scheme of Delegation

(i) Council

- receiving and reviewing reports on treasury management policies, practices and activities
- approval of annual strategy.

(ii) Executive Board

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices
- budget consideration and approval
- approval of the division of responsibilities
- receiving and reviewing regular monitoring reports and acting on recommendations
- approving the selection of external service providers and agreeing terms of appointment.

(iii) Corporate PPB

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.

(iv) Operational Director - Finance

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance
- submitting regular treasury management policy reports
- submitting budgets and budget variations
- receiving and reviewing management information reports
- reviewing the performance of the treasury management function
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function
- ensuring the adequacy of internal audit, and liaising with external audit
- recommending the appointment of external service providers.

(v) Treasury Management Transaction Authorisation

Treasury Management transactions are to be authorised in accordance with paragraph 6.5 of Finance Standing Orders.

REPORT TO: Council

DATE: 5 March 2014

REPORTING OFFICER: Operational Director – Finance

SUBJECT: Budget 2014/15

PORTFOLIO: Resources

WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To recommend to Council the budget, capital programme and council tax for 2014/15.
- 1.2 When the report was considered by Executive Board on 6th February 2014, the Cheshire Police and Crime Commissioner and the Cheshire Fire Authority had not set their precepts. These figures are now available and are included within the report.

2.0 RECOMMENDATION: That the Council be recommended to adopt the resolution set out in Appendix A, which includes setting the budget at £108.243m, the Council Tax requirement of £37.101m (before Parish, Police and Fire precepts) and the Band D Council Tax for Halton of £1,181.56.

3.0 SUPPORTING INFORMATION

Medium Term Financial Strategy

3.1 The Executive Board approved the Medium Term Financial Strategy (MTFS) at its meeting on 21st November 2013. In summary, a funding gap of around £15m in 2014/15, £17m in 2015/16 and £14m in 2016/17 was identified. The Strategy had the following objectives:

- Deliver a balanced and sustainable budget
- Prioritise spending towards the Council's five priority areas
- Avoid excessive Council Tax rises
- Achieve significant cashable efficiency gains
- Protect front line services as far as possible
- Deliver improved procurement

Budget Consultation

3.2 The Council uses various consultation methods to listen to the views of the public and Members own experience through their Ward work is an important part of that process. The Council also undertakes budget

presentations at its seven Area Forums giving local people the opportunity to feed their views into the process. The views offered by six of the Area Forums were reported to the Executive Board on 6th February 2014. Any views from the Castlefields, Norton North, Norton South and Windmill Hill Area Forum, which met after 6th February 2014, will be reported to Council at the meeting.

- 3.3 Individual consultations are taking place in respect of specific budget reductions and equality impact assessments will be completed where necessary.

Review of the 2013/14 Budget

- 3.4 The Executive Board receives regular reports summarising spending in the current year against the budget. The latest report indicates that spending will be within budget for the year. It is anticipated that balances at 31st March 2014 will be around £7.1m, broadly as planned when the budget was set last year.

2014/15 Budget

- 3.5 On 10th December 2013 the Council approved initial budget savings for 2014/15 of £6.537m and the new proposed savings are shown in Appendix B.
- 3.6 The proposed budget totals £108.243m. The departmental analysis of the budget is shown in Appendix C and the major reasons for change from the current budget are shown in Appendix D.
- 3.7 The proposed budget incorporates the grant figures announced in the Final Grant Settlement. It includes £673,000 for the New Homes Bonus grant, which is payable to local authorities based upon the net increase in the number of homes in their area. This grant is payable at this amount for 6 years.
- 3.8 It is considered prudent for the budget to include a general contingency of £1m. This should be sufficient to cover the potential for price changes, increases in demand led budgets, as well as a general contingency for uncertain and unknown items.
- 3.9 The Local Government Act 2003 places a requirement on the Chief Financial Officer to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides. In my view the budget setting process and the information provided should be sufficient to allow the Council to come to an informed view regarding the 2014/15 budget, capital programme and council tax. Balances and reserves should provide sufficient resilience to meet the financial consequences of any unforeseen events.

Local Government Finance Settlement

- 3.10 The Government announced on 5th February 2014 the Final Local Government Finance Settlement for 2014/15, which was in line with the Provisional Settlement announced on 18th December 2013.
- 3.11 From 1st April 2013 the Local Government funding regime changed significantly with the introduction of the Business Rates Retention Scheme. Under the Scheme 50% of any increase in business rates generated within the Borough above a baseline level, is retained. The Council also receives a Top-Up grant, as it previously received more funding than the business rates it collected and paid over to Government. In addition, the Council receives Revenue Support grant.
- 3.12 For 2014/15 Halton's total Government grant funding (Settlement Funding Allocation) will be £71.142m. This is made up of £32.154m Baseline Funding, £7.309m Top-Up grant and £31.679m Revenue Support grant. In total the Settlement Funding Allocation has reduced by £7.806m or 9.9% from the 2013/14 adjusted level.
- 3.13 The Government have once again offered Councils a Council Tax Freeze grant equivalent to a 1% increase in council tax. The grant will be paid for 2014/15 and 2015/16 and thereafter will be included into the Local Government spending review baseline from 2016/17.
- 3.14 As far as the non-domestic premises are concerned, the rate is fixed centrally by the Government, and for 2014/15 has been set at 48.2p in the pound, an increase of 2% and 47.1p in the pound for small businesses, an increase of 2%.

Budget Outlook

- 3.15 It is very difficult to forecast resources over the following two years, given the uncertainties caused by the current economic climate and the Government's continuing austerity measures. Nevertheless, the Medium Term Financial Forecast has been updated and the latest forecast is shown in Appendix E.
- 3.16 The resultant funding gap over the next two years is forecast to be in the region of £35.9m. The approach to finding these savings will be the continuation of the budget strategy of:
- Progressing the Efficiency Programme.
 - Reviewing the portfolio of land and assets, including the use of buildings, in accordance with the Accommodation Strategy.
 - Better procurement.
 - Reviewing terms and conditions of staff (subject to negotiation).
 - Offering staff voluntary early retirement and voluntary redundancy under the terms of the Staffing Protocol.

- Reducing the cost of services either by reducing spend or increasing income.
- Partnership working, collaboration and sharing of services with other councils and other organisations.
- Stopping some lower priority services.

3.17 The budget strategy is predicated on the Government continuing to withdraw considerable amounts of grant from the Council. To help offset this loss, support will be given to our partners and the voluntary sector to lever-in monies to the Borough.

Halton's Council Tax

3.18 The Government no longer operate council tax capping powers, but instead there is a requirement for councils to hold a local referendum if they propose to increase council tax by more than a percentage threshold prescribed by the Government.

3.19 The Government have confirmed the availability of a council tax freeze grant, as outlined in paragraph 3.14 above, and have set the council tax referendum threshold at 2%.

3.20 The tax base (Band D equivalent) for the Borough has been set at 31,400.

3.21 The combined effect of the budget, Government support and council tax base gives a Band D Council Tax for Halton of £1,181.56, an increase of 1.9% over the current year. This is equivalent to £22.72 per week.

Parish Precepts

3.22 The Parish Councils have set their precepts for the year as shown below, with the resultant additional Council Tax for a Band D property being as follows:

	Precept	Precept Increase		Additional Council Tax	Basic Council Tax
		£	%		
	£	£	%	£	£
Hale	15,400	0	0	23.95	1,205.51
Daresbury	3,475	-618	-15.1	23.17	1,204.73
Moore	4,300	100	2.4	13.61	1,195.17
Preston	8,000	740	10.2	25.08	1,206.64
Brook					
Halebank	13,820	-935	-6.3	27.98	1,209.54
Sandymoor	15,600	0	0	16.42	1,197.98

Average Council Tax

- 3.2 In addition, it is also necessary to calculate the average Council Tax for the area as a whole. This is the figure required by Government and used for comparative purposes. For a Band D property the figure is £1,183.49, an increase of £21.99 per annum.

Police Precept

- 3.24 The Cheshire Police and Crime Commissioner has set the precept on the Council at £4.811m which is £153.21 for a Band D property, the same as the current year. The figures for each Band are shown in Recommendation 5 in Appendix A.

Fire Precept

- 3.25 The Cheshire Fire Authority has set the precept on the Council at £2.169m which is £69.09 for a Band D property, an increase of £1.34 or 1.98%. The figures for each Band are shown in Recommendation 6 in Appendix A.

Total Council Tax

- 3.26 Combining all these figures will give the Total Council Tax for 2014/15 and these are shown in Recommendation 7 in Appendix A. The total Band D Council Tax (before Parish precepts) is £1,403.86 an increase of £23.37 or 1.69%. The increases in Parish precepts means the increase in Hale is 1.87%, in Daresbury is 1.31%, in Moore is 1.78%, in Preston Brook is 1.96%, in Halebank is 1.87% and in Sandymoor is 1.72%.
- 3.27 It is expected that Halton's Total Council Tax will continue to be amongst the lowest in the North West. Given that nearly half of all properties in the Borough are in Band A, and also 85% of properties are in Bands A-C, most households will pay less than the "headline" figure. In addition, many households will receive reduced Council Tax bills through discounts, and these adjustments will be shown on their bills.
- 3.28 A complex set of resolutions, shown in Appendix A, needs to be agreed to ensure that the Budget and Council Tax level are set in a way which fully complies with legislation, incorporating changes required under the Localism Act 2012.

Capital Programme

- 3.29 The following table brings together the existing capital programme with the single spending guidelines and other funding streams and shows how the capital programme will be funded.

	2014/15 £000	2015/16 £000	2016/17 £000
<u>Spending</u>			
Scheme estimates	35,591	15,371	77,286
Slippage between years	+ 13,185	+ 7,118	+ 3,074
	- 7,118	- 3,074	- 15,457
	41,658	19,415	64,903
<u>Funding</u>			
Borrowing and Leasing	14,512	2,909	60,541
Grants and External Funds	18,850	10,293	2,493
Direct Revenue Finance	359	300	0
Capital Receipts	7,937	5,913	1,869
	41,658	19,415	64,903

- 3.30 The committed Capital Programme is shown in Appendix F. In addition, new capital spending will come forward as required to Executive Board from relevant Directorates as a result of Government allocations. These allocations are currently funded by capital grant. The Capital Programme reflects the funding to be provided by the Council during this period towards the Mersey Gateway project, which will be financed from toll revenues.
- 3.31 At the end of the period the balance of capital receipts is forecast to be £2.9m. This is marginally below the long established minimum value of £3m and consequently, there are no funds available for new capital starts unless external funding is available or further savings are identified to cover financing costs.

Prudential Code

- 3.32 The Local Government Act 2003 introduced the Prudential Code which provides a framework for the self-regulation of capital expenditure. The key objectives of the Code are to ensure that the Council's:
- capital expenditure plans are affordable;
 - external borrowing is within prudent and sustainable levels;

- treasury management decisions are taken in accordance with good professional practice; and
- is accountable by providing a clear and transparent framework.

3.33 To demonstrate that councils have fulfilled these objectives, the Prudential Code sets out a number of indicators which must be used. These are included in the Treasury Management Strategy report elsewhere on the Agenda. The prudential indicators are monitored throughout the year and reported as part of the Treasury Management quarterly monitoring reports to the Executive Board.

School Budgets

3.34 Schools are fully funded by Government Grants, primarily the Dedicated Schools Grant (DSG) which is mainly used to fund the Individual School Budgets. DSG is now allocated in three notional blocks – Schools Block, Early Years Block and High Needs Block. The funding is allocated to schools by way of a formula in accordance with the revised funding arrangements introduced in April 2013 and updated for April 2014 and is primarily based on pupil numbers.

3.35 The Government have announced Unit of Funding allocations split between blocks. For Halton the per pupil Unit of Funding for the Schools Block is £4,857.53, for the Early Years Block is £3,363.39. The High Needs Block is no longer funded on a per pupil unit basis but on a total figure of £13,887,000. Schools will be informed of their funding allocation for Schools Block funding by 28th February 2014 in accordance with the Financial Scheme. Early Years and High Needs funding will be notified to relevant schools during March 2014. The minimum funding guarantee has been set so that the maximum reduction for schools is 1.5% with a cash floor reduction of 2% for each council.

3.36 The Pupil Premium has been set at £1,300 per Primary pupil who are or have been eligible for Free School Meals in the last six years. For Secondary pupils this is set at £935 per pupil. The eligibility for Looked After Children has been widened significantly to include children who have been looked after for one day or more (instead of six months or more), children who have been adopted from care and children who leave care under a special guardianship order or residence order. These pupils will be funded at £1,900 per pupil. Eligibility for the Service Children premium has also been adjusted and will be funded at £300 per pupil. The Pupil Premium will be added to school budgets on top of the minimum funding guarantee.

3.37 The allocation of DSG funding to schools for 2014/15 will be via the schools funding formula, which has been approved by the Schools Forum following consultation with schools and DfE.

4.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

The budget will support the Council in achieving the aims and objectives set out in the Community Strategy for Halton and the Council's Corporate Plan and has been prepared in consideration of the priorities listed below.

4.1 Children and Young People in Halton

4.2 Employment, Learning and Skills in Halton

4.3 A Healthy Halton

4.4 A Safer Halton

4.5 Halton's Urban Renewal

5.0 RISK ANALYSIS

5.1 The budget is prepared in accordance with detailed guidance and timetable to ensure the statutory requirements are met and a balanced budget is prepared that aligns resources with corporate objectives.

5.2 A number of key factors have been identified in the budget and a detailed risk register has been prepared. These will be closely monitored throughout the year and the contingency and Reserves and Balances strategy should help mitigate the risk.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 Equality Impact Assessments will be undertaken in relation to the individual savings proposals as required.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Local Government Finance Report (England) 2014/15	Financial Management Kingsway House	Steve Baker

APPENDIX A**DRAFT RESOLUTION FOR SUBMISSION TO THE COUNCIL
AT ITS MEETING ON 5th MARCH 2014**

RECOMMENDATION: that the Council adopt the following resolution:

1. The policies outlined in this paper be adopted, including the Budget for 2014/15, the savings set out in Appendix B and the Capital Programme set out in Appendix F.
2. That it be noted that at the meeting on 11th December 2013 the Council agreed the following:
 - (a) The Council Tax Base 2014/15 for the whole Council area is 31,400 (item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the Act) and
 - (b) For dwellings in those parts of its area to which a Parish precept relates, be set out as follows:

Parish	Tax Base
Hale	643
Daresbury	150
Moore	316
Preston Brook	319
Halebank	494
Sandymoor	950

being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which special items relate.

3. Calculate that the Council Tax requirement for the Council's own purposes for 2014/15 (excluding Parish precepts) is £37,100,984.
4. In accordance with the relevant provisions of the Local Government Finance Act 1992 (Sections 31 to 36), the following amounts be now calculated by the Council for the year 2013/14 and agreed as follows:
 - (a) £313,613,399 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the

said Act, taking into account all precepts issued to it by Parish Councils.

- (b) £276,451,820 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £37,161,579 – being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 31A(4) of the Act).
- (d) £1,183.49 – being the amount at 3(c) above (item R), all divided by item T (2 above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (e) £60,595 – being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act, each individual Parish precept being:

	£
Hale	15,400
Daresbury	3,475
Moore	4,300
Preston Brook	8,000
Halebank	13,820
Sandymoor	15,600

- (f) £1,181.56 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by item T (2(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.

- (g) Part of the Council's Area

	£
Hale	1,205.51
Daresbury	1,204.73
Moore	1,195.17
Preston Brook	1,206.64
Halebank	1,209.54
Sandymoor	1,197.98

being the amounts given by adding to the amounts at 3(e) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings of its area to which one or more special items relate.

(h) Part of the Council's Area

Band	Hale	Daresbury	Moore	Preston Brook	Halebank	Sandymoor	All other Parts of the Council's Area
	£	£	£	£	£	£	£
A	803.68	803.16	796.78	804.43	806.36	798.66	787.71
B	937.62	937.01	929.58	938.50	940.75	931.76	918.99
C	1,071.57	1,070.88	1,062.38	1,072.57	1,075.15	1,064.88	1,050.28
D	1,205.51	1,204.73	1,195.17	1,206.64	1,209.54	1,197.98	1,181.56
E	1,473.40	1,472.45	1,460.76	1,474.78	1,478.33	1,464.20	1,444.13
F	1,741.29	1,740.17	1,726.36	1,742.93	1,747.12	1,730.42	1,706.70
G	2,009.19	2,007.89	1,991.95	2,011.07	2,015.90	1,996.64	1,969.27
H	2,411.02	2,409.46	2,390.34	2,413.28	2,419.08	2,395.96	2,363.12

being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

5. It is further noted that for the year 2014/15 the Cheshire Police and Crime Commissioner has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:

Police Precept 2014/15

	£
A	102.14
B	119.16
C	136.19
D	153.21
E	187.26

F	221.30
G	255.35
H	306.42

6. It is further noted that for the year 2014/15 the Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with the Local Government Act 2003 for each of the categories of dwellings shown below:

Fire Precept 2014/15

	£
A	46.06
B	53.74
C	61.41
D	69.09
E	84.44
F	99.80
G	115.15
H	138.18

7. That, having calculated the aggregate in each case of the amounts at 3(i), 4 and 5 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2014/15 for each of the categories of dwellings shown below:

Band	Hale	Daresbury	Moore	Preston Brook	Halebank	Sandymoor	All other Parts of the Council's Area
	£	£	£	£	£	£	£
A	951.88	951.36	944.98	952.63	954.56	946.86	935.91
B	1,110.52	1,109.91	1,102.48	1,111.40	1,113.65	1,104.66	1,091.89
C	1,269.17	1,268.48	1,259.98	1,270.17	1,272.75	1,262.48	1,247.88
D	1,427.81	1,427.03	1,417.47	1,428.94	1,431.84	1,420.28	1,403.86
E	1,745.10	1,744.15	1,732.46	1,746.48	1,750.03	1,735.90	1,715.83
F	2,062.39	2,061.27	2,047.46	2,064.03	2,068.22	2,051.52	2,027.80
G	2,379.69	2,378.39	2,362.45	2,381.57	2,386.40	2,367.14	2,339.77
H	2,855.62	2,854.06	2,834.94	2,857.88	2,863.68	2,840.56	2,807.72

being satisfied that:

- (a) The total amount yielded by its Council Taxes for the said financial year will be sufficient, so far as is practicable, to

provide for items mentioned at 3(a) to (c) above; and, to the extent that they are not, to be provided for by any other means.

- (b) Those amounts which relate to a part only of its area will secure, so far as is practicable, that the precept or portion of a precept relating to such part will be provided for only by the amount yielded by such of its Council Taxes as relate to that part.
8. The Operational Director Finance be authorised at any time during the financial year 2014/15 to borrow on behalf of the Council by way of gross bank overdraft such sums as he shall deem necessary for the purposes of this paragraph, but not such that in any event the said overdraft at any time exceeds £10m (£0.5m net) as the Council may temporarily require.

APPENDIX B**SAVINGS PROPOSALS
COMMUNITIES DIRECTORATE**

Service Area	2014/15 £'000	2015/16 £'000
Community Services Division – Restructuring within Network/Day Services enabling the deletion of a vacant post.	47	-
Commissioning Division – Reduction in bed and breakfast costs.	50	-
Commissioning Division – An underspend of Supporting People grant has been accumulated over a number of years which can now be released as a one-off saving.	350	-350
Commissioning Division - Underspend on the Positive Behaviour Service contracts provided for other councils, through making one-off efficiencies whilst still delivering the full service required.	100	-100
Policy and Performance Team – Grant funding was provided to introduce a new performance system and some efficiencies have been made whilst the system was developed.	25	-25
Care Management Division – Reduction in the social work approved training budget. The total budget is £25,000 however only £5,000 has been required in the past two years.	10	-
Intermediate Care Division – Re-design and restructuring within Intermediate Care Services will generate a one-off saving without affecting the delivery of services.	150	-150
Care Management Division – Underspend on grant.	220	-220
Care Management Division – Redesign and restructuring of the Safeguarding Team will generate a one-off saving but with no impact upon the delivery of services.	90	-90
Care Management Division - One off saving from underspends in 2013/14 on budgets for which s256 health funding is used to maintain current eligibility criteria.	100	-100
Care Management Division - Contingency funding not required.	300	-300

Service Area	2014/15 £'000	2015/16 £'000
Area Forums - Reduction in the total budget allocated to Area Forums. Resulting allocations and previous allocations will be;	50	-
AF1 Broadheath, Ditton, Hough Green & Hale £97k (£106k)		
AF2 Appleton, Kingsway and Riverside £81k (£88k)		
AF3 Birchfield, Farnworth & Halton View £91k (£99k)		
AF4 Grange, Heath, Halton Brook & Mersey £116k (£127k)		
AF5 Norton North, Norton South, Halton Castle & Windmill Hill £100k (£109k)		
AF6 Halton Lea & Beechwood £45k (£49k)		
AF7 Daresbury £20k (£22k)		
School & Civic Catering - Increase of 10p in the School Meals price for paid meals, which have not been increased for the past two years.	100	-
School & Civic Catering - Balance of funding remaining from the implementation of the new Saffron catering management system, which is now available as a one off saving.	15	-15
	<hr/> 1,607	<hr/> -1,350
Approved by Council 11 th December 2013	3,225	-2,020
TOTAL COMMUNITIES DIRECTORATE	<hr/> 4,832	<hr/> -3,370

**SAVINGS PROPOSALS
CHILDREN AND ENTERPRISE DIRECTORATE**

Service Area	2013/14 2013/14 £'000	2014/15 2013/14 £'000
Reduction in group activities plus reduction in small grants allowance (£5,000). Agreement reached with Halton CCG to contribute to the funding of individual Health & Care packages (£43,000). Efficiencies in the group activity contract (£2,000).	50	-
Children's Centres - Withdrawing from a contract with All Saints Primary School, Runcorn for use of two rooms.	14	-
Learning & Achievement - Deletion of a vacant School Improvement Officer post.	65	-
Removal of the Graduate Leader budget (further to the £90,000 reduction included in the initial savings proposals).	100	-
Information Advice and Guidance - Re-shaping the provision for Information Advice and Guidance in the Borough.	220	-
Commissioning Support – Deletion of a vacant post.	25	-
Building Maintenance - Reduction in the building maintenance budget for the Council's property portfolio to reflect the rationalisation of property assets.	100	-
	574	-
Approved by Council 11th December 2013	1,165	-355
TOTAL CHILDREN & ENTERPRISE DIRECTORATE	1,739	-355

**SAVINGS PROPOSALS
POLICY AND RESOURCES DIRECTORATE**

Service Area	2014/15 £'000	2015/16 £'000
Financial Management Division - Treasury Management - the current low level of interest rates available mean that external borrowing costs are lower than anticipated particularly in respect of Mersey Gateway.	200	-
Revenues, Benefits & Customer Services Division - Deletion of vacant posts within the Division.	50	-
Revenues, Benefits & Customer Services Division - Unspent balance of system implementation funding.	150	-150
Audit & Operational Finance Division, Insurance - A one-off saving from an anticipated underspend in insurance costs during 2013/14. The Council's insurance contract is currently being re-tendered therefore the saving cannot be made permanent at this stage.	100	-100
ICT Services - Reductions in various non-staffing budgets across the Department.	74	-
Democratic Services Division - Charging Academies for school appeal administration.	3	-
Environmental Health - Reduction in costs from returning the Trading Standards Service to in-house provision.	80	-
Logistics Division - Reductions in various non-staffing budgets across the Division and additional income from increased charges.	40	-
Logistics Division - Reduction in employer's national insurance and pension contributions from the introduction of the Salary Sacrifice Car Scheme.	20	-
Bridge and Highway Maintenance Division - Reduction in the cost of planned highway maintenance due to improved procurement arrangements.	100	-

Service Area	2014/15 £'000	2015/16 £'000
Brookvale Recreation Centre Boiler Replacement - Savings from renewable heat incentive (RHI) income and fuel cost reductions will be used to repay the investment and deliver a budget saving. Initially budget saving will be relatively small until the investment has been fully repaid in 3-4 years.	20	-
Income Generation - Provision of services to the Mersey Gateway Crossings Board. <ul style="list-style-type: none"> • Financial Management Division (£7,000) • Audit & Operational Finance Division (£7,000) • Human Resources (£4,000) 	18	-
Efficiency Programme - Target for savings to be identified from the various workstreams.	500	-
	<hr/> 1,355	<hr/> -250
Approved by Council on 11 th December 2013	<hr/> 2,147	<hr/> -464
TOTAL POLICY & RESOURCES DIRECTORATE	<hr/> 3,502	<hr/> -714
	<hr/>	<hr/>
GRAND TOTAL	<hr/> 10,073	<hr/> -4,439

APPENDIX C

DEPARTMENTAL BASE BUDGETS

£000

Children and Enterprise Directorate

Children and Families Services	16,956
Children's Organisation and Provision	11,544
Learning and Achievement	7,460
Economy, Enterprise and Property	3,575
	<hr/>
	39,535

Communities Directorate

Commissioning and Complex Needs	14,229
Prevention and Assessment	28,199
Community and Environment	25,852
	<hr/>
	68,280

Policy and Resources Directorate

Finance	4,271
Policy, Planning and Transportation	16,224
ICT and Support Services	311
Legal and Democratic Services	934
Human Resources	-15
Public Health	1,440
	<hr/>
	23,165

Departmental Base Budgets**130,980**

Corporate and Democracy	-12,664
	<hr/>

Base Budget**118,316**

Less Savings	- 10,073
	<hr/>

Total Budget**108,243**

APPENDIX D

2014/15 BUDGET – REASONS FOR CHANGE

	£000
2013/14 Approved Budget	115,114
Add back One-Off savings	2,541
	<hr/> 117,655
<u>Policy Decisions</u>	
Capital Programme	-914
<u>Inflation</u>	
Pay	676
Prices	1,392
Income	- 387
<u>Other</u>	
Waste Disposal Landfill Tax	267
Increments	402
Contingency	1,000
Other	98
Older Population	300
New Homes Bonus Grant	- 673
Cessation of Pension Early Retirement Payments	-1,000
Reduction in Equal Pay Reserve	-500
Base Budget	<hr/> 118,316
Less Savings	- 10,073
Total Budget	<hr/> 108,243 <hr/>

APPENDIX E

MEDIUM TERM FINANCIAL FORECAST

	2015/16 £000	2016/17 £000
Spending		
Previous Year's Budget	108,243	98,071
Add back one-off savings	4,439	0
<u>Policy Decisions</u>		
Capital Programme	35	-320
<u>Inflation</u>		
Pay	694	705
Prices	1,458	1,509
Income	-386	-394
<u>Other</u>		
Older Population	300	300
Superannuation	250	250
Increments etc	500	500
Contingency	2,500	2,500
Scope – De-Registering Properties	700	700
Single Tier State Pension	0	1,300
Education Services Grant Reduction	450	0
Discretionary Support Scheme Grant Reduction	600	0
Budget Forecast	119,783	105,121
Resources		
Previous Years Resources:		
Start-Up Funding	71,142	60,970
Council Tax	37,101	37,101
Cessation of 2011/12 Council Tax Freeze	0	-1,086
Reduction in Start-Up Funding	-10,172	-6,097
	98,071	90,888
Funding Gap	21,712	14,233

APPENDIX F

COMMITTED CAPITAL PROGRAMME 2014-17

SCHEME	2014-15 £000	2015-16 £000	2016-17 £000
Basic Need Projects	602	892	936
Infant Free School Meals – Kitchen Upgrades	241		
SciTech – Daresbury	11,223		
Disabled Access	300	300	300
Children and Enterprise Directorate	12,366	1,192	1,236
IT Rolling Programme	1,100	1,100	1,100
Highways Capital Maintenance	2,003		
Integrated Transport	1,020		
Street Lighting	200	200	200
Daresbury Expressway	589		
Fleet Replacements	300	300	
Mid-Mersey Local Sustainable Transport	270		
Risk Management	120	120	120
Mersey Gateway Land Acquisition	10,584	2,712	1,251
Mersey Gateway Development Costs	3,289	2,909	2,924
Mersey Gateway Construction Costs			70,000
Silver Jubilee Bridge – Major Maintenance	2,029	4,990	
Policy and Resources Directorate	21,504	12,331	75,595
Stadium Minor Works	30	30	30
Children’s Playground Equipment	65	65	65
Landfill Tax Credit Schemes	340	340	340
Runcorn Hill Park	250	250	
Litter Bins	20	20	20
Disabled Facilities	665	787	
Community Capacity	351		
Better Care Fund		356	
Communities Directorate	1,721	1,848	455
Total	35,591	15,371	77,286
Slippage between years	+ 13,185 - 7,118	+ 7,118 - 3,074	+ 3,074 - 15,457
GRAND TOTAL	41,658	19,415	64,903

REPORT TO: Council

DATE: 5 March 2014

REPORTING OFFICER: Operational Director – Finance

PORTFOLIO: Resources

SUBJECT: 2013/14 Revised Capital Programme

WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To seek approval to a number of revisions to the Council's 2013/14 capital programme.

2.0 RECOMMENDED: That the revisions to the Council's 2013/14 capital programme set out in paragraph 3.2 below, be approved.

3.0 SUPPORTING INFORMATION

3.1 On 27th February 2014 the Executive Board received a report of spending against the Council's revenue budget and capital programme as at 31st December 2013. A number of revisions to the 2013/14 capital programme were recommended for approval by Council as outlined below.

3.2 The Council's 2013/14 capital programme has been revised to reflect a number of changes in spending profiles and funding as schemes have developed. These are reflected in the revised capital programme presented in Appendix 1. The schemes which have been revised within the programme are as follows

- (i) Beechwood Primary Basic Need
- (ii) Mersey Gateway Land Acquisition
- (iii) Mersey Gateway Development Costs
- (iv) SciTech Daresbury Scheme
- (v) Widnes Waterfront
- (vi) Johnsons Lane Infrastructure
- (vii) Lowerhouse Lane Depot
- (viii) Former Crosville Site
- (ix) Brookvale Leisure Centre Biomass Boiler
- (x) Disabled Facilities
- (xi) Social Care Capital Grant
- (xii) Basic Need Projects
- (xiii) Universal Infant Free School Meals
- (xiv) LTP allocation 14/15
- (xv) Open Spaces Scheme

4.0 POLICY AND OTHER IMPLICATIONS

4.1 None.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 There are no direct implications, however, the capital programme supports the delivery and achievement of all the Council's priorities.

