CONSTITUTION & STANDARDS COMMITTEE

13th April 2022

REPORT TITLE:	**AMENDMENTS TO THE CONSTITUTION**
REPORT OF:	**DIRECTOR OF LAW AND GOVERNANCE**

REPORT SUMMARY

This report presents the recommended changes to the Constitution for operation as of the 2022/23 municipal year.

Following the Council's first year of operation of the committee system form of governance, the Committee began a process of review overseen by the Member Governance Working Group. The report provides the Constitution and Standards Committee with an update on the progress made by the Governance Working Group in respect of the proposed changes to the Council's governance arrangements and on the resulting drafted constitutional changes.

This is not a key decision.

RECOMMENDATIONS

That the Constitution and Standards Committee recommend to Cou.ncil the adoption of the Constitutional revisions as set out at Appendix A

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 The review of the governance arrangements of the committee system has resulted in a number of proposed revisions in response to the Member Governance Working Group's findings and the recommendation' made by the Governance Review produced by Ada Burns and provided to the Council by the Minister of State.

1.2 The extraordinary meeting of the Constitution and Standards Committee allows for the proposed revisions to be openly debated and agreed between Members before the new municipal year begins as of the Annual Meeting of Council in May.

2.0 OTHER OPTIONS CONSIDERED

2.1 Various options are open to the Committee in adopting Constitutional changes and amended committee terms of reference. A comparison of the Council to other top tier councils operating a committee system and various options have been discussed by the Governance Working Group.

3.0 BACKGROUND INFORMATION

3.1 The Council entered into a committee system form of governance as of September 2020. The need for an early review of the Council's governance arrangements under the new committee system had previously been acknowledged and provided for by the Committee, bearing in mind the shortness of time taken to develop and introduce the system during the 2019/20 municipal year. Following the first year of operation the Committee began the process of review of the system as overseen the Member Governance Working Group.

3.2 The purpose of the review was to test the adopted arrangements in practice, following the experience gained in operation, and do so against the objectives the Council set itself in moving to the Committee form of governance. These were:

- **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;
- **Credibility** – governance should assist good decision making, which involve proper and early scrutiny;
- **Transparency** – the decision-making process should be open and transparent to Members and to the public;

- **Collaboratio**n - decision making should be collaborative across parties and less combative; and
- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

These objectives accord with those contained in the Guidance to accompany the introduction of the Local Govt Act 2000, which were of local governance arrangements of being efficient, transparent and accountable (as defined below).

3.3 The report to the Committee's meeting of 17th February 2022 set out the background and work done in respect of the review. This included

a) the recommendations of the External Assurance Governance Review undertaken by Ada Burns on behalf of the Department for Levelling Up, Housing and Communities (DLUHC), of which the review is the implementation of, that was for "Members to work with the Director of Law and Governance to review the committee system to reduce the number of Committees, assign authority to the Policy and Resources Committee in respect of financial recovery, and significantly reduce the related administrative burden".

b) a report produced by the Local Government Association following meetings they had held with the Political Groups on the Council,

c) the outcomes of an anonymised member survey which was undertaken to inform Member discussion,

d) a comparative analysis of the Council's governance arrangements against the other upper tier councils operating a committee system for of governance,

e) revisiting the former statutory guidance on committee system arrangements, and

f) the submitted views of the Independent Panel advising the Council in respect of the recommendations of the reports commissioned by the Secretary of State.

3.4 The Committee's meeting of 17th February 2022 resolved that, in order to have these measures in place by Annual Council, a further meeting of the Governance Working Party was to be held and this special meeting of this committee.

3.5 A further meeting of the Governance Working Group was held met again on 28 March 2022 to consider the proposed changes required to the Constitution to enact the outcomes of the Committee System Review and at which Members considered the proposals in the form of a draft of the Constitutional wording.

3.6 The decided and recommended outcomes of the Committee and Governance Working Group are set out in the table at **Appendix A**. The table then refers to where the draft constitutional changes are to be found in the documents which follow. The consequential revisions to the Constitution are highlighted in italics and in red.

3.7 The table and associated documents at Appendix A for adoption by Council also includes those separate constitutional changes recommended as a result of decisions made at previous meetings of the Committee. This will present a full set of changes to the Annual Meeting. These are, namely, the Code of Conduct update (minute 32 of 2021/22 refers) and the re-introduction of the Petition Protocol (minute 24 of 2021/22 refers), which is now set alongside the Council Standing Orders for ease of reference as Part 4(1)(a).

3.8 Appendix A table also lists within the table several minor and consequential changes in the Constitution, which might normally have been made directly under delegated authority and are included here for completeness.

4.0 FINANCIAL IMPLICATIONS

4.1 The reduction in the number of Committees and level of administration has been the subject of a savings proposal agreed by Council in the 2022/23 Budget. There may be an additional consequential impact the Members' Allowances Scheme.

5.0 LEGAL IMPLICATIONS

5.1 Section 9P of the Local Government Act 2000 (as amended for England) requires that a local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—

(a) a copy of the authority's standing orders for the time being,
(b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
(c) such information as the Secretary of State may direct, and
(d) a statement, in the case of this Council operating a committee system form of governance, as to whether the authority has resolved to have an overview and scrutiny committee under section 9JA of the Local Government Act 2000; and
(e) such other information (if any) as the authority considers appropriate

5.2 Standing orders is the name given to those rules and procedures by which the Council conducts its business. This Constitution contains both mandatory standing orders, those that are set out or are to have an effect as required by law, and those other standing orders that are agreed from time to time by the Council.

5.3 The Council is required to apply the Local Authority (Committee System) (England) Regulations 2012 in operating a committee system form of governance. Parts 3 to 5 of the Regulations will not be required to be applied

where the Council determines not to establish an overview and scrutiny committee.

