



# CONSTITUTION OF THE COUNCIL

## Part 3 Section B

### RESPONSIBILITY FOR FUNCTIONS - (B) COMMITTEES

#### 1. Composition and Terms of Reference of Committees

Full Council is responsible for the exercise of all the functions that are the responsibility of the local authority. A number of decisions have been expressly reserved to a meeting of full Council. Beyond this, in order to operate more effectively as an organisation, the Council has arranged for the discharge of all other of its functions to be conducted by a committee, a sub-committee or an officer of the authority or, in certain cases, by another local authority or public body.

This Section deals with the allocation of responsibility for undertaking those functions of the Council that are not reserved to the full Council itself and have been delegated to a committee. In some cases, the law requires the Council to establish a committee and dictates the way it operates. In most cases, however, the Council decides on the size, terms of reference and membership of its committees and are established pursuant to sections 101 and 102 of the Local Government Act 1972.

Articles 6,7 and 8 of this Constitution list the standing committees of the Council, which are grouped as Policy and Service Committees from Article 6, Review and Partnerships Committees (overview and scrutiny) from Article 7 and Regulatory Committees and other Committees from Article 8. Each of these has a different set of functions ascribed to it as set out below. The Committees in turn will reserve a number of decisions to themselves or to a sub-committee they or Council might establish but will otherwise delegate their functions to a relevant officer.

Some Committees have statutory or standing advisory or partnership groups associated with them to assist them to carry out their functions, either alone or as part of a formal partnership with other public, community or business bodies.

Described below are the Committees that the Council has established, their terms of reference and details of their membership and approach. The powers and duties that are delegated, listed under the various committees' terms of reference, are across broad functional descriptions and include powers and duties under all legislation, present and future, within those descriptions and all powers and duties including any statutory re-enactment or modification of the legislation referred to or associated with those functions.

The Leader, Deputy Leader and the Political Group Leaders on the Council shall, if not members, be permitted to attend meetings of the Committees and Sub-Committees, but with the right to speak only at the Chair's invitation.

## 2. Working Groups Involving Members

Working groups, review teams and advisory groups may be established by a Committee from time to time to develop recommendations or investigate issues of interest or concern alongside formal Sub-Committees. They shall be for specific purposes and shall be time limited. They will only be established when the matter cannot be undertaken by a relevant Committee and each committee is limited to establishing [two] such committees at any one time.

They usually fall into one of the following categories:

### (a) Advisory groups relating to policy development or service functions

Usually established to advise about an issue or subject area. The relevant Committee shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge and Members who are not members of the parent Committee.

### (b) Task & Finish Groups

Small groups of Members appointed by a Committee or Sub-Committee for the purpose of advising the parent committee about either:

- (i) an in-depth policy review
- (ii) performance monitoring
- (iii) responding to a major policy consultation.

The terms of reference and purpose are specified by the relevant Committee.

## 3. Member Champions

The Council and Committees may approach individual Members to take on a specific role to highlight and enhance an area of that Committee or the Council's terms of reference.

### (a) Role

The role of a Member Champion is to become a focus for the Council and Committee, partners, stakeholders and communities in order to:

- (i) Raise the profile of that highlighted area of the Council and Committee's functions, and in conjunction with the relevant Member(s), officers and partner(s), support community engagement activities and other related publicity campaigns;
- (ii) Liaise with members, public sector partners and other stakeholders to promote key initiatives (as appropriate and required);
- (iii) Act as an advocate for that highlighted area of the Council and Committee's functions and be required to familiarise themselves with related matters;

- (iv) Seek out and share best practice from other areas of the UK;
- (v) Periodically present reports to the members of their Committee or other committees (as necessary and requested) setting out the actions taken and how those actions have contributed to the success and promotion of that highlighted area of the Council and Committee's functions;
- (vi) Present, as appropriate, research papers and suggest new initiatives and ideas relating to highlighted area of the Council and Committee's functions for consideration by the Committee(s) or Council.

(b) Appointment

- (i) The Council or Committee holding the corresponding functions within its terms of reference may appoint a Member Champion from one of their number. This may be the Chair or any other member of the Committee.
- (ii) Where the subject of a Member Champion covers functions across the terms of reference of more than one Committee, the Committees may jointly appoint the Member Champion from either of their Committees' number.

(c) Standing Member Champions

The Council and relevant Committees shall appoint Member Champions to the following roles

- (i) Armed Forces Member Champion – The Mayor shall be the standing member Champion in relation to the Armed Forces and the Armed Forces Covenant as part of his/her civic role;
- (ii) Heritage Member Champion – The Tourism, Communities, Culture & Leisure Committee is to appoint a Member Champion in relation to matters concerning the Borough's heritage; and
- (iii) Domestic Violence Member Champion – The Adult Social Care and Health is to jointly appoint a Member Champion in relation to matters concerning domestic violence

(d) Decision making and powers

For the avoidance of doubt, a Member Champion fulfils their role as a member of the relevant Committee and have no individual decision making powers or authority.

(e) Working Arrangements:

- (i) Member Champions will liaise as required with the relevant officer lead and the Committee Chair and Spokespersons in relation to their role and activities.

- (ii) The Member Champion will follow all appropriate and applicable Council working protocols for engaging with officers, stakeholders and the public.
  - (iii) The Member Champions shall not do anything that is contrary to or inconsistent with any decision or approach taken by the Committee(s) or the Council.
  - (iv) Where there is any confusion or difference between the Member Champion views/proposed actions and that of the Committee, the Committee's view/position shall prevail.
  - (v) Member Champions shall seek advice and guidance from the Council's Senior Leadership Team if they are in doubt or confusion on any issue or matter.
- (f) Remuneration:
- (i) No allowance or other remuneration shall be paid to Member Champions for performing the role.
  - (ii) Expenses may be met for engagements with outside bodies or public occasions as approved by the relevant lead officer or the Committee.

## **POLICY AND SERVICE COMMITTEES (Article 6)**

- Urgency Committee
- 1. Policy and Resources Committee
- 2. Adult Social Care and Health Committee
- 3. Children, Young People and Education Committee
- 4. Economy, Regeneration & Development Committee
- 5. Environment, Climate Emergency & Transport Committee
- 6. Housing Committee
- 7. Tourism, Communities, Culture & Leisure Committee

## **DECISION REVIEW, PARTNERSHIP AND SCRUTINY COMMITTEES (Article 7)**

- 8. Decision Review Committee
- 9. Partnerships Committee
- 9.4 Joint Health Scrutiny Committee

## **STATUTORY, REGULATORY AND OTHER COMMITTEES (Article 8)**

- 10. Planning Committee
- 11. Regulatory and General Purposes Committee
- 12. Licensing Act Committee
- 13. Audit & Risk Management Committee
- 14. Constitution and Standards Committee
- 15. Pensions Committee
- 16. Health and Well Being Board
- 17. Joint Merseyside Police and Crime Panel

## **POLICY AND SERVICE COMMITTEES (Article 6)**

### **URGENCY COMMITTEE**

If a decision on an issue is required as a matter of urgency, and if time allows under the provisions of the Access to Information Rules as set out at Part 4(2) of this Constitution, then a Committee will be called comprising of the Leader and/or the Deputy Leader together with the Group Leaders or other members of Opposition Groups such as are required to meet political balance rules. The decision may be within the terms of reference of another committee, but this will not invalidate the decision as the arrangements to discharge the function in cases of urgency.

