

## **DUTIES AND RESPONSIBILITIES OF THE CABINET, COMMITTEES AND OVERVIEW AND SCRUTINY COMMITTEES (at 12 May 2009)**

### **PART 1 (Cabinet and committees)**

#### **THE CABINET**

To consider and determine (subject to the call-in procedure) recommendations made in reports of Chief Officers or in referrals from overview and scrutiny committees relating to any matter not referred or delegated to a committee of the Council, and to consider proposals from Chief Officers and/or overview and scrutiny committees and make recommendations on matters reserved to the Council under the Constitution. ***The terms of reference for the individual portfolios are set out in Part 2 of this appendix and powers delegated to individual Cabinet members in Part 3.***

#### **EXECUTIVE BOARD**

Subject to the specific need for a meeting, the Executive Board has authority to:

- consider all Strategic, Corporate and Policy Framework matters;
- deal with emergency issues;
- consider any matter of Cabinet that it wishes;
- consider any items referred/presented to it by individual portfolio holders;
- consider any items referred/presented to it by the three Statutory Officers and by chief officers;
- place any items it wishes on the agenda (providing those items are within a Cabinet or Policy Framework remit);
- take decisions where there is all-party agreement, or agreement of all parties usually present on the Executive;
- implement any decisions where there is agreement;
- refer matters back to the Cabinet for it to make recommendations direct to the Council where the matter under consideration requires a Council decision;
- refer matters where appropriate to an overview and scrutiny committee.

## **OVERVIEW AND SCRUTINY COMMITTEES - TERMS OF REFERENCE**

The specific terms of reference for each overview and scrutiny committee are set out below. Their general functions are as follows:

**(a) Policy development and review** - Overview and Scrutiny committees may:

- (i) assist the Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area (whether national, regional or local) to ensure that the interests of local people are enhanced by collaborative working.

**(b) Scrutiny** - Overview and Scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and committees and Council officers, both in relation to individual decisions and over periods of time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and committees, and chief officers, about their decisions and performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet or appropriate committees of the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and,
- (vi) question and gather evidence from any person (with their consent).

**(c) Best Value** - Overview and Scrutiny Committees will:

- (i) recommend the terms of reference for best value reviews to the Cabinet;
- (ii) receive progress reports on best value reviews;
- (iii) recommend the final report and improvement plans to Cabinet.

**(d) Finance** - Overview and Scrutiny Committees may exercise overall responsibility for any finance made available to them.

**(e) Annual Report** - Overview and Scrutiny Committees may report annually to the Council on their workings and make recommendations for future work programmes and amend working methods if appropriate.

**(f) Officers** - Overview and Scrutiny Committees may exercise overall responsibility for the work programme of any officers employed to support their work.

## **SCRUTINY PROGRAMME BOARD**

The Scrutiny Programme Board will:

- (i) approve and co-ordinate the work programme for the five themed overview and scrutiny committees including resolving any conflict between such committees;
- (ii) allocate work to (or remove work from) any of the five overview and scrutiny committees
- (iii) review or scrutinise decisions made or other actions taken in relation to any executive functions, particularly (but not exclusively) in relation to cross-cutting issues or matters not within the terms of reference of any of the five themed overview and scrutiny committees.
- (iv) consider any call-in notices in relation to any executive functions and determine such notices or allocate them to one or more of the five themed overview and scrutiny committees as it considers most appropriate.
- (v) be responsible for the development and monitoring of an annual scrutiny work programme;
- (vi) undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees;
- (vii) identify and share good scrutiny practice across all overview and scrutiny committees.

## **ECONOMY AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE**

In support of Objective 1 of the Corporate Plan, which is:

***to create more jobs, achieve a prosperous economy and regenerate Wirral, and in particular to:***

- ***reduce worklessness and***
- ***increase enterprise,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Regeneration and Planning Strategy**

(1) Matters relating to the economic and urban regeneration of Wirral

(2) The economic regeneration strategy for Wirral.

(3) All economic regeneration programmes including European programmes, any other Council programmes and residual issues in relation to the Single Regeneration Budget.

(4) Consultation and liaison with all organisations involved in regeneration in Wirral, including NWDA, English Partnerships, GoNW, Learning and Skills Council, Greater Merseyside Enterprise, Wirral Metropolitan College, trade unions, the private sector, the voluntary sector, etc.

(5) All matters in relation to European issues.

(6) The promotion of Wirral as a premier location for inward investment through the work of Wirral Direct and other organisations; in consultation with the Cabinet Member for Culture, Tourism and Leisure in the case of tourism initiatives.

(7) To ensure that an adequate supply of sites and premises is provided in order to cater for the needs of local businesses and to help attract new businesses.

(8) Financial support, where appropriate, to businesses, co-operatives and other profit making and non-profit making ventures for the benefit of Wirral.

(9) Provision of a comprehensive business support service to local companies.

(10) The development of community employment and training initiatives and other initiatives designed to strengthen the economy of local communities and combat disadvantage including the development of a comprehensive "pathways to Integration" strategy for Wirral.