5.4 The additional requirement to comply with a Direction of the Secretary of State as to what information a constitution must contain has been repealed (for England) since the last Council Constitution was drafted. The original Direction remains a useful checklist, however, containing as it does some eighty-two items of information that should be available to the public through a council's constitution.

5.5 The Constitution therefore contains a mixture of those standing orders and requirements that are a matter of choice for the Authority and those that are mandatory, including those pursuant to the now applicable Local Authorities (Committee System) (England) Regulations 2012.

5.6 The Guidance on "Modular constitutions for English local authorities" as issued has now been archived but remains extant and relevant, so must therefore be had regard to so far as it has not been superseded by later legislation. A relevant excerpt from the Constitution Guidance reads:

"9.7 The Secretary of State considers that in the context of local governance arrangements the terms efficient, transparent and accountable should be taken to mean the following:

- efficient: the local authority's arrangements for making decisions include the capability for decisions to be made quickly in response to changing circumstances and the developing needs and aspirations of local communities;
- transparent: anyone who has dealings with the local authority can easily determine who is responsible for decisions in respect of the matters with which they are dealing with the local authority and that they can also easily determine how best to make representations to that;
- accountable: the local authority's governance arrangements enable people to find out about decisions which have been taken and include the capability for review and scrutiny of any decision made in respect of any of the local authority's functions by members of the local authority who were not directly involved in making the decision in question.

"9.8 The Regulations and this guidance provide that alternative arrangements [being a committee system form of governance arrangements] take the following broad form:

- the full council of the local authority sets the policy framework and approves the budget, proposals for which would in general be presented to it from one or more committee(s) of the local authority;
- no more than five committee(s) (excluding regulatory committees, area committees and joint committees) of the local authority with delegated functions from the full council to implement the policy

framework and to put proposals to the full council for future policies and budgets;

- one or more overview and scrutiny committee(s) to hold the policy committees to account in public, assist them in policy development and review and examine matters of wider local interest, involving local stakeholders in their deliberations; and
- a Standards Committee (and any sub-committees for parish councils) [repealed]."

5.7 The Guidance included at least one overview and scrutiny committee because the option for councils with a committee system form of governance to not have an overview and scrutiny committee was not then available, being later inserted into the Local Government Act 2000 as section 9JA. It should also be noted that, rather than being established as a result of this statutory guidance, audit committees are part of CIPFA practice guidance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are no risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Governance Working Group Members have met requested that this report be prepared and submitted to the Constitution and Standards Committee

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report.

11.0 COMMUNITY WEALTH BUILDING

11.1 There are no direct Community Wealth Building implications arising from the report.

REPORT AUTHOR:
Philip McCourt
Director of Law and Governance
philipmccourt@wirral.gov.uk

APPENDICES

A Table of recommended changes to the governance arrangements and Constitution:

Part 1	Summary
Part 2	Articles of the Constitution
Part 3(B)	Terms of Reference and functions of committees
Part 4(1)(a)	Petition Scheme
Part 4(4)	Reconsideration and Scrutiny Procedure Rules
Part 4(7)	Officer Employment Procedure Rules
Part 5(1)	Members' Code of Conduct

Draft revisions highlighted in italics and in red.

BACKGROUND PAPERS

- Reports to Member Governance Working Group (14th December 2021):
  - Approach to review of committee governance arrangements;
  - Approach to review of decision review and overview and scrutiny.
- Outcome notes of Member Governance Working Group
- Member Survey Outcomes

Publicly available background resource

- Constitutions of all other unitary, London borough, metropolitan borough or county councils operating committee system forms of governance.
- External Assurance Review - Governance report: Wirral Metropolitan Borough Council
  https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1030406/Governance_review_Wirral_Metropolitan_Borough_Council.pdf

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	17 Feb 2022 14 Dec 2021 30 Sep 2021 23 Jun 2021 24 Feb 2021 25 Nov 2020

APPENDIX A

TABLE OF RECOMMENDED CONSTITUTIONAL REVISIONS

Recommendations to Council – Committee System Review resulting in changes to the Constitution. (Attached - draft revisions highlighted *in italics and in red*)	**Article(s)**	**Standing Orders**
Council to resolve to appoint no overview and Scrutiny committee under s9JA of the Local Government Act 2000, so disapplying those parts of the committee system Regulations. The O&S committees of Decision Review Committee and Partnerships Committee accordingly dissolved	Part 1 Summary Art 7, 13	
Controversial decision (dissent) and call-in procedures be replaced with a procedure for removal of delegation and re-consideration by P&R	Arts 7	Part 4(4)A
The overview and scrutiny statutory functions and approach to working be absorbed into the relevant Policy Committees.	Arts 6, 7, 13	Part 3(B) Part 4(4)B
Sub-Committees may only be established by approval of full Council or P&R Committee	Art 6	Part 3(B)
Reports 'to note' be prohibited (to be replaced by briefing notes)		Part 3(B)
Numbers of members to be appointed to committees to be determined by Council (Annual Meeting)		Part 3(B)
The Urgency Committee be dissolved, and its functions absorbed by the Policy & Resources Committee.	Art 6	Part 3(B)
The Housing Committee be dissolved, and its Terms of Reference be absorbed by the Economy Regeneration and Development Committee. To be renamed Economy, Regeneration & Housing Committee	Art 6	Part 3(B)
The Local Plan Sub-Committee to revert from P&R to ERH	Art 6	Part 3(B)
Provision for joint or committee in common with NHS (currently in shadow form)	Art 6	Part 3(B)
Revisions for Cheshire & Merseyside health and social care system scrutiny functions	Art 9	Part 3(B)
Appointment of all Deputy Chief Officers, including		Part 3(B)

Assistant Director Grades, be delegated to the Chief Executive as Head of Paid Service.		Part 4(7)
Sub-Committees may only be established by approval of full Council or P&R Committee		Part 3(B)
Reports 'to note' be prohibited (to be replaced by briefing notes)		Part 3(B)
Recommendations to Council – Committee resolutions resulting in changes to the Constitution (Attached - draft revisions highlighted *in italics and in red*)		
Adoption of a Petitions Scheme for the Committee System		Part 4(1)(a)
Corrections to the Model and LCR Members Code of Conduct (2021)		Part 5(1)
Recommendations to Council – Consequential and minor amendments to the Constitution		
Change to whole Council elections from 2023	Art 2	
Petitions speaking time increased in line with recommended Petition Scheme		Part 4(1)
Wider public speaking on pension interests concerning Pensions Committee		Part 4(1)

SUMMARY AND EXPLANATION

The Council's Constitution

1. Wirral Metropolitan Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

   The Constitution is divided into 16 articles, which set out the basic rules governing the Council' s business, followed by the more detailed procedures, and codes of practice provided in standing orders, rules and protocols contained within the other parts of this Constitution.

