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LIVERPOOL CITY REGION COMBINED AUTHORITY

Contact: Angela Scott
Tel: 0151 511 8670
Date: 11 October 2016

To: All Members of the Liverpool City
Region Combined Authority Scrutiny
Panel

Dear Councillor

You are requested to attend a meeting of the **Liverpool City Region Combined Authority Scrutiny Panel** to be held on **Wednesday, 19 October 2016** at **10.15 a.m.** in the Authority Chamber - Mann Island

The agenda for the meeting is attached.

Should Members need to declare an interest in any items included on the agenda, forms are obtainable from the Democratic Services Team or in the meeting.

If you have any queries regarding this meeting, please contact Angela Scott on telephone number 0151 511 8670 or angela.scott@halton.gov.uk

Yours faithfully

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

David Parr
Lead Officer - Scrutiny

Liverpool City Region Combined Authority Scrutiny Panel

19 October 2016

Agenda

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This information can be provided in alternative formats on request

LIVERPOOL CITY REGION COMBINED AUTHORITY SCRUTINY PANEL

At a meeting of the Liverpool City Region Combined Authority Scrutiny Panel on Wednesday, 6 July 2016 at Authority Chamber, Merseytravel Building, Mann Island, Liverpool

Present: Councillors Wainwright (Chair), Baines, Crone, Jackson, Jones, Leech, Lewis, Smith, Sullivan and Woolfall

Apologies for Absence: Councillors McGuire and Murphy

Absence declared on Council business: None

Officers in attendance: David Parr, Ian Leivesley, Gill Ferguson and Lisa Smith

Also in Attendance: Mayor Anderson and two members of the public

**ITEM DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE BOARD**

Action

1 APPOINTMENT OF CHAIR FOR 2016/17

The Lead Officer – Scrutiny – opened the meeting and invited nominations for Chair of the Combined Authority Scrutiny Panel for 2016/17.

RESOLVED: That Councillor Kevan Wainwright be appointed Chair of the Combined Authority Scrutiny Panel for 2016/17.

COUNCILLOR KEVAN WAINWRIGHT IN THE CHAIR

2 APPOINTMENT OF VICE CHAIR FOR 2016/17

The Chair invited nominations for Vice Chair of the Combined Authority Scrutiny Panel for 2016/17.

RESOLVED: That Councillor Mike Sullivan be appointed Vice Chair of the Combined Authority Scrutiny Panel for 2016/17.

3 MINUTES OF LAST MEETING

The minutes of the meeting held on 20 April 2016, having been circulated, were taken as read and signed as a correct record.

4 APPOINTMENT OF SCRUTINY MEMBER TO COMBINED AUTHORITY AUDIT COMMITTEE 2016/17

The Chair invited nominations for two Members and one substitute Member to sit on the Combined Authority's Audit Committee.

RESOLVED: That Councillor Sullivan and Councillor Jones be appointed as Members and that Councillor Crone be appointed as the Substitute Member, on the Combined Authority's Audit Committee for 2016/17.

5 LIVERPOOL CITY REGION COMBINED AUTHORITY GOVERNANCE REVIEW AND SCHEME

The Panel considered a report of the Lead Officer – Scrutiny, which summarised the review of the functions and governance arrangements of the Liverpool City Region Combined Authority (LCRCA). It was noted that the current Governance arrangements would be unchanged and would continue to operate under the original order that set up the LCRCA until May 2017.

In order for additional functions are to be conferred on the Combined Authority and Directly Elected Mayor, the law required that the City Region undertake a formal governance review to demonstrate that its scheme met the statutory requirements of the Cities and Local Government Devolution Act 2016. The Combined Authority, at its meeting on 17th June 2016, agreed that the Governance Review and Scheme would be subject to a public consultation exercise. The report summarised details of the proposed consultation process in this respect. Members of the Panel were advised that comments could be forwarded to Lisa Smith (Liverpool City Council) or David Parr (Chief Executive of Halton Borough Council) and fed into the consultation process.

The outcome of the consultation process would be formally reported to the Combined Authority on 19th August 2016 and submitted, together with the Governance Review and Scheme, to the Secretary of State for consideration by 28th August 2016. If the Secretary of State was satisfied with the outcome of the Governance Review and the consultation, then a Liverpool City Region Order would be drafted, which must be formally approved by individual local authorities and the Combined Authority during October 2016. The Panel would be kept updated on developments in this area.

Arising from the discussion a Member asked if a

Directly Elected Assembly had been considered as part of the Governance model. In response the Panel was advised that the Governance model was set by Government and a Directly Elected Assembly was not allowed for within the statutory framework.

RESOLVED: That the Governance Review and Scheme be noted.

6 SCRUTINY PANEL WORK PROGRAMME 2016/17

The Panel considered a report of the Lead Officer – Scrutiny, which sought Members' views on the Panel's Work Programme for 2016/17.

The Work Programme was considered at the Development Day, which took place on 28 June 2016. It was reported that the following topics were discussed: European Funding; Transport; future role of Scrutiny Panel's, Employment Learning and Skills. In addition, it was reported that the Combined Authority had referred an ethical standards report to the Panel and then the Audit Team at Merseytravel would bring a report to a future Panel meeting.

The Panel discussed the Housing and Planning Review and whilst accepting that a formal scrutiny review was not appropriate at the stage asked that an update report be brought to a future meeting of the Panel.

It was also agreed that the next scrutiny topic work to be undertaken by the Panel would be on Employment Learning and Skills and would commence shortly.

RESOLVED: That the report be noted.

7 DECISIONS OF THE COMBINED AUTHORITY

The Panel received a report of the Lead Officer – Scrutiny, which provided Members with a note of some significant decisions made by the Combined Authority since April 2016.

The report provided a digest of decisions made by the Combined Authority meetings on 15 April 2016 and 17 June 2016.