A matter of urgency sufficient to call this committee will be as determined by the Leader or, in the absence of the Leader, two of the Group Leaders (or Deputy Leader) with advice from one or more statutory chief officers. The Committee must consult with the Chair of the relevant Committee wherever it is reasonable and practicable to do so.

In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and reported to the next meeting of Full Council.

# 1. POLICY AND RESOURCES COMMITTEE

## 1.1 Composition:

Fifteen (15) Members of the Council, which may be altered to accommodate the overall political balance calculation, and which may be amended from year to year to ease political balance calculations and to incorporate the membership requirements. The membership shall include:

- (a) the Leader of the Council, who shall be the Chair;
- (b) the Deputy Leader of the Council, who shall be Vice-Chair; and
- (c) the chairs of each of the other Policy and Service Committees.

## 1.2 Terms of Reference

The Policy and Resources Committee has two main areas of responsibility, which is to provide strategic direction to the operation of the Council, including making decisions on policies and co-ordinating spend not reserved to full Council, and to maintain a strategic overview of outcomes, performance, risk management and budgets.

The Committee is charged by full Council to:-

- (a) formulate, co-ordinate and implement corporate policies and strategies and the medium term financial plan (budget), which includes responsibility for any decision:
  - (i) that relates to such matters to the extent that they are not reserved to full Council;
  - (ii) on any cross-cutting policies that impact on other committee areas;
  - (iii) on policy matters not otherwise allocated to any other committee; and
  - (iv) to determine any dispute or difference between committees;
- (b) provide a co-ordinating role across all other service committees and retain a 'whole-council' view of performance, budget monitoring and risk management, which includes responsibility for a decision:
  - (i) that has a major impact on a number of Council services or on the Council as a whole;
  - (ii) on any virement between Budget funds (revenue) requested by a Committee or officer in excess of **£100,000**;
  - (iii) on any virement between Budget funds (capital) or any amendment to the Capital Programme requested by a Committee or officer in excess of **£100,000**;
  - (iv) regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, **£100,000**;
  - (v) regarding companies or limited liability partnerships including acquisition and disposals; and

- (vi) which is deemed significant in terms of impact on the Council's revenue or capital (to be determined by the Head of Paid Service and/or Section 151 Officer in consultation with the Leader);
- (c) without limiting the generality of responsibility for cross-cutting policies (at (a) above), lead on behalf of the Council:
  - (i) in matters concerning relationships with HM Government, the Liverpool City Region Combined Authority and other major public and non-public bodies;
- (d) appoint Council representatives as required;
- (e) nominate councillors and other persons to outside bodies; and
- (f) undertake responsibility for developing and monitoring the enabling corporate services, including, finance and investment, project support and risk management, strategic procurement and commercial strategies, ICT, property and asset management, human resources and organisational development, law and governance, communications and public affairs, emergency planning and business continuity.

### 1.3 **Senior Officer Appointments & Staffing Sub-Committee**

A Sub-Committee of five (5) members of the Policy and Resources, subject to political balance, with delegated authority to recommend or make appointments and related matters in respect of chief officers and deputy chief officers, as set out at Part 4(7) of the Constitution, together with oversight of employment policies, terms and conditions..

### 1.4 **Other staffing sub-committees**

A sub-committee or panel may be required from time to time to act in relation to Standing Order 7 or 8 of the Employment procedure Rules (set out at Part 4(7) of this Constitution. The membership of any such sub-committee or panel shall be made up in accordance with statutory or contractual requirements and may consist of members of the Policy and Resources Committee or members of the whole Council.

### 1.5 **Finance and Procurement Sub-Committee**

A Sub-Committee of five (5) members of the Policy and Resources, subject to political balance, with responsibility for development of the Council's budget and for oversight of the Council's procurement framework

### 1.6 **Shareholder Board**

A Sub-Committee of three (3) members of the Policy and Resources Committee, subject to political balance, with delegated authority to exercise responsibility for the Council's functions as corporate shareholder of a company, or group of companies, or a limited liability partnership. The Sub-Committee will be organised, and will also

meet as a working group, alongside officers and advisors in accordance with the Council's adopted Code of Practice for the Governance of Council Interests in Companies at Part 5(7) of this Constitution.

### **1.7 Local Plan Steering Sub-Committee**

A Sub-Committee of five (5) members of the Policy and Resources Committee, politically balanced, with responsibility for the Council's functions to formulate the policies and strategies that together will form the Council's other spatial planning documents (Local Plan).

This Sub-Committee is time limited until the approval of the Local Plan by Council

## **2. ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**

### **2.1 Composition:**

Eleven (11) Members of the Council, which may be altered to accommodate the overall political balance calculation.

### **2.2 Terms of Reference**

The Adult Social Care and Public Health Committee is responsible for the Council's adult social care and preventative and community based services. This includes the commissioning and quality standards of adult social care services, incorporating responsibility for all of the services, from protection to residential care, that help people live fulfilling lives and stay as independent as possible as well as overseeing the protection of vulnerable adults. The Adult Social Care and Public Health Committee is also responsible for the promotion of the health and wellbeing of the people in the Borough.

The Committee is charged by full Council to undertake responsibility for:-

- a) adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers);
- b) promoting choice and independence in the provision of all adult social care
- c) all Public Health functions (in co-ordination with those functions reserved to the Health and Wellbeing Board and the Overview and Scrutiny Committee's statutory health functions);
- d) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- e) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to:
  - (i) furthering public health objectives through the development of partnerships with other public bodies, community, voluntary and charitable groups and through the improvement and integration of health and social care services;
  - (ii) functions under or in connection with partnership arrangements made between the Council and health bodies pursuant to Section 75 of the National Health Service Act 2006 ("the section 75 Agreements")
  - (iii) adult social care support for carers;
  - (iv) protection for vulnerable adults;
  - (v) supporting people;
  - (vi) drug and alcohol commissioning;
  - (vii) mental health services; and

(viii) preventative services.