What's in the Constitution?

2. This section of the Constitution (Part 1) provides a summary and explanation of how the Council operates, including an outline of the rights of citizens or residents in the Borough to engage with and participate in the Council's democratic processes.

3. Part 2 of the Constitution comprises 16 Articles providing details of the Council's decision-making structure and the duties and powers of its various bodies

   (a) Article 1 sets out the purpose of the Constitution and the mechanisms for its review. Against this background, a principal purpose of the Constitution is to meet the objectives of the Council in its decision to adopt a committee system form of governance arrangements, which were:

   - **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;
   - **Credibility** – governance should assist good decision making, which involve proper and early scrutiny;
   - **Transparency** – the decision-making process should be open and transparent to Members and to the public;
   - **Collaboration** - decision making should be collaborative across parties and less combative; and
   - **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

(b) Articles 2 to 13 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The Public & the Council (Article 3)
- Full Council (Article 4)
- The Mayor (Article 5)
- Policy and Services Committees (Article 6)
- Delegated Authority and Review (Article 7)
- Regulatory and Other Committees (Article 8)
- Joint Arrangements (Article 9)
- Leadership of the Council (Article 10)
- Committee Chairs and Spokespersons (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

4. Part 3 of the Constitution sets out who is responsible for making what decisions, including remits of Committees and a scheme of delegation to officers.

5. Part 4 of the Constitution details the framework for the administrative conduct of the Council and its committees, including Standing Orders, Procedure Rules at meetings, Contract Standing Orders, Financial Regulations, procedures for tendering under the Standing Order limit and Access to Information Procedure Rules.

6. Part 5 comprises a number of codes and protocols by which councillors and employees of the Council are bound, including some guidance on the Council's practices and the law.

7. Part 6 is the current Members' Allowances Scheme.

8. Part 7 is the Council's management structure (which may be via a link to another webpage).

How the Council operates

9. The Council comprises 66 councillors (often referred to as 'Members' of the Council). Councillors serve for a four year term, with one third elected three years in four, being one of the three councillors in each ward. *From 2023 all councillors will be elected at one time and serve a four year term.* Full Council is the ultimate governing body of the Council and its membership comprises all the elected councillors at any

one time. Each councillor is elected for a particular ward. Details of the current wards and councillors are on the Council's website.

10. Councillors are democratically elected by, and accountable to, the residents of the Borough. They have no individual executive powers. Councillors influence and make decisions corporately through full Council and committee meetings.

11. The overriding duty of councillors is to the whole of the community that makes up the Metropolitan Borough of Wirral. Councillors must represent their constituents as a body and vote in the interests of the whole Borough. However, councillors have a special duty to the constituents within their ward, including those who did not vote for them. Councillors must comply with the Code of Conduct (see Part 5). The Council has appointed a Constitution and Standards Committee, which is responsible for encouraging, developing and maintaining high standards of conduct for all councillors. Article 8 provides more information about this Committee.

12. The Council is responsible for functions as provided by statute, but also has a general power of competence. The Council arranges for its functions to be carried out through its committee system and by delegated responsibilities to its senior employees. All committees, panels, working parties and forums are subordinate to the Full Council and dependent on it, through this Constitution and the policies and decisions agreed by it, for the delegation of powers and duties.

13. Full Council agrees the Council's overall policies, sets the budget each year and sets the Council's major plans, policies and strategies. Meetings of the Council are normally open to the public, except when 'exempt' or 'confidential' matters are being discussed (see the Access to Information Procedure Rules in Part 4 for more information about this).

14. Each year usually in May, at the Annual Council meeting, Full Council appoints councillors and representatives to committees and other bodies. **The current committee structure is shown on the chart below.** Full council also appoints the Chairs and Vice-Chairs of Committees, including a Leader and Deputy Leader of the Council, at the first Annual Council meeting immediately following local government elections. The Full Council appoints councillors to all committees. Appointments to all committees except those identified as a result of legislation of a vote where there was no objection from any Member of the Council, comply with the requirements of political proportionality set out in the Local Government and Housing Act 1989.

15. The Annual Council meeting elects a Mayor and a Deputy Mayor. The new Mayor may appoint a Mayor's Chaplain. During their period of office, the Mayor is the first citizen of the Borough and chairs meetings of the full Council.

How decisions are made

16. The Council has set up procedures to ensure that its functions are carried out effectively and efficiently in accordance with the principles of good administration.

17. *The Council established a committee form of governance as of the Council's Annual Meeting of September 2020. Under its governance arrangements decisions are made by full Council or by what are referred to as policy and services committees or by regulatory committees. The Council has resolved to not establish any overview and scrutiny committees as of May 2022.*

18. There are six Committees responsible for the Council's policy making and the management of its resources, known as executive functions, and these are referred to as the **Policy & Services Committees**. Their roles and functions are further explained in Article 6 which are shown in the table below and have full terms of reference set out in Part 3(B) of this Constitution.