- (11) Monitoring economic trends in Wirral and identifying examples of good practice elsewhere in the field of urban policy and economic regeneration from which Wirral can benefit.
- (12) Lobbying Government and other agencies nationally, regionally and internationally, to ensure that Wirral achieves its economic regeneration objectives.
- (13) Welfare to Work.
- (14) The Development Plan and related plans and policies.
- (15) National, regional and strategic issues, including green belt policy.
- (16) The designation and preservation of conservation areas and liaison with conservation bodies.
- (17) The application of the Planning Acts in relation to:
- preservation of general amenity
  - shopping improvement areas
  - derelict sites
  - building regulations
  - mineral planning issues
  - contributions to the Council's urban regeneration initiatives
  - compulsory purchase.
- (18) Liaison on planning matters with other local authorities and external bodies.
- (19) The identification of, and action in relation to, derelict land and buildings.

### **Culture, Tourism and Leisure**

- (20) The development, management, implementation and review of all aspects of the Council's Tourism Strategy.
- (21) The promotion of Wirral as a location for tourism and in consultation with the Cabinet member for Regeneration and Planning Strategy, to encourage tourism initiatives designed to bring new jobs to the Borough.

### **Housing and Community Safety**

- (22) Housing strategy.
- (23) The assessment of housing need including the needs of vulnerable people.
- (24) Enabling vulnerable clients to remain at home, through the provision of low level housing support services (the Supporting People programme).
- (25) The provision of homelessness and housing advice services, including rough sleepers.
- (26) The provision of services to enable access to accommodation.
- (27) The assessment of housing markets.
- (28) Housing market restructuring and renewal.

- (29) Housing matters relating to:
- dealing with unfitness and poor condition;
  - acquisition and clearance;
  - financial policies for home improvement funding;
  - regulation and enforcement of statutory provisions relating to private sector housing.
- (30) Housing matters relating to:
- the promotion and monitoring of partnerships to achieve wider strategic housing objectives;
  - monitoring the performance of new Housing Stock Transfer organisations;
  - the accreditation and licensing of private landlords.
- (31) Monitoring and responding to the needs of gypsies and travellers.

### **All portfolios**

- (32) Those parts of the Corporate Plan within the remit of this Committee,
- (33) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.
- (34) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;
- (35) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

## SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

In support of Objective 2 of the Corporate Plan, which is:

***to create a clean, pleasant, safe and sustainable environment, and in particular to:***

- ***sustain improved levels of recycling;***
- ***reduce the Council's carbon footprint;***
- ***reduce the number of people killed or seriously injured in road accidents,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive; and

(v) specifically, act as the Council's **crime and disorder committee** for the purposes of Section 19 of the Police and Justice Act 2006 (as amended);

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Streetscene and Transport Services**

(1) Highways, streets and footpaths, including street lighting and related enforcement activities.

(2) Traffic regulations and road safety.

(3) The management of Council car parks.

(4) Liaison with the MITA and other external organisations.

(5) Reservoirs, sewerage and land drainage.

(6) The provision of civil engineering services to the Council.

(7) The provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.

(8) Coast protection and sea defences.

(9) Restricted and selective tendering for civil engineering services.

(10) Grass cutting in residential areas

(11) Weed control.

(12) Refuse collection and street cleansing.

(13) Advertisement control.

## **Environment**

- (14) Trading standards and consumer protection.
- (15) Food safety and hygiene.
- (16) Home safety.
- (17) Health education.
- (18) Control of communicable diseases.
- (19) Port health.
- (20) Monitoring of waste disposal.
- (21) Recycling
- (22) Public conveniences.
- (23) Preservation and improvement of amenities in residential areas.
- (24) Clean air and pollution control.
- (25) Abatement of nuisance (other than statutory nuisance in private dwellings).
- (26) Identification and action in relation to derelict land and buildings.
- (27) Sea Fisheries.
- (28) The development and implementation of strategies for continually improving sustainability and reducing the environmental impact of the Council, its policies, plans, programmes and services.

## **Culture Tourism and Leisure**

- (29) The provision of leisure and cultural services including:
  - library services;
  - museums and galleries, promotion of the Arts;
  - civic theatres, entertainment and cultural activities;
  - swimming pools, sports halls and indoor recreation;
  - parks, recreation grounds, and adventure playgrounds;
  - public playing fields, outdoor sports facilities.
- (30) Community centres and public halls.
- (31) Sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (32) Resort activities, including publicity.
- (33) Beaches and the Beach Lifeguard Service
- (34) The provision of country parks and allotment gardens.
- (35) The provision and management of cemeteries and crematoria.



(36) The heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion

### **Housing and Community Safety**

(37) Community Safety including:

- Co-ordinating neighbour nuisance policies in the private and public sector.
- Co-ordinating anti-social behaviour policies.
- Working with partners, the Police and other Cabinet members on youth diversion schemes.
- Working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team.
- Working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet member for Environment.
- The use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
- The Council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers and duties;
- Liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;
- The development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social Behaviour Strategy

(38) The operation and development of Community Patrol

### **All portfolios**

(39) Those parts of the Corporate Plan within the remit of this Committee,

(40) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.