## 2.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee.

### **3 CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE**

#### **3.1 Composition:**

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation, together with:

- (i) [one] representative of the Church of England Diocesan Board and [one] representative of the Roman Catholic Diocesan Board, who may only vote on education matters;
- (ii) [N] Co-opted Parent Governor Representatives (non-voting); and
- (iii) [N] Co-opted advisory members (non-voting) representing:- [...]

#### **3.2 Terms of Reference**

The Children, Young People and Education Committee is responsible for services which help keep children and young people safe and fulfil their potential. It incorporates schools and attainment, and social care for children and families. It has a particular focus on those children who are in care, and for whom the Council has corporate parenting responsibility.

The Committee is charged by full Council to undertake responsibility for:-

- (a) exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to full Council;
- (b) the functions and powers conferred on or exercisable by the Council as Local Authority in relation to the provision of education;
- (c) working with all schools (including academies) in relation to raising standards of attainment and developing opportunities;
- (d) leading for the Council and its partners in the discharge the Council's functions as Corporate Parent for its children in care and care leavers;
- (e) any other functions comprised in partnership arrangements with other bodies connected with the delivery of services for children, young people and families;
- (f) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions;
- (g) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to:
  - child protection;
  - children's centres;

- education, schools and settings;
- looked after children;
- mental health services;
- safeguarding;
- special educational needs and disability (SEND);
- youth offending services;
- youth services; and
- social and education transport

### 3.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee

### 3.4 Corporate Parenting Panel

A Sub-Committee and Working Group of five (5) members of the Children, Young People and Education Committee, politically balanced, together with [two] non-voting co-opted young people with recent (within the last five years) direct experience of being looked after by or receiving services as a care leaver from the Council, with delegated authority to exercise responsibility for the Council's functions relating to the delivery by or on behalf of the Council, of Corporate Parenting functions with the exception of policy decisions which will remain with the Children and Young People's Committee.

## **4. ECONOMY, REGENERATION AND DEVELOPMENT COMMITTEE**

### **4.1 Composition:**

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation.

### **4.2 Terms of Reference**

The Economy, Regeneration and Development Committee has responsibility for developing and delivering a vision for Wirral as a place. It is responsible for developing and determining or recommending all planning and transport policies, including the Local Plan, and infrastructure planning. It is also responsible for promoting regeneration, economic development and associated activities, including the tourism, culture and visitor economy, and for removing barriers to growth.

The Committee is charged by full Council to undertake responsibility for:

- (a) development and delivery of the Council's strategic objectives for planning, sustainability and transportation;
- (b) developing and recommending those plans and strategies which together comprise the Local Plan;
- (c) developing and adopting or recommending (if reserved to Council) other spatial planning documents, including but not limited to
  - (i) supplementary planning documents (SPD) and planning policy advice notes;
  - (ii) Master Plans and development briefs;
  - (iii) The Infrastructure Delivery Plan; and
  - (iv) [The Community Infrastructure Levy (CIL) *when applicable* ];
- (d) economic development, including but not limited to infrastructure, enterprise, skills and seeking, securing and managing external funds to achieve that, directly or in partnership with joint ventures and external companies or bodies as well as with the Combined Authority and government bodies;
- (e) the Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business;
- (f) the promotion and development of the economic factors in the area, such as seeking to ensure sufficient and appropriate employment sites, investment, adult skills, apprenticeship schemes, productivity, development sites and so forth;
- (g) overseeing the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks) undertaken by the Council directly or as enabler, funder or joint enterprise partner, including but not limited to the Wirral Growth Company LLP;

- (h) reviewing major projects and any project boards having regard to capacity to deliver, corporate priorities and resources, and advise the Policy and Resources Committee as appropriate;
- (i) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (j) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

### 4.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee

## 5. ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

### 5.1 Composition:

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation.

### 5.2 Terms of Reference

The Environment, Climate Emergency and Transport Committee has responsibility for parks and open spaces, highways management and infrastructure, coastal protection and flood defence and environment and waste matters. It is the Committee that leads on behalf of the Council in responding to and matters concerning the Climate Emergency.

The Committee is charged by full Council to undertake responsibility for the Council's role and functions:-

- (a) in co-ordinating the response to cross-cutting sustainability issues such as reducing carbon emissions, climate change response, improving resource efficiency and developing sustainable energy;
- (b) in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to public open spaces, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway;
- (c) in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users, traffic orders and rights of way issues;
- (d) in relation to parking, including on and off-street parking and civil parking enforcement;
- (e) in respect of parks, open spaces, countryside management, allotments, playgrounds and cemeteries, including arboricultural, gardening and warden services;
- (f) in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to Gypsies, Roma and Travellers;
- (g) in relation to waste and as waste collection authority, litter authority, including but not limited to dealing with litter, street cleansing, abandoned vehicles and dog fouling, and the Council's relationship with Merseyside Recycling & Waste Authority (MRWA) as the joint waste disposal authority;
- (h) as coast protection authority and lead local flood authority;
- (i) in respect of emergency planning and community resilience (infrastructure and contract services);
- (j) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and

- (k) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

### 5.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee

## 6. HOUSING COMMITTEE

### 6.1 Composition:

Eleven (11) Members of the Council, which may be altered to accommodate the overall political balance calculation.

### 6.2 Terms of Reference

The Housing Committee has responsibility for taking a strategic approach to the Council's various housing functions, including Council housing, homelessness, allocations and standards of housing.

The Committee is charged by full Council to undertake responsibility for:-

- (a) the Authority's role and functions in relation to strategic and private sector housing policies and as the housing authority, including but not limited to
  - (i) the Council's Housing Strategy;
  - (ii) homelessness and the allocation of housing;
  - (iii) private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
  - (iv) licensing schemes;
  - (v) tenancy relations and the provision of housing advice;
  - (vi) housing loans and grants;
  - (vii) housing related support services; and
  - (viii) policies and actions with a view to reducing and eliminating street homelessness to ensure that appropriate action is taken;
- (b) analysis, development and overview of housing policies in terms of spatial planning to submit to the Economy, Regeneration and Development Committee to inform the Local Plan and planning policies;
- (c) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (d) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

### 6.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They

may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee

## 7. TOURISM, COMMUNITIES, CULTURE AND LEISURE COMMITTEE

### 7.1 Composition:

Eleven (11) Members of the Council, which may be altered to accommodate the overall political balance calculation.

### 7.2 Terms of Reference

The Tourism, Communities, Culture and Leisure Committee has responsibility for customer contact, community development and community services. including all of those functions related to community safety and also those regarding the promotion of community engagement.