    With the exception of Policy & Resources Committee, these committees meet on a planned basis on an approximate six weekly interval in public (except where personal, exempt or confidential matters are being discussed) to take operational, policy and strategic decisions not reserved to Full Council or delegated to other committees or senior employees. Policy and Resources Committee is *the principal committee of the Council and is made up of the Leader as Chair, the Deputy Leader as Vice-Chair and the Chairs of the other Policy & Services Committees as members of the Committee, together with other Members of the Council as determined by the Council and as may be required to achieve political balance. The other Policy & Services Committees are made up of a Chair, Vice-Chair and other councillors as determined by the Council and as initially appointed at the Annual Meeting of the Council each year.*

19. There are procedures so that controversial decisions that would normally be made by Policy & Services Committees may be referred to Policy and Resources *for re-consideration*, as set out in Article 7.

20. The Council has a number of additional statutory scrutiny functions *and these are incorporated into the Policy & Services Committees' functions or delegated to joint committees where these functions are shared with other authorities in the region*

21. Overview and scrutiny as an approach, meaning the review of implementation of policies and develop of future policy, will *also* be undertaken by the Policy & Services Committees. In doing do the committees will have regard to the process set out in Part 4(3) of this Constitution.

22. Other Committees with decision making powers *carry out regulatory, statutory and administrative functions and are* known as **Regulatory and Other Committees,** which include the Planning Committee, the Regulatory and Licensing Committees, Audit and Risk Management Committee, Pension Committee and the Constitution and Standards Committee. These are explained further in Article 8, shown in the table below and the full terms of reference are set out in Part 3 of this Constitution.

23. *Committees may form **Sub-Committees** but only where required. The Council has established some standing sub-committees and these exist to fulfil a specific function set apart from the parent committee. These standing sub-committees are shown in the table below and the full terms of reference are set out in Part 3 of this Constitution. Sub-Committees act in the same manner and must comply with the*

same procedural rules as the parent committees, such as meeting in public and complying with political balance rules.

24. The Health and Wellbeing Board is a Committee of the Council made up of Councillors, but also officers of the Council and representatives from local health based *or related* organisations. It is a statutory forum required for discussing shared health and wellbeing issues and concerns.

25. **All Committees** have to make decisions in accordance with the Council's Principles set out in Article 13 *and abide by the Access to Information Procedure Rules and other legal requirements*. Any prospective decision that is outside of the budget or policy framework or outside of the parameters agreed for in-year modifications (set out in Part 4(3) of this Constitution), may only form a recommendation and must be referred to the Full Council to decide.

26. **Panels, Forums, Working Groups, Liaison and Task & Finish Groups** may be established by Committees. Their purpose of these working groups is to examine in detail specific issues or aspects of policy, procedure or service, according to their remit. These groups do not take any decisions but inform the deliberations of the committees. Their membership may include councillors from each party, non-councillors by invitation and, occasionally, employees.

27. The Council is required to set up other joint bodies, as stipulated by legislation, for specific purposes.

Access to Information Requirements

28. Meetings of Full Council, committees, panels, and forums are subject to the Access to Information Procedure Rules described in Part 4 (2) of the Constitution. Working groups and task and finish groups do not meet in public session and are not subject to these rules. *The Council has retained the use of a 'Key Decision' to identify those decisions subject to advance notice and publication under the Forward Plan.*

The Council's Employees

29. Employees of the Council (referred to as "officers") manage the day-to-day delivery of Council services and carry out functions in accordance with the duties delegated to them by the Council. The most senior officers are designated as 'Chief Officers' and some as statutory chief officers under various legislation, responsible for leading the organisation and their statutory functions. Full Council agrees the overall scheme of delegations of authority to officers and Committees and Chief Officers set a scheme of reserved decisions and authorisations particular to their terms of reference and portfolio of responsibilities. The current scheme is set out in Part 3.

    Employees must be politically impartial and sensitive to the political environment. The role of some named officers is prescribed by legislation. A code of practice governs the relationships between employees and councillors. Some employees are politically restricted in accordance with the Local Government and Housing Act 1989.

This means that they cannot participate in political activities. Article 12 and Part 5 gives more information about this.

Citizens' Rights

30. Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 in Part 2. Some of these are legal rights, while others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

31. Where members of the public use specific Council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

32. The rights of citizens to inspect agendas and reports and attend meetings are set out in more detail in Part 4(2) of this Constitution under "Access to Information Procedure Rules".

33. For more information on the rights of citizens to engage with and participate in the Council's democratic processes, contact Democratic Services staff whose contact details can be found on the Council's website *wirral.gov.uk*.

Draft Committee Structure 04/2022

WIRRAL

COUNCIL

Finance Sub-Committee

Shareholder Board

Snr Officer Appointments & Staffing Sub-Committee

Policy and Resources Committee [1]

Economy, Regeneration & Housing Committee [4]

Environment, Climate Emergency & Transport Committee [5] (4)

Tourism, Communities, Culture & Leisure Committee [5]

Adult Social Care & Public Health Committee [3]

Joint Strategic Commissioning Board (NHS pooled funding)

Children, Young People & Education Committee [2]

Corporate Parenting Panel

POLICY & SERVICES COMMITTEES

Lead Directors

1. *CX, s151 & MO*
2. *Director for Children's Services (DCS)*
3. *Director for (Adult) Care and Health & Director of Public health (DASS & DPH)*
4. *Director for Economic and Housing Growth & ACX*
5. *Director for Delivery Services & ACX*

Health and Wellbeing Board [3]

FORUM COMMITTEES

Cheshire and Merseyside Integrated Care System (ICS) Joint Health Scrutiny Committee [3]

Cheshire and Merseyside Joint Health Scrutiny Committees [3]

Joint Merseyside Police and Crime Panel [2]

JOINT REVIEW COMMITTEES

Regulatory and General Purposes Committee [1]

Regulatory Licensing Panels

Charitable Trusts Sub-Committee

Planning Committee (Development Control) [4]

Strategic Applications Sub-Committee

Audit & Risk Management Committee [1]