Mayor Anderson, Chair of the Liverpool City Region Combined Authority (CA) attended the meeting to discuss with the Panel the progress of the CA as it moved forward towards the establishment of a Directly Elected Mayor in

May 2017. As part of the ongoing Governance Review there was an opportunity to develop scrutiny further before May 2017 and to involve other agencies in the process where possible. It was recognised that the Scrutiny Panel would have a crucial role to play within the new arrangements and it was important that the Panel evolved and developed ideas as the CA moved towards its new governance arrangements.

It was noted that the CA has to make a number of decisions extremely quickly as it was responding to an agenda set by Central Government and within tight timescales. However, it was anticipated that as the new CA staffing structures were established reports would be made available earlier for scrutiny purposes. It was also hoped that the Chair or Portfolio Member of the CA would also attend future Panel meetings to discuss topics for scrutiny. A further report on the governance arrangements would be brought to the October Panel meeting.

Arising from the discussion with the Chair of the CA the following issues were raised:

- The future role of the NHS within the CA with regard to NHS budgets;
- The location on social media of the consultation process in respect of future governance; and
- The future role of the Scrutiny Panel in respect of decisions made by the CA.

Mayor Anderson was thanked for his attendance.

RESOLVED: That the report be noted.

8 TIME OF FUTURE MEETINGS

It was agreed that future Liverpool City Region Scrutiny Panel meetings would be held at 10.15 am. Details of future meeting dates would be emailed to Panel Members.

Meeting ended at 12.40 pm

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Chair and Members of the Liverpool City Region
Combined Authority Scrutiny Panel

Meeting: 19 October 2016

Authority/Authorities Affected: Combined Authority/all districts

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE LEAD OFFICER – SCRUTINY**SHORT HOP BUS FARES SCRUTINY REVIEW****1. PURPOSE OF REPORT**

- 1.1 The Purpose of the report is to bring to the attention of the Panel the response of Merseytravel to the review the Panel undertook into Short-Hop Fares and to consider those responses.

2. RECOMMENDATIONS

It is **recommended** that –

1. The response be noted and Merseytravel be thanked for their response; and
2. A further report on progress on the actions in the response be brought to the Panel in twelve months' time.

3. BACKGROUND

- 3.1 As part of its work programme the Panel undertook a detailed piece of scrutiny work looking at the cost of short-hop bus fares across the City Region. The Panel received evidence from a wide range of sources, including the major bus operators and made a number of recommendations to the Combined Authority. The Combined Authority asked that Merseytravel consider those recommendations and respond to the Scrutiny Panel.
- 3.2 Merseytravel has now done that and attached as an appendix to this report are those responses for the Panel to consider. A representative from Merseytravel will attend the meeting to respond to Panel members' questions.
- 3.3 Following that opportunity Panel members may wish to request that Merseytravel update them in twelve months' time on progress against the actions outlined in their response.

4. RESOURCE IMPLICATIONS

There are no direct issues arising from this report. Merseytravel will be pursuing the actions in the report using their existing resources.

4.1 Financial

There are no direct issues arising from this report.

4.2 Human Resources

There are no direct issues arising from this report.

4.3 Physical Assets

There are no direct issues arising from this report.

4.4 Information Technology

There are no direct issues arising from this report.

5. RISKS AND MITIGATION

There are no direct issues arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

There are no direct issues arising from this report.

7. COMMUNICATION ISSUES

There are no direct issues arising from this report.

8. CONCLUSION

8.1 The report seeks Panel members' views on the response made by Merseytravel to the Short-Hop Fares Scrutiny undertaken by the Panel.

DAVID PARR
Lead Officer - Scrutiny

Contact Officer(s):

David Parr, Chief Executive, Halton Council
Ian Leivesley, Strategic Director,
Enterprise, Community and Resources, Halton

Tel: 0151 511 6000

Tel: 0151 511 6002

Appendices:

Response from Merseytravel to the Short-Hop Fares Review

Background Documents:

None

Appendix 2

It should be noted that the majority of the responses below are provided on the premise that the Liverpool City Region Bus Alliance continues to be the principle mechanism for the delivery of the Liverpool City Region Bus Strategy within the short term, whilst a wider assessment of options that will be available to the LCR Combined Authority under the Bus Services Bill is completed.

Recommendation	Merseytravel Response
Cost of Fares	
Review supported fares to analyse the costs/benefits of introducing short distance fares on supported services.	The Liverpool City Region Bus Strategy, which was approved by the LCR Combined Authority on 15 th April 2016, has, as a key priority, value for money and affordable ticketing. An assessment of options (including franchising, enhanced partnerships) available to Combined Authorities with Metro Mayors under the Bus Services Bill will be commenced shortly. This will be a robust, comprehensive and complex piece of work. The review undertaken by the LCR Scrutiny Panel on Affordable Fares will be considered as part of this assessment. Fare modelling will be undertaken to identify the optimal approach to fares (structure and levels) to support the aims of the LCR Bus Strategy and to consider the best approach to achieving their implementation. The approach to assessment of options for bus has previously been endorsed by the Combined Authority. As the assessment will commence shortly and take place over the next two years, it is not proposed to undertake a separate review of supported fares which cover only 15% of the network.
Continue to develop a range of tickets that includes an ‘all operator’ carnet ticket and other innovations.	The delivery of multi-operator Carnets, along with other innovations such as the introduction of a multi-operator day ticket, are included in Merseytravel’s Walrus Smart Ticketing programme which was approved by Merseytravel Committee in April 2016 for delivery over a three year period linked to the LCR Bus Alliance. A final programme will be brought forward in Autumn 2016.
To raise, through the Alliance, a trial at a key centre which incorporates short distance fares as part of the agreement.	A short distance fare has historically been provided on Arriva services in the Southport area. Merseytravel will raise the potential for analysis of the cost and benefit of this approach on a bilateral basis and will seek to bring a report back for further consideration by Members. However, it is important to note that Merseytravel’s ability to discuss fares at a multi-operator level through the Alliance (or indeed under any arrangement) is strictly limited by competition law governed by the Competition and Markets Authority.
Information about Fares	
Ensure that the emerging bus strategy includes information on fares as a key element	The LCR’s Bus Strategy, approved by the LCR Combined Authority on 15 th April 2016 has, as a key priority, “Improving Customer Experience Off-Bus” with the objective of enhancing information provision to improve customer confidence. The Strategy stresses the importance of digital and web development to support this aim including improved fare and journey planning information.
Develop the Merseytravel website/apps to incorporate fare information on point to point fares in conjunction with work undertaken by the Bus Alliance.	As part of the Bus Services Bill, ‘open data’ provisions to third party developers will enable them to have access to relevant information to improve the customer offering. It will enable apps to be developed to meet customer demand on both journey planning and fares. This is an element of the Bill that Merseytravel fully welcome. In addition, a refresh of the Merseytravel website is due to take place during 2016/2017. An element of this refresh is to provide better information on fare options to all transport customers. As part of the Smart Ticketing