The Committee is charged by full Council to undertake responsibility for the Council's role and functions:-

- (a) for customer and community contact services, including various offices and meeting points, customer contact centres and advice and transaction services
- (b) community engagement, incorporating the Council's approach to equalities, inclusion communities, neighbourhoods and the voluntary and charitable sector, community wealth building and social value;
- (c) in considering options and develop proposals for neighbourhood arrangements, including capacity building, use of assets and devolving powers and services to neighbourhoods;
- (d) for the provision and management of leisure, sports and recreation facilities;
- (e) for delivery of the authority's library and museums services, including but not limited to art galleries, historic buildings and their gardens and the functions of the Council regarding public records, and the Council's
- (f) concerning tourism, the arts, culture and heritage, including provision of theatre, entertainments, conferences and events;
- (g) in relation to bereavement services and support to the Coroner's service;
- (h) regarding community safety, crime and disorder and all associated matters;
- (i) for trading standards and environmental health, including but not limited to:
  - (i) consumer protection;
  - (ii) product safety;
  - (iii) fair trading;
  - (iv) metrology;
  - (v) food standards and animal health;
  - (vi) air pollution control;
  - (vii) health and safety at work (except in so far as it relates to the Council as an employer);
  - (viii) public conveniences;

- (ix) food safety; and
- (x) control of nuisances;
- (j) in respect of emergency planning and community resilience (community, regulatory and asset services);
- (k) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions; and
- (l) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the above functions.

### 7.3 Methodology

- (a) **Enquiries and Policy Development** -The Committee may undertake enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- (b) **Overview and Scrutiny** - The Committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant. In doing so, the Committee shall have regard to the overview and scrutiny means of working set out at Part 4(4) of this Constitution.
- (c) **Stakeholders** - The Committee may invite stakeholders to address the committee on issues of local concern and/or answer questions in so far as it impacts directly or indirectly on the role of functions of the committee.

## **DECISION REVIEW, PARTNERSHIP AND SCRUTINY COMMITTEES (Article 7)**

### **8. DECISION REVIEW COMMITTEE**

#### **8.1 Introduction**

The process of overview and scrutiny fulfils a critical role in demonstrating openness and accountability in the Council's decision-making process and, as such, the Council has retained a formal scrutiny function in relation to Part 3 of the Local Authorities (Committee System) (England) Regulations 2012.

In relation to the Council, the overview role and long-term review of policy and decisions is largely carried out by the Policy and Service Committees themselves. A key role of overview and scrutiny, however, is to both to hold others to account and be able to have a decision challenged and reviewed with an independent mind. In this respect the statutory power to review a decision made but not yet implemented, triggered by Members of the Council in certain circumstances, is conducted by the Decision-Review Committee.

#### **8.2 Composition:**

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation.

A Member may not sit as a member of the Committee where that Committee is due to consider, or is likely to consider, something that has been or might be considered by a committee of which the Councillor is a member.

#### **8.3 Terms of Reference**

The Decision Review Committee is a committee established by the Council with powers set out in Regulation 4(2)(a) of Part 3 of the 2012 Local Authorities (Committee System) (England) Regulations.

The Decision Review Committee is charged by full Council to undertake responsibility to review or scrutinise a decision made but not yet implemented, triggered by being called-in to the Committee by Members of the Council in certain circumstances, in accordance with the Overview and Scrutiny Procedure Rules set out at Part 4(4) of this Constitution. The Decision Review Committee may either

- (a) uphold the original decision, in which case it has immediate effect, or
- (b) refer it back to the decision-making Committee, Policy and Resources Committee or (exceptionally), a meeting of the Full Council)

with or without recommendations for change. This is the only function of the Committee.

For clarification, the process of decision review is not an alternative or additional mechanism to appeals procedures in respect of the decisions of the Council's regulatory committees.

## 9. PARTNERSHIPS COMMITTEE

### 9.1 Composition:

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation.

### 9.2 Terms of Reference

The principal role of the Partnerships Committee is to look outwards to the Council's functions as the area's democratically elected local government, representing the people and businesses of the Borough. In terms of reviewing the decisions of relevant partner authorities on health service provision, on crime and disorder and on flood risk management, this role extends to include a statutory role and powers given by Parliament to the Council. The Committee can produce reports to which a relevant partner authority must have regard in the exercise of its functions.

The Committee is established by Council to fulfil those functions as an overview and scrutiny committee, not undertaken by the Decision Review Committee, provided under Part 3 of the 2012 Local Authorities (Committee System) (England) Regulations.

The Committee is charged by full Council to:-

- (a) undertake reviews and make recommendations on services or activities carried out by external organisations which affect the Borough of Wirral or any of its inhabitants, including the review and monitoring of the contractual and operational performance of shared service partnerships, joint ventures and outside organisations to which the Council makes a resource contribution, focussing on examination of the benefits of the Council's contribution and the extent to which the body concerned makes a contribution to achievement of the Council's priorities;
- (b) consider and implement mechanisms to encourage and enhance community participation in the development of policy options and to investigate, take evidence and consult upon issues within their remit;
- (c) undertake responsibility for the Council's responsibilities for scrutiny as stated in the Police and Justice Act 2006, the Health and Social Care Act 2006 as amended, the Local Government Act 2000 as amended, the Localism Act 2011 and the subsequent Local Authority (Committee System) (England) Regulations 2012, which includes
- (d) in respect of the Health and Social Care Act 2006, the functions to:
  - (i) investigate major health issues identified by, or of concern to, the local population.
  - (ii) consult, be consulted on and respond to substantial changes to local health service provision, including assessing the impact on the local community and health service users.

- (iii) scrutinise the impact of interventions on the health of local inhabitants, particularly socially excluded and other minority groups, with the aim of reducing health inequalities.
  - (iv) maintain an overview of health service delivery against national and local targets, particularly those that improve the public's health.
  - (v) receive and consider referrals from local Healthwatch on health matters.
- (e) in respect of the Police and Justice Act 2006, the functions to:
- (i) review or scrutinise decisions made or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
  - (ii) make reports or recommendations to the local authority with respect to the discharge of those functions
- (f) in respect of Section 9JB of the Local Government Act 2000, the functions to review and scrutinise the exercise by risk management authorities of flood risk management and of coastal erosion management functions which may affect the local authority's area; and
- (g) undertake responsibility for those overview and scrutiny functions provided for under Part 3 of the 2012 Local Authorities (Committee System) (England) Regulations. not otherwise fulfilled.

### 9.3 Methodology

The process and meetings of the Committee in carrying out will be conducted in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4(4) of this Constitution

### 9.4 Joint Health Scrutiny Committee

A Joint Health Scrutiny Committees has been established under Regulations made under the Health and Social Care Act 2001 and directions issued by the Secretary of State for Health. These committees comprise representatives of the authorities in the area affected and are appointed to examine proposals by NHS Trusts and commissioners that affect more than one local authority area. They are authorised formally by the local authorities to scrutinise and report on the proposals and to consider whether, in the light of the decision of the NHS Board(s), the consultation process was flawed or that the decision is not in the interest of the residents and health needs in the area and, in either case, whether to refer the matter to the Secretary of State for Health.

