

**CONSTITUTION UPDATE AND GOVERNANCE MATTERS****WDA/11/21****Recommendation**

1. That Members note the removal of the constitutional references to The Local Authority, Police and Crime Panels (Flexibility of the Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020/392;
2. That Members adopt the Scheme of Delegation for the 2021/22 Municipal Year, attached Appendix 1;
3. That Members agree to adopt the revised Member Code of Conduct as set out in Appendix 2;
4. That Members agree to adopt the revised Constitution accordingly.

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## **CONSTITUTION UPDATE AND GOVERNANCE MATTERS**

**WDA/11/21**

### **Report of the Monitoring Officer**

#### **1. Purpose of the Report**

- 1.1 To remove constitutional amendments that were inserted to reflect The Local Authority, Police and Crime Panels (Flexibility of the Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020/392.
- 1.2 To request that Members adopt the Scheme of Delegation for the 2021/22 Municipal Year (Appendix 1).
- 1.3 To propose that Members agree to the adoption of a new Member Code of Conduct into the Constitution (Appendix 2).
- 1.4 To agree to adopt the revised Constitution accordingly.

#### **2. Background**

- 2.1 At the commencement of a new municipal year, it is appropriate for the Constitution to be updated and adopted. The Monitoring Officer is responsible for ensuring that the Constitution for the Authority is up to date, relevant and effective. Any proposed changes to the Constitution are subject to Member approval.
- 2.2 The Constitution comprises a set of documents which define the Authority's governance arrangements. This includes:
  - Scheme of Delegation (Article 1)
  - Authority Procedural Rules (Article 2)
  - Financial Procedural Rules (Article 3)
  - Contract Procedural Rules (Article 4)
  - Information Procedural Rules (Article 5)
  - Protocol for Reporting at Meetings (Article 6)
  - Code of Conduct for Members (Article 7)
  - Code of Conduct for Employees (Article 8)
  - Member / Officer Protocol (Article 9)

- 2.3 Rule 3.2(vi) of the Procedural Rules requires the Authority to adopt its Scheme of Delegation at its Annual Meeting each year.

### **3. Constitutional Updates**

#### **Remote Meetings**

- 3.1 As a result of the requirement for social distancing during the pandemic, Government passed emergency legislation through The Local Authority, Police and Crime Panels (Flexibility of the Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020/392 which came into effect on 4 April 2020. This legislation facilitated public meetings of all local authorities to be held remotely i.e. not face to face. The Government chose not to extend the sunset clause on this aspect of the legislation, and it has now lapsed. This means that public meetings can only be held in person.
- 3.2 Therefore provisions and references to the remote meeting arrangements need to be removed from the constitution.

#### **Scheme of Delegation**

- 3.3 The Scheme of Delegation describes the Authority's decision-making process and defines three levels of decisions as follows:
- **Key Decisions** are decisions having a significant financial or community impact as defined in the Authority Procedural Rules, or if the Chief Executive is of the view that a decision should be a Key Decision.
  - Key Decisions cannot be delegated except under urgent action in line with the Authority Procedural Rules.
  - **Executive Decisions** and **Administrative Decisions** are decisions which can be delegated to officers subject to the limitations defined in the Scheme of Delegation.
- 3.4 There are no amendments proposed to the existing Scheme of Delegation. Members are therefore asked to adopt the Scheme of Delegation attached at Appendix 1 in accordance with Rule 3.2 (vi) of the Authority Procedural Rules.
- 3.5 With the exception of Article 7 (Member Code of Conduct, dealt with in the following section) there are no further proposed changes to the Constitution at this time.

## **Code of Conduct for Members**

- 3.6 MRWA retains a Member Code of Conduct detailing the standards of conduct expected of its Members and the procedures to be followed for registering and declaring interests. MRWA's existing Member Code of Conduct is contained in Article 7 of the Constitution.
- 3.7 Members may be aware that the Local Government Association (LGA) has recently published a revised Member Code of Conduct following a best practice recommendation from the Committee for Standards in Public Life and extensive national consultation with both Members and officers.
- 3.7 Locally, the Merseyside Monitoring Officer group (consisting of Monitoring Officers from each of the District Councils, and including police and fire services) has worked to see whether a common code could be adopted that would help to ensure consistent governance throughout Liverpool City Region and its constituent authorities. Certain changes to the LGA's model code have been proposed to better reflect local working practices.
- 3.8 A copy of the locally updated proposed Code of Conduct is provided at Appendix 2. The Code aims to promote and maintain high standards of conduct and underpin public confidence in the authority and its Members. The revised Code sets out general obligations about the standards of conduct expected of Members, together with provisions about registering and declaring interests.
- 3.9 Adoption of the proposed Code will ensure the Authority is following the latest model update and will also align with the aim of endeavouring to achieve a consistent approach across the Councils of the City Region.
- 3.10 If approved, the revised Code will replace the existing Code of Conduct for Members.

## **4 Risk Implications**

- 4.1 The following risk analysis had been undertaken in relation to this report:

<b>Identified Risk</b>	<b>Likelihood Rating</b>	<b>Consequence Rating</b>	<b>Risk Value</b>	<b>Mitigation</b>
Delegation of decisions not proportionate to levels of responsibility.	1	5	5	Scheme of Delegation defines scope and limitations for

				taking delegated decisions.
Members and officers not aware of levels of delegation.	2	4	8	Adoption and review of Scheme each year. Constitution included in training and induction programmes.
Updated rules not disseminated.	2	3	6	The revised Constitution will be published on the Authority's website.

## **5 HR Implications**

5.1 There are no HR implications associated with this report.

## **6 Legal Implications**

6.1 There are no legal implications associated with this report.

## **7 Environmental Implications**

7.1 There are no environmental implications associated with this report.

## **8 Financial Implications**

8.1 There are no financial implications associated with this report.

## **9 Conclusion**

9.1 Members are asked to note the removal of the constitutional references to The Local Authority, Police and Crime Panels (Flexibility of the Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020/392;

9.2 Members are requested to adopt the Scheme of Delegation for the 2021/22 Municipal Year, attached Appendix 1.

9.3 Members are requested to agree to adopt the revised Member Code of Conduct as set out in Appendix 2.

9.4 To agree to adopt the revised Constitution accordingly.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.