work stream, linked to the Bus Alliance, the Walrus portal, which is also scheduled to go live in 2017, will enable customers to purchase both operator and Merseytravel pre-paid smart tickets on line. Scoping is currently being undertaken to define how we best support customers to select the correct product from a value for money perspective for the journeys they have planned. As a more consistent fare structure is now in place for the majority of operator single trips the focus in the short term will remain on promoting the flat fare at bus stops/on bus/through where appropriate digital means etc.

The Bus Alliance customer experience workstream develops a strategy with all operators on main routes to publicise fares between key centres by operator. This to include the consideration of publishing fares at shelters and in timetables.

Merseytravel continues to raise the importance of value for money fares with operators. In line with this, and LCR's Bus Strategy, and in support of the Alliance's aims, Arriva and Stagecoach have taken the decision to implement a more consistent fare structure (with differential for river crossing) across the Merseyside area. A more harmonised fare structure by each operator has significantly reduced the cost for such City Region residents (particularly for residents in St Helens/Wirral and parts of Sefton), the volume of available fares and raises the potential for fares to be better promoted including at bus stops and in timetables. This will be taken forward by the Customer Growth workstream of the Alliance.

Task the Bus Alliance customer experience workstream to develop point-to-point fares as part of the journey planner as a long term development.

As part of Merseytravel's contribution to the Alliance (and the aims of the LCR Bus Strategy), a refresh of the Merseytravel website/digital presence is due to take place during 2016/2017. An element of this refresh is to provide better information on fare options from all operators to customers (Arriva and Stagecoach have their own apps/journey planners) so that customers can make informed choices. The Walrus portal, linked to the Smart Ticketing workstream of the Bus Alliance, is also scheduled to go live in 2017. This will enable customers to purchase both operators and Merseytravel pre-paid tickets and smart tickets on line. Scoping is currently being undertaken, which will involve operators, to consider how we support customers to select the correct product from a value for money perspective based on the journeys they make. Merseytravel have regularly pressed the issue of a consistent value for money fare structure with operators. This has led to no increases for a number of years in single fares by the main operators and cuts in fare for parts of the LCR, with the introduction of a more consistent fare structure. Merseytravel will continue to stress the importance of value for money fares to operators on behalf of the LCR Combined Authority. As a simplified fare structure is in place, the focus in the short term will remain on promoting the flat fare at bus stops/on bus and where appropriate through digital means to improve fare information.

Improved Bus Flow across the LCR

Work with Local authority partners to encourage improved traffic management arrangements to improve punctuality/reliability. The Better Bus Area evaluation should help inform this.

The Better Bus Area remains in place with a remit to address issues affecting punctuality and reliability within its area of the east of Merseyside. NB. The scope of the BBA doesn't cover the whole City Region. The Alliance also has a Punctuality and Reliability workstream which is tasked with identifying issues relating to bus punctuality, coordinating the potential for improvement with the relevant highway authority, and delivering agreed schemes in conjunction with districts. The approved Key Route Network has been developed to align with busier bus routes and the lead officer for the KRN sits on the Alliance's

programme board, providing a vital link between these two cross-cutting pieces of work.

Future opportunities, including legislative background and Buses Bill

Continue to work with Transport Focus to influence their work in relation to ticketing and user/non user perceptions re 'value for money' and distance.

Transport Focus will be part of the Alliance, with a seat on the Joint Alliance Board taken by their Passenger Director, David Sidebottom. The first formal meeting is scheduled for November 2016. The Value for Money indicators as part of the annual Bus Survey are used as independent measures of progress.

Smaller operators should be encouraged to join the Bus Alliance.

The Voluntary Partnership Agreement for the Alliance makes specific reference to other operators joining the Alliance and this is being encouraged through bilateral and group meetings between Merseytravel and other operators. Provision has been made within the Alliance's legal agreement to ensure that barriers to entry for smaller operators are not prohibitive.

Progress on short distance trials to be shared amongst Alliance members, provided it does not breach commercial confidentiality or competition legalities with a view to expand the trials, if successful, across the network.

A short distance fare has historically been provided on Arriva services in the Southport area. Merseytravel will raise the potential for analysis of the cost and benefit of this approach on a bilateral basis. However, it is important to note that Merseytravel's ability to discuss fares at a multi-operator level and sharing information with operators is strictly limited by competition law governed by the Competition and Markets Authority which prevents sharing commercially sensitive information on activities such as fare trials through an Alliance structure.

The progress of the Bus Bill is kept under review and relevant consultations responded to. If enacted the relevant powers be used regarding affordable fares.

Merseytravel, both directly and as a member of the Urban Transport Group, has worked closely with the Department for Transport as the Bus Services Bill has been developed and this work continues. Merseytravel will also be submitting evidence to the Transport Select Committee's review of the Bus Services Bill and will be representing the Urban Transport Group at the oral evidence sessions. The options that the BSB will give the Liverpool City Region Combined Authority around bus will be fully assessed during 2016-18 in line with the requirements for business case outlined in the draft Bill and further recommendations will be made to the Combined Authority.