(41) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(42) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

## HEALTH AND WELL-BEING OVERVIEW AND SCRUTINY COMMITTEE

In support of Objective 3 of the Corporate Plan, which is:

***to improve health and well-being for all, ensuring that people who require support are full participants in mainstream society, and in particular to:***

- ***promote greater independence and choice,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive; and

(v) specifically, examine the healthcare provision within the area in relation to all residents of the Borough; participate in all initiatives for improving health and the healthcare provision within the area and call officers from the NHS community to account and request them to appear before the Committee when appropriate;

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Social Care and Inclusion**

(1) The planning, commissioning and delivery of social care services for all adult client groups and to provide leadership to the wider vision of social care.

(2) Developing preventative services that will reduce the need for social care intervention.

(3) Work with a range of partners, including health and the voluntary and independent sector, to provide services which are well planned and integrated, make the most effective use of available resources and met the needs of our diverse community.

(4) Social inclusion and to promote the role of the local authority, working with the NHS community on Wirral, to improve Public Health and well-being and to address health inequalities.

(5) Ensure that services are of a high quality and delivered by a well-trained workforce or by informal and family carers who are themselves supported.

(6) Promoting better use of technology to support people.

(7) Ensure that services have an emphasis on preventing problems and that social care and health work on a shared agenda to help maintain the independence of individuals.

(8) Ensure that people with the highest needs receive the support and protection needed to ensure their own well-being and the safety of society.

(9) Ensure that the risks of independence for individuals are openly shared with them and balanced against benefits.

(10) Matters relating to section 47 of the National Assistance Act 1948 (as amended).

**All portfolios**

(11) Those parts of the Corporate Plan within the remit of this Committee,

(12) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.

(13) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(14) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

## CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

In support of Objective 4 of the Corporate Plan, which is:

***to raise the aspirations of young people, and in particular to:***

- ***raise overall educational attainment, particularly that of lower achieving young people and***
- ***safely reduce the number of looked-after children,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Children's Services and Lifelong Learning**

(1) The powers and duties set out in

- the Children Act, 1989
- the Education Act, 1996
- the School Standards and Framework Act, 1998
- the Education Act, 2002,
- the Children Act, 2004
- the Education Act 2005
- the Education and Inspection Act 2006 and
- any other legislation relevant to the functions defined below.

(2) The promotion of improvement in the outcomes for children and young people in terms of their health, their education and training, their ability to make a positive contribution, and their social and economic well-being.

(3) Ensuring that children and young people in Wirral are safe from harm and neglect, and that their welfare is promoted.

(4) The provision of services for children and young people including services for children and young people in care to the Council, provision for early years childcare and education, primary and secondary education, adult education, and youth and play activities.

(5) The promotion of effective partnership working between all the statutory and non-statutory agencies which provide services for children and young people and, where feasible, to promote the integration of services.

(6) Ensure that systems are in place to manage and scrutinise the performance of all the services for children and young people.

(7) Ensure that resources are efficiently and effectively targeted towards the improvement of outcomes.

(8) Liaison with the Strategic Health Authority and health trusts serving Wirral on matters relating to children and young people.

(9) Liaison with the Learning and Skills Council on matters relating to further education and training, ensuring, in consultation with the Cabinet member for Regeneration and Planning Strategy, that the training needs of employers, employees and prospective employees are met.

(10) Liaison with the Greater Merseyside Connexions Partnership on matters relating to young people's preparation for working life and specifically to have responsibility for the regulation of the employment of young people.

(11) Liaison with the Police Authority, the Probation Service and the Youth Offending Service on matters relating to youth crime and disorder.

### **All portfolios**

(12) Those parts of the Corporate Plan within the remit of this Committee,

(13) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.

(14) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(15) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

## **COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE**

In support of Objective 5 of the Corporate Plan, which is:

***to create an excellent council, and in particular to:***

- ***improve the use of the Council's land and assets;***
- ***maintain a sustainable and stable budget, providing value for money;***
- ***improve the Council's budgeting process to fully reflect its priorities,***

the Overview and Scrutiny Committee will

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

(ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference of the Cabinet portfolio(s) indicated:

### **Community and Customer Engagement**

(1) Development of the Council's approach to Community engagement and to build community capacity.

(2) The Council's Area Forum network.

(3) Initiatives in the wider community that will increase the understanding of the democratic process, and reduce alienation and apathy.

(4) The Council's Customer Access Strategy and for ensuring that it takes full account of the needs of hard to reach people.

(5) The Council's compliance with the requirements of the Freedom of Information Act.

(6) Grants and loans to voluntary and community organisations.

(7) Contributing to the development and operation of Wirral's community Legal Service.

(8) The following areas:

- mayoralty and civic ceremonial
- hospitality
- town twinning
- registration of births, marriages and deaths
- maintenance of memorials
- membership of outside bodies.

(9) The Council's Communication Strategy and public relations.

(10) Equality and diversity.

## **Corporate Resources**

- (11) The development, implementation and review of the Council's arrangements for ensuring effective use of resources including meeting the requirements of the Audit Commission's Use of Resources Assessment.
- (12) Financial monitoring, including standing orders and financial regulations.
- (13) Financial propriety.
- (14) Procurement compliance and contract compliance within the Authority.
- (15) Restrictive and selective tendering (other than civil engineering).
- (16) Where it is not a specified responsibility of the Employment and Appointments Committee, personnel issues including employee development and training, equal opportunities in employment and service delivery, disciplinary and grievance procedures and recruitment.
- (17) The provision of legal and administrative services to the authority; and the Coroner's Service.
- (18) The preparation, maintenance and review of an overall strategy for the management, use and disposal of all Council-owned land property (including the preparation of the Asset Management Plan).
- (19) Land issues including:
  - acquisition, disposal and appropriation of all land and property;
  - provision and management of administrative and civic offices;
  - commercial development and redevelopment of the Council land and property;
  - matters relating to the Council's freehold interest and shareholding in Birkenhead Market.
- (20) The organisation of a corporate planned maintenance policy.
- (21) Co-ordinating performance management and performance indicators.