Procedures at meetings of Joint Health Scrutiny Committees will be as decided by the Joint Committee and in accordance with the Memorandum of Understanding agreed by the respective authorities [dated xx], except where otherwise prescribed by legislation.

## **STATUTORY, REGULATORY AND OTHER COMMITTEES (Article 8)**

### **10. PLANNING COMMITTEE (DEVELOPMENT CONTROL)**

#### **10.1 Composition:**

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation. There shall be no power to co-opt.

#### **10.2 Terms of Reference**

The principal role of the Planning Committee is to act as the administrative committee responsible for making decisions as local planning authority on planning applications, development control and similar regulatory matters, which are more particularly described as *Functions relating to town and country planning and development control* and related matters as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Committee is charged by full Council to fulfil those functions:

- (a) to consider and determine applications submitted under the Planning Acts for planning permission, listed building consent, and reserved matters pursuant to major planning applications;
- (b) to consider and determine applications for the display of advertisements submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations;
- (c) to determine whether prior approval applications for the construction, installation, alteration or replacement of telecommunications masts submitted under Part 24 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 should be granted or refused;
- (d) related matters including but not limited to:
  - (i) applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
  - (ii) applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
  - (iii) applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
  - (iv) applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);

- (v) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (vi) powers related to Commons Registration;
  - (vii) functions relating to public rights of way;
  - (viii) the licensing and registration functions relating to the New Roads and Street Works Act 1991 and the Highways Act 1980; and
  - (ix) functions relating to Town and Village Greens;
- (e) to exercise any other function of the Council under the Planning Acts and related legislation, whether as a local planning authority or otherwise, which may be referred to it by the Director for Economic and Housing Growth or other officer authorised by him/her.

### 10.3 Methodology

The process and meetings of the Committee will be conducted in accordance with the rules set out in Part 4(4) of this Constitution but shall also be subject to:

- (a) the Members Planning Code;
- (b) no member of the Committee may participate in the debate or vote in the meeting until or unless that member has attended the mandatory planning training prescribed by the Council;
- (c) the Planning Committee protocol for public engagement; and
- (d) the scheme of delegation for planning matters.

### 10.4 Strategic Applications Sub-Committee

A Sub-Committee of between six (6) and nine (9) members of the Planning Committee, politically balanced, with responsibility for making decisions regarding:

- (a) the implications of major developments outside of the Borough that could have an impact on local residents; and
- (b) the following categories of applications for planning permission:
  - (i) large-scale major developments (defined by the Ministry for Housing, Communities and Local Government (MHCLG) as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;
  - (ii) planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;

- (iii) significant applications by Wirral Borough Council to develop any land owned by the Council, or for development of any land by the Council or by the Council jointly with any other person (Regulation 3 applications)
  - (iii) applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
  - (iv) any application where the Director responsible for the planning service considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses; and
- (c) consideration of documents relating to the Local Development Framework and advise the Economy, Regeneration and Development Committee (or Housing Committee) where appropriate

## 11 REGULATORY AND GENERAL PURPOSES COMMITTEE

### 11.1 Composition:

Fifteen (15) Members of the Council, which may be altered to accommodate the overall political balance calculation. There shall be no power to co-opt.

### 11.2 Terms of Reference

The principal role of the Regulatory and General Purposes Committee is as the administrative committee, established as an ordinary committee and acting under delegation pursuant to sections 101 and 102 of the Local Government Act 1972, and responsible for making decisions as licensing and registration authority on all regulatory matters not otherwise delegated to the Planning Committee or reserved to the Licensing Act Committee.

The Committee is charged by full Council to fulfil all of those functions, more particularly described as set out at Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and associated matters, including but not limited to:

- (a) functions relating to licensing, registration and ancillary matters other than those falling within the remit of the Licensing Act Committee, including but not limited to:
  - acupuncture, tattooing, ear-piercing and electrolysis;
  - caravan sites;
  - charity collections and street collections;
  - hackney carriage and private hire vehicle licences, drivers and operators;
  - entertainments;
  - market and street trading,
  - pleasure boats and pleasure vessels;
  - scrap yards;
  - sex shops and sex establishments;
  - solemnisation of marriages;
  - theatres and cinemas;
  - zoos, animal trainers and exhibitors and dangerous wild animals;
- (b) functions relating to health and safety at work, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;
- (c) functions relating to sea fisheries;
- (d) functions relating to statutory nuisance and contaminated land;
- (e) the passing of a resolution that schedule 2 to The Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- (f) commons regulation and town and village greens, the power to apply for an enforcement order against unlawful works on registered common land, the power to protect unclaimed registered common land and unclaimed town or village

greens against unlawful interference and the power to institute proceedings for offences in respect of unclaimed land;

- (g) the power to make a closing order on a takeaway food shop;
- (h) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- (f) functions relating to elections and electoral registration not otherwise reserved to Full Council, including the making of recommendations to the Council as to recommendations to the Secretary of State on ward boundaries;
- (g) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals; and
- (h) making recommendations to Council on the promotion or approval of local bill.

### 11.3 Charitable Trusts Sub-Committee

A Sub-Committee of five (5) members of the Regulatory and General Purposes Committee, politically balanced, with responsibility for the discharge of the Council's functions where it acts as corporate trustee, currently the:

- (a) E.F Callister Youth Club; and
- (b) Wirral Borough Council Mayor's Charity

### 11.4 Licensing Panels (Regulatory)

Sub-Committees of between three (3) and five (5) members of the Regulatory and General Purposes Committee, politically balanced, with responsibility for the Council's functions 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).

### 11.5 Methodology

The process and meetings of the Committee will be conducted in accordance with the rules set out in Part 4(4) of this Constitution but shall also be subject to:

- (a) guidance on Licensing and Regulatory matters that may be issued;
- (b) no member of the Committee may participate in the debate or vote in the meeting until or unless that member has attended the mandatory licensing and regulatory training prescribed by the Council;
- (c) any protocol adopted for public engagement; and
- (d) the scheme of delegation for licensing and regulatory matters

The Committee or a Panel may regulate, where necessary, its own procedures to deal with any matter arising in connection with its duties, provided that the

procedures remain in accordance with the principles set out at Article 13 of this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere in the Constitution, a Panel acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, and the decision making may thereafter be taken in private adjournment.

It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

## 12 LICENSING ACT COMMITTEE

### 12.1 Composition:

Fifteen (15) Members of the Council, who will be those same Members as are appointed to the Regulatory and General Purposes Committee (whose appointments must be in accordance with the proportionality rules). There shall be no power to co-opt.

### 12.2 Terms of Reference

The principal role of the Licensing Act Committee is to act as the administrative committee, acting under statutory delegation pursuant to the Licensing Act 2003, and responsible for making decisions as licensing authority under the Licensing Act 2003 and Gambling Act 2005.