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Chair and Members of the Liverpool City Region
Combined Authority Scrutiny Panel

Meeting: 19 October 2016

Authority/Authorities Affected: Combined Authority/all districts

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE LEAD OFFICER - SCRUTINY**ETHICAL STANDARDS FOR PROVIDERS OF PUBLIC SERVICES****1. PURPOSE OF REPORT**

The purpose of this Report is to provide the Scrutiny Panel with a summary of the initial findings of enquiries requested by the Panel in respect of the “Ethical Standards for Providers of Public Services – Guidance”, which has recently been published by the Committee on Standards in Public Life (CSPL) and to recommend a way forward.

2. RECOMMENDATIONS

The Scrutiny Panel is recommended to:

- (a) note the results of the initial enquiries report;
- (b) requests that the Combined Authority uses that research in developing its own ethical framework, recognising where it is in its own development as an organisation; and
- (c) a further report be made to the Panel in twelve months’ time on progress in developing that framework.

3. BACKGROUND

- 3.1 Members will recall from a briefing at a meeting of the Panel on 6th July 2016 that the Combined Authority (CA) had referred a piece of work to the Panel for consideration within the 2016/17 Work Programme, regarding the “Ethical Standards for Providers of Public Services” Guidance published by the Committee on Standards in Public Life in December 2015.
- 3.2 This Guidance had been presented to the Liverpool City Region Combined Authority Audit Committee on 26 January 2016 and it was proposed by the Committee that the matter be referred to the Scrutiny Panel of the CA for a piece of

work to be undertaken to establish how the Seven Principles of Public Life (Nolan Principles) are considered and applied across the Liverpool City Region and how they can be applied to the CA itself.

- 3.3 This request was considered and approved by the Combined Authority at its meeting on 15 April 2016. Thus, this Report seeks to provide the Panel with some contextual background information, present the findings of an initial fact-finding exercise carried out on the Panel's behalf across the City Region and recommends how this information can be used in developing the CAs own response to the ethical framework.
- 3.4 In June 2014, the CSPL carried out a research commission to establish how the Seven Principles of Public Life (the "Nolan Principles") – honesty, integrity, accountability, leadership, openness, selflessness and objectivity – were being embedded into public service commissioning and contracting.
- 3.5 The outcomes of this exercise were published in 2015 and the key messages which were contained within this Report were incorporated into the guidance document referred to earlier. The Guidance seeks to establish the importance of common ethical standards for all those delivering public services, building upon the foundations of the Nolan Principles. However, compliance with the guidance is not mandatory, hence it was considered helpful for the Panel to know how each of the constituent Council's approached this issue.
- 3.6 The document provides six suggested measures which could be expected of, implemented and embedded by providers of public services as follows:
 - (a) Evidence of leadership commitment to ethical standards;
 - (b) Evidence of Board and individual responsibility for ethical standards;
 - (c) Evidence of internal control and accountability measures;
 - (d) Evidence of establishing an ethical awareness and capability in recruitment, induction, progression, training and professional development;
 - (e) Evidence of appraisal, promotion and reward procedures that take account of values and ethical behaviour; and
 - (f) Evidence of commissioner-provider and user-provider dialogue.
- 3.7 At the request of the CA and in order to support the Panel in determining whether to include further work on this topic an initial fact-finding exercise has been carried out in consultation with the Heads of Audit and / or Monitoring Officers of the Authorities within the City Region, Merseytravel and the CA.
- 3.8 The results of this exercise are attached in the Appendix to this report.
- 3.9 The Panel should also be aware that the CIPFA/SOLACE Joint Working Group on Good Governance in Local Government published the revised Framework for Delivering Good Governance in Local Government ("Delivering Good Governance in Local Government 2016"). This sets the standard for good governance in local government in the UK, and a significant emphasis is placed on the importance of a defined ethical framework as a key component of principled leadership and robust governance. The revised framework applies to Annual Governance Statements prepared for the Financial Year 2016/17 onwards. It defines the principles that should underpin the governance of local government organisations as follows:

- (a) Principle A - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
- (b) Principle B – Ensuring openness and comprehensive stakeholder engagement.
- (c) Principle C – Defining outcomes in terms of sustainable economic, social and environmental benefits.
- (d) Principle D – Determining the interventions to optimise the achievement of the intended outcomes.
- (e) Principle E – Developing the entity’s capacity, including the capability of its leadership and the individuals within it.
- (f) Principle F – Managing risks and performance through robust internal control and strong public financial management.
- (g) Principle G – Implementing good practices in transparency, reporting and audit to deliver effective accountability.

3.10 Furthermore, earlier this month, the CSPL published an additional report reviewing the extent to which regulators uphold the Seven Principles of Public Life – “Striking the Balance – Upholding the 7 Principles in Regulation”.

3.11 Having undertaken the fact finding research on behalf of the Panel there are common themes that have been identified across the constituent authorities approach in complying with the “suggested measures” referred to earlier in the report. It is suggested that the Panel recommend to the CA that it uses that research in developing its own response to the Ethical Framework.

3.12 It needs to be borne in mind that the constituent authorities’ response to the Ethical Framework have developed over time and that there is no “one size fits all” statutory framework around this issue. It is further recognised that the CA is a relatively new organisation and its role, responsibilities and organisational operational arrangements are still being developed. It is suggested that the CA uses the work undertaken here in developing its own framework and that a further report be brought to the Panel on progress in developing that approach in twelve months’ time. This would then be used to inform and complement work that will be included in the CA’s Strategic Internal Audit Plan on this important issue.

4. **RESOURCE IMPLICATIONS**

There are no direct issues arising from this report.

4.1 **Financial**

There are no direct issues arising from this report.

4.2 **Human Resources**

There are no direct issues arising from this report.

4.3 **Physical Assets**

There are no direct issues arising from this report.

4.4 Information Technology

There are no direct issues arising from this report.

5. RISKS AND MITIGATION

There are no direct issues arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

There are no direct issues arising from this report.

7. COMMUNICATION ISSUES

There are no direct issues arising from this report.