## **Finance and Best Value**

- (22) The Council's contribution to the major partnership initiatives in which it is engaged, such as the Local Strategic Partnership, Local Area Agreement Partnership Board, Liverpool City Region and Local Government Association.
- (23) The following areas:
  - the formulation and submission of proposals relating to strategic policy;
  - the overall production of the Corporate Plan;
  - revenue and capital budgets, including preparations for the annual budget and Capital Plan;
  - schemes under the Private Finance Initiative;
  - procurement.
- (24) Information technology.
- (25) Financial matters including insurance, rating, council tax and housing and council tax benefits.
- (26) The performance of the Council as measured through the Comprehensive Performance Assessment and Comprehensive Area Assessment process.

(27) Initiatives in relation to local democracy and the modernisation of local government.

**All portfolios**

(28) Those parts of the Corporate Plan within the remit of this Committee.

(29) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.

(30) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(31) To scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.



## **OTHER COMMITTEES – TERMS OF REFERENCE**

### **AUDIT AND RISK MANAGEMENT COMMITTEE**

(1) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

(2) In pursuit of this purpose the Council delegated the following duties, powers and authorities:

- (a) approval of the Council's statement of accounts;
- (b) the responsibilities of the Council under section 151 of the Local Government Act 1972 to make proper provision for its financial affairs;
- (c) to consider and make recommendations to Council or Cabinet as appropriate on:
  - (i) the annual Audit Report and the Management Letter of the external auditor;
  - (ii) any other statutory report of the external auditor;
  - (iii) any internal audit report that may be referred to the committee by the Chief Executive, the Director of Finance or the Head of Legal and Member Services (as Monitoring Officer);
  - (iv) summaries of specific internal audit reports as requested;
  - (v) the effectiveness and adequacy of the response by the Council, the Cabinet, any committee or sub-committee of the Council or of any officer to any internal or external audit report or management letter;
  - (vi) the systems of control and the arrangements for the prevention of fraud and corruption within the Council;
  - (vii) any other matter relevant to the audit of the Council's accounts and financial records or its systems for the control and safeguarding of all the Council's assets;
  - (viii) a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale; and
  - (ix) the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
- (d) to approve (but not direct) the strategy, plan and performance of the Council's internal audit service;
- (e) to oversee the production of the Authority's statement or internal control and recommend its adoption;
- (f) to maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and to make recommendations to Council or Cabinet, as appropriate;
- (g) to monitor the Council's policies on "Raising Concerns at Work", to the anti-fraud and corruption strategy and the complaints procedure;  
to liaise with the Audit Commission over the appointment of the Council's external auditors.

(3) The Committee may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to any matters within the committee's remit:-

- (a) any particular decision or series of decisions;
- (b) the extent to which any actions taken implement Council policy; and/or
- (c) their performance.

(4) The Committee may refer any matter it considers appropriate to the relevant overview and scrutiny committee for consideration, and consider any references from overview and scrutiny committees that appear to the Committee to fall within its remit.

## **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

(1) To undertake functions relating to the appointment of staff, and to determine the overall framework for the terms and conditions of service on which they hold office, including remuneration.

(2) To approve procedures for appointment and dismissal.

(3) To keep under review and determine the Council's recruitment and selection policies and other issues affecting employees, including health and safety.

(4) To make recommendations to the Council on the designation of the Monitoring Officer and the Chief Finance Officer.

(5) To appointment Chief Officers and Deputies in accordance with the Employment Procedure Rules.

(6) To act as the Committee that makes recommendations to the Council on the appointment of the Head of Paid Service (Chief Executive).

(7) To exercise any of the Council's functions as an Employer under the Local Government Pension Scheme.

(8) To hear and determine appeals in connection with disciplinary action or dismissal of Chief and Deputy Chief Officers.

### **Employment and Appointment Appeals Sub-Committee**

(1) To hear and determine appeals in connection with gradings or grievances, or against disciplinary action or dismissal of employees.

(2) To receive and consider reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service, the Monitoring Officer or Chief Financial Officer, and to act as the dismissing committee.

(3) To investigate and take disciplinary action in respect of the misconduct of Chief Officers and Deputies (subject to a right of appeal to the Employment and Appointments Committee).

## **LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

(1) Licensing and registration matters.

(2) Health and safety (other than matters affecting Council employees).

(3) Electoral matters.

- (4) Naming and status of the Authority or areas within its boundaries.
- (5) Bye-laws and local bills/acts.
- (6) Miscellaneous functions relating to approval of the statement of accounts, the payment of compensation and other benefits (maladministration etc), certain functions relating to highways and pavements, footpaths and bridleways (diversion, stopping-up, etc, definitive footpath map and statement), statutory nuisances, interests in land, the designation of unsocial drinking areas and sea fisheries.
- (7) Any other non-Executive not reserved to Council by law or the Constitution or delegated to any other committee, sub-committee or officer.