6.0 RISK ANALYSIS

6.1 There are a number of financial risks within the budget. However, the Council has internal controls and processes in place to ensure that spending remains in line with budget.

6.2 In preparing the 2013/14 budget, a register of significant financial risks was prepared which has been updated as at 31st December 2013.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1072

8.1 There are no background papers under the meaning of the Act.

Capital Expenditure to 31st December 2013

Directorate/Department	Actual Expenditure to Date £000	2013/14 Cumulative Capital Allocation		Capital Allocation 2014/15 £000	Capital Allocation 2015/16 £000
		Quarter 3 £000	Quarter 4 £000		
<u>Children & Enterprise</u>					
Schools Related					
Asset Management Data	2	2	15	0	0
Fire Compartmentation	1	1	20	0	0
Capital Repairs	894	894	1,400	0	0
Asbestos Management	11	11	20	0	0
Schools Access Initiative	92	92	108	0	0
Education Programme (General)	46	69	92	0	0
Short Breaks for Disabled Children	242	242	247	0	0
Basic Need Projects	0	0	1,033	602	892
School Modernisation Projects	339	424	580	0	0
Weston Primary School	37	38	38	0	0
Lunts Heath Primary School	158	158	163	0	0
St Bedes Infant School	39	43	116	0	0
St Bedes Junior School	370	366	366	0	0
Weston Point Basic Need	85	84	85	0	0
Beechwood Primary Basic Need	1	1	100	0	0
Ashley School	52	52	500	0	0
Early Education for 2 Year olds	9	10	356	0	0
Universal Infant Free School Meals	0	0	0	241	0
Wade Deacon High School (BSF)	962	962	1,423	0	0
The Grange (BSF)	4,916	4,916	5,841	0	0
Wade Deacon ICT	1,132	1,132	1,465	0	0
The Grange ICT	1,132	1,132	1,465	0	0

Directorate/Department	Actual Expenditure to Date £000	2013/14 Cumulative Capital Allocation		Capital Allocation 2014/15 £000	Capital Allocation 2015/16 £000
		Quarter 3 £000	Quarter 4 £000		
Employment, Economic Regeneration & Business Development					
Castlefields Regeneration	70	70	826	0	0
3MG	2,280	2,400	5,695	0	0
Widnes Waterfront	0	0	1,000	0	0
Johnsons Lane Infrastructure	0	0	500	0	0
The Hive	88	108	214	0	0
Decontamination of Land	64	64	155	0	0
SciTech Daresbury – Power Infrastructure	1,949	1,950	3,587	931	0
SciTech Daresbury - Transport	164	150	350	0	0
SciTech Daresbury – Tech Space	0	0	0	8,630	0
SciTech Daresbury – Site Connectivity	0	0	0	1,662	0
Queens Arms – Moore Lane	44	44	69	0	0
HBT Bus Park	71	71	71	0	0
Former Crosville Depot	0	0	518	0	0
Former Fairfield Site – Demolition	201	301	450	0	0
Former Fairfield Site - Contingency	6	6	50	0	0
Travellers Site Warrington Road	65	65	849	0	0
Widnes Town Centre Initiative	22	22	85	0	0
Lowerhouse Lane Depot - Upgrade	66	56	757	0	0
Disability Discrimination Act	42	72	150	300	300
Total Children & Enterprise	15,652	16,008	30,759	12,366	1,192

Directorate/Department	Actual Expenditure to Date £000	2013/14 Cumulative Capital Allocation		Capital Allocation 2014/15 £000	Capital Allocation 2015/16 £000
		Quarter 3 £000	Quarter 4 £000		
<u>Communities Directorate</u>					
Community & Environment					
Stadium Minor Works	8	8	60	30	30
Stadium Gym Equipment	0	0	30	0	0
Widnes Recreation Site	108	110	2,680	0	0
Children's Playground Equipment	24	25	81	65	65
Landfill Tax Credit Schemes	13	13	340	340	340
Arley Drive	2	2	66	0	0
Runcorn Hill Park	52	53	120	250	250
Crow Wood Park	0	0	13	0	0
Open Spaces Scheme	71	72	72	0	0
Runcorn Cemetery Extension	1	1	9	0	0
Widnes Crematorium Cremators	5	5	396	0	0
Runcorn Busway Works for Gas Powered Buses	30	30	30	0	0
Litter Bins	29	37	50	20	20
Prevention & Assessment					
Grants for Disabled Facilities	223	250	584	665	787
Energy Promotion	0	0	6	0	0
Joint Funding RSL Adaptations	82	150	350	0	0
Stair Lifts	162	187	250	0	0

Directorate/Department	Actual Expenditure to Date £000	2013/14 Cumulative Capital Allocation		Capital Allocation 2014/15 £000	Capital Allocation 2015/16 £000
		Quarter 3 £000	Quarter 4 £000		
Commissioning & Complex Care					
Choice Based Lettings	5	5	7	0	0
Bungalows at Halton Lodge	0	0	400	0	0
Bredon Respite Unit	13	13	13	0	0
Grangeway Court Refurbishment	0	0	347	0	0
Section 256 Grant/Contingency	0	0	29	0	0
Community Capacity Grant	0	0	0	351	0
Social Care Capital Grant (Better Care)	0	0	0	0	356
Total Communities	828	961	5,933	1,721	1,848

Directorate/Department	Actual Expenditure to Date £000	2013/14 Cumulative Capital Allocation		Capital Allocation 2014/15 £000	Capital Allocation 2015/16 £000
		Quarter 3 £000	Quarter 4 £000		
<u>Policy & Resources Directorate</u>					
ICT Rolling Programme	787	825	1,100	1,100	1,100
Brookvale Leisure Centre – Biomass Boiler	0	0	415	0	0
Policy, Planning & Transportation					
<i>Local Transport Plan</i>					
Silver Jubilee Bridge Maintenance	1,253	1,400	2,305	2,029	4,990
Bridge & Highway Maintenance	1,410	1,400	2,470	2,003	0
Integrated Transport	205	210	725	1,020	0
Street Lighting Structural Maintenance	22	22	105	200	200
Surface Water Management	0	0	214	0	0
Local Pinch Point – Daresbury Expressway	36	36	1,805	589	0
<i>Mersey Gateway</i>					
Early Land Acquisition	9,016	9,016	15,378	10,584	2,712
Development Costs	995	995	3,500	3,289	2,909
<i>Other</i>					
Mid Mersey Local Sustainable Transport	9	9	150	270	0
Risk Management	26	26	118	120	120
Fleet Replacements	365	365	950	300	300
Total Policy & Resources	14,124	14,304	29,235	21,504	12,331
Total Capital Programme	30,604	31,273	65,927	35,591	15,371
Slippage (20%)			-13,185	-7,118	-3,074
				13,185	7,118
Total			52,742	41,658	19,415

REPORT TO: Executive Board

DATE: 27 February 2014

REPORTING OFFICER: Strategic Director – Children and Enterprise

PORTFOLIO: Children, Young People and Families

SUBJECT: Capital Programme – 2014/2015

WARD(S): Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 This report provides a summary of the capital programmes for 2014/15 for Children & Enterprise Directorate.

2.0 RECOMMENDATION: That

- 1) The capital funding available for 2014/15 is noted;
- 2) The position in respect of Basic Need is noted;
- 3) The proposals to be funded from Universal Infant Free School Meals capital are approved;
- 4) The proposals to be funded from Capital Maintenance and Capital Expenditure Revenue Account are approved;
- 5) The proposals for the Halebank Voluntary Controlled Church of England Primary School are approved; and
- 6) The report is submitted to Full Council for approval of the Capital Programme 2014/15.

3.0 SUPPORTING INFORMATION

3.1 In December 2013 the Department for Education announced the schools capital grant allocations for 2014/15. The table below details the funding received.

GOVERNMENT FUNDING	
Basic Need	
3 Year Allocation (2014/15, 2015/16 & 2016/17) according to relative need for new places based on forecast data to address basic need pressures.	£2,429,250

GOVERNMENT FUNDING	
Capital Maintenance – Local Authority maintained schools Allocated to fund condition and suitability projects at Local Authority maintained schools.	£1,366,456
Capital Maintenance – Voluntary Aided maintained schools Allocated to fund condition and suitability projects at Voluntary Aided schools.	£802,726
Universal Infant Free School Meals Capital Allocated to ensure school kitchens and dining rooms can provide free school lunches for reception, year 1 and year 2 pupils. Local Authority maintained schools Voluntary aided schools	£240,710 £125,156
Devolved Formula Capital – Local Authority maintained schools Allocated directly to Local Authority maintained schools for their own use to address school building and Information Communication Technology needs.	£278,180
Devolved Formula Capital – Voluntary Aided maintained schools Allocated directly to Voluntary Aided maintained schools for their own use to address school building and Information Communication Technology needs.	£163,405
LOCAL AUTHORITY FUNDING	
Capital Expenditure Revenue Account funding In addition to the funding outlined above, the Local Authority makes a contribution towards capital works in schools (funding to be confirmed).	£431,330

4.0 Capital Maintenance and Capital Expenditure Revenue Account funding.

4.1 The table below details how the Capital Maintenance and Capital Expenditure Revenue Account funding will be allocated.

Description	Estimated costs	Description
Computer Aided Design Plans	£5,000	Used to update plans of school buildings where improvement works have been carried out.
Fire Compartmentation	£20,000	A rolling programme to address fire compartmentation in school buildings.
Asbestos Management	£15,000	Annual update of asbestos surveys and undertaking of resulting remedial works.
Access Initiative Projects	£100,000	Fund that schools can bid for to resolve accessibility issues within school buildings.
School Modernisation Projects	£500,000	Fund that schools can bid for to resolve educational development and curriculum suitability issues within school buildings.
Contingency	£75,000	Used for emergency and health and safety works that arises during the year.
Capital Repairs	£1,006,000	The detailed capital repairs programme for 2014/15 can be found in Appendix 1.
Total	£1,721,000	

5.0 Basic Need Capital Funding.

- 5.1 The Basic Need funding is provided to local authorities to provide school places in their area in all categories of tax-payer funded schools. Halton has recently used Basic Need funding to carry out building works to provide additional school places at Lunts Heath, St Bedes Infants and Juniors, Windmill Hill and Weston Primary schools therefore alleviating pressure for the demand for school places in these areas. All works are now complete.
- 5.2 Building works to provide post 16 facilities at Ashley School and increase capacity at Beechwood Primary School are also being funded from Basic Need capital funding – works to commence later this year.
- 5.3 The use of any unallocated balance of Basic Need capital funding will be subject to a further report to Executive Board later in the year.

6.0 Halebank Church of England Voluntary Controlled Primary School.

- 6.1 Halebank Church of England Voluntary Controlled Primary School is included in the Department for Education's Priority School Building Programme – a

national, privately financed programme to address those schools in the worst building condition.

- 6.2 The Education Funding Agency, acting on behalf of the Department for Education, has recently announced its Outline Business Case for the northwest batch of schools in the Programme has been approved. It is anticipated the first schools will be built in 2015 and it is likely Halebank CE VC Primary will be rebuilt sometime between 2016 and 2017.
- 6.3 A voluntary pre-school operates from a mobile classroom on the site. The Education Funding Agency has advised there is no funding available to accommodate the pre-school in the new school building and when the existing school is demolished the building services that serve the pre-school will be terminated.
- 6.4 The pre-school provides vital services for the local community and acts as a feeder for the Halebank School. The provision of the free early year's entitlement for 2, 3 and 4 year olds is a statutory duty on the Local Authority and the demand for places in Ditton ward is high compared to the Widnes average and this will increase further with the expansion of the free entitlement for 2 year olds up to September 2014.
- 6.5 The cost of retaining the gas, electric and water services to the pre-school mobile will be in the region of £20,000 which can be funded from Capital Programme 14/15.
- 6.6 In order to deliver the expansion of the free entitlement for 2 year olds it will be necessary to carry out some repairs and upgrade works to the pre-school mobile. The estimated cost of these works is £25,000 which can be funded from the Early Education for Two Year Old Capital previously allocated to the local authority in 2012/13.

7.0 UNIVERSAL INFANT FREE SCHOOL MEALS

- 7.1 Universal Infant Free School Meals Capital has been provided to local authorities to ensure school kitchen and dining rooms are able to provide every child in reception, year 1 and year 2 with a free school lunch. The works to be carried out from the Local Authority maintained schools allocation (£240,710) have been determined through suitability, condition and pupil projections, in discussion with the Council's School's Catering Service and are detailed in Appendix 2.
- 7.2 The works to be carried out from the Voluntary Aided allocation (£125,156) for Voluntary Aided maintained schools is to be agreed by the Diocese in consultation with their respective Voluntary Aided schools and will similarly be based upon suitability, condition, and pupil projections.

8.0 POLICY IMPLICATIONS

- 8.1 This programme of works will allow the Council to continue to meet its requirement to enhance the environments through capital projects.

9.0 OTHER/FINANCIAL IMPLICATIONS

9.1 Capital repairs programme

This will contribute to Halton's Carbon Management Programme by producing more energy efficient buildings.

10.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

10.1 Children and Young People in Halton.

The Capital Programme will address condition and suitability issues within school buildings and will improve the learning environment for children and young people.

The Early Education for Two Year Old Capital is intended to support the implementation of early education for lower income families.

10.2 Employment, Learning & Skills in Halton

The Early Education for Two Year Old Capital is intended to support the implementation of early education for lower income families.

10.3 A Healthy Halton

The Universal Infant Free School Meals programme will lead to positive improvements to health encouraging positive eating habits helping to improve concentration and performance.

10.4 A Safer Halton

N/A

10.5 Halton's Urban Renewal

N/A

11.0 RISK ANALYSIS

11.1 Capital Repairs

It is current practice for schools to contribute towards the cost of works. This consultation with schools has yet to take place therefore if schools are not willing to contribute these projects will not be carried out in 2014/15. In the event that schools are unable to contribute towards the cost of the works when completed, an element of the contingency budget can be used for this purpose. The school would then be required to make their contribution in the next financial year.

12.0 EQUALITY AND DIVERSITY ISSUES

12.1 The Access Initiative Programme provides funding to improve the accessibility of mainstream schools for pupils with disabilities and the wider community. Consideration to access issues is given in all building projects. The capacity of schools to meet the needs of children with more complex needs and disabilities will be developed further through building works at schools.

13.0 REASON(S) FOR DECISION

13.1 To deliver and implement the capital programmes.

14.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

14.1 Not applicable.

15.0 IMPLEMENTATION DATE

15.1 Capital Programmes for 2014/15 to be implemented with effect from 1 April 2014.

16.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Schools Capital Announcements – DfE 01/03/2013 & 18/12/2013	Children & Enterprise	Phil Dove

REPORT TO: Executive Board

DATE: 27 February 2014

REPORTING OFFICER: Chief Executive

PORTFOLIO: Leader

SUBJECT: Establishment of a
Combined Authority for the Liverpool
City Region

WARDS: All – Borough-wide

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide an update on the establishment of a Combined Authority for the Liverpool City Region on 1 April 2014 and the related documents for approval and adoption.

2. RECOMMENDATIONS

2.1 Executive Board are invited to recommend to Council that Council:

- (a) Confirm its previous decision that the Council should formally become a constituent member of the Liverpool City Region Combined Authority**
- (b) Note the position on the making of the Orders as attached in Appendix 1 and the Parliamentary process currently in train;**
- (c) Endorse the Constitution for the Combined Authority as attached in Appendix 2;**
- (d) Approve the Operating Agreement for the Combined Authority as attached in Appendix 3;**
- (e) Approve the arrangements set out in the report to appoint members to the Combined Authority and its Committees**
- (f) Note that no allowances (other than travel and subsistence) will be paid to Members of the Combined Authority, the Scrutiny Pool and other Committees and Boards, with the exception of the Merseytravel Committee;**
- (g) Agree that the payment of allowances for co-opted members of the Transport Committee will be dealt with in accordance with the current Merseyside Integrated Transport Authority Scheme and the Council's own scheme be amended accordingly;**
- (h) Note that a review of the Combined Authority's arrangements will be undertaken during the first year and reported to the Combined Authority's Annual General Meeting in 2015;**
- (i) Agree that approval to make any technical amendments to the Constitution and Operating Agreement for the Combined Authority and any other associated requirements to achieve the creation of the Combined Authority is delegated to the Chief Executive in consultation with the Leader of the Council.**

3. BACKGROUND

3.1 Liverpool City Region conducted a Review of Strategic Governance in 2013 to assess whether the arrangements for economic development, regeneration and transport as they stood should continue. This review highlighted the positive joint working to date that has been in place through informal arrangements, and then considered the options for the future. It considered no change, the establishment of a Supervisory Board, the establishment of an Economic Prosperity Board and the creation of a Combined Authority and assessed these against the key statutory tests below:

- The exercise of statutory functions relating to economic development, regeneration and transport;
- The effectiveness and efficiency of transport; and,
- The economic conditions in the area.

3.2 This concluded that the establishment of a Combined Authority for the Liverpool City Region was best placed to support business to grow and create jobs, to secure an improvement in the City Region's economic conditions. The Combined Authority would draw together strategic work across economic development, transport, housing and employment and skills and provide the basis to potentially access additional funding from Government for the benefit of the City Region.

3.3 The initial review was subject to consultation and received 179 responses from a range of stakeholders, businesses and members of the public; the overwhelming majority being positive. These responses were then used to shape the final proposals.

Council resolved on the 19th September 2013 as follows :-

(1) The submission of the Liverpool City Region Strategic Governance Review and Scheme to the Department for Communities and Local Government for the establishment of a Liverpool City Region Combined Authority on the basis of the drafts attached at Appendix 1 and Appendix 2 to this report;

(2) That Halton Council should formally become a constituent member of the Liverpool City Region Combined Authority, thereby sharing appropriate economic development and transport powers with other Councils within the Liverpool City Region Combined Authority in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009 and the Local Transport Act 2008; and,

(3) Agree that approval to make any technical amendments to the Liverpool City Region Strategic Governance Review and Scheme before it is submitted to the Secretary of State on 30 September 2013 be delegated to the Chief Executive in consultation with the Leader of the Council.

This final Review of Strategic Governance was then submitted to Government on 30 September 2013.

3.4 Government considered the submission and published a statutory consultation document on the establishment of the 'Greater Merseyside Combined Authority' on 29 November 2013. This was broadly consistent with the submitted Review of

Governance, except for the name of the organisation. The statutory consultation closed on 22 January 2014; in total over 100 responses were received by Government.

- 3.5 The Secretary of State for Communities and Local Government has now confirmed his intention to establish the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority and has invited Parliament to approve a draft of the Order and Consequential Order (see Appendix One) for the establishment of the Combined Authority on 1 April 2014 and for the abolition of the Greater Merseyside Integrated Transport Authority. For public purposes the Combined Authority will be known as the Liverpool City Region Combined Authority.
- 3.6 Subject to the passage of the Order through Parliament and subsequent establishment of the Combined Authority, its inaugural meeting will be held on 1 April 2014 at which point it will agree its Constitution and ways of working.

This will enable the Combined Authority to assume democratic responsibility for the functions transferred from Halton (in relation solely to strategic transportation and economic development, as is set out in the Order) and of the Merseyside Integrated Transport Authority, as well as accepting transfer of its assets and liabilities.

Members will note that in respect of Halton there is a transition period until 1st April 2018. During this period some functions will be delegated back to Halton, together with the funding to deliver them. This will assist in a smooth transition for Halton into the Combined Authority.

The Order as drafted also ensures that it does not transfer to the Combined Authority any powers, duties, responsibilities and obligations, howsoever arising and contained in any legislation relating directly or indirectly to the financing, delivery, operation and maintenance of Mersey Gateway and Silver Jubilee Bridges and the associated highway network. All these are retained by Halton.

- 3.7 The Combined Authority's AGM will take place in mid June 2014.
- 3.8 Liverpool City Region Cabinet agreed at their meeting of 24 January 2014 that the arrangements proposed for the Boards and Committees of the Combined Authority will be transitional for the first year of the Combined Authority's operation. Once further details on the implementation of the Growth Plan and the Local Growth Fund are known later this year, a review of the Combined Authority's arrangements will be undertaken which would report to the Annual Meeting in June 2015.

4. THE REMIT OF THE COMBINED AUTHORITY

- 4.1 The remit of the Combined Authority for the Liverpool City Region is those strategic economic development, regeneration, transport, strategic housing and employment and skills functions that can be better delivered collaboratively across the Liverpool City Region. The Combined Authority will remain a lean, focused decision making body, with responsibility over those strategic issues where it is mutually beneficial for local authorities, Merseytravel and the Liverpool City Region Local Enterprise Partnership (LEP) to work together.

- 4.2 The City Region governance review concluded that the Combined Authority would discharge thematic functions through the following arrangements:

Function	Arrangements
Strategic Economic Development	Liverpool City Region Local Enterprise Partnership
Strategic Transport	Merseytravel Committee
Strategic Housing and Land Based Assets	Liverpool City Region Strategic Housing and Planning
Strategic Employment and Skills	Liverpool City Region Employment and Skills Board

- 4.3 On the Combined Authority each Constituent Authority would be represented by one member of its Cabinet who will be the Leader or Elected Mayor. These six members would form the core membership of the Combined Authority, with the Chair of the Local Enterprise Partnership being a co-opted member.

5. UNDERPINNING DOCUMENTS

- 5.1 As a statutory organisation, the Combined Authority requires a Constitution to be in place to describe how it will operate its functions. This has been developed by Legal and Democratic Services officers from all City Region Councils and Merseytravel.

Council is recommended to endorse the Constitution, for the Combined Authority, attached as Appendix Two.

- 5.2 Appendix Three contains the Operating Agreement between the Combined Authority and constituent Councils: this document sets out how the Combined Authority will work alongside the 6 constituent Councils, Merseytravel and the Local Enterprise Partnership to deliver its functions. This too has been developed by Legal and Democratic Services officers from all City Region Councils and Merseytravel.

Council is recommended to agree the Operating Agreement and Protocols, for the Combined Authority, attached as Appendix Three,

- 5.3 Each of the Constituent Councils will also need to endorse and adopt the Constitution of the Combined Authority and the Operating Agreement between Councils and the Combined Authority. This will need to be done before 1 April 2014.
- 5.4 A failure to complete this before 1 April 2014 will leave Merseytravel without democratic oversight with the abolition of the Merseyside Integrated Transport Authority occurring on 31 March 2014 as part of the new governance arrangements. Agreement of the Constitution would provide for that oversight to be provided.
- 5.5 There are no changes proposed for the operation of the existing Housing and Planning, Employment and Skills and Local Enterprise Partnership Boards, and these will be commissioned by the Combined Authority to perform certain functions

on its behalf. As part of this process, a series of detailed Operational Protocols are being developed for these key themes that the Combined Authority will be providing strategic leadership on.

6. APPOINTMENTS TO COMBINED AUTHORITY AND STRUCTURE

- 6.1 The Constitution of the Combined Authority provides for constituent Councils to appoint a Member to the Combined Authority, along with a substitute Member. This will be done at the inaugural meeting on 1 April 2014.

It is proposed the Leader be nominated to the Combined Authority and the Deputy Leader be proposed as the substitute.

- 6.2 The Combined Authority will establish a Transport Sub Committee (to be known as the Merseytravel Committee) to provide operational input and leadership around transport issues. This Committee will be comprised of 20 Members of the constituent Councils who will be co-opted onto the Merseytravel Committee.

Halton will be entitled to 2 Members on the Merseytravel Committee.

These appointments will be made as part of the Council's normal process to appoint to Outside Bodies.

- 6.3 There will also be a Scrutiny Pool established drawn from Constituent Councils, which will include opposition Members to achieve political balance and reflect the combined political make-up of the 6 local authorities. The Pool will have a role to carry out pre decision scrutiny, conduct themed reviews and the potential to request a reconsideration of the Combined Authority's decisions. Appointments to the Scrutiny Panel will be made following the Annual Meeting of constituent Councils in June 2014.

The final make-up of the Scrutiny Pool will be determined by the Combined Authority at its AGM in June 2014.

Halton's appointments to the Pool will be made as part of the Council's normal process to appoint to Outside Bodies.

Given the current Political Balance of Halton it is unlikely Halton will be asked to provide the opposition party Members on the Scrutiny Pool. This could of course change with the passage of time if the Political Balance of Halton changes

- 6.4 A Standards Committee will meet only when required. In addition, the Combined Authority will establish an Audit Committee as part of its functions. Advice from CIPFA (in their Position Statement of Audit Committees in Local Government) suggests that the Audit Committee should not be entirely composed of members of the Authority or Scrutiny, and that it should not be chaired by a member of the Authority. As such, membership of the Audit Committee will be drawn from the Combined Authority, Merseytravel Committee and Scrutiny Pool.

7. RESOURCE IMPLICATIONS

7.1 Financial

A full due diligence process was undertaken as part of the review of strategic governance and previously reported to Cabinet/Executive Board/Council ahead of the submission to Government on 30 September 2013.

It is envisaged the Combined Authority will not have any additional resource implications for constituent Councils. In this regard, it is anticipated any additional costs arising from the new arrangements would be offset by efficiencies and savings and the establishment of the Combined Authority, would therefore be expected to be, at least, cost neutral in overall terms.

No allowances (other than travel and subsistence) will be paid to Members of the Combined Authority, the Scrutiny Pool and other Committees and Boards, with the exception of the Merseytravel Committee. The existing Merseyside Integrated Transport Authority allowance scheme will be used for the Merseytravel Committee as a transitional arrangement. It is proposed individual Councils agree that the payment of allowances for co-opted members of the Transport Committee is dealt with by each Council's own scheme. The Council's current Scheme will therefore need to be amended to reflect this.

7.2 Human Resources

The Chief Executives of the Constituent Councils and Merseytravel will be appointed as Officers of the Combined Authority, along with the following Lead Officer roles: Head of Paid Service (Chief Executive of Merseytravel), Head of Secretariat (Chief Executive of Knowsley Council), Monitoring Officer (from St Helens Council) and Treasurer (from Merseytravel). Halton will lead on Scrutiny. These additional roles will be undertaken at no additional cost. This approach will increase the effectiveness and efficiency of the related functions by embedding integrated working, policy alignment and increasing opportunities for co-design and collaboration.

7.3 Information Technology

There are no significant information technology implications associated with the recommendations in this report.

7.4 Physical Assets

There are no physical assets implications associated with the recommendations in this report.

8. LEGAL IMPLICATIONS

8.1 The establishment of the Combined Authority is being progressed in line with the provisions in the Local Democracy, Economic Development and Construction Act 2009.

9. RISK ASSESSMENT

- 9.1 There is a risk that the Combined Authority will not be able to function effectively on 1 April 2014. This will be mitigated by submitting the Constitution and Operating Agreement to all Constituent Councils.
- 9.2 There is a risk that the Combined Authority may not have local stakeholder support. This has been mitigated by consulting on the initial review of strategic governance and potential operation of the Combined Authority during the summer of 2013 and the more recent statutory consultation undertaken by Government to collect stakeholder views. These were considered in the preparation by Government of the Order that was laid before Parliament on 12 February.
- 9.3 There is a risk that the Combined Authority is seen as a 'Super-Council'. This will be mitigated by establishing a clear approach to the communication strategy between the Councils, Merseytravel and the Local Enterprise Partnership to explain precisely what the Combined Authority will and will not do.

10. COMMUNICATIONS ISSUES

- 10.1 The meetings of the Combined Authority will be subject to Access to Information Regulations and will therefore take place in public, with meeting papers available 5 working days beforehand. Notice of meetings will appear on the website of Knowsley Council as the lead Council for the secretariat function.

11. EQUALITIES AND ENVIRONMENTAL IMPACT

- 11.1 A full equality impact assessment has been undertaken as part of the preparation for the implementation of the Combined Authority and mitigation actions implemented.
- 11.2 There are no environmental impacts associated with the implementation of the recommendations in this report.

12. POLICY IMPLICATIONS

- 12.1 The recommendations in this report are in line with Halton Council's policy to promote economic growth.

13.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

The improvement of economic conditions in the Liverpool City Region will support the Borough's Children and Young people.

Employment, Learning and Skills in Halton

The improvement of economic conditions in the Liverpool City Region will support the development of Employment, Learning and Skills in Halton.

A Healthy Halton

The improvement of economic conditions in the Liverpool City Region will support the development of a Healthy Halton.

A Safer Halton

The improvement of economic conditions in the Liverpool City Region will support the development of a Safer Halton.

Halton's Urban Renewal

The improvement of economic conditions in the Liverpool City will support Halton's urban renewal.

14.0 REASON(S) FOR DECISION

- 14.1** One of the drivers for reviewing the Liverpool City Region's governance arrangements is to secure greater influence over key levers and resources affecting local growth, including freedoms, flexibilities and funding which would otherwise remain under the control of Government. The Liverpool City Deal, Liverpool City Region Deal and LEP Business Plan and Action Plans seek to capitalise on the City Region's strengths, assets and key sectors to attract investment into and create additional jobs within the City Region. However, they do not go far enough in terms of maximising opportunities to enhance local delivery of national programmes that are also critical to improving local growth, with a risk that other areas with Combined Authorities have a significant advantage over the City Region.
- 14.2** For a number of years the City Region has successfully aligned central Government funding, ERDF and private sector investment to support strategic priorities within the wider economy. Working with the LEP, a pipeline of projects spanning investment in infrastructure, business growth, housing, transport and regeneration is in place together with an agreed approach to the joint investment of ERDF, Regional Growth Fund and Growing Places funds. With the new Government funding opportunities and policies, including the Growth Deals/Single Local Growth Fund and EU Structural and Investment Funds 2014 - 2020 there is now an added impetus to ensure the City Region has the most appropriate strategic governance arrangements in place to deliver agreed priority investments and in doing so to maximise the use of these funds alongside existing resources.
- 14.3** Similarly, whilst the establishment of the Local Transport Body has been seen as a positive step; it is a staging post on the journey, rather than a destination. The Local Transport Body model does not enjoy the legal transport powers or funding regimes that are currently vested with the Integrated Transport Authority, its constituent districts and with Halton Borough Council. The Department for Transport has consistently impressed upon the Liverpool City Region the importance of developing effective governance arrangements that facilitate, for example, links to other policy areas, strong leadership, streamlined structures and the ability to make difficult decisions, linked to clear priorities and a long-term investment programme and is one of the main contributors to the Single Pot to be devolved to City Regions.
- 14.4** The benefits of the Combined Authority will be to:

- Bring together the strategic decision making powers and processes for statutory functions and investment priorities relating to economic development, regeneration, transport and related initiatives across the natural economic area; strengthening accountability for the delivery of targets and meeting established strategic priorities;
- Remove the need for issues to be considered or ratified by numerous bodies and authorities, which is time consuming and inefficient, requiring multiple reports;
- Increase the effectiveness and efficiency of the related functions by providing integrated decision-making, a clearer read across between the different policy strands of activity and increasing opportunities for co-design and collaboration. For example, vesting multi-modal transport policy functions with the Combined Authority would ensure that policies are integrated, funding is aligned to agreed priorities for economic development, employment and skills, housing; and delivery is efficient;
- Enable all constituent partners to accomplish and achieve a bigger impact for the City Region's residents, businesses and the economy as a whole through a more effective and efficient deployment of tightening public sector resources connecting the City Region's assets to our people and communities;
- Secure long-term effective engagement with business and other sectors, including employment and skills providers and registered housing providers by formalising the existing relationship with the LEP and providing a place for the private sector at the 'top table' of decision making; and
- Provide opportunities to align strategic capacity and support services to deliver economies of scale. For example, combining Accountable Body arrangements and expertise which is currently dispersed across all six local authorities, MITA and the LEP. In the future, this could include the arrangements for devolved major transport funding and the Single Pot for economic investment, including EU funds and assets as appropriate.