Pensions Committee [1]

Joint Governance Committee of the Northern Local Government Pension Scheme Investment Pool

Licensing Act Committee [1]

Licensing Act Panels

Constitution and Standards Committee [1]

Standards Panels

REGULATORY AND OTHER COMMITTEES

Article 1 The Constitution

Article 2 Members of the Council

Article 3 The Public & the Council

Article 4 Full Council

Article 5 The Mayor

Article 6 Policy and Services Committees

Article 7 ***Reconsideration and the Overview and Scrutiny Function***

Article 8 Regulatory and Other Committees

Article 9 Joint Arrangements

Article 10 Leader and Deputy Leader of the Council – Role and Responsibilities

Article 11 Committee Chairs and Spokespersons – Roles and Responsibilities

Article 12 Officers

Article 13 Decision Making

Article 14 Finance, Contracts and Legal Matters

Article 15 Review and Revision of the Constitution

Article 16 Suspension, Interpretation and Publication of the Constitution

ARTICLE 1 – THE CONSTITUTION

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Wirral Metropolitan Borough Council.

1.03 *Governance*

The contents of these documents fulfil the Council's duties under section 9P of the Local Government Act 2000 to prepare and keep up to date a Constitution which is to contain:

(a) a copy of the authority's standing orders for the time being;

(b) a copy of the authority's Members' Code of Conduct for the time being under section 28 of the Localism Act 2011;

(c) such information as the Secretary of State may direct;

(d) a statement, in the case of this Council operating a committee system form of governance, as to whether the authority has resolved to have an overview and scrutiny committee under section 9JA of the Local Government Act 2000; and

(e) such other information (if any) as the authority considers appropriate.

Standing orders is the name given to those rules and procedures by which the Council conducts its business. This Constitution contains both mandatory standing orders, those that are set out or are to have an effect as required by law, and those other standing orders that are agreed from time to time by the Council.

In adopting this Constitution and its standing orders the Council will have had regard to historic and current guidance issued by the Secretary of State and will also have sought to follow the principles of good corporate governance and to meet the objectives set out by the Council in its decision to move from a leader and cabinet executive form of governance arrangements. Those objectives, as agreed by the Council in its decision to move to a committee system form of governance on 14th October 2019 and at subsequent meetings in adopting governance arrangements, were to achieve:

- ***Accountability*** *– responsibilities and accountability should be clear, within the Council and to residents;*
- ***Credibility*** *– governance should assist good decision making, which involve proper and early scrutiny;*
- ***Transparency*** *– the decision-making process should be open and transparent to Members and to the public;*
- ***Collaboration*** *- decision making should be collaborative across parties and less combative; and*
- ***Timeliness*** *– decision making should be both quick and effective and, when necessary, allow for urgent decision making.*

1.04 Purpose of the Constitution

The Constitution *is also prepared with the following purposes in mind which are to*:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
8. ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council
9. provide a means of improving the delivery of services to the community and
10. provide a means of supporting the Council to deliver its Corporate Plan as adopted for the current municipal year.

1.05 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks best applies the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

(a) **Composition** - The Council will comprise 66 members, otherwise called Councillors. Three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibility** - Only registered voters of Wirral Borough or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year except every fourth year *between* 2013 *and 2023*. *The regular election of Councillors will usually then be held on the first Thursday in May every four years as of 2023 onwards.* The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and functions of all Councillors

(a) **Key roles** - All Councillors will:

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making

(iii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) balance different interests within the ward and represent the ward as a whole;

(vi) be involved in decision-making;

(vii) be available to represent the Council on other bodies;

(viii) maintain the highest standards of conduct and ethics; and

(ix) take part in member development and training.

(b) **Rights and duties**

(a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

(c) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4(2) of this Constitution.

2.4 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the related Protocols and Codes set out in Part 5 of this Constitution, including the Protocol on Member/Officer Relations.

2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' Rights

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4(2) of this Constitution.

(a) **Voting and petitions** - Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information** - Citizens have the right to:

(i) attend meetings of the Council, its Committees and Sub-Committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;

(ii) find out from the Forward Plan what key decisions will be taken by the Council and its Committees and when;

(iii) see reports and background papers, and any records of decisions made by the Council and its Committees; and

(iv) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation** - Citizens may:

(i) speak or ask a question at meetings of the Council and its committees according to the Council Standing Orders set out in Part 4(1) of this Constitution;

(ii) contribute to investigations as and when Committees are exercising their policy development and review function;

(iii) participate in consultations; and

(iv) submit petitions to Councillors or officers about matters that are of local concern.

(d) **Citizens' Responsibilities** - Citizens are expected to conduct themselves in an appropriate and respectful manner and not to indulge in violent, abusive or threatening behaviour or language to anyone, including Members and Officers of the Council. This is particularly important when attending or addressing meetings

where there are likely to be a wide range of views strongly held by different sections of the community where emotions will run high. Citizens' rights of participation are dependent upon:

(i) refraining from causing damage to property;

(ii) respecting the diversity and equality of all sections of the community

(iii) respecting the integrity of the roles that Members and professional officers of the Council are required to undertake; and

(iv) avoiding language, making statements or behaviours that are racist, derogatory or offensive, such conduct can amount to a criminal offence and may also amount to slander or libel.

(e) **Complaints** - Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council's own complaints scheme;

(iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

ARTICLE 4 – THE FULL COUNCIL

4.1 Composition

The Full Council is made up of the 66 elected Members.