### **LICENSING ACT 2003 COMMITTEE**

- (1) To exercise the Council's duties and responsibilities under the Licensing Act 2003
- (2) Functions relating to powers granted by the Gambling Act 2005.

### **PENSIONS COMMITTEE**

The powers and duties of the Council in relation to its functions as administering authority of the County of Merseyside Pension Fund, including the following:

- (1) To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the County of Merseyside Pension Fund, and in particular the following:
- (2) To be responsible for the overall investment policy, strategy and principles of the Fund and its overall performance.
- (3) To appoint and terminate the appointments of the professional advisers to, and external managers of the Fund and agree the basis of their commission and remuneration.
- (4) To receive actuarial valuations of the Fund and determine the level of employers' contributions necessary to balance the Fund.
- (5) To monitor the Local Government Pension Scheme, including the benefit regulations, the payment of pensions and their day-to-day administration, and to be responsible for any policy decisions relating to the administration of the scheme.
- (6) To consider any views expressed by employing organisations and staff representatives relating to the Scheme.
- (7) To appoint members of the Investment Monitoring Working Party with responsibility for reviewing the performance of the Fund's investments and its asset allocation, and regularly reporting their findings to the Pensions Committee.
- (8) To award contracts for goods and services relating to the Fund in accordance with the contract procedure rules after taking into account the recommendations of officers and external professional advisers (where appropriate).

## **PLANNING COMMITTEE**

### **Functions relating to town and country planning and development control**

- (1) To determine applications for planning permission.
- (2) To determine applications to develop land without compliance with conditions previously attached.
- (3) To grant planning permission for development already carried out.
- (4) To decline to determine applications for planning permission.
- (5) Duties relating to the making of determinations of planning applications.
- (6) To determine applications for planning permission made by a local authority, alone or jointly with another person.
- (7) To make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (8) To enter into agreements regulating development for use of land.
- (9) To issue a certificate of existing or proposed lawful use or development.
- (10) To serve a completion notice.
- (11) To grant consent for the display of advertisements.
- (12) To authorise entry onto land.
- (13) To require the discontinuance of a use of land.
- (14) To serve a planning contravention notice, breach of condition notice or stop notice.
- (15) To issue an enforcement notice.
- (16) To apply for an injunction restraining a breach of planning control.
- (17) To determine applications for hazardous substances consent, and related powers.
- (18) To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- (19) To require proper maintenance of land.
- (20) To determine applications for listed building consent, and related powers.
- (21) To determine applications for conservation area consent.
- (22) To serve a building preservation notice, and related powers.
- (23) To issue enforcement notices in relation to the demolition of unlisted buildings in conservation areas.
- (24) To acquire a listed building in need of repair and to serve a repairs notice.

- (25) To apply for an injunction in relation to a listed building.
- (26) To execute urgent works in respect of listed buildings and buildings in conservation areas.

### **Functions relating to planning policy and the Local Development Framework**

- (27) To issue such planning policy directions as may be considered appropriate.
- (28) In consultation with the relevant overview and scrutiny committee, to make appropriate recommendations to the Cabinet on the formulation of the local development framework.

### **Miscellaneous functions**

- (29) To exercise the powers of the Council relating to the protection of trees and important hedgerows.
- (30) To exercise the powers of the Council in relation to the making of limestone pavement orders.
- (31) To obtain information as to interests in land.
- (32) To obtain particulars of persons interested in land.
- (33) To appoint proper officers and deputies, where required by Act of Parliament, to discharge council functions delegated to the committee.
- (34) To give effect to any legislation relating to any of the committees functions requiring the exercise of the Council's non-Executive powers.

### **STANDARDS COMMITTEE**

- (1) To promote and maintain high standards of conduct among councillors, co-opted members and church and parent governor representatives.
- (2) To assist councillors, co-opted members and church and parent governor representatives in observing the Members' Code of Conduct.
- (3) To advise the Council on the adoption or revision of the Members' Code of Conduct.
- (4) To monitor the operation of the Members' Code of Conduct.
- (5) To advise, provide training or arrange for training to be provided for councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- (6) To grant dispensations to councillors, co-opted members and church and parent governor representatives from the requirements relating to interests set out in the Members' Code of Conduct.
- (7) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter that is referred by an Ethical Standards Officer to the Monitoring Officer.
- (8) To monitor and review as necessary the operation of 'whistle-blowing' procedures.

(9) To consider reports arising from external inspections, audit investigations, Ombudsman investigations where maladministration is found, legal challenges and other sources which cast doubt on the honesty or integrity of the Council or its members.

(10) To approve the payment of compensation involving sums in excess of £5,000 (or less, if considered appropriate) to settle complaints of maladministration.

(11) To establish such sub-committees as are required or allowed by the Standards Committee (England) Regulations 2008 to deal with the initial assessment, review and hearing of complaints made alleging that an elected or co-opted member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.

(12) To consider and make recommendations on such other matters as the Committee itself thinks appropriate, or which are referred to it by the Council, which further the aim of promoting and maintaining the highest standards of conduct within the Authority.