14.5 The practical opportunities to achieve this run both horizontally (across thematic strands) and vertically (within thematic strands). Taken together they illustrate a compelling economic case for a move to a Combined Authority structure of governance. Some of our key proposals are summarised below:

14.6 Strategic decision-making would be brought into one City Region-wide body, with responsibility for strategy setting, the long-term strategic vision, outcomes and the alignment of priorities for the City Region. This would be achieved through the development of a long-term City Region Strategy for delivering the City Region's economic priorities, programmes and projects, co-designed with the LEP to link the City Region's strategic physical assets and 'places' to a broader economic prosperity and 'people' focused agenda. Flowing from the development of the Economic Strategy, and in line with our City Region Deal, would be an integrated Growth Plan and Investment Strategy to deliver the strategic economic vision and outcomes.

14.7 The proposed areas of Combined Authority responsibility are all interdependent. For example, activity to promote employment requires demand-side action to support businesses to create jobs as well as effective transportation policy. As these policy strands are led in different ways by different bodies we have developed partnership and consultation arrangements which do work but often result in increased timescales for taking decisions and multiple reporting lines. This approach has also led to overlapping or competing strategy priorities and in some cases an inefficient service delivery landscape that is confusing to both business

and other stakeholders. The Combined Authority model provides the opportunity to bring all of this together into one approach to enable a clearer routine policy alignment, including:

- The co-ordination of the international economic strategy for the Liverpool City Region to cover inward investment, trade and export, to particularly capture benefits from the International Festival for Business and operate as a cohesive global entity;
- The co-ordination of inward investment activity across the Liverpool City Region as a whole;
- The co-ordination of strategic place based marketing across the Liverpool City Region as a whole; and
- The delivery of the employment and skills strategy across the Liverpool City Region, embedding the Skills for Growth Agreements within economic strategies.

14.8 The Combined Authority would ensure more effective targeting of strategic interventions to support the City Region's priorities. For example:

- It would also take responsibility for decision making with regard to the Liverpool City Region Investment Framework, to include the Single Local Growth Fund, EU Investment Framework and Growing Places Fund to boost local economic growth. Linked to this it will develop a pipeline of priorities to attract financial and wider support.
- Transport planning is currently vested in two separate Local Transport Plans for the City Region. These would be amalgamated to a single streamlined plan under the new arrangements, providing greater synergy, greater clarity and more effective prioritisation of strategic transport priorities across the City Region.
- The Combined Authority provides the opportunity to improve the consistency of design and implementation of Local Labour Agreements for regeneration and major employer recruitments to maximise the benefit to the City Region labour market as a whole. The clear expectation set from a Combined Authority level would better reflect the distribution of available employment and skills across the City Region as a whole, and allow businesses to better understand consistent expectations.

14.9 An important function is to ensure a single economic intelligence evidence base is in place to support and inform strategic decision making for economic development, employment and skills, transport and strategic housing is a priority. Given the significant interdependency between these policy themes this would have significant advantages and deliver potential savings – particularly in a reduced requirement to commission external consultants.

15.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

15.1 Alternative models of governance were considered as part of the Review of Strategic Governance and were judged not to be as effective as improving the economic conditions of the Liverpool City Region as the preferred option.

16.0 IMPLEMENTATION DATE

16.1 The Review of Strategic Governance and Scheme for the establishment of a Combined Authority was submitted to the Secretary of State for Communities and Local Government by 30 September 2013.

16.2 If the Orders are approved by Parliament, the Combined Authority will commence on 1st April 2014.

17.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Appendices

Appendix One: Orders laid before Parliament on 12 February 2014 to establish the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority

Appendix Two: Constitution for the Combined Authority

Appendix Three: Operating Agreement and Protocols for the Combined Authority

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Date

Department for Communities and Local Government

SCHEDULE

Article 2

Amendments to the Transport Act 1968

- 1.** The Transport Act 1968 is amended as follows.
- 2.**—(1) Section 9 (areas, authorities and executives) is amended as follows.
 - (2) In subsection (1)(a)—
 - (a) in sub-paragraph (i), for “Greater Manchester” there is substituted “a metropolitan county which is or is included in a combined authority area”;
 - (b) sub-paragraph (ia) is omitted.
 - (3) After subsection (1)(a) there is inserted—
 - “(aa) any reference to a “combined authority” is to an authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009 for an area which is or includes a metropolitan county;
 - (ab) any reference to a “combined authority area” is to an area for which a combined authority is established;”.
 - (4) In subsection (1)(b), for sub-paragraph (ia) there is substituted—
 - “(ia) in relation to a combined authority area, the combined authority;”.
 - (5) In subsections (2), (3) and (5), for “the area of the Greater Manchester Combined Authority” there is substituted “a combined authority area”.
 - (6) Subsection (5A) is omitted.
- 3.** In section 9A (general functions), in subsections (3), (5), (6)(a) and (b), (7) and (8), after “integrated transport area” there is inserted “, combined authority area”.
- 4.** In section 10 (general powers of Executive), in subsections (1), (3) and (5), after “integrated transport area” there is inserted “, a combined authority area”.
- 5.** In section 10A (further powers of Executive), in subsection (1) after “integrated transport area” there is inserted “or combined authority area”.
- 6.** In section 12 (borrowing powers of Executive), in subsection (1), after “integrated transport area” there is inserted “, a combined authority area”.
- 7.** In section 14 (accounts of Executive), in subsection (1), after “integrated transport area” there is inserted “, a combined authority area”.
- 8.** In section 15 (further functions of Authority), in subsections (1) and (6), after “integrated transport area” there is inserted “, a combined authority area”.
- 9.** In section 16 (annual report etc), in subsection (1), after “integrated transport area” there is inserted “, combined authority area”.
- 10.** In section 20 (duty relating to rail services), in subsection (2), after “integrated transport area” there is inserted “, a combined authority area”.
- 11.** In section 23 (consents), in subsections (1), (2) and (3), after “integrated transport area” there is inserted “, a combined authority area”.

EXPLANATORY NOTE

(This note is not part of the Order)

This order makes amendments to Part 2 of the Transport Act 1968 which are consequential upon the making of orders establishing combined authorities under Part 6 of the Local Democracy, Economic Development and Construction Act 2009.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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Draft Order laid before Parliament under section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

**The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral
Combined Authority Order 2014**

Made - - - -

Coming into force - -

1st April 2014

This Order is made in exercise of the powers conferred by sections 84, 91 and 93 of the Local Transport Act 2008^(a) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009^(b).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve –

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted—

- (a) the metropolitan district councils for the area comprised in the Merseyside integrated transport area,
- (b) the councils for the local government areas who are within the area for which the combined authority is to be established;
- (c) the Merseyside Integrated Transport Authority,

(a) 2008 c.26.
(b) 2009 c.20.

(d) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the Merseyside integrated transport area have consented to the making of this Order.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1. This Order may be cited as the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 and shall come into force on 1st April 2014.

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority constituted by article 3(2);

“constituent councils” means the councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral;

“the Executive” means the Merseyside Passenger Transport Executive;

“financial year” means the period of 12 months ending with 31st March in any year;

“the ITA” means the Merseyside Integrated Transport Authority;

“Halton Council” means the council of the borough of Halton; and

“Local Enterprise Partnership” means the Liverpool City Region Local Enterprise Partnership.

PART 2

Establishment of a combined authority for Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Funding

5.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) 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 current financial year.

(4) Subject to paragraphs (5) and (6) 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(a), and in accordance with regulations made thereunder.

(5) 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 article 6 (abolition of the ITA and transfer of functions etc.).

(6) Without prejudice to the generality of article 12, a levy issued by the ITA under section 74 of the Local Government Finance Act 1988 to the district councils in the county of Merseyside in respect of the financial year beginning 1st April 2014 has effect for that year as if it had been so issued by the Combined Authority.

(7) No levy shall be issued to the Halton Council for that financial year, but that Council must pay a contribution to the Combined Authority equal to the amount which it has budgeted to spend on the functions transferred under article 8 for that financial year.

PART 3

Transport

Abolition and transfer of functions etc.

6.—(1) The Merseyside integrated transport area is dissolved and the ITA is abolished.

(2) Subject to paragraph (3), on the abolition of the ITA—

- (a) its functions; and

(a) 1988 c. 41.

(b) its property, rights and liabilities
are transferred to the Combined Authority.

(3) On the abolition of the ITA all rights and liabilities (including rights and liabilities in respect of superannuation) arising under contracts of employment with the ITA are transferred to the Executive.

Adaptation of enactments — integrated transport authority

7.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.

Transfer of functions — Halton Council

8.—(1) There are transferred to the Combined Authority the functions of Halton Council under the following enactments—

- (a) Parts IV and V of the Transport Act 1985(a); and
- (b) Part II of the Transport Act 2000(b).

(2) Halton Council shall—

- (a) after consulting the other constituent councils; and
- (b) not later than 1st April 2018,

submit to the Secretary of State proposals for the making of a scheme by the Secretary of State for the transfer to the Combined Authority of specified property, rights and liabilities held, acquired or incurred by the Council for the purposes any of the functions transferred under paragraph (1).

(3) After considering the proposals and any representations made on them by the other constituent councils, the Secretary of State may, by way of a scheme made under section 115 of the 2009 Act, make such provision for the transfer of such property, rights and liabilities (whether or not specified in the proposals) as he thinks fit.

(4) Nothing in this Order has effect to transfer to the Combined Authority—

- (a) any function of Halton Council relating to—
 - (i) the levying of tolls or the imposition of road user charging; or
 - (ii) the application of the proceeds of tolls or road user charges; or
- (b) any functions, property, rights and liabilities of Halton Council relating to the Mersey Gateway and Silver Jubilee Bridges, including their financing, delivery, operation and maintenance, and the highway network associated with them.

Adaptation of enactments

9.—(1) This article has effect in consequence of article 8.

(a) 1985 c.67.
(b) 2000 c.38.

(2) In relation to any function transferred under article 8, any reference in any enactment (whenever passed or made) to a county, or to any class of area which includes a county, is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made) any reference in relation to any function transferred under article 8 to a county council, or to any class of body which includes a county council, is to be treated as including a reference to the Combined Authority.

Passenger Transport Executive

10.—(1) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act and shall be known as Merseytravel.

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

Other transport functions

11.—(1) There are delegated to the Combined Authority the functions of the constituent councils under section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports).

(2) Sections 237A to 237E of the Local Government Act 1972(b) (fixed penalty notices) shall apply in relation to the Combined Authority so far as those provisions relate to the Mersey Tunnel Byelaws 2003(c).

(3) The Combined Authority has power to enter into agreements as if it were a highway authority under section 8 of the Highways Act 1980(d) and also a traffic authority under the Road Traffic Regulation Act 1984(e) and a street authority under section 49 of the New Roads and Street Works Act 1991.

(4) The costs incurred by the Combined Authority in discharging the functions exercisable by it by virtue of this article shall, except so far as the constituent councils agree otherwise, be defrayed by the Combined Authority.

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988, fall to be treated as expenses attributable to the exercise of the Combined Authority's functions relating to transport.

(6) The functions delegated by paragraph (1) are not exercisable by the constituent councils either concurrently or instead of the Combined Authority, except so far as the Combined Authority sub-delegates any such functions back to a constituent council.

(7) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Combined Authority the functions delegated to the Combined Authority by paragraph (1) are to be treated as if they were functions of the Combined Authority.

Continuity

12.—(1) Nothing in this Part of the Order affects the validity of anything done by or in relation to the ITA or Halton Council in relation to the functions transferred under this Part before 1st April 2014.

(a) 1972 c.70.

(b) Section 237A was inserted by the Local Government and Public Health Involvement Act 2007 (2007 c. 28) section 130.

(c) The Mersey Tunnel Byelaws were made by the Merseyside Passenger Transport Authority under Section 102 of the County of Merseyside Act 1980 (1980 c. x) as amended by the Mersey Tunnels Order 1986 (S.I. 1986/297).

(d) 1980 c. 66.

(e) 1984 c. 27; the definition of "traffic authority" is in section 121A which was inserted by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 70 and amended by the Greater London Authority Act 1999 (c. 29) section 271(1), (2).

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (b) is in process of being done by or in relation to the ITA, or Halton Council in relation to the functions transferred under this Part, immediately before 1st April 2014.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or to Halton Council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA.

PART 4

Additional functions

Economic development and regeneration functions

13.—(1) The functions of the constituent councils set out in Schedule 2 are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

Incidental provisions

14. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of these provisions—

- (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); and
- (b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

15.—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985^(a) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to “that area” were a reference to the combined area.

(a) 1985 c.51.

16. Section 13 of the Local Government and Housing Act 1989(a) (voting rights of members of certain committees) shall have effect as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(i) subject to subsection (4A), a committee appointed by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority;”;

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014(b).”.

17. Regulation 64 of the Local Government Pension Scheme Regulations 2013(c) (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

“(8A) Paragraph (8B) applies where the exiting employer is the Merseyside Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority as a result of the establishment of the combined authority by article 3(1) of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014(d).

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

Signed on behalf of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE 1 Constitution

Article 4

Membership

1.—(1) Each constituent council shall appoint one of its elected members as a member of the Combined Authority.

(2) Each constituent council shall appoint another elected member as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(3) The Local Enterprise Partnership shall nominate one of its members to be a member of the Combined Authority (“Local Enterprise Partnership Member”).

(4) The Local Enterprise Partnership shall nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) (“the substitute member”).

(a) 1989 c.42.
(b) S.I. 2014/XXXX.
(c) S.I. 2013/2356; there are no relevant amendments.
(d) S.I. 2014/XXXX.

(5) The Combined Authority shall appoint a member nominated by the Local Enterprise Partnership as a member of the Combined Authority (“Local Enterprise Partnership Member”).

(6) The Combined Authority shall appoint another member nominated by the Local Enterprise Partnership to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) (“the substitute member”).

(7) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member.

(8) A person ceases to be a member or substitute member of the Combined Authority if they cease to be—

- (a) a member of the constituent council that appointed them; or
- (b) a member of the Local Enterprise Partnership that nominated them.

(9) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the Council or the Chair or Vice Chair of the Local Enterprise Partnership (as the case may be) of—

- (a) the constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them

and the resignation shall take effect on receipt of the notice by the proper officer of the Council or Chair or Vice Chair of the Local Enterprise Partnership (as the case may be).

(10) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (8) or (9)—

- (a) 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;
- (b) 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.

(11) The Combined Authority shall appoint a member nominated under sub-paragraph (10)(b) at the next meeting of the Combined Authority.

(12) 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.

(13) Where a constituent council exercises its power under sub-paragraph (12), 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.

(14) 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.

(15) Where the Local Enterprise Partnership exercises its power under sub-paragraph (14), it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(16) The Combined Authority shall appoint a member nominated under sub-paragraph (15) 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.

(17) For the purposes of this paragraph an elected mayor of a constituent council is to be treated as a member of the constituent council.

Chairman and vice-chairman

2.—(1) The Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the appointment of members at the first meeting of the Combined Authority and, in subsequent years, at the annual meeting of the Combined Authority.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

Proceedings

3.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least four members or substitute members appointed by the constituent councils are present at that meeting.

(3) Each member, or substitute member acting in that member's place, has one vote and no member or substitute member has a casting vote.

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

(5) Questions relating to the determination and review of any transitional arrangements on transport require a unanimous vote in favour by all six constituent council members, or substitute members acting in place of those members, to be carried.

(6) The amount of any levy to be issued to constituent councils is to be decided by a majority of the members and substitute members, acting in place of members, appointed by the constituent councils and present and voting.

(7) Members appointed from the Local Enterprise Partnership will be non-voting members of the Combined Authority.

(8) 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.

Committees

4.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint members of each of the constituent councils to each overview and scrutiny committee appointed by the Combined Authority.

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any member of the Combined Authority.

(4) An overview and scrutiny committee appointed by the Combined Authority shall have the power to—

- (a) invite members to attend before it to answer questions;
- (b) invite other persons, including members of the public, to attend meetings of the committee;
- (c) 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;
- (d) make reports or recommendations to the Combined Authority with respect to the discharge of any functions which are the responsibility of the Combined Authority.

(5) The power to review or scrutinise a decision made but not implemented under sub-paragraph (4)(c) includes the power to recommend that the decision be reconsidered by the Combined Authority.

(6) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under sub-paragraph (4)(d) the committee may—

- (a) publish the report or recommendations;
- (b) by notice in writing require the Combined Authority to—
 - (i) consider the report or recommendations;
 - (ii) respond to the overview and scrutiny committee indicating what (if any) action the Combined Authority proposes to take;
 - (iii) if the overview and scrutiny committee has published the report or recommendations under sub-paragraph (6)(a), publish the response.

(7) A notice served under sub-paragraph (6)(b) must require the Combined Authority to comply with it within two months beginning with the date on which the Combined Authority received the reports or recommendations or (if later) the notice.

(8) The Combined Authority shall comply with a notice given under sub-paragraph (6)(b).

(9) Sub-paragraphs (6)(a) and (8) are subject to section 9FG of the Local Government Act 2000 and to any provision made under section 9GA(8)(a) and the Combined Authority shall be treated as a local authority for those purposes.

Records

5.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, the committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

6. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

(a) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2

Remuneration

7. No remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

SCHEDULE 2

Article 13(1)

Economic development and regeneration functions

1. 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 Localism Act 2011(a).

2. The power under section 144 of the Local Government Act 1972(b) (the power to encourage visitors and provide conference and other facilities).

3. The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996(c) and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

4. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

5. The duty under section 8(1) of the Housing Act 1985(d) (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

EXPLANATORY NOTE

(This note is not part of the Order)

This order establishes the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise functions relating to transport and to economic development and regeneration in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This order has been made following the publication of such a scheme on 30th September 2013 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at: www.knowsley.gov.uk/governancereview.

Part 2 of the Order establishes the new authority, to be known as the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority on 1st April 2014 and makes provision for its constitution and funding.

Article 4 of and Schedule 1 to the Order make provision for the constitution of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority. This is supplemental to

(a) 2011 c.20.
(b) 1972 c.70.
(c) 1996 c.56.
(d) 1985 c. 68.

the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 makes provision for the funding, by the constituent councils, of those costs of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority that relate to the exercise of its economic development and regeneration functions.

Part 3 concerns the transport functions of the combined authority. *Article 6* dissolves the Merseyside Passenger Transport Authority, abolishes its area and transfers its functions to the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority. Contracts of employment are transferred to the Merseyside Passenger Transport Executive. *Article 7* makes general adaptations to primary and subordinate legislation, so that references to an integrated transport authority or area are to be treated as extending to the combined authority and its area. *Article 8* transfers to the combined authority the functions of Halton council under Parts IV and V of the Transport Act 1985 and provides for the submission of proposals for, and the making of, a scheme for the transfer of property, rights and liabilities held, acquired or incurred by that council for the purposes of those functions. *Article 9* makes general amendments to primary and secondary legislation affected by the transfer of functions under article 8. *Article 10* makes the Merseyside Passenger Transport Executive an executive body of the combined authority and changes its name to Merseytravel. *Article 11* provides for other transport functions to be exercisable by the Combined Authority and *Article 12* provides for continuity when functions, property, rights and liabilities are transferred under Part 3 of this Order.

Part 4 confers additional functions on the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Authority. *Article 13* confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 2 to the Order and are to be exercised concurrently with the constituent councils. *Articles 14 to 16* make some general, incidental provisions relating to the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority to enable it to carry out its functions more effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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**CONSTITUTION OF THE
HALTON, KNOWSLEY, LIVERPOOL,
ST. HELENS, SEFTON AND WIRRAL
COMBINED AUTHORITY**

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Part 1

Introduction and Articles

1. In this Constitution:
 - 1.1.1 “the Authority” means the Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority;
 - 1.1.2 “the Combined Area” means the area consisting of the areas of the Constituent Councils;
 - 1.1.3 “the Constituent Councils” mean the district councils for the local government areas of Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral;
 - 1.1.4 “the Differential Levy” means the transport levy set by the Authority pursuant to the Transport Levying Bodies Regulations 1992 in relation to Halton Borough Council recognising the distinction between its position and that of the other Constituent Councils;
 - 1.1.5 “the ITA” means the Merseyside Integrated Transport Authority;
 - 1.1.6 “Lead Officers” means the Statutory Officers and the Chief Executives of the Constituent Councils;
 - 1.1.7 “the LEP” means the Liverpool City Region Local Enterprise Partnership;
 - 1.1.8 “the Levy” means the transport levy set by the Authority pursuant to the Transport Levying Bodies Regulations 1992;
 - 1.1.9 “Merseytravel” means the Merseyside Passenger Transport Executive for the Combined Area, which is the executive body of the Authority in relation to its transport functions;
 - 1.1.10 “the Merseytravel Committee” means the committee of the Authority named as such with members co-opted from the Constituent Councils;
 - 1.1.11 “Mersey Tunnels” means “the tunnels” and “the approaches” as defined in the County of Merseyside Act 1980;
 - 1.1.12 “the Order” means The Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority Order 2014;
 - 1.1.13 “Statutory Officers” means the Monitoring Officer, the Treasurer, the Head of the Secretariat and the Head of Paid Service;

- 1.2 The Constitution sets out how the Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral Combined Authority (hereafter referred to as 'the Authority') operates, how decisions are made and the procedures that are followed to ensure that it operates efficiently, effectively and is both transparent and accountable.

2. Powers of the Authority

- 2.1 The Authority was established pursuant to the Order on 1st April 2014 as the combined authority for the Combined Area, with the aim of improving:-
- (a) the exercise of statutory functions relating to transport in the Combined Area;
 - (b) the effectiveness and efficiency of transport in the Combined Area;
 - (c) the exercise of statutory functions relating to economic development and regeneration in the Combined Area; and
 - (d) economic conditions in the Combined Area.
- 2.2 The Authority is responsible for a range of transport, economic development and regeneration functions across the Combined Area. The functions of the Authority conferred or imposed upon it by the Order and the functions of the Authority delegated to it by the Order are set out at Part 2 of this Constitution.
- 2.3 The Authority will exercise all its powers and duties in accordance with the law and this Constitution.
- 2.4 The Authority will agree policies and delegate responsibilities to conduct its business.

3. Members of the Authority

- 3.1 In accordance with the Order, the Constituent Councils shall each appoint one of its elected members or its Elected Mayor to be a Member of the Authority.
- 3.2 In addition, each of the Constituent Councils shall appoint another of its members to act as a Member of the Authority in the absence of the member appointed under paragraph 3.1.
- 3.3 The LEP shall nominate one of its members to be a member of the Authority and the Authority shall appoint that person as a member of the Authority.
- 3.4 The LEP shall nominate another of its members to act as a member of the Authority in the absence of the member referred to in 3.3 and the Authority shall appoint that person to act in the absence of the member referred to in 3.3.

- 3.5 Members will:
- (a) collectively be the ultimate policy makers of the Authority in respect of those areas which are the responsibility of the Authority;
 - (b) bring views of their communities into the Authority decision-making process; and
 - (c) maintain the highest standards of conduct and ethics.
- 3.6 Members will at all times observe the Code of Conduct for Members approved by the Authority.
- 3.7 Members will be entitled to receive travel and subsistence allowances in accordance with the Members Allowances Scheme approved by the Authority.
- 3.8 Subject to the provisions of Part 5A, paragraph 14.6 of this Constitution, Members appointed following nomination by the LEP will be voting members of the Authority, and Section 85(4) of the Local Transport Act 2008 shall not apply for these purposes.

4. Chairing the Authority

- 4.1 The Authority must appoint a Chair and a Vice Chair from among its Members.
- 4.2 The procedure for the appointment of the Chair and Vice Chair(s) is set out in the Meeting Procedure Rules in Part 5A of this Constitution.

5. Meetings and Procedure

- 5.1 The meetings of the Authority will be conducted in accordance with the Meeting Procedure Rules set out in Part 5A of this Constitution.
- 5.2 A calendar of meetings for the municipal year will be agreed at the Annual Meeting.

6. Responsibility for Functions

- 6.1 Only the Authority will exercise the functions set out in Part 3A of this Constitution.
- 6.2 The Authority has the power to delegate the discharge of the Authority's functions which are not reserved to the Authority to Committees, Sub-Committees, Officers, Joint Committees or other local authorities, pursuant to Section 101 of the Local Government Act 1972.
- 6.3 The Authority has delegated responsibility for the discharge of some of the Authority's functions which are not reserved to the Authority to Merseytravel, Committees and Officers in accordance with Part 3 of this Constitution.

7. Merseytravel

- 7.1 Pursuant to the Order, Merseytravel is to be an executive body of the Authority 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 (LDEDCA 2009).
- 7.2 In the application of the Local Government Act 1972 (arrangements for the discharge of functions) to the Authority, Merseytravel is to be treated as if it were an officer of the Authority.
- 7.3 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
 - (b) section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012,

Merseytravel is to be treated as if it were an officer of the Authority for the purposes of Section 101 of the Local Government Act 1972 and for the purposes of those Regulations.

- 7.4 Merseytravel has power to discharge any function which is the subject of arrangements entered into with it by virtue of paragraphs 7.2 and 7.3 above.

8. Committees of the Authority

- 8.1 The Authority will establish a Merseytravel Committee and refer or delegate such transport functions of the Authority to the Merseytravel Committee, as set out in Part 3B of this Constitution.
- 8.2 The Authority shall determine how many members from each Constituent Council it will co-opt onto the Merseytravel Committee and will determine the terms of reference of such Committee.
- 8.3 The Authority having determined the number of members to be co-opted to the Merseytravel Committee, the Constituent Councils shall be requested to identify their elected member nominees and the Authority shall consider the co-option of those nominated. The Constituent Councils may change their nominations at any time and submit the names of replacement nominees for consideration, but shall not nominate members of the Authority.
- 8.4 If any co-opted member resigns from the Merseytravel Committee, the relevant Constituent Council shall nominate a replacement as soon as practicable.
- 8.5 Those members of the Merseytravel Committee who are elected members shall have voting rights for those matters referred or

delegated to it.

- 8.6 The Authority may establish such other Committees, including a Standards Committee, an Audit Committee and a Scrutiny Panel, on such terms as it thinks fit.

9. Joint Arrangements

- 9.1 The Authority has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 9.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

10. Officers

- 10.1 The Authority shall appoint the Lead Officers, whose responsibilities and delegations are as set out in legislation and as agreed by the Authority.
- 10.2 The Authority may delegate such powers to the Lead Officers as the Authority deems appropriate.
- 10.3 Unless otherwise provided, for the purposes of any enactment, the Proper Officer of the Authority is the Head of Paid Service.

11. Decision-Making

Decisions of the Authority, its Committees, Sub-Committees and its Lead Officers will be taken in accordance with the responsibilities set out in Part 3 and in accordance with the following principles:

- (a) Proportionality (meaning the action must be proportionate to the results to be achieved);
- (b) Due consultation (including the taking of relevant professional advice);
- (c) Respect for human rights;
- (d) Presumption in favour of openness;
- (e) Clarity of aims and desired outcomes; and
- (f) Due consideration will be given to alternative options.

12. Finance, Contracts and Legal Matters

12.1 Financial management

The management of the Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in Part 6 of this Constitution.

12.2 Legal proceedings

The Monitoring Officer is authorised 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.

12.3 Authentication of documents

- (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 6 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.
- (c) Land transactions will be entered into in accordance with the Authority's Land Procedure Rules set out in Part 6 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.

12.4 Common Seal of the Authority

The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. 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. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer.

13. Review and Revision of the Constitution

13.1 The Monitoring Officer will monitor and review the operation of the Constitution.

13.2 Changes to the Constitution will only be approved by the Authority

after consideration of the proposal by the Monitoring Officer and in accordance with the Meeting Procedure Rules set out in Part 5A of this Constitution and where those members present and voting approve the changes unanimously.

Part 2

Powers and Functions conferred on the Authority pursuant to the Order

A. Transport Functions of the ITA transferred to the Authority

- 1.1 Pursuant to the Order the following functions of the ITA are transferred to the Authority:-
- (a) the discharge of all the functions, duties and responsibilities of the ITA;
 - (b) without prejudice to the generality of sub-paragraph 1.1(a), the discharge of all the functions of the ITA that are provided for within the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport and Works Act 1992 and the Local Transport Act 2008; and
 - (c) the appointment of members to Merseytravel in accordance with article 16 of the Merseyside Passenger Transport Area (Designation) Order 1969.