8. CONCLUSION

8.1 An appropriate ethical framework is a key component of principled leadership and robust governance. The CSPL document “Ethical Standards for Providers of Public Services – Guidance” provides a framework of suggested measures which could be expected of, implemented and embedded by providers of public services.

8.2 At the request of the CA, an initial fact-finding exercise has been carried out in consultation with the Heads of Audit and / or Monitoring Officers of the Authorities within the City Region, Merseytravel and the CA. The Panel are asked to note the research that has been done here across the City region and recommend that the CA uses it when developing its own arrangements.

DAVID PARR
Lead Officer - Scrutiny

Contact Officer(s):

David Parr, Chief Executive, Halton Council	Tel: 0151 511 6000
Ian Leivesley, Strategic Director, Enterprise, Community and Resources, Halton	Tel: 0151 511 6002

Appendices:

Summary of Findings

Background Documents:

None

ETHICAL STANDARDS FOR PROVIDERS OF PUBLIC SERVICES
SUMMARY OF FINDINGS

- 1.1 The purpose of this appendix is to provide the Scrutiny Panel with a summary of the initial findings of enquiries requested by the Panel in respect of the “Ethical Standards for Providers of Public Services – Guidance”, which has recently been published by the Committee on Standards in Public Life.
2. **BACKGROUND**
- 2.1 In June 2014, the Committee on Standards in Public Life (CSPL) carried out a research commission to establish how the Seven Principles of Public Life (the “Nolan Principles”) – honesty, integrity, accountability, leadership, openness, selflessness and objectivity – were being embedded into public service commissioning and contracting.
- 2.2 The outcomes of this exercise were published in 2015 and the key messages which were contained within this Report were incorporated into the attached guidance document “Ethical Standards for providers of Public Services – Guidance” (December 2015).
- 2.3 The document provides six suggested measures which could be expected of, implemented and embedded by providers of public services as follows:
- (a) Evidence of leadership commitment to ethical standards;
 - (b) Evidence of Board and individual responsibility for ethical standards;
 - (c) Evidence of internal control and accountability measures;
 - (d) Evidence of establishing an ethical awareness and capability in recruitment, induction, progression, training and professional development;
 - (e) Evidence of appraisal, promotion and reward procedures that take account of values and ethical behaviour; and
 - (f) Evidence of commissioner-provider and user-provider dialogue.
- 2.4 On behalf of the Members of the Scrutiny Panel, an initial fact-finding exercise has been carried out in consultation with the Heads of Audit and / or Monitoring Officers of the Authorities within the City Region, Merseytravel and the Combined Authority; to seek to establish the extent to which the Nolan Principles and the associated recommended measures contained within the aforementioned Guidance are embedded within their organisations.
- 2.5 Officers were asked to consider existing arrangements and ethical considerations within their governance arrangements, policy frameworks and processes.
- 2.6 A summary of responses is attached in Table 1 (below). The purpose of the summary is to enable Members to consider the breadth and scope of where ethical matters are considered across the organisations and to determine the next steps on this piece of work.

Existing Measures / Considerations in respect of the Ethical Standards “Six Suggested Measures”- Consultation Summary

Suggested Measure 1: Evidence of leadership commitment to ethical standards	
Constitution	Subject to annual review and update
Protocol on Members / Officers Relations	Where appropriate
Code of Corporate Governance	To be reviewed in line with revised Guidance 2016
Annual Governance Statement	In accordance with revised Guidance 2016
Publication of Financial Statements	Accounts & Audit Regulations requirement
Vision / Mission Statement / Corporate Values	Available on website
Code of Conduct / Ethics Policy for Staff	
Code of Conduct for Members	Ref also LCRCA Audit Report 2015/16
Suggested Measure 2: Evidence of Board and individual responsibility for ethical standards	
Code of Conduct / Ethics Policy for Staff	
Code of Conduct for Members	Ref also LCRCA Audit Report 2015/16
Standards and / or Ethics Committee	
Audit Committee (or equivalent)	PSIAS Requirement
Scrutiny Committee (or equivalent)	
Information Governance Group / Board (or equivalent)	
Publication of Council Meeting Agendas and Minutes	Available on website
Role of External Audit	
Suggested Measure 3: Evidence of internal control and accountability measures	
Code of Conduct / Ethics Policy for Staff	
Code of Conduct for Members	Ref also LCRCA Audit Report 2015/16
HOLA Annual Report / Annual Audit Opinion	Annual requirement
Compliance with Public Sector Internal Audit Standards (PSIAS)	Mandatory requirement – External assessment required 5-yearly
Register of Gifts & Hospitality	
Register of Interests / Declarations of Pecuniary Interests	
Anti-Bribery Policy	
Anti-Corruption Policy	
Anti-Fraud Policy / Strategy & Counter-Fraud Plan	Compliance with CIPFA Code of Practice in Managing the Risk of Fraud & Corruption
Confidential Reporting (Whistleblowing) Policy	
Dignity at Work Policy (or equivalent)	

Corporate Risk Register	
Internal Audit work	Consideration of Ethical matters in Internal Audit reviews or specific planned audit work in relation to Ethics
Suggested Measure 4: Evidence of establishing an ethical awareness and capability in recruitment, induction, progression, training and professional development	
Recruitment Policy & processes	
Staff Training and awareness	
Staff Induction Processes	
Commitment to professional development / CPD	
Suggested Measure 5: Evidence of appraisal, promotion and reward procedures that take account of values and ethical behaviour	
Staff / Client Feedback Surveys	
Staff Incentives / Reward Schemes	
Corporate Complaints Procedures	
Suggested Measure 6: Evidence of commissioner-provider and user-provider dialogue	
Procurement Policies and Procedures / Contract Procedure Rules	Ref also LCRCA Audit Report 2015/16
Procurement Frameworks	
Legal Agreements / Service Level Agreements	
Corporate Complaints Procedures	
Public Consultations	
Publication Scheme	

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Chair and Members of the Liverpool City Region
Combined Authority Scrutiny Panel

Meeting: 19 October 2016

Authority/Authorities Affected: Combined Authority/all districts

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE LEAD OFFICER – SCRUTINY**SCRUTINY PANEL WORK PROGRAMME AND RECENT
COMBINED AUTHORITY DECISIONS****1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update members on progress being made on the delivery of the Panel's Work Programme and to seek member's initial views on potential further review activities.