## **PART 2**

### **CABINET PORTFOLIOS – TERMS OF REFERENCE**

Each Cabinet member will have the following general responsibilities:

- (1) To have overall responsibility for those parts of the Corporate Plan within the remit of their portfolio.
- (2) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through their portfolio.
- (3) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

The responsibilities for individual portfolios are set out in the following pages.

## **CHILDREN'S SERVICES AND LIFELONG LEARNING**

- (1) To have overall responsibility for all the powers and duties set out in
  - the Children Act, 1989
  - the Education Act, 1996
  - the School Standards and Framework Act, 1998
  - the Education Act, 2002,
  - the Children Act, 2004
  - the Education Act 2005
  - the Education and Inspection Act 2006 and
  - any other legislation relevant to the functions defined below.
- (2) To promote improvement in the outcomes for children and young people in terms of their health, their education and training, their ability to make a positive contribution, and their social and economic well-being.
- (3) To have overall responsibility for ensuring that children and young people in Wirral are safe from harm and neglect, and that their welfare is promoted.
- (4) To have overall responsibility for the provision of services for children and young people including services for children and young people in care to the Council, provision for early years childcare and education, primary and secondary education, adult education, and youth and play activities.
- (5) To promote effective partnership working between all the statutory and non-statutory agencies which provide services for children and young people and, where feasible, to promote the integration of services.
- (6) To ensure that systems are in place to manage and scrutinise the performance of all the services for children and young people.
- (7) To ensure that resources are efficiently and effectively targeted towards the improvement of outcomes.
- (8) To liaise with the Strategic Health Authority and health trusts serving Wirral on matters relating to children and young people.
- (9) To liaise with the Learning and Skills Council on matters relating to further education and training ensuring, in consultation with the Cabinet member for Regeneration and Planning Strategy, that the training needs of employers, employees and prospective employees are met.
- (10) To liaise with the Greater Merseyside Connexions Partnership on matters relating to young people's preparation for working life and specifically to have responsibility for the regulation of the employment of young people.
- (11) To liaise with the Police Authority, the Probation Service and the Youth Offending Service on matters relating to youth crime and disorder.



## **COMMUNITY AND CUSTOMER ENGAGEMENT**

- (1) To develop the Council's approach to community engagement and to build community capacity.
- (2) To have responsibility for the Council's Area Forum network.
- (3) To develop initiatives in the wider community that will increase the understanding of the democratic process, and reduce alienation and apathy.
- (4) To have responsibility for the Council's Customer Access Strategy and for ensuring that it takes full account of the needs of hard to reach people.
- (5) To ensure the Council's compliance with the requirements of the Freedom of Information Act.
- (6) To have overall responsibility for grants and loans to voluntary and community organisations.
- (7) To have responsibility for contributing to the development and operation of Wirral's community Legal Service.
- (8) To have overall responsibility for:
  - mayoralty and civic ceremonial
  - hospitality
  - town twinning
  - registration of births, marriages and deaths
  - maintenance of memorials
  - membership of outside bodies.
- (9) To liaise with the Leader on issues concerning the Council's Communication Strategy and public relations.
- (10) To be the Council's Lead Member on Equality and Diversity.

## **CORPORATE RESOURCES**

- (1) To have overall responsibility, in liaison with the Leader as appropriate, for:
  - the development, implementation and review of the Council's arrangements for ensuring effective use of resources including meeting the requirements of the Audit Commission's Use of Resources Assessment
  - financial monitoring, including standing orders and financial regulations
  - financial propriety
  - procurement compliance and contract compliance within the Authority
  - restrictive and selective tendering (other than civil engineering)
- (2) Where it is not a specified responsibility of the Employment and Appointments Committee, to have overall responsibility for personnel issues including employee development and training, equal opportunities in employment and service delivery, disciplinary and grievance procedures and recruitment.
- (3) To have overall responsibility for the provision of legal and administrative services to the authority; and for the Coroner's Service.
- (4) To have overall responsibility for the preparation, maintenance and review of an overall strategy for the management, use and disposal of all Council-owned land property, (including the preparation of the Asset Management Plan)
- (5) To have overall responsibility for land issues including:
  - acquisition, disposal and appropriation of all land and property;
  - provision and management of administrative and civic offices;
  - commercial development and redevelopment of the Council land and property;
  - matters relating to the Council's freehold interest and shareholding in Birkenhead Market.
- (6) To have overall responsibility for the organisation of a corporate planned maintenance policy.
- (7) To have responsibility for co-ordinating performance management and performance indicators
- (8) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio and, where this portfolio is held by the Council's deputy leader, to work in liaison with the Leader to achieve the same across the Council.

## **CULTURE, TOURISM AND LEISURE**

- (1) To have overall responsibility for the provision of leisure and cultural services including:
  - library services;
  - museums and galleries, promotion of the Arts;
  - civic theatres, entertainment and cultural activities;
  - swimming pools, sports halls and indoor recreation;
  - parks, recreation grounds, and adventure playgrounds;
  - public playing fields, outdoor sports facilities.
- (2) To have overall responsibility for community centres and public halls.
- (3) To have overall responsibility for sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (4) To have overall responsibility for resort activities, including publicity.
- (5) To have overall responsibility for beaches and the Beach Lifeguard Service
- (6) To have overall responsibility for the provision of country parks and allotment gardens.
- (7) To have overall responsibility for the provision and management of cemeteries and crematoria.
- (8) To have overall responsibility for the development, management, implementation and review of all aspects of the Council's Tourism Strategy.
- (9) To have responsibility for promoting Wirral as a location for tourism and, in consultation with the Cabinet member for Regeneration and Planning Strategy, to encourage tourism initiatives designed to bring new jobs to the Borough.
- (10) To have overall responsibility for the heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion.

## **ENVIRONMENT**

- (1) To have responsibility for trading standards and consumer protection.
- (2) To have responsibility for food safety and hygiene.
- (3) To have responsibility for home safety.
- (4) To have responsibility for health education.
- (5) To have responsibility for control of communicable diseases.
- (6) To have responsibility for port health.
- (7) To have responsibility for monitoring of waste disposal.
- (8) To have responsibility for recycling
- (9) To have responsibility for public conveniences.
- (10) To have responsibility for the preservation and improvement of amenities in residential areas.
- (11) To have responsibility for clean air and pollution control.
- (12) To have responsibility for abatement of nuisance (other than statutory nuisance in private dwellings).
- (13) To have joint responsibility with the Cabinet member for Regeneration and Planning for identification and action in relation to derelict land and buildings.
- (14) To have responsibility for Sea Fisheries.
- (15) To have responsibility for co-ordinating the development and implementation of strategies for continually improving sustainability and reducing the environmental impact of the Council, its policies, plans, programmes and services.

## **FINANCE AND BEST VALUE (the Leader's portfolio)**

- (1) To Chair the Cabinet
- (2) To represent the Council in external dealings and relationships (other than civic duties the responsibility of the Mayor).
- (3) To take the lead on the Council's contribution to the major partnership initiatives in which it is engaged, e.g. Local Strategic Partnership, Local Area Agreement Partnership Board, Liverpool City Region and Local Government Association.
- (4) To have overall responsibility for:
  - the formulation and submission of proposals relating to strategic policy
  - the overall production of the Corporate Plan
  - revenue and capital budgets including preparations for the annual budget and Capital Plan
  - schemes under the Private Finance Initiative
  - procurement
- (5) To have overall responsibility for information technology and to act as the Council's e-government Champion.
- (6) To have overall responsibility for financial matters, other than those within the (Corporate Resources) Portfolio, including insurance, rating, Council Tax and Housing and Council Tax benefits.
- (7) To have overall responsibility, in liaison with the Deputy Leader, for the performance of the Council as measured through the Comprehensive Performance Assessment and Comprehensive Area Assessment process.
- (8) To have responsibility for initiatives in relation to local democracy and the modernisation of local government, unless they specifically relate to any other portfolio.
- (9) To have overall responsibility for the Council's Communications Strategy and public relations, in liaison with the portfolio holder for Community and Customer Engagement.
- (10) To have residual responsibility for any relevant matter not referred to another Cabinet member or to a committee of the Council.

## **HOUSING AND COMMUNITY SAFETY**

- (1) To have overall responsibility for housing strategy.
- (2) To have overall responsibility for the assessment of housing need including the needs of vulnerable people.
- (3) To have overall responsibility for enabling vulnerable Clients to remain at home, through the provision of low level housing support services (the Supporting People programme).
- (4) To have overall responsibility for the provision of homelessness and housing advice services, including rough sleepers.
- (5) To have overall responsibility for the provision of services to enable access to accommodation.
- (6) To have overall responsibility for the assessment of housing markets.
- (7) To have overall responsibility for housing market restructuring and renewal.
- (8) To have overall responsibility for:
  - dealing with unfitness and poor condition;
  - acquisition and clearance;
  - financial policies for home improvement funding;
  - regulation and enforcement of statutory provisions relating to private sector housing.
- (9) To have overall responsibility for:
  - the promotion and monitoring of partnerships to achieve wider strategic housing objectives;
  - monitoring the performance of new Housing Stock Transfer organisations;
  - the accreditation and licensing of private landlords.
- (10) To have overall responsibility for monitoring and responding to the needs of gypsies and travellers.
- (11) To have overall responsibility for Community Safety including:
  - co-ordinating neighbour nuisance policies in the private and public sector;
  - co-ordinating anti-social behaviour policies;
  - working with partners, the police & other Cabinet members on youth diversion schemes;
  - working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team;
  - working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet Member for Environment;
  - the use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
  - the Council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers/duties;
  - liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;
  - to have overall responsibility for the development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social Behaviour Strategy.
- (12) To have overall responsibility for the operation and development of the Community Patrol.

## **REGENERATION AND PLANNING STRATEGY**

- (1) To have overall responsibility for the co-ordination and monitoring of all matters relating to the economic and urban regeneration of Wirral with the objective of improving the competitiveness, sustainability and strength of the Wirral economy, reducing the level of unemployment, safeguarding existing jobs, and the creation of new jobs of a high quality (including the power of 'well-being' under the Local Government Act 2000).
- (2) To prepare, implement and monitor (in conjunction with partners) an economic regeneration strategy for Wirral.
- (3) To have overall responsibility for the initiation, preparation, implementation and monitoring of all economic regeneration programmes including European programmes, Single Regeneration Budget and other Council programmes.
- (4) To have overall responsibility for consultation and liaison with all organisations involved in regeneration in Wirral, including NWDA, English Partnerships, GoNW, Learning and Skills Council, Greater Merseyside Enterprise, Wirral Metropolitan College, trade unions, the private sector, the voluntary sector, etc.
- (5) To have overall responsibility for co-ordination of all matters in relation to European issues.
- (6) To have overall responsibility for the promotion of Wirral as a premier location for inward investment through the work of Wirral Direct and other organisations; in consultation with the Cabinet Member for Culture, Tourism and Leisure in the case of tourism initiatives.
- (7) In conjunction with the relevant Cabinet members and outside organisations, to ensure that an adequate supply of sites and premises is provided in order to cater for the needs of local businesses and to help attract new businesses.
- (8) To provide financial support, where appropriate, to businesses, co-operatives and other profit making and non-profit making ventures for the benefit of Wirral.
- (9) To help provide a comprehensive business support service to local companies.
- (10) To have overall responsibility for the development of community employment and training initiatives and other initiatives designed to strengthen the economy of local communities and combat disadvantage including the development of a comprehensive "pathways to Integration" strategy for Wirral.
- (11) To have overall responsibility for monitoring economic trends in Wirral and identifying examples of good practice elsewhere in the field of urban policy and economic regeneration from which Wirral can benefit.
- (12) Lobbying Government and other agencies nationally, regionally and internationally, to ensure that Wirral achieves its economic regeneration objectives.
- (13) To have overall responsibility for Welfare to Work.
- (14) To have overall responsibility for the preparation and maintenance of the Development Plan and related plans and policies.
- (15) To have overall responsibility for the consideration of national, regional and strategic issues, including green belt policy.
- (16) To have overall responsibility for the designation and preservation of conservation areas and liaison with conservation bodies.

- (17) To have overall responsibility for the application of the Planning Acts in relation to:
- preservation of general amenity;
  - shopping improvement areas;
  - derelict sites;
  - building regulations;
  - mineral planning issues;
  - contributions to the Council's urban regeneration initiatives
  - compulsory purchase.
- (18) To have overall responsibility for liaison on planning matters with other local authorities and external bodies.
- (19) To have responsibility for identification and action in relation to derelict land and building, in liaison with the Cabinet member for the Environment.



## **SOCIAL CARE AND INCLUSION**

- (1) To have responsibility for the planning, commissioning and delivery of social care services for all adult client groups and to provide leadership to the wider vision of social care.
- (2) To have lead responsibility for developing preventative services that will reduce the need for social care intervention.
- (3) To work with a range of partners, including health and the voluntary and independent sector, to provide services which are well planned and integrated, make the most effective use of available resources and met the needs of our diverse community.
- (4) To have overall responsibility, in liaison with other Cabinet members, for social inclusion and to promote the role of the local authority, working with the NHS community on Wirral, to improve public health and well-being and to address health inequalities.
- (5) To ensure services are of a high quality and delivered by a well-trained workforce or by informal and family carers who are themselves supported.
- (6) To ensure better use of technology to support people.
- (7) To ensure services have an emphasis on preventing problems and that social care and health work on a shared agenda to help maintain the independence of individuals.
- (8) To ensure that people with the highest needs receive the support and protection needed to ensure their own wellbeing and the safety of society.
- (9) To ensure that risks of independence for individuals are openly shared with them and balanced against benefits.
- (10) To have overall responsibility for matters relating to section 47 of the National Assistance Act 1948 (as amended).

## **STREETSCENE AND TRANSPORT SERVICES**

- (1) To have overall responsibility for highways, streets and footpaths, including street lighting and related enforcement activities.
- (2) To have overall responsibility for traffic regulations and road safety.
- (3) To have overall responsibility for the management of Council car parks.
- (4) To liaise with the MITA and other external organisations.
- (5) To have overall responsibility for reservoirs, sewerage and land drainage.
- (6) To have overall responsibility for the provision of civil engineering services to the Council.
- (7) To have overall responsibility for the provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.
- (8) To have overall responsibility for coast protection and sea defences.
- (9) To have responsibility for restricted and selective tendering for civil engineering services.
- (10) To have responsibility for grass cutting in residential areas
- (11) To have overall responsibility for weed control.
- (12) To have responsibility for refuse collection and street cleansing
- (13) Advertisement control.

## **PART 3**

### **DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS**

Within the terms of reference for their own portfolio, and in accordance with the protocol set out below, each Cabinet member has delegated authority to determine all matters that do not involve a key decision.

#### **Protocol**

Chief Officers will ensure that matters for decision are placed before Cabinet members following the appropriate consultation with other officers within the Council.

In addition, the Constitution requires that delegated decisions should only be taken by portfolio holders following the expiry of three clear working days from the notification of matters by Chief Officers. The portfolio holder will also notify the Leader of the Council of the decisions that he or she intends to make following the elapse of the three clear working days. During this period, the portfolio holder or the Leader of the Council may request that the matter be referred to the next meeting of the Cabinet rather than taken under delegated powers, by notifying the Director of Law, H.R. and Asset Management.

A formal decision record will be produced and published on the Council's Intranet and Internet sites. All members of the Council will be informed of the decision by email and advised that it will be open for call-in for five working days.