B. Transport Functions of the Constituent Councils delegated to the Authority

- 1.1 Pursuant to the Order, the functions of the Constituent Councils under Section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports) are delegated to the Authority.
- 1.2 Pursuant to the Order, the functions of Halton Council under the following enactments are transferred to the Authority:
- (a) Parts IV and V of the Transport Act 1985; and
 - (b) Part II of the Transport Act 2000

C. Powers and Duties of the Authority in relation to Transport Functions

- 1.1 Pursuant to the Order, the following are functions of the Authority:
- (a) the power to issue fixed penalty notices in respect of offences in breach of the Mersey Tunnels Byelaws 2003 or any revision thereof pursuant to Section 237A of the Local Government Act 1972;

- (b) the powers and duties of a Local Transport Authority pursuant to the Local Transport Act 2008; and
 - (c) the power to enter into individual agreements with local highway authorities pursuant to Section 8 of the Highways Act 1980 and for such purposes to be designated
 - (i) as a Local Highway Authority pursuant to the said Section 8;
 - (ii) as a Traffic Authority pursuant to Section 121A of the Road Traffic Regulation Act 1984; and
 - (iii) as a Street Authority pursuant to Section 49 of the New Roads and Street Works Act 1991.
- 1.2 In relation to the powers set out in 1.1(c) , these powers will be subject to written agreements entered into by the Authority and the Constituent Council(s) in relation to specific highways or parts of highways so that the rights and liabilities of the relevant Highway Authority, Traffic Authority or Street Authority are clearly set out.
- 1.3 In the event that the power in 1.1(c) is to be exercised, the Authority will, prior to such exercise, approve a Protocol regarding its use.

D. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils

- 1.1 Pursuant to the Order, the following economic development and regeneration functions of the Constituent Councils are to be exercised by the Authority concurrently with the Constituent Councils:-
- (a) the power under Section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
 - (b) the duty under Section 8(1) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation);
 - (c) the duties under Sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996 and the power under Sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age);
 - (d) the duty under Section 69 of the 2009 Act (duty to prepare an assessment of economic conditions); and
 - (e) such functions of the Constituent Councils as are exercisable for the purposes of economic development and regeneration in

reliance on the general power of competence under section 1 of the Localism Act 2011.

- 1.2 Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraph 1.1 above may be fulfilled by the exercise of that function by the Authority.
- 1.3 The Authority and the Constituent Councils will draw up and agree detailed Protocols in relation to the discharge of the economic development and regeneration functions set out at paragraph 1.1 above.
- 1.4 The Authority and the Constituent Councils will keep the Protocols referred to at paragraph 1.3 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the Authority.
- 1.5 Protocols drawn up, agreed, or revised under paragraphs 1.3 and 1.4 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.6 By virtue of Section 91(5) of the LDEDCA 2009, the Authority must exercise the functions in paragraph 1.1 above with a view to promoting the economic development and regeneration of the area.

E. Incidental Provisions

- 1.1 Pursuant to the Order, the following provisions have effect as if the Authority were a local authority for the purposes of these provisions:-
 - (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); and
 - (b) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).
- 1.2 The Authority shall have the power to exercise any of the functions described in subsection 1(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information) whether or not a scheme is made under that section.

F. Functions conferred on the Authority by Local Government Legislation

- 1.1 The Authority shall have such other powers and duties as are conferred on a combined authority by any enactment.

- 1.2 Without prejudice to the generality of the above, such powers and duties include:
- (a) the duty to appoint a Head of Paid Service, a Monitoring Officer and an Officer with responsibility for the administration of the Authority's financial affairs (the Treasurer);
 - (b) the power to borrow money for a purpose relevant to its transport functions only;
 - (c) the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
 - (d) the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;
 - (e) the power to pay subscriptions to the funds of local authority associations;
 - (f) the duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;
 - (g) the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area; and
 - (h) the power under Section 113A of the LDEDCA 2009 to do anything it considers appropriate for the purpose of carrying out any of its functions.
- 1.3 The Authority is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
- 1.4 The Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
- 1.5 The Authority is a public body for the purpose of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 1.6 The Authority is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

Part 3

Responsibility for Functions

THE AUTHORITY

A. Functions Reserved to the Authority

1. In respect of the Constitution

- (a) adopting and amending the Authority Constitution;
- (b) the acceptance of arrangements to delegate the functions of any person to the Authority;
- (c) to appoint the Statutory Officers of the Authority;
- (d) to determine the requirement for composition of and terms of reference of any Joint Committees, Committees and Sub-Committees;
- (e) determine the voting rights in respect of decisions of the Authority;
- (f) to appoint the Chair and Vice Chair;
- (g) determine the co-option and the terms of such co-option of any person who is not a constituent member of the Authority;
- (h) agree the submission of an application to the Government to expand/constrict the area of the Authority and its duties and responsibilities;
- (i) appointing representative to outside bodies;
- (j) holding the Committees of the Authority to account;
- (k) receiving reports from Statutory Officers; and
- (l) all other matters which must, by law, be reserved to the Authority.

2. In respect of strategy, policy and agreements

- (a) the discharge of all statutory duties and responsibilities as provided for by relevant legislation;
- (b) the adoption, approval, and any modification of a plan or strategy as provided for by relevant legislation;
- (c) determine general policies for the Liverpool City Region in respect of transport;
- (d) the power to enter into individual agreements with Local Highway Authorities pursuant to Section 8 of the Highways Act 1980 and for such purposes to be designated:-
 - (i) as a Local Highway Authority pursuant to the said Section 8;
 - (ii) as a Traffic Authority pursuant to Section 121A of the Road Traffic Regulation Act 1984; and
 - (iii) as a Street Authority pursuant to Section 49 of the New Roads and Street Works Act 1991; and
- (e) produce and deliver a Strategic Plan for the Authority.

3. In respect of finance

- (a) approval of the budget of the Authority;
- (b) setting of an appropriate transport levy and differential levy;
- (c) approval of borrowing limits of the Authority in respect of transport functions;
- (d) approval of the treasury management and investment strategies of the Authority;
- (e) subject to regulation 4.4 of the Financial Regulations, approving the transport capital programme of the Authority and Merseytravel and approving new transport schemes to be funded by the Merseyside City Region Transport Fund;
- (f) approve the setting of the Mersey Tunnel tolls under the County of Merseyside Act 1980 and Mersey Tunnels Act 2004;
- (g) identifying a prioritised list of transport investments for Liverpool City Region;
- (h) making decisions on individual scheme approvals, investment decision-making and release of funding, including scrutiny of individual scheme business cases;
- (i) responsibility for ensuring value for money is achieved;
- (j) monitoring the progress of scheme delivery and spend, in concert with other appropriate LCR bodies;
- (k) actively managing the devolved budget and programme to respond to changed circumstances in collaboration with the Authority as the Accountable Body and Merseytravel; and
- (l) determine whether to act as an accountable body in respect of finance and/or grant funding.

4. In respect of Merseytravel

- (a) make grants to Merseytravel, including grants for operation and maintenance of Mersey Tunnels;
- (b) grant approval to Merseytravel to promote or oppose any Bill in Parliament;
- (c) grant approval to Merseytravel to make a written request to the Minister to purchase compulsorily any land;
- (d) to exercise the power, to cause a review to be made of the organisation of Merseytravel;
- (e) 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;
- (f) make appointments of members of the Merseyside Passenger Transport Executive in accordance with the Merseyside Passenger Transport Area (Designation) Order 1969; and
- (g) provide directions to Merseytravel in regard to functions being undertaken for the Authority.

5. In respect of economic development and regeneration

- (a) all functions set out in the Order to be exercised concurrently with the Constituent Councils and in accordance with agreed protocols.

The Merseytravel Committee

B I. Transport Functions of the Authority referred to the Merseytravel Committee

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

1. In respect of strategy, policy and agreements

To make recommendations, having consulted stakeholders where appropriate, in respect of:

- (a) the discharge of all statutory duties and responsibilities as provided for by relevant legislation;
- (b) the adoption, approval and any modification of a plan or strategy as provided for by relevant legislation; and
- (c) the determination of general policies for the Liverpool City Region in respect of transport.

2. In respect of finance

To make recommendations in respect of:

- (a) the budget of the Authority for transport;
- (b) the Levy and the Differential Levy pursuant to the Transport Levying Bodies Regulations 1992;
- (c) the capital programme of the Authority and Merseytravel; and
- (d) the setting of the Mersey Tunnel tolls.

3. In respect of Merseytravel

To make recommendations in respect of:

- (a) financial grants to Merseytravel (including grant for the operation and maintenance of Mersey Tunnels);
- (b) the power to allow Merseytravel to promote or oppose any Bill in Parliament;
- (c) authorising Merseytravel to purchase compulsorily any land;
- (d) the need for a review to be made of the organisation of Merseytravel;
- (e) making appointments of members of the Merseyside Passenger Transport Executive in accordance with the Merseyside Passenger Transport Area (Designation) Order 1969;
- (f) provide directions to Merseytravel in regard to functions being undertaken for the Authority; and
- (g) new transport schemes to be funded by the LCR Transport Fund.

B II. Transport Functions of the Authority delegated to the Merseytravel Committee

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

1. In respect of strategy, policy and agreements

- (a) formulating general policies with respect to the availability and convenience of transport Services;
- (b) considering and approving the creation and development of:-
 - (i) Quality Partnership Schemes;
 - (ii) Quality Contracts Schemes;
 - (iii) Ticketing Schemes;
 - (iv) Concessionary Travel Schemes; and
 - (v) Bus service information and publicity
- (c) monitoring performance against the Local Transport Plan and other Authority transport policies, plans and strategies; and
- (d) formulating, developing and monitoring procedures for stakeholder consultation on the Authority's transport policies, including taking responsibility for the active promotion of Liverpool City Region's transport interests.

2. In respect of finance

- (a) monitoring the Authority's transport budget and capital schemes; and
- (b) 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.

3. In respect of Merseytravel

- (a) monitoring and overseeing the activities and performance of Merseytravel;
- (b) ensuring that Merseytravel secures the provision of appropriate transport and associated services;
- (c) ensuring that Merseytravel implements those actions delegated to it for promoting the economic, social and environmental well-being of the Liverpool City Region;
- (d) determining variations in charges for transport services or facilities provided by Merseytravel;
- (e) determining issues arising from the rail franchising process and/or the MEL Rail Concession that are not the legal responsibility of Merseytravel;
- (f) considering issues arising from the implementation by Merseytravel of transport schemes on behalf of the Authority;

- (g) determine the operation, performance, contract management and development of the transport network and monitoring the operation and performance of bus and local rail services and influencing such;
- (h) 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;
- (i) approval of any transactions of Merseytravel which require approval under Section 10(1) of the Transport Act 1968; and
- (j) exercise any delegation from the Authority as required.

B III. Transport Functions of the Authority delegated to Halton Borough Council ("Halton")

1. The Authority may delegate any of its transport functions to Halton insofar as this is necessary to discharge the functions of the Authority within the area of Halton.
2. Any such delegation will be by way of separate agreement between the Authority and Halton and shall make appropriate provision for the delegation of such resources required to discharge those functions.

Merseytravel

C. Functions of the Authority delegated to Merseytravel

- (a) to provide advice to the Authority and Merseytravel Committee 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 prepare the Local Transport Plan (LTP) and advise the Authority and Merseytravel Committee upon proposals for the implementation of the LTP;
- (c) where the Authority has provided financial assistance to other persons or bodies (including the Constituent Councils), to implement the Authority's transport policies or the LTP and to monitor and secure compliance with any terms and conditions of such financial assistance;
- (d) to secure the implementation of the Authority's transport policies and the LTP;
- (e) to implement decisions taken by the Authority and Merseytravel Committee in a transport context to promote and improve the economic, social and environmental well-being of the Liverpool City Region;
- (f) to implement any legal agreements entered into by the Authority relating to transport, as required by the Authority;
- (g) gathering data from relevant stakeholders in relation to transport matters as required by the Authority;
- (h) to maintain any databases/models for the Liverpool City Region databases as required by the Authority;
- (i) to institute, conduct, prosecute or defend any legal proceedings relating to its transport functions on behalf of the Authority;
- (j) to do anything incidental to or calculated to facilitate the discharge of those responsibilities;
- (k) 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;
- (l) to enforce the County of Merseyside Act 1980 and the Mersey Tunnels Bylaws 2003;
- (m) to provide and operate the concessionary travel scheme as determined by the Authority;
- (n) to provide travel information as determined by the Authority;
- (o) to maintain proper records as required by the Authority, and pursuant to legislation, in connection with any transport functions delegated to Merseytravel;
- (p) to recover and account for tolls revenue on behalf of the Authority;
- (q) to operate and maintain the Mersey Tunnels as required by the Authority;
- (r) to issue fixed penalty notices in respect of offences under the Mersey Tunnel Byelaws 2003;
- (s) approving its transport capital programme and releases for capital transport within the agreed budget; and
- (t) to exercise any delegation as provided by the Authority.

D. Scheme of Delegation of Functions to Lead Officers

General Principles

1. The Authority may choose to delegate any of its functions to officers of the Authority.
2. Powers delegated to Lead Officers may be exercised by other officers if the relevant Lead Officer has further delegated that power, but this must be properly recorded and capable of being evidenced.
3. The exercise of delegated powers by officers shall be in accordance with the principles of decision-making which the Authority follows and in accordance with the requirements of the Constitution.
4. Lead Officers are not obliged to exercise delegated powers if they believe circumstances are such that the powers should more appropriately be exercised by the Authority or one of its Committees.
5. Where delegated powers are exercised, Lead Officers should ensure that the decisions taken are appropriately recorded.

General Delegations to Lead Officers

1. The day-to-day routine, management, supervision and control of services provided on behalf of the 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 Lead Officer in respect of any Board will determine its membership. In particular, the Lead 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 Authority. Any Board established under this power will not itself have decision-making powers and the Lead Officer will be responsible for ensuring that the work of the Board is, in appropriate circumstances, referred to the Authority for consideration and approval.

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 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 Authority where such action is necessary in the view of the Head of Paid Service to protect the interests of the Authority and where practicable the Head of Paid Service has consulted with the Chair of the Authority.
5. To make such arrangements as are necessary for the organisation of meetings of the Merseytravel Committee and its 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.

Delegations to the Treasurer

1. To effect the proper administration of the 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 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 Authority and to settle claims under such insurances, where this is appropriate, for the benefit of the Authority.
4. To accept grant offers on behalf of the 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 Authority to sign all cheques drawn on behalf of the 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 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 Lead Officers, 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 Authority provided that, subject to any other requirement of this Constitution, the Treasurer may give a general consent to Lead Officers to enter into contracts or agreements, the value of which does not exceed £250,000.
10. The collection of all money due to the 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 Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.
14. To discharge the functions of the 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 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 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, conduct, prosecute and defend or settle any legal proceedings on behalf of the Authority as may be necessary to protect and promote the interests of the Authority, subject to consultation with the Chair, in any case where the matter is of significance to the Authority's reputation.
7. To settle any threatened legal proceedings where it is in the Authority's interests to do so.
8. To instruct Counsel and professional advisers as appropriate.
9. To provide undertakings on behalf of the Authority.
10. To supervise the preparation and completion of legal documents and processes necessary to give effect to the decisions of the Authority.
11. To determine whether exemptions should be applied to requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
12. To accept service on behalf of the Authority.
13. To sign certificates under the Local Government (Contracts) Act 1997.
14. To exercise the responsibilities of the Monitoring Officer which are set out in the Constitution.

Delegations to the Head of the Secretariat

1. The provision of a response to any Government consultation, subject to consultation with the Chair and Head of Paid Service of the Authority.
2. The co-ordination of public relations for the Authority, including the approval of press releases on behalf of the Authority.
3. To make such arrangements as are necessary for the organisation of meetings of the Authority, its Scrutiny Panel, its Standards Committee and its Audit Committee, including determining requests to record or film such meetings.
4. To exercise the responsibilities assigned to the Head of the Secretariat, which are set out in the Constitution.

PART 4

A. Standards Committee

4.1 Standards Committee

The Authority will establish a Standards Committee, which shall be convened from time to time at the request of the Monitoring Officer.

4.2 Composition

(a) Membership

The Standards Committee will be composed of a pool of six members or Substitute Members of the Authority, of whom three will form a Committee.

(b) Chairing the Committee

The Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will be chaired as determined by the Committee.

(c) Quorum

The quorum for the Standards Committee shall be three.

4.3 Role and Function

The Authority has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the Authority's Standards Committee has the following role and functions:

- (a) to promote and maintain high standards of conduct by Authority Members;
- (b) to assist Authority Members to observe the Authority's Code of Conduct for Members;
- (c) to advise the Authority on the adoption, revision or replacement of the Authority's Code of Conduct for Members and the Authority's Arrangements for Dealing with Complaints that Authority Members have failed to comply with the Authority's Code of Conduct for Members ("the Authority's Arrangements");
- (d) to monitor the operation of the Authority's Code of Conduct for

Members and the Authority's Arrangements;

- (e) to advise, train or arrange to train Authority Members to observe the Authority's Code of Conduct for Members;
- (f) to determine, or to delegate to a Standards Sub-Committee, to determine, in accordance with the Authority's Arrangements, whether an Authority Member has failed to comply with the Authority's Code of Conduct for Members and, if so, to determine, or to delegate to a Standards Sub-Committee, to determine, what action (if any) to take in respect of the Authority Member, such actions to include:–
 - publication of the findings of the Authority's Standards Committee in respect of the Subject Member's conduct;
 - reporting the findings of the Authority's Standards Committee to the Authority for information;
 - recommendation to the Authority that the Subject Member should be censured;
 - instructing the Authority's Monitoring Officer to arrange training for the Subject Member; or
 - recommendation to the Authority that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Authority
- (g) to determine appeals against the Monitoring Officer's decision on the grant of dispensations; and
- (h) to consider the Authority's Code of Corporate Governance and the Annual Governance Statement;

B. Audit Committee

4.4 The Authority will establish an Audit Committee.

4.5 Composition

(a) Membership

The number of members of the Committee shall be six. The members of the Committee shall include members of the Authority, the Merseytravel Committee and the Scrutiny Panel in such proportion as the Authority shall determine.

(b) Chairing the Committee

- (i) The Chair of the Committee shall not be a member of the Authority.
- (ii) The Chair of the Committee shall not have a casting vote.

- (c) The quorum for the Audit Committee shall be three.

4.6 **Role and Function**

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

- (a) to receive the Authority's statement of accounts in accordance with The Accounts and Audit (England) Regulations 2011 and to advise the Authority in relation to its approval;
- (b) to consider the External Auditor's Annual Audit and Inspection Letter in accordance with The Accounts and Audit (England) Regulations 2011 and to monitor the Authority's response to individual issues of concern identified;
- (c) to consider and advise the Authority on the findings of the Authority's review of the effectiveness of its system of internal control and on the Annual Governance Statement;
- (d) to consider and advise the Authority on the findings of the review of the effectiveness of its internal audit;
- (e) to oversee the effectiveness of the Authority's and the Merseytravel Committee's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements;
- (f) to challenge the Authority's performance management arrangements;
- (g) to oversee and review the Authority's relevant strategies, policies and codes;
- (h) to engage with the External Auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit;
- (i) to make recommendations to the Treasurer and Monitoring Officer in respect of Part 6 of the Authority's Constitution;
- (j) to ensure effective scrutiny of the Treasury Management Strategy and Policies; and
- (k) to consider and advise the Authority on its Code of Corporate Governance.

Part 5

Meeting Procedure Rules and Scrutiny

Section A – Meeting Procedure Rules

1. Interpretation, Suspension and Chair’s Ruling

- 1.1 These Rules apply to meetings of the Authority and, where appropriate, to meetings of Committees and Sub-Committees of the Authority. Any reference to Authority in these rules also refers to Committees and Sub-Committees, provided that in respect of the Merseytravel Committee and its Sub-Committees, references to the Head of the Secretariat shall be replaced by Head of Paid Service.
- 1.2 References in these Rules to the “Chair” mean the Member of the Authority for the time being presiding at the meeting of the Authority and a meeting of a Committee or Sub-Committee of the Authority.
- 1.3 These Rules should be read in conjunction with other parts of the Authority’s Constitution.
- 1.4 **These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 1.5 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

2. Suspension and Revocation of the Meeting Procedure Rules

- 2.1 **With the exception of the Rules marked by an asterisk (**) any Rule may be suspended at a meeting of the 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 Rules will not be moved without notice unless at least 4 Members of the Authority are present.
- 2.2 Rules may be changed by the Authority either at the Annual Meeting or by a motion on notice made at a meeting of the Authority.

3. Membership of the Authority

- 3.1 **Each Constituent Council will be represented by one of its elected members or its elected Mayor.
- 3.2 **Each Constituent Council shall appoint another of its elected

members to act as a Member of the Authority in the absence of the Member appointed under sub-paragraph 3.1 above (“the Substitute Member”).

- 3.3 **A person shall cease to be a Member or a Substitute Member of the Authority if they cease to be a member of the Constituent Council that appointed them.
- 3.4 **A person may resign as a Member or Substitute Member of the Authority by written notice served on the proper officer of the Constituent Council that appointed them (who for the purposes of this sub-paragraph 3.4 shall be the Monitoring Officer of the Constituent Council that appointed them) and the resignation shall take effect on receipt of the notice by the proper officer.
- 3.5 **Where a Member or Substitute Member of the Authority’s appointment ceases by virtue of sub-paragraph 3.3 or 3.4, the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the Head of the Secretariat and appoint another of its elected members in that person’s place.
- 3.6 **A Constituent Council may at any time terminate the appointment of a Member or Substitute Member appointed by it to the Authority and appoint another of its elected members in that person’s place.
- 3.7 **Where a Constituent Council exercises its power under sub-paragraph 3.6, it must give written notice of the new appointment and the termination of the previous appointment to the Head of the Secretariat 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).
- 3.8 **For the purposes of this paragraph 3, an elected mayor of a Constituent Council shall be treated as a member of the Constituent Council.

4. Chair and Vice Chair

- 4.1 **A Chair and a Vice Chair will be appointed annually by the Authority from among Members of the Constituent Councils and will, unless they resign, cease to be members of the Authority or become disqualified, act until their successors become entitled to act as Chair or Vice Chair.
- 4.2 In the case of an equality of votes in respect of the appointment of a Chair, the appointment for that meeting only will be determined by the drawing of lots on such basis as the Monitoring Officer shall determine. The matter will then be considered at the next meeting of the Authority when, in the case of an equality of votes, the same process shall apply.
- 4.3 **The appointment of the Chair and Vice Chair shall be the first business transacted at the Annual Meeting of the Authority.

- 4.4 **On a vacancy arising in the office of Chair or Vice Chair for whatever reason, the Authority shall make an appointment to fill the vacancy at the next ordinary meeting of the Authority held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The Member appointed shall hold such office for the remainder of the year in which such vacancy occurred.
- 4.5 **Subject to these Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice Chair.
- 4.6 The Chair (or the Vice Chair or any other Member acting in the absence of the Chair) shall not have a casting vote on any issue.

5. Meetings

- 5.1 **The Annual Meeting of the Authority shall be held in June on a date and at a time determined by the Authority.
- 5.2 **Ordinary meetings of the Authority for the transaction of general business shall be held on such dates and at such times as the Authority shall determine at its Annual Meeting.
- 5.3 **An Extraordinary Meeting of the Authority may be called at any time by the Chair.

Admission of Public

- 5.4 All meetings of the 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.

6. Notice of Meetings

- 6.1 At least five clear working days before a meeting of the Authority:
- (a) notice of the time and place of the intended meeting shall be

published by the Head of the Secretariat and posted on the Authority's website;

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

6.2 **Lack of service on a Member of the Authority of the summons shall not affect the validity of a meeting of the Authority.

7. Meeting Agendas

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

7.2 **Any Member of the Authority may require the Head of the Secretariat to ensure that an item is placed on the agenda of the next available meeting of the Authority for consideration.

7.3 Any item proposed to be included on the agenda for any meeting of the Authority in accordance with sub-paragraph 7.2 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.

7.4 The Head of the Secretariat shall set out in the agenda for each meeting of the 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 the Secretariat 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 Authority decides otherwise, be treated as withdrawn.

7.5 (a) A motion or amendment to rescind a decision made at a meeting of the 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 Authority in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least three members.

7.6 **Except in the case of business required by these Rules to be transacted at a meeting of the Authority, and other business brought before the meeting as a matter of urgency (and of which the Head of the Secretariat 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 Authority other than that specified in the agenda for the meeting.

8. Chair of Meeting

- 8.1 **At each meeting of the Authority the Chair, if present, shall preside.
- 8.2 **If the Chair is absent from a meeting of the Authority, the Vice Chair, if present, shall preside.
- 8.3 **If both the Chair and Vice Chair of the Authority are absent from a meeting of the Authority, the Head of the Secretariat shall invite the Members present to elect a Member to preside for the duration of the meeting or until such time as the Chair (or Vice Chair) joins the meeting.
- 8.4 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

9. Quorum

- 9.1 No business shall be transacted at any meeting of the Authority unless at least 4 of the Members 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 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 Authority.

10. Order of Business

- 10.1 At every meeting of the 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 Authority.
- 10.2 The Chair may bring before the Authority at their discretion any matter that they consider appropriate to bring before the Authority as a matter of urgency.

11. Committees

- 11.1. The Authority shall appoint such committees as it thinks fit.
- 11.2 The rules of political balance will apply to appointments to Committees, unless no member of the Authority objects to any alternative

arrangement.

12. Submission of Merseytravel Committee Proceedings and Proceedings of any Committee or Sub-Committee of the Authority

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

13. Rules of Debate

- 13.1 A Motion or amendment shall not be discussed unless it has been proposed and seconded.
- 13.2 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.
- 13.3. 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 Authority.

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

- 13.6 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.
- 13.7 A further amendment shall not be moved until the 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.
- 13.8 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 Authority proceed to the next business; and
 - (d) that this meeting of the 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 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 Authority shall stand adjourned until the next ordinary meeting of the Authority; or
 - (iii) in case (c), the Motion then before the Authority shall be regarded as lost and the Authority shall proceed to the next item on the Agenda, if any; or
 - (iv) in case (d), the meeting shall stand adjourned.
- 13.9 If the Chair is of the opinion that the matter before the Authority has been sufficiently discussed the Chair may put the Motion that the question now be put.
- 13.10 The Chair shall decide all questions of order and any ruling by the Chair upon such questions and the interpretation of these Rules of Procedure and upon matters rising in debate shall be final and shall not be open to discussion.
- 13.11 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 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

- 14.1 Subject to sub-paragraphs 14.5 and 14.6, any questions that are to be decided by the Authority are to be decided by a majority of the Members or Substitute Members, acting in place of Members, present

and voting on that question at a meeting of the Authority.

- 14.2 Each Member of the Authority, or Substitute Member acting in that Member's place, is to have one vote and no Member of the Authority or Substitute Member is to have a casting vote.
- 14.3 Whenever a vote is taken at meetings of the Authority it shall be by a show of hands. On the requisition of any member of the Authority, supported by one other Member who signifies their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting.
- 14.4 **A Member of the Authority, or Substitute Member acting in that Member's place may demand that his/her vote be recorded in the Minutes of the meeting.
- 14.5 **Decisions that are to be made by the Authority relating to the following matters require the unanimous approval of those present and voting:
- (a) the co-option of additional voting and non-voting members onto the Authority;
 - (b) amendments to the Constitution; and
 - (c) the determination and review of any transitional arrangements on transport.
- 14.6 The member of the Authority representing the LEP (or their substitute) shall not be entitled to vote on the following matters, but shall otherwise be entitled to vote on matters before the Authority for decision:
- (a) the setting of any Levy or Differential Levy;
 - (b) the appointment of the Chair and Vice Chair of the Authority;
 - (c) amendments to the Constitution;
 - (d) approval of borrowing limits;
 - (e) approval of treasury management and investment strategies;
 - (f) financial matters which may have implications on the budgets of the Constituent Councils;
 - (g) approval of the setting of the Mersey Tunnel tolls;
 - (h) approval of the grant to Merseytravel; and
 - (i) such other matters as the members of the Authority (or their substitutes) who are members of the Constituent Councils, shall determine.
- 14.7 The proceedings of the 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.

15. Conduct of Members

- 15.1 If the Chair is of the opinion that at a meeting any Member of the 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 willfully obstructing the business of the 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 Authority;
- (b) the Chair may direct the Member to withdraw from all or part of the remainder of the meeting of the Authority;
- (c) the Chair may order the Member to be removed from the meeting of the Authority; and
- (d) the Chair may adjourn the meeting of the 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 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 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 Authority shall comply with the Code of Conduct for Members contained in Part 7 of the Constitution.

18. Records

18.1 The Head of the Secretariat shall ensure that the names of the Members of the Authority present at any meeting of the 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 Authority are to be kept in such form as the Authority may from time to time determine.

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

19. Access to Information Procedure Rules

- 19.1 Except as otherwise indicated, these rules apply to all meetings of the Authority and its Committees.

- 19.2 The Rules in paragraph 19 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.

- 19.3 The Authority and its Committees will supply copies of:

- (a) any Agenda and reports that are open to public inspection; and
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the Agenda

to any person on payment of a charge for postage and any other costs (if applicable).

- 19.4 The Authority and its Committees and Sub-Committees 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.

- 19.5 The relevant Lead Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

20. Exclusion of Access by the Public to Meetings

(a) Confidential information – requirement to exclude public

- 20.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

(b) Meaning of confidential information

20.2 Confidential information means information given to the Authority, its Committees and Sub-Committees by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

(c) Meaning of exempt information

20.3 Exempt information means information falling within the following categories (subject to any qualifications):

- (i) information relating to any individual;
- (ii) information which is likely to reveal the identity of any individual;
- (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information);
- (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority, its Committees or a Minister of the Crown and employees of, or office holders under, the Authority and its Committees;
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- (vi) information which reveals that the Authority and its Committees propose a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment;
- (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

(d) Exclusion of access by the public to reports

20.4 If the Monitoring Officer thinks fit, the Authority and its Committees may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

**Section B – Scrutiny Arrangements for the Authority,
Merseytravel Committee and Merseytravel**

1. Introduction

- 1.1 The Authority is to be supported by a scrutiny model in order to scrutinise decisions made at the sub-regional level.

2. Function of Scrutiny at a City Region Level

- 2.1 Scrutiny 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 Combined Authority.

- 2.2 The principal ways in which the Combined Authority will be 'held to account ' via Scrutiny are:-

- (i) 'Critical Friend' role
- (ii) Pre-decision scrutiny
- (iii) Monitoring the delivery of the Combined Authority Strategic Plan

- 2.3 Pre-decision scrutiny would need to be used selectively otherwise the scrutiny system would, by spreading its energies too thinly, be likely to have little impact.