2. RECOMMENDATIONS

It is **recommended** that –

1. the progress being on the original work programme be endorsed;
2. Panel Members provide initial indications of potential future review activity requirements be given; and
3. further discussions with Panel Members take place after one of the sessions being organised for the Employment and Skills review with a view to bring a revised programme to the January meeting of the Panel.

3. BACKGROUND

- 3.1 The Panel set out, when it was originally formed, a series of areas where it wished to carry out scrutiny reviews. It has completed work on European Funding and Short-Hop Bus Fares, where responses have been received from the Combined Authority(CA). It has put on hold any work on Housing and Planning given the stage that work is up to with the CA in relation to any potential scrutiny review.
- 3.2 The Panel has now commenced work on an Employment and Skills review and has held a scoping meeting to look at the focus of that review. Given the work that the CA has already undertaken and the changing policy picture developing the Panel wished to focus that review on Apprenticeships. A detailed scoping document is being produced based on the views members gave at that scoping event. Members indicated that they would like to hear evidence from employers (including the approach being taken by the constituent Councils), training providers and

importantly young people. It is hoped that the review can be completed in time for a report to be submitted to the January meeting, although this will be dependent on the availability of witnesses and careful diary management.

- 3.3 In addition to specific review work the Panel has also kept an overview, via its formal meetings, of some key activities of the CA. These have included the development of the Devolution Deal, progress on the LCR Growth Plan and progress on the Transport for Growth Plan. However, once the work has been completed on the Employment and Skills Review it will have finished its original work plan. Given that position member's initial guidance is sought on developing its next programme of work, which, it is suggested can again be a mixture of formal review work and reports on specific issues brought to the formal meetings of the Panel. It is suggested that any initial views could be further considered at one of the review sessions being organised for the Employment and Skills work and a formal work programme drawn up and brought to the January Panel meeting.
- 3.4 To provide some assistance to members in thinking about that programme, listed below are some of the key issues considered by the Combined Authority since this Panel last met.

15th July 2016

Single Investment Fund – Assurance Framework
LCR Growth Deal 3 Submission
Novation of Chrysalis Fund
LCR Growth Deal Scheme – Littlewoods Studio
LCR Growth Deal Scheme – Alstom Transport Technology Centre
Local Growth Fund: Approval of Full Major Scheme Business Case – A570 Linking Improvements
Transport for the North Update
Skills Capital Investment
Health and Work Innovation Fund Submission
Housing and Spatial Planning Statement of Co-operation
Local Growth Fund Performance 2015/16
Devolution of Powers and Resources to the LCR – Progress on Executive Capacity

19th August 2016

Area Based Review
LCR Department for Transport Fund Bid Submission
LCR Governance Review and Scheme
Devolution of Powers and Resources to the LCR – Progress on Executive Capacity

16th September 2016

LCR Single Investment Fund Prospectus
Single Growth Strategy Action Plan
Skills Capital Investment
Developing a Key Route Network – Update and Proposed Next Steps

3.5 Full agenda items and minutes for the above issues can be found on the CA Agendas on the Knowsley Borough Council website.

4. **RESOURCE IMPLICATIONS**

When considering any work programme issues it is important to consider the capacity of both members and officers to undertake such work. The resources to support such activity and being delivered from within the existing resources of the CA and its constituent authorities.

4.1 **Financial**

There are no direct issues arising from this report.

4.2 **Human Resources**

There are no direct issues arising from this report.

4.3 **Physical Assets**

There are no direct issues arising from this report.

4.4 **Information Technology**

There are no direct issues arising from this report.

5. **RISKS AND MITIGATION**

There are no direct issues arising from this report.

6. **EQUALITY AND DIVERSITY IMPLICATIONS**

There are no direct issues arising from this report.

7. **COMMUNICATION ISSUES**

There are no direct issues arising from this report.

8. **CONCLUSION**

8.1 Members are being asked to note progress being made on the Panel's original work plan and to give initial consideration to developing a new one to be brought to the Panel in January.

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Appendices: None

Background Documents:

None

LIVERPOOL CITY REGION COMBINED AUTHORITY

To: The Chair and Members of the Liverpool City Region
Combined Authority Scrutiny Panel

Meeting: 19 October 2016

Authority/Authorities Affected: Combined Authority/all districts

EXEMPT/CONFIDENTIAL ITEM: No

REPORT OF THE LEAD OFFICER - SCRUTINY**UPDATE ON DEVOLUTION AND GOVERNANCE ARRANGEMENTS****1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update members of the Scrutiny Panel on developments around the delivery of the Liverpool City Region Devolution Deal. As this is currently the subject of on-going discussions with Government, particularly in relation to the Parliamentary Orders being prepared by DCLG, a presentation to the Panel will be made which will represent the most up to date position.

2. RECOMMENDATIONS

It is recommended that:

1. the current position with Government is noted;
2. the Panel comment on the "Principles of Scrutiny" document attached at Appendix 2; and
3. a further update report be brought to the January meeting of the Panel.

3. BACKGROUND

- 3.1 Following the agreement to the LCR Devolution Deal by all Councils and the Combined Authority (CA) in November 2015, an initial Order was approved by Parliament in July 2016 to establish the office of Elected Mayor, making arrangements for the election of an LCR Mayor in May 2017.
- 3.2 The Cities and Local Government Act 2016 (the 2016 Act) is the enabling legislation that provides the framework for the devolution of powers and functions to take place. This legislation requires the conferring of specific CA and Mayoral Powers through a Parliamentary Order(s) that requires the consent of all LCR local authorities and the CA itself.