### 12.3 Licensing Panels (Licensing Act)

Sub-Committees of three (3) members of the Licensing Act Committee with responsibility for the Council's functions to deal with applications, determinations and reviews of licences, permissions and any related matter in respect of the Licensing Act 2003 or the Gambling Act 2005. Up to two (2) further members of the Licensing Act Committee may attend with the Licensing Panel as observers.

### 12.4 Methodology

The process and meetings of the Committee will be conducted in accordance with such of the rules set out in Part 4(4) as apply to the Committee under the Licensing Act 2003 and related Regulations and to:

- (a) guidance on Licensing and Regulatory matters that may be issued;
- (b) no member of the Committee may participate in the debate or vote in the meeting until or unless that member has attended the mandatory licensing and regulatory training prescribed by the Council;
- (c) any protocol adopted for public engagement; and
- (d) the scheme of delegation for licensing and regulatory matters

The Committee or a Panel may regulate, where necessary, its own procedures to deal with any matter arising in connection with its duties, provided that the procedures remain in accordance with the principles set out at Article 13 of this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere, a Panel acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, and the decision making may thereafter be taken in private adjournment.

It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

## 13 AUDIT AND RISK MANAGEMENT COMMITTEE

### 13.1 Composition:

Eleven (11) Members of the Council, subject to proportionality, which may be altered to accommodate the overall political balance calculation, together with a co-opted person.

A person who is not a Member or officer of the Council shall be a co-opted member of the Committee, who will not be entitled to vote at meetings

### 13.2 Terms of Reference

The Audit and Risk Management Committee is a key component of Wirral Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The Committee provides independent assurance on 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. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Audit and Risk Management Committee is charged by full Council to:-

#### (a) Governance

- (i) Consider the Annual Governance Statement, and be satisfied that this statement is comprehensive, properly reflects the risk and internal control environment, including the system of internal audit, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, and includes an agreed action plan for improvements where necessary.

#### (b) Internal Audit and Internal Control

- (i) With Chief Officers, to provide proactive leadership and direction on audit governance issues and champion audit and internal control throughout the Council.
- (ii) Consider annually the effectiveness of the system of internal audit including Internal Audit Charter, Strategy, Plan of work and performance and that those arrangements are compliant with all applicable statutes and regulations, including the Public Sector Internal Audit Standards and Local Government Application Note.
- (iii) Consider the Head of Internal Audit's annual report and a summary of internal audit activity which include an opinion on the adequacy and effectiveness of the Council's internal controls including risk management, any corporately significant issues arising, and receive assurance that action has been taken as necessary.

- (iv) Consider regular summary reports on the work of internal audit including key findings, issues of concern and actions in hand as a result of internal audit activity.
  - (v) Consider reports showing progress against the audit plan and proposed amendments to the audit plan.
  - (vi) Ensure there are effective relationships between internal audit and external audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
- (c) Risk Management & Control
- (i) Provide proactive leadership and direction on risk management governance issues and champion risk management throughout the Council and ensure that the Full Council is kept sufficiently informed to enable it to approve the Council's Risk Management Policy and Framework and that proper insurance exists where appropriate.
  - (ii) Consider the effectiveness of the system of risk management arrangements.
  - (iii) Consider an annual report and quarterly reports with respect to risk management including, an opinion on the adequacy and effectiveness of the Council's risk management, any corporately significant issues arising, and receive assurance that action has been taken as necessary.
  - (iv) Receive assurances that action is being taken on risk related issues identified by both internal and external auditors and other inspectors.
  - (v) Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk.
  - (vi) Report annually to full Council as per the Financial Regulations \*\*need to check this
- (d) Anti-Fraud and Corruption
- (i) Provide proactive leadership and direction on Anti-Fraud and Corruption and champion Anti-Fraud and Corruption throughout the Council.
  - (ii) Consider the effectiveness of the Council's anti-fraud and corruption arrangements.
  - (iii) Consider an annual report and other such reports, including an annual plan on activity with respect to Anti-Fraud and Corruption performance and receive assurances that action is being taken where necessary.
  - (iv) To be appraised of any steps arising from Whistleblowing investigations and to ensure appropriate actions are being taken and reported.
- (e) Annual Statement of Accounts
- (i) Consider the external auditor's reports and opinions, relevant requirements of the International Standards on Auditing and any other reports to members with respect to the Accounts, including the Merseyside Pension Fund and approve the Accounts on behalf of the Council and report required actions to the Council. Monitor management action in response to issues raised by the external auditor.

- (ii) Consider the External Auditors Annual Governance Report and approve the Letter of Representation with respect to the Accounts and endorse the action plan contained in this Report.
- (f) External Audit
  - (i) Consider any other reports of external audit and other inspection agencies.
  - (ii) Ensure there are effective relationships between external audit and internal audit.
  - (iii) To liaise with the Public Sector Audit Appointments over the appointment of the Council's external auditors.
- (g) Merseyside Pension Fund
  - (i) Following presentation to the Pensions Committee and with due regard to any comments and observations made, consider the draft Accounts of the Merseyside Pension Fund and authorise the publication and release of these accounts to the external auditors for the audit by the statutory deadline.
- (h) Treasury Management
  - (i) Consider the effectiveness of the governance, control and risk management arrangements for Treasury Management and ensure that they meet best practice.
- (i) Partnerships and other bodies
  - (i) To deal with any audit or ethical standards issues which may arise in relation to partnership working, joint committees and other local authorities or bodies.
  - (ii) Ensure that there are effective governance arrangements in place for Wirral Borough Council's wholly owned limited companies and trading vehicles.
  - (iii) Receive and review the financial statements and dividend policies of any Wirral Borough Council limited companies and to consider recommending corrective action where appropriate
- (j) Administration
  - (i) Review the Committee's own terms of reference no less frequently than annually and where appropriate make recommendations to the Council for changes.
  - (ii) Ensure members of the committee have sufficient training to effectively undertake the duties of this committee.
  - (iii) Consider the Annual Report of the Chair of the Committee.

## 14 CONSTITUTION AND STANDARDS COMMITTEE

### 14.1 Composition:

Eleven (11) Members of the Council (other than the Leader), who will be appointed by Council and include members of all Political Groups. The appointment need not be in accordance with the proportionality rules (minute 13 of 2019/20 refers).

Four (4) persons who are not Members or officers of the Council (Independent Persons), who will not be entitled to vote at meetings.

### 14.2 Terms of Reference

The Constitution and Standards Committee is responsible for overseeing the operation of the Council's Constitution and for promoting and maintaining high standards of ethical conduct and probity within the Council, including the exercise of all functions of the Authority in relation to ethical standards and, in particular, those under Chapter 7 of the Localism Act 2011.