- 2.4 The role of Scrutiny in these three key function areas will be:-

a. To provide a 'critical friend' to policy and strategy development

The main priority for scrutiny should be to help the Authority to:-

- Develop policies to deal with new issues
- Reviewing existing policies which are felt to be in need of review
- Contributing to the formulation of the annual budget
- Reviewing policies or actions of agencies external to the local authorities which may be impacting adversely on the quality of life of local people

b. To undertake scrutiny reviews into areas of strategic importance for the people of the Liverpool City Region

The Authority's Scrutiny Panel should aim to investigate matters of strategic significance for the Liverpool City Region area and review should focus on sub-regional issues that are directly linked to the work of the Combined Authority and its sub-structure.

The Panel would take a similar approach to a Parliamentary Select Committee. Panel members will collect evidence through a variety of sources, including –

- Questioning expert ‘witnesses’
- Receiving reports and other literature
- Undertaking consultation
- Communication with stakeholders

The Panel will work with this information to make suggestions for improvement, acknowledge good practice and make recommendations. It will not deal with individual issues or queries that are more suitably dealt with by a local authority or specific organisation. The findings of each review will be submitted to the Authority for consideration.

There are two potential sources for identifying in-depth studies to be carried out by scrutiny; the Scrutiny Panel itself and the Authority. The Authority may require scrutiny of a particular policy before agreeing a policy or taking a decision.

c. To monitor the delivery of the Authority’s Strategic Plan

The Scrutiny Panel will review the outcomes of the Authority’s Strategic Plans.

Any involvement of scrutiny in this activity would need to demonstrate that it could add value and not just replicate what the Authority, its Boards or Committees were doing. Scrutiny would again need to be highly selective acting only when it was concerned about evidence of poor performance and it was not satisfied by the Authority’s response to it.

3. Operation of Scrutiny Arrangements

- 3.1 The Scrutiny Panel will comprise of Members from each of the Constituent Councils. Membership will be agreed at the Annual General Meeting. Nominations to the Scrutiny Panel must not be members of the Authority (including substitute members) or the Merseytravel Committee.
- 3.2 Nominations to the Scrutiny Panel by the Constituent Councils will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 3.3 Any elected member appointed to the Scrutiny Panel by the Authority under these scrutiny arrangements who is also appointed to any Committee of the Authority, cannot participate in the operation of the scrutiny arrangements on any issues which were taken at any meeting of the Authority or any Committee of the Authority at which they were present.
- 3.4 The term of office for members of the Scrutiny Panel will be one year from the date of the annual council meeting of the Constituent Council that nominates them to the Scrutiny Panel, 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 Head of the Secretariat is advised by any of the Constituent Councils that it wishes to change one or more of its nominees to the Scrutiny Panel.

3.5 Non-voting members may be co-opted to participate in these arrangements from other organisations as the Scrutiny Panel members may decide.

4. Meetings of Scrutiny Panel

4.1 The members appointed by the Authority to the Scrutiny Panel will hold at least one annual meeting and may convene additional meetings in accordance with these arrangements.

4.2 The Scrutiny Panel members will:

- (a) elect a Chair and Vice Chair;
- (b) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months;
- (c) agree to establish Scrutiny Working Groups from amongst their number in order to carry out agreed areas of review and scrutiny.

4.3 The quorum for the annual meeting and any other meetings is 6, and must include representatives of 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 Merseytravel, save that the Scrutiny Panel may choose to hold meetings other than the annual meeting in other venues if this is deemed to assist the scrutiny process.

4.6 Notice of the annual meeting and any other meetings will be sent to each Scrutiny Panel member in accordance with the requirements of the Local Government Act 1972.

4.7 The Chair will approve the agenda for each annual meeting and any other meetings; however, any member of the Scrutiny Panel will be entitled to require an item to be placed on the agenda for the meeting.

4.8 Subject to paragraphs 4.1 to 4.7, meetings will proceed in accordance with the Rules of Procedure.

5. Key Principles for the Operation of the Scrutiny Arrangements

- 5.1 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.
- 5.2 Members of the Scrutiny Panel 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.
- 5.3 Subject to prior consultation, the Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.
- 5.4 While it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements, consideration will be given to meeting specific requests.
- 5.5 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement.
- 5.6 Members appointed under these arrangements may request the attendance of officers employed by the Constituent Councils to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Chief Executive of the relevant Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.
- 5.7 The Scrutiny Panel may
- (a) invite members to attend before it to answer questions;
 - (b) invite other persons to attend meetings of the Panel;
 - (c) review or scrutinise decisions made or other action taken in connection with the discharge of any functions of the Authority;
 - (d) make reports or recommendations to the Authority with respect to the discharge of any functions which are the responsibility of the Authority.
- 5.8 The power to review or scrutinise a decision made, but not implemented under sub-paragraph 5.7(c), includes the power to recommend that the decision be re-considered, but is subject to the following provisions:
- (a) this 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 Authority or the interests of the public;
 - (b) (i) in relation to decisions which may be subject to

reconsideration, each decision shall be available where possible by electronic means within two working days of being made. Members of the Scrutiny Panel will be provided with a copy of the decision which will bear the date published and indicate it will come into effect on the expiry of three working days after publication;

- (ii) if two-thirds of the membership of the Scrutiny Panel notify the Head of the Secretariat that they wish the Scrutiny Panel to consider the decision, then the Head of the Secretariat will arrange for a meeting of the Scrutiny Panel to be convened at the first available opportunity and in any event within seven working days of the request being notified to him. No action will be taken in the meantime to implement the decision which is subject to the request;
- (iii) the Scrutiny Panel will consider the matter and if it chooses to, may resolve to request that the decision-maker reconsiders the decision. The Scrutiny Panel must set out the basis upon which reconsideration is requested;
- (iv) the decision-making body will reconsider the decision and that reconsideration shall take place within seven working days of the Scrutiny Panel's request;
- (v) no further requests for reconsideration may be made in cases where decisions have been reconsidered and the decision has been affirmed;

- (c) decisions which have been subject to pre-decision scrutiny cannot be recommended for reconsideration unless the decision taken is, in the view of the Head of the Secretariat, significantly different from the proposal under contemplation at the pre-decision scrutiny stage;

5.9 Where the Scrutiny Panel makes a report or recommendation under 5.7(d), it may:

- (a) publish the report or recommendations;
- (b) by notice in writing, require the Authority to
 - (i) consider the report or recommendation;
 - (ii) provide a response to the Scrutiny Panel indicating what action (if any) it proposes to take;
 - (iii) where the Scrutiny Panel has published the report or recommendations, publish the response;

5.10 A notice under 5.9(b) will require the Authority to comply with it within two months, beginning with the date on which the Authority receives the report or recommendations or (if later) the notice.

5.11 The Authority will comply with a notice given under 5.9(b).

5.12 The requirements or power to publish contained in 5.9(a) and 5.11, shall not apply where the reports contain exempt or confidential information.

6. Scrutiny Working Groups

- 6.1 The annual meeting of members of the Scrutiny Panel may establish Scrutiny Working Groups to undertake agreed scrutiny reviews.
- 6.2 Scrutiny Working Groups shall include representatives from at least 4 of the Constituent Councils.
- 6.3 Scrutiny Working Groups established under this Protocol must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Scrutiny Panel members.
- 6.4 The Authority may also, if they choose, request that a Scrutiny Working Group be appointed to examine a specific issue in more detail and report back its findings to the Authority as appropriate.
- 6.5 Scrutiny Working Groups will have no delegated powers and will refer the outcome of their investigations to the Scrutiny Panel for consideration and decision.

7. Reviews and Recommendations

- 7.1 The process of scrutiny will be an open and transparent process designed to engage the Constituent Councils, their residents and other stakeholders.
- 7.2 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the LGA 1972 or LGA 2000.
- 7.3 The terms of reference, timescale and outline of any review will be agreed by Scrutiny Panel members appointed at their annual meeting.
- 7.4 Different approaches to scrutiny reviews may be taken in each case, but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion.
- 7.5 The primary objective of any Scrutiny Working Group established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.

8. Budget and Administration

- 8.1 The scrutiny leads from each Constituent Council will provide guidance to the Scrutiny Panel 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.

- 8.2 The decisions and recommendations of the Scrutiny Panel will be communicated to the Authority and/or Merseytravel as appropriate, as soon as practicable.

9. Support and Advice to Scrutiny Arrangements

- 9.1 The Scrutiny Panel 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.
- 9.2 The Scrutiny Officer of each Constituent Council will ensure that the work programmes and minutes relating to the work carried out by the Scrutiny Panel in scrutinising the Authority and the Merseytravel Committee, are circulated appropriately within their own Constituent Council's scrutiny arrangements.
- 9.3 Each Constituent Council will nominate one of the 2 members of that Constituent Council who have been appointed to the Scrutiny Panel to act as that Constituent Council's "Authority Scrutiny Link". The Authority Scrutiny Link will be responsible for reporting back to their own Constituent Council on the scrutiny work carried out by the Scrutiny Panel and will also be responsible for reporting to the Scrutiny Panel any issues identified locally by their own Constituent Council which may warrant scrutiny at a sub-regional level. The nomination of an Authority Scrutiny Link and the way in which this role will be performed will be determined by each Constituent Council.

Part 6

Financial Procedure Rules

A. Financial Procedure Rules

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; and
 - (d) the determination of the Levy to be issued to the Constituent Authorities.
- 1.3 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.
- 1.4 Lead Officers are responsible for compliance with these Financial Procedure Rules. Lead Officers 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 Lead Officer of the extent of any sub-delegation. Lead 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.
- 1.5 Where Lead 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 Lead Officers and will monitor compliance with them.

3 The Role of Lead Officers

- 3.1 Lead 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 Lead 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 Lead 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 Authority, Merseytravel or the appropriate Constituent Council, unless otherwise determined by the Treasurer.
- 4.2 Lead 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 Lead 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 Lead 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 Lead 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 Lead 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 Lead 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 Committee is responsible for the scrutiny and approval of the annual statement of accounts prior to their certification by the external auditor.

6 Financial Management

Budget Monitoring and Control – Revenue and Capital

- 6.1 Lead 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 Lead 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 Lead 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 Lead Officer should seek to identify proposed corrective action or alternative funding options. The Treasurer will work with Lead Officers to consider these options. Wherever possible, action should be taken by the Lead Officer to reduce planned levels of expenditure.
- 6.6 Where additional revenue or capital resources become available, or are forecast to become available, the Lead 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 Lead 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 Lead 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 Lead 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 Lead 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, Lead Officers will develop annual revenue and capital budget proposals in consultation with the Treasurer for consideration by the Authority.
- 7.4 Lead 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 Lead 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 Lead 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 Lead 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, Lead 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 Lead Officers must seek approval from the Treasurer before accepting any offer of funding from external bodies.
 - 11.7 Lead 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 Lead 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 Lead Officers are responsible for ensuring the completion and submission of grant claims. Lead 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 Lead 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. Lead 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 19 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 Lead 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 Payment of Expenses and Allowances

- 14.1 No remuneration shall be payable by the Authority to its members other than the reimbursement for allowable travel and subsistence. Such claims must be made in accordance with the Authority's guidance.
- 14.2 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.

15 Insurance

- 15.1 The Treasurer, in consultation with Lead 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.
- 15.2 Lead 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.
- 15.3 Lead 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.

16 Internal Audit

- 16.1 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.
- 16.2 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.
- 16.3 Lead 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.
- 16.4 Lead 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.

17 External Audit

- 17.1 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.
- 17.2 Lead Officers shall ensure all records and systems are up to date and available for inspection by the external auditor.

18 Inventories/Asset Registers

- 18.1 Lead Officers shall ensure that an inventory is prepared and maintained in a manner agreed with the Treasurer.
- 18.2 Write off of any assets should be in accordance with the Treasurer's write off criteria (see Financial Procedure Rule 19 below).
- 18.3 The disposal of surplus, obsolete, or redundant equipment shall be effected in accordance with the procedures laid down by the Treasurer.

19 Write-Off Criteria

19.1 Any write offs shall be in accordance with the following write off criteria:

<u>Value of Individual Item to be Written off</u>	<u>Authorisation Required</u>
Up to and including £50,000	Appropriate Lead Officer and the Treasurer (unless considered by the appropriate Lead Officer and/or the Treasurer that the item should be referred to the Authority)
Above £50,000	Appropriate Lead Officer and the Treasurer in consultation with the Chair of the Authority (unless considered by the appropriate Lead Officer and/or the Treasurer that the item should be referred to the Authority).

B. Contract Procedure Rules

1. The need for Contract Procedure Rules

- 1.1 Every contract entered into by the Authority shall be entered into pursuant to or in connection with the 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 Authority's Constitution including these Contract Procedure Rules, the Authority's Financial Procedure Rules and the Authority's Scheme of Delegation; and
 - (d) the Authority's Procurement Strategy and policies.
- 1.2 These Contract Procedure Rules are intended to ensure that all Authority contracts are entered into following a transparent and fair procurement process and provide best value for the Authority.
- 1.3 The highest standards of probity are required of all officers and Members involved in the procurement, award, and management of Authority contracts. Members shall comply with the Code of Conduct for Members.
- 1.4 At all times during the contract award procedure, the 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 Authority. Lead 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 Authority resources, it shall be that body's own Contract Procurement Rules that will be relevant in determining thresholds for the purposes of delegated authority to spend.
- 1.8 The 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 Authority.

2. Commissioning and Procurement plans

2.1 Prior to the start of each financial year, each Lead Officer shall prepare a commissioning and procurement plan setting out the 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 Authority.

3. Who has authority to carry out procurement on behalf of the Authority?

3.1 Any procurement carried out on behalf of the Authority may only be undertaken by officers within the scope of their delegated authority under the 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 Lead Officer of the extent of any delegated authority and any applicable financial thresholds for each procurement. Lead Officers 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 Lead Officers may authorise their officers to place orders against framework agreements which have been entered into by the Authority or which the Authority has the benefit of using the provisions of Contract Procedure Rule 33.

4. What contracts do not require compliance with the 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 Authority under delegated powers, do not require compliance with the 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 Lead 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 Lead 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 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 Lead 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 Lead Officers. Any appropriate framework agreements in place shall be used by Lead Officers regardless of the potential value of a contract.

6. How does the Authority estimate the contract value?

- 6.1 The 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 Lead Officers recommending the preferred method of procurement required in order to demonstrate the Most Economically Advantageous Offer for the 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 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 Authority on behalf of any partnership, consortium, association or similar body of which the 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 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 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 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 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 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 Authority in order for the 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 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 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 accordance 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 Lead 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 Lead 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 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 Authority not to do so.
- 11.3 The Lead 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 Lead 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 Lead 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 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 Lead 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 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 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 Lead Officer responsible for the procurement or a person authorised by him/her, shall be present at all times during the negotiations.
- 15.5 The Lead 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 Authority shall ask participants to specify their proposals in writing. The 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 Authority declares the dialogue concluded and informs the participants. The 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 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 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 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 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 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 Lead Officer responsible for the procurement and the Treasurer.
- 19.2 The Treasurer shall be notified by the Lead 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 Lead 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 Lead 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 Lead Officer responsible for the procurement until a tender is accepted, subject only to the preparation of any formal contract. The Lead 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 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 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 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 Lead 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;
 - (c) before proceeding with an electronic auction, the Lead 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;
 - (d) all tenderers who submit admissible tenders shall be invited simultaneously by electronic means to offer new prices and/or new values;
 - (e) 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;
 - (f) 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);
 - (g) 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;
 - (h) the invitation shall specify the manner in which the electronic auction is to close; and

- (i) after closing an electronic auction the Lead 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 Authority is entitled to seek clarification from Suppliers where appropriate.

23. Evaluation team

- 23.1 For each high value procurement, the Lead 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 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 Lead 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 Lead Officer responsible for the procurement shall have authority to accept (as appropriate):
 - (a) the lowest tender if payment is to be made by the Authority;
 - (b) the highest tender if payment is to be received by the Authority; or
 - (c) the tender which represents the Most Economically Advantageous Offer to the 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 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 Lead 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 Lead Officer responsible for the procurement, in consultation with the Treasurer, shall have 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 Lead 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 Lead Officer responsible for the procurement to the Treasurer, which addresses the financial implications arising from approving the selected tender. The Lead Officer responsible for the procurement shall only have 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 Lead Officer responsible for the procurement concerned to the Treasurer. The Lead 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 Lead 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 Lead 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 Lead Officer responsible for the procurement undertaking the procurement via the Contracts Register on the 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 Lead Officer responsible for the procurement undertaking the procurement via the Contracts Register on the 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 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 Lead Officer responsible for the procurement agree beforehand that such a formal contract can be dispensed with. All other contracts may be signed by the Lead 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 Lead 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 Lead Officer

shall always be satisfied that any extension will achieve value for money for the Authority and is reasonable in all the relevant circumstances.

- 28.3 No extension shall be entered into by a Lead 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 Lead 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 Lead 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 Lead 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 Lead Officer responsible for the procurement.

31. Standing lists of contractors

- 31.1 The Authority may maintain standing lists of Suppliers that meet its pre-qualification requirements. Lead 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 Lead 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 Lead Officer concerned and the Treasurer, are approved by the Authority or Lead 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 Lead 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 Lead 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 Lead 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 competition between those Suppliers specified by the organisation who procured the list. In the absence of such terms, so far as is reasonably possible, the Lead 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 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 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 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

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 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 Authority; or
 - (b) where the Authority's form of tender does not include a statement that until such time as a formal contract is executed, the 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 Authority shall be appointed in accordance with these Contract Procedure Rules. Where the Authority uses consultants to act on its behalf in relation to any procurement, then the Lead 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 Authority's evaluation team and may score tenders and/or quotations as if s/he were an officer of the Authority. The Lead 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 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. Lead Officers shall provide all information which the Treasurer requires in order to make such statistical return.

37. Damage to Authority property

- 37.1 In the event of Authority property being damaged by fire or other insured peril and it is expedient in the 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 Authority's insurers, the appropriate Lead 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 Authority procedures, the appropriate Lead Officer and the Treasurer are authorised, notwithstanding anything contained in the 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 Authority.
- 38.2 In a continuing emergency any action taken or contract entered into shall be reported to a Special Authority Meeting which shall take such action as necessary to deal with the situation.
- 38.3 Prior to reference to the Authority, such exercise of emergency measures shall be subject to a total limit of expenditure of £100,000 (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 Lead 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 Lead 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 Lead 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 Lead 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 Lead 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 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 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 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 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 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 Authority to place orders with the Supplier. If the 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 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 Authority.

C. Land Procedure Rules

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 Authority from time to time (if any) in respect of the Authority’s property; and
- (d) “best consideration” means the obligation to achieve a consideration which is the best that can reasonably be obtained.

The 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 Authority, except that in the case of land held for transport functions, the principle and method shall be approved by Merseytravel Committee. When determining such matters, the Authority or Merseytravel 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 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 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 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 Authority.

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 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/offers will otherwise be prejudiced,

then all tenderers/offers 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/offers 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/offers 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 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 Authority's interest;
- (b) terminate licences, leases or tenancies of land or property taken by the 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 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 Authority properties;
- (g) accept display copy in accordance with the approved code of advertising practice;
- (h) grant easements of a minor nature over 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 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 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. The Treasurer shall keep a record of all land and buildings owned by the Authority and shall be responsible for the safekeeping and retention of all property deeds.

7. In relation to land and buildings, the Treasurer shall

- (a) ensure that lessees and other prospective occupiers of the 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 Authority-owned land or building is subject to personal use or any other use other than in pursuance of approved service delivery without proper authority 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 Authority.

PART 7

Code of Conduct for Members

Part 1 General provisions

1. Introduction and interpretation

- 1.1 This Code applies to you as a Member of the Combined Authority (“the Authority”).
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Authority. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years. In this Code - “meeting” means any meeting of:
- (a) the Authority; and
 - (b) any of the Authority’s Committees or Sub-Committees, Joint Committees or Joint Sub-Committees;
- 1.3 “Member” includes a Member and a Substitute Member of the Authority and a Co-opted Member.

2. Scope

- 2.1 Subject to sub-paragraphs 2.2 and 2.3, you must comply with this Code whenever you are acting as a Member of the Authority and references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Authority on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must not:
- (a) do anything which may knowingly cause the Authority to breach the Equality Act 2010;
 - (b) bully or be abusive to any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's Code of Conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

4. You must not:

- (a) 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 advice provided that the third party agrees not to disclose the information to any other person; or

- (iv) the disclosure is:

- (a) reasonable and in the public interest; and

- (b) made in good faith and in compliance with the reasonable requirements of the Authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

6. You:

- (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

- (b) must, when using or authorising the use by others of the resources of the Authority:

- (i) act in accordance with the Authority's reasonable requirements; and

- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) The Authority’s Treasurer; or
 - (b) The Authority’s Monitoring Officer
- where that officer is acting pursuant to his or her personal statutory duties
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

Part 2 - Disclosable pecuniary interests

8. Notification of disclosable pecuniary interests

- 8.1 Within 28 days of becoming a Member of the Authority, you must notify the Authority’s Monitoring Officer of any ‘disclosable pecuniary interests’.
- 8.2 A ‘disclosable pecuniary interest’ is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 8.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a)
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Authority –

Subject	Description
Land	<p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> <p>Any beneficial interest in land which is within the area of the Authority</p>
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer
Corporate Tenancies	<p>Any tenancy where (to your knowledge) -</p> <p>(a) the landlord is the Authority; and</p> <p>(b) the tenant is a body in which you or your partner has a beneficial interest</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Authority; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>

8.4 For the purpose of the above –

- (a) “a body in which you or your partner has a beneficial interest” means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest;
- (b) "director" includes a member of the committee of management of an industrial and provident society;

- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income; and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

9 Non participation in case of disclosable pecuniary interest

9.1 If you are present at a meeting of the Authority, or any Committee or Sub-Committee of the Authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You must not participate in any discussion of the matter at the meeting.
2. You must not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is registered you are also required by Authority Procedure Rule 17 to disclose the interest to the meeting.
5. If the interest is not registered and is not the subject of a pending notification, you must notify the Authority's Monitoring Officer of the interest within 28 days.
6. You are also required by Authority Procedure Rule 17.4 to withdraw from the room of the meeting while the matter is being considered.

10 Offences

10.1 It is a criminal offence to

- Fail to notify the Authority's Monitoring Officer of any disclosable pecuniary interest within 28 days of appointment as a Member of the Authority;
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Authority's Register;
- Fail to notify the Authority's Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Authority Register that you have disclosed to a meeting;
- Participate in any discussion or vote on a matter in which you

have a disclosable pecuniary interest;

- Knowingly or recklessly provide information that is false or misleading in notifying the Authority's Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

11 Notification of personal interests

11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must -

- (a) within 2 months of your appointment as a Member of the Authority (where that is later), notify the Authority's Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

11.2 You have a personal interest in any business of the Authority where it relates to or is likely to affect -

- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority;
- (b) any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

12 Disclosure of interests

12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of the LCRCA, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when

the interest becomes apparent.

- 12.2 You also have a personal interest in any business of the Authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward(s) affected by the decision.
- 12.3 In paragraph 12.2, a relevant person is -
- (a) a member of your family or any person with whom you have a close association;
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph 11.2(a) or (b).
- 12.4 Where you have a personal interest in any business of the Authority which relates, to or is likely to affect, a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 12.5 Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 11.2(c) (gifts and hospitality), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 12.6 Where you have a personal interest but, by virtue of paragraph 16, sensitive information relating to it is not registered in the Authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- 12.7 Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

13 Non participation in case of prejudicial interest

- 13.1 Where you have a personal interest in any business of the Authority you also have a prejudicial interest in that business where the

interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –

- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3; or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of the Authority –

- (a) You must not participate in any discussion of the matter at the meeting.
- (b) You must not participate in any vote taken on the matter at the meeting.
- (c) If the interest is not registered, you must disclose the interest to the meeting.
- (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.
- (e) You are also required by Authority Procedure Rule 17.4 to withdraw from the room of the meeting while the matter is being considered.

13.3 Where you have a prejudicial interest in any business of the Authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the Authority in respect of -

- (a) school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and

- (c) any ceremonial honour given to Members.

14 Interests arising in relation to Scrutiny Panel

In any business before the Scrutiny Panel of the Authority where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Authority or another of the Authority's Committees or Sub-Committees; and
- (b) at the time the decision was made or action was taken, you were a Member of the Authority, Committee or Sub-Committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

you may attend the meeting of the Scrutiny Panel for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

15 Register of interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Authority's Monitoring Officer will be included in the Authority's Register of interests. A copy of the Register will be available for public inspection.

16 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Authority Monitoring Officer agrees. In these circumstances, if the interest is entered on the Authority's Register of interests, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

17 Dispensations

The Authority may grant you a dispensation to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest. Any requests for a dispensation must be made in writing to the Monitoring Officer.

GIFTS AND HOSPITALITY GUIDANCE FOR MEMBERS

General Introduction

The Code of Conduct requires Members to notify the Monitoring Officer in writing of any gift or hospitality he/she receives which may be to the value of one hundred pounds or more (Part 3 11(c)). It is also a breach of the Code to act in such a way as to bring the Authority into disrepute or for a member to use his/her position as a member of the Authority improperly to confer on or secure for him/herself or any other person advantage or disadvantage.

The following guidance aims to assist Members in complying with the Code of Conduct for Members but it also goes beyond these basic provisions and seeks to provide wider guidance so Members can avoid any situation where their integrity may be brought into question as a result of gifts and hospitality.

Legal position

The Bribery Act 2010 provides that it is a criminal offence for a Member to request, agree to receive, promise, offer or give any gift, loan, fee, reward or advantage for doing anything or showing favour or disfavour to any person in their official capacity. It is for the Member to demonstrate that any such rewards have not been corruptly obtained.

Gifts and hospitality

Members are advised to treat with extreme caution any offer or gift, favour or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Authority or may be applying to the Authority for some sort of decision in respect of which it is imperative that the member's independence should not be compromised.

The following rules should be applied:

A Member should refuse any gift offered to them or to an immediate relative of the Member, by any person who has or may seek to have dealings with the Authority. It is recommended that Members should notify the Monitoring Officer of all such refusals as soon as reasonably practicable regardless of the value of the offered gift (unless the gift falls within I or II below). The Monitoring Officer will maintain the register for this purpose.

The exceptions where it may be appropriate to accept a gift are set out below. Members should note that the Code of Conduct for Members requires all gifts and hospitality of one hundred pounds or more to be notified to the Monitoring Officer, who will maintain a register for this purpose.

- I. The gift is of purely token, advertising value given to a wide range of people, e.g. pens, key rings and other promotional items. As such promotional gifts will usually be less than one hundred pounds in value generally there will be no need to register but in cases of doubt Members should err on the side of caution and register the gift.
- II. A small gift where refusal would cause needless offence and the giver is not currently seeking a decision or business from the Authority. Again because such gifts would be of a small value generally there will be no need to register but in cases of doubt members should err on the side of caution and register the gift.

Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer as set out above.

Gifts given as prizes at exhibitions, conferences, seminars etc. as part of a free raffle or draw may be accepted but they belong to the Authority and should be registered with the Monitoring Officer as soon as reasonably practicable (notwithstanding that their value may be less than the one hundred pounds specified in the Code). The Monitoring Officer will determine whether it is appropriate to retain the gift in question.

Whilst it may be acceptable to accept a token or small gift on one occasion members should refuse repeated gifts, even if these are individually not of a significant value.

Hospitality

It is increasingly the case that private companies offer hospitality e.g. free drinks, tickets to shows or hotel accommodation to persons with whom they do business or with whom they hope to do business in the future. Such hospitality could convey the impression that Members' judgment would be influenced. It would however be too rigid to say that no hospitality can be accepted. Members are reminded that any hospitality of one hundred pounds or more is required by the Code of Conduct to be registered. However Members may wish to notify the Monitoring Officer of hospitality offered but refused and hospitality which is less than the one hundred pounds limit specified in the Code.

Some examples of hospitality which may be acceptable follow but much may depend on the particular circumstances, for example who is providing the hospitality, why the Member is there and the nature of the dealings between the Authority, the Member and the provider of the hospitality:

- A working meal provided to allow parties to discuss or continue to discuss business.
- An invitation to attend a dinner or function of a Society, Institute or other non commercial body with whom the Authority has contact.
- Invitations to attend functions where the member represents the Authority (opening ceremonies, public speaking events, conferences).

Unacceptable hospitality

The following are examples of unacceptable hospitality:

- Holidays, including accommodation and travel arrangements.
- Offers of theatre tickets for the Member and his family or free travel.
- Personal invitations for evenings out with representatives from a company or firm who have dealings with the Authority or who are likely to have dealings in the future.

Members are again urged to err on the side of caution and if in any doubt as to the integrity of the offer/invite, the Member should consult the Monitoring Officer or refuse.

Notifications

Notifications of gifts and hospitality should be sent to the Monitoring Officer. A form for this purpose is available from the Monitoring Officer.

The Register

The Register referred to in this protocol will be subject to scrutiny by the Standards Committee and regular inspection by the Monitoring Officer. The Register of Gifts and Hospitality of one hundred pounds or more should be available for public inspection. For consistency, registrations as regards gifts and hospitality offered and refused, or gifts and hospitality of a value less than one hundred pounds, will also be available for public inspection.

Gifts which cannot be retained

Where the Monitoring Officer determines that it would not be appropriate for a Member to retain a gift, that gift will be returned, utilised by the Authority or otherwise donated to an appropriate charitable organisation as determined appropriate by the Monitoring Officer.

Conclusion

Members are advised to seek the advice of the Monitoring Officer in cases where their position is unclear. Breaches of this guidance may result in a breach of the Code of Conduct for Members. Breaches of this guidance which do not result in a breach of the Code of Conduct will be reported by the Monitoring Officer to the Standards Committee.