4.2 Council Meetings

There are three types of Council meeting:

(a) The Annual Meeting

(b) Ordinary meetings

(c) Extraordinary meetings

Meetings will be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.3 Functions and Powers

(a) **Functions** – Full Council has a number of specific functions allocated to it by statute. These include:

- approving the Council's Policy Framework
- approving the Council's Budget
- adopting and amending the Constitution
- establishing committees, agreeing their terms of reference and deciding their composition
- adopting the Pay Policy Statement
- appointing the Head of Paid Service
- adopting the Members Allowances Scheme

(b) **Meanings**

(i) **Policy Framework**: The Council's Policy Framework means the following:-

(1) The following plans and strategies where adoption or approval is required by law to be reserved to a meeting of full Council, which will

take into account the recommendation of the Policy and Resources Committee or relevant Policy and Service Committee:

• Annual Library Plan	(Section 1(2) of the Public Libraries and Museums Act 1964(1)
• Crime and Disorder Reduction Strategy	(Sections 5 and 6 of the Crime and Disorder Act 1998(2))
• Development Plan Documents	(Section 15 of the Planning and Compulsory Purchase Act 2004(3))
• Licensing Authority Policy Statement	(Section 349 of the Gambling Act 2005(4))
• Local Transport Plan	(Section 108(3) of the Transport Act 2000(5))
• Plans and alterations which together comprise the Development Plan (the Local Plan)	(Part 2 of, and Schedule 8 to, the Planning and Compulsory Purchase Act 2004(6))
• Sustainable Community Strategy	(Section 4 of the 2000 Act)
• Youth Justice Plan	(Section 40 of the Crime and Disorder Act 1998(8))

(2) The following plans and strategies where Council has decided that adoption or approval is to be reserved to a meeting of full Council, which will take into account the recommendation of the Policy and Resources Committee or relevant Policy and Service Committee:

- Council's Corporate Plan

(3) Any plans and strategies where the Policy and Resources Committee has recommended that adoption or approval should be determined only by a meeting of full Council.

(ii) **Budget** – The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision, which meaning will include:

- the allocation of financial resources to different services and projects,
- proposed contingency funds
- the Council tax base
- setting the Council tax

- decisions relating to the control of the Council's borrowing requirement
- treasury management functions
- the control of its capital expenditure and
- the setting of virement limits.

4.4 **Responsibility for Functions**

Part 3 of this Constitution sets out those and other responsibilities for the Council's functions, both those above that are reserved to Full Council and those that are delegated to Committees and Sub-Committees, to an officer or to another local authority.

ARTICLE 5 – THE MAYOR

5.1 Role and function of the Mayor

The Mayor and Deputy Mayor will be elected by the Council annually. The Mayor and, in his/her absence, the Deputy Mayor will have the following responsibilities:

(i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

(iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees and are able to hold each other to account;

(iv) to promote public involvement in the Council's activities; and

(v) to act as the Borough's first citizen and to attend such civic and ceremonial functions as the Council and or he/she determines appropriate.

ARTICLE 6 – POLICY AND SERVICE COMMITTEES

6.1 Background to Committees

(a) **Power** - Unless legislation directs otherwise, the Council may appoint a committee or sub-committee of the authority or the Council with one or more other local authorities may appoint a joint committee of those authorities, and any such committee may appoint one or more sub-committees, for the discharge of any of the Council's functions.

(b) **Form and functions** - The law requires that certain committees must be established and must operate in a particular manner. Those and other committees, where established, are required by law to discharge particular functions and to discharge their functions in particular ways. Full Council is otherwise free to decide on the size, terms of reference and level of delegation of each committee or sub-committee it establishes. The Council will establish a number of standing committees in order to undertake its functions in a more efficient way or as required. The Committees are grouped accordingly.

6.2 Policy and Service Committees

(a) **Purpose** - Policy and Service Committees are those committees established for the implementation of the Council's budget and policy framework, with powers delegated from the full Council.

(b) **Functions** - These are known as policy and service committees because their business concerns the Council's delivery of services to the Council's area. Their functions are

(i) to take decisions on those matters that do not need to be referred to the Council and

(ii) to examine in detail specific issues or aspects of policy, procedure or service, including performance and risk management, and to make recommendations to other committees and to the Council.

6.3 Terms of Reference

The Council has currently agreed to establish the following standing Policy and Service Committees. A summary of the functions of each Committee is shown in the third column of the table below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Part 3 – Responsibility for Functions: Committees of Council.

Name of Standing Committee	*Name of Standing Sub-Committee*	*Summary of Purpose*
Policy & Resources Committee		This Committee is *the principal policy committee of the Council and is* responsible for co-ordinating processes for the development of the Budget and Policy Framework, together with decision making on cross-cutting policies not part of the Policy Framework and decisions on resources concerning virements and purchase and sale of assets. The Committee is also responsible for a number of corporate functions, including employment of officers, company and *major* asset ownership and overall performance and risk management in respect of the Council's delivery of functions as well as matters of urgency and review. *This committee may perform the functions of any other policy and services committee in matters of urgency.*
	Finance Sub-Committee	Responsible for development and monitoring of the Council's budget and oversight of the Council's procurement framework
	Senior Officer Appointments & Staffing Sub-Committee	Responsible for appointments and related matters in respect of chief officers as set out at Part 4(7) of the Constitution, together with oversight of employment policies, terms and conditions.
	Shareholder Board	Responsible for the Council's functions as corporate shareholder of a company, or group of companies.
Adult Social Care and Public Health Committee		This Committee is responsible for those services under the remit of adult social care and as the lead Committee on matters of public health.
	Joint Strategic Commissioning Board	*A sub-committee with responsibility for pooled funding with the NHS, sitting in common or jointly with representatives of the NHS*

Name of Standing Committee	*Name of Standing Sub-Committee*	*Summary of Purpose*
		[Shadow body to be reviewed]
	Cheshire and Merseyside Joint Health and Integrated Care Services Health Committees	*Joint Committees to exercise the Council's health and ICS scrutiny functions jointly with authorities across the health region*
Children, Young People and Education Committee		This Committee is responsible for education, social care services and health services to children and young people and exercises the functions of the Council as Local Education Authority.
	Corporate Parenting Panel	To oversee the Council's role as corporate parent
Economy, Regeneration and *Housing* Committee		This Committee is responsible for *formulating* the Council's planning policies *and for the Council's housing policies and statutory functions,* development projects and growth and the economic development of the Borough
Tourism, Communities, Culture and Leisure Committee		This Committee is responsible for community development and community services including libraries, cultural services & museums and leisure centres, for community safety and customer services. It is also responsible for public protection services including environmental health and trading standards.
Environment, Climate Emergency and Transport Committee		This Committee is responsible for formulating the Council's transport policies, for the Council's response to the climate emergency and for the Council's functions for the environment, including parks and open spaces, highways management and infrastructure, coastal protection, flood defence and recycling and waste.