The Committee is charged by full Council to undertake responsibility for the Council's role and functions:-

- (a) to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the codes and protocols;
- (b) to oversee and agree such minor and consequential changes to the Council's constitutional arrangements as are recommended by the Monitoring officer from time to time;
- (c) to hear and determine complaints against members alleging breaches of the Members' Code of Conduct;
- (d) to take an action in respect of a member found to be in breach;
- (e) to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:
  - (i) approving and issuing guidance to Members
  - (ii) making recommendations to Full Council regarding the suggested amendment of the Members' Code of Conduct
  - (iii) approving training to be provided to members in the Code of Conduct
  - (iv) monitoring the operation of the Code of Conduct
- (f) to approve the granting, to any Council employee, of a dispensation in relation to disqualification from political activities Local Government and Housing Act 1989;
- (g) to select and recommend to Council persons for appointment as members of the Council's Independent Remuneration Panel;

- (h) to select and recommend to Council persons for appointment as an Independent Person;
- (i) to receive and approve proposals regarding the Council's exercise of powers covered by the Regulation of Investigatory Powers Act;
- (j) to issue dispensations to any member in respect of statutory and non-statutory disclosable interests;
- (k) to monitor and review as necessary the operation of whistleblowing procedures;
- (l) 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; and
- (m) to consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred to it by Council, which further the aim of promoting and maintaining the highest standards of conduct within the Council.

### 14.3 Standards Panels

Sub-Committees of between three (3) and five (5) members of the Constitution and Standards Committee with responsibility for arrangements under which decisions can be made on an allegation that a Member of the Council or its committees has breached the Members' Code of Conduct

The Committee or a Panel may regulate, where necessary, its own procedures to deal with any matter arising in connection with its duties, provided that the procedures remain in accordance with the principles set out at Article 13 of this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere, a Panel acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, and the decision making may thereafter be taken in private adjournment.

It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

## 15 PENSIONS COMMITTEE

### 15.1 Composition:

Eleven (11) Members of the Council, which may be altered to accommodate the overall political balance calculation.

Co-opted members, being:

- (i) an elected Member of Knowsley Council
- (ii) an elected Member of Liverpool City Council
- (iii) an elected Member of St Helens Council
- (iv) an elected Member of Sefton Council
- (v) an appointed person.

### 15.2 Terms of Reference

The Pensions Committee is responsible for 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 Merseyside Pension Fund.

In particular, the Committee is charged by full Council:

- (a) To be responsible for the overall investment policy, strategy and principles of the Fund and its overall performance of the Fund.
- (b) 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.
- (c) To receive actuarial valuations of the Fund and determine the level of employers' contributions necessary to balance the Fund.
- (d) To monitor the Local Government Pension Scheme including the benefit regulations and payment of pensions and their day to day administration and to be responsible for any policy decisions relating to the administration of the scheme.
- (e) To consider any views expressed by employing organisations and staff representatives relating to the scheme.
- (f) To appoint members of the Investment Monitoring Working Party, which shall have responsibility for reviewing the performance of the Fund's investments and its asset allocation and regularly reporting their findings to the Pensions Committee.
- (g) 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).

## 16 HEALTH AND WELL BEING BOARD

### 16.1 Establishment:

A Health and Well Being Board is a Committee of the Council established under s.102 of the Local Government Act 1972 as an ordinary committee but amended pursuant to 194 of the Health and Social Care Act 2012 (Establishment of Health and Wellbeing Boards) and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

As a result, the voting members of the Board must as a minimum consist of:

- (a) at least one councillor of the local authority;
- (b) the director of adult social services for the local authority;
- (c) the director of children's services for the local authority;
- (d) the director of public health for the local authority;
- (e) a representative of the Local Healthwatch organisation for the area of the local authority;
- (f) a representative of each relevant clinical commissioning group; and
- (g) such other persons, or representatives of such other persons, as the local authority thinks appropriate.

The political requirements set out in sections 15, 16 and Schedule 1 of the Local Government and Housing Act 1989 do not apply to the membership of the Board.

### 16.2 Composition:

The Wirral Health and Well Being Board will consist of the following

#### (a) Core Membership

- (i) Five (5) elected Members of Wirral Borough Council, being the
  - (1) Leader (or Deputy Leader) of the Council;
  - (2) The Chair (or Vice Chair) of the Adult Social Care and Health Committee;
  - (3) The Chair (or Vice Chair) of the Children, Young People and Education Committee; and
  - (4) The leaders (or nominee) of the two largest opposition Political Groups;
- (ii) the Chief Executive of Wirral Borough Council;
- (iii) the Director of Adult Social Services of Wirral Borough Council;
- (iv) the Director of Children's Services of Wirral Borough Council;
- (v) the Director of Public Health of Wirral Borough Council;
- (vi) the Chair of Wirral NHS Clinical Commissioning Group;

- (vii) the Accountable Officer of Wirral Clinical Commissioning Group;
- (viii) a representative of HealthWatch; and
- (ix) a Representative from the Local Area Team: Cheshire, Warrington and Wirral, NHS England

**(b) Appointed Membership**

- (i) A senior officer of Wirral Borough Council responsible for housing policy and services;
- (ii) Chief Executive, Voluntary & Community Action Wirral;
- (iii) Chief Executive, Wirral University Teaching Hospital NHS Foundation Trust;
- (iv) Chief Executive, Wirral Community NHS Foundation Trust;
- (v) Chief Executive, Cheshire & Wirral Partnership NHS Foundation Trust;
- (vi) Chief Executive, Clatterbridge Cancer Centre NHS Foundation Trust;
- (vii) Representatives from the three divisions of the NHS Clinical Commissioning Group to present annual commissioning plan;
- (viii) Representative from Merseyside Police;
- (ix) Representative from Merseyside Fire & Rescue Service; and
- (x) Representative from Jobcentre Plus

**(c) Co-options and engagement**

Representatives of other bodies may be invited to participate in Board discussions, or co-opted, to support effective decision-making. Such representatives should be invited bearing in mind the principles of fairness, equality and transparency.

**16.3 Terms of Reference**

The principal role of the Health and Wellbeing Board is to discharge functions pursuant to sections 195 and 196 of the Health and Social Care Act 2012.