- 3.3 Further steps are now required to progress the Parliamentary processes and put in place the Parliamentary Orders to ensure that the LCR Devolution Agreement can be implemented in full.
- 3.4 The LCR Order will need to be laid before Parliament in November in order for there to be sufficient time to be in place for May 2017 and the election of the LCR Mayor. All constituent authorities and the CA need to consent to the order before it is laid in November 2016. Each local authority is making its own arrangements for that to happen.
- 3.5 Discussions are ongoing with the Government over the content of those Parliamentary orders, including the timetable for them being laid. For that reason a presentation will be made to the Panel, at the meeting, in order to provide the up to date position on those discussions.
- 3.6 When approving the Devolution Deal in November 2015 the Local Authorities and LCRCA agreed a number of Governance Principles (see Appendix1) and they remain unaltered.
- 3.7 The post May 2017 constitution will be drafted to fully reflect the powers and functions contained within the agreed LCR Devolution Agreement and as reflected in the Orders currently being developed by the DCLG.
- 3.8 The Cities and Local Government Devolution Act 2016 contains provisions specific to scrutiny. The general provisions in the Act are standard ones in relation to scrutiny activities and which are familiar to all Councils.
- 3.9 The two major differences are:
- the arrangements have to include provisions to hold the Elected Mayor to account for executive decisions they take; and
 - the Act contains provision for further direction by the Secretary of State to be made by Order which, amongst other things, could provide directions about:
 1. the membership of an overview and scrutiny committee;
 2. the person who is to be the Chair of such a committee;
 3. how and by whom matters may be referred to an overview and scrutiny committee.
- 3.10 At the time of the writing of this report, drafts of the Orders are still awaited from DCLG.
- 3.11 A paper has been produced proposing the principles by which the LCRCA will operate scrutiny in the future. That paper is attached as Appendix 2, and includes a suggestion to increase the numbers on the Panel given the increasing responsibilities of the CA. These principles will be incorporated into the revised constitution of the LCRCA, once the provisions of the Orders are known. The views of the Scrutiny Panel on those principles would be welcomed, as these will be reported to the CA as part of the development of the revised constitution.

- 3.12 The scrutiny principles reflect what is currently included within the CA's constitution but will need to reflect both this Panel's views and the content of the Parliamentary Orders before becoming formally part of the CA's revised constitution.

4. **RESOURCE IMPLICATIONS**

There are no direct issues arising from this report.

4.1 **Financial**

There are no direct issues arising from this report.

4.2 **Human Resources**

There are no direct issues arising from this report.

4.3 **Physical Assets**

There are no direct issues arising from this report.

4.4 **Information Technology**

There are no direct issues arising from this report.

5. **RISKS AND MITIGATION**

There are no direct issues arising from this report.

6. **EQUALITY AND DIVERSITY IMPLICATIONS**

There are no direct issues arising from this report.

7. **COMMUNICATION ISSUES**

There are no direct issues arising from this report.

8. **CONCLUSION**

- 8.1 Scrutiny Panel members are asked to note progress on the discussions with Government and comment on the Principles of Scrutiny document appended to this report and to request a further update at the January meeting of the Panel.

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Appendices:

Governance Principles
Scrutiny Principles

Background Documents:

None

LIVERPOOL CITY REGION DEVOLUTION GOVERNANCE*Preamble*

These Governance principles, to be developed and agreed, will be incorporated into a formal and legally binding Constitution. This Constitution will incorporate the terms of the current Constitution of the LCR Combined Authority, which will be amended to reflect the revised Combined Authority with an elected mayor governance model.

The revised Constitution will replace the current LCR Combined Authority Constitution and will be the primary document in respect of the governance of the LCR Combined Authority with an elected mayor.

PRINCIPLES

The Liverpool City Region Combined Authority (LCRCA) will adopt a model of a directly elected City Region Mayor over the Combined Authority's area with the first elections in May 2017.

No existing powers will be taken from local authorities without their agreement. The Combined Authority will protect the sovereignty of local authorities in the Liverpool City Region.

The Liverpool City Region directly elected Mayor ("the directly elected Mayor") will be a member of the LCRCA.

The directly elected Mayor will chair the Liverpool City Region Combined Authority.

The remaining members who have been appointed by constituent councils will continue as members on the LCRCA. ("the constituent council members").

The LEP member ("the LEP member") of the LCRCA will continue to sit on the LCRCA.

The directly elected Mayor will appoint one of the members of the LCRCA to be the Deputy Mayor.

The directly elected Mayor will have power to act on behalf of the LCRCA on the following terms:

The directly elected Mayor will be required to seek the unanimous approval of the constituent council members to exercise those powers set out at Appendix 2 (a) attached;

The directly elected Mayor will be required to consult the Combined Authority on those matters set out in Appendix 2 (b) which can be rejected/amended provided two-thirds of the constituent council members agree to do so; and

The directly elected Mayor will have full delegated authority pursuant to the provisions of any statutory order to exercise those powers set out in Appendix 2 (c) attached.

The directly elected Mayor and the LCRCA will be scrutinised and held to account by the LCRCA Overview and Scrutiny Committee(s).

Matters for decision by the LCRCA may be put forward by the directly elected Mayor, any of the members who have been appointed by constituent councils, or the LEP member.

The directly elected Mayor shall appoint individual LCR members to Portfolio roles to support the directly elected Mayor and assist in the delivery of the LCRCA's functions.

The directly elected Mayor will have one vote as will other voting members.

Any matters that are to be decided by the LCRCA are to be decided by a majority present and voting subject to that majority including the vote of the LCR Mayor, unless otherwise set out in legislation, or specifically delegated through the LCRCA's Constitution.

The directly elected Mayor and the members who have been appointed by constituent councils will work closely together.

Specifically the:

directly elected Mayor will provide overall leadership and chair Combined Authority meetings;

the members who have been appointed by constituent councils shall have a clear portfolio of responsibilities, and will act as a supporting and advisory function to the directly elected Mayor and the LCRCA in respective policy areas.