6.4 **Composition**

(a) **Political Balance** - All committees, other than where specified, will comply with the proportionality rules as set out in the Local Government and Housing Act 1989.

(b) **Membership** -

(i) *Policy and Resources Committee will comprise of the Leader of the Council (Chair), the Deputy Leader of the Council (Vice Chair) and the Chairs of other Policy and Services Committees, together with such other numbers as Council wishes to appoint or so as to adhere to accommodate the overall political balance calculation*;

(ii) *Other Committees will normally be constituted as determined by Council at its Annual Meeting and to accommodate the overall political balance calculation*;

(iii) *Sub-committees, constituted of members of the parent committee, will normally number three (3) or more (5) members in accordance with political balance requirements, the establishment of which is either made by Council or ratified by the Policy and Resources Committee*; and

(iv) Committees may include non-councillors by invitation of up to two (2) non-voting co-optees in addition to any statutory co-opted members.

(c) **Chairs** – The Chair and Vice-Chair of each committee will be appointed by Full Council or, where no appointment has been made by Council, each Committee shall appoint a Chair at its first meeting.

(d) **Procedure** - Meetings will be conducted in accordance with the Council Standing Orders and Procedure Rules set out in Part 4 of this Constitution.

(e) **Policy development and review functions** - Where fulfilling a function of policy development, reviewing or scrutinising decisions made and action taken to implement them in connection with the discharge of any functions of the Council a Policy and Services Committee will have regard to the Review Procedures at Part 4(4) of this Constitution.

6.5 **Urgent Business**

When an urgent matter has arisen after the publication and dispatch of an appropriate agenda of a Committee the following procedure applies:

(a) **Urgent agenda item**

The Committee Chair has the authority to agree to take urgent items not on the agenda. The Chair will consult with the Vice-Chair and Group Spokespersons for the Committee. The Chair (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:

i) the item has arisen between the compilation of the agenda and the date of the meeting.

ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means

In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken as the Chair may decide.

(b) ***Item of urgent or extraordinary business to be undertaken by Policy & Resources Committee***

The Policy and Resources Committee may exercise responsibility for the function of any other policy and services committee where a decision on an issue is required as a matter of urgency or for some other extraordinary reason. An urgent or extraordinary matter for these purposes is to be as determined by the head of paid service (or in their absence one or more statutory chief officers) and wherever possible only after consultation with the Leader (or Deputy Leader) and the Political Group Leaders. The Committee must consult with the Chair of the relevant other Committee wherever it is reasonable and practicable to do so.

On application of this provision the reasons for doing so shall in all cases be clearly stated and recorded in the minutes of the meeting and reported to the next meeting of Full Council.

(c) **Use of Delegated authority by an officer**

If a decision on an issue is required as a matter of urgency, and the urgency means that time does not allow for the holding of a committee under the provisions of the Access to Information Rules as set out at Part 4(2) of this Constitution, then responsibility for the exercise of such a function is granted to the Head of paid Service (or other officer acting under delegated authority from him or her). This authority is concurrent with the Scheme of Delegation of Officers set out in Part 3(C) of this Constitution and included here for the avoidance of doubt.

ARTICLE 7 – RECONSIDERATION AND THE OVERVIEW AND SCRUTINY FUNCTION

7.1 Decisions

Any Committee, Sub-Committee or officer when making a decision within the scope of their delegated authority, as set out in Part 3 of this Constitution, shall be held to be exercising that authority and the decision shall be implemented accordingly except in the circumstances set out in this Article.

7.2 Decisions contrary to the Budget and Policy Framework or Constitution

A decision can be challenged on the grounds that the decision has been taken contrary to the terms of delegation established by the Council (the Budget and Policy Framework) and as set out in Part 3 of this Constitution, the Council's Principles of Decision Making as set out in Article 13 of this Constitution or has in some other way breached the Council's Constitution. If such a challenge is made, the Monitoring Officer, in liaison with the Chief Executive and S.151 Officer, after having carried out appropriate consultation, will determine whether the challenge is upheld and if so, what action should be taken.

7.3 ***Removal of delegation*** *(Reconsideration by P&R Committee)*

The decision-making powers of each committee are specified in their terms of reference in Part 3(B), Responsibility for Functions: Committees of Council. Additionally:

(a) ***Removal of delegation and re-consideration***

There is a process whereby the Policy and Resources Committee can re-consider a decision made by one of the other Policy and Service Committees (as set out in Article 6 above) or of a Key Decision taken by an officer acting under delegated authority from a Policy and Service Committee. This results in delegated authority for that decision being removed so that the item of business may be reconsidered by the Policy and Resources Committee and the decision taken afresh.

(b) ***Process***

The re-consideration of a decision will be conducted in accordance with the Reconsideration and Scrutiny Procedure Rules set out at Part 4(4) of this

Constitution.

7.4 ***Overview and Scrutiny***

(a) ***Overview And Scrutiny Committees***

The Council has resolved at the Annual Meeting of May 2022 not to appoint any separate overview and scrutiny committee. This decision was made in exercise of the Council's discretion as provided by s.9JA of the Local Government Act 2000. For the avoidance of doubt, whilst the Council may wish to have regard to any relevant provisions in conducting overview and scrutiny related business, Parts 3 to 5 of the Local Authority (Committee System) (England) Regulations 2012 will not apply to any of the Council's proceedings.