The Health and Wellbeing Board will not be responsible for directly commissioning services, but will provide oversight, strategic direction and coordination of the following activities:

- (a) To develop a shared understanding of the needs of the local community through the development of an agreed Joint Strategic Needs Assessment
- (b) To seek to meet those needs through leading on the ongoing development of a Health & Wellbeing Strategy
- (c) To provide a local governance structure for local planning and accountability of health and wellbeing related outcomes

- (d) To work with HealthWatch in Wirral to ensure appropriate engagement and involvement within existing patient and service user involvement groups takes place
- (e) To drive a collaborative approach to commissioning of improved health and care services which improve the health and wellbeing of local people
- (f) To consider and take advantage of opportunities to more closely integrate health and social care services in commissioning and provision
- (g) To review the financial and organisational implications of joint and integrated working across health and social care services, ensuring that performance and quality standards of health and social care services are met, and represent value for money across the whole system
- (h) To establish a key forum for local democratic accountability relating to commissioning against agreed health outcomes
- (i) To develop and update the Pharmaceutical Needs Assessment (PNA)
- (j) To ensure the Better Care Fund plan is monitored regarding its progress and performance and ensure the health and social care partners effectively plan regarding the implications of this work.

#### 16.4 **Chairing the Board**

The Board will be chaired by the Leader of the Council or, in his/her absence, the Deputy Leader.

## 17 MERSEYSIDE POLICE AND CRIME PANEL

### 17.1 Establishment:

17.1.1 The Merseyside Police and Crime Panel is a joint committee of the local authorities (the 'Authorities') which the Merseyside Police area covers, being

- a) Knowsley Borough Council;
- b) Liverpool City Council;
- c) St. Helens Borough Council;
- d) Sefton Borough Council; and
- e) Wirral Borough Council;

17.1.2 The Authorities are required to establish and maintain the police and crime panel for the police area, and make the panel arrangements as required by the Police Reform and Social Responsibility Act 2011.

### 17.2. Functions of the Panel

17.2.1 The overarching role of the Panel is to scrutinise the work of the Police and Crime Commissioner (PCC) in the discharge of the PCC's functions in order to support the effective exercise of those functions and to make reports or recommendations to the PCC as appropriate.

17.2.2 In specific terms the Panel's role will involve the duties/ functions set out in sections 2.3 to 2.12 below.

17.2.3 The Panel is a statutory consultee on the development of the **PCC's Police and Crime Plan** and must:

- (a) review the draft Police and Crime Plan (or a variation to it); and
- (b) make a report and/or make recommendations on the draft Plan (or a variation to it) to the PCC.

17.2.4 The Panel must review the **Annual Report** of the PCC, and for that purpose will:

- (a) question the PCC on the Annual Report at a public meeting of the Panel;
- (b) make a report and/or recommendations on the Annual Report to the PCC.

17.2.5 The Panel must hold **confirmation hearings in respect of proposed senior appointments** made by the PCC. This includes the posts of the PCC's Chief Executive; the PCC's Chief Finance Officer and Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act. At a hearing, the Panel will review a proposed appointment and make a report and recommendation to the PCC on it.

17.2.6 The Panel must hold a **confirmation hearing in respect of the appointment of the Chief Constable** by the PCC. At a hearing, the Panel will review a proposed appointment and make a report and recommendation to the PCC on it. The Panel also has the right of veto for the appointment of this post in accordance with Schedule 8 of the Act.

- 17.2.7 The Panel must review the **precept** proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act.
- 17.2.8 A right of veto will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
- 17.2.9 The Panel must hold a **scrutiny hearing in respect of the proposed removal of the Chief Constable** by the PCC before it must make a recommendation to the PCC on the proposed removal in accordance with Schedule 8 to the Act. Before making a recommendation to the PCC, the Panel may also consult the Chief Inspector of Constabulary. At a scrutiny hearing, held in private, the Panel may consider representations from the Police and Crime Commissioner and the Chief Constable on the PCC's proposal.
- 17.2.10 The Panel has the power to **appoint an Acting PCC** where the incumbent PCC is incapacitated, resigns or is disqualified.
- 17.2.11 The Panel may **suspend the PCC** if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 17.2.12 The Panel is obliged to put in place **arrangements for recording and dealing with conduct matters relating to the PCC and Deputy PCC**, including reference, where appropriate, to the Independent Police Complaints Commission or informal resolution of matters at the local level.
- 17.3. **Operating Arrangements**
- 17.3.1 Knowsley Metropolitan Borough Council acts as the Host Authority and arrange for the necessary officer support in doing so. In this respect Knowsley Metropolitan Borough Council will be provide the Secretariat.
- 17.3.2 The Panel initially shall be made up of 10 councillors and 2 independent co-opted members. Further consideration may be given by the Panel to the addition of any further co-opted members, if it is deemed that this would assist the Panel in carrying out its duties.
- 17.4. **Council Membership**
- 17.4.1 All district councillors, and where appropriate elected mayors, on Merseyside will be eligible to be nominated as members of the Police and Crime Panel.
- 17.4.2 Under the provisions of the Act, each of the Authorities is entitled to nominate one elected member to serve on the Panel in accordance with these Panel Arrangements. The Act requires further extra places for appointed members to be allocated between the Authorities to make up the required total of 10 appointed members on the Panel.
- 17.4.3 In order to meet the geographical aspect of the Balanced Appointment Objective the 5 extra places for elected members on the Panel will be allocated between the five

Authorities as follows to produce a total membership which is split in accordance with the Authorities' respective population sizes:

<b>Authority</b>	<b>Minimum Allocation</b>	<b>Extra Members</b>	<b>Total</b>
Knowsley	1	-	1
Liverpool	1	2	3
St. Helens	1	1	2
Sefton	1	1	2
Wirral	1	1	2

- 17.4.4 In order to comply with the political aspect of the “balanced appointment objective”, the political balance on the Panel during 2020/ 2021, will reflect the political balance across Merseyside.
- 17.4.5 The allocation of elected member places on the Panel will be reviewed on an annual basis, ordinarily in the period following the date of the municipal elections. In years where municipal elections do not take place, the review will need to have taken place by 15 May in that year.
- 17.4.6 Taking into account the outcome of such a review, Elected Members will be appointed by their respective Authorities in accordance with the constitutional procedures applicable in those Authorities. In any event, each Authority will ordinarily be expected to appoint their representatives no later than 31 May in each year.
- 17.4.7 The term of office of each Authority representative appointed shall be a period of 1 year or until 31 May of the following year, whichever is the earlier. This term of office is however subject to the appointed Member remaining as an Elected Member during the term of office. In the event of a Panel Member ceasing to be an elected member during the course of their term of office as a Panel Member, their entitlement to serve on the Panel will also cease at that point.

## 17.5. **Panel Arrangements**

- 17.5.1 Panel arrangements are arrangements for the establishment and maintenance of a police and crime panel. All of the Authorities must agree to the making or modification of the panel arrangements. The current panel arrangements may be obtained from the Host Authority or upon request and cover the additional matters of:
- Elected Members – Resignation or Removal from the Panel
  - Independent Co-opted Members
  - Independent Co-opted Members - Resignation and removal from the Panel
  - Financial Arrangements
  - Promotion and Support of the Panel
  - Validity of Proceedings
  - Review and Amendment of Panel Arrangements