The following appendices are subject to the development of the formal and legally binding constitution and to any requirements already prescribed within the agreement dated 17 November 2015.

Appendix 2a

The directly elected Mayor will be required to seek the unanimous approval of the constituent council members to exercise the following powers, as set out below:

All matters relating (including any changes, amendments or alterations) to the LCRCA Constitution;

The development of a single Statutory City Region Framework supporting the delivery of strategic employment and housing sites throughout the City Region;

All matters relating to the management, maintenance and funding of the key route network;

Any other matters which the LCRCA shall determine from time to time shall require the unanimous approval of the constituent council members for the directly elected Mayor to exercise save for those matters in relation to which the voting requirements are already prescribed within the Agreement. Appendix 2b The directly elected Mayor will be required to consult the LCR Combined Authority on the following:

All matters relating to the setting of the LCRCA's annual budget, and all financial or budgetary matters, including any changes, amendments or alterations to agreed budgets or spending plans;

All matters relating to the setting of any LCRCA strategy, strategic framework, strategic policy or plan, including any changes;

All those powers of the LCRCA not specified in Appendix 1 and 3. The strategies and/or spending plans may be rejected /amended if two thirds of the constituent Council Members agree to do so. Appendix 2c The directly elected Mayor shall have full delegated authority to take all steps to deliver on a day to day basis the strategies and/or spending plans agreed by the LCRCA in accordance with Appendix 2 and all other matters that may be specified from time to time by the LCRCA.

Scrutiny Principles - Liverpool City Region Mayoral Combined Authority

Introduction

1.1 The scrutiny arrangements will ensure decisions made by the City Region Mayor and Combined Authority are effectively scrutinised.

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 Elected Mayor and Combined Authority.

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

- (i) In the role of 'Critical Friend' ; and
- (ii) Via pre-decision scrutiny (call-in) ; and
- (iii) Through monitoring the delivery of the CA and Mayor's Strategic Plan and Policies.

2.3 Scrutiny will support the Elected Mayor and Combined Authority to:-

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

2.4 The Authority's Scrutiny Panel will consider matters of strategic significance for the Liverpool City Region area with a view to focusing on sub-regional issues that are directly linked to the work of the Elected Mayor and Combined Authority.

2.5 The Panel will 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; and
- Communication with stakeholders

The Panel will work with this information to make suggestions for improvement, acknowledge good practice and make recommendations.

The Panel will not deal with individual issues or queries that are more suitably dealt with by a constituent local authority or specific organisation.

2.6 The findings of each review will be submitted to the Elected Mayor and/or Combined Authority

for consideration.

2.7 There are a number of potential sources for identifying in-depth studies to be carried out by the Panel;

- the Scrutiny Panel itself,
- the Elected Mayor,
- the Combined Authority and its members.

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

2.9 The Scrutiny Panel may review the outcomes of the Combined Authority or Elected Mayor's Strategic Plans. Any involvement of scrutiny in this activity needs to demonstrate that it adds value to what the Elected Mayor and the Combined Authority, its Boards or Committees are trying to achieve.

2.10 Scrutiny will also act when it is concerned about evidence of poor performance and it is not satisfied by the Elected Mayor's or Combined Authority's response to it.

2.11 Scrutiny shall have the power of "call-in"

Call-in shall apply when **10 members** of the Scrutiny Panel agree, in writing, on the requisite form, which shall be submitted to the Head of Paid Service, to call-in a specific decision made by the Elected Mayor or the Combined Authority

Any matter decided by the Elected Mayor or Combined Authority may be called-in not later than 5 working days after the publication of the decision/minutes of the Elected Mayor or Combined Authority.

Any matter called-in must be considered at the next meeting of the Combined Authority, which will have power to affirm or reject the decision.

If rejected, the Combined Authority may refer the decision back for further consideration.

The call-in procedure can only be used once in relation to any particular decision. Once the procedure has been used and a decision confirmed or rejected by the Combined Authority the decision cannot be reconsidered.

Decisions requiring immediate action and so specified in the decision/minutes are excluded from call-in.

3. Scrutiny Panel Membership

3.1 Membership of the Scrutiny Panel will be agreed at the Annual General Meeting of the Mayoral Combined Authority.

Nominations to the Scrutiny Panel must not be members of the Combined Authority (including substitute members) or the Merseytravel Committee.

3.2 The Panel is to be made up of:

3 nominees from each constituent council

= 18

1 nominee from the **largest** opposition party as calculated across the LCR geography - as directed collectively by the largest opposition party = 1

1 nominee from the **second** largest opposition party as calculated across the LCR geography - as directed collectively by the second largest opposition party = 1

Total: = 20

The Leaders of the respective Opposition Groups will collectively agree their party nominations to the LCRCA Scrutiny Panel.

The CA will draw up a protocol to ensure political balance on the Panel taking into account appropriate parliamentary orders.

The protocol will require annual review based on the election results in any given year.

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 Combined Authority, cannot participate in the operation of the scrutiny arrangements on any issues which were taken at any meeting of the Combined Authority or any Committee of the Combined Authority at which they were present.

3.4 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 and in so doing shall comply with any legislative requirement in respect of any such appointments;
- b) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months, having consulted the Mayor and Authority in developing that plan; and

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 of the Mayoral Combined Authority.

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 notice being given to them, 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 the Elected Mayor and any member of the Combined Authority 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 Elected Mayor and/or Combined Authority;

d) make reports or recommendations to the Elected Mayor and/or Combined Authority with respect to the discharge of any functions which are the responsibility of the Elected Mayor and /or Combined Authority.

5.8 The power to review or scrutinise a decision made, but not implemented under subparagraph 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 Mayor and/or Authority to comply with it within two months, beginning with the date on which the Mayor and/or Authority receives the report or recommendations or (if later) the notice.

5.11 The Mayor and/or 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 Mayor and/or 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 to then, if deemed appropriate, be recommended to the Mayor and/or Authority.

7. Transparency

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.

8. Scrutiny Support

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. Advice to Scrutiny

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.