(b) ***Overview and Scrutiny approach***

Each Policy and Services 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 that Committee can make recommendations to any other 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.

The Policy and Services Committees are also responsible for the overview and scrutiny of external organisations where this directly or indirectly impacts on the role and functions of the Committee. The Council has a wider role in acting as the democratically elected body for the Borough to act in the widest sense on behalf of its citizens, businesses and visitors and this role is an integral part of each Policy and Services Committee's remit.

Upon conclusion of a scrutiny exercise the Committee may produce a report containing recommendations for decision by another Policy and Services Committee, the Policy and Resources Committee or the Council as may be considered relevant.

(c) ***The Council's Statutory Scrutiny Functions***

The statutory overview and scrutiny functions of the authority will be exercised by individual Policy & Services Committees in respect of the Council's functions, services and partnerships that they cover, and by the Policy & Resources Committee in respect of functions, services and partnerships that cover more than one committee.

The Council has delegated specific statutory external scrutiny functions, in respect of health, crime and disorder, and flood prevention, to individual Committees and in accordance with joint arrangements with other authorities

across the Liverpool City Region, or the Liverpool City Region and Cheshire as the case may be, as set out Part 3(B) of this Constitution.

ARTICLE 8 – STATUTORY, REGULATORY AND OTHER COMMITTEES

8.1 Background to Committees

(a) **Power** - Unless legislation directs otherwise, the Council may appoint a committee or sub-committee of the authority or the Council with one or more other local authorities may appoint a joint committee of those authorities, and any such committee may appoint one or more sub-committees, for the discharge of any of the Council's functions.

(b) **Form and functions** - The law requires that certain committees must be established and must operate in a particular manner. Those and other committees, where established, are required by law to discharged particular functions and to discharge their functions in particular ways. Full Council is otherwise free to decide on the size, terms of reference and level of delegation of each committee or sub-committee it establishes. The Council will establish a number of standing committees in order to undertake its functions in a more efficient way or as required. The Committees are grouped accordingly.

(c) **Statutory, Regulatory and Other Committees** - These committees regulate the conduct of the Council's business and make decisions in relation to regulatory, administrative and corporate governance matters. A summary of the functions of each Committee is shown below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Part 3C.

8.2 Statutory Committees

The Council is obliged to establish the following standing Statutory Committees. A summary of the functions of each Committee is shown in the third column of the table below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Part 3B – Responsibility for Functions: Committees of Council.

Name of Committee	*Name of Sub-Committee*	*Summary of Purpose*
Licensing Act Committee		This statutory committee is established under the Licensing Act 2003, responsible for discharging the Council's functions as licensing authority under the Licensing Act

Name of Committee	*Name of Sub-Committee*	*Summary of Purpose*
		2003 and Gambling Act 2005
	Licensing Panels	These Sub-Committees meet to consider individual applications and determinations
Health and Well-being Board		This statutory committee is established under the Health and Social Care Act 2012 to act as a partnership forum in which key leaders from the local health and care system could work together to improve the health and wellbeing of their local population.

8.3 **Regulatory Committees**

The Council has currently agreed to establish the following standing Regulatory Committees. A summary of the functions of each Committee is shown in the third column of the table below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Part 3

Name of Committee	*Name of Sub-Committee*	*Summary of Purpose*
Regulatory and General Purposes Committee		This committee is responsible for discharging the Council's licensing functions (other than under the Licensing Act 2003) and miscellaneous other administrative and civic functions
	Regulatory Panels	These Sub-Committees meet to consider individual applications and determinations
Planning (Development Control) Committee		This committee is responsible for making decisions on planning applications and similar regulatory matters

8.4 **Other Committees**

The Council has currently agreed to establish the following standing Other Committees. A summary of the functions of each Committee is shown in the third

column of the table below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Part 3.

Name of Committee	*Name of Sub-Committee*	*Summary of Purpose*
Constitution and Standards Committee		This committee is responsible for keeping under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose.
	Standards Panels	These Sub-Committees meet to consider individual allegations of a failure to observe the members Code of Conduct and any referred appeals
Audit and Risk Management Committee		This Committee is responsible for discharging the Council's function to review and approve the annual statement of accounts and to provide independent assurance of the adequacy of the risk management framework and the associated control environment
Pension Committee		This Committee is responsible for all matters relating to the Council's pension fund, operated as a Joint Committee by Wirral MBC on behalf of the Merseyside Pension Fund

ARTICLE 9 – JOINT ARRANGEMENTS

9.1 Arrangements to Promote Wellbeing

The Council, in order to take the reasonable action needed 'for the benefit of the authority, its area or persons resident or present in its area' may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; or

(c) exercise on behalf of that person or body any functions of that person or body.

9.2 Joint Arrangements

(a) The Council may establish joint arrangements with one or more local authorities to exercise functions and any such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The *Adult Social Care and Public Health* Committee may delegate its functions under Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 to a joint overview and scrutiny committee when this is required by a Direction issued by the Secretary of State for Health or is otherwise considered to be conducive to the efficient scrutiny of proposals affecting more than one Social Services local authority area.

(c) The *Adult Social Care and Public Health* Committee may appoint members to a joint overview and scrutiny committee established under paragraph (b) above. In this case the political balance requirements will apply to such appointments.

(d) Any joint arrangements, including any delegations to joint committees, will be found in Articles 6, 7 and 8 and in the Responsibility for Functions and as set out in Part 3 of this Constitution.

9.3 Access to Information

The Access to Information Procedure Rules in Part 4(2) of this Constitution apply.

9.4 Delegation to and from other Local Authorities

(a) The Council may delegate functions to another local authority.

(b) Other local authorities may delegate functions to the Council and the decision whether or not to accept such a delegation from another local authority shall be reserved to the relevant Committee of Council.

9.5 **Contracting Out**

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Articles 10 – 16 unchanged

RESPONSIBILITