



## Council

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 p.m. on Wednesday, 22 May 2024** in the Assembly Room, within the Town Hall, Birkenhead, to take into consideration and determine the following subjects:

**Contact Officer:** Anna Perrett  
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**Website:** <http://www.wirral.gov.uk>

**Please note that public seating is limited, therefore members of the public are encouraged to arrive in good time.**

Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact [committeeservices@wirral.gov.uk](mailto:committeeservices@wirral.gov.uk)

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

## AGENDA

### 1. DECLARATIONS OF INTEREST

Members of the Council are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

### 2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

### 3. MINUTES (Pages 1 - 16)

To approve the accuracy of the minutes of the meeting of the Council held on 18 March 2024

#### **4. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL**

To consider the following reports of the Director of Law and Corporate Services (Monitoring Officer) which require the approval or consideration of the Council.

##### **A. ADOPTION OF A REVISED COUNCIL CONSTITUTION (Pages 17-150)**

To consider the recommendations from the Constitution and Standards Committee of 28 February 2024 on revisions to the Officer Code of Conduct, Member Officer Protocol, Media Protocol, Financial Procedure Rules, Members Allowance Scheme, Public Questions and Petitions, Minor amendments and Licensing Code of Good Practice.

##### **B. APPOINTMENT OF COMMITTEES (Pages 151 – 156)**

To determine such committees as the Council considers appropriate for the municipal year and, determine the number of members to form the committees and the allocation of seats.

##### **C. APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF COMMITTEES**

To appoint:

- (i) the Leader of the Council (Chair of Policy and Resources Committee)
- (ii) the Deputy Leader of the Council (Vice-Chair of Policy and Resources Committee)
- (iii) the Chairs and Vice-Chairs of all other Council committees, at A above, other than those which the Council has decided should be appointed by the committee itself.

##### **D. APPOINTMENTS AND NOMINATIONS TO OTHER BODIES AND ORGANISATIONS (157 – 164)**

Appoint Members to miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, unless otherwise delegated.

## **Full Council Responsibility for Functions**

The full responsibility of functions for Full Council can be found at the end of this agenda.

A handwritten signature in black ink, appearing to be 'PS' with a stylized flourish.

Paul Satoor, Chief Executive

### ***Audio/Visual Recording of Meetings***

*Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.*

*Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.*

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## COUNCIL

Monday, 18 March 2024

Present: The Civic Mayor (Councillor Jerry Williams) in the Chair  
Deputy Civic Mayor (Councillor Cherry Povall, JP)

Councillors	A Ainsworth	EA Grey	S Mountney
	C Baldwin	J Grier	K Murphy
	P Basnett	B Hall	T Murphy
	G Bennett	A Hodson	A Onwuemene
	S Bennett	K Hodson	R Pitt
	J Bird	P Jobson	S Powell-Wilde
	M Booth	G Jenkinson	H Raymond
	A Brame	J Johnson	L Rennie
	C Carubia	T Jones	M Redfern
	P Cleary	M Jordan	J Robinson
	C Cooke	S Kelly	M Skillicorn
	T Cox	B Kenny	K Stuart
	A Davies	J Stewart Laing	P Stuart
	GJ Davies	T Laing	M Sullivan
	G Davies	E Lamb	E Tomeny
	S Foulkes	I Lewis	J Walsh
	A Gardner	L Luxon-Kewley	J Williamson
	P Gilchrist	C McDonald	V Wilson
	H Gorman	G McManus	G Wood
	N Graham	J McManus	
	JE Green	R Molyneux	

### 88 DECLARATIONS OF INTEREST

In relation to agenda item 7, and specifically Motion 4 (Immediate bilateral long-lasting ceasefire in Gaza), the following Members declared a personal interest by virtue of either themselves or a close family member being a member of or being in receipt of a pension from the Merseyside Pension Fund: -

Councillor Naomi Graham, Councillor Jo Bird

### 89 CIVIC MAYOR'S ANNOUNCEMENTS

Apologies for absence were received from Councillors Daisy Kenny, Paul Martin and Helen Cameron.

The Mayor announced that the Andy Day Memorial Cup, awarded to the backbench member of the Council, who had shown dedication and selflessness during the Municipal Year in memory of the late Councillor Andy Day, was to be awarded to Councillor Tony Murphy.

The Mayor then announced that the Andy Corkhill award, given to an individual, group, school or business that had done something demonstrably of benefit to the environment be presented to the Friends of Warwick Park.

The Mayor then advised Members that David Armstrong (Assistant Chief Executive) Dave Hughes (Director of Regeneration and Place) Graham Hodgkinson (Director of Adult Care and Health) and Simone White (Director of Children, Families and Education) would be leaving the Council in the upcoming months. He then invited Group Leaders to speak to this.

The Leader of the Council, Councillor Paul Stuart expressed his thanks to the Mayor for his work over the previous 12 months. Group Leaders, Councillor Jeff Green, Councillor Pat Cleary and Councillor Phil Gilchrist echoed this

## 90 **MINUTES**

**Resolved – That the minutes of the meetings held on 4 December 2023 and 26 February 2024 be approved as a correct record.**

## 91 **PUBLIC QUESTIONS**

The Mayor outlined that three public questions had been received.

Rica Bird asked a question to the Leader of the Council regarding agenda item 7, motion 4, stating that she had been a Wirral resident since 1975 and a beneficiary of the Merseyside Local Government Pension Scheme. Rica Bird asked whether, considering the interest Wirral Council has as managing authority for Merseyside Pensions fund, if the Group Leaders would write to the Prime Minister asking for a ceasefire in Gaza.

The Leader responded to state the situation in Gaza was horrendous and agreed that there was an urgent need for an active, diplomatic process. He also stated that the terrorism of Hamas and the attacks on 7<sup>th</sup> October 2023 should be condemned. The Leader stated the need for an active diplomatic process and an immediate humanitarian ceasefire.

Rica Brid asked a supplementary question, asking how Councillor Stuart defined genocide and how the leader defined people who were oppressed and the oppressor.

The Leader responded that genocide was clearly defined in international law and that people were able to understand the difference between the oppressed and oppressor.

Anne Litherland asked a question to the chair of the Pensions Committee, Councillor Julie McManus, regarding Merseyside Pension Fund and asking for an immediate, bi-lateral ceasefire in Gaza.

Councillor McManus stated she shared the concerns in regard to the situation in Gaza and the need for an immediate humanitarian ceasefire, the need for long-lasting peace and humanitarian aid reaching Gaza. She stated that it is important that public bodies consider ethical and human rights concerns. Merseyside Pension fund has 149,140 Members of whom a very small number have posed the same question. It manages many investments and has a statutory fiduciary duty. The Merseyside Pension Fund has a revised responsible policy and a working party to consider investments. Additionally, an engagement framework has been developed to consider responsible investments.

Anne Litherland asked a supplementary question, asking if Members of the pension fund could be surveyed and informed of their investments in relation to the war in Gaza.

Councillor McManus responded to state that she would take advice to see if this was possible as there are 149, 140 members of Merseyside Pension Fund.

Councillor Phil Gilchrist asked if Councillor Paul Stuart could circulate his statement for all Members to read.

The Director of Law and Corporate Services read out a question on behalf of Keith Randles to the Chair of the Environment, Climate Emergency and Transport Committee, Councillor Elizabeth Grey. Mr Randal's referenced a visit made by Councillor Liz Grey on 4 October 2019, where beach maintenance was discussed, included the possibility of a large fine due to over-spraying and raking. Mr Randal's queried if the chair had acted on hearsay, rather than the reviewing of the Council's own records to verify if the allegations were true or not and if the abandonment of beach maintenance was necessary.

Councillor Liz Grey responded to state that, she had met a senior officer of Natural England and was informed that allegations had been made that the then beach maintenance programme had breached assent from Natural

England. The officer pointed out that permission to do something was not the same as instruction to do something and that knowledge regarding use of glyphosate had moved on since assent had previously been given. Raking ceased until advice was sought from Natural England, which was found to be consistent with the account given to Councillor Liz Grey.

#### 91.1 **Statements and Petitions**

The Mayor advised Members that there were 5 Statements to be read out.

Greg Dropkin read out a statement on Israeli attacks on hospitals and ambulances in Gaza, and on the role of Merseyside Pension Fund investments in companies which supply the weapons used against civilians in Gaza.

Piara Miah read out a statement thanking the people of South Africa, Ireland , Yemen and all the other countries who have been calling for an immediate ceasefire in Palestine. She asked Members to vote for an immediate bilateral ceasefire and an end to the occupation and ensure humanitarian aid reaches the people as a matter of urgency.

Jim McGinley read out a statement on the war in Palestine, noting the significant amount of humanitarian aid needed and asking for negotiations which recognised and addressed historic injustice which are a prerequisite to a durable peace and can only begin with a lasting cease-fire.

Islam Al Ashi read out a statement, summarising her own experiences visiting her family in Gaza in September 2023 and being unable to leave until December 2023 and asking for an immediate, bilateral ceasefire in Gaza.

Arthur Shaw read a statement giving the total figures of fatalities in Gaza, injuries, unaccompanied children, as well as the humanitarian impact (as of March 2024) and asking Members to support the Green Party Motion for a ceasefire.

#### 91.2 **Members' Questions**

Councillor Naomi Graham asked a question to the Chair of the Environment, Climate Emergency and Transport Committee, Councillor Elizabeth Grey querying if given the health and economic benefits of active travel as well as the benefits to other road users of Active Travel, could the Chair commit to sharing information of the benefits with all Directors and Councillors to help inform decision making.

Councillor Elizabeth Grey responded to state that she agreed that delivery of the Active Travel Strategy should start at pace with the document being shared with all officers and Members, noting that there is growing evidence that Active Travel increases health prospects and economic output.

Councillor Julie McManus asked a question to the Chair of the Planning Committee, Councillor Stuart Kelly referencing a petition submitted on behalf of 72 residents from Laird Street, Birkenhead. The question related to residents becoming increasingly concerned about the number of HMO's in the area, which changed the landscape of the area and could put additional pressures on services. Councillor McManus asked the Chair of the Planning Committee whether planning officers could work with housing services to review whether their existing controls in relating to location, concentration and internal layout of HMOs creates the most reasonable living conditions for the occupants of and the residents who live close to HMO's.

Councillor Stuart Kelly responded explaining that he was aware of the application and concerns raised within the Chamber regarding similar applications. He noted that planning and housing were intrinsically linked but they did require different considerations and described the different criteria. He stated that in 2018 a review had been undertaken of the standards required of HMOs, the emerging local plan has actions in place to reduce the number of HMOs, but this did not apply to HMOs which did not require planning permission but asked that this be reviewed and added to the work programme of the Planning Committee.

Councillor Gilchrist asked a question to Chair of the Environment, Climate Emergency and Transport Committee Councillor Elizabeth Grey, querying if, in view of the deteriorating condition of Eastham Rake between Glenburn Avenue and the area near to Plymyard Avenue could she advise whether this section of road was considered suitable for the removal of all the decayed tarmac, taking the road back down to concrete and adjusting the drains and manholes to the new levels? If so, could she advise the timescale for this work to be undertaken?

Councillor Elizabeth Grey responded to state that work was being undertaken with contractors to identify the most appropriate treatment for this and she would share the details with ward Members once these details were agreed. Work is scheduled for the next financial year.

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#### **CALENDAR OF MEETINGS 2024/25 AND 2025/26**

The first matter for approval was the Calendar of Meetings 2024/25 and 2025/26 which had been referred to Council by Constitution and Standards Committee on 28 January 2024. The report recommended amendments to the previously agreed dates for Council and Committee meetings for the municipal year 2024/2025 as detailed in Appendix 1 of the report. The report also recommended draft dates for the municipal year 2025/26 at Appendix 2.

The Chair of Constitution and Standards Committee, Councillor Tony Cox noted that a request had been made in consultation with the Chair of Shareholder Board that a meeting of the Shareholder Board be added on 4

July 2024. It had also been noted that the July 2024 and July 2025 Group Meetings had been removed in error for the published Committee Calendar but would be re-inserted into the final published versions.

On a motion by Councillor Tony Cox, seconded by Councillor Phil Gilchrist it was,

**Resolved (unanimously) – That the Calendar of Meetings for the 2024/25 and 2025/26 municipal years be approved with the above additions.**

#### 92.1 ARMC ANNUAL REPORT 2022-23

The second matter for approval was the Audit and Risk Management Committee Annual Report 2022/23 which had been referred to Council by Audit and Risk Management Committee on 15 January 2024. The Chief Internal Auditor had presented the Audit and Risk Management Committee Annual report for 2022-23, which was prepared by the respective Chairs of the Committee in consultation with internal audit and summarised work undertaken by the committee during the period in line with best professional practice.

On a motion by Councillor Jenny Johnson, duly seconded it was,

**Resolved (unanimously) - that the Annual Report for 2022-23 be approved.**

#### 93 REPORTS AND DECISIONS FROM COUNCIL COMMITTEES AND PARTNERSHIP ORGANISATIONS

The Mayor drew Members attention to one Committee decision which had been taken and excluded from removal of delegation and reconsideration by Policy & Resources Committee and is reported to the Council in accordance with Part 4, Section 4, paragraph 6(a)(ii) of the Constitution.

[Utilisation of procure partnerships and Pagoba frameworks.](#)

The decision, Utilisation of Procure Partnerships and Pagabo frameworks was taken by the Economy, Regeneration and Housing Committee on 22 January 2024

#### 94 DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING

Councillor Jeff Green asked a question of the Chair of the Planning Committee, Councillor Stuart Kelly in relation to minute 60 of the Meeting held on 8 February 2024 noting that the Chair had expressed frustrations with the systems used by the authority to process planning applications, following

deferral of this item. Councillor Green asked if Councillor Kelly could update Council with his understanding of how these issues were being tackled.

Councillor Kelly responded to state that it was vital that planning officers had access to planning IT services that were fit for purpose, noting that it was frustrating that the planning IT system had thrown up issues of functionality which had led to delays. Following the meeting on 8 February, views were exchanged with the Chief Executive, Director of Regeneration and Place and head planner that there needs to be a step change in progress. High level communication between the council and programmer have taken place, including weekly project management meetings and with actions captured in weekly progress reports and further guidance delivered to planning staff in regards checking documents.

Councillor Jeff Green asked a question of Councillor Paul Stuart, Chair of Policy and Resources Committee on minute 105, of the held on 17 February 2024, regarding an extra £650k to prevent homelessness in the borough, noting that Council's and Housing associations cannot do this alone, with employers have a key role in supporting staff and preventing homelessness. The Homelessness Covenant was launched in 2010 and to date, 160 leading businesses have signed up. Councillor Green stated he had written to the Chief Executive, asking that the Council sign up to the Covenant and requested that Councillor Paul Stuart does the same.

Councillor Paul Stuart placed on record his thanks for the hard work undertaken by the Housing department, headed by Lisa Newman. Councillor Stuart was sure that the Council was fully supportive of the initiative and would speak with the Chief Executive to bring a paper to the Policy and Resources committee in the future.

Councillor Angela Davies asked a question to Councillor Janette Williamson, chair of the Adult, Social Care and Public Health Committee on minute item 60, of the Committee held on 23 January 2024, in relation to the Maternity and Neo-Natal quarterly report. The report provided an update and oversight of quality and safety of maternity services at Wirral University Teaching Hospital. Cllr Davies asked if Seacombe Birthing Centre was included within this report and requested a brief summary of the findings.

Councillor Janette Williamson responded to explain that the report was produced on the back of the Lucy Letby trial, noting that it was a very positive report. The Seacombe birthing centre was, despite initial concerns, going very well. The centre opened in 2019 and assists with an average 100 births a year, with the experiences of the mothers being stated as very positive.

Councillor Ian Lewis asked a question of Councillor Paul Stuart, Chair of Policy and Resources Committee on the committee minutes for the meeting held on 13 December 2023, to consider work on supporting the Masterplans

in the area, including New Brighton. Councillor Lewis asked if the leader agreed if the use of the promenade by West Wallasey Van Hire harmed the visitor economy and would he attend the next meeting with the officers, the Leader of Conservative group and ward Councillors to seek to have the vehicles removed.

Councillor Paul Stuart responded by stating that he had received many complaints and had met with the company owners to see what the issues were. The Council provided land to the company for vehicle storage and officers had sought to get the situation rectified as quickly as possible. The Leader stated that he would be more than happy to attend the meeting, alongside the other ward Councillors.

Councillor Andrew Hodson asked a question of the Chair of Policy and Resources Committee, Councillor Paul Stuart, relating to the meeting held on 4 December, 2024, minute 26 stating that the Brown Field First Policy had cross party support. Cllr Hodson asked could the Leader confirm if he had made representation to the Leader of the Labour party regarding his pledge to weaken his Green belt protection.

Councillor Paul Stuart responded to say that he was surprised that he has been asked this question, given his support of Brown Field First. But stated that he was more than happy to do this, noting that the Council was the first local authority to put Brown Field First on record.

Councillor Kathy Hodson asked a question of the Chair of Children, Young People and Education Committee, Councillor Sue Powell-Wilde in relation to the meeting of 1 February, minute 11. The minute related to early years funding expansion. The increase in take-up was welcome and asked that the chair confirm that representatives of early years providers were involved and engaged in the Council's funding.

Councillor Sue Powell- Wilde responded to state that this was the case.

Councillor Tony Murphy asked a question of the chair of Environment, Climate Emergency and Transport Committee, Councillor Elizabeth Grey in relation to the minutes of the meeting held on 5 December 2023. Councillor Murphy asked a question, regarding allotment site expansion stating that he attended the Bebington Road Annual General Meeting, and queried the allotment strategy and if it was being refreshed.

Councillor Elizabeth Grey responded to say that allotments were an important part of the Climate Emergency response and supporting residents emotional and physical wellbeing. Members of the committee had long called for better allotment provision, noting that there is a statutory duty to provide allotments that meets demands.

Councillor Simon Mountney asked a question of the Chair of the Policy and Resources Committee, Councillor Paul Stuart in relation to minute 73, of the meeting held on 21 November 2023. Cllr Mountney asked that the Chair update Council on the need for a digital transformation partner and confirm that this expenditure would make it easier for people to contact the council either face to face or in person, noting the 33% increase in older people living in Wirral.

Councillor Stuart responded to state that, one of the biggest frustrations for residents is the lack of face to face or phone contact and that a fuller response would be provided regarding the digital transformation programme.

Councillor Stephen Bennett asked a question of the Chair of Adult Social Care and Adult Health Committee, Councillor Janette Williamson, in relation to the minutes of the meeting held on 28 November 2023. Noting that the government had failed to invest in social care, and a deepening crisis in the sector due to the decision of the Government that families of immigrant workers are no longer allowed to work in the UK. Had a decision been made to continue to use the resources to continue the real living wage as agreed by Council in 2019.

Councillor Janette Williamson responded to state that the challenges faced had been a discussion that had been had by Committee Members, especially in regard to recruitment. Councillor Janette Williamson stated that the real living wage would be kept as a priority, noting the work undertaken by the Director of Adult Care and Health in recent years.

Councillor Mary Jordan asked a question of the Chair of Environment, Climate Emergency and Transport Committee, Councillor Elizabeth Grey in regard to minute 58 of the meeting held on 5 December 2023 and the increase of inconsiderate parking, such as pavement parking, double parking and parking on dropped curbs. The Council and Police both state that the responsibility lies with each other and queried would there need to be a fatality before this is properly dealt with. Councillor Jordan asked if this could be properly considered as part of the Parking Strategy.

Councillor Elizabeth Grey responded to state that parking issues were increasingly problematic and should be considered an important part of the parking strategy.

Councillor Louise Luxton-Kewley asked a question to the Chair of Childrens, Young people and Education Committee, Councillor Sue Powell-Wilde in regard to the meeting held on 29 November 2023, regarding corporate parenting, asking if the Chair could explain to Members what this meant.

Councillor Sue Powell-Wilde responded to state that, Corporate Parenting means having a strong corporate parenting ethos. Everyone from the Chief

Executive and beyond, having a passion about the children looked after, embedding strong governance and accountability, with clear understanding of roles, responsibilities and a whole system approach driven by the voices of young people.

Councillor Gary Bennett asked a question of the Chair of the Economy, Regeneration and Development Committee, Councillor Tony Jones in relation to minute 49 of the meeting held on 6 December 2023. Cllr Bennett asked could the chair please provide a written response and share with members from Moreton West, Saughall Massie and Leasowe and Moreton East, to confirm the current status of works and a timeline of works on the Wirral Growth Company site in Moreton including the development of a supermarket, re-developments to the library and inclusion of facilities to young people.

Councillor Tony Jones responded by confirming that a written response would be provided.

#### **94.1 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

Councillor Allan Brame asked a question of the Chair of the Liverpool City Region Transport Authority, Councillor Steve Foulkes regarding the Metro Mayors plans to build a new Woodchurch railway station noting that the playing fields in this area are now being used by the Glenavon JFC, Councillor Foulkes would agree to meet representatives of the club and ward members to discuss these concerns and how the station can be designed to accommodate the activities of this long-established football club.

Councillor Foulkes responded to state that the proposed station and design was at very early stages and that the Metro Mayor and officers would be happy to meet with stakeholders to engage along the process.

Councillor Allan Brame asked a supplementary question querying if given the location of the proposed station, it should be called Prenton station, rather than Woodchurch.

Councillor Steve Foulkes noted that the naming of stations was often the most controversial part of the process.

Councillor Julie McManus asked a question of the Chair of the Liverpool City Region Transport Authority, Councillor Steve Foulkes regarding a petition presented at Council on 4 December 2023 to Members of the Council and Liverpool City region Transport Committee regarding the 418 bus route which serves Bidston St James and Prenton and is known as the 'Hospital bus' locally. She noted that the bus route had been funded until April 2024 and sought an update on this.

Councillor Steve Foulkes confirmed that the amount of budget had been established for this route and would be reconsidered come budget setting.

Councillor Naomi Graham stated that she was pleased that this question has been asked and responded to as it covered multiple wards.

95 **MOTION 1 - HOUSEHOLD SUPPORT FUND**

Councillor Phil Gilchrist moved and Councillor Chris Carubia seconded a motion submitted in accordance with Standing Order 13. In moving the motion, Councillor Gilchrist confirmed he was happy to accept the amendment moved by the Labour group, as a friendly amendment, as follows:

Insert additional paragraph after paragraph 3

*'Council regrets that the Government considers that the existing fund should only be extended for six months'.*

*Insert additional paragraph after paragraph 5 In view of this, the approach of the Local Government Association should be endorsed and supported, namely that the Government 'needs to use the next six months to agree a more sustainable successor to the Household Support Fund'.*

Insert additional recommendation as recommendation 1.

*the Leader contacts the Local Government Association with a view to establishing how following their approach will assist Wirral and the interests of communities with similar needs.*

Councillor Jeff Green moved and Councillor Jenny Johnson seconded the following amendment, submitted in accordance with Standing Order 13.3:

Insert new paragraph after paragraph 5

*Council welcomes the additional £500 million announced by the Chancellor of the Exchequer in the Spring Budget to enable the extension of the Household Support Fund in England from April to September 2024, in order to continue providing targeted support to vulnerable households with the cost of essentials such as food and utilities and notes, to date, Wirral Council has received £15,246,725.46 in Household Support Fund payments to support our most vulnerable residents.*

The Council debated the motion and Conservative amendment which was then put to the vote and was lost (46:16) (1 Abstention).

The original Motion and Labour amendment was then put to the vote and it was –

**Resolved (62:1 ) (1 abstention) – that,**

**Council recognises the work undertaken, with all party support, to make the most effective use of The Household Support Fund in Wirral. Reports presented to members of the Health and Wellbeing Board set out the way in which the funding was made available to local groups and organisations.**

**The Department for Work and Pensions (DWP) recognises the work undertaken in Wirral and how groups have been involved as part of its research. Council notes that continuation of the Household Support Fund was supported by a wide range of organisations including, the Local Government Association and the Special Interest Group of Municipal Authorities (SIGOMA).**

**Council regrets that the Government considers that the existing fund should only be extended for six months. Council further notes the speculation and uncertainty over the future of the funding affects the organisations and all in our borough who are receiving support, help and advice.**

**Council notes the Chair of SIGOMA, Cllr Sir Stephen Houghton CBE has recently written to the Chancellor of the Exchequer to explain the impact of ending the Household Support Fund that he described would have disastrous consequences. In view of this the approach of the Local Government Association should be endorsed and supported, namely that the Government ‘needs to use the next six months to agree a more sustainable successor to the Household Support Fund’.**

**Council believes that tackling the impact of poverty, through this scheme and its successors, is essential in order to deal with social isolation, family breakdown and childhood poverty.**

**Council therefore requests:**

- 1. the Leader contacts the Local Government Association with a view to establishing how following their approach will assist Wirral and the interests of communities with similar needs.**
- 2. the Leader of the Council to write to the Chancellor of the Exchequer to press for the Household Support Fund to be funded on a permanent basis to deal with the concerns expressed in recent months; and**
- 3. the Director of Public Health, in conjunction with the Director of Finance, to highlight future sources of funding to support Wirral**

**residents who are most in need by working through the relevant committees**

96 **MOTION 2 - FREEDOM OF THE BOROUGH REQUEST FOR MR DAVID ARMSTRONG**

Councillor Angela Davies moved and Councillor Paul Stuart seconded a motion submitted in accordance with Standing Order 13.