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Operating Agreement

This Agreement is made on the _____ day of April 2014 between:

- (1) The Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority (“the Authority”)
 - (2) Halton Borough Council
 - (3) Knowsley Metropolitan Borough Council
 - (4) Liverpool City Council
 - (5) Sefton Metropolitan Borough Council
 - (6) St. Helens Borough Council
 - (7) Wirral Metropolitan Borough Council
- (collectively referred to as “the Constituent Councils”)

Recitals

- (i) On 1 April 2014 the Authority was established as a Combined Authority for the area of the Constituent Councils and MITA was abolished.
- (ii) The functions of the Authority are those functions conferred on it by the Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority Order 2014 (“the Order”) or by any other enactment, including all the functions of the MITA which transferred to the Authority on the abolition of the MITA.
- (iii) The functions of the Authority include those economic development and regeneration functions set out in Schedule 2 of the Order, which are to be exercised concurrently with the Constituent Councils.
- (iv) The Constituent Councils were established as local authorities by statute with all the functions of metropolitan or unitary district councils and in particular they are, and continue to be, the local highway authority, local traffic and street authority for their area.
- (v) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport, economic development and regeneration functions.

It is now agreed as follows:

1. Definitions

In this Agreement:-

- 1.1 “the Authority” means the Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority;

- 1.2 “the Constituent Councils” mean the metropolitan district councils of Knowsley Liverpool Sefton St. Helens and Wirral and the unitary district council of Halton;
- 1.3 “the Order” means the Halton, Knowsley, Liverpool, St. Helens, Sefton and Wirral Combined Authority Order 2014;
- 1.4 “MITA” means the Merseyside Integrated Transport Authority;
- 1.5 “the Constitution” means the constitution of the Authority;
- 1.6 “the LDEDCA 2009” means the Local Democracy Economic Development and Construction Act 2009;
- 1.7 “the LGA 1972” means the Local Government Act 1972;
- 1.8 “the LGA 2000” means the Local Government Act 2000;
- 1.9 “the LGHA 1989” means the Local Government and Housing Act 1989;
- 1.10 “the Parties” mean the Authority and the Constituent Councils;
- 1.11 “the Merseytravel Committee” means the transport committee of the Authority comprising co-opted members of the Constituent Councils;
- 1.12 “Merseytravel” means the Merseyside Passenger Transport Executive, which is the executive body of the Authority pursuant to the Order for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009;
- 1.13 “Protocols” mean the protocols to be entered into by the Parties as outlined in this Agreement;
- 1.14 “the LEP” means the Liverpool City Region Local Enterprise Partnership.

2. Interpretation

- 2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement.
- 2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

- 2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.
- 2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.
- 2.7 References to Clauses and schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.
- 2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.
- 2.9 This Agreement and any dispute or claim arising out of, or in connection with, it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.
- 2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.

3. The Authority

- 3.1 The Parties acknowledge that the legal and official title of the Authority is as set out in 1.1 above.
- 3.2 The Parties agree that for public purposes the Authority shall be known as the Liverpool City Region Combined Authority.
- 3.3 The Parties will take such steps as are necessary to ensure that the Authority is appropriately referred to in documentation and in any other sources of information.

4. Establishment of the Merseytravel Committee

- 4.1 The Authority shall establish the Merseytravel Committee and for this purpose shall co-opt a number of elected members from the Constituent Councils, for the municipal year 2014/15, as follows:

Halton - two
Knowsley - two
Liverpool - six
Sefton - four
St. Helens - two
Wirral - four

- 4.2 The Authority shall review the representation set out in Clause 4.1 before 30 April 2015 and the Constituent Councils shall nominate the number of elected members as required by the Authority for subsequent municipal years.
- 4.3 A Constituent Council shall be entitled to remove or replace any of its members of the Merseytravel Committee on written notification to the Authority's Head of Paid Service. The new appointment shall take effect and the previous appointment shall 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 specified in the notice).
- 4.4 Those Constituent Councils which appoint three or more elected members to the Merseytravel Committee shall make those appointments in accordance with the principles of political balance set out in the LGHA 1989.
- 4.5 Members of the Authority may not be members of the Merseytravel Committee.
- 4.6 For the avoidance of doubt, the elected members co-opted onto the Merseytravel Committee are not members of the Authority.

5. Terms of Reference of the Merseytravel Committee

- 5.1 The Authority shall determine the terms of reference of the Merseytravel Committee in discharging any transport functions and shall set these out in the Constitution.
- 5.2 The transport functions of the Authority comprise:
- 5.2.1 all the functions of MITA transferred to the Authority by the Order;
- 5.2.2 any function relating to transport conferred or imposed upon a combined authority or the Authority specifically by any enactment;
- 5.2.3 the transport functions of Halton as set out in Article 8 of the Order.
- 5.3 In respect of those functions not delegated to the Merseytravel Committee or Merseytravel, either body may make recommendations to the Authority.

6. The Merseytravel Committee – Other Provisions

- 6.1 The Merseytravel Committee may establish Sub-Committees with such membership, terms of reference and delegations as it sees fit.
- 6.2 Appointments to Sub-Committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 6.3 The Merseytravel Committee (and its Sub-Committees) will transact its business and discharge its functions in accordance with the Constitution.

- 6.4 The Merseytravel Committee and any of its Sub-Committees may, in respect of a function delegated to it by the Authority under Clause 5, arrange for its discharge by an officer of one of the Constituent Councils or by Merseytravel.
- 6.5 The costs and liabilities incurred by the Merseytravel Committee shall be defrayed by the Authority.

7. Protocols

- 7.1 The Parties have drawn up and agreed the Protocols set out in the Schedule to this Agreement in relation to the discharge of the following functions of the Authority:

Economic Development

Transport Strategy (to include the transitional arrangements in relation to the transport functions of Halton)

Employment and Skills

Housing Strategy

European Programme

Accountable Body

- 7.2 The Protocols have also been agreed with the LEP as setting out appropriate working arrangements by which those functions will be progressed for the benefit of the Liverpool City Region and the Parties have authorised their respective Chief Executive or Head of Paid Service to execute the Protocols as agreements.
- 7.3 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the Authority.
- 7.4 Additional Protocols which are deemed appropriate to improve and enhance the transport, economic development and regeneration functions may also be agreed between the Parties by their respective Chief Executive or Head of Paid Service who is authorised to execute such additional Protocols, unless agreement is otherwise reserved to the Authority.
- 7.5 Protocols drawn up, agreed or revised under this clause shall not override anything provided for or required under this Agreement.

8. Scrutiny Arrangements

- 8.1 The Authority will establish scrutiny arrangements to enable the Constituent Councils to exercise an overview and scrutiny role in relation to the decisions and activities of –

- (a) the Authority
- (b) the Merseytravel Committee
- (c) Merseytravel

8.2 The scrutiny arrangements are set out in the Constitution and the Constituent Councils will nominate the requisite number of elected members to give effect to those arrangements.

9. Review of Arrangements

9.1 The parties will undertake, pursuant to Section 111 of the LDEDCA 2009, a joint review of the matters set out in Clause 9.2 to be commenced, whichever is the earlier of –

- (a) the fifth anniversary of the date of this Agreement; or
- (b) immediately after notice is given by a Constituent Council requesting a joint review, provided that such notice is not given before the third anniversary of the date of this Agreement.

9.2 The matters are –

- (a) a matter in respect of which an order may be made under any of sections 104 to 107 of the LDEDCA 2009
- (b) a matter concerning the Authority which the authority has power to determine
- (c) any other matter contained in this Agreement

9.3 The provisions of this Clause are without prejudice to statutory rights of one or more of the Parties to undertake their own review at any time.

10. Amendments to this Agreement

10.1 This Agreement may be amended following a resolution approved by all the parties.

11. Dispute Resolution

11.1 Any dispute between the Parties arising out of this Agreement which cannot be settled shall be referred to the Head of Paid Service of the parties to the dispute, who will negotiate to resolve the matter in good faith.

12. Notices

12.1 Any notice, demand or other communication required to be served on the Authority under this Agreement shall be sufficiently served if delivered personally to, or sent by pre-paid first class recorded delivery post, or e-mail transmission to the Authority's Head of Paid Service. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Head of Paid Service at the time of

personal delivery or on the second working day after the date of posting or transmission, as the case may be.

- 12.2 Any notice, demand or other communication required to be served on one or more of the Constituent Councils under this Agreement shall be sufficiently served if delivered personally to, or sent by pre-paid first class recorded delivery post, or e-mail to the Monitoring Officer(s) of the Constituent Council(s) concerned. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Constituent Council(s) concerned at the time of personal delivery or on the second working day after the date of posting or transmission, as the case may be.

The Schedule

The Protocols

Economic Development

Transport Strategy

Employment and Skills

Housing Strategy

European Programme

Accountable Body

ECONOMIC DEVELOPMENT PROTOCOL

**This Economic Development Protocol has been made on
between:**

2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough Council of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) The Liverpool City Region Local Enterprise Partnership ('the LEP').

The purpose of this Protocol is to define the Economic Development functions and set out the respective roles of the CA, the LEP and the Constituent Councils in discharging those functions

1.0 BACKGROUND

The Local Democracy, Economic Development and Construction Act 2009 provides for the establishment of Combined Authorities with a remit around economic development, regeneration and transport: it does not provide a definition of economic development as this can vary in different areas depending on local circumstances. Liverpool City Region has taken economic development and regeneration to cover strategic activity related to business support, inward investment, trade and export, strategic housing, and employment and skills, in addition to the transport roles and functions being considered.

The purpose of this Protocol is to set out the respective roles of the CA, the LEP and the Constituent Councils in discharging the Strategic Economic Development functional areas defined below. It is recognised however that economic development and growth has a wider relationship with other areas of activity of the CA. The strategic work of the CA in defining the overall economic vision will inform the work and decision making of all areas of the CA.

Such functions of the Constituent Councils as are exercisable for the purpose of economic development and regeneration are exercisable in reliance on the general power of competence under section 1 of the Localism Act 2011(b).

2.0 CURRENT ROLES OF LIVERPOOL CITY REGION LOCAL ENTERPRISE PARTNERSHIP AND THE CONSTITUENT COUNCILS

The Liverpool City Region Local Enterprise Partnership (LEP) was formally established in March 2012 as a partnership between businesses and Councils in the City Region. A membership company exists with over 450 company members. LEPs have been given a series of responsibilities by Government that are economically strategic.

A series of defined working protocols will be developed between the Constituent Councils and the LEP, in specific areas which will demonstrate how the City Region will discharge economic functions and roles in a complementary, non competitive way to ensure a collective approach to economic growth and job creation.

3.0 FUNCTIONS AND ROLES OF THE CA, LEP AND CONSTITUENT COUNCILS

The CA will be responsible for providing democratic and financial accountability and together with the LEP, strategic leadership for economic development within the Liverpool City Region. The LEP has been given a series of responsibilities by Government that are economically strategic and acts as the primary mechanism through which the private sector can influence and support economic development in the Liverpool City Region. The CA will support the implementation of those strategies and plans which it has commissioned, within allocated resources. Responsibilities of the CA will include (but not limited to):

- In partnership with the LEP, setting the strategic economic vision, outcomes and aligning strategic priorities for the Liverpool City Region including those relevant areas of Transport, Housing and Spatial Priorities and Employment and Skills;
- Agreeing the Single Local Growth Plan developed by the LEP and investment strategy to deliver the strategic economic vision and outcomes and subsequent or related City Region wide strategies or frameworks;
- Developing and agreeing a pipeline of strategic projects/initiatives with the LEP to attract financial and other support and be ready for new funding calls;
- In partnership with the LEP, agreeing the establishment, scope and scale of any Single Investment Fund or Single Investment Fund approach which the City Region is committed to achieving and which requires the alignment of different funding streams. An element of this will be the EU Programme funds for 2014-2020. A Protocol has been developed in relation to the EU 2014-2020 programme which defines the European programme functions and sets out the respective roles of the CA, the LEP Board and Constituent Councils.
- Development of the single appraisal framework/process with regard to the Single Investment Fund in consultation with the LEP.
- Making decisions in partnership with the LEP with regard to the Single Investment Fund and other such funds which might be aligned with that fund which may emerge.

The functions to be undertaken by the LEP together with the CA are as follows:

- Develop City Region wide economic strategies in partnership with the Constituent Councils and other partners in relation to the economic development function, including, but not limited to, the Local Growth Plan, 2014-2020 EU Programme and Business Support Strategies;
- Develop a single evidence base to support and inform strategic decision making and the development of the City Region's Local Growth Plan in partnership with the Constituent Councils;
- Supporting the development of the City Region's Visitor and Conference offer, working with key partners as appropriate;
- To work with the CA to co-ordinate inward investment activity across the Liverpool City Region subject to a Protocol between each of the Constituent Councils in relation to the sharing of information, handling of enquiries in particular in relation to how those relevant to their local area should be taken forward;
- To develop, with the private sector and the Constituent Councils, the international economic strategy for the Liverpool City Region to cover inward investment, trade and export, to particularly capture the benefits of the International Festival of Business;
- Lead the co-ordination of strategy and activity for place based marketing across the Liverpool City Region through working collectively with the Constituent Councils;
- Working collectively with the Constituent Councils to develop a Business Support strategy;
- Working collectively with the Constituent Councils and other partners to develop a prioritised pipeline of strategic projects for agreement by the CA;
- Development of City Region wide funding bids as appropriate such as Regional Growth Fund and any other relevant funding streams.

There are specific functions which Constituent Councils will continue to deliver and retain authority and decision making powers including but not limited to:

- Development of strategic pipeline of projects for their local areas;
- Delivery of strategic and locally important sites;
- Support for inward investment activity and international strategy in line with the protocols referred to above; and
- Development and delivery of Enterprise Zones as appropriate, working with the LEP to liaise appropriately with Government.

More broadly, the role of individual Constituent Councils should include the following:

- Working with the LEP, lead local partnerships and dialogues with business based in their area;
- Support the work of the CA and LEP by:

- Feeding back their local knowledge and needs to inform the Liverpool City Region strategic overview and monitoring of economic conditions of the area;
- Providing membership and expertise to the CA, the LEP and Sector Committees.

4.0 DISCHARGING THE STRATEGIC ECONOMIC DEVELOPMENT FUNCTION

The proposal to establish a CA sets out the added value of the CA in terms of effectiveness and efficiencies. The joint and inclusive approach taken to include the Chair of the LEP on the CA and the continued membership of the Mayor and Local Authority leaders on the LEP Board, provide a unified decision making platform which binds public and private sector together in the decision making processes.

In order to be effective the CA must lead to greater effectiveness in the delivery of economic development which will be shown by increased economic growth, investment and job creation. This will be achieved through a collaborative approach to delivery which defines the benefits at the City Region level regardless of specific locality issues.

The Local Authority/LEP partnership approach to economic development will remain and will be strengthened through the new governance arrangements and commitments to develop City Region priorities for investment and align funding resources, appraisal and decision making.

Clarity of roles and the delivery approach in those areas where the City Region will act together will be achieved through a series of protocols in the areas of inward investment, business support and the international strategy. Place based marketing has already provided a model to demonstrate how the City Region can work together in such a joint approach.

The CA is committed to the establishment of a Single Investment Programme made up of different funding streams. These funding streams will be aligned and a joint approach to appraisal taken to achieve the best use of resources across the City Region. Constituent Councils and the LEP will work collaboratively to develop an agreed strategic pipeline of projects against a defined investment and appraisal framework.

TRANSPORT STRATEGY PROTOCOL

**This Transport Strategy Protocol has been made on
between:**

2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough Council of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) The Liverpool City Region Local Enterprise Partnership ('the LEP').

1.0 BACKGROUND

Transport and connectivity are also essential components of the Liverpool City Region's objectives around economic growth, skills, housing, regeneration and the transition to a low carbon economy. Good connectivity between areas of new housing, schools, colleges, employment facilities and community facilities is a long standing priority for the City Region, recognising the entrenched problems of worklessness and deprivation in significant parts of the City Region.

Transport barriers contribute to worklessness and social exclusion, and conversely, improved transport and access boosts economic prosperity, economic activity levels, health and social inclusion. Similarly, congestion acts as a disincentive to inward investment and acts as a drain on business, hence the importance in encouraging a shift to walking, cycling and greater public transport use. An effective and efficient road and rail freight network is also of critical importance to the City Region, linked to its objectives relating to the SuperPort transformational activity, in particular.

The statutory Local Transport Plan (LTP) for Merseyside, and the aligned LTP for Halton, seek to ensure that transport supports economic growth across the Liverpool City Region. These plans reflect the economic 'enabling' nature of transport.

Transport is a core component of the Growth Deal process, which also identifies a list of major transport schemes, agreed originally by the Local Transport Body in July 2013.

2.0 CURRENT ROLES OF LIVERPOOL CITY REGION TRANSPORT BODIES

The current approach to transport governance is complex, both operationally and contractually, with powers vested across Halton BC, the Merseyside Integrated Transport Authority, the Merseyside Passenger Transport Executive, the City Region Local Transport Body and the Merseyside Local Authorities. The City Region Cabinet also has a non-statutory advisory role in relation to transport.

This splitting of powers and functions presents a challenging landscape for co-ordinated, long term delivery.

The principal legal powers and responsibilities vested with the existing bodies are identified within the following background papers as Appendix D (Transport Legislation) and Appendix E (Local Transport Powers and Duties).

3.0 ROLES OF CA, THE CONSTITUENT COUNCILS AND THE LEP

The complexities outlined in (2.0) above necessitate a staged approach in the transition from the current arrangements to a position whereby the CA will exercise its full range of duties and responsibilities. This will entail a process extending beyond the CA's commencement date of 1 April 2014.

The Schedule attached to this Protocol identifies how planning and delivery arrangements will work within Halton BC and Merseyside during the transitional period.

The creation of the CA involves the transfer of local transport authority powers from Halton BC and the Integrated Transport Authority (ITA) to the CA. The CA will be the strategic body that sets the strategic transport agenda, allocates funding, and makes the links to other policy areas. The ITA will be abolished and all of the ITA's existing powers, responsibilities and assets will also transfer to the CA.

The Merseyside Passenger Transport Executive will remain as the CA's executive body, and will be known as "Merseytravel", with a City Region wide remit. It will maintain its existing Passenger Transport Executive powers and other powers needed to deliver the CA's transport agenda. Its staffing function will largely be funded through the CA's levy as per current arrangements.

The CA will have a statutory responsibility for developing a Local Transport Plan, under section 108 of the Transport Act 2000. In the immediate term, the Local Transport Plans for Merseyside and Halton will continue to provide a strategic monitoring and performance framework for the 2014/15 financial year, this being the final implementation year of the current plans.

The CA will assume all of the ITA's current powers, responsibilities and assets and also the Local Transport Authority powers of Halton BC. It will be responsible for transport policy and strategy and agreeing the City Region's transport agenda.

Specific Halton BC powers will also transfer to the CA, such as those in respect of the procurement of supported bus services, though in practice, these will remain the responsibility of Halton BC during the CA's transitional period: the specific responsibilities in the transitional period are set out in the schedule to this operational Protocol.

Enabling powers are contained within the Orders that could allow the CA to be responsible for a defined strategic highway network on routes which are economically and environmentally important for the City Region. This will be a transitional process, with no expectation that this function would take effect from April 2014. This power would enable the CA to act as a Highway, Traffic and Street Authority as and when the CA Members agree. It would cover a strategic network that would be defined and agreed by the CA. At this point in time this would purely be an enabling provision and there is no compulsion on any of the individual Highway Authorities to transfer any routes into a Strategic Network.

The CA will become the levying body for transport revenue spend, in place of the ITA. A differential levy will be introduced from the outset recognising the different costs associated with transport provision between the Merseyside ITA Councils and Halton BC, and the need for a levy to be phased in. From April 2015, the CA will have responsibilities for managing formulaic transport funding allocations from the Department for Transport in the form of the Integrated Transport Block and Highways Maintenance allocation.

The City Region's Local Transport Body function will pass to the CA. The current LTB is responsible for taking decisions on major transport schemes. A revised Assurance Framework will be required to aid the transfer of this function. The LTB will be formally disestablished and its functions transferred to the CA.

A Transport Committee will be established, taking the form of a Committee of the CA. It will report to the CA and will comprise 18 Merseyside members, as now, plus 2 additional members from Halton BC, creating a Committee of 20 members in total. It will be known as the "Merseytravel Committee". This arrangement will be reviewed during 2014/15.

Merseytravel, as an officer-level delivery body, will also have a scheme of delegation from the CA to oversee specific activities and functions.

The local authority partnership approach to transport across the City Region will remain, and will be strengthened through the new governance arrangements, by virtue of greater scope to pool resources around agreed priorities and objectives, irrespective of their geographic location. The Transport Advisory Group (TAG) will support the transport agenda at an officer level, and will help to provide technical advice and recommendations to the CA or to its transport committee.

Transport officials will help to make links with other thematic groups, such as the Housing and Spatial Planning Board and the Employment and Skills Board, to secure integration between the various policy strands.

The creation of the CA will simplify transport planning, decision-making and delivery structures. It will also integrate transport decision-making with decision-making around economic growth, housing and employment and skills. It also provides an effective mechanism by which to integrate and maximise funding sources.

SCHEDULE

The transition of transport functions across the Liverpool City Region

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
Develop statutory Local Transport Plan (LTP)	<p>Existing Halton LTP to remain in force to guide development and investment priorities within the borough.</p> <p>The Merseyside LTP and its supporting associated policy documents (e.g. park and ride and school travel) would continue to govern decisions across Merseyside. Extant supporting policies in Halton would prevail.</p> <p>Implementation plans for both LTPs run until end of 2014/15 financial year.</p>	<p>Existing Merseyside and Halton LTPs incorporated into a single plan, with a new LCR-wide 3 / 6 year implementation plan, to take effect from April 2015.</p> <p>CA responsible for agreeing plans and funding priorities, aided by the Transport Committee (Merseytravel Committee).</p>	<p>As per 2015 conventions.</p> <p>Any subsequent review of the LTP would be at an LCR-wide level.</p>
Transport policy decisions	<p>Transport planning and other local transport authority functions (e.g. freight, strategic funding decisions, co-ordination of bids) would pass to CA and the Merseytravel Committee.</p> <p>Halton BC to have two representatives on the Merseytravel committee.</p> <p>Merseytravel staff to provide support across LCR, in addition to Merseyside.</p> <p>Policy decisions affecting the Mersey Gateway and Silver Jubilee Bridge would remain the responsibility of Halton BC.</p>	<p>As per April 2014 conventions.</p> <p>Transport Committee to be reviewed, as per agreement to date by Leaders.</p>	<p>As per April 2014 conventions.</p>

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
Set and receive the transport levy	<p>No change.</p> <p>No Combined Authority levy will be paid by Halton BC for 2014/15.</p> <p>Passenger transport services in Halton BC paid from existing Halton BC revenue budgets, as set by Halton BC before end of 2013/14 financial year.</p> <p>Informal balancing payments from Halton BC to CA or CA to Halton if necessary</p>	<p>No change.</p> <p>No CA levy will be paid by Halton for 2015/16.</p> <p>Process of scoping transitional levy to be at an advanced stage, identifying service enhancements sought and the associated costs.</p> <p>Informal balancing payments from Halton BC to CA or CA to Halton BC if necessary</p>	<p>Differential levy is paid to CA, in accordance with agreed scope, to allow enhanced and consistent transport services to be provided across the LCR.</p>
Receive and allocate Integrated Transport Block (ITB) and Highways Maintenance (HM) funding from DfT	<p>Funding for 2014/15 will be paid to Halton BC at the following agreed levels:-</p> <ul style="list-style-type: none"> • ITB - £1,020k • HM - £1,816k <p>Halton BC will manage this funding as part of its capital programme. A contribution will be made by Halton BC to support the cost of shared transport monitoring and modelling activities across the LCR.</p> <p>Merseyside to receive separate funding allocation, redistributed in accordance with a formula agreed by the ITA in January</p>	<p>Expectation that CA will receive and manage a single LCR-wide ITB and HM funding allocation from 2015/16 onwards, and be responsible for prioritisation and allocation of funding.</p>	<p>As per 2015 conventions, unless formulaic funding arrangements are changed by DfT.</p>

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
	<p>2013.</p> <p>In early spring 2014 DfT will confirm allocations for the three year period from 2015/16 to 2017/18, with indicative allocations for 2018/19 to 2020/21.</p>		
Manage concessionary travel arrangements (i.e. concessions for older and disabled people)	<p>No change.</p> <p>Halton BC to remain part of Cheshire concessionary travel scheme, and operate in accordance with current scheme.</p>	<p>No change, though consideration to be given to termination of Halton BC's membership of Cheshire concessionary travel scheme.</p> <p>Consideration given to introduction of "top up" arrangement for Halton BC concessionary pass holders, to allow travel on LCR-wide rail services in addition to (minimum statutory) bus services. Top-up to be funded through Halton BC revenue support.</p>	<p>A new concessionary travel scheme to be in place, to provide consistent concessionary travel offer, on terms agreed by the CA and funded through the levy.</p>
Manage and fund supported bus services	<p>No change.</p> <p>Supported bus services in Halton procured and funded by officers at Halton BC, facilitated by appropriate scheme of delegation. This will be funded from HBC revenues.</p> <p>Merseytravel would procure Merseyside supported bus services, funded from levy.</p>	<p>No change from April 2014 approach.</p> <p>Bus service reviews across Merseyside and Halton BC to be carried out jointly.</p>	<p>All bus services commissioned and procured centrally by CA on behalf of the CA and funded by the levy.</p> <p>CA Supported Bus Service Policy adopted</p> <p>Review of community transport provision and services</p>

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
	<p>Halton residents would continue to benefit from Halton Community Transport (HCT) dial-a-ride services, with Merseylink remaining a Merseyside-only service.</p> <p>New supported bus policy for Merseyside would become the responsibility of the CA (e.g. non-statutory home to school travel, demand responsive transport, bus subsidy criteria). Common Supported Bus Service policy for the CA to be developed.</p> <p>CA to commission a revised bus tendering policy framework for the LCR. This will include a review of the Merseylink DRT service, which is currently Merseyside-only.</p>		
Provide passenger transport infrastructure (e.g. bus shelters, bus shelter information, real time information, rail stations)	<p>No change.</p> <p>Halton BC would remain responsible for existing bus shelter maintenance contracts, bus shelter installation, bus stations and information provision across the borough.</p>	<p>Roll-out of Merseytravel standard, branded bus shelters across Halton BC, starting with key cross-boundary bus routes (e.g. 82, 61 and 14 services).</p> <p>To be funded from CA's ITB allocation.</p>	<p>Replacement of all Halton BC bus shelters to Merseytravel-branded standard, with associated timetable displays, supported by a single LCR-wide maintenance contract</p> <p>Real time bus information equipment / displays / compatibility would be introduced into Halton, as part of roll-out of emerging Merseyside RTI systems.</p> <p>Widnes and Runcorn East rail stations upgraded to 'Merseyrail' design and accessibility standards, with consistent branding and comparable staffing</p>

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
			<p>arrangements.</p> <p>Consideration given to management and staffing of Widnes and Runcorn bus stations to a Merseytravel standard, with consistent branding.</p> <p>Capital works funded from CA's ITB allocation, with revenue support from the levy.</p>
Provide customer information (e.g. Traveline information service and bus and rail timetables)	<p>No change.</p> <p>Halton to remain part of Cheshire Traveline scheme and call centre arrangement, with weekend and evening calls taken by Merseytravel, as per existing conventions.</p> <p>Halton BC to maintain and publish Runcorn and Widnes bus maps.</p> <p>Merseytravel timetables to remain Merseyside-only.</p>	<p>Roll-out the production of bus and rail timetables in a 'Merseytravel' format across Halton. Halton travel information made available on Merseytravel's website.</p> <p>Secure agreement for migration of Halton Traveline calls from Cheshire to Merseytravel call centre.</p>	<p>Traveline functions for Halton to migrate from Cheshire to Merseyside, funded from the levy.</p> <p>All LCR-wide travel information available on Merseytravel website in a consistent format.</p>
Administer multi modal / multi-operator pre-paid tickets	<p>No change.</p> <p>Halton BC has no pre-paid ticketing scheme, other than commercial ticketing schemes managed by individual bus companies.</p> <p>Merseytravel pre-paid ticketing to remain Merseyside only, and not valid within Halton.</p>	<p>Ensure that Merseyside ticketing review covers the full geography of the LCR and plans for the rollout of Merseyside pre-paid ticketing to Halton.</p>	<p>Consistent LCR-wide pre-paid multi-modal ticketing scheme in place, linked to Walrus or equivalent platform.</p>

Transport function / responsibility	Approach to delivery during transitional period		
	From 1 st April 2014	From 1 st April 2015	From 1 st April 2018
Strategic highways powers	<p>No change.</p> <p>Halton BC remains responsible for all highways across the borough, including the Mersey Gateway and Silver Jubilee Bridge and their defined approaches.</p>	<p>No change.</p> <p>Halton BC remains responsible for all highways across the borough, including the Mersey Gateway and Silver Jubilee Bridge and their defined approaches.</p>	<p>CA and constituent authorities to agree scope, implications and management of strategic highway network by this date.</p> <p>Halton BC remains responsible for Mersey Gateway and Silver Jubilee Bridge highway and their defined approaches</p>
Ownership of Halton Borough Transport (bus company)	<p>No change.</p> <p>Halton Borough Transport to remain an independent bus operator, partly owned by Halton BC, at arm's length from local authority control, as per 1985 Transport Act provisions.</p>		
All powers, duties, responsibilities and obligations relating to Mersey Gateway and Silver Jubilee Bridges, and their defined approaches	<p>No change.</p>		

EMPLOYMENT AND SKILLS PROTOCOL

**This Employment and Skills Protocol has been made on
between:**

2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough Council of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) Liverpool City Region Local Enterprise Partnership ('the LEP').

1.0 BACKGROUND

The Order that establishes the CA provides that the functions of the Constituent Councils in relation to economic development and regeneration are exercisable in reliance on the general power of competence as set out in section one of the Localism Act 2011. It is under this general power that the Councils undertake Employment and Skills activity and under which the CA will discharge employment and skills functions.

In addition, the Constituent Councils have duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996(d) and the power under sections 514A and 560A of that Act which will be exercised concurrently with the CA, with the CA being able to take a wider labour market view of the issue that individual Councils are unable to do independently of each other.

The purpose of this Protocol is to set out the respective roles of the CA and the Constituent Councils in discharging functions around employment and skills. This Protocol also sets out the respective roles of the CA and the Constituent Councils in the production of the Liverpool City Region Employment and Skills Strategy and Skills for Growth Annual Reports.