The Council debated the motion and the guillotine was applied at 9:30pm. The Council voted as follow:

For the Motion (62) – Councillors A Ainsworth, C Baldwin, P Basnett ,G Bennett, S Bennett, J Bird, M Booth, A Brame, C Carubia, P Cleary, C Cooke, T Cox, A Davies, GJ Davies, G Davies, S Foulkes, A Gardner, P Gilchrist, H Gorman, N Graham, JE Green, EA Grey, J Grier, B Hall, A Hodson, K Hodson, P Jobson, G Jenkinson, J Johnson, T Jones, M Jordan, S Kelly, B Kenny, J Stewart Laing, T Laing, E Lamb, I Lewis, L Luxon-Kewley, C McDonald, G McManus, J McManus, R Molyneux, S Mountney, K Murphy, T Murphy, A Onwuemene, R Pitt, C Povall, S Powell-Wilde, H Raymond, L Rennie, M Redfern, J Robinson, M Skillicorn, K Stuart, P Stuart, M Sullivan, E Tomeny, J Walsh, J Williamson, V Wilson, G Wood

Against the motion – none

Abstentions – (1)– J Williams.

It was therefore resolved that –

**Council acknowledges and honours individuals who have made an outstanding contribution to Wirral and our communities. David Armstrong, the Council’s Deputy Chief Executive is one such person. With a career that began in 1975 as a teacher, David epitomises the qualities of a dedicated and diligent public servant, consistently placing people at the forefront of his work.**

**Having been part of Wirral Council since 1990, David has fulfilled various roles over the 34 years, including serving twice as Acting Chief Executive. He has exhibited a willingness to go above and beyond, leading by example during challenging times and actively supporting the council, its staff, residents, local businesses and community groups. David's contributions include mentoring staff, recognising exceptional efforts, and providing personal assistance during emergencies, as well as guiding community groups through change and resolving complex issues. Council expresses our deep appreciation to David for his**

dedication and commitment to Wirral and the people of Wirral and wishes him well for his well- earned retirement.

**Council therefore requests:**

**That Council agrees to recommend that consideration be given at the next Regulatory and General Purposes Committee to a freedom of the borough request for Mr David Armstrong.**

97 **MOTION 3 - REOPEN OUR POST OFFICES**

Councillor Jenny Johnson moved and Councillor Lesley Rennie seconded a motion submitted in accordance with Standing Order 13.

Councillor Brian Kenny moved and Councillor Ann Ainsworth seconded the following amendment, submitted in accordance with Standing Order 13.3:

Insert additional paragraphs after paragraph 2,

*‘During the peak of the Post Office scandal between 2010 and 2012, Sir Ed Davey, the Postal Affairs Minister, declined to engage with postmaster Alan Bates, the leader of the justice campaign. Council recognises that the 2010 Coalition government and the subsequent Conservative administrations neglected to address the scandal. Councils condemns the Post Office for deceiving government Ministers over time and for failing the numerous sub-postmasters and sub-postmistresses nationwide, including those in Wirral, who were unjustly prosecuted’. Insert additional recommendation after final paragraph 7, Council further requests that the Leader to write to the Cabinet Office requesting the Elizabeth Emblem be considered for individuals who were wrongly convicted but have since passed away without receiving justice.’*

The amendment was then put to the vote and was lost (26:36) (1 abstention).

The original motion was therefore put to the vote, and it was –

**Resolved – resolved (62:0) (1 abstention) that -**

**Council recognises the immense distress, anguish and grievance caused by the Horizon scandal for Post Masters and Post Mistresses, their families, staff and the wider community. Council believes the stress upon post office employees since the introduction of the Horizon IT system will have contributed to many choosing to leave their roles, accounting for some of the 7,462 branches which closed between 1997 and 2010. Council notes that since 2010, and in return for its government**

funding, the Post Office has been required to invest in the network, and maintain around 11,500 branches with no further substantive reductions.

Council therefore expresses its grave concern that post offices in Wirral, including Ford Road (Upton), Saughall Bridge (Moreton) and Grove Road (Wallasey), have been closed, causing hardship and difficulties to residents and local businesses. Council thanks those who are campaigning for these branches to reopen, including 1,035 residents who have signed a petition for Grove Road Post Office to reopen and the Upton Village Community Group who have written directly to the Post Office. Council requests the Chief Executive to write expressing these concerns to the Chief Executive and Chairman of the Post Office, and that all Group Leaders similarly write to the Postal Affairs Minister.

Council also notes the request by the Chair of the Audit & Risk Management Committee for the Authority to also consider whether any of the recommendations following the independent Post Office Horizon IT Inquiry can also be applied to processes within the Council, including those from Phase Five of the Inquiry starting in April, regarding internal and external audit, technical competence, stakeholder engagement, oversight and whistleblowing.

98 **MOTION 4 - IMMEDIATE, BILATERAL, LONG LASTING CEASEFIRE IN GAZA**

Councillor Jo Bird moved and Councillor Pat Cleary seconded a motion submitted in accordance with Standing Order 13.

Councillor Allan Brame moved and Councillor Phil Gilchrist seconded part two of the amendment, submitted in accordance with Standing Order 13.3 with Councillor Bird confirmed she was happy to accept the amendment moved by the Liberal Democratic group as follows,

2. the Director of Pensions at Merseyside Pension Fund submit an *initial* report to Members of the Pensions Committee *for their consideration* as soon as practically possible to *outline the feasibility and potential impact of disinvestment by:*

- *providing* details of current investments in companies in the fund and confirmation on whether or not there are any direct links to Israel Defence Force's military campaign in Gaza as per information as sourced in this motion under point 3;
- *outlining* the engagement history by the fund or its partners with these companies; and

- **clarifying** explain how the fund's Responsible Investment Policy should be applied to these companies ~~with a view to potential divestment.~~

For the Motion (20) –J Bird, A Brame, C Carubia, P Cleary, C Cooke, P Gilchrist, H Gorman, N Graham, J Grier, G Jenkinson, S Kelly, E Lamb C McDonald, R Molyneux, K Murphy, A Onwuemene, H Raymond, M Redfern, E Tomeny, J Walsh,

Against the motion (42) Councillors A Ainsworth, C Baldwin, P Basnett ,G Bennett, S Bennett, M Booth, T Cox, A Davies, GJ Davies, G Davies, S Foulkes, A Gardner, JE Green, EA Grey, B Hall, A Hodson, K Hodson, P Jobson, J Johnson, T Jones, M Jordan, B Kenny, J Stewart Laing, T Laing, I Lewis, L Luxon-Kewley, G McManus, J McManus, S Mountney, T Murphy, R Pitt, C Povall, S Powell-Wilde,L Rennie, J Robinson, M Skillicorn, K Stuart, P Stuart, M Sullivan, J Williamson, V Wilson, G Wood

Abstentions – (1) – J Williams.

**It was therefore resolved that – the motion was lost.**



## ANNUAL COUNCIL

Wednesday, 22 May 2024

REPORT TITLE:	REVISIONS TO THE CONSTITUTION
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES

### REPORT SUMMARY

This report provides for approval the updated revisions to the constitution which has been amended to incorporate proposed changes referred to Council by the Constitution and Standards Committee who met on 28 February 2024.

The proposed changes recommended by the Constitution and Standards Committee are in relation to:

- Officer Code of Conduct
- Member Officer Protocol
- Media Protocol
- Financial Procedure Rules
- Members Allowance Scheme
- Public Questions and Petitions
- Minor amendments
- Licensing Code of Good Practice

This matter affects all wards. This is not a key decision. The report contributes to the delivery of all Council Plan Priorities by ensuring that the Council's decision-making process is as effective as possible.

### RECOMMENDATION/S

Council is recommended to:

- (1) endorse the proposed amendments to the Constitution, as detailed in sections 3.2 to 3.15 of the report as recommended by the Constitution and Standards Committee.
- (2) adopt the revisions to Constitution.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Throughout the Municipal year 2023/2024 several matters were drawn to the attention of the Monitoring Officer by Members, Officers and Members of the public in respect to aspects of the Constitution. The Constitution and Standards Committee were requested to consider the recommendations detailed in the report and submit them to the Council Meeting in May for approval. All agreed changes will be incorporated into a revised Constitution which will be published for the 2024/2025 municipal year.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Council could decide that having considered the matters referred to in the report, that they do not deem it necessary to amend the Constitution.

### **3.0 BACKGROUND INFORMATION**

- 3.1 At the meeting of Constitution and Standards Committee on 28<sup>th</sup> February 2023, Members considered seven issues and suggested changes to the Constitution to address these issues.

#### **Officer Code of Conduct**

- 3.2 A revised Officer Code of Conduct was presented to the Governance Working Group on 25 September 2023 having been redrafted by officers in the Organisational Development team. This work aimed to align the Code of Conduct with other corporate strategies and policies in terms of format and accessibility. The revised Officer Code of Conduct is attached to this report.

#### **Member Officer Protocol**

- 3.3 The Member Officer Protocol had not been reviewed since 2016 and therefore the Governance Working Group felt it was timely to review it. Having reviewed the content of the protocol, officers were content that it was mostly still pertinent, and that the protocol was fit for purpose. A proposed redraft was submitted to the Working Group for consideration on 22 November 2023 which included an amalgamation of sections 4, 5 and 8, as well as the information pertaining to access to information for members being moved to the Access to Information Procedure Rules. The Governance Working Group endorsed this approach and therefore the revised Member Officer Protocol is attached to this report,

#### **Media Protocol**

- 3.4 The Media Protocol had not been reviewed since 2020 and therefore it was felt to be good practice for the document to be reviewed to ensure it was fit for purpose. The Head of Communications presented a re-drafted protocol to the Governance

Working Group at its meeting on 19 February 2024. The Working Group endorsed the revised protocol which is attached to this report.

### **Financial Procedure Rules**

- 3.5 The Director of Finance has undertaken a review of the Financial Procedure Rules and looked to reduce the length of the document. The review sought to remove repetitious information which was included elsewhere in the Constitution and other policy documents, which had enabled a significant reduction in the length of the document. The Governance Working Group considered the revised procedure rules at its meeting on 19 February 2024 and endorsed the document, which is attached to this report.

### **Members Allowance Scheme**

- 3.6 The Independent Remuneration Panel met to give consideration to the possible inclusion of a Special Responsibility Allowance for the positions of Chair and Vice Chair of the Liverpool City Region Transport Committee in the event of a Wirral Member being elected to the position. Information was sought from the Liverpool City Region Combined Authority, the Metro Mayor, the past and current Chair as other LCR authorities. The Panel's recommendation is detailed in the table below:

<b>Transport Member allowance)</b>	<b>Committee (Basic</b>	<b>Enhancement</b>	<b>Remuneration Total</b>
£5904.27		-	£5904.27
£5904.27		Opposition Spokesperson £2767.46	£8,671.73
£5904.27		Lead Member £4612.09	£10,516.36
£5904.27		Vice Chair £5,162.79	£11,067.06
£5904.27		Chair £10,325.58	£16,229.85

- 3.7 The Independent Panel also considered the current level of remuneration for Independent Persons. The Panel proposed an increase from £30 per meeting or per three hours to £60 per meeting or per three hours. The revised Members Allowance Scheme is attached to this report.

### **Public Questions and Petitions**

- 3.8 It was brought to the Governance Working Group's attention that Standing Order 2(v) which detailed the 30-minute time limit for public questions at Council Meetings did not apply to Committee or Sub-Committee meetings (Standing Order 24). At its meeting on 22 November 2023, the Working Group agreed that this rule should also apply to Committees and Sub-Committees, therefore a proposed redraft of Standing Order 10.7 is attached at to this report.

- 3.9 The Governance Working Group further requested that the Petition Scheme be relooked at following recent experiences. A petition was submitted with over 5,000 signatures. At its meeting on 26 January 2024, it was noted by the Working Group that it was difficult to verify whether signatories worked or studied in Wirral when providing a home address outside of Wirral. It was further noted that the requirement for submission of petitions 10 working days prior to a meeting was mainly to enable verification of signatures to ensure that they were valid to trigger a debate, but that only one petition submitted had exceed 5,000 signatures. The Working Group therefore proposed that:
- Petitions should be submitted by **12 noon 3 working days prior to a meeting**, in line with statements and questions;
  - Signatures to petitions that qualify for a Council debate **should only be from those who live in Wirral**;
  - The time limit for a Council debate for a petition with over 5,000 signatures be **increased from 15 minutes to 30 minutes**.
- 3.10 It was noted and accepted that the proposed change to the time limit for submission of petitions meant that any petition with over 5,000 qualifying signatures submitted to Council after the summons had been published would be debated at a subsequent Council meeting. The Working Group noted that members of the public could still arrange for petitions to be submitted well in advance of the summons publication to enable the petition to be debated at the same meeting it was submitted to.
- 3.11 The proposed changes to Standing Order 11.2 are detailed in Appendix G and the proposed changes to the Petition Scheme are detailed in an attachment to this report

### **Minor Amendments**

- 3.12 From 31 January 2024, new rules are in place in respect of the aspect of health scrutiny that relates to reconfigurations of local health services. This means that from this date, local health overview and scrutiny committees (HOSCs) will no longer be able to formally refer matters to the Secretary of State where they relate to these reconfigurations. Instead, the Secretary of State themselves will have a broad power to intervene in local services – HOSCs will have the right to be formally consulted on how the Secretary of State uses their powers to “call in” proposals to make reconfigurations to local health services. Other aspects of health scrutiny remain unchanged – the power to require representatives of NHS bodies to attend formal meetings, the power to get information from NHS bodies and the power to require NHS bodies to have regard to scrutiny’s recommendations. This requires a change to Part 3(B) paragraph 2.5 (a) of the Constitution, as follows:

Delete the following sentence:

“It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service.”

And replace with:

“Health Overview Scrutiny Committees can write to request that the Secretary of State consider calling in a health proposal. Requests should only be used in exceptional situations where local resolution has not been reached.”

- 3.13 Full details of the proposed changes can be found in the report to Constitution and Standards appended to this report.
- 3.14 Further changes have been proposed by the Monitoring Officer as part of regular maintenance and updating of the Constitution. These include:
- Updates to the Terms of Reference of Regulatory and General Purposes Committee and Licensing Act Committee so that the Regulatory Sub-Committee is referred to as the Licensing Panel.
  - Deletion of reference to the Director of Resources in relation to acting as the Section 151 Officer and its replacement with Director of Finance.
  - Amending the process for agreeing the budget in the Budget and Policy Framework Procedure Rules to include a further informal meeting of Policy & Resources Committee if the budget is not agreed as opposed to a formal meeting.
  - Amending the Terms of Reference for Children, Young People and Education Committee to include reference to Schools Forum in the functions exercisable by the Council in relation to the provision of Education.
  - Part 3, Section A of the Constitution sets out matters that are reserved to Council to determine. One of those matters that the Council chooses for Council to approve is the Council Plan (December 2023), as per paragraph 2 b) (i). It is recognised that the Council Plan is supported by a range of plans and strategies. These will now be listed by way of a hyperlink so that both the public and the council’s officers are clear that decisions are made in line with the Council’s approved budget policy framework. It will not be necessary for the individual plans and strategies listed in the hyperlink to be approved by full Council, these will continue to be approved at the relevant committee.

<https://www.wirral.gov.uk/council-plan>

## **LICENSING CODE OF GOOD PRACTICE**

- 3.15 There is currently no Code of Good Practice for Members specifically involved in the Licensing process and this could continue to be the case, however it is considered appropriate for the Council to adopt a Licensing Code of Good Practice to give particular guidance to Members of the Licensing Committees in a similar way that such guidance is given to Members of the Planning Committee.

The Members’ Draft Licensing Code of Good Practice has been prepared in response to an audit of the Council’s Governance arrangements which

recommended a Code of Conduct for Members involved in the Licensing process. The Draft Code has been prepared with reference to the existing Members' Planning Code as well as the Model Members' Planning Code of Good Practice produced by Lawyers in Local Government (LLG) which was revised in January 2024. The draft code was presented to the Constitution and Standards Committee on 28 February 2024 and circulated to Members of Regulatory and General Purposes Committee for their feedback.

The Codes referred to have incorporated the Nolan Principles and commentary from the Committee on Standards in Public Life, the changes in the approach to codes of conduct and predetermination introduced by the Localism Act 2011 as well as the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013. This proposed Code will apply to Members at all times when involving themselves in the Licensing process.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Members' Allowances Scheme will form part of the Council's normal budget setting considerations. It should be noted that an individual Member can only claim one SRA. A number of Councillors often perform two roles which would entitle them to an allowance. Being a Deputy Group leader whilst being a Committee Chair is one such example.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Part 3, Section A of the constitution details those functions which are reserved to the Council Meeting. Point 2 (k) stipulates those significant changes to the Council's Constitution, include adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- 5.2 Where the Constitution & Standards Committee concludes that the Council Procedure Rules be amended, then a recommendation must be made to the Council for a final decision.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no implications arising from the recommendations detailed in this report.

#### **7.0 RELEVANT RISKS**

- 7.1 There are no foreseen risks arising from the recommendations detailed in this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The Governance Working Group has been consulted and recommended to proposed changes, in consultation with the Director of Law and Corporate Services.

## 9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2 There are no direct equality implications arising from this report.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no direct environment and climate implications arising from this report

## 11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no direct community wealth implications arising from this report.

**REPORT AUTHOR:** Anna Perrett  
Democracy Business Manager  
email: [annaperrett@wirral.gov.uk](mailto:annaperrett@wirral.gov.uk)

## APPENDICES

- Appendix 1 – 10 Revisions to the Constitution.  
Appendix 2 – Minutes of the Construction and Standards Committee

## BACKGROUND PAPERS

Council Constitution

## TERMS OF REFERENCE

This report is being considered by Full Council in accordance with the Policy Framework (k) 'Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.'

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	28 February 2023
Council	24 May 2022

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# Wirral Council Employee Code of Conduct



## Code of Conduct

**Our purpose** is working together to promote fairness and opportunity for people and communities.

**Our values** are at the heart of everything. They capture our spirit, driving what we do, how we do it, how we behave, and how we treat others. They are a non-negotiable part of all our roles and help us uphold the highest standards of conduct.



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**RESIDENT FOCUSED**



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**Our handshake** helps us understand what we can expect from our organisation and what we are asked for in return. It is built on the expectation of mutual respect, trust and a positive relationship.

### We will ...

- Live our values
- Care for you
- Value and respect you and the work you do
- Empower you to improve things and make Wirral a great place to work
- Support you to develop, learn and grow to be great at what you do
- Fly the flag for Wirral
- Learn from each other, support each other and take time to celebrate the great work we do
- Listen to you and involve you in how we do things

### You will ...

- Live our values
- Care for others
- Respect and value others
- Work together to improve things and make Wirral a great place to work
- Develop, learn and grow to be great at what you do
- Fly the flag for Wirral
- Learn from each other, support each other and take time to celebrate the great work we do
- Value and respect the trust and responsibility given to you



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## Scope

We are proud that our Code of Conduct (Code) applies to everyone working for us regardless of their role, including interim workers.

We are all expected to know, understand and follow our Code. Taking personal responsibility to make full use of all the support and guidance available to us to live it in what we do, how we do it, how we behave, and how we treat others.

We will recognise, celebrate and reward behaviours consistent with the Code and challenge any inconsistencies. This includes corrective interventions which can involve disciplinary action, up to and including termination of employment.

## Helping uphold the highest standards

Speaking up when something's not right helps us to create a work environment we can all be proud of, where everyone can thrive and deliver our purpose.

Our [whistleblowing policy](#) outlines what we should do if we observe behaviours inconsistent with the Code.

## 1. Representing the council

At all times our residents, stakeholders, customers, clients, colleagues, elected members and partners should be treated professionally with honesty, integrity, openness, impartiality (including political neutrality in carrying out our job role), dignity, respect, fairness, and not discriminated against. This is acting in accordance with the trust placed in us as employees of the council.

In addition, our [dignity at work policy](#) and [equality, diversity and inclusion policy](#) outlines our personal responsibility to help create an inclusive workplace. This includes us behaving in a fair and equitable way and avoiding discrimination in any form.

It's important that employees do not engage in conduct outside of work which could damage the reputation of the council, or the reputation of other elected members/employees of the council. This includes notifying your Senior Manager, as soon as possible, if you are facing criminal charges irrespective of



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the whether you consider the matter to be relevant to your employment or not.

## 2. Duty of trust and care

Our [children's safeguarding policy](#), [adult's safeguarding policy](#) and [safer recruitment & employment policy](#) outlines our duty of trust and care for vulnerable adults, children and young people. This is shown through respectful and caring relationships, and demonstrating integrity, maturity and sound judgement at all times; and protecting them from harm.

## 3. Health and safety

Safety is our top priority. Our [Health & Safety Policy](#) outlines our collective and individual responsibility to make our workplace a safe place for everyone by taking reasonable steps to protect our own health and safety and that of other people who may be affected by our actions or omissions at work.

## 4. Use of council assets

Council assets are physical objects, buildings, financial resources, computer data and information generally. We all have a responsibility to:

- only use council assets for purposes that are in line with the post we hold,
- make sure we have the correct permission before we make use of council assets,
- not take anything that belongs to the council unless we are specifically authorised to do so,
- use assets in a responsible and lawful manner, ensuring value for money.

This includes the code of practice for the [acceptable use of computer facilities](#), including electronic mail, IT systems and the internet.



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## 5. Data protection

All council employees, suppliers, partners and clients/customers are entitled to protection of their personal information. Our [information governance policy](#) outlines our collective and individual responsibility to keep all personal data confidential, whether stored digitally or manually held.

## 6. Anti-fraud and corruption

Fraud is when somebody is deliberately dishonest to secure an unfair or unlawful gain. Corruption is when somebody unlawfully gives or receives an incentive to influence someone in a position of power. Our [anti-fraud and corruption policy](#), [anti-money laundering policy](#) and [anti-bribery policy](#) outlines our collective and individual responsibility to report something if we suspect it might involve fraud or corruption.

## 7. Conflict of interest

Our [conflict of interest policy](#) and [procedure](#) outlines our collective and individual responsibility to declare any actual or potential conflicts of interest in connection with our employment. A conflict of interest can arise if our outside activities, private, personal or financial interests:

- conflict with the council's purpose, duties, decisions, services or activities,
- influence or interfere with the decisions we make in the course of our work for the council, or
- appear to or could be perceived to influence or interfere with the decisions we make in the course of our work for the council,
- appear to or could be perceived to confer an advantage or disadvantage on any person,
- do anything which would affect their ability, or the public's confidence in their ability, to do their job.



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## 8. Gifts and hospitality

Some people may believe they will get a better level of service or more favourable treatment if they provide additional payments or offer us favours. Our [gifts & hospitality policy](#) and [supporting procedure](#) outlines our collective and individual responsibility if situations arise where we are offered gifts and hospitality in connection with our employment.

## 9. Social media

The council values the use of social media as an important way of communicating with the communities we serve. Our [social media policy](#) outlines our responsibility to make sure that what we access is always appropriate and that using social media doesn't interfere with our work. This includes ensuring our use of social media does not put the council at legal risk or damage the council's reputation.

## Related policies

Our Code cannot tell us exactly what to do in every situation or cover all standards and responsibilities, with its focus on some especially important ones. To understand the full range of responsibilities expected of us, a suite of corporate standards and conduct policies are available on our [intranet](#).

## Conclusion

We are proud to hold ourselves to the highest standards of professional conduct. We are all expected to know, understand and follow our Code.

This includes taking personal responsibility to make full use of all the support and guidance available to us and to complete assigned 'essential learning' on our learning platform, [Flo](#). You will find this learning, including frequency and deadline information, on the 'your assigned learning' banner on Flo.

If you need any clarity about the Code don't be afraid to ask your line manager or contact the Employee Relations Team at [EmployeeRelations@wirral.gov.uk](mailto:EmployeeRelations@wirral.gov.uk).

*\*\* Our Standards Committee agreed this Code on xxxx and was endorsed by Council at its meeting on xxxx.*



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# CONSTITUTION OF THE COUNCIL

## Part 5 Section 3

### PROTOCOL FOR MEMBER/OFFICER RELATIONS

#### Content:

1. Introduction
2. Members
3. Officers
4. The Relationship
5. Support Services to Members and Party Groups
6. Correspondence
7. Press and Media
8. Involvement of Ward Councillors
9. Breaches of the Protocol

## 1. Introduction

- 1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another. It is hoped the Protocol will help build and maintain good working relationships between Members and Officers as they work together. Employees who are required to give advice to members are referred to as “Officers” throughout.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the beginning of the previous national guidance on conduct for councillors remains relevant in its description that:
- “1. Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council’s work under the direction and control of the council, their committees and sub-committees.
- “2. Mutual respect between Councillors and Officers is essential to good local government.”
- 1.5 The provisions of this Protocol will be interpreted having regard to the requirements of the Members’ Code of Conduct, the Officers’ Code of Conduct, the Council’s Whistleblowing Protocol and the Council’s policies, procedures and processes.
- 1.6 At the heart of the Codes, and this Protocol, is the importance of mutual respect and also of civility. Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.
- 1.7 Neither should an officer raise with a councillor matters relating to the conduct or capability of another officer or to the internal management of the section or Directorate in a manner that is incompatible with the objectives of this Protocol.
- 1.8 A Member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
  - ensure that any criticism is well founded and constructive,
  - ensure that any criticism is made in private,
  - take up the concern with the appropriate Director or Deputy Chief Officer.
  - If the matter is of a particularly serious nature to inform the Chief Executive

## 2. Members

2.1 Mutual respect between Councillors and Officers is essential to good Local Government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

2.2 In line with the Code of Conduct, as set out in Part 5(1) of this Constitution, a Member must treat others with respect and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.

2.3 Officers can expect Members:

- to act within the policies, practices, processes and conventions established by the Council
- to work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities
- to understand and support the respective roles and responsibilities of Officers and their associated workloads, pressures and reporting lines
- to give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision in issues based on advice to treat them fairly and with respect, dignity and courtesy
- to act with integrity, to give support and to respect appropriate confidentiality
- to recognise that Officers work to the instructions of their Senior Officers and not to individual Members
- not to subject them to intimidation, harassment, or put them under undue pressure. Members will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between the Member and Officer, and the potential vulnerability of Officers, particularly at junior levels
- not to request them to exercise discretion which involves acting outside the Council's policies and procedures
- not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Member without proper and lawful authority
- not to use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- to comply at all times with the Members Code of Conduct, the law, the Constitution and such other policies, procedures, protocols and conventions agreed by the Council.

- 2.4 It is important that Members of the Authority:
- respect the impartiality of Officers and not undermine their role in carrying out their duties
  - do not ask Officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an Officer being criticised for operating in a party political manner
  - do not ask Officers to exceed their authority where that authority is given to them in law, by the Council or by their Managers
- 2.5 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging his/her responsibilities under any statutory office a Member or Members shall not:
- improperly interfere with or obstruct the Officer in exercising those responsibilities
  - victimise any Officer who is discharging or has discharged his/her responsibilities of the Statutory Office

### **3. Officers**

- 3.1 The primary role of Officers is to advise, inform and support all members and to implement the lawfully agreed policies of the Council.
- 3.2 Officers are responsible for day-to-day managerial and operational decisions within the Council. Members should avoid inappropriate involvement in such matters.
- 3.3 In performing their role Officers will act professionally, impartially and with political neutrality. Whilst Officers will respect a Member's view on an issue, the Officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.
- 3.4 Officers should:
- implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
  - work in partnership with Members in an impartial and professional manner
  - assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
  - respond to enquiries and complaints in accordance with the Council's standards protocol
  - be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
  - act with honesty, respect, dignity and courtesy at all times

- provide support and learning and development opportunities for Members to help them in performing their various roles
- not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly
- comply, at all times, with the Officer Code of Conduct, and such other Policies or Procedures approved by the Council

3.5 Officers have the right not to support Members in any role other than that of Member, and not to engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

#### **4. The Relationship**

4.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.

At the heart of the Codes, and this Protocol, is the importance of mutual respect and also of civility. Councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

4.2 There is a statutory recognition for party groups and officers may be properly called upon to support and contribute to deliberations by party groups when giving preliminary consideration to matters of Council of business in advance of its consideration by the relevant Council decision making body. This could be a meeting with a Chair or Spokesperson or a full party group meeting.

4.3 Any requests for advice or attendance is to be directed through the Group Leaders or Chairs/Spokespersons for the relevant Committee. The request shall be made to the relevant Chief Officer or, in their absence, to their deputy or the next appropriate lower tier officer. An officer accepting an invitation to one political group or individual will not decline an invitation to advise another political group or individual on the same subject, although the Officer is not obliged to offer to advise another political group on the same subject.

4.4 It is important that the following factors are taken into consideration when an officer attends a party group meeting:

- Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business and only matters relating to Council business should be discussed when officers are in attendance.
- Where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- Party Group Meetings are not empowered to make decisions on behalf of the Council and conclusions reached at such meetings should not be interpreted or acted upon as such.
- It is incumbent on a party group to declare if a non-Councillor will be in attendance and in such circumstances, access to information procedure rules apply and the officer reserves the right to not provide advice.
- Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group, unless agreed otherwise.

- 4.6 It is clearly important that there should be a close working relationship between the Chair of a Committee and the Chief Officers who support that Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups.
- 4.7 Whilst the Chair of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, usually together with the Spokespersons of a Committee, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chair or Spokespersons and an Officer in this area should be referred to the Chief Executive for resolution.
- 4.8 The Council's delegation scheme and resolutions passed at Committee meetings authorise a named officer to take action, sometimes in consultation with one or more Members such as the Chair and Vice-Chair of a Committee. In these circumstances it is the officer, rather than the Member, who takes the decision or action and it is the officer who is accountable for it.

## **5. Support Services to Members and Party Groups**

- 5.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

## **6. Correspondence**

- 6.1 Correspondence between an individual Member and an Officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the foot of any e-mails if another Member has received an e-mail by adding "cc Councillor x."
- 6.2 Official letters or emails on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister)

for a letter or email to appear over the name of a Member, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

- 6.3 Correspondence to individual Members from officers concerning regulatory matters such as planning, enforcement, licensing and environmental health matters should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the Member in confidence only and why that is so.

## **7. Press and Media**

- 7.1 The full guidance on the Council’s policy towards interaction with the press and media can be found within the Press and Media Protocol contained at Part 5(4) of this Constitution. In summary, it is required as follows.
- 7.2 The Council must comply with the provisions of the Local Government Act 1986 (“the Act”) regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the Council must have regard to it and follow its provisions when making any decision on publicity.
- 7.3 The Leader, Deputy-Leader and Chairs act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. The Leader, Deputy-Leader and Chairs should liaise with the Communications Team on all forms of contact with the press and media. Annexed to this protocol is a note on the practice for the issue of press releases.
- 7.4 A Chief Officer or Deputy Chief Officer or nominated representative may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.
- 7.5 Any press release that may be necessary to clarify the Council’s position in relation to disputes, major planning developments, court issues or individuals’ complaints should be approved by the appropriate Chief Officer or the Monitoring Officer.
- 7.6 For more detailed information and guidance regarding the role of Members in connection with the use of social media, reference should be made to the Council’s Social Media Protocol contained as an Annexe to the Press and Media Protocol as Part 5(4)(a) of this Constitution.

## **8. Involvement of Ward Councillors**

- 8.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

## **9. Breaches of the Protocol**

- 9.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Director or Deputy Chief Officer. Where the Officer concerned is a Director or Deputy Chief Officer, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer.
- 9.2 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Members.
- 9.3 Where an officer feels that he or she has not been properly treated with respect and courtesy, or is concerned about any action or statement relating to him/herself or a colleague by a councillor, they should raise the matter with their line manager, Director or the Chief Executive as appropriate. In these circumstances the Chief Executive or Director will take appropriate action either by approaching the individual councillor and/or the party group leader.
- 9.4 Officers will also have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive who, having advised the Leader of the Council and the appropriate Group Leader(s), will decide on the course of action to be taken, following consultation with the Constitution and Standards Committee if appropriate.
- 9.5 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.
- 9.6 Breaches of this Protocol by an Officer may be referred for disciplinary action.



# CONSTITUTION OF THE COUNCIL

## Part 4 Section 2

### ACCESS TO INFORMATION PROCEDURE RULES

#### 1. SCOPE

These rules apply to all meetings of the Council, to regulatory committees and to any other formal committees and sub-committees established by the Council (together called meetings).

#### 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law; for example the Freedom of Information Act and the Data Protection Act.

Previously exempt information may subsequently be made available if the reason for exemption no longer applies.

#### 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

#### 4. NOTICES OF MEETINGS

The Council will give at least five clear days' notice of any meeting by publishing details on its website and making copies of such a notice available at its offices at Birkenhead Town Hall, Mortimer Street, Birkenhead.

#### 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting.

Where a report was not open to inspection by members of the public for five clear days before the meeting, it can only be considered at the meeting if the Chair of the meeting is of the opinion that it should be considered as a matter of urgency by reason of special circumstances, which shall be specified in the minutes.

#### 6. SUPPLY OF COPIES

The Council will supply copies of the following:

- (a) any agenda and reports which are open to public inspection;
  - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item
- to any person on payment of a charge for postage and any other costs.

## 7. ACCESS TO RECORDS OF DECISIONS AND MINUTES, ETC.

The Council will make available

- (a) as soon as reasonably practicable after the record is made:
  - (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of formal committees;
  - (ii) written records of decisions taken by officers (in accordance with paragraph 8 below);
  - (iii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (iv) the agenda for the meeting; and
  - (v) reports relating to items,excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in paragraph 11),
- (b) for inspection by members of the public:
  - (i) at all reasonable hours, at the offices of Birkenhead Town Hall, Mortimer Street, Birkenhead; and
  - (ii) on the Council's website; and
- (c) the written record will be retained by the Council and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

## 8. RECORD OF DECISIONS TAKEN BY OFFICERS

- (a) **Decision** - A decision-making officer must produce a written record of any decision which is:
  - (i) a Key Decision or
  - (ii) a decision that would otherwise have been taken by the full Council, a committee or sub-committee of the Council but has been delegated to an officer either—
    - (1) under a specific express authorisation; or

- (2) under a general authorisation to officers to take such decisions and, the effect of the decision is to:
  - (aa) grant a permission or licence;
  - (bb) affect the rights of an individual; or
  - (cc) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position, which is taken to mean expenditure in excess of **£100,000** (excluding social care packages or placements).
- (iii) For clarity, these rules shall not apply to:-
  - (1) routine administrative and operational decisions, including a contract or expenditure concerning individual social care packages or placements;
  - (2) decisions on operational matters such as day to day variations in services;
  - (3) decisions if the whole or part of the record contains confidential or exempt information; and
  - (4) decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.
- (b) **Record** - The written record (referred to as an Officer Decision Notice) must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—
  - (i) the date the decision was taken;
  - (ii) a record of the decision taken along with reasons for the decision;
  - (iii) details of alternative options, if any, considered and rejected; and
  - (iv) where the decision falls under paragraph 8.1(a), the names of any Member who has declared a conflict of interest in relation to the decision.
- (c) **Publication** - The decision-making officer shall provide the proper officer as soon as reasonably practicable with:
  - (i) the written record produced in accordance with paragraph (b) above
  - (ii) in the case of a Key Decision, a copy of the report provided to the decision-making officer containing:
    - (1) the recommended decision;
    - (2) an explanation of the reasons for the recommendation being put forward;
    - (3) details of any alternative options, if any, considered and rejected for recommendation;

- (4) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
  - (5) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the head of paid service, s.151 officer or monitoring officer) may require, which may include risk, staffing, equalities, crime and disorder and climate change implications; and
- (iii) any background papers considered by the officer and relevant to the decision,

for publication in accordance with paragraph 7 above.

## 9. **BACKGROUND PAPERS**

- (a) **List of Background Papers** - The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- (i) disclose any facts or matters on which the report or an important part of the report is based; and
  - (ii) 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 (as defined in paragraph 11).
- (b) **Public Inspection of Background Papers** – Any background papers will be retained by the Council and made available for inspection by the public for a period of four years beginning with the date of the meeting or the date on which the decision, to which the background papers relate, was made.

## 10. **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings, including the right to record meetings, and to inspect and copy documents shall be kept at and available to the public at the Birkenhead Town Hall, Mortimer Street, Birkenhead.

## 11. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

- (a) **Confidential Information: requirement to exclude public** - 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) **Exempt Information: discretion to exclude public** - The public may 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 exempt information would be disclosed. Information is only exempt if and so long as in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

**(c) Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its disclosure or information which cannot be publicly disclosed by Court Order.

**(d) Meaning of exempt information**

Exempt information means information falling within the following categories (subject to any condition):-

<b>CATEGORY</b>	<b>CONDITION</b>
1. Information relating to an individual	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> <li>(a) where disclosure is prohibited by statute; or</li> <li>(b) where disclosure might involve providing personal information about individuals; or</li> <li>(c) where disclosure might breach a duty of confidentiality; and</li> <li>(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</li> </ul>
2. Information which is likely to reveal the identity of an individual	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a</p>

	<p>particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> <li>(a) where disclosure is prohibited by statute; or</li> <li>(b) where disclosure might involve providing personal information about individuals; or</li> <li>(c) where disclosure might breach a duty of confidentiality; and</li> <li>(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</li> </ul>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p> <p><i>‘financial or business affairs’ includes contemplated, as well as past or current, activities</i></p> <p><i>This category will include commercial and contractual interests</i></p>	<p>Information is not exempt information if it is required to be registered by law e.g. Companies Act 1985, the Charities Act 1993 etc</p> <p>Information is only exempt if and for so long as:</p> <ul style="list-style-type: none"> <li>(a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or</li> <li>(b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or</li> <li>(c) disclosure of trade secrets and other information would, or would likely, prejudice the commercial interests of any person, including the Council; and</li> <li>(d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</li> </ul>
<p>4. Information relating to any</p>	<p>Information is only exempt if and for</p>

<p>consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority</p> <p><i>‘Labour relations matters’ are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974</i></p> <p><i>i.e. matters which may be the subject of a trade dispute</i></p> <p><i>‘employee’ means a person employed under a contract of service</i></p> <p><i>‘office-holder’ means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</i></p>	<p>so long as its disclosure to the public:</p> <p>(a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and</p> <p>(b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is only exempt:</p> <p>(a) where a claim of legal professional privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council’s Legal Services and its client;</p> <p>(b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of</p>	<p>Information is exempt only if and so long as:</p> <p>(a) disclosure to the public might afford an opportunity to a person affected by the notice,</p>

<p>which requirements are imposed on a person, or (b) to make an order or direction under any enactment</p>	<p>order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and (b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is only exempt if its disclosure would, or would be likely to, prejudice-</p> <ul style="list-style-type: none"> <li>(a) criminal investigations and proceedings; or</li> <li>(b) the apprehension or prosecution of offenders; or</li> <li>(c) the administration of justice; or</li> <li>(d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or</li> <li>(e) regulatory enforcement; or</li> <li>(f) any civil proceedings; or</li> <li>(g) Health and safety; or</li> <li>(h) information obtained from confidential sources; and</li> <li>(i) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</li> </ul>

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## 12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, 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. The report will explain why it is being treated as exempt.

## 13. PROCEDURE BEFORE TAKING A KEY DECISION



- (a) **The Forward Plan** - Every month the Council will publish a document that sets out, in respect of each Key Decision that will be taken on behalf of the Council:
- (i) that a Key Decision is to be made on behalf of the Council.
  - (ii) the matter in respect of which a decision is to be made.
  - (iii) where the decision maker is an individual, his/her name and title, if any, and where the decision maker is a body, its name and details of membership.
  - (iv) the date on which, or the period within which, the decision is to be made.
  - (v) where the decision relates to confidential or exempt information, as defined above, a statement that the decision will be made in private
  - (vi) a list of the documents submitted to the decision maker for consideration in relation to the matter.
  - (vii) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available.
  - (viii) that other documents relevant to those matters may be submitted to the decision taker.
  - (ix) the procedure for requesting details of those documents (if any) as they become available.
- (b) **Publication** - This document will be known as the 'Forward Plan' and it will be published on the Council's website and will be updated from time to time as required. The Forward Plan will also be available for inspection by the public at Birkenhead Town Hall, Brighton Street, Birkenhead.
- (c) **Notice of a Key Decision** - A key decision will not normally be taken unless:-
- (i) notice has been published in connection with the matter in question on the Forward Plan; and
  - (ii) at least 28 clear days have elapsed since the publication of the Forward Plan;
- (d) **General exception** - If 28 days' notice of a matter which is likely to be a Key Decision has not been provided (via the Forward Plan) because the decision must be taken by such a date that it would be impracticable to defer it, then, subject to paragraph (e) below (special urgency), and to the requirements of Article 6.5 of this Constitution (Urgent Business), the decision may still be taken if:
- (i) the Monitoring Officer has been informed of the reasons for urgency, and is satisfied that the reasons satisfy the criteria for urgent decisions, and that the decision must be taken with less than 28 days' notice;

- (ii) the Monitoring Officer has placed notification of the date and nature of the forthcoming decision and the reasons for urgency on the Council’s website; and
- (iii) at least five clear days have elapsed since the Monitoring Officer complied with conditions (i) and (ii).

If the Monitoring Officer, or if absent the Deputy Monitoring Officer, is not available to act, then the Chief Executive or S.151 officer shall act in his/her place.

- (e) **Special urgency** - If by virtue of the date by which a decision must be taken paragraph (d) above (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Mayor of the Council, or in their absence the Deputy Mayor will suffice.

## 14. MEMBERS’ ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

14.1 Members are free to approach any Council Directorate to provide them with such information, explanation and advice (about the Directorate’s functions) as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Directorate’s activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Director or Deputy Chief Officer concerned.

14.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

14.3 Members have a statutory right to inspect any Council document *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear in Part II (exempt) of the Agenda for meetings. Further details are contained in the Access to Information Procedure Rules of the at Part 4(2) of the Council’s Constitution. Examples are documents that contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

14.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents *so far as his or her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council*. This principle is commonly referred to as the “need to know” principle.

14.5 The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a

member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must be determined by the particular Director or Deputy Chief Officer who holds the document in question (with advice from the Monitoring Officer).

- 14.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 14.7 Whilst the term “Council document” is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 14.8 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Monitoring Officer.
- 14.9 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Council.
- 14.10 For completeness, Members do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

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## **PRESS AND MEDIA PROTOCOL**

### **Content**

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18. Media “on site”
19. Media pre/ post council meetings
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21. Publicity in Pre-Election Periods
22. Responsibility to protect the council’s reputation

## 1.0 SUMMARY

- 1.1 This protocol has been produced to clarify good practice relating to the effective management of media relations at Wirral Council and is supplementary to the Protocol on Member and Officer Relations
- 1.2 Given that not all situations can be covered in detail as much depends on a set of circumstances at any one time, this protocol is designed to be as flexible as possible yet retain a trusted and tested workflow.
- 1.3 The protocol applies to all **Elected Members** Councillors, Committee Chairs (and committee members), and council officers that may be contacted by local, regional, national or specialist media, and includes print as well as broadcast media.
- 1.4 The aim of the protocol is to ensure that the council makes the best use of its communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes. In all cases, the council's approach to the media should be:
  - open and honest
  - proactive
  - responsive
  - timely
- 1.5 It clearly sets out the respective roles of all Elected Members and officers in dealing with media enquiries **and provides clarity on the circumstances for which Members and other council representatives should comment / be quoted in press releases, statements etc.**
- 1.6 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of Wirral Council.
- 1.7 The ability to act as quickly and decisively depends on being fully up to date as a Communications Team. All Elected Members and officers should ensure issues which will affect the council's reputation should be brought to the attention of the Communications Team in confidence as soon as possible.

## 2. Legal Framework

- ~~2.1 All press releases and media engagement on behalf of the Council will:
  - ~~(a) be in accordance with the Council's agreed Media Guidelines;~~
  - ~~(b) be issued or organised through the Council's Communications and Media Team;~~
  - ~~(c) be concerned only with matters of policy and/or which relate to the Council's functions; and~~~~

~~(d) not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by local authorities, especially around election time, as summarised below.~~

~~Any policy related comments will normally be made by the Leader, in his /her absence the Deputy Leader or, where appropriate, the relevant committee chair. Where matters relate to a specific ward, comments may be made or added by the relevant ward member(s) where appropriate. Each case will turn on its facts, however, and appropriate advice should be sought.~~

2.2 Under Section 2 of the Local Government Act 1986 a places a prohibition upon the council that it:

*"shall not publish any material which, in whole or in part, appears to be designed to effect support for a political party. In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters:*

*(a) Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*

*(b) Where material is part of a campaign the effect which the campaign appears to be designed to achieve"*

2.3 The term 'publicity' is defined in the Act as "any communication in whatever form, addressed to the public at large or a section of the public".

2.4 Local authorities are also required by section 4(1) of the Act to have regard to the Code of Recommended Practice on Local Authority Publicity contents of in coming to any decision on publicity.

### **3. The Publicity Code**

3.1 The [Code of Recommended Practice on Local Authority Publicity](#) was last issued in 2011 ~~can be found on the website of the Ministry of Housing, Communities & Local Government.~~

3.2 The Publicity Code is grouped into seven principles for local authorities to follow, that the Council's publicity should:

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity.

- ~~3.3 The Publicity Code gives recommended practice on a number of aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity. The principles may be summarised as follows.~~
- ~~3.4 The principle of lawfulness is that an authority's publicity should comply with statutory provisions and advises that any paid for advertising published by a local authority should comply with the Advertising Standards Authority's Advertising Codes.~~
- ~~3.5 The principle of cost effectiveness is that local authorities should be able to confirm that consideration has been given to the value for money that the publicity is achieving, while recognising that in some circumstances this will be difficult to quantify.~~
- ~~3.6 The principle of objectivity requires local authority publicity to be politically impartial. The Publicity Code acknowledges that a council has to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy.~~
- ~~3.7 The principle of even handedness has the effect that local authority publicity can address matters of political controversy in a fair manner and may contain links to other political sites, or contain political logos on material hosted for third parties. But local authorities should ensure that publicity about the council does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that at times it is acceptable to associate publicity with a single member of the council.~~
- ~~3.8 The principle addressing the appropriate use of publicity is that local authorities should refrain from retaining the services of lobbyists, i.e. political professionals whose job it is to bring their client's message to those in a position to influence policy. Appropriate use of publicity is also about the frequency, content and appearance of council newsletters in order to prevent unfair competition with local newspapers. It sets out that generally the frequency of council newsletters should be no more than quarterly.~~
- ~~3.9 The equality and diversity principle is that publicity by local authorities may seek to influence positively the attitudes of local people in relation to matters of health, safety and other issues where publicity can have a positive influence on the behaviour of the public.~~
- ~~3.10 Finally, the principle that local authority publicity should be issued with care during periods of heightened sensitivity gives guidance as to how local authority publicity should be treated during period of elections and referendums, both national and local.~~

## **4.0** ~~CONTEXT~~

- ~~4.1 The aim of this protocol is to ensure that Wirral Council makes the best use of its communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes.~~
- ~~4.2 It clearly sets out the respective roles of all members and officers in dealing with the media.~~
- ~~4.3 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of Wirral Council.~~
- ~~4.4 The aim of the protocol is to ensure that the council is seen to communicate in a professional and objective manner. In all cases, the council's approach to the media should be:~~
- ~~• open and honest~~
  - ~~• proactive~~
  - ~~• responsive~~
  - ~~• timely~~
- ~~4.5 The ability to act as quickly and decisively depends on being fully up to date as a Comms Team. Councillors and officers should ensure issues which will affect the Council's reputation should be brought to the attention of the Comms Team in confidence as soon as possible.~~

## **4.0** COMMUNICATION PRINCIPLES

- 4.1** The council's Communications and Marketing strategy complies with the following principles:
- i) To support honest, open, two-way communication
  - ii) To promote and protect the reputation of the council
  - iii) To regulate the correct use of the corporate identity and style
  - iv) To ensure all publicity is produced in an easy to understand and accessible format and style
  - v) To practice a proactive and planned approach to media handling, advertising, marketing, and wider communication
  - vi) To provide effective communication and marketing support
  - vii) To promote the council's vision, priorities, and policies
  - viii) To set standards on communicating with hard to reach groups
  - ix) To support effective partnership working through developing communication strategies for joint projects
- 4.2** The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the

council must have regard to it and follow its provisions when making any decision on publicity. This is explained at sections 2 and 3 above.

## **5.0 COMMUNICATIONS & MARKETING**

- 5.1** The council's Communications and Marketing team provides advice and support to all directorates, **council officers** and Elected members. Its main roles are to manage and maintain relationships and reputation, as well as to promote pro-active publicity on council policy, local authority partnerships, local initiatives / achievements and other issues affecting the council and the borough.
- 5.2** The service should be the first point of contact for all media enquiries and all outgoing publicity or potential promotional opportunities with the press or any other publications.
- 5.3** Their expertise and knowledge support Elected Members and officers to ensure **effective media handling**. This includes opportunities for proactive positive news are maximised and negativity is mitigated and managed where possible.
- 5.4** No Wirral Council press releases or publications should be issued without the involvement of the Communications and Marketing team.
- 5.5** The council's communication resources may not be used to affect or be designed to affect public support for a political party or to provide a political advantage to an **Elected Member**. ~~councillor~~.

## **6.0 SOCIAL MEDIA**

- 6.1** The council will use social media, including X, Linked In etc and Facebook, to promote its news, in addition to conventional media. The Communications and Marketing team is responsible for the council's main channels and has the discretion to write and post material without clearance, provided it is in line with the social media protocol and the council's key messages. Social media activity should not be used to damage the reputation of the council.

## **7.0 MEDIA RELATIONS**

- 7.1** ~~The Wirral~~ council values the media as one of its key partners in communication and aims to forge strong professional links with local, regional, and national media, **and** ~~The council~~ is committed to being transparent and maintaining a positive working relationship. ~~with media~~. We respect the right of the media to report on any given topic.
- 7.2** Providing a professional information service to the media is a key responsibility for the council. The council takes a proactive approach to working with the media wherever possible.

- 7.3 The way in which the council is portrayed ~~in the media~~ has a major influence on how it is perceived, and every opportunity should be taken to publicise the council's services, decisions, policies, and initiatives.
- 7.4 All **Elected Members** ~~councillors~~ and officers should support the Communications and Marketing team in responding to media enquiries in a timescale that meets journalists' deadlines. If the council fails to reply in time, the journalist may source their story elsewhere or record a 'No comment' response, which may not be in the council's interests.
- 7.5 The Communications and Marketing team will never knowingly mislead the media. ~~on a story~~. In order to maintain a good long-term relationship, **both the team** ~~Section~~ **and key named council officers** need to be trusted by the media and the wider community.

## 8.0 PROCESSES – MEDIA ENQUIRIES

- 8.1 All media enquiries should be referred to the Communications & Marketing team in the first instance. ~~and the identified communications point of contact~~. This enables the **team** ~~service~~ to make a judgement about how an enquiry should be **addressed** ~~answered~~ and by whom. The response can often be handled with a written statement.
- 8.2 The vast majority of council publicity will include a written quote or interview, which can help to make the content more interesting and provide an authoritative voice on the subject matter. In certain cases, where a press release or statement is simply to provide a brief announcement or notice, this may not be necessary.
- 8.3 **Any media enquiries that are deemed to be of a party political nature, will be referred to the Leader of the relevant party group for their information/response. Elected Members should make their own arrangements for issuing party political material to the media and ensure that the material does not use the council's brand identity or resources.**
- 8.4 **Unless an agreement has been made, it is not appropriate for officers to initiate contact with the media or respond to media enquiries independently without first consulting with a senior member of the Communications & Marketing team.**

## 9.0 SPOKESPERSONS

- 9.1 One of the most important aspects of dealing with and managing media is being able to provide a prompt response to a query, question, or interview request. The sooner we can respond and involve ourselves/ **spokespersons** in the story, the greater the chance we have to influence it. This is especially important where the council's reputation might be affected.
- 9.2 **The Communications and Marketing team will work to respond to** ~~We will also work to influence~~ the news agenda proactively by offering **relevant spokespersons** ~~people~~ for interview or providing case studies to illustrate topical issues. We will use our forward planning process to identify opportunities in advance but **will continue to** ~~may~~

~~still want/have to exploit on-the-day stories particularly when there is breaking news or developing stories.~~

- 9.3 It is important that quotes are attributed to an individual as this demonstrates responsibility and counters perceptions that the council is a faceless and unaccountable organisation.
- 9.4 The Leader, Deputy-Leader and Committee Chairs/**Vice Chairs** will act as spokespersons for the council in responding to the press and media and making public statements on behalf of the council. The Leader, Deputy-Leader and Chairs/**Vice Chairs** should liaise with the Communications and Marketing team on all forms of contact with the press and media.
- 9.5 Where a matter has significant implications for policy or the reputation of the council, the Leader of the Council will be **quoted**. ~~contacted~~. **In his/ her absence, this will fall to the Deputy Leader.**
- 9.6 **Committee Chairs will be quoted on all other matters relating to committee portfolios. The relevant Director will use his/her best judgement, in consultation with the relevant Committee Chair, as to whether ward councillors should also be quoted. This should only be in exceptional circumstances.**
- 9.7 Quotes will **only** be attributed to officers ~~where on any~~ specific operational issues ~~which requires technical or in-depth knowledge to articulate. Officers will be quoted in circumstances where a member of the public would reasonably expect an operational, officer perspective.~~ Communications **officers** staff will advise with recommendations. These situations will be such as when:
- there is a need to respond extremely quickly in changing circumstances to maintain the flow of information to the public (e.g. an emergency road closure or an environmental health investigation);
  - **The Leader, Deputy Leader or Committee Chair/Vice Chair is unavailable.**
  - specific technical information is being explained
  - there is a legal aspect to the comment which would benefit from attribution to a professional officer rather than a politician.
- ~~The Leader of Council and/or relevant Committee Chairs will be quoted in all other press releases.~~
- 9.8 Where the appropriate ~~responsible~~ Committee Chair or Vice-Chair is unavailable within media deadlines, and therefore unable to approve comment that would otherwise be attributable to him/her, the Leader of the Council/ **Deputy** will be quoted. ~~or an alternative suitable responsible councillor.~~
- 9.9 In the event of neither an appropriate Committee Chair/Vice-Chair nor the Leader of the Council being available, an appropriate responsible officer will approve the quote, which **may be** ~~will be~~ attributed to a 'council spokesperson'. Whilst this is not best practice from a public transparency or accountability perspective, it does serve to reinforce the clearly defined roles of **Elected Members** ~~councillors~~ and officers in the decision-making process.

9.10 Quotes, comments and statements will reflect the factual representation of the Council's or Committee's decisions, and not that of the individual and/or political party views.

~~8.2.10 Party and political group views, decisions and communications are separate from the role of the Council's Communications & Marketing Team and should be conveyed through news releases and publications resourced and issued by their own groups and be clearly endorsed with the name of the political group concerned. The Communications & Marketing Team as a matter of courtesy would appreciate copies of any release which a political group sends out.~~

## 10.0 APPROVAL PROCESS

10.1 Each directorate has an allocated communications support officer, which will be aligned with each committee area. This individual will be the main contact when producing and agreeing proactive and responsive communications.

10.2 For both news releases and/ or statements, sign off will be required by the relevant Director prior to issuing. Where an **Elected Member** councillor quote is required, a communications officer will prepare a **quote** narrative, which will be forwarded to the relevant ~~Committee Chair~~ **Member** for approval.

10.3 ~~In addition, and again~~ **Prior** to the issuing of any news release, statement or channel of communication, Committee Chairs ~~and Group Spokespersons~~ will be fully briefed **on the proposed communications approach**. Whenever that is not reasonably practicable, such as where time sensitive or response issues may arise, a separate briefing will take place between the Chief Executive/Director, relevant Member and senior communications manager.

10.4 In exceptional circumstances, where an urgent response is required to meet a tight deadline, **a relevant Assistant Director or Head of Communications** ~~the Assistant Chief Executive, and/or Assistant Director (Corporate Office)~~ will provide approval in their absence.

## 11.0 PROACTIVE MEDIA

~~8.4.1 Positive media coverage supports the reputation of the Council.~~

11.1 When issuing proactive media, all content will follow a corporate style appropriate for the media being targeted, and a central record will be maintained. All releases will accurately reflect the corporate view of the council, contain relevant facts, and include an approved quotation from the appropriate **Spokesperson**. ~~Councillor/ Committee Chair.~~

11.2 **Any departments wanting to promote a new initiative or event and would like to issue a press release to the media, must contact the Communications and Marketing team who will do this for them.**

11.3 All official council news/press releases will be placed on the council's website ~~within one working day of issue.~~

11.4 Any officer contacted by a journalist requesting an interview should refer the journalist to the Communications and Marketing team. **Should the interview be of a sound nature, the team** who will liaise with the appropriate Committee Chair.

11.5 Officers should never give their opinion on specific council policy but must keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the council's approved and agreed policies.

## 12.0 NEGATIVE MEDIA

12.1 From time to time the council must respond to negative issues. It is important that these situations are managed carefully to limit the potential for negative publicity.

12.2 Members and officers must alert the Communications and Marketing team as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.

12.3 Members and officers must be prepared to work together to prepare holding statements, other information and carry out research even if no media have contacted the council about an issue.

12.4 When preparing a response, the following strategy will be followed:

- i) where the council has made a substantial mistake, it will explain what went wrong and what it is doing to put it right. It will not be defensive but take the attitude that it can learn from its mistakes.
- ii) where the media has made a substantial mistake in reporting the activities of the council it will quickly and assertively explain the mistake to the media and seek a right of reply.

## 13.0 CORRECTING INACCURATE REPORTING

13.1 Should the media publish/broadcast an inaccuracy relating to council business, policy or process, a quick decision will be taken on any action necessary to correct it.

13.2 The issue will be discussed with the appropriate Committee Chair and Chief Officer and a plan of action agreed.

13.3 It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to complain. Each case **will** be judged individually **by the Head of Communications and Marketing**.

## 14.0 PARTNER COMMUNICATIONS

14.1 **Increasingly the council is working in partnership with other agencies. This includes issuing joint communications and publicity. The terms of this protocol and local government publicity law must be followed when the council issues joint publicity.**

- 14.2 Where the council is approached for a comment in relation to a partnership of which it is a member, the communications officer will liaise with the relevant Director and Committee Chair to agree an appropriate comment.
- 14.3 If issuing or participating in a joint media release with our partners, we will ensure the following:
- The council's role or contribution is identified appropriately, and the release includes quotes from named Elected Members or, if appropriate, an agreed senior officer.
  - Partner quotes will also be included.
  - The lead organisation will issue the press release.
  - Where appropriate, the council's logo is included with any others on the media release paper or email (as most media releases are issued this way).
  - The draft text of the media release must be approved by the Head of Service. Partner organisations must also give their individual approval.
  - The method, manner and timing of distribution are agreed in advance with the partner.

## 15.0 PHOTO OPPORTUNITIES

- 15.1 The Communications & Marketing team and/ or Journalists often arrange a photo opportunity to support and enhance a story. It is the responsibility of the Committee Chair to be available for the photograph. If the Chair is not available then a discussion will take place as to who would be best suited to attend. Officers and third parties may be involved in photo opportunities, where appropriate and in accordance with the media protocol.
- 15.2 To note: You need a person's consent (or parental consent for those under-16) before taking their photograph. Parental consent forms can be found on the intranet.

## 16.0 EMBARGOES

- 16.1 Embargoes will only be used when considered essential. For example, the following may legitimately be subject to an embargo:
- When news releases are linked to a launch event.
  - When an issue of confidentiality requires it.
  - When it is required by a third party.
  - When it is linked to the outcome of legal proceedings and/or directions by a court.
- 16.2 **To note:** Embargoes are not legally enforceable and are adhered to by general local agreement. Nevertheless, they are important in terms of media relations so any breaches need to be referred to the communications officer. In the circumstances of a court direction, an embargo will likely be legally enforceable.

## 17.0 CRISIS COMMUNICATIONS

- 17.1 A standalone Crisis Communications Plan is in place and details several local scenarios and outlines the principles, resource allocation and strategic communications activity required to provide corporate communications during the response and recovery phases arising from a local emergency.

17.2 In the event of an emergency plan being invoked, to respond to a 'major incident or event', crisis communications protocols agreed with local resilience partner organisations are activated. These protocols supersede the council's own media protocols for the period of the emergency.

## 18.0 MEDIA ON SITE

18.1 From time to time, the media (including photographers) may decide to go 'on site' to a council facility/building/property. This again should always be with the prior approval of the Communications and Marketing team because the reason for them being 'on site' can be positive or negative for the council.

18.2 If the Communications and Marketing team receive a request that the media intend to go 'on site' they will contact the relevant officers at the premises involved, as well as the relevant senior officer and Committee Chair, if of a significant nature.

18.3 If the reason for the 'on site' visit is to promote the council in a positive light, it may be that a member of the Communications and Marketing team does not have to be in attendance. If, however, the reason is to show the council in a negative light, a member of the team will be on hand at the premises, wherever possible.

18.4 If any employee or Elected Member are aware that a member of the media is going to be or is 'on site', the Communications and Marketing team must be notified immediately.

## 19.0 MEDIA ACTIVITY PRE/POST COUNCIL MEETINGS

19.1 Committee (and other) agendas/ reports are made available to the media and public available online 5 working days 7-10 days prior to a meeting. This provides adequate notice for the media pick up many stories ahead of meetings.

19.2 In the period leading up to the between the publish date of agenda and reports, the Communications and Marketing team will review the reports will draw up a schedule of communications to promote, manage and/ or negate any potential outcomes. This can be shared with Members and Officers. These pre committee releases will be factual only.

19.3 If an approach is made by the media for an interview before the meeting, it will be for the Committee Chair or, where necessary, a relevant officer to decide whether or not they wish to comment.

19.4 The communications officer will liaise with the senior officer and Committee Chair to prepare news releases to follow committee meetings. These news releases, as with all others, should detail the decisions/ recommendations taken at committee and be issued as promptly as possible after the meeting/event to maximise coverage and to ensure they remain relevant.

19.5 Members of the media are welcome to attend live streamed Council and Committee meetings. During the said meetings Elected Members and officers members should

be mindful that any comments and messages are put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

## **20.0 TIMING OF PUBLICITY**

**20.1** The Communications and Marketing team will make every effort to ensure that officers and **Elected Members** are informed before they are exposed to significant issues through the media.

**20.2** In an increasingly fast and pervasive communications environment this will not always be possible. When holding media briefings or issuing news releases **communications officers** ~~the press office~~ will use relevant ~~electronic~~ methods including internet, intranet, TEAMS, and e-mail **to make contact with Elected Members and officers.** ~~inform Councillors and staff.~~

## **21.0 PUBLICITY IN THE PRE-ELECTION PERIODS**

**21.1** In the period between the notice of an election and **up to and including the day of the election** ~~the election itself~~ any publicity about **political parties**, candidates or other politicians is halted. This applies to local, **regional, national elections and referenda.** ~~national, or European elections.~~

**21.2** During this period council publicity ~~will should~~ not deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual **political parties**, candidates or other politicians. This is to **ensure** ~~make sure~~ that no individual **candidate, political or** political party gains an unfair advantage by appearing in corporate publicity.

**21.3** In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.

**21.4** Council Practice: All press releases and media engagement on behalf of the council will:

- be in accordance with the council's agreed Media Protocol.
- be issued or organised through the council's Communications and Marketing team;
- be concerned only with matters of policy and/or which relate to the council's functions
- not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by local authorities, especially around election time.

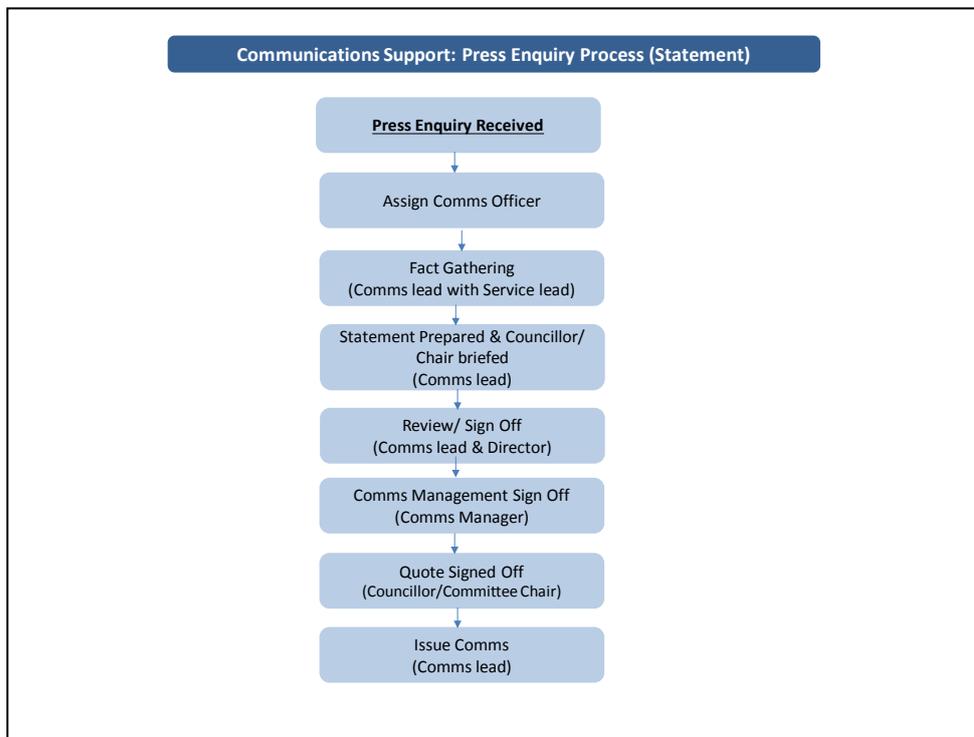
## **22.0 RESPONSIBILITY TO PROTECT THE COUNCIL'S REPUTATION**

**22.1** Disclosing of confidential information is not acceptable and for staff will be regarded as a disciplinary matter.

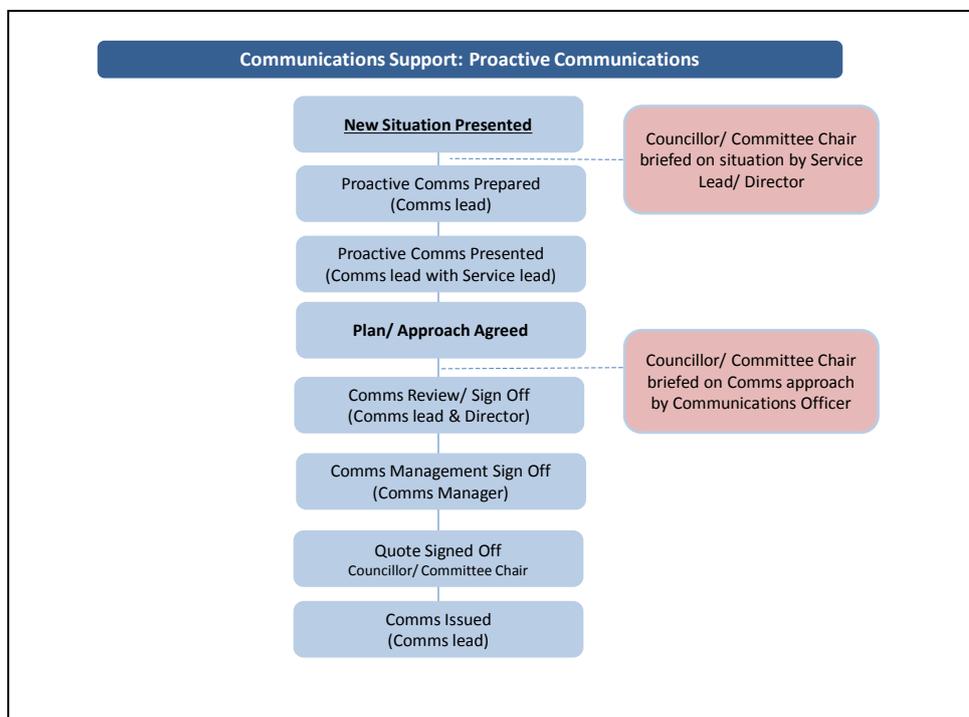
22.2 Disclosing of confidential information by an Elected Member may constitute a breach of the Member Code of Conduct and Members should take advice from the Monitoring Officer before considering releasing to the press confidential information which they may feel is in the public interest.

**Appendices:**

- Illustration a – Press Enquiry (Statement) Workflow



- Illustration b – Press Enquiry (Statement) Workflow



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# CONSTITUTION OF THE COUNCIL

## Part 4 Section 5

### DRAFT FINANCIAL REGULATIONS

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## 1. Introduction

- 1.1. The Finance Regulations and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every Member and Officer and anyone acting on its behalf, including School Governors operating under local delegation arrangements. All decision makers need to ensure that they are not only empowered under the Constitution to make a decision, but that they are also authorised under these Rules to incur the financial consequences of every decision that they make.
- 1.2. Where urgent action becomes necessary as a result of some unforeseen emergency the Chief Executive, in consultation with the Director of Finance officer (or nominated representative), may take appropriate action and waive the Financial Regulations. Every use of this rule must be reported by the Director of Finance officer, in writing, to the next available meeting of the Policy and Resources Committee and Full Council.
- 1.3. The Director of Finance is responsible for maintaining a continuous review of the Finance Regulations and Contract Procedure Rules and submitting any additions or changes necessary to the Full Council for approval. The Director of Finance is also responsible for reporting, where appropriate, breaches of the Finance Regulations and Contract Procedure Rules to the Audit and Risk Management Committee.
- 1.4. The Senior Leadership Team is responsible for ensuring that all staff are aware of the existence and content of the Council's Finance and Contract Procedure Rules and other internal regulatory documents and that they comply with them, as required by the Council's Code of Conduct for Employees and this Constitution. Failure to comply with the Code of Conduct may result in disciplinary action.
- 1.5. The Director of Finance is responsible for issuing advice and guidance to underpin the Finance Regulations and Contract Procedure Rules that Councillors, Officers and others acting on behalf of the Council are required to follow.
- 1.6. Councillors have a fiduciary duty to local taxpayers to spend money wisely and to balance the interests of those who will pay against the interests of those who will benefit from the expenditure.
- 1.7. The Rules are not intended to cover every eventuality, but the spirit of the Rules must always be followed. Should there be a requirement for interpretation or any conflict between these Financial Regulations and any other part of the Constitution, the Monitoring Officer should be consulted. Should any conflict between these Financial Regulations and the Council's Budget and Policy Framework Rules, at Part 4(3) of this Constitution, the Council's Budget and Policy Framework Rules prevail.

## 2. Financial management

### 2.1. Responsibilities

- 2.1.1. Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework, revenue budget, trading activities' financial plans, capital programme and treasury management.
- 2.1.2. Committees are responsible for discharging the Council's functions within the Budget and Policy Framework provided by Council. The Budget will be aligned with Committee and Directors of Service responsibilities as far as possible.
- 2.1.3. The Audit and Risk Management Committee has a right of access to all the information necessary to effectively discharge its responsibilities and may consult directly with internal and external auditors. The Audit and Risk Management Committee is responsible for a range of matters as set out in Council's Constitution. The Committee's responsibilities with regard to the financial management of the Council include:
- 2.1.3.1. overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit
  - 2.1.3.2. ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit is actively promoted
  - 2.1.3.3. approving the Council's Annual Statement of Accounts
  - 2.1.3.4. approving the annual Internal Audit plan, and receiving reports from the Council's Internal Auditor, including the annual report of the Chief Internal Auditor
  - 2.1.3.5. ensuring the Council's Risk Management arrangements are operating effectively
  - 2.1.3.6. monitoring the effectiveness of the Council's Financial Regulations, Procurement Policy and Procedures and other strategies for counter fraud and corruption, anti-bribery, declarations of interest, gifts and hospitality, whistle blowing and anti-money laundering.
- 2.1.4. The Director of Finance (Section 151 Officer) is the Council's 'responsible financial officer' under the Accounts and Audit Regulations. They are responsible for the proper administration of the Council's affairs as specified in, and undertaking the duties required by Section 151 of the Local

Government Act 1972, Section 114 of the Local Government Finance Act 1988 and all other relevant legislation.

In order to fulfil these statutory duties and legislative requirements the Director of Finance will:

- 2.1.4.1. set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with them
- 2.1.4.2. determine the accounting records and systems to be kept by the Council and the form of any supporting records. The Director of Finance officer shall ensure that the accounting systems approved are observed and maintained
- 2.1.4.3. ensure there is an appropriate framework of budgetary management and control
- 2.1.4.4. monitor performance against the Council's budget and advise upon the corporate financial position
- 2.1.4.5. ensure proper professional practices are adhered to and to act as Head of Profession in relation to the standards, performances and development of finance staff throughout the Council; all finance staff will have a direct reporting line to the Director of Finance officer
- 2.1.4.6. prepare and publish the Council's Statement of Accounts for each financial year, in accordance with the statutory timetable and arrangements specified by law
- 2.1.4.7. make proper arrangements for the audit of the Council's annual statement of accounts
- 2.1.4.8. ensure that claims for funds, including grants, are made by the due date and in compliance with the grant terms and conditions
- 2.1.4.9. make proper arrangements for the overall management of the Council's Internal Audit function
- 2.1.4.10. manage the treasury management activities in accordance with the Council's Treasury Management Policy Statement, Treasury Management Strategy and Prudential Indicators
- 2.1.4.11. manage the Pension Fund within the scope of the Local Government Pension Scheme Regulations

- 2.1.4.12. provide advice and guidance to reinforce the Financial Regulations that Members, Officers and others acting on behalf of the Council are required to follow
- 2.1.4.13. maintain and continuously review the Financial Regulations and implement any changes
- 2.1.4.14. take responsibility for advising the Council on corporate financial matters ; Chief Officers shall have responsibility for advising Members or Committees on financial matters relevant to their own service areas, where possible in consultation with the Director of Finance
- 2.1.5. Senior Leadership Team members are responsible for financial management within their directorates and spending within the limits of the budgetary framework set by Council. They shall manage the development of budget proposals with a detailed assessment of financial implications within the Budget and Policy Framework agreed by the Council.

## **2.2. Schemes of Financial Delegation**

The Senior Leadership Team members will establish, operate and keep under review local Schemes of Financial Delegation to ensure that the day-to-day financial management of services within their directorate is carried out in a secure, efficient and effective manner, and in accordance with the Finance Regulations, Contract Procedure Rules and associated relevant guidance.

## **2.3. Revenue budget monitoring and control**

Once the budget is approved by the Council, Chief Officers are authorised to incur expenditure in accordance with the approved budget, subject to the limits in the Constitution and local Schemes of Financial Delegation to officers. Chief Officers must, however, maintain effective budgetary control within their service to ensure that spending is contained within the annual budget limit and to secure value for money.

- 2.3.1. It is the responsibility of Senior Leadership Team to control income and expenditure within their area and to monitor performance, taking account of financial information and guidance provided by the Director of Finance. They must report on variances within their own areas. They must also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance to any potential overspending or under-achievement of income budgets in a timely manner.
  - 2.3.1.1. The Director of Finance, with the support of the Senior Leadership Team, is responsible for establishing an appropriate framework of budgetary management and control which ensures that:

- budget management is exercised within annual budget limits unless the Full Council agrees otherwise
  - timely information on receipts and payments is made available, which is sufficiently detailed to enable officers to fulfil their budgetary responsibilities
  - expenditure is committed only against an approved budget.
  - all officers responsible for committing expenditure comply with relevant guidance and Finance and Contract Procedure Rules. Consideration must also be given to the requirements relating to key decisions. (Part 4, Section 2, paragraph 8 of the Constitution).
  - each cost centre has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure
  - significant variances from approved budgets are investigated and reported by budget managers regularly.
- 2.3.1.2. Reports shall be produced to Committees and Full Council, with the relevant Chief Officer or Head of Service, where they are unable to balance expenditure and resources within existing approved budgets under their control
- 2.3.1.3. Reports shall be produced on the Council's projected income and expenditure compared with the budget on a regular basis.
- 2.3.1.4. Schemes of Financial Delegation are maintained for all functions within their area of responsibility
- 2.3.1.5. A Business Case is prepared for all revenue proposals with a significant financial impact, risk profile or policy change.

#### 2.3.2. Scheme of virement

The scheme of virement is intended to enable budgets to be managed with a degree of flexibility within the overall framework determined by the Council, and therefore optimise the use of resources.

- 2.3.2.1. Virements are not permitted:
- in relation to asset charges or other budget headings that are deemed to be outside the control of the relevant budget holder, or where a proposal would adversely affect long-term revenue commitments
  - between revenue and capital budgets

- 2.3.2.2. Budget virements are subject to the following approval limits
- up to and including £100,000 - Chief Officer in consultation with the Budget Holder
  - more than £100,000 but no more than £500,000 – Relevant Committees and Chief Officers may approve virement of revenue budget up to and including £500,000 (cumulatively up to £1,000,000 over the financial year) provided that there is no virement of revenue budget transfer between ‘Directorates’ (Budget Heads)
  - amounts above £500,000 must be referred to Policy and Resources Committee which may vire an amount over £500,000 where it considers that virement across budget heads or budgets has become necessary or desirable, is consistent with approved Council policy and there would be no consequential revenue effects in later years.
- 2.3.2.3. Budget virements are not subject to the approval limits where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant representative of the Director of Finance.

## **2.4. Capital Programme monitoring and control**

Once the Capital Programme has been approved, project owners must ensure that the scheme is appropriately managed. Monitoring and reporting requirements are outlined in section 3.3 Capital Programme.

## **2.5. Treatment of year-end balances**

- 2.5.1. Overspends or underspends in relation to the approved revenue budget may occur for a variety of reasons. With regard to General Fund budgets, there is no ‘as of right’ carry forward of underspends from one financial year to another except where this is provided for by a binding partnership agreement or other legal agreement with a third party. Individual School’s budgets are ring-fenced in accordance with statutory provisions thus overspends and underspends are always carried forward into future years.
- 2.5.2. Any revenue underspending at the year-end may be carried forward, subject to the agreement of the Director of Finance following consideration of the overall financial position by the Policy and Resources Committee. All carry forward proposals must be supported by an appropriate Business Case demonstrating that the underspend was planned and that the resources carried forward will be earmarked for a specific and appropriate purpose. Where carry-forwards are agreed, they will be allocated to an Earmarked Reserve until they are utilised.

2.5.3. Capital schemes in particular can be prone to delay. It cannot be assumed that underspends will automatically roll forward into the following year. Requests to carry forward funding should make clear whether they are due to re-profiling of schemes or for other reasons. Requests for carry forward should be made to the Director of Finance officer who will report variances to the Capital Programme to Council for final approval.

## **2.6. Accounting Policies, Records and Returns**

- 2.6.1. The Director of Finance is responsible for control and assurance and therefore determines appropriate accounting policies and procedures; exercising oversight of financial and accounting records and systems; and preparing and publishing reports containing statements on the overall finances of the Council, including the annual statement of accounts.
- 2.6.2. Financial statements must present fairly the financial position of the Council and its expenditure and income.
- 2.6.3. All accounts and accounting records will be compiled by the Director of Finance or under their direction. The form and content of records maintained in other directorates will be approved by the Director of Finance along with reconciliation procedures.
- 2.6.4. The Director of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Council Accounting in the United Kingdom (CIPFA/LASAAC).
- 2.6.5. All statutory financial returns must be completed in line with published guidelines and timescales.
- 2.6.6. Financial records must be retained in line with statutory requirements and the Corporate Record Retention Policy.

## **3. Financial Planning**

### **3.1. Budget and policy framework**

- 3.1.1. The Council is responsible for agreeing a framework of corporate policies that set out and underpin the Corporate Plan. The key elements of this framework are:
- 3.1.1.1. The Council Plan – this sets out the longer term aims and objectives for Wirral.

- 3.1.1.2. Medium Term Financial Strategy (MTFS) – this brings together the key assumptions about financing resources (including council tax, non-domestic rates and government funding settlements) and spending pressures over the medium to longer term. This enables the Council to plan for financial risks and thus inform the setting of service financial targets for the annual revenue budget and capital payments guidelines.

The Director of Finance will ensure that the MTFS is presented to the Policy and Resources Committee and Council as part of the annual budget setting process.

The responsibilities of the Director of Finance are to:

- develop a five-year MTFS (including the current budget year)
- undertake a formal review of the MTFS on an annual basis and update where necessary

Chief Officers must provide information that may be requested by the Director of Finance to support the MTFS

- 3.1.1.3. Revenue Budget – this is the financial expression of the Council's Corporate Plans. It sets out the allocation of resources to Committees, services and projects, the level of contingency funding, the Council Tax base and Council Tax rate, borrowing limits and capital financing requirements. See also section 3.2 Revenue Budget.

- 3.1.1.4. Capital Programme – Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. See also section 3.3 Capital Programme.

- 3.1.1.5. Treasury Management Strategy – this sets out the arrangements for the management of the Council's borrowing, lending, cash flows and investments. The Policy and Resources Committee, in conjunction with the Director of Finance, will propose an annual Treasury Management Strategy, a set of Prudential Indicators and a policy for making revenue provision for the repayment of debt (referred to as the 'Minimum Revenue Provision' policy) to the Council in advance of the start of the relevant financial year. These will be consistent with the Council's revenue budget and capital programme proposals. These documents are required to comply with CIPFA's Codes of Practice on Treasury Management and the Prudential Framework for Capital Finance, relevant Regulations and with the Council's own Treasury Management Policy Statement and Treasury Management Practices; they will set the parameters within which

investment and borrowing activity will be managed during the forthcoming financial year.

- 3.1.1.6. Fees and charging policy - Chief Officers, in consultation with the Director of Finance, will follow the relevant charging policy for the supply of goods or services where charges may be lawfully applied, and the annual forecast of the recoverable amount is £250,000 or more. Charges will be reviewed annually. All new charges, and amendments to existing charges, will be subject to formal approval in accordance with the Council's Constitution. Further detail on income is provided in Section 5.2.
- 3.1.1.7. Pay policy - the pay policy statement will be prepared as required by law. At present it is required to set out the Council's policy on the level and elements of remuneration for each chief officer, the remuneration of its lowest paid employees, and the relationship between the remuneration of its chief and other officers. It is also required to address other specific aspects of chief officer remuneration such as remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.
- 3.1.1.8. Specific Service Plans and Strategies which have a financial implication.

## **3.2. Revenue budget**

The revenue budget reflects the day to day running costs and associated receipts of the Council. This includes costs for salaries, energy, traveling and other costs incurred in providing services plus income raised by charging service users and government grants.

- 3.2.1. The Director of Finance will determine the general format of the budget.
- 3.2.2. The Chief Executive, in conjunction with the Director of Finance officer, will manage the preparation of the budget on an annual basis for consideration by the Council in line with the Budget and Policy Framework Rules. The annual budget will include allocations to different services and projects, proposed taxation levels and contingencies.
- 3.2.3. Detailed budgets, as proposed by Chief Officers, will be subject to challenge and review through a process determined by the Director of Finance.
- 3.2.4. The Director of Finance is responsible for reporting to Full Council on the robustness of estimates contained within the budget and the adequacy of reserves allowed for in the budget proposals.

- 3.2.5. The Council shall not approve amendments to either revenue or capital budgets without first having considered the advice of the Director of Finance on the financial implications arising.
- 3.2.6. The Director of Finance is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the relevant Committees on the overall position on a regular basis. See also section 2.3 Revenue budget monitoring and control.

### **3.3. Capital Programme**

The Capital Programme is the Authority's plan of capital projects and spending over future years. The Policy and Resources Committee, in conjunction with the Director of Finance, will manage the preparation of a capital programme, on behalf of the Council, on an annual basis in accordance with the Council's capital projects' governance arrangements.

Capital expenditure of less than £10,000 will be charged to revenue on the grounds of materiality.

- 3.3.1. Capital projects - approvals are sought on an individual project basis and reflect the total cost of each project rather than the anticipated expenditure in each year.
- 3.3.1.1. A Business Case must be prepared for all capital proposals before approval is sought for inclusion in the Capital Programme. The Business Case will be in a format to support decision making, and must identify whole life costs, for revenue and capital. The amount of detail will be proportionate to the value and level of risk. Where there is a greater risk further detail in the Business Case may also be required.
- 3.3.1.2. Any 'in year' approval sought to vary the financial values or implications of a capital scheme, must be supported by an update to the Business Case.
- 3.3.1.3. Once the Capital Programme has been approved, project owners must ensure that the scheme is appropriately managed to achieve appropriate Time, Quality and Cost measures in accordance with the business case. This could be supported by production of a more detailed Business Case outlining how the Project or Programme will achieve the associated benefits.
- 3.3.1.4. Project owners must provide regular reporting of progress of their schemes to the relevant committee. Where project performance or outcomes are at risk of significantly varying from the business case the project owner is responsible for taking appropriate mitigating action including the need to seek appropriate approvals as required. All reporting

and monitoring activity should be evidenced and recorded in a way that can be accessed to support auditing of project activity. Guidance should be sought from the Director of Finance if required.

3.3.1.5. Council will approve the re-profiling of spend on approved capital schemes across financial years and carry forward of slippage/accelerated spend into financial years as part of the budget monitoring/setting processes.

### 3.3.2. Financing of capital expenditure

The Director of Finance will determine the financing of the capital programme, taking into consideration the availability of reserves and balances, funding from other bodies and the affordability of borrowing.

### 3.3.3. Capital Receipts

3.3.3.1. The Director of Finance must be informed of all proposed capital receipts including sales of land and buildings so that the effect on financial and property management can be assessed.

3.3.3.2. On the advice of the Director of Finance, the Council will determine how capital receipts will be applied when setting the budget. Schools capital receipts are ring-fenced and thus can only be used in a prescribed manner.

## 3.4. Reserves

3.4.1. The Director of Finance is responsible for advising on the prudent levels of reserves for the Council. The key controls are:

3.4.1.1. to maintain reserves in accordance with the Code of Practice on Local Council Accounting in the United Kingdom and agreed accounting policies,

3.4.1.2. for each reserve established, the purpose, usage and basis of transactions should be clearly identified

3.4.1.3. reserves are used only for the purpose for which they were intended

3.4.2. Authorisation to establish and add to a reserve is by the appropriate Chief Officers in conjunction with the Director of Finance and authorisation to incur expenditure against the reserve is by the appropriate Chief Officer.

## 3.5. Leasing, Rental and Right of Use Agreements

- 3.5.1. Leasing, rental or hire purchase agreements must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. All lease type arrangement must comply with IFRS 16 and approved by the Director of Finance.

### **3.6. Internal trading activities**

- 3.6.1. The requirements for a service to be designated as a trading activity include:
- provision of all, or the majority, of their services in an environment where their customers have the option to use them or an alternative service provider; and
  - charging for the full cost of the goods / services they provide, on the basis of an agreed charge or rate.
- 3.6.2. Services are only permitted to operate as a trading activity with the prior approval of the Council, in consultation with the Director of Finance officer and the Monitoring officer.
- 3.6.3. Trading activities are each required to:
- 3.6.3.1. maintain a Trading Account into which all expenditure related to the provision of their services will be charged (i.e. including direct costs, the full costs of services provided by the Council's support services, any service management provided by senior managers and asset and other accounting charges).
- 3.6.3.2. receive all income due for work done by the trading activity. Exceptions to the requirement for a Trading Accounts will apply when the Service funded is occasional and below a limit value set by the Director of Finance.
- 3.6.3.3. balance their budget by generating sufficient income to cover the full costs of service provision.
- 3.6.3.4. operate within the Council's overall arrangements and rules for personnel and resource management. Council may approve special arrangements in exceptional circumstances, where it can be demonstrated that adherence to these rules and arrangements would lead to the unit becoming uncompetitive and losing work and that the proposed departure does not expose the Council to significant risk.

## **4. Risk Management and Control of Resources**

## 4.1. Risk management

- 4.1.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
- 4.1.2. The Council has adopted a Risk Management Policy and Strategy which has been approved by Audit and Risk Management Committee and is regularly updated to ensure its continuing effectiveness on a continuous basis.
- 4.1.3. Chief Officers are responsible for ensuring the Risk Management Policy and Strategy is implemented and that the Risk Management framework operates within their Service. Risk Management should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 4.1.4. There are several levels of risk register within the Council. There should be a movement of risks both upwards and downwards through the levels and treatment addressed at the most appropriate level of the organisation:
  - 4.1.4.1. Corporate Risk Register - contains risks impacting on the organisation's overall objectives
  - 4.1.4.2. Departmental/Directorate Risk Registers - contain strategic and operational risks with the potential to impact on the delivery of Departmental/Directorate objectives. These are managed and reviewed, at least quarterly, by Directorate Management Teams.
  - 4.1.4.3. Service/Team Risk Registers – contain operational risks with the potential to impact on the delivery of service or team priorities and act as a feeder for risks to be elevated to the Departmental/Directorate Risk Register
  - 4.1.4.4. Programme/Project Risk Register – contain risks associated with delivery of individual projects, managed and reported via the Programme Office and escalated to Investment and Change Board and/or Departmental/Directorate Risk Register.
- 4.1.5. The Director of Finance is responsible for preparing the Council's Risk Management Policy and Strategy, and for promoting it throughout the Council to ensure effective management and monitoring of risks.
- 4.1.6. Business Continuity - The Civil Contingencies Act 2004 places a statutory requirement for Local Authorities to maintain plans for the continuation of services in the event of an emergency, as far as is reasonably practicable.

4.1.7. The Director of Finance is responsible for developing the Business Continuity Strategy which is approved by the Audit and Risk Management Committee. Chief Officers are responsible for ensuring arrangements are in place to ensure the continuity of service delivery in the event of a disruptive incident. This is managed via the development of robust Business Continuity Plans which are regularly maintained and tested in accordance with the Business Continuity Strategy. This extends to those Council services provided by third parties and the ongoing monitoring and compliance with this requirement via contract performance management.

#### 4.1.8. Internal Controls

4.1.8.1. The Director of Finance is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

4.1.8.2. It is the responsibility of Senior Leadership Team to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve best value, continuous improvement, economy, efficiency and effectiveness, and for achieving their financial performance targets.

4.1.8.3. The Council must, on an annual basis, produce an Annual Governance Statement. This statement must provide a description of the system of internal control within the Council, a description of any work undertaken to assess the effectiveness of the internal control framework, and any significant internal control weaknesses.

## 4.2. Audit arrangements

4.2.1. Internal Audit - the Accounts and Audit Regulations 2015 require the Council to have a sound system of internal control which facilitates the effective exercise of its functions; the achievement of its aims and objectives; ensures that the financial and operational management of the authority is effective; and includes effective arrangements for risk management.

4.2.1.1. To contribute to the production of the Annual Governance Statement, the Head of Internal Audit, is responsible for planning and delivering a programme of independent review of the Council's activities, the scope of the programme being based on the Council's objectives and an assessment of the risk which may affect the achievement of these objectives.

- 4.2.1.2. The Head of Internal Audit will present an annual report to the Audit and Risk Management Committee, summarising the audit plans for the coming year and a commentary on audit activity which is completed or in progress, with regular reports setting out progress against the annual audit plan. In addition, any matters of material importance in relation to audit matters are also reported to the Audit and Risk Management Committee.
- 4.2.1.3. Internal Audit staff have, in accordance with the Accounts and Audit Regulations, (with strict accountability for confidentiality and safeguarding records and information), full, free and unrestricted access to any and all of the Council's premises, personnel, assets, records and third-party fund transactions pertinent to conducting any engagement, including those of the Council's alternative service delivery vehicles. These rights of access should be documented in the management agreement.
- 4.2.1.4. With regards to organisations participating in partnering arrangements, Internal Audit staff shall have such access to the premises, personnel assets and records of the partner as is necessary for the purposes of the partnering arrangement, as detailed in section 6 below. Partners will be required to grant reasonable access when requested and details of such access should be agreed with the partner and set down in the Partnering Agreement. Where the right of access has not been specified in existing arrangements then appropriate discussions with partners should take place.

#### 4.2.2. External Audit

- 4.2.2.1. The Local Audit and Accountability Act 2014 established new arrangements for the audit and accountability of relevant authorities. Under these new arrangements the Council has opted for its external auditors to be appointed by the Public Sector Audit Appointments Limited (PSAA), an independent company established by the LGA for this purpose.
- 4.2.2.2. The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

### 4.3. Preventing Fraud and Corruption

- 4.3.1. The Council has an approved Counter Fraud and Corruption Strategy which places responsibility for preventing fraudulent activity with all Members, Managers and individual members of staff. Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third-party fund, must be notified immediately

to the Head of Internal Audit, in conjunction with other officers detailed in the Council's Counter Fraud and Corruption Strategy.

4.3.2. Other policies and arrangements in place to support the prevention of fraud and corruption are:

- Conflict of interests' policy
- Gift and Hospitality policy
- Whistle-blowing policy
- Code of Conduct
- Anti-Money Laundering policy
- Anti-bribery policy

4.3.3. In addition, all members of staff are required to regularly complete and refresh their level of governance training.

#### **4.4. Insurance**

4.4.1. The Council is responsible for ensuring that adequate proper insurance arrangements exist.

4.4.2. The Director of Finance is responsible for advising the Council on proper insurance cover and managing the Council's insurances.

4.4.3. The settlement of insurance claims against the Council is subject to the following approval limits:

- up to and including £20,000 – Senior Liability Claims Officer
- in excess of £20,000 but no more than £150,000 – Assistant Director Finance and Investment
- in excess of £150,000 but no more than £1m – Director of Finance (in consultation with the Insurance Manager)
- in excess of £1m – Audit and Risk Management Committee

4.4.4. The Director of Finance will notify Audit and Risk Management Committee if the total value of claims during a financial year exceeds £1m for any of the following classes of claim:

- Employer liability
- Public liability (highways)
- Public liability (non-highways)
- Property
- Motor
- Other

- 4.4.5. Chief Officers must comply with all relevant insurance terms and conditions, and:
- 4.4.5.1. Notify the Director of Finance officer immediately of any loss, liability or damage that may lead to a claim against the Council
  - 4.4.5.2. Notify the Director of Finance officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances
  - 4.4.5.3. Consult the Director of Finance officer and the Monitoring Officer on the terms of any indemnity that the Council is proposing to give
  - 4.4.5.4. Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim
  - 4.4.5.5. Ensure all officers are aware of their responsibilities relating to the use of insurance policies
  - 4.4.5.6. Identify and report to the Director of Finance officer and Monitoring Officer any changes which could affect risks insured by the Authority
  - 4.4.5.7. Ensure that any conditions affecting insured risks are met and departmental actions do not invalidate any claims

#### **4.5. Assets**

In the context of these Rules, Assets include buildings, land and infrastructure, furniture, equipment, plant, stores, cash balances and “intellectual property” such as computer software, data and information of all kinds.

All staff have a responsibility for safeguarding the Council's assets and information, including safeguarding the security of the Council's computer systems and paper records, and for ensuring compliance with the Council's computer and internet security policies.

- 4.5.1. The Senior Manager Asset Management will undertake the role of 'corporate landlord' and will ensure that:
- 4.5.1.1. the proper security and maintenance of all premises occupied and/or owned by the Council
  - 4.5.1.2. Record Management hold the title deeds for all Council properties
- 4.5.2. Chief Officers are responsible for:

- 4.5.2.1. the care, control and proper and economical use of all assets used in connection with the operation and delivery of their Services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security.
- 4.5.2.2. ensuring that assets are used only for official purposes and that all appropriate rights, licenses and insurances are obtained.
- 4.5.2.3. ensuring that all computer software used is properly licensed
- 4.5.3. The Director of Finance is responsible for the maintenance of a corporate register of the Council's property, plant and equipment assets.
- 4.5.4. Land and property
- 4.5.4.1. Land and property transactions include:
- freehold acquisitions and disposals
  - long leasehold acquisitions and disposals
  - short leases as tenant and as landlord
  - entering into section 106 agreements as landowner
  - release of covenants
  - compulsory acquisitions and land compensation claims
  - taking and granting easements
  - option Agreements
  - lease surrenders and exit agreements (including dilapidations).
- 4.5.4.2. Each of these transactions has a financial consequence for the Council and the following approvals are required:
- up to and including £100,000 – Senior Manager Asset Management
  - in excess of £100,000 – Policy and Resources Committee
- 4.5.5. Inventories
- 4.5.5.1. Heads of Service must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.
- 4.5.5.2. The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

- 4.5.6. Stock is defined as consumable items constantly required and held by a Service in order to fulfil its functions. Heads of Service are responsible for the control of stocks. They must ensure that stocks are appropriately secured and recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive and/or security-controlled items such as cheques.
- 4.5.7. Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. If retention of cash on site is unavoidable in exceptional circumstances, the Head of Service is responsible for making appropriate security arrangements. All cash should be banked as quickly as possible.
- 4.5.8. Asset Disposal/Write-off
- 4.5.8.1. Chief Officers (in consultation with the Director of Finance) may authorise the write off of losses or disposal of assets (excluding land and property) up to and including £50,000. Write offs over £50,000 will require approval as follows:
- Inventory – Policy and Resources Committee
  - Assets (excluding land and property) up to and including £100,000 – relevant Committee (in consultation with the Director of Finance)
  - Assets (excluding land and property) more than £100,000 – Policy and Resources Committee
- 4.5.8.2. Land and property disposals up to and including £100,000 may be authorised by the Senior Manager Asset Management unless the value of the Councils interest or sale proceeds are less than the book value in which case approval must be sought from the Policy and Resources Committee. Disposals in excess of £100,000 require approval from the Policy and resources Committee.
- 4.5.8.3. Any write off which arises as a result of theft or fraud must be notified to the Head of Audit and Risk immediately.
- 4.5.9. Treasury Management
- 4.5.9.1. The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.5.9.2. The full Council is responsible for approving the Treasury Management Strategy. The Director of Finance has delegated responsibility for implementing and monitoring the approved policy and practice (without financial limit).

- 4.5.9.3. All money in the hands of the Council is controlled by the Director of Finance.
- 4.5.9.4. The Director of Finance is responsible for reporting to the Policy and resources Committee periodically in each financial year on treasury management activities undertaken within delegated powers.
- 4.5.10. Investments and Borrowings - it is the responsibility of the Director of Finance to:
  - 4.5.10.1. ensure that all investments of money are made in the name of the Council or in the name of approved nominees.
  - 4.5.10.2. ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in safe custody
  - 4.5.10.3. effect all borrowings in the name of the Council.
  - 4.5.10.4. act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.
- 4.5.11. Trust Funds and Funds Held for Third Parties - it is the responsibility of the Director of Finance to:
  - 4.5.11.1. arrange for all trust funds to be held, wherever possible, in the name of the Council (e.g. 'Wirral Borough Council on behalf of.....'). All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Director of Finance unless any deed otherwise provides.
  - 4.5.11.2. arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Finance, and to maintain written records of all transactions.
  - 4.5.11.3. ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- 4.5.12. Intellectual Property

Intellectual property is a generic term that includes inventions and writing. If an employee creates these during employment then they belong to the Council, not to the employee.

Like any assets, intellectual property is an essential factor in ensuring business continuity within the Council, and the effective delivery of Council

services. It is critical therefore, that the Council puts in place adequate controls over the ownership, storage and use of all intellectual property.

Chief Officers will ensure that their staff are aware of the Council's rights about intellectual property. Instances where intellectual property has been (or may be) created which has, or may have, commercial value to the Council should be referred to the relevant Officer(s).

#### **4.6. Staffing**

Council staff are an essential part of providing the highest level of quality services. Staff are the greatest single item on which the Council spends its budget. It is therefore crucial that procedures and guidance issued by Human Resources are followed precisely. In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level within the resources available.

- 4.6.1. The Head of Paid Service is responsible for providing overall management to staff and is also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job. The Assistant Director of Human Resources acts as an advisor to Chief Officers on areas such as national insurance, pension contributions and HR policy.
- 4.6.2. Chief Officers have primary responsibility for their establishment and are accountable for compliance with establishment and financial controls. Chief Officers are responsible for:
  - 4.6.2.1. ensuring that positions are only created as new requirements and associated funding
  - 4.6.2.2. that all changes to staffing levels are communicated to Human Resources as soon as possible to ensure financial and operational records are kept up to date
  - 4.6.2.3. for instructing Human Resources and for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses where applicable
- 4.6.3. The Director of Finance will:
  - 4.6.3.1. advise Chief Officers on areas such as national insurance and pension contributions, as appropriate. I ensure that budget provision exists for all existing and new Officers and prepare an annual staffing budget for

services, in consultation with Chief Officers and ensure it is an accurate forecast of staffing levels.

- 4.6.3.2. ensure arrangements for payment to the appropriate bodies, of all statutory taxation and other payroll deductions

**4.7. Third Party Funds** are defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.

- 4.7.1. Money or goods belonging to the Third-Party Fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.

- 4.7.2. The Senior Leadership Team is responsible for ensuring that any Third-Party Funds controlled by Council staff are:

- 4.7.2.1. maintained separately and correctly in accordance with these Finance Regulations; and

- 4.7.2.2. subject to the same standards of stewardship and probity as Council funds.

#### **4.8. Retention of records**

- 4.8.1. The Returning Officer will be responsible for maintaining complete and accurate records and for reconciliation with regard to elections accounts.

- 4.8.2. The Council, in common with other public and private organisations, has certain statutory obligations it has to meet for the retention of its records. It also has to fulfil the requirements of HM Revenue and Customs, other legislative requirements and the external auditors in respect of its financial records.

- 4.8.3. The majority of financial records must be kept for 6 years from the end of the tax year to which they relate. Some records, however, may need to be kept for longer periods e.g. if required to defend future insurance claims. It is possible others can be destroyed within shorter periods. Guidance on the appropriate retention period is given in the Council's Corporate Record Retention Policy.

- 4.8.4. All records held should have an appropriate retention period assigned to them, which meet the statutory obligations to retain financial records, but also considers legislative requirements such as the Limitation Act, GDPR,

Data Protection Act; Freedom of Information requirements; and the business needs of the Service.

## **5. Financial Systems and Procedures**

### **5.1. Banking Arrangements**

- 5.1.1. All bank accounts must be titled impersonally in the name of Wirral Borough Council.
- 5.1.2. Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Director of Finance. No bank accounts may be opened, or arrangements made with any other bank except by agreement with the Director of Finance.
- 5.1.3. Bank transfers must be authorised by the Director of Finance, or those officers authorised to sign through the agreed local Scheme of Financial Delegation or in accordance with the Treasury Management Policy.
- 5.1.4. Direct debits can only be set up with the prior Approval of Finance in line with the local scheme of delegation for the Finance Directorate.
- 5.1.5. Payments must be authorised in line with local Schemes of Financial Delegation
- 5.1.6. Chief Officers must:
  - 5.1.6.1. Make secure arrangements for the receipt of income and subsequent prompt banking
  - 5.1.6.2. Adhere to the banking instructions issued by the Director of Finance

### **5.2. Income**

- 5.2.1. The Director of Finance is responsible for developing and maintaining standards, procedures, systems and reports to facilitate the effective and efficient identification, collection, receipting, banking and recovery of income due to the Council.
- 5.2.2. Charges will be reviewed annually in line with the Fees and Charges Policy. The Fees and Charges Policy will be approved by Council as part of the annual budget setting process.

- 5.2.3. Council officers must comply with guidelines issued by the Director of Finance for the safe and efficient collection and recording of all money due to the Council.
- 5.2.4. Bad Debts
- 5.2.4.1. The Council has a Corporate Debt Policy with the guiding principle that customers have a responsibility to pay amounts that have been properly assessed as being due. The Council is committed to using the most appropriate and effective recovery methods available to it. In certain circumstances and for justifiable reasons it will be necessary to classify some debts as irrecoverable and to recommend that they be written off, however this does not preclude pursuit of the debt.
- 5.2.4.2. Chief Officers will critically review outstanding debts on a regular basis, in conjunction with the Director of Finance, and take prompt action to write off debts no longer deemed to be recoverable. Chief Officers will recommend to the Director of Finance all debts to be written off in line with the following approval limits:
- up to and including £10,000 – Budget Holder in consultation with the Director of Finance
  - more than £10,000 – Policy and Resources Committee
- 5.2.4.3. The Senior Leadership Team is responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports. A record must be maintained for all debts written off.

### **5.3. Purchase of goods and services**

- 5.3.1. The Senior Leadership Team and Heads of Service are responsible for providing all appropriate information and instructions to Transactional Services to allow for prompt and accurate payment for goods and services provided and for the analysis of expenditure.
- 5.3.2. Except for purchases by Purchase Card, imprest accounts, periodic payments such as rent or rates, Grant payments, contributions made to other Public Sector Bodies and Subscriptions all purchases must be supported by an official requisition and purchase order unless previously agreed with the Head of Procurement.
- 5.3.3. All purchases must have regard to these Financial Regulations, Contract Procedure Rules and local Schemes of Financial Delegation. Consideration must also be given to the requirements relating to key decisions. (Part 4, Section 2, paragraph 8 of the Constitution).

- 5.3.4. All requisitions and purchase orders must be authorised in accordance with the approved budget and the limits below to ensure that funds are available to pay for the purchase.
- up to and including £100,000 – Budget Holder
  - more than £100,000 but less than £250,000 – Chief Officer
  - more than £250,000 but less than £1.5m – Chief Officer in consultation with the Director of Finance
  - more than £1.5m – relevant Committee
- 5.3.5. Heads of Service must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- 5.3.6. Heads of Service must consult the Director of Finance on appropriate arrangements for purchases of goods and services which cannot be accommodated within standard ordering and payment processes.
- 5.3.7. Payment of Invoices
- 5.3.7.1. All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment.
- 5.3.7.2. All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.
- 5.3.7.3. Invoices received without a valid purchase order number will be returned to the creditor as unauthorised for payment.
- 5.3.7.4. The Council's standard payment terms are 30 days from receipt of a correct invoice by BACS (Bankers Automated Clearing System). Alternative terms may not be negotiated or agreed with suppliers without the explicit approval of the Head of Procurement.
- 5.3.7.5. Payment will only be made for goods and services which have been formally receipted in accordance with receipting procedures set out by the Director of Finance.
- 5.3.8. Non-invoice Payments
- 5.3.8.1. Where Heads of Service wish to initiate a payment to a third party without a supporting invoice, an official request for payment must be submitted in a form approved by the Head of Procurement.

- 5.3.8.2. Any such requests must be authorised by an officer designated with an appropriate approval limit in the relevant local Scheme of Financial Delegation. They are responsible for ensuring that all payment details provided are accurate and that supporting records and documentation are available to substantiate the payment, including an official VAT receipt to allow for the reclaim of any VAT element.
- 5.3.8.3. Appropriately authorised requests for payment will be processed and paid by BACS.
- 5.3.8.4. Non-invoice payments should be requested on an exceptional basis only. Where payments of this type need to be made on regular basis Heads of Service must consider, in conjunction with the Head of Procurement, other alternative options which may be more appropriate.
- 5.3.8.5. Payments or reimbursements in respect of salaries and wages, travelling expenses or other employment allowances must be processed through the Payroll system and not treated as a non-invoice payment.
- 5.3.9. Purchase cards are an effective method of payment for goods and services of low value and for one off purchases. Heads of Service are responsible for the appropriate deployment and management of Purchase cards within their service in accordance with the local Scheme of Financial Delegation.
- 5.3.10. Imprest Accounts
- 5.3.10.1. Wherever possible, purchase cards will be used for low value transactions and where there are no mandated procurement contracts in place. However, in the limited circumstances when purchase cards cannot be used, the Director of Finance may provide bank imprest (petty cash) accounts to meet minor expenditure on behalf of the Council of up to £50 per transaction. Where circumstances require individual payments in excess of £50, approval to set-up a local arrangement must be sought from the Director of Finance.
- 5.3.10.2. Heads of Service are responsible for ensuring that the rules of operation issued by the Director of Finance are adhered to, and that:
- local Schemes of Financial Delegation set out clearly the responsibilities and approval limits of individual officers in respect of these arrangements
  - adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT
  - arrangements are being operated for legitimate Council business only.

5.3.11. Local arrangements may not be used in any circumstances to circumvent either these Financial regulations or the Contract Procedure Rules.

#### **5.4. Payment to Members**

5.4.1. The Director of Law and Corporate Services will arrange for payments to Members entitled to claim allowances through selfserve, on receipt of the proper form, completed and certified in accordance with the approved scheme for allowances set out in Part 6 of the Constitution.

#### **5.5. Taxation**

5.5.1. The Director of Finance is responsible for ensuring compliance with all relevant taxation regulations and guidance that affect the Council either directly, because of its own activities, or indirectly, because of service delivery through external partners.

5.5.2. The Director of Finance will ensure that:

5.5.2.1. proper arrangements are in place for the administration and accounting for taxation

5.5.2.2. timely completion of statutory returns as directed by HMRC e.g. VAT and PAYE

5.5.2.3. provision of up-to-date guidance for officers on taxation

#### **5.6. Emergency payments**

5.6.1. Emergency payments may arise because of unforeseen circumstances (e.g. as a consequence of a natural disaster, a civil emergency or a court order etc.) where budget provision has not been made and the payment cannot be covered within the relevant service's existing budget. Emergency payments can only be made in extenuating circumstances with the following approval:

- up to and including £250,000 – Chief Officers
- in excess of £250,000 but not more than £1m – Chief Executive or Director of Finance
- in excess of £1.5m – Policy and Resources Committee

5.6.2. Details of emergency payments made will be reported retrospectively to the Council

#### **5.7. Transparency**

To provide transparency in its stewardship of public funds the Council makes information available to the public in relation to its spending, regardless of value. Monthly payment transactions made via purchase card, employee expenses and accounts payable are available to download via the Council's website.

## **6. External Arrangements**

### **6.1. Collaborative working**

The term “collaborative working” covers a wide array of joint working arrangements. For the purposes of this section, the term “collaborative working” means working with one or more third parties collectively to achieve a shared objective. The Council's contribution to collaborative working may be capital, revenue or contributions in kind such as staff time.

Any collaboration which involves the creation of or participation in a separate legal entity (Alternative Service Delivery Vehicle (ASDV)), such as a limited company, trust or charity, must be set up and approved in accordance with these Financial Regulations and the governance arrangements as set out in Part 5, Section 8 of the Constitution (Governance of Council Interest in Companies).

#### **6.1.1. Alternative Service Delivery Vehicles (ASDVs)**

6.1.1.1. Any proposal to commission services via an alternative delivery model must be developed through the Council's business case governance framework, to ensure that there is a robust planning and decision-making process in place.

6.1.1.2. Chief Officers are responsible for ensuring that the Council's governance framework is followed through all stages of the business case development and decision-making process, and that specialist advice is sought from relevant key stakeholders across the Council, at each stage in the development of the business case. Key stakeholders will include:

- Finance
- Legal and Assurance (including Monitoring Officer)
- Internal Audit and Risk
- Merseyside Pension Fund, (if in respect of pension arrangements), and
- any other Chief Officers having an interest or in a position to contribute.

6.1.1.3. Chief Officers are also responsible for ensuring that Council approval is obtained before any contract negotiations and/or financial transactions

are entered into, and that all agreements and arrangements are properly documented, the content and format of which must be approved by the Monitoring Officer and/or Director of Finance.

- 6.1.1.4. Detailed guidance on the requirements and responsibilities in relation to ADV's is given in Part 5, Section 8 of the Constitution (Governance of Council Interest in Companies).

## 6.1.2. Partnerships

Partnerships include any arrangements where the Council agrees to undertake, part fund or participate in a project with other bodies; either as a beneficiary of the project, or because the nature or status of the project gives the Council a right or obligation to support it. It does not include situations where the Council is simply providing funding without assuming any obligation or risk relating to delivery of the project in which case the Contract Procedure Rules cover the arrangement.

- 6.1.2.1. Forming of partnerships - The approval of both the Director of Finance and the Monitoring Officer must be obtained prior to the Council entering into any formal partnership agreement. The approval of the Director of Finance must also be obtained where it is proposed that the Council adopts the role of 'Accountable Body' for a partnership.

A partnership agreement must be produced which ensures that:

- legal status and financial viability of the arrangement are clearly established and acceptable
- Council's financial commitment to the partnership is quantified and that this can be accommodated within the existing budget provision
- financial and corporate governance arrangements in place for the partnership are robust, and acceptable from the Council's perspective
- the Council is not exposed to undue financial, legal or reputation risk as a consequence of its involvement in the partnership
- Council's own financial accounting and reporting requirements can be satisfied
- the arrangements for dispute resolution and for exiting the arrangement are identified

In addition, a performance monitoring framework must be established to ensure that the objectives of the partnership are met.

The Policy and Resources Committee is responsible for approving delegations and frameworks for all partnerships. Partnerships must be approved by Council or the Strategic Leadership Team depending on the scale of the project and the local Scheme of Financial Delegation.

Chief Officers will ensure that:

- the approval of the Director of Finance officer and the Monitoring Officer is obtained prior to entering into a partnership agreement
- an appraisal is undertaken which demonstrates that the risks associated with the arrangement are minimal, or that appropriate arrangements are in place to mitigate any such risks
- the partnership agreement and arrangements will not impact adversely upon the services provided by the Council or upon its finances
- the proposed financial contribution by the Council to the partnership can be met from existing budget provision
- Council approval is secured for all delegations and frameworks for the proposed partnership.

6.1.2.2. Delegation of budget to a partnership - the delegation of budget to a partnership (whether the arrangement is binding on the parties or not), where money is normally spent in accordance with the wishes of a group of individuals or organisations, is subject to approval as follows:

- less than £100,000 – Chief Officer
- £100,000 and above but no more than £1m – Relevant Committee (in consultation with Director of Finance)
- more than £1m – Policy and Resources Committee

6.1.2.3. Financial Administration - where the Council is the 'accountable body' for the Partnership these Financial Regulations, Contract Procedure Rules and all other relevant policies and procedures will apply.

## **6.2. Bidding for Grant Funding**

6.2.1. All grant bids are subject to the requirements of the Revenue and Capital Grants Central Repository and Approval Process and any additional requirements in local Schemes of Financial Delegation.

6.2.2. All grant bids must be approved as set out in 6.2.3 before commencing any spend.

6.2.3. Grant approvals must be sought as follows:

- Revenue Grants less than £100,000 – Chief Officer/DMT of the Service's Management Team in accordance with the Financial regulations. The Change Advisory Board (CAB) will be notified to allow for oversight and comment.
- Revenue Grants £100,00 and over – Change Advisory Board (CAB)
- Capital Grants – Investment Change Board (ICB) overseas all Capital Grant bids regardless of value

6.2.4. The receipt of grant income and related expenditure is subject to these Financial regulations and Contract Procedure Rules.

### **6.3. Support to other organisations**

6.3.1. Grants, donations and contributions may be made in accordance with these Financial Regulations subject to there being adequate provision in service budgets and the appropriate approvals being sought.

6.3.2. Loans to third parties - loans may be provided by the Council to third parties in line with the following circumstances and approval limits:

6.3.2.1. Monies invested with banks and other financial institutions – to be undertaken in line with the Treasury Management Strategy

6.3.2.2. Loans to third parties for the purpose of financing expenditure which, if incurred by the Council, would constitute capital expenditure – to be undertaken in line with the Capital Programme approval process

6.3.2.3. Loans to third parties for other purposes (e.g. where a service is delivered by an ASDV and the provider seeks an up-front payment to support cash flows):

- Less than £50,000 - Chief Officer (in consultation with the Director of Finance)
- £50,000 or more but less than £100,000 – relevant Committee (in consultation with the Director of Finance)
- £100,000 and above – Policy and Resources Committee

## 7. Financial limits

Whilst financial limits may have been referred to in the relevant sections of these Financial Regulations, all approval limits have been brought together in this section for ease of reference.

### 7.1. Revenue budget virements

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £100,000	Chief Officer in consultation with the Budget Holder	Part 4, Section 3 Budget and Policy Framework (paragraph 6)
In excess of £100,000 but no more than £500,000 (cumulatively up to £1,000,000 over the financial year) provided that there is no virement of revenue budget between 'Directorates' (Budget Heads)	Relevant Committee in consultation with the Chief Officer	
In excess of £500,000	Policy and Resources Committee	

### 7.2. Capital expenditure

De-minimis	Constitution
Capital expenditure will be charged to revenue on the grounds of materiality if it is less than £10,000	Part 4, Section 5 Financial Regulations (paragraph 3.3)

### 7.3. Settling insurance claims

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £20,000	Senior Liability Claims Officer	Part 4, Section 5 Financial Regulations (paragraph 4.4.3)
In excess of £20,000 but no more than £150,000	Assistant Director Finance and Investment	

In excess of £150,000 but no more £1.5m	Director of Finance (in consultation with Insurance Manager)	
In excess of £1.5m	Audit and Risk Management Committee	

#### 7.4. Land and property transactions

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £500,000	Senior Manager for Asset Management	Part 4, Section 5 Financial Regulations (paragraph 4.5.4)
In excess of £500,000	Policy and Resources Committee	

#### 7.5. Disposal of assets

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £10,000	Head of Service (in consultation with the Director of Finance)	Part 4, Section 5 Financial Regulations (paragraph 4.5.8)
In excess of £10,000 but no more than £50,000	Chief Officer (in consultation with the Director of Finance)	
In excess of £50,000 but no more than £100,000	Relevant Committee (in consultation with the Director of Finance)	
In excess of £100,000	Policy and Resources Committee	

#### 7.6. Write-offs

Delegations	Responsible Officer(s) and/or Committee	Constitution
<b>Inventory:</b>		
Up to and including £10,000	Budget Holder (in consultation with the Director of Finance)	Part 4, Section 5 Financial Regulations (paragraph 4.5.8.1)
In excess of £10,000 but no more than £50,000	Chief Officer (in consultation with the Director of Finance)	
More than £50,000	Policy and Resources Committee	
<b>Bad Debts:</b>		
Up to and including £10,000	Budget Holder (in consultation with the Director of Finance)	Part 4, Section 5 Financial Regulations (paragraph 5.2.4.2)
More than £10,000	Policy and Resources Committee	

## 7.7. Purchasing

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £100,000	Budget Holder	Part 3, Section C Scheme of Financial Delegation of Authority to Officers (paragraph 2(a)) and Part 4, Section 5 Financial Regulations (paragraph 5.3.4)
In excess of £100,000 but no more than £250,000	Chief Officer	
In excess of £250,000 but no more than £1.5m	Chief Officer (in consultation with the Director of Finance)	
More than £1.5m	Relevant Committee	

## 7.8. Emergency Payments

Delegations	Responsible Officer(s) and/or Committee	Constitution
Up to and including £250,000	Chief Officer	Part 4, Section 5 Financial Regulations (paragraph 5.6.1)
In excess of £250,000 but no more than £1m	Chief Executive or Director of Finance	
More than £1m	Policy and Resources Committee	

## 7.9. Delegation of budget to a partnership

Delegations	Responsible Officer(s) and/or Committee	Constitution
Less than £100,000	Chief Officer	Part 4, Section 5 Financial Regulations (paragraph 6.1.2.2)
£100,000 and above but no more than £1m	Relevant Committee (in consultation with Director of Finance)	
More than £1m	Policy and Resources Committee	

### 7.10. Grant funding bids

Delegations	Responsible Officer(s) and/or Committee	Constitution
<b>Revenue:</b>		
Less than £100,000	Chief Officer/DMT of the Service's Management Team	Part 4, Section 5 Financial Regulations (paragraph 6.2.3)
£100,000 and above	Change Advisory Board (CAB)	
<b>Capital:</b>		
All bids – no minimum	Investment Change Board (ICB)	Part 4, Section 5 Financial Regulations (paragraph 6.2.3)

### 7.11. Loans to third parties

Delegations	Responsible Officer(s) and/or Committee	Constitution
Less than £50,000	Chief Officer (in consultation with the Director of Finance)	Part 4, Section 5 Financial Regulations (paragraph 6.3.2.3)
£50,000 or more but less than £100,000	Relevant Committee (in consultation with the Director of Finance)	
£100,000 and above	Policy and Resources Committee	



# CONSTITUTION OF THE COUNCIL

## Part 6

### MEMBERS' SCHEME OF ALLOWANCES

Wirral Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Wirral Borough Council Members' Allowances Scheme and shall have effect from the Annual Council Meeting on 28 September 2020

2. In this scheme, "councillor" means a member of the Wirral Borough Council who is a councillor;

"total estimated allowances" means the aggregate of the amounts estimated by the Director of Finance at the time when a payment of basic allowance and special responsibility allowances is made, to be payable under this scheme in relation to the relevant year, and for this purpose any election under paragraph 6 (Renunciation) shall be disregarded;

"year" means the 12 months ending with 31 March.

#### 3. Basic Allowance

3.1 Subject to paragraph 7, for each year a basic allowance of £9684.22 shall be paid to each councillor. This allowance shall be revised annually in accordance with the index linked to the annual pay award for local government employees under the National Joint Council for Local Government Services national agreement.

#### 4. Special Responsibility Allowances

4.1 For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in schedule 1 to this scheme. These allowances shall be revised annually in accordance with the index linked to the annual pay award for local government employees under the National Joint Council for Local Government Services national agreement.

4.2 Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

4.3 No councillor shall be entitled to receive more than one payment by way of special responsibility allowance.

#### 5. Childcare and Dependants' Carers' Allowance

5.1 An allowance not exceeding £10.42 per hour (or such other sum as may be prescribed as the National Minimum and National Living Wage) shall be payable towards or in respect of actual expenses necessarily incurred in arranging for the care of a child or other dependant by virtue of a member's attendance at a meeting of the authority, or any other meeting that is authorised by the authority, or designated as an approved duty under this Scheme, provided that no such payment shall be made to a relative or a member of the claimant's own household.

## 6. Renunciation

6.1 A councillor may by notice in writing to the Director of Law and Governance (or an officer authorised on their behalf) elect to forego any part of their entitlement to an allowance under this scheme.

## 7. Part-year Entitlements

7.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

7.2 If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year

7.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

7.4 Where this scheme is amended as mentioned in sub-paragraph (7.1), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (7.2) (a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days

during which their term of office as a councillor subsists bears to the number of days in that period.

- 7.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which they have such special responsibilities bears to the number of days in that year.
- 7.6 Where this scheme is amended as mentioned in sub-paragraph (7.2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (7.2) (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which they have such special responsibilities bears to the number of days in that period.

## **8. Travel and Subsistence**

### **Travel Costs**

- 8.1 Travel costs incurred by members in performing "approved duties" as specified in Schedule 2 to this Scheme shall be reimbursed at the prevailing public transport rates, provided that the use of taxis or members' private motor vehicles may be permitted where public transport is either not available, or the journey by public transport would be likely to result in unreasonable delay.
- 8.2 Payment for the use of members' private motor vehicles shall be made at the rate of 45 pence per mile.
- 8.3 The allowance payable for the use of motorcycles or bicycles shall be in accordance with the rates prescribed by the scheme of conditions of service applicable to the authority's employees generally.

### **Subsistence Payments**

- 8.4 Members necessarily absent from home for a period in excess of four hours (but not including absence overnight) shall be entitled to receive a payment in respect of the purchase of meals at the following rates relevant to the time of day:-

Breakfast allowance (before 11 a.m.)	£7.00
Lunch allowance (12 noon to 2 p.m.)	£10.00
Tea allowance (3 p.m. to 6 p.m.)	£3.00
Evening meal allowance (after 7 p.m.)	£12.00

- 8.5 Notwithstanding the rates specified at (8.4) above, members shall be entitled to claim reimbursement of the actual cost of meals taken on trains provided this is reasonable and supported by an official receipt, subject to the following limitations:

4-8 hours	cost of 1 main meal
8-12 hours	cost of 2 main meals
Over 12 hours	cost of 3 main meals

- 8.6 In cases where a meal is provided free of charge by an outside organisation, the entitlement to a subsistence payment shall be reduced by an amount equivalent to the rate prescribed for a meal relevant to the time of day, namely:

Breakfast	£7.00
Lunch	£10.00
Tea	£3.00
Evening Meal	£12.00

- 8.7 Members absent from home for a continuous period of 24 hours or more (necessarily including an overnight stay) shall be entitled to claim, in respect of the purchase of meals and overnight accommodation, reimbursement of the actual costs incurred (where supported by receipts) up to a maximum of:

Standard rate	£148.00
Central London/LGA Annual Conference Rate	£185.00

For the purposes of this section “Central London” is defined as the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

- 8.8 The rates of allowances set out in clauses 8.4 to 8.7 above shall be revised from time to time in accordance with the rates prescribed by the scheme of conditions of service applicable to the authority’s employees generally.

## 9. Payment of Allowances

- 9.1 Allowances payable under this scheme shall be paid in equal monthly instalments of one-twelfth of the annual amounts specified in paragraph 3 above and Schedule 1 hereto.
- 9.2 Payment of allowances and expenses under this scheme shall be made by the Director of Finance by Bankers’ Automated Clearing Services (or such other method of payment as may be acceptable to the Council) on the 18<sup>th</sup> day of every month (except on Bank Holidays, when arrangements for earlier payment may be made).
- 9.3 Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 7, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

## 10. Other Allowances

10.1 Remuneration for Independent Persons sitting on the Constitution and Standards Committee will be as follows:-

Four Persons: payment of £60 per meeting or per three hours.

10.2 Remuneration for Independent Persons sitting on the Audit and Risk Management Committee will be as follows:-

Two Persons: payment of £60 per meeting or per three hours.

## SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances.

	£
Leader of the Council (Chair of P&R)	24,969.60
Deputy Leader of the Council (Vice Chair of P&R)	12,484.80
Leader of the Largest Group (if not Leader of the Council)	14,981.76
Leader of the Second Largest Group (Comprising of at least 4 members and if not Leader of the Council)	14,981.76
Leader of the Third Largest Group (Comprising of at least 4 members and if not Leader of the Council)	7,490.88
Leader of the Fourth Largest Group (Comprising of at least 4 members and if not leader of the Council)	4,993.92
Leader of Other Groups (Comprising of at least 4 members and if not Leader of the Council)	1,248.48
Deputy Leader of the Largest group (if not Deputy Leader of the Council)	12,484.80
Deputy Leader of the Second Largest group (Comprising of at least 6 members and if not Deputy Leader of the Council)	7,490.88
Deputy Leader of the third largest group (Comprising at least 6 members and if not Deputy Leader of the Council)	3,745.44
Deputy Leader of the fourth largest group (comprising of at least 6 members and if not Deputy Leader of the Council)	2,496.96
Deputy Leader of Other Groups (Comprising of at least 6 Members and if not Deputy Leader of the Council)	624.24

In the event of political groups having an equality in number of members, the total of the combined leaders' allowances should be shared between the group leaders, i.e. if there were two groups with the same number of members, the leaders of those groups would each receive 50% of the combined total for leaders of those groups. The same principle would apply to deputy group leaders allowances. However, this would not apply if one of the group leaders or deputy group leaders was the Leader of the Council or Deputy leader of the Council.

Mayor of Wirral	12,484.80
Deputy Mayor of Wirral	2,496.96

### Committee Chairs:

Chairs of the Policy and Services Committees (x5)	9,987.84
Finance Sub Chair	4,993.92
Chair of Planning Committee	4,993.92
Chair of Regulatory and General Purposes Committee / Licensing Act Committee (combined Chair role)	4,993.92
Chair of Audit and Risk Management Committee	4,993.92
Chair of Constitution and Standards Committee	4,993.92
Chair of Pensions Committee	3,745.44

Outside Organisations:

Merseyside Recycling and Waste Authority representative (x2)	1,908.09
Liverpool City Region Transport Committee*(x4)	5,904.27
* Increase this SRA by 10,325.58 if also made Chair	
Increase this SRA by 5,162.79 if also made Vice-Chair	
Increase this SRA by 4,612.09 if also made a Lead Member	
OR increase this SRA by 2,767.46 if made Opposition Spokesperson	

### APPROVED DUTIES

Attendance at any of the following is designated as an approved duty for the purpose of the payment of travel and subsistence allowances:-

- (a) meetings of the Council, committees (including advisory committees), subcommittees, member panels or working parties;
- (b) meetings of associations of local authorities (including committees, special interest groups or working parties) of which the council is a member;
- (c) meetings of the Merseyside Recycling and Waste Authority;
- (d) meetings (including annual site inspections) authorised from time to time by the Cabinet and to which representatives of more than one political group have been invited;
- (e) formal site visits (organised in addition to the annual tour of inspection) by members of the Planning Committee;
- (f) meetings by the Party Leaders or their nominees with Government Ministers where at least two political groups have been invited;
- (g) meetings by the Party Leaders or their nominees at offices of the European Union in pursuit of Council policies (and when accompanied by officers);
- (h) attendance by, Party Leaders or Deputies and Committee Chairs or spokespersons (or their nominees) at briefings, meetings and events convened by a Chief Officer to deal with Council business;
- (i) Court hearings (e.g. on Licensing or other matters) where the member is attending on behalf of the Council;
- (j) Public Inquiries (when the member is representing the Council);
- (k) Training courses for Councillors included in an approved programme, as agreed by the Standards and Constitutional Oversight Committee;
- (l) attendance at seminars or presentations where this is authorised by a committee (for members of that committee only);
- (m) meetings of the bodies to which the Council makes appointments or nominations.



# CONSTITUTION OF THE COUNCIL

## Part 4 Section 1

### COUNCIL STANDING ORDERS

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## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1. Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on the second Monday in May, or such other day in the month of March, April or May that year as the Council may fix.

### 1.2 Part 1: The Ceremonial Meeting (Mayor Making)

The Meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) receive the retiring Mayor's report; and
- (v) adjourn the meeting.

### 1.3 Part 2: The Business Meeting

The Meeting will:

- (i) approve the minutes of the last meeting;
- (ii) receive any announcements from the Mayor and/or the Head of Paid Service;
- (iii) receive a report from the Returning Officer on the outcome of Borough Elections;
- (iv) appoint to committees, in that the annual meeting will:
  - (1) appoint such committees as are required or the Council considers appropriate for the municipal year (noting that Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees);
  - (2) decide the size and terms of reference for those committees;
  - (3) decide the allocation of seats to political groups in accordance with the rules on political balance;
  - (4) receive nominations of Members to serve on each committee;
  - (5) appoint to those committees (except where appointment to those bodies has been delegated by the Council);

- (v) appoint:
  - (1) the Leader of the Council (Chair of Policy & Resources Committee);
  - (2) the Deputy Leader of the Council (Vice-Chair of Policy & Resources Committee); and
  - (3) the Chairs and Vice-Chairs of all other Council committees, at (iv)(1) above, other than those which the Council has decided should be appointed by the committee itself
- (vi) approve a programme of ordinary meetings of the Council for the year;
- (vii) appoint Members to panels, advisory committees, working parties and miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, unless otherwise delegated; and
- (viii) consider any business set out in the notice convening the meeting.

Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or reallocate an appropriate time for the transaction of each item.

## 2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy-Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader of the Council or the Head of Paid Service (which, with the exception of the Mayor, will normally be limited to 5 minutes);
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting in accordance with Standing Order 10 below  
(limited to 30 minutes);
- (vi) receive representations from electors of the Borough in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting in accordance with Standing Order 11.1 below;  
(limited to 20 minutes);
- (vii) receive petitions from Members or the public in accordance with Standing Order 11.2 below;

- (viii) receive questions on notice from, and provide answers to, Members in accordance with Standing Order 12.2 below;
- (ix) deal with any business from the last Council meeting;
- (x) receive recommendations and reports from the Council's committees for consideration, including consideration of proposals from the Policy and Resources Committee in relation to the Council's Budget and Policy Framework and receive questions and answers on any of those reports;
- (xi) receive any reports from the Council's Committees for consideration and receive questions and answers on any of those reports;
- (xii) receive reports about and receive questions and answers on decisions made by Committees since the last meeting of Council;  
(limited to 45 minutes);
- (xiii) receive any reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority;
- (xiv) consider motions on notice; and
- (xv) consider any other business specified in the summons to the meeting.

### 3. EXTRAORDINARY MEETINGS

#### 3.1. Calling extraordinary meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor (or the Deputy Mayor if the Mayor is unable to act);
- (iii) the Monitoring Officer or the Chief Finance (s.151) Officer in exercise of their statutory powers; or
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### 3.2. Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor (or person presiding) may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### **4.1 Allocation**

As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for substitute members.

### **4.2 Number**

For each Committee or Sub-Committee, the Council may appoint up to a maximum of half (50%) the number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.

### **4.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee when attending a meeting but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **4.4 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the Monitoring Officer by noon on the day of the meeting of the intended substitution.

### **4.5 Absence**

When the ordinary member and a designated substitute are unable to attend a meeting, a nominated substitute member of the same group may attend the meeting after notifying the Monitoring Officer by 12 noon.

## **5. TIME AND PLACE OF MEETINGS**

The time and place of meeting will be determined by the proper officer and notified in the summons.

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her to every member of the Council. The summons will normally be sent via electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted at the meeting (the agenda) together with accompanying reports.

## 7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the chair of committees and sub-committees.

## 8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. If, at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start, or at any later point during any meeting, the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 9. DURATION OF MEETING

### 9.1 Interruption of the meeting

The Mayor will adjourn the meeting for a period of ten minutes at a convenient time after one and a half hours.

Where three and a half hours have elapsed after the commencement of any meeting (and in the case of an extraordinary meeting of Council when two hours have elapsed since commencement of the meeting) the Mayor shall interrupt the meeting and the Member speaking must immediately cease doing so and sit down. The meeting shall then dispose of the item then under consideration as if the motion '*That the question be now put*' had been carried (i.e. the debate shall be concluded by the seconder and by the Member who has the right of reply and the vote will then be taken without any further discussion). This rule will not apply to meetings of a quasi-judicial or regulatory nature.

### 9.2 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within that period, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

### 9.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

### 9.4 Motions which may be moved

During the process set out in standing orders 9.1- 9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

### 9.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## 10. QUESTIONS BY THE PUBLIC AT MEETINGS OF COUNCIL

### 10.1 General

Members of the public who are residents of the Borough, or are a representative of a local firm or organisation, may ask questions of the Leader or Deputy Leader of the Council or the Chair of any Policy and Services Committee or a leader of a political group at ordinary meetings and, at the discretion of the Mayor, extraordinary meetings of the Council. If the question relates to any matter within the terms of reference of the Pensions Committee, any member of the public who is a member of the Local Government Pension Scheme in Merseyside or who ordinarily resides within the boundaries of the local authorities which are Scheme Employers, may put the question to the Chair of the Pensions Committee.

### 10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

If the questioner has asked a question at a previous meeting, or the local firm or organisation of whom they are a representative has had a question asked on its behalf, the Mayor shall have the right to change the order of questions or to reject questions which are repetitious.

### 10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put. Notice must be provided at this time of any accompanying preamble to be given when putting the question to Council. Questions may be edited as necessary by Monitoring Officer, in consultation with the Mayor, to bring them into proper form and to ensure brevity.

### 10.4 Number of questions

A person may submit only one question at any one meeting and no more than two such questions may be asked on behalf of one organisation.

### 10.5 Scope of questions

If the Monitoring Officer considers a question:

- is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- is illegal, improper, defamatory, frivolous or offensive;

- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the question.

## 10.6 Record of questions

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

## 10.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. Two minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. **A total of 30 minutes is allocated to public questions.**

## 10.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Standing Order 10.5 above. One minute is allowed for putting the supplementary question.

## 10.9 Answers

Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer. An answer may take the form of:

- a direct oral answer, for which two minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question;
- where the information requested is contained in a publication of the Council, a reference to that publication; or
- a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally, in which circumstance the councillor questioned will arrange for the written response to be provided to the questioner and circulated to all members within 10 working days thereafter and included as an addendum to the Minutes.

## 10.10 Reference of question to a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

### 10.11 Regulatory Committees

Separate arrangements are in place for the public to ask questions and make representations at meetings of the Planning, Licensing and Regulatory Committees, which are set out in specific schemes applicable to the proceedings of those meetings.

## 11. STATEMENTS AND PETITIONS

### 11.1 Representations

A member of the public may speak on up to two non-procedural items on any Agenda if notice has been given no later than midday three working days before the day of the meeting. The Mayor may, at his or her discretion, limit the number of speakers and the time each speaker may speak for. No speech should exceed three minutes. Each member of the public may only speak once. Public speaking on any one item shall not exceed 10 minutes, subject to the Mayor's discretion to extend the time if he or she considers it appropriate.

### 11.2 Petitions

Petitions may be presented to the Council if provided to Democratic and Member Services no later than **12 noon, 3 working days** before the meeting, at the discretion of the Mayor. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. If a petition contains more than 5,000 signatures, it will be debated at a subsequent meeting of Council.

## 12. QUESTIONS BY MEMBERS AT COUNCIL

### 12.1 On reports of Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

### 12.2 Questions on notice at full Council

Subject to Standing Order 12.4, at an Ordinary Meeting of the Council a Member may ask the Leader or Deputy Leader of the Council, the Chair of any of the Council's Committees or a Leader of a Political Group on the Council, or representatives on Joint Authorities questions on matters which the Council has powers or duties or which affects the area of the Council and which fall within their responsibility, or which fall within the responsibility of the relevant Joint Authority.

### 12.3 Questions on notice at committees and sub-committees

Subject to Standing Order 12.4, a member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or subcommittee.

### 12.4 Notice of questions

A Member may only ask a question under Standing Order 12.2 or 12.3 if:

- a) notice of the question has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday three working days before the day of the meeting; or
- b) the question relates to urgent matters, in which event they have the consent of the Mayor (or the Chair of the Committee to whom the question is to be put) and the content of the question is given to the Monitoring Officer by noon on the day of the meeting.

### 12.5 Scope of questions

If the Monitoring Officer considers any question:

- is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

requires the disclosure of confidential or exempt information;

he or she will inform the Mayor who will then decide whether or not to reject the question.

### 12.6 Response

An answer may take the form of:

- a) a direct oral answer, which response should be brief, succinct and to the point.;
- b) by reference to published material of the Council which is readily available to Members; or
- c) a written answer circulated to Members of the Council either during the meeting at which the question is asked or subsequently, in which circumstance the Member questioned will arrange for the written response to be sent to all Members within 10 working days thereafter and included as an addendum to the Minutes.

### 12.7 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be

allowed one supplementary question, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter.

The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked may decline to answer.

## 12.8 Time limits for questions and responses

No question will exceed one minute and no answer will exceed two minutes.

## 13. MOTIONS ON NOTICE

### 13.1 Notice

Except for motions which can be moved without notice under Standing Order 14, written notice of every motion, must be delivered to the Monitoring Officer in its initial form by nine clear working days before the date of the meeting (the Monday of the second week before each ordinary meeting of the Council where held on a Monday) and in final form noon seven clear working days before the date of the meeting (the Wednesday of the second week before each ordinary meeting of the Council where held on a Monday). Each political group can submit a maximum of one motion on notice at a Council meeting. In the event of a motion being submitted from a Member who is not a member of a political group, the Director of Law and Governance will consult the Mayor in respect to the inclusion of the motion on the agenda.

### 13.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda, unless the member giving notice states, in writing, that they propose to move it to a later meeting. The first motion listed on the agenda will be rotated at each Council meeting to enable the opportunity for any political Group or motion submitted by a Member who is not a member of a political group to be the debated first. Motions listed on the agenda thereafter will be in political group size order. This process will be managed by the Director of Law and Governance, in consultation with the Mayor.

### 13.3 Amendments to Motions on Notice

All amendments to motions on notice must be delivered to the Monitoring Officer in their initial form by 10.00am three working days before the date of the meeting (the Wednesday of the week the meeting of the Council where held on a Monday) and must comply with the requirements of Standing Order 15.6.

The Member submitting the amendment must then confirm in writing to the Monitoring Officer by 12 noon one working day before the meeting whether the amendment is to go forward, or notify the Monitoring Officer of any changes to the amendment. If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form. The Mayor may allow amendments without notice, or alterations to amendments, in exceptional circumstances where the Mayor considers it conducive or necessary to the business of the Council to do so.

### 13.4 Scope

If the Monitoring Officer considers a motion or an amendment to a motion:

- is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the motion.

## 14 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion (members are strongly encouraged, where possible, to share motions and amendments with fellow Committee Members in advance of the meeting);
- i) to proceed to the next business;
- j) that the question be now put'
- k) to adjourn a debate;
- l) that the meeting continues beyond 3.5 hours in duration (2 in the case of an extraordinary meeting);
- m) to suspend a particular Council Standing Order;
- n) to exclude the public and press in accordance with the Access to Information Rules;
- o) to not hear further a member named under Standing Order 20.3 or to exclude them from the meeting under Standing Order 20.4; and
- p) to give the consent of the Council where its consent is required by this Constitution.

## 15. RULES OF DEBATE

### 15.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

## 15.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him or her before it is discussed.

## 15.3 **Secunder's speech**

When seconding a motion or amendment, a Member shall reserve their speech until immediately before the reply made by either the Mayor or the mover of the original motion under Standing Order 15.9. No further ordinary speeches shall be made after the seconder has spoken.

## 15.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The proposer of a motion may speak for up to 5 minutes when introducing the motion. No other speech may exceed 3 minutes without the consent of the Mayor.

## 15.5 **When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the motion has been amended since he or she last spoke;
- c) if his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- d) in exercise of a right of reply (as per 15.9 below);
- e) on a point of order (as per 15.12 below); and
- f) by way of personal explanation (as per 15.13 below).

## 15.6 **Amendments**

- a) An amendment to a motion must be relevant to the motion and will either be:
  - i. to refer the matter to an appropriate Committee, body or individual for consideration or reconsideration;
  - ii. to leave out words;
  - iii. to leave out words and insert or add others; or

iv. to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 15.7 Alteration of motion

- a) A Member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

#### 15.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 15.9 Right of reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### 15.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) that the meeting continues beyond 3.5 hours in duration (2 in the case of an extraordinary meeting);
- g) to exclude the public and press in accordance with the Access to Information Rules; and
- h) to not hear further a member named under Standing Order 20.3 or to exclude them from the meeting under Standing Order 20.4.

#### 15.11 Closure motions

- a) A Member may move, without comment, the following motions at the end of a speech of another member;
  - i. to proceed to the next business;
  - ii. that the question be now put;
  - iii. to adjourn a debate; or
  - iv. to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 15.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### **15.13 Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **15.14 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or sub-committee has decided whether or not the power of exclusion of the public under the Access to Information Rules should be exercised.

### **15.15 Joint Debates**

The Mayor or Council can agree to deal with the two or more related motions or amendments in one debate. Each mover and seconder of a motion should have the right to speak in accordance with Standing Order 15.3, 15.2 and 15.9. Separate votes shall be taken on each motion and amendment as if the debate had otherwise taken place in accordance with this Standing Order 15.

## **16. PREVIOUS DECISIONS AND MOTIONS**

### **16.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 17 members.

### **16.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 17 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **16.3 Reconsideration during the meeting**

No resolution or recommendation (other than a procedural resolution) made by a committee or panel during the course of a meeting shall be rescinded or amended by the committee or panel during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

## **17. VOTING**

### **17.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room and seated in their places at the time the question is put.

## 17.2 **Casting Vote**

If there are equal numbers of votes for and against, the Mayor will have the right to exercise a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote, including the choice not to use such vote.

## 17.3 **Method of Voting**

Unless a recorded vote is demanded under 17.4 below, the Mayor will take the vote by use of the electronic voting system or, if there is no dissent, by the affirmation of the meeting.

The Mayor may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly. If the Mayor considers that there has been any malfunction of the equipment or any incorrect use of it, the Mayor may require or allow the vote to be retaken, either electronically or by show of hands.

Where the electronic voting system is not working correctly or unavailable, the Mayor will take the vote by show of hands.

## 17.4 **Recorded Vote**

If a Member of the Council makes a request before a vote is taken and is supported by five other members rising in their places, the voting on any question shall be by roll-call and the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

This Standing Order will apply automatically in respect of a vote taken at a Budget Decision Meeting of the Council in accordance with the Budget and Procedure Rules at Part 4(3) of this Constitution.

## 17.5 **Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

## 17.6 **Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. (This includes the office of the Mayor which is by election by Council).

## 18. **MINUTES**

### 18.1 **Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **18.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 of the Local Government Act 1972 relating to signing of minutes.

## **18.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4(2) of this Constitution or Standing Order 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to speak**

When a Member speaks at Full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Mayor standing**

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **20.4 Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that meeting is adjourned a specified period. If seconded, the motion will be voted on without discussion.

## 20.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary.

## 21. **DISTURBANCE BY PUBLIC**

### 21.1 **Removal of member of the public**

If a member of the public interrupts or otherwise disturbs the conduct of proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### 21.2 **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

## 22. **PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

Any member of the public may film, audio record, take photographs and use social media to report the proceedings of any meeting that is open to the public in accordance with the published notices.

## 23. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### 23.1 **Suspension**

All of these Council Standing Orders, except 17.4, 17.5 and 18.2 (which are amongst the mandatory standing orders), may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### 23.2 **Amendment**

Any motion to add to, vary or revoke these Council Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 24. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Standing Orders apply to meetings of Full Council.

These Council Standing Orders also apply to all Committee and Sub-Committee meetings, except:

- 1-3 (meetings of Full Council);
- 4 (appointment of substitute committee members by Council); and
- 20.1 (standing to speak).

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# CONSTITUTION OF THE COUNCIL

## Part 4 Section 1(a)

### PETITIONS SCHEME

#### 1. Petitions

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. You can send us a paper petition and/or set up an e-petition online.
- 1.2 We expect all petitioners and signatories – who may be of any age – to live, ~~work or study~~ in the area the area covered by Wirral Council. For this reason, we require all petitioners and signatories to provide the full postcode of ~~either~~ their home address ~~or the address of the organisation they work or study at~~ when submitting a paper petition or signing an e-petition via the Council's website.
- 1.3 There is an expectation that supporters of a petition which is presented via a website external to the Council also live, ~~work and/or study~~ in Wirral and supporters of such petitions are encouraged to include their postcode.

#### 2. The subject of a petition

- 2.1 Petitions submitted to the Council must include –
- a clear and concise statement covering the subject of the petition;
  - what action the petitioners wish the Council to take;
  - the name, contact details and postcode of the petition organiser so that we can contact them to explain how we will respond to the petition;
  - the name and signature of any person supporting the petition and, when submitting a paper petition or signing an e-petition via the Council's website, the full postcode of either their home address or the address of the organisation they work or study at.
- 2.2 Petitions must relate to what the Council does or relate to an improvement in the economic, social or environmental well-being of the area covered by Wirral Council. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

#### 3. Where to send a petition

- 3.1 **Paper petitions** should be sent to Democratic and Member Services, Wirral Borough Council, Birkenhead Town Hall, Mortimer Street, Birkenhead. This should be submitted **at least by 12 noon, 3 working days before** the meeting at which you would like the petition to be presented at which the Mayor (or Chair of the meeting) will exercise final discretion.
- 3.2 **E-petitions** - follow [this link](https://www.wirral.gov.uk/about-council/have-your-say/petitions) (https://www.wirral.gov.uk/about-council/have-your-say/petitions) to create, sign and submit an e-petition.

#### **4 What the Council will do when it receives a petition**

- 4.1 The Council will send an **acknowledgement** of all petitions to the petition organiser within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed).
- 4.2 We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 4.3 Once submitted, the petition organiser will be offered the choice as to whether they wish the petition to be:-
- i) presented at the next full Council meeting to decide how we will respond;
  - or
  - ii) referred directly to the appropriate committee or sub-committee of the Council to decide how we will respond; or
  - iii) responded to by the relevant officer of the Council.
- 4.4 If the petition organiser wishes to refer the petition to a full Council meeting or directly to the relevant decision-making meeting, they will be invited to attend the meeting and will be offered the opportunity to either present the petition themselves or for a Councillor or someone else to present it on their behalf. Dates and times of all Council meetings and the relevant contact details can be found on the Council's webpage for the [Council Committee Calendar](https://democracy.wirral.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1) (https://democracy.wirral.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1)
- 4.5 If the petition organiser would like to present their petition to the Council or would like their Councillor or someone else to present it on their behalf, they need to contact Democratic & Member Services **by 12 noon, 3 working days before the meeting** and we will talk you through the process. If the petition organiser prefers to receive a response from the relevant officer without the petition being presented at a meeting, a response will be sent to them within 21 working days of the closure of the petition and will be posted on the Council's website.

#### **5 Full Council debates**

- 5.1 If a petition contains more than **5,000 signatures**, it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend before a decision is made about how we will respond. The Council will try to consider the petition at its next meeting. This may not always be possible and the petition will then be considered at the next meeting.
- 5.2 The petition organiser will be given **3 minutes** to present the petition at the meeting and the petition will then be discussed by Councillors. This will usually be for a maximum of **30** minutes, however this may be extended at the discretion of the Mayor. The Council will then decide how to respond to it at this meeting and may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
- 5.3 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **6 Exceptions**

- 6.1 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having a directly elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on this is available on the Council's website, while general information on how you can express your views is available here: [Wirral Council Have Your Say](https://www.wirral.gov.uk/about-council/have-your-say) (<https://www.wirral.gov.uk/about-council/have-your-say>)
- 6.2 We will not take action on any petition which is considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate and, if this is the case, we will explain our reasons in our acknowledgement of the petition.
- 6.3 A petition will not have any action taken upon it, other than to be published, if it is substantially the same or asks for the same or substantially similar outcome as a petition that has been responded to by the Council within the previous six months. Where more than one petition is received in the same period that seeks a similar outcome or is otherwise substantially the same, then we will respond to them as one combined petition and request that the petition organisers co-ordinate their approach.
- 6.4 In the period immediately before an election or referendum we may need to deal with a petition differently – if this is the case then we will discuss with the petition organiser the revised timescale which will apply.
- 6.5 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons. To ensure that people know what we

are doing in response to the petitions we receive, we will publish the details of all the petitions submitted to us on our website. However, there may be cases where this would be inappropriate.

## **7 How the Council will respond to a petition**

- 7.1 The Council's response to a petition will depend on what it asks for and how many people have signed it. Among the options that we may consider are –
- taking the action requested in the petition;
  - not to take the action requested for reasons explained;
  - considering the petition at a Council meeting;
  - holding an inquiry into the matter;
  - undertaking research into the matter;
  - holding a public meeting;
  - holding a consultation;
  - holding a meeting with petitioners;
  - calling a referendum (poll); or
  - writing to the petition organiser setting out our views about the request in the petition.
- 7.2 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. If a petition is about something over which the Council has no direct control (for example the railway or hospital) we will either direct the petitioner to that body where it has its own petition scheme, consider making representations on behalf of the community to the relevant body or in exceptional circumstances it may choose to do both. The Council works with a large number of local partners and where possible will work with these partners to respond to a petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will tell the petition organiser the reasons for this.
- 7.3 Because a petition could be signed by thousands of people, we will respond to the petition organiser and we would invite them to share the response with those signing the petition. We will also place the response on the internet for all to see.
- 7.4 Where the person providing a response does not think that they will be able to take the action requested in the petition they will share their response with all of the Councillors for your ward. The Councillors will have the opportunity to explore other possible actions before the response is finalised.
- 7.5 Where your petition has enough signatures to trigger a full Council debate, the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

## **8 E-petitions**

- 8.1 The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, contact details and postcode. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for 4 months, but they can choose a shorter or longer time, up to a maximum of 6 months. When creating an e-petition, it may take five working days before it is published online. This is because we have to check that the content of a petition is suitable before it is made available for signature.
- 8.2 If we feel we cannot publish a petition for some reason, we will contact the petition organiser within this time to explain. They will be able to change and resubmit their petition if they wish. If they do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the Council's website.
- 8.3 When an e-petition has closed for signature, it will automatically be submitted to the Council. In the same way as a paper petition, we will send the petition organiser acknowledgement of receipt within 10 working days confirming what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If the petition organiser would like to present their e-petition to a meeting of the Council, or would like a Councillor to present it, they should contact the Council's Democratic and Member Services team **by 12 noon, 3** working days before the meeting to find out more about the process.

## FREQUENTLY ASKED QUESTIONS

### How do I start an e-petition?

On the Council's e-petitions homepage, select the 'submit a new e-petition' option. Enter your petition title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently.

There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council's Committee Work Programme. The Committee Work Programme details all of the decisions to be taken by the Council in the coming months. You will then need to fill in the online form. This will be submitted to the Council's Democratic and Member Services team who may contact you to discuss your e-petition before it goes live.

### How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature on the current email petitions page of our website.

- You can only sign an e-petition once.
- When you sign an e-petition you will be asked to provide your name and your postcode.

- When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.
- People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.
- From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

### **Can I still submit a paper petition?**

You can submit petitions in both forms – you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

# Licensing Code of Good Practice

## Introduction

**The aim of this Code of Good Practice:** to ensure that decisions made as part of the Licensing process are evidence based and that there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**Your role as a Member of the Licensing Authority is** to make decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who has been elected to provide and pursue policies.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves with the Licensing process. This includes when taking part in the decision making meetings of the Council in exercising the functions of the Licensing Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to Licensing Enforcement matters as it does to Licensing applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Authority's Code of Conduct first, which must always be complied with. This relates to both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by the Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Licensing Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of Licensing. If you do not abide by this Members' Licensing Code, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- **Do** be aware that, like the Authority's Code of Conduct, this Licensing Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your monitoring officer or their staff advising at the meeting.

## 2. Interests under the Members' Code

- **Do** disclose the existence and nature of your interest as required by your members Code of Conduct.
- **Do take into account when approaching a decision that** the Principle of Integrity is defined, by the Committee on Standards in Public Life in 2013, in terms that -

*“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**”.*

It is therefore advisable that you:

- **Do not** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in an application, using your position to discuss that application with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain to an appropriate officer that you may have a conflict of interest in an application, in person or in writing, but that the Members’ Code of Conduct may place additional limitations on you in making representations in respect of that application.
- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### 3. **Fettering Discretion in the Licensing Process**

(natural justice, predisposition and predetermination)

- **Do not** fetter your discretion and therefore your ability to participate in Licensing decision making by approaching the decision with a closed mind or clearly appearing to have made up your mind prior to hearing the representations and evidence on both sides. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the application to be considered on its merits.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - must keep an open mind and hear all of the evidence before you, the officers’ presentation of the facts, their advice and the representations from all parties.
  - are only entitled to take account of the evidence presented and must disregard considerations irrelevant to the circumstances of the application.
  - are to come to a decision after giving what you feel is the right weight to the evidence presented in respect of the application.
- **Do not** fetter your discretion by failing to declare a personal and/or prejudicial interest.
- **Do not** sit as a member of a Sub-committee to consider an application if the applicant lives or the premises are situated in the Ward that you represent or if an application is made to review a Premises Licence or Club Premises Certificate held by a resident or premises in your Ward.

- **Do** be aware that you can be biased where the Council is the landowner or applicant and you have acted as, or could be perceived as being, a chief advocate for the application. Members who were part of the Authority's decision to apply for the licence, or who express a firm view in respect of such an application, should not sit on the Licensing Sub-Committee to determine the application.
- **Do** take the opportunity if you are not sitting on the Committee determining the application to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - ensure that your actions are recorded in accordance with the Authority's committee procedures.

#### 4. **Contact with Applicants, Interested Parties and Objectors**

- **Do** refer those who approach you for Licensing, procedural or technical advice, to officers.
- **Do not** agree to any formal meeting with applicants, interested parties or objectors. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange such a meeting through the Licensing Manager. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered and determined by the appropriate Committee of the Licensing Authority.
- **Do** meet with an applicant, interested party or objector if you are considering representing their interests or speaking on their behalf at a hearing of a sub-committee.
- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Licensing Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the Licensing file.

#### **Presentations by Applicants**

- **Do not** attend a presentation relating to a Licensing application without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of determination of any subsequent application, this will be carried out by the appropriate Committee of the Licensing Authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state

how you or other Members would intend to vote at a Committee.

## 5. Lobbying of Councillors

If a Member of a Licensing Sub Committee is approached by a person(s) wishing to lobby him/her on a licence application then that Member should explain that they cannot discuss the matter and refer the lobby person(s) to the Licensing Officer or his/her Ward Member who can explain the process of decision making.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in decision making to express an intention to vote one way or another or formulate such a firm point of view that it amounts to the same thing.
- **Do** remember that, as a member of the Licensing Committee, you will probably be unaware whether an application will be determined by a sub-committee or whether you will be a member of that determining sub-committee until you have been notified by officers. If you have been lobbied by an applicant or interested party, you should notify officers as soon as it comes to your attention that you have been invited to sit on a relevant sub-committee. In such circumstances, you should consider whether it is still appropriate to take part in the hearing having regard to Section 25 of the Localism Act 2011.
- **Do not** feel constrained, if you are not a member of a sub-committee considering a particular application, to receive an approach from an applicant, interested party or objector and, having considered the information that they have supplied, to agree to speak or make representations on their behalf at a meeting of a sub-committee.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Do not** accept gifts or hospitality from any person involved in or affected by a Licensing application. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to a Licensing Officer at the earliest opportunity. Any written representations received by a Member of the Licensing Committee should be passed to the Licensing Officer and reported at the hearing at which the application is being determined. Requests for procedural advice with regards to licensing applications should be referred to Council Officers for advice and information.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Licensing Code of Best Practice through:
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Member.

## 6. Lobbying by Councillors

- **Do not** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose Licensing applications. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- **Do not** lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any Licensing decision is to be taken
- **Do** be aware of the power of social media posts or re-posting and be careful not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the Licensing Authority.
- **Do not** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a Licensing issue.

## 7. Site Visits/Inspections

The Licensing Sub-Committee may undertake a site visit to the premises which are the subject of an application. If required, the site visit may occur prior to the hearing or the Licensing Sub-Committee may adjourn the hearing part way through to undertake a site visit. The Chair of the Licensing Sub-Committee shall give reasons justifying the need for a site visit and these shall be notified to the Parties. A record should be kept of those attending the visit, the questions asked, and answers given.

- **Do** attend site visits organised by the Council where possible.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Do not** hear representations from any other party. Where you are approached by the applicant or an Interested Party, direct them to or inform the officer present.
- **Do not** express opinions or views on the likely outcome of the application.
- **Do not** enter a site which is subject to an application other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Licensing Manager about your intention to do so and why which will be recorded on the Licensing file and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Do not** allow members of the public to communicate with you during the Committee's proceedings orally, in writing or by social media other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do not** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

- **Do** recognise that officers are part of a management structure and only discuss an application, outside of any arranged meeting, with the Licensing Manager or those officers who are authorised to deal with the application at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of licence applications must act in accordance with the Council's Code of Conduct for Officers.

## 10. Decision Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with the relevant licensing legislation.
- **Do** have regard to:
  - the material relevant facts in light of the evidence presented
  - the relevant statutory provisions
  - the relevant national guidance and the relevant council policy statement
  - the relevant licensing objectives
  - the individual merits of the case.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest any new information presented at a meeting to determine an application you may request that the meeting be adjourned or deferred to a future date.
- **Do** disregard any information or evidence given which is not relevant to the application, representations or notice; or to the promotion of the licensing objectives.
- **Do not** be influenced by any political party direction whether given at a previous party group meeting or otherwise.
- **Do not** vote or take part in the meeting's discussion on an application unless you have been present to hear the entire debate, including the officers' introduction to the matter. Where a matter is adjourned and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again.

- **Do** have recorded the reasons for a Committee decision to defer any determination .

## 11. Training

- **Do not** participate in decision making at meetings dealing with Licensing matters if you have not attended the mandatory Licensing training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of Licensing law, regulations, Statutory Guidance and Best Practice guides produced by Government Departments, beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

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## Minute Extract 19

### Constitution and Standards Committee

**28 February 2025**

The Director of Law and Corporate Services introduced the report. The report provided a summary of the discussions held by the Governance Working Group over the course of the last municipal year in respect to proposed changes to the Constitution. The proposed changes were in relation to: Officer Code of Conduct, Member Officer Protocol, Media Protocol, Financial Procedure Rules, Members Allowance Scheme, Public Questions and Petitions, and Minor amendments.

In relation to the Members Allowance Scheme, the Chair of the Independent Remuneration Panel, Peter Bounds, addressed the Committee, outlining the 2 proposals the panel had put forward. One proposal suggested the allowance for Independent Members of the Constitution and Standards Committee and the Audit and Risk Management Committee, be increased from £30 per meeting to £60 per meeting. The second proposal suggested that the Chair of the Liverpool City Region Transport Committee, if a member of Wirral Council, should be paid 65% of the Special Responsibility Allowance of the Leader of Wirral Council, which amounts to £10,305.58.

Members commented on the changing responsibilities of the Chair of the Transport Committee and recognised the need for such remuneration. Members also thanked Peter and his colleagues for their work on the Independent Remuneration Panel.

In relation to the Public Questions and Petition Scheme, members were in agreement of the proposal to reduce the deadline for submitting a petition from 10 days prior to the meeting to 3 days prior, at 12 noon, as well as increasing the time allowed for debate of said petition from 15 minutes to 30 minutes.

On a motion by the Chair, seconded by Councillor Angie Davies, it was,

**Resolved - That the proposed amendments to the Constitution, as detailed in sections 3.3 to 3.13 of the report, be referred to the Council for consideration and approval at the Annual Meeting in May 2024.**

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**Minute Extract 20  
Constitution and Standards Committee  
28 February 2025**

**LICENSING CODE OF GOOD PRACTICE**

The Head of Legal Services introduced the report of the Director of Law and Corporate Services. The report was submitted to Committee for comment and agreement that the draft Council Members' Licensing Code of Good Practice be presented to Council for inclusion in the Constitution. Members praised the Code of Good Practice as a valued addition to the constitution and noted that it mirrored the Planning Code of Good Practice.

**On a motion by the Chair, seconded by Councillor Tony Murphy, it was,  
Resolved – That the committee,**

- 1. Recommends to Council that the Draft Licensing Code of Good Practice appended to this report be approved by Council and be included within the Council's Constitution, subject to the views of the Regulatory and General Purposes Committee and the Licensing Act Committee.**
- 2. Agrees that the Draft Licensing Code of Good Practice and the recommendation of the Constitution and Standards Committee be referred to the Regulatory and General-Purpose Committee and Licensing Act Committee for their consideration.**

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## ANNUAL COUNCIL

22 MAY 2024

<b>SUBJECT:</b>	<b>APPOINTMENT OF COMMITTEES 2024/25</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND CORPORATE SERVICES</b>

### REPORT SUMMARY

The purpose of this report is for Council to determine such committees as it considers appropriate for the municipal year and, having done so, determine the number of members to form the committees, the allocation of political balance to those committees that are not exempted from the requirements and to appoint Members to those committees.

With regard to panels and statutory / advisory committees, which fall under the remit of some of these committees, the Council is requested to delegate their appointment to the relevant committees, as appropriate.

### RECOMMENDATIONS

Council is recommended to:

- (1) Agree to the formation of those Committees set out in Part 3(B) of the Constitution and allocate seats on the Committees as set out in Appendix 1.
- (2) Authorise the Monitoring Officer as proper officer to carry out the wishes of the Leaders of Political Groups in allocating Members to membership and substitute membership of the committees, and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.
- (3) Delegate the appointment of sub-committees, panels and statutory/advisory committees to the appropriate parent Committee of Council.
- (4) Delegate authority to the Monitoring Officer, to appoint Members to the Regulatory Panel of the Regulatory and General Purposes Committee and appoint Members to the Licensing Panel of the Licensing Committee, in consultation with the Chair and Spokespersons of these Committees, to enable meetings of either, or both, of these panels, if required, prior to their appointment at the first meetings of each of these committees.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Annual Meeting of the Council is required to make appointments to Committees of the Council.
- 1.2 It may be necessary for either, or both, the Regulatory Panel of the Regulatory and General Purposes Committee and the Licensing Panel of the Licensing Committee, to meet in advance of either of these panels being appointed by its parent committee at the first meetings of each committee, on 7 June 2024.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Options for appointments and the numbers of committee places have been discussed by the Political Group Leaders.

### **3.0 BACKGROUND INFORMATION**

#### **3.1 Committees**

- 3.1.1 The Constitution contains a number of ordinary and statutory committees. These are identified in the Summary (Part 1), Articles (Part 2) and set out in detail with Terms of Reference at Part 3B.
- 3.1.2 The Constitution states that the number of Members to be appointed to each of these committees is to be determined by Council.
- 3.1.3 In March 2024, Council resolved to agree that the overall number of seats be reduced from 114 to 113, further to a report on the revision of the appointments to Committees.

#### **3.2 Proportionality**

- 3.2.1 The Council must comply with the requirements of sections 15 to 17 of the Local Government and Housing Act 1989 (LGHA), and the relevant regulations concerning political balance on committees and sub-committees.

The political composition of the 66 Members of Council is now as follows:

Labour 29 (43.94%)  
Conservative 17 (25.76%)  
Green 14 (21.21%)  
Liberal Democrat 6 (9.09%)

- 3.2.2 The determination of political balance must, so far as reasonably practicable, give effect to the principles:

- (a) that not all the seats on the body to which appointments are made are allocated to the same political group;
- (b) that the majority of seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), that the total number of seats on all the ordinary committees of a relevant authority allocated to a particular political group reflects that group's proportion of the membership of the authority; and
- (d) subject to (a) and (c), that the number of seats on each body allocated to a particular political group reflects that group's proportion of the membership of the authority.

3.2.3 Based on the proposed numbers of committees, the total number of committee places will be set out in an appendix to this report, which will follow in a supplement.

### **3.3 Exemption**

3.3.1 The Council has previously exempted from political balance requirements a committee and two sub-committees as they would better perform their roles outside of the political balance calculations. To do so the Council was required to pass a resolution based upon no Member voting against the proposition at full Council.

3.3.2 The first such is the Constitution and Standards Committee, which terms of reference are set out at section 11.1 of Part 3(B) of the revised Constitution. It was considered that it must have a voice from all political groups on the Council which would not otherwise be achievable without enlarging the Committee.

3.3.3 The Senior Officer Appointments and Staffing Sub-Committee of the Policy and Resources Committee, which terms of reference are set out at section 1.5 and 1.6 of Part 3(B) of the Constitution. The primary function of the Sub-Committee is to make appointments or recommendations to Council on appointments regarding chief officers of the Council. In its alternative form, the sub-committee(s) exist to deal with disciplinary matters and appeals. There was considered to be an optimum size for such sub-committees and, again, it was agreed on the basis that it was important that all political groups on the Council had a vote on these matters.

3.3.4 The Licensing Panels of the Regulatory and General Purposes Committee with terms of reference set out at section 8.4 of the Constitution. The primary function being to deal with applications, determinations and reviews of licences or registrations, and any related matter, in respect of any licensed activity that is the responsibility of the Authority (other than under the Licensing Act 2003 or the Gambling Act 2005).

3.3.5 Section 17 of the Local Government and Housing Act 1989 permits an ordinary committee or sub-committee to not comply with political balance rules but only where approved by the Authority in such manner as may be

prescribed by regulations made by the Secretary of State and without any Member of the Authority voting against them.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are none arising directly from this report.

#### **5.0 LEGAL IMPLICATIONS AND DELEGATED AUTHORITY**

5.1 Once a determination has been made that complies with s.15 of the LGHA, under s.16 it becomes the duty of the Authority or committee to exercise the power to make appointments as soon as practicable thereafter, and to give effect to such wishes about who is to be appointed to the seats allocated to a particular political group as are expressed by that group. For this reason, nominations have been requested for noting for this Council but authority is recommended to the proper officer to make the appointments in fulfilment of the statutory duty.

#### **6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS**

6.1 There are none arising directly from this report.

#### **7.0 RELEVANT RISKS**

7.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to Committees. If the Council were not to do so, then there would be a risk in that Council business could be impeded.

#### **8.0 ENGAGEMENT / CONSULTATION**

8.1 It is for political groups to decide how they wish to allocate their committee places and appointments.

#### **9.0 EQUALITIES IMPLICATIONS**

9.1 There are none arising directly from this report.

#### **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are none arising directly from this report.

#### **11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS**

11.1 There are none arising directly from this report.

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## **APPENDICES**

1. Calculation of Committee Places (to be circulated in supplement)

## **BACKGROUND PAPERS**

Previous reports on the appointment of committees and the Council's Constitution. Agenda and outcome notes from the Governance Member Working Group and Group Leaders' Meeting (Committee System)

## **TERMS OF REFERENCE**

The report is being considered by Full Council in accordance with the Policy Framework (f) 'Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership.'

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>24 May 2023</b>
<b>Council</b>	<b>25 May 2022</b>
<b>Council</b>	<b>26 May 2021</b>
<b>Council</b>	<b>28 September 2020</b>

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## ANNUAL COUNCIL

22 May 2024

<b>REPORT TITLE:</b>	<b>APPOINTMENTS TO OUTSIDE ORGANISATIONS 2024/25</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND CORPORATE SERVICES.</b>

### REPORT SUMMARY

The purpose of this report is to request the Council to nominate representatives of the Council to serve on, or continue as members of, various outside organisations in 2024/25.

### RECOMMENDATION/S

Council is recommended to,

1. Note the list of outside bodies
2. Authorise the Monitoring Officer as proper officer to carry out the wishes of the Leaders of Political Groups during the course of the municipal year, in allocating Members to membership and substitute membership where relevant, of the Outside Bodies listed at Appendix 1, and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

1.1 The Council is required to appoint Members to a variety of outside organisations.

### **2.0 OTHER OPTIONS CONSIDERED**

2.1 No other options were considered beyond those outlined in the report.

### **3.0 BACKGROUND INFORMATION**

3.1 The bodies to which appointments are to be made are set out in Appendix 1.

3.2 The schedule attached at Appendix 1 has been updated to reflect the current bodies to which Members are required to be appointed to for 2024/25. If possible, a list of proposed appointments will also be circulated at the Annual Council meeting.

3.3 The bodies are listed under the relevant Committee.

3.4 Attendance by elected members at meetings of these outside bodies has been designated as an approved duty unless there are specific reasons for not doing so (e.g. where another authority pays expenses to its members).

### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are none arising directly from this report.

### **5.0 LEGAL IMPLICATIONS**

5.1 There are none arising directly from this report.

### **6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS**

6.1 There are none arising directly from this report.

### **7.0 RELEVANT RISKS**

7.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to outside organisations.

### **8.0 ENGAGEMENT / CONSULTATION**

8.1 It is for political groups to decide how they wish to allocate their outside body places.

### **9.0 EQUALITIES IMPLICATIONS**

9.1 There are none arising directly from this report, however, some of the organisations to which nominations are made represent such groups as the elderly, ethnic minorities and those with disabilities.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are none arising directly from this report.

## **11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS**

11.1 There are none arising directly from this report.

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## **APPENDICES**

1. Outside Bodies list

## **BACKGROUND PAPERS**

Previous reports on the appointments to outside organisations and amendments made during the year and the Council's Constitution.

## **TERMS OF REFERENCE**

The report is being considered by Full Council in accordance with the Policy Framework (q) 'Nomination of councillors and other persons to outside bodies.'

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>24 May 2023</b>
<b>Council</b>	<b>25 May 2022</b>
<b>Council</b>	<b>26 May 2021</b>
<b>Council</b>	<b>28 September 2020</b>

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## **APPOINTMENTS TO OUTSIDE BODIES 2024/25**

(grouped by position or Committee)

### **(A) LEADER**

- (i). Liverpool City Region Combined Authority**
- (ii). Liverpool City Region Local Enterprise Partnership - Director**
- (iii). SIGOMA (LGA Special Interest Group of Metropolitan Authorities)**

### **(B) POLICY & RESOURCES**

- (i) Local Government Association: General Assembly**
- (ii) Liverpool City Region Combined Authority Scrutiny Committee 2:1**
- (ii) Liverpool City Region Boards**
  - Net-Zero and Air Quality Portfolio Board**
  - Digital and Innovation Portfolio Board**
  - Employment, Education and Skills Portfolio Board**
  - Housing and Spatial Planning Advisory Board**
  - Economic Development and Business Portfolio Board**
  - Transport Portfolio Board**
- (iii) North Western Local Authorities Employers' Organisation**

### **(C) ADULT SOCIAL CARE AND PUBLIC HEALTH**

- (i). Cheshire and Merseyside Health and Care Partnership (ICP)**
- (ii). Cheshire and Wirral NHS Partnership Trust: Appointed Governor**

- (iii). **Clatterbridge Cancer Centre NHS Foundation Trust**
- (iv). **Merseyside Society for the Deaf**
- (v). **Wirral University Teaching Hospital Foundation Trust - Governors**
- (D) CHILDREN, YOUNG PEOPLE AND EDUCATION**
- (i) **Birkenhead Sixth Form College Governing Body**
- (ii) **C E Gourley VC Endowment Fund**
- (iii) **Maritime and Engineering College North West**
- (iv) **St Bridget's Educational Trust**
- (v) **The Lower Bebington and Poulton Lancelyn Lands Foundation**
- (E) ECONOMY, REGENERATION AND HOUSING COMMITTEE**
- (i) **Conservation Area Advisory Committees**

Conservation Area

Barnston  
 Bidston  
 Bromborough Pool  
 Bromborough Society  
 Caldy  
 Clifton Park  
 Eastham  
 Frankby  
 Gayton and Heswall  
 Hoylake Meols Drive/King's Gap  
 Mount Wood  
 Oxtton  
 Port Sunlight  
 Rock Park  
 Saughall Massie  
 Thornton Hough  
 Thurstaston  
 Wellington Road, New Brighton  
 West Kirby Society

- (ii). Magenta Living: Governance and Membership Committee**
- (iii). North West Housing Consortium / NW Housing Forum**
- (iv). Mersey Maritime Ltd**
- (F) ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE**
- (i). Liverpool Airport Consultative Committee**
- (ii). Local Government Association Coastal Issues Special Interest Group**
- (iii). Manchester Port Health Authority**
- (iv). Mersey Forest Steering Group**
- (v). Mersey Port Health Committee**
- (vi). Merseyside Flood and Coastal Risk Management Strategic Partnership**
- (vii). Merseyside Recycling and Waste Authority 1:1**
- (viii). Parking and Traffic Regulations Outside London (PATROL) Joint Committee**
- (ix). Transport Committee of the Liverpool City Region Combined Authority (Not an Approved Duty)**
- (G) TOURISM, COMMUNITIES, CULTURE AND LEISURE**
- (i) Gautby Road Play & Community Centre Joint Management Committee**
- (ii) Leasowe Play, Youth & Community Association Joint Management Committee**
- (iii) Merseyside Fire and Rescue Authority (Not an Approved Duty) 2:1:1**
- (iv) Merseyside Police and Crime Panel 1:1**

- (v) North Birkenhead Development Trust (Director)**
- (vi) West Kirby Charity** (the Council is able to nominate up to 8 trustees)
- (vii) Wirral Community Safety Partnership**
- (viii) Wirral Multicultural Organisation**
  
- (H) REGULATORY AND GENERAL PURPOSES COMMITTEE**
- (i). North Western Inshore Fisheries and Conservation Authority**

## Full Council – Responsibility for Functions

### 1. Introduction

Full Council is the primary decision-making body of the Council and, as such, is responsible for the exercise of all of the functions that are held by the local authority.

Whilst decisions in relation to these functions could be made by the Council, and indeed some functions can only be carried out by the Full Council, in order to operate more effectively as an organisation, most of the Council's functions are exercised through delegation to a committee, sub-committee or an officer, or to another local authority.

This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels and also contains the Scheme of Delegation to Officers.

### 2. Council Functions

The Council reserves to itself the following functions (in accordance with the rules and procedures contained in this Constitution):

- (a) All non-delegable functions as defined by the Local Authorities (Committee System) (England) Regulations 2012 including: -
  - (i) **The Budget** – The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision, which includes the overarching annual:-
    - (1) Capital programme
    - (2) Capital investment strategy
    - (3) Medium term financial plan
    - (4) Treasury management strategy,except for any amendment, modification, variation or revocation which—
    - (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
    - (bb) is authorised by a determination made by the local authority—
      - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution (including virements); and
      - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

(ii) **Policy Framework (Required)** – The making or revoking or amending the following policies, plans and strategies required to form a part of the Council’s Policy Framework:

- (1) Annual Library Plan;
- (2) Crime and Disorder Reduction Strategy;
- (3) Development Plan Documents;
- (4) Licensing Authority Policy Statement;
- (5) Policies made under the Gambling Act (including any resolution relating to casinos);
- (6) Local Transport Plan;
- (7) Plans and alterations which together comprise the Development Plan;
- (8) Sustainable Community Strategy; and
- (9) Youth Justice Plan;

except for any amendment, modification, variation or revocation which—

- (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
- (bb) is authorised by a determination made by the local authority—
  - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution; and
  - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

(iii) Making of a Members Allowance Scheme and amending the same.

(iv) Determination of Mayor’s and Deputy Mayor’s allowances.

(v) Making a request for single member electoral wards to the Local Government Boundary Commission.

(vi) Resolution to change a scheme for elections.

(vii) Making an order giving effect to the recommendations made in a Community Governance Review.

(viii) Conferring voting rights on co-opted members of Overview and Scrutiny Committees (if any).

- (b) **Policy Framework (Choice)** - The making or revoking or amending the following policies, plans and strategies reserved by Council to form a part of the Council's Policy Framework
  - (i) The Council Plan.
- (c) Setting the Council's Council Tax requirement
- (d) Electing the Mayor and Deputy Mayor
- (e) Appointing the Leader and Deputy Leader of the Council (Chair and Vice-Chair of Policy & Resources Committee)
- (f) Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership
- (g) Confirming the appointment (or dismissal) of the Head of Paid Service, Monitoring Officer and Chief Finance (Section 151) Officer.
- (h) Confirming the appointment of the Independent Persons.
- (i) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- (j) Appointment of the Returning Officer and Electoral Registration Officer.
- (k) Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- (l) All other matters which by law are reserved to the Council including: -
  - (i) Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
  - (ii) Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- (m) Conferring the title of Honorary Freeman and Honorary Alderman.
- (n) Approving the Annual Senior Officer Pay Policy Statement.
- (o) Changing the name of the Borough.
- (p) Appointment of representatives of the local authority not otherwise delegated to a Committee.
- (q) Nomination of councillors and other persons to outside bodies
- (r) Consideration of reports from committees or any other body constituted by the Council.

- (s) To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
- (t) Making recommendations to the Secretary of State on the Borough boundaries, ward boundaries, electoral divisions, ward or polling districts; and
- (u) any other function which must by law be reserved to full Council.

Note

For the avoidance of doubt, the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have also been delegated to a Committee or Officer. Full Council shall not, however, exercise a power that has been delegated without first ensuring that such a step is in the best interests of the Council and in accordance with the rules set out in the Articles of this Constitution. The Council's ability to exercise its powers will not override or supersede any decision or action already taken and implemented by a Committee or Officer acting under delegated authority.