2.0 CURRENT ROLES OF LIVERPOOL CITY REGION EMPLOYMENT AND SKILLS AND THE CONSTITUENT COUNCILS

Liverpool City Region has been working together formally on employment and skills matters since 2007, with the City Employment Strategy acting as a catalyst for this activity. This led to the establishment of the Employment and Skills Board in March 2010 and subsequent adoption of 'transform, compete, thrive', the City Region's 10 year Employment and Skills Strategy later in 2010. The Board has been responsible for managing £70m external investments, supporting over 10,000 people into work and many more tens of thousands into Apprenticeships and other training programmes. The Board has also led the advocacy for and development of new areas of

implementation, such as the Skills for Growth Bank and the Payment by Results for Adult Skills. The Board is supported by a range of officer groups, which are integrated within the wider CA governance arrangements. There is a clear sense around the strategic leadership of employment and skills provided by the Employment and Skills Board across the City Region as a whole, which complements the detailed Borough level work undertaken by Constituent Councils.

The Constituent Councils have been effectively discharging their duties in supporting young people past the compulsory school age into suitable employment and learning opportunities and there has been informal collaboration between them on this. The new tracking service provides the opportunity for Constituent Councils and the CA to take a wider labour market view of the support available for young people.

3.0 ROLES OF CA AND THE CONSTITUENT COUNCILS

The CA will be responsible for providing democratic accountability and strategic leadership to the employment and skills system within the Liverpool City Region. Responsibilities of the CA will focus on final agreement in relation to strategy, resources and risk and will include but not limited to:

- Setting the long-term Employment and Skills Strategy and priorities for the labour market.

There are specific functions that the CA will commission the Employment and Skills Board to deliver, and this will include:

- Developing the long-term Employment and Skills Strategy and priorities for the labour market;
- Securing and managing additional resources to meet the Board's priorities;
- More effective and efficient targeting of employment and skills resources to meet shared priorities, including the potential to align funding sources in a Community Budget approach;
- Strengthened accountability of mainstream provision;
- Tackling specific shared skills challenges and barriers to employment;
- Promoting lifelong learning;
- Identifying specific barriers to jobs and learning then working across delivery bodies to ensure that these are minimised;
- Developing new options for service delivery and advocating these with national decision makers;
- Scanning the horizon to understand the future needs of businesses and sectors and to communicate these effectively to residents, schools, colleges, learning providers and universities;
- Working with national partners (e.g. Skills Funding Agency, Education Funding Agency, Jobcentre Plus) to inform the strategic overview of provision and ensure that it meets the needs of businesses and learners;

- Co-ordinating the approach to Skills Capital to ensure that proposals are in line with City Region priorities;
- Seeking further devolution and local control over employment and skills programmes and investments where appropriate; and
- Working alongside Constituent Councils on the duty to record and report the education, training and employment status of their 16-18 year old residents.

The CA will be responsible for the future production, monitoring and updating of the City Region's Employment and Skills Strategy and Annual Skills for Growth Reports. This will be delegated to the Liverpool City Region Employment and Skills Board and co-ordinated through its supporting governance structure.

The role of individual Constituent Councils should include the following:

- Lead local partnerships and dialogues with businesses, colleges and providers based in their area;
- Support the work of the Employment and Skills Board by:
 - Feeding back their local knowledge and needs to inform the Liverpool City Region Employment and Skills Strategy, Skills for Growth Agreements and monitoring of performance; and
 - Providing membership and expertise to the Employment and Skills Board and Sub-Groups where appropriate.

The role of the LEP should include:

- Providing expertise and experience from the business community to inform the Liverpool City Region Employment and Skills Strategy and Skills for Growth Agreements; and
- Providing membership and expertise to the Employment and Skills Board and Sub-Groups where appropriate.

HOUSING STRATEGY PROTOCOL

**This Housing Strategy Protocol has been made on
between:**

April 2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough Council of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) The Liverpool City Region Local Enterprise Partnership ('The LEP').

1.0 BACKGROUND

The Order that establishes the CA provides that the duty under Section 8(1) of the Housing Act 1985 (the duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation) is to be exercised by the CA concurrently with the Constituent Councils.

Section 8 of the Housing Act 1985 ('HA 1985') provides that:

- (1) Every local housing authority shall consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation.
- (2) For that purpose, the authority shall review any information that has been brought to their notice, including, information brought to their notice as a result of the consideration of the housing conditions in their district under Section 3 of the Housing Act 2004.

Section 3 of the Housing Act 2004 ('HA 2004') provides that:

- (1) A local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under any of the provisions mentioned in subsection (2).
- (2) The provisions are –
 - (a) The following provisions of this Act
 - (i) This part
 - (ii) Part 2 (licensing of HMOs)
 - (iii) Part 3 (selective licensing of other houses), and
 - (iv) Chapters 1 and 2 of Part 4 (management orders);
 - (b) Part 9 of the Housing Act 1985 (demolition orders and slum clearance);

- (c) Part 7 of the Local Government and Housing Act 1989 (renewal areas); and
 - (d) Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (s.1 2002/1860)
- (3) For the purpose of carrying out their duty under subsection (1) a local housing authority and their offices must –
- (a) Comply with any directions that may be given by the appropriate national authority, and
 - (b) Keep such records, and supply the appropriate national authority with such information as that authority may specify.

The purpose of this Protocol is to set out the respective roles of the CA and the Constituent Councils in discharging the function in relation to the duty to consider housing conditions in their district with respect to the provision of further housing accommodation pursuant to Section 8(1) of the Housing Act 1985. This Protocol also sets out the respective roles of the CA and the Constituent Councils in the production of the Liverpool City Region Local Investment Plan and Strategy.

2.0 CURRENT ROLES OF LIVERPOOL CITY REGION HOUSING GROUP AND THE CONSTITUENT COUNCILS

Since 2007 the Constituent Councils have produced a single Local Housing Investment Plan, which pulls together the six district housing strategies and identifies the sub regional priorities. Through this collaborative working the City Region has made good progress in improving housing conditions and providing new and affordable housing.

On 18 October 2013, the City Region Cabinet approved the Local Investment Plan for housing and key sites, and this strategy was ratified by the LEP.

The duties set out in Section 3 of the Housing Act 2004, (information derived from which informs both the Housing Strategies produced pursuant to Section 8 of the Housing Act 1985 by the Constituent Council), are discharged by the individual Constituent Councils.

3.0 ROLES OF CA, THE CONSTITUENT COUNCILS AND THE LIVERPOOL CITY REGION CABINET

The CA will be responsible for the future production, monitoring and updating of the Local Investment Plan. This will be co-ordinated through the Liverpool City Region Housing and Spatial Planning Co-ordinating Group.

The Local Investment Plan will be informed by information provided by the Constituent Councils, including:

- Information brought to their notice as a result of the consideration of the housing conditions in their district under Section 3 of the Housing Act 2004; and
- Information regarding
 - Public and private land supply.
 - Affordable housing completions.
 - Housing stock conditions.
 - Length of social housing waiting list.
 - Levels of homelessness.

The Constituent Councils will have regard for the housing conditions in each district pursuant to Section 8 of the Housing Act 1985 ('HA 1985')

The Constituent Councils will continue to co-operate with the CA in providing any information held by the Individual Council, that is required by the LCR Housing and Spatial Planning Co-ordinating Group for the production, delivery, monitoring and updating of the LCR Local Investment Plan.

The Constituent Councils will retain responsibility for discharging duties of Section 3 of the Housing Act 2004.

EUROPEAN PROGRAMME PROTOCOL

**This European Programme Protocol has been made on
between:**

2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) The Liverpool City Region Local Enterprise Partnership ('the LEP').

The purpose of this Protocol is to define the European Programme functions and set out the respective roles of the CA, the LEP and the Constituent Councils in discharging those functions.

1.0 BACKGROUND

- 1.1 The Liverpool City Region European Programme 2014-2020 is a key component to growing our business and supporting more people into jobs over the next seven years.
- 1.2 Government has given the strategic responsibility for a large part of the new round of European Structural and Investment Funds (ESIF) 2014-2020 to the Local Enterprise Partnerships.
- 1.3 The CA will work in support with the LEP and Government to deliver the EU Programme 2014-2020 and will scrutinise performance and expenditure.

2.0 FUNCTIONS AND ROLES OF THE COMBINED AUTHORITY, LEP AND CONSTITUENT COUNCILS

- 2.1 The current governance structure of the Merseyside EU Programme 2007-2013 is managed locally by a sub-committee of the regional Local Management Committee (LMC). This Sub-Committee supports and advises the LMC in discharging some of its responsibilities specifically in the role of strategic development and review of the programme in the Merseyside Phasing in area.
- 2.2 Arrangements are currently in place to ensure that any European resources attributed to Halton complement the Merseyside Phasing in area/transition area.

3.0 CURRENT ROLES OF LIVERPOOL CITY REGION LOCAL ENTERPRISE PARTNERSHIP AND CONSTITUENT COUNCILS

- 3.1 The LEP is responsible for overseeing the delivery of the European Programme 2014-2020 in the City Region.
- 3.2 The CA will fulfil any responsibilities or tasks delegated by Government in their capacity as Managing Authority for EU Structural Funds to the CA. These duties have yet to be determined but may include the following responsibilities.
- 3.3 The commissioning criteria for projects for the European Programme will be determined in accordance with the EU Programme Rules and Regulations.
- 3.4 Working with Government as they develop national arrangements, the implementation of calls for bids processes, will be developed in line with the Liverpool City Region strategic investment priorities.
- 3.5 A robust project appraisal/programme management processes will be implemented, working with CLG as they develop national arrangements and will report regularly on programme performance to the CA.
- 3.6 The City Region European Board will, subject to national arrangements, recommend projects for approval and will defer projects for further development and seek clarification and/or reject projects transparently.
- 3.7 The CA and LEP will robustly review/scrutinise the EU Programme performance, ensuring ESIF targets and strategic objectives of the City Region are met through the efficient delivery of EU projects, including relevant 'Financial Instruments'.

4.0 DISCHARGING THE EUROPEAN PROGRAMME FUNCTION

- 4.1 The Liverpool City Region European Programme (2014-2020) has been developed by the LEP in consultation with the Constituent Councils, Local Business and a wide range of Local Partners.
- 4.2 The Programme builds on the significant assets and potential and aims to reverse the long term underperformance of our key assets and will address social inequality. Local Partners have prioritised our Programme on five key areas of genuine strength and economic opportunity.
- 4.3 The LEP will take strategic responsibility for the EU Programme through its City Region European Board, working with CLG as they develop national arrangements.
- 4.4 The CA will act as the Intermediary Body in order to undertake tasks on behalf of the Managing Authority, should this be required.

- 4.5 The CA will have the responsibility for the Scrutiny of the performance of the European Programme both financially and outcomes, working with CLG as they develop national arrangements.

ACCOUNTABLE BODY PROTOCOL

**This Accountable Body Protocol has been made on
between:**

2014

- (1) The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority ('the CA');
- (2) The Borough Council of Halton Unitary Authority; The Metropolitan Borough of Knowsley; The City of Liverpool; The Metropolitan Borough of Sefton; The Metropolitan Borough of St Helens; The Metropolitan Borough of Wirral ('the Constituent Councils'); and
- (3) Liverpool City Region Local Enterprise Partnership ('the LEP').

1.0 BACKGROUND

- 1.1 The Order that establishes the CA provides that the functions of the Constituent Councils in relation to economic development and regeneration are exercisable in reliance on the general power of competence as set out in section one of the Localism Act 2011. It is under this general power that the CA will discharge functions as an Accountable Body.
- 1.2 There is an expectation that the creation of the CA will enable the City Region to attract additional income to support economic growth and jobs. This funding will be granted to the City Region as a whole for use on a range of different activities and as such an organisation would need to act as Accountable Body for that funding. The CA would be both reactive to funding announcements and proactive, based upon implementing the City Region's agreed Growth Plan.
- 1.3 The CA will become the presumed default Accountable Body for new City Region level fund.

2.0 ROLE OF AN ACCOUNTABLE BODY

It is ultimately the responsibility of the Accountable Body to assure itself that decisions are made in a robust and coherent fashion, relevant outcomes are achieved and grant is spent in line with the relevant funding rules and regulations. These are covered in the following sections.

2.1 Decision-making

Decision-making, involving the spending of CA will need to demonstrate this, as well as any Boards or Committees who will be acting on the CA's behalf.

2.2 Financial management

The CA as Accountable Body will require evidence of how decisions have been made and a clear audit trail from a decision, to the award of a contract (for example) and payment being made. In addition, full records will need to be kept by delivery organisations.

2.3 Performance management

The CA as Accountable Body will need to evidence that the funds distributed have been used for the purposes for which the fund were allocated, and that this is in line with the requirements of the funder. Regular reports will need to be submitted to the CA as Accountable Body, with an overall view taken by the CA of performance against the delivery of funds.

3.0 ROLES OF CA AND THE DELIVERY ORGANISATIONS

3.1 The CA will be responsible for providing democratic accountability and strategic leadership around economic development, housing, transport and employment and skills within the City Region. This is provided for in the general power of competence under section 13 of the Localism Act 2011, which amended the Local Democracy, Economic Development and Construction Act of 2009.

3.2 The CA will act as Accountable Body for a range of different funds which seek to promote improvements in economic development, housing, transport, employment and skills and other regeneration activity. This will primarily (but not necessarily exclusively) be to fund activities which will have a City Region impact. The CA may administer the funds with strategic decisions on commissioning being made elsewhere or it may administer the funds and commission activity itself.

3.3 The responsibilities of the CA on the administration of Accountable Body funds will include:

- To fulfil any responsibilities for EU Structural Funds on behalf of the CA as an intermediary body;
- Acting as Accountable Body for Single Local Growth Fund, RGF, EU Funds and other City Region resources which may flow to the CA/LEP for the purpose of economic development;
- Providing financial monitoring statements on a regular basis on behalf of the CA and LEP and to provide accounting arrangements to Audit standards;
- Ensuring that the implications of the agreements associated with the funds are fully understood;

- Put in place processes through Financial Procedure Rules to ensure appropriate financial and contractual administration of the funds including compliance with procurement regulations and audit;
- Entering into agreements with delivery organisations and holding them to account for their performance; and
- Regular reporting to the CA on the performance and outputs of funds.

3.4 There are specific responsibilities around making investment decisions (through commissioning or procurement) that the CA may retain or commission a Board or Committee to undertake. This will include:

- Confirming the strategic fit of the proposed activities with the City Region's Growth Plan and strategic investment priorities;
- Commissioning activity through a range of procurement methods;
- Implementing a robust project appraisal process to ensure activity delivers outcomes and value for money;
- Implementing a robust programme management approach;
- Making strategic decisions on the investment of the funds transparently;
- Receiving regular updates on the activity being delivered through the funds; and
- Ensuring that there is a thorough approach to evaluation of the activity being delivered through the funds.

3.5 The role of individual delivery organisations should include the following:

- Design activity in line with the requirements of the funds which supports the delivery of the City Region's Growth Plan;
- Deliver activity in line with contractual agreements with the CA;
- Ensure that financial and commercial requirements are met; and
- Maintain records of activity and expenditure in line with funding agreements.

Signed by **Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority** Authorised Signatory

Dated

Signed by Constituent Councils Authorised Signatories

Signed by the **Borough Council of Halton Unitary Authority:**

Signed by the **Metropolitan Borough of Knowsley**

Signed by The **City of Liverpool**

Signed by The **Metropolitan Borough of Sefton**

Signed by The **Metropolitan Borough of St Helens**

Signed by The **Metropolitan Borough of Wirral**

Dated

Signed by the **Liverpool City Region Local Enterprise Partnership**
Authorised Signatory

Dated

**Transport legislation affecting current governance structures –
Changes as a result of creation of Combined Authority**

Current strategic transport responsibilities in summary

Merseyside Integrated Transport Authority

- Local Transport Authority
- Travel Concession Authority
- Levying authority
- Accountable body to non-statutory Local Transport Body

Merseyside Passenger Transport Executive

- Legally distinct body, charged with delivering the policies of the ITA, with discrete powers to support this role.

Merseyside metropolitan district councils

- Highway Authorities
- Traffic Authorities
- Licensing Authorities (e.g. taxis)
- Local Planning Authorities
- Authorities for local air quality management / Environmental Health (e.g. declare Air Quality Management Areas)

Halton BC

- Local Transport Authority
- Travel Concession Authority
- Highway Authority
- Traffic Authority
- Licensing Authority (e.g. taxis)
- Local Planning Authority
- Authority for local air quality management / Environmental Health
- Owns arms-length bus company (Halton Transport), but a commercial venture, by law

The tables that follow highlight in more depth, the principal statutory provisions considered to be most relevant to the operational requirements of the ITA, the PTE, Halton BC and the local authorities and how these would be affected by the creation of the Combined Authority.

The tables are in three parts:-

- Part 1 - Transport Provisions set out in different legislation
- Part 2 - General Public Sector Related Legislation
- Part 3 - How the draft CA transport functions could apply in practice

NB - Reference to “Transport Executive” in this document is shorthand for the body that will deliver the CA’s policies and which will incorporate all existing functions and duties of the current Passenger Transport Executive. The preferred option is that the TE is renamed “Merseytravel” within the CA Order, with all previous powers of the PTE vested within it, in addition to the new functions that it will deliver on behalf of the CA.

Appendix D

PART 1

Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
Transport Act 1968	<ul style="list-style-type: none"> The Act gave the ITAs the ability to give directions to PTE's 	ITA	Combined Authority			Procedural issues but 1968 Act does not apply to Halton BC but some provisions contained in 1985 Act for Halton BC
	<ul style="list-style-type: none"> PTEs to be accountable to ITA's (s15A) 	PTE	Transport Executive			
	<ul style="list-style-type: none"> PTEs to provide passenger transport services for their areas 	PTE	Transport Executive	By Transport Executive (Merseyside only)	By LCR-wide single Transport Executive	Opportunity to pool MT and HBC staff
	<ul style="list-style-type: none"> ITA to seek and have regard to PTE advice in determining appropriate services for PTEs to secure for the purpose of meeting any public transport requirements in the given area (s9A) 	ITA	Combined Authority	Advice to stem from Transport Executive	Advice to stem from Transport Executive	
	<ul style="list-style-type: none"> PTE/Halton to secure the provision of services [considered appropriate by the ITA] (s9A) (S63 of 1985 Act for Halton) 	PTE/Halton	Transport Executive	By Transport Executive (and Halton) in accordance with CA policy	By single Transport Executive in accordance with CA policy	
<ul style="list-style-type: none"> PTE/Halton to take measures promoting availability of services and convenience of public [in accordance with ITA general policies (s9A)] (S63 of 1985 Act for Halton) 	PTE/Halton	Transport Executive			Opportunity to pool MT and HBC staff, rationalise contracts and reduce costs	

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<ul style="list-style-type: none"> PTE to keep local railway passenger services under review (s20) 	PTE	Transport Executive	Transport Executive (a Halton BC)	Transport Executive will have LCR-wide remit over rail	
	<ul style="list-style-type: none"> PTE to exercise control over subsidiary companies in order to ensure that they do not engage in activities which PTE has no power to engage in (s10) 	PTE	Transport Executive	Procedural issue		Opportunity to improve local railway services in Halton
	<ul style="list-style-type: none"> PTE can do anything it considers appropriate for the purposes of carrying out its functions (“functional purposes”) etc. and may also exercise any of these general powers for a commercial purpose (s10A) 	PTE	Transport Executive	Procedural issue		Subsidiary companies being disestablished over time
	<ul style="list-style-type: none"> PTE can enter into service subsidy agreements, subject to competitive tendering in accordance with ss89/90 Transport Act 1985 (s9A) 	PTE	Transport Executive	Procedural issue		
	<ul style="list-style-type: none"> PTE can carry passengers (other than by bus) within its area and up to the permitted distance outside the boundary (twenty-five miles from the nearest point on the boundary) (s10) 	PTE	Transport Executive	Procedural issue		Opportunity to enhance cross-boundary service provision

Appendix D

Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<ul style="list-style-type: none"> PTE can enter into agreements with heavy rail network and station operators for replacement, redevelopment, operation or staffing, subject to ITA approval (s10) 	PTE	Transport Executive			Legislative provisions that will transfer from PTE to new Transport Executive, in the main
	<ul style="list-style-type: none"> PTE can let passenger vehicles on hire under a service subsidy agreement (s10) 	PTE	Transport Executive			
	<ul style="list-style-type: none"> PTE can let rolling stock on hire to rail franchisees where the PTE is a co-signatory of the franchise agreement or in connection with local rail services or otherwise with Secretary of State consent (s10) 	PTE	Transport Executive			
	<ul style="list-style-type: none"> PTE can develop land for use by others, subject to ITA approval (s10); 	PTE	Transport Executive subject to CA approval			
	<ul style="list-style-type: none"> PTE can dispose of land, subject to ITA approval (s10) 	PTE	Transport Executive subject to CA approval			

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<ul style="list-style-type: none"> PTE can obtain land through compulsory purchase orders (CPO) if authorised by the Secretary of State at the request of the ITA (s10) PTE and ITA have financial powers such as to borrow/guarantee moneys in certain circumstances (ss12-13) ITA and PTE have duty to have regard to the combination of economy, efficiency and effectiveness (s9A) ITA and PTE have duty to have regard to the transport needs of elderly or disabled persons (s9A) ITA and PTE have financial duties (ss11 and ss14-16) ITA/PTE - prohibition on directors/operators of public transport services being appointed as members, officers or servants of ITAs/PTEs (s9A) 	PTE	Transport Executive at request of CA			Legislative provisions that will transfer from PTE to new Transport Executive, in the main
		PTE/ITA	Transport Executive/CA			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			
		ITA/PTE	CA /Transport Executive			

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
County of Merseyside Act 1980/Mersey Tunnels Act 2004	<p>The Mersey Tunnels Order 1986 made pursuant to the Local Government Act 1985 transferred the responsibility for the operation of the Mersey Tunnels to the MITA on 1 April 1986. Part XIII of the County of Merseyside Act 1980 (as amended by the Mersey Tunnels Order 1986 and the Mersey Tunnels Act 2004) governs the Mersey Tunnels. The Act:-</p> <ul style="list-style-type: none"> • empowers the MITA to take tolls - toll increases are to be linked to the RPI. • states that MITA shall in each February make an order to come into force on the first day of April immediately following the making of the order fixing the amount of the tolls. • entitles the MITA to apply to the Sec of State for any other increase in tolls or re-classification provided the procedure laid down in the Act is followed. • gives MITA the power to use surplus toll revenue to support transport related schemes in the region. • places an obligation on the MITA to consult the people of Merseyside on the issue of toll levels once the tunnel debts have been paid off. • gives MITA the power to carry out or 	ITA	Combined Authority	Transport Executive	Transport Executive	<p>Combined Authority will assume all functions of the ITA in respect of the Mersey Tunnels, and bring toll income within its control</p> <p>Delivery arrangements will remain as now via Transport Executive</p> <p>Mersey Tunnels Police are currently employees of the ITA, and will become employees of CA</p> <p>CA Order likely to need to make provision to transfer affected staff to the staffing structures of the Transport Executive, as CA does not wish to be a staffing body</p>

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<p>instruct others to carry out traffic noise insulation work on any residential building on the Kingsway Tunnel approach road.</p> <ul style="list-style-type: none"> • requires the MITA to notify holders of a road service licence for a route through the tunnel of any proposed closure of the tunnels (28 days' notice except in case of an emergency). • requires the MITA to notify the public by advert in a newspaper of any proposed closure of the tunnels (7 days' notice except in case of an emergency). • requires the MITA to display traffic signs communicating proposed closures at the entrances to the tunnels for a period of 7 days prior to any proposed closure of the tunnels. • requires MITA to keep an annual account of their income and expenditure and within 4 months after the end of each financial year (or such other longer period as the Minister may allow) send to the Secretary of State a copy of that account. • entitles the MITA to make and enforce byelaws for the regulation control and protection of the tunnels etc. • requires MITA to display a copy of all 					

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	ITAs can require PTEs to invite tenders to carry on, for such period and on such basis as may be specified by the ITAs, such activities carried on by the PTE as the ITA specifies (s8).	ITA	Combined Authority	Delivered by Transport Executive	Delivered by Transport Executive	
Transport Act 1985	s92 provides that Halton/PTEs must have regard to the interests of the public and bus operators.	Halton/PTE	PTE	Transport Executive	Transport Executive	Halton BC will retain powers in respect of tendering of bus services during the transitional period
	s106 provides powers for Halton/PTEs to provide grants for transport facilities and services.	Halton/PTE	PTE	PTE	PTE	
	Ss93-103 includes powers for Halton/ITA/PTE to establish local travel concession schemes. The administrative duties and limitations placed on Halton/ITA/PTE running such schemes are in ss94-103. Subordinate legislation of relevance includes the Travel Concession Scheme Regulations 1986 and the Travel Concessions (Eligible Services) Order 2002 which further regulate how travel concession schemes are organised.	ITA/PTE/ Halton	Combined Authority/ Transport Executive	Combined Authority/ Halton	Combined Authority/PTE	
	Halton/PTEs, under s81 of the 1985 Act, also have the power to maintain and operate bus stations and associated facilities. This includes ensuring that bus station charges	Halton/PTE	Transport Executive	Halton/Transport Executive	Transport Executive	

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<p>are reasonable and PSV operators may apply to the traffic commissioner to challenge the reasonableness of such charges.</p> <p>s82 of the Act places Halton/PTEs under a duty not to act in any way so as to discriminate against any bus operator. This duty applies to the Halton/PTE provision of bus stations and associated facilities and bus station charges and s82 also precludes Halton/PTEs from engaging bus operators to operate bus stations or associated facilities that Halton/PTEs are empowered to provide.</p> <p>Halton/PTEs must co-operate with other authorities to secure best value for money from public transport expenditure (s88).</p> <p>Halton/PTEs have duties in respect of receiving/evaluating tenders for subsidised services (s89-90)</p>	Halton/PTE	PTE	Halton/Transport Executive	Transport Executive	
	Halton/PTEs must co-operate with other authorities to secure best value for money from public transport expenditure (s88).	Halton/PTE	PTE	Halton/Transport Executive	Transport Executive	
	Halton/PTEs have duties in respect of receiving/evaluating tenders for subsidised services (s89-90)	Halton/PTE	PTE	Halton/ Transport Executive	Transport Executive	
Transport Act 2000 (as amended by Transport Act 2008)	ITA to prepare Local Transport Plans (s108).	ITA and Halton BC	Combined Authority	Transport Executive, steered by Transport Advisory Group	Transport Executive, steered by Transport Advisory Group	Responsibility for single LTP to pass to CA, but in practice, would need to be delegated to Transport Committee.

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	Mandatory concessions outside Greater London are provided for, imposing an obligation on PTEs to provide elderly and disabled people in their areas with a concessionary travel pass free of charge and people who are entitled to a statutory travel concession with a permit to travel half price (s145). PTE's are the travel concession authority for ITA areas (S146)	PTE/Halton	Transport Executive/ /CA	Transport Executive and Halton	By single Transport Executive	Scope to integrate Halton and Merseyside concessions to provide a more consistent offer for the LCR. Halton would need to transfer from Cheshire scheme to LCR concessionary travel arrangements
	Local transport authority (including an ITA), (or two or more acting jointly) may make a quality partnership scheme if it is satisfied that the scheme will contribute to the implementation of its local transport policies. (s114)	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	Scope to extend SQPS provision into Halton and improve cross-boundary bus links
	A local transport authority, (or two or more acting jointly) may make a quality contracts scheme covering the whole or any part of their area, or combined area (s124)	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	Policy decision for CA to take in future, with advice from Transport Committee and Executive Body.
	A local transport authority (or two or more acting jointly) may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme would be in the interests of the public and would contribute to the implementation of their local transport	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	No pre-paid ticketing scheme within Halton at present. Opportunity post-transitional period for pre-paid ticketing system to extend into

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
	<p>policies (s135).</p> <p>In respect of ticketing schemes, local transport authorities must co-operate with one another (s135(7)), and in considering whether to make a ticketing scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority (s135(8)). Additional provisions in relation to ticketing schemes and their administration are provided within ss136-138 of the Act.</p> <p>Local transport authorities to determine what local bus information is to be made available to the public and if necessary to ensure it is made available (ss139-141).</p> <p>Local transport authorities have the power under the Act to require operators of local services to provide specified information regarding services (s143):</p> <p>s153 and Sch 10 of the Act apply competition tests in respect of the exercise of functions relating to quality partnership schemes, ticketing schemes, subsidised local services, voluntary partnership agreements and certain other agreements, decisions and practices</p>	<p>Halton/ITA</p> <p>Halton/ITA</p> <p>Halton/ITA</p> <p>Halton/ITA</p>	<p>Combined Authority</p> <p>Combined Authority</p> <p>Combined Authority</p> <p>Combined Authority</p>	<p>Transport Executive and Halton BC</p> <p>Transport Executive and Halton</p> <p>Transport Executive and Halton</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Executive Body</p> <p>Transport Executive</p> <p>Transport Executive</p>	<p>Ticketing and information provision within Halton limited at present. Opportunity to extend Merseytravel information offer into Halton</p>

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
The Merseyrail Electrics Order 2002	<ul style="list-style-type: none"> PTEs and the Secretary of State have a mutual duty to provide each other with information that the other requires for purposes connected with their rail related functions. 	PTE	Transport Executive	Transport Executive	Transport Executive	Important to ensure existing PTE arrangements are transferred via Order to Transport Executive, (if required) as PTE is signatory to existing legal agreement
	<ul style="list-style-type: none"> Railway funding authorities (defined at s45 to include PTEs in certain circumstances) have rights to make network modifications, including the proposal of closures of local railway stations/services under ss22-45 of the Act. 	PTE	Transport Executive	Transport Executive Transport Executive	Transport Executive Transport Executive	
	<ul style="list-style-type: none"> Made the Merseyrail network a rail concession and not a rail franchise, exempt from national Franchising arrangements. 	PTE	PTE			

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Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
EU Regulation on public passenger transport services by rail and by road (1370/2007)	<ul style="list-style-type: none"> This Regulation regulates how PTEs and ITAs may intervene to grant exclusive rights and/or compensation to operators of public transport services by rail or road. 	Halton/ITA/PTE	Combined Authority/Transport Executive	Halton/Transport Executive	Transport Executive	
Local Transport Act 2008	<p>Passenger Transport Authorities were renamed Integrated Transport Authorities (s77).</p> <ul style="list-style-type: none"> The Act allows ITAs to work with local authorities to put forward proposals to Government to (ss78-98) extend their boundaries, extend their influence over the highway network, extend their powers over the local heavy rail network, change their names and change their Governance structures. The Act provided wellbeing powers to ITAs. Accordingly, an ITA has power to take any action if it determines that doing so is likely to achieve any one or more of the objects listed in section 99. These powers may be exercised for the 	ITA ITA	Combined Authority Combined Authority (delegated to Transport Executive)	Combined Authority Transport Executive and Halton BC	Combined Authority Transport Executive	ITA will be disestablished and functions transferred to CA

Appendix D

Transport provisions						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional period	Final arrangements	
Royal Charter 1330/ Ferries (Acquisition by Local Authorities) Act 1919/ Transport Act 1968	<p>benefit of the whole or any part of the ITA's area or of persons resident or present in, or travelling in or through the area. An ITA may delegate to a PTE its function of taking action under s99 but not the function of determining what action to take.</p> <ul style="list-style-type: none"> Operation of the Mersey Ferries 	PTE	Transport Executive	Transport Executive	Transport Executive	No change from current delivery arrangements, but overall ferries policy steered by CA

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PART 2

General Public Sector Related Legislation						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional	Final	
Local Government Act 1972	Makes provision for councils, their members, meetings, proceedings and finance, confers powers and functions and makes miscellaneous and general provisions. Several of its provisions affect local transport bodies for example, meetings and proceedings (s99) and the access to information provisions (VA and s146A)	Halton/ITA	Halton/ Combined Authority	Transport Executive	Transport Executive	Largely procedural issues. The CA is required to have specific named officers.
	s151 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. An analogous provision for joint authorities is contained in s73 of the Local Government Act 1985.	Halton/ITA	Combined Authority	Transport Executive	Transport Executive	
	s224 requires local authorities to make proper arrangements in respect of the records that they create.	Halton/ITA	Combined Authority	Halton/Executive Body	Transport Executive	

Appendix D

General Public Sector Related Legislation						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional	Final	
Local Government Act 1985	Set up joint authorities following the abolition of the former metropolitan county councils. It provides the constitutional basis for ITAs. Schedule 10, Part III deals with the number of members of Merseyside joint authorities.	ITA	Combined Authority Transport Cttee	Executive Body would provide technical and professional advice to the CA and Transport Committee	Executive Body would provide technical and professional advice to the CA and Transport Committee	Transport Committee of the CA could be a joint committee, to provide proportional representation from each of the constituent authorities.
	s34 requires ITAs to appoint a chairman, vice-chairman, and clerk. s73 requires ITAs to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has responsibility for the administration of those affairs. s73 provides that a new authority under s73 includes a reference to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.	ITA	Combined Authority			
Local Government Finance Act 1988	Part VIII deals with financial administration and includes the required qualifications of the	ITA/PTE	Combined Authority/ Transport	Transport Executive	Transport Executive	No change in practice

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General Public Sector Related Legislation						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional	Final	
	responsible finance officer together with a significant duty in s114 on the chief finance officer to report to the ITA/PTE under specified circumstances including unlawfulness, loss or deficiency or expenditure in excess of resources.		Executive			
Local Government and Housing Act 1989	<p>Part I - local authority members, officers (including the monitoring officer), staff and committees etc;</p> <p>Part V - companies in which local authorities have interests. This includes ITAs and PTEs. Part I contains important provisions affecting transport bodies including the requirement to appoint a monitoring officer, politically restricted posts and political proportionality in allocating seats to political groups.</p>	<p>ITA/Halton</p> <p>ITA/PTE</p>	<p>Combined Authority</p> <p>Combined Authority/ PTE</p>	<p>Transport Executive</p> <p>Transport Executive</p>	<p>Transport Executive</p> <p>Transport Executive</p>	Need to agree what 'statutory officers' are required for CA purposes
Local Democracy, Economic Development and Construction Act 2009	This Act allows the creation of appointed combined authorities covering multiple local authority areas.					Legislative provision to establish the CA.
Localism Act 2011	Further and wider general powers granted for ITAs (s102B). These	ITA	Combined Authority	Delegable to Transport	Delegable to Transport	

Appendix D

General Public Sector Related Legislation						
Legislation	Key/Notable Provisions	Who holds now	Where will it go	How supported/deployed		Comments
				Transitional	Final	
	provide that an ITAs can do anything it considers appropriate for the purposes of carrying out its functions (“functional purposes”) etc. Chapter 7 of Part 1 (together with Schedule 4) contains the statutory infrastructure for the new standards regime affecting the ITA	ITA	Combined Authority	Executive Transport Executive	Executive Transport Executive	

Appendix D

PART 3

How the draft CA transport functions could apply in practice				
CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
			Transitional	Final
Setting the long-term strategic transport vision and outcomes for the Liverpool City Region	A requirement to produce a Local Transport Plan under Local Transport Act 2008	Transport planning is the responsibility of the ITA and Halton BC.	Transport Executive would be responsible for co-ordinating technical and professional input, supported by LA officers and other stakeholders via the Transport Advisory Group (TAG).	
Agreeing the development and approval of a single, city region Local Transport Plan (or its equivalent), which will include high level policy responsibility for major investments (e.g. freight, cycle, rail, highway maintenance, new transport infrastructure, traffic management)	As per above. This will also include wider responsibilities for co-ordinating activity around, and lobbying around HS2, port access and related 'big ticket' issues.	Functions split at present between ITA Halton BC, LAs and LEP, with associate risk of inconsistency or duplication.	<p>The CA's Transport Committee would be charged with overseeing drafts and detailed considerations arising as part of the development of a transport strategy.</p> <p>CA would take strategic decisions on key issues and sign-off responses to government and other external bodies.</p> <p>CA would have influential, co-ordination role over all transport functions, including school travel (LEA duty) and social services transport and taxi licensing. Transport Executive could become the delivery agent for these services, to allow consistency, joint procurement and economies of scale, but statutory responsibility or appeal roles would remain with LAs.</p>	
Agreeing a long-term transport investment strategy as part of the Single Local Growth Plan to deliver the strategic economic vision and outcomes (which includes housing, employment and skills)	Linked to above requirements and associated decision-making.	<p>The LTPs for Merseyside and Halton provide the current transport investment strategy for the LCR.</p> <p>The Local Transport Body agreed a prioritised list of major schemes as</p>	<p>By the Transport Executive and the Transport Advisory Group.</p> <p>The move towards a Growth Deal provides a strategic focus for economic development, skills and transport issues, linked to a single funding pot.</p> <p>Decisions by the CA would need to address transport and economic development considerations in an integrated and mutually supportive way.</p>	

Appendix D

How the draft CA transport functions could apply in practice				
CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
			Transitional	Final
		required by DfT in July 2013 There is a structural disconnect between other policy issues around economic development and skills, however.	Representation by officers of the Transport Executive on other thematic groups, such as the Planning and Housing Board will be important so as to secure integration between the themes that will form the core functions of the CA. There will be a need to agree protocols for setting CA agendas and developing reports, to ensure consistency and read-across.	
Aligning transport investment with inward investment activity across the Liverpool City Region	A co-ordination and strategic alignment role to ensure that transport priorities are linked to economic development priorities. The Growth Deal would introduce a single, strategic funding source against which candidate schemes and priorities would be considered.	No single body with this responsibility at present, as it is split between thematic areas or funding sources (e.g. LTP, Regional Growth Fund, ERDF, Growing Places Fund)	As above.	
Ensuring strategic traffic and highway management co-ordination across the City Region	To be discussed at CA working group	To be discussed at CA working group	To be discussed at CA working group	To be discussed at CA working group
Setting the transport levy for the City Region	As per legislative provisions relating to levying authorities.	ITA sets the levy for Merseyside No levy exists in Halton	A transitional levy would exist, whereby Halton BC would pay no more than its current levels of expenditure	All LAs would pay a levy in respect of their transport functions, delivered by a single Executive Body across the LCR.

Appendix D

How the draft CA transport functions could apply in practice				
CA Functions within draft scheme	What this means in practice or in law	Current arrangement or convention	How supported/deployed under CA model	
			Transitional	Final
	CA Order would need to make legislative provision for a transitional levy in respect of Halton.	by virtue of being a unitary, non-metropolitan authority.	on passenger transport services	This would become more consistent between Halton and Merseyside, with additional levied funds used to enhance service provisions and align concessions, ticketing and service provision within Halton.
Strategic decisions relating to the Integrated Transport Block and Highway Maintenance funds across all networks (as per existing ITA responsibilities)	Ability to receive and allocate core funds from DfT for Highways Management and the Integrated Transport Block across the LCR	<p>ITA has this responsibility for decisions affecting funding Merseyside. Funding allocation is largely formulaic, with some central holdback.</p> <p>A separate funding allocation exists for Halton, and is outside of any decisions taken by the ITA.</p>	<p>CA would be responsible for receiving and deploying an LCR-wide transport block/maintenance block, linked to the priorities of the LCR.</p> <p>This would be likely to move away from a formulaic reallocation, between LAs, especially in the case of the identification of a strategic highway network.</p> <p>The Transport Advisory Group would remain closely involved in the provision of advice to the Transport Executive and thence to the CA.</p>	
Assuming the role of the Local Transport Body in respect of major transport schemes	LTB is a non-statutory body, but is charged, under current conventions, with making decisions on developed major transport funds post 2015.	LTB sits as a stand-alone constituted body to take decisions on major transport schemes (leaders, Chair of ITA and Chair of LEP) The ITA is its accountable body.	<p>In practical terms, LTB issues would be addressed as part of a CA meeting agenda, with provision for the Chair of the LEP and Chair of the Transport Committee to join the meeting and vote, in line with the current Assurance Framework principles.</p> <p>The Assurance Framework would need to be amended to take account of the creation of the CA and the abolition of the ITA.</p> <p>The ITA would be disbanded as a result of the CA and a new accountable body would need to be formalised. This could be the</p>	

Appendix D

How the draft CA transport functions could apply in practice				
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			Transitional	Final
			Transport Executive, on behalf of the CA.	
Acting as accountable body for Transport Schemes, e.g. devolved major transport scheme funding	The legal ability to hold funds and make payments, whilst holding relevant partners to account	<p>Split across LCR local authorities and LAs at present.</p> <p>LEP cannot act as an accountable body.</p> <p>ITA is accountable body for LSTF funds and core LTP funding at present (Merseyside only).</p> <p>LAs are accountable bodies for other funds, e.g. ERDF</p>	<p>Likely that existing accountable body arrangements would remain in the short term (for the transitional period), as it would be difficult to change extant funding programme arrangements.</p> <p>Transport Executive would inherit all existing PTE and ITA 'accountable body' functions in the short term</p>	<p>Considered logical to move towards a single accountable body for all strategic LCR funding sources, on behalf of the CA.</p> <p>The Transport Executive would be a logical accountable body for funds, as it enjoys all relevant accounting practices and the ability to arrange audits and scrutiny.</p>
Setting a differential transport levy ("the Differential Levy") in respect of a Constituent Authority	That a differential levy would apply to Halton Borough Council under the CA arrangements during the transitional period.	Does not apply at present. The five Merseyside LAs pay the levy on a population basis. Halton does not pay a levy.	Halton would pay no more than their current level of expenditure on passenger transport services.	Beyond the transitional period, Halton would be levied at a higher rate, reflecting enhanced transport provision across the borough to bring LCR provision to a more consistent level.

Local Transport Powers and Duties

Local Transport and Local Passenger Transport Services

Legislation	Duty / Power	CA/LA/Shared/ Concurrent	Council or Executive Function
Transport Act 2000			
Transport Act 2000 Section 108 (As amended by Local Transport Act 2008)	To prepare a Local Transport Plan (LTP) and in developing this and carrying out functions to taken into account Government Policies and have regard to any guidance issued by the Secretary of State relating to climate change and the protection or improvement of the environment.	Combined Authority	Executive
Transport Act 2000 Section 109	To consult when preparing the LTP and keep it under review, replacing the LTP every 15 years with shorter term implementation plans.	Combined Authority	Executive
Transport Act 2000 Section 112 (As amended by 2008 Act)	To have regards to any guidance issued by the Secretary of State and the needs of elderly or disabled persons when developing the LTP.	Combined Authority	Executive
Transport Act 2000 Section 114 (As amended by 2008 Act)	To have regard, in considering whether to make a Quality Partnership Scheme (QPS), to the desirability of making a scheme jointly with another authority and to cooperate with other authorities when carrying out functions relating to QPS.	Combined Authority	Executive
Transport Act 2000 Section 115 (As amended by 2008 Act)	To give notice of proposal to make a QPS and to consult with specified bodies.	Combined Authority	Executive

Transport Act 2000 Section 116 (As amended by 2008 Act)	To give notice of the scheme not later than 14 days after it is made.	Combined Authority	Executive
Transport Act 2000 Section 117 (As amended by 2008 Act)	To give notice and consult specified bodies before deciding to postpone the QPS for a period not exceeding 12 months.	Combined Authority	Executive
Transport Act 2000 Section 118 (As amended by 2008 Act)	To provide the specified QPS facilities not later than the date specified and throughout the operation of the scheme.	Combined Authority	Executive
Transport Act 2000 Section 120	Power to vary or revoke QPS.	Combined Authority	Executive
Transport Act 2000 Section 123	To have regard to any guidance issued by the appropriate national authority concerning the carrying out of functions in relation to the QPS.	Combined Authority	Executive
Transport Act 2000 Section 124 (As amended by 2008 Act)	To have regard, in considering whether to make Quality Contract Schemes (QCS), to the desirability of making a scheme jointly with another authority, to cooperate with the other authorities and to keep under review the extent to which their quality contracts are complied with.	Combined Authority	Executive
Transport Act 2000 Section 125 (As amended by 2008 Act)	To give notice of a proposal to make a QCS and to consult with specified bodies.	Combined Authority	Executive
Transport Act 2000 Section 126 (As amended by 2008 Act)	To apply to the appropriate national authority for approval for a QCS.	Combined Authority	Executive

Transport Act 2000 Section 127 (As amended by 2008 Act)	To make the QCS if approved by the appropriate national authority.	Combined Authority	Executive
Transport Act 2000 Section 134A (As inserted by 2008 Act)	To have regard to any guidance issued by the national authority concerning the performance of their QCS functions.	Combined Authority	Executive
Transport Act 2000 Section 135 (As amended by 2008 Act)	Duty regarding Ticketing Schemes (TS) to co-operate with other local transport authorities and in considering whether to make a TS to have regard to the desirability of making a scheme jointly with another authority.	Combined Authority	Executive
Transport Act 2000 Section 136	To give notice of a proposal to make a TS and to consult with specified bodies.	Combined Authority	Executive
Transport Act 2000 Section 137	To make the TS and give notice of it within 14 days after it is made.	Combined Authority	Executive
Transport Act 2000 Section 139 (As amended by 2008 Act)	To consult on and determine what local bus information should be made available to the public and the way in which it should be made available.	Concurrent	Executive
Transport Act 2000 Section 140	To make information available where satisfactory arrangements for information provision cannot be made with the operators.	Concurrent	Executive
Transport Act 2000 Section 141	Duty regarding ss 139 and 140 to have regard to economy, efficiency and effectiveness, to the desirability of carrying out those functions jointly with	Concurrent	Executive

	another authority and to co-operate with other authorities.		
Transport Act 2000 Section 143	Power to obtain information relating to specified matters from operators of local services.	Concurrent	Executive
Transport Act 2000 Section 145A (As substituted by Concessionary Bus Travel Act 2007)	To issue permits indicating entitlement to travel concessions to elderly or disabled residents who apply for one (England National Travel Concessionary Scheme).	LA	Executive
Transport Act 2000 Section 149 (As substituted by 2007 Act)	To reimburse the operator for providing travel concessions (ENTCS).	LA	Executive
Transport Act 2000 Section 150	To publish the proposed arrangements for reimbursing operators (ENTCS).	LA	Executive
Transport Act 1985			
Transport Act 1985 Section 63(1)	Duty to secure the provision of such passenger transport services as the Council considers appropriate to meet any public transport requirements which would not otherwise be met.	LA	Executive
Transport Act 1985 Section 63(5) (As inserted by 2008 Act)	Power to enter into an agreement providing for service subsidies for the purpose of securing any service.	LA	Executive
Transport Act 1985 Section 63(6)	Power to take any measures that appear to be appropriate for the purpose of or in connection with promoting the availability and operation of public passenger transport	LA	Executive

	services other than subsidised services.		
Transport Act 1985 Section 63(7) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to a combination of economy, efficiency and effectiveness.	LA	Executive
Transport Act 1985 Section 63(8) (As amended by 2008 Act)	In exercising their power to promote availability of public passenger transport services, to have regard to the needs of elderly or disabled persons.	LA	Executive
Transport Act 1985 Section 81 (As amended by 2008 Act)	Power to provide, maintain and operate bus stations.	LA	Executive
Transport Act 1985 Section 82 (As amended by 2000 Act)	Duty not to discriminate when exercising powers in relation to provision or operation of bus stations in relation to charges to be made for the use of any accommodation at a bus station or of any associated facilities.	LA	Executive
Transport Act 1985 Section 93	Power to establish a travel concession scheme for blind and disabled persons, children, persons over 60 and others specified in regulations.	LA	Executive
Transport Act 1985 Section 95 (As amended by 2008 Act)	To publish particulars of the scheme and reimbursement arrangements for service operators.	LA	Executive
Transport Act 1985 Section 96 (As amended by 2008 Act)	To admit eligible service operators to participate in travel concession schemes.	LA	Executive
Transport Act 1985	To impose obligation to	LA	Executive

Section 97 (As amended by 2008 Act)	provide travel concessions on any operator (participation notice).		
Transport Act 1985 Section 98 (As amended by 2008 Act)	Further provision in relation to participation notices.	LA	Executive
Transport Act 1985 Section 99	Power to release an operator from compulsory participation in travel concession scheme.	LA	Executive
Transport Act 1985 Section 101	Power to enforce participation in travel concession schemes.	LA	Executive
Transport Act 1985 Section 103 (As amended by 2008 Act)	Subsidies for travel Concessions.	LA	Executive
Transport Act 1985 Section 105 (As amended by 2000 Act and 2007 Act)	Power to provide travel concessions on services provided by local authorities.	LA	Executive
Transport Act 1985 Section 106 (As amended by 2008 Act and Local Democracy, Economic Development And Construction Act 209)	Power to make grants to assist the provision of transport facilities for the disabled or to support revenue expenditure incurred in providing services other than those for which a PSV licence is required.	LA	Executive
Traffic Management Act 2004			
Traffic Management Act 2004 Section 16	Duty to manage road network to secure the expeditious movement of traffic and to facilitate the expeditious movement of traffic on other Authorities road networks.	Shared	Executive
Traffic Management Act 2004 Section 17	To make arrangements for planning and carrying out action to be taken in performing network management duty	Shared	Executive

	including the appointment of a Traffic Manager.		
Traffic Management Act 2004 Section 18	To have regard to any guidance issued by the appropriate national authority in performing network management duty.	Shared	Executive

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REPORT TO:	Council
DATE:	5 March 2014
REPORTING OFFICER:	Strategic Director – Policy & Resources
SUBJECT:	Pay Policy Statement 2014 – 2015
PORTFOLIO:	Resources
WARDS:	Borough-wide

1.0 INTRODUCTION

- 1.1 The Localism Act 2011 requires every local authority to prepare a pay policy statement each year which details the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (Chief Officers) and its lowest paid employees.
- 1.2 This report details the Council's recommended Pay Policy Statement for 2014/15. The statement will be subject to annual review and approval by Full Council by 31st March each year. In exceptional circumstances, the statement may be reviewed/amended in-year by the Full Council.
- 1.3 On approval the statement will be published on the Council's website following each review and approval by Full Council

2.0 RECOMMENDATION: That the Pay Policy Statement for 2014/15 be approved.

3.0 LEGISLATIVE FRAMEWORK

- 3.1 The Council is committed to transparency and fairness in the pay and remuneration of all its employees. In determining the pay and remuneration of all of its employees, the Council will comply with all relevant legislation and has taken into account the Guidance issued by the Department for Communities and Local Government in February 2012.
- 3.2 The Localism Act requires the Council to produce a policy statement that covers a number of matters concerning the pay of the Councils staff; principally it's Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary for Communities and Local Government "Openness and Accountability in Local Pay : Guidance under Section 40 of the Localism Act".

- 3.3 The statement complies with the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010, and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- 3.4 With regard to the equal pay requirements contained within the Equality Act, the Council ensures that there is no pay discrimination in its pay and grading structures and that all pay differentials are objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of post grades according to the requirements, demands and responsibilities of the job role.
- 3.5 This pay policy statement does not apply to schools maintained by the Council and is not a requirement to do so.

4.0 THE PAY POLICY STATEMENT

- 4.1 Under Section 112 of the Local Government Act 1972, the Council has the power “to appoint officers on such reasonable terms and conditions as the authority sees fit.” The purpose of the Statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying;
- The methods by which salaries of all employees are determined;
 - The detail and level of remuneration of its most senior staff, i.e., chief officers, as defined by relevant legislation;
 - The Committee responsible for ensuring the provisions set out in this Statement are applied consistently throughout the Council and recommending any amendments to the full Council.

5.0 BACKGROUND – PAY STRUCTURE

- 5.1 The Council uses the NJC nationally negotiated pay spine (i.e. a defined list of salary points) as the basis for its local pay structure, based on the application of the job evaluation process to determine the salaries of the majority of its staff.
- 5.2 The Council adopts the national pay bargaining arrangements in respect of the national pay spine and any agreed annual pay increases negotiated with the joint trade unions. The first pay award for staff on Green Book terms and conditions since 2009 was agreed and backdated to 1st April 2013. The award was for a 1% increase on all spinal column points in the NJC pay spine. This was then agreed for staff on Soulbury terms and conditions. No pay award has been agreed for Chief Officers since 2008/09. In effect, the pay freeze for senior officers since 2008/09 has had a real term impact as if there had been 18% of loss of earnings during this period. In addition, all employees of

the Council agreed to vary their contracts of employment by taking four days unpaid leave for a period of three years from 2012/13 – 2014/15. This also had the effect of a 1% pay cut per year over the three year period.

- 5.3 All other pay related allowances are the subject of either national or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery and/or as determined locally.
- 5.4 Starting salaries for new appointments will normally be made at the minimum of the grade, although this can be varied where necessary to secure the best candidate for the job. From time to time it may be necessary to take account of the external pay market in order to attract and retain the best employees with particular experience, skills and abilities. Where necessary, the Council will ensure that the requirement for such is objectively justified by reference to a clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the public sector and where such retention payments are necessary, they will be subject to local negotiations.
- 5.5.1 There is a formal job evaluation process for new positions created or for proposed changes to existing job grades. For positions which are subject to the National Joint Council (NJC) for Local Government Services ('Green Book'), the grading review is undertaken with representation from the Human Resources Division, the Trade Unions and the Manager, using the Local Government Single Status Job Evaluation Scheme (the NJC scheme) to evaluate posts up to grade HBC 11.
- 5.6 The following employee groups are not presently paid in accordance with an evaluated grade/role determined by the Council and instead nationally or locally determined rates apply.
- Employees whose pay and conditions are determined by the Soulbury Committee
 - Employees who have transferred from the NHS to the Council
 - Employees who have retained terms and conditions following a TUPE transfer to the Council
- 5.7 Any temporary supplement to the salary scale for any grade is approved in accordance with the "Green Book" criteria on such matters and can only be approved by the Chief Executive in consultation with the Head of Human Resources.

6.0 SENIOR MANAGEMENT REMUNERATION

- 6.1 For the purposes of this Statement, senior management means "chief officers" as defined within the Localism Act. The posts falling within the

statutory definition are set out below with details of their basic salary at 01 April 2014:

- Strategic Directors
- Director of Public Health
- Operational Directors
- Officers reporting to the Chief Executive

The act defines posts reporting directly to or directly accountable to the Chief Executive as non-statutory Directors. There is currently one officer reporting directly to the Chief Executive who meets this statutory definition.

- 6.2 The basis of salary levels of Chief Officers was established following a review exercise in April 2005 carried out by Tribal Resources, using the Hay system to evaluate grades and salary points.
- 6.3 The details of salaries of the Council's "Chief Officers" can be found on the Council's website and are published as part of the Council's Annual "Abstract of Accounts".
- 6.4 The arrangements and factors considered in determining progression through the relevant grade is incremental progression awarded on an annual basis until the top of the grade is reached.
- 6.5 The Council employs 2453 staff in 2541 posts and is responsible for spending annually over £313 million of public money.

The terms and conditions applicable to officers on director grade and above are as determined by the JNC for Chief Executives, the JNC for Chief Officers of Local Authorities or NHS as amended, supplemented or superseded by the council from time to time. A handbook is available via the Local Government web site: <http://www.lge.gov.uk/lge/dio/2546689>.

7.0 RECRUITMENT OF CHIEF OFFICERS

- 7.1 The Council's policy and procedures with regard to the recruitment of chief officers is as contained in the Council's Constitution which is reviewed annually by the full Council.
- 7.2 When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law, its recruitment guidance and equal opportunities policies.

- 7.3 The determination of any newly appointed chief officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

8.0 ADDITIONS TO SALARY OF CHIEF OFFICERS

- 8.1 Incremental progression through the grade is time related i.e., employees are entitled to receive an increment (i.e., the next salary point on the pay spine in accordance with the maximum of the grade) on an annual basis and this cannot be withheld or varied from the agreed pay spine, under the employment contract, unless formal proceedings on capability have been implemented.
- 8.2 To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties to their identified role. The Council's arrangements for authorising any additional remuneration (e.g., honoraria, acting up) is dependent upon the provision and approval of a business case to the Chief Executive and relevant Strategic Director in consultation with the Head of Human Resources.
- 8.3 Officers required to use vehicles for Council business are currently entitled to an essential user allowance, currently £1,000 per annum from April 2013. The Chief Executive, Strategic Directors and Operational Directors are also entitled to this payment.
- 8.4 The Chief Executive also receives reimbursement for the duties undertaken as a returning officer.
- 8.5 Additions to pay are negotiated for all employees, including those covered by the NJC ('Green Book') and JNC terms and conditions.

9.0 PENSION CONTRIBUTIONS

- 9.1 Where employees have exercised their right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the Scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Pension Fund and reviewed on a triennial basis in order to ensure the Scheme is appropriately funded. The current employer's rate, set at April 2014 (set at 31 March 2013) is 20.1%.
- 9.2 The employee contribution rates, which are defined by statute, are currently based on their annual full time equivalent rate of pay at the following rates:

Rate of Contribution	Annual Rate of Pay (01 April 2013 to 31 March 2014)
5.5%	<i>Up to £13,500</i>
5.8%	<i>£13,500 - £215,000</i>
6.5%	<i>£21,001 - £34,000</i>
6.8%	<i>£34,001 - £43,000</i>
8.5%	<i>£43,001 - £60,000</i>
9.90%	<i>£60,501 - £85,000</i>
10.5%	<i>£85,001 - £100,000</i>
11.40%	<i>£100,001 - £150,000</i>
12.50%	<i>More than £150,000</i>

10.0 PAYMENTS ON TERMINATION

- 10.1 The Council's approach to (statutory) and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age is set out within its Pensions Discretions Policy and in accordance with Regulation 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 (and if adopted) Regulations 12 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007.
- 10.2 The Council's Policy on Voluntary Early Retirement and Voluntary Redundancy are contained in its Staffing Protocol which was approved by the Appointments Committee on 21st September 2009 with revised reduced terms being agreed by the Committee on 14th November 2011. The Staffing Protocol can be found below. These arrangements apply to all employees at all levels.

<http://intranet/documents/efficiencydocs/staffprotocol1111rev>

11.0 PUBLICATION

- 11.1 Upon approval by full Council, this Statement will be published on the Council's website.
- 11.2 For posts where the full time remuneration is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- Salary, fees or allowances paid to or receivable by the person in the current and previous years;
 - Any bonuses so paid by way of expenses allowance that are chargeable to UK Income Tax;
 - Any compensation for loss of employment and any other payments connected with termination;

- Any benefits received that do not fall within the above.

12.0 LOWEST PAID EMPLOYEES

- 12.1 Employees not on Chief Officer or Soulbury terms and conditions are paid in accordance with the National Joint Council (NJC) for Local Government Services ('Green Book'). The basic pay for each 'Green Book' employee consists of a salary scale containing a number of spinal column points on the NJC pay spine.
- 12.2 An increment is awarded on an annual basis up to the maximum of the salary scale. The normal increment date is 1 April. Pay awards are generally awarded with effect from 1 April, although the date can be influenced by the negotiation process.
- 12.3 The lowest spinal column point on the current NJC pay scale is 005 which equates to a full time equivalent salary of £12,435 per annum.
- 12.4 The relationship between the rate of pay for the highest paid employee and the mean average earnings across the Council is recommended as the best way of illustrating the relationship between the two. This is called the pay multiple and for this Authority, the pay multiple is 1:6.80.
- 12.5 The Hutton Review asked for a pay multiple between the highest and the lowest paid median average salary not to exceed 1:20. On this basis, the Council has a pay multiple of 1:8.61, well within the recommended range.
- 12.6 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this Statement, the Council will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable local authorities.

13.0 ACCOUNTABILITY AND DECISION MAKING

- 13.1 In accordance with the Constitution of the Council the Appointments Committee is responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements relating to employees of the Council.

14.0 FINANCIAL IMPLICATIONS

- 14.1 The Pay Policy Statement must be prepared for the financial year 2014/15 and each subsequent financial year. Once in place, it will

provide the public with a clear rationale to explain the Authority's approach to pay.

15.0 POLICY IMPLICATIONS

15.1 The requirements under the Localism Act to produce and publish the Pay Policy Statement supplements existing duties and responsibilities that the Authority, as an employer, has, particularly its responsibilities under the Equality Act 2010 to avoid discrimination and provide equal pay.

16.0 EQUALITY AND DIVERSITY ISSUES

16.1 The Pay Policy Statement will assist the Council to monitor remuneration across the Council and provide a fair system which avoids discrimination.

17.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

17.1 There are no background papers under the meaning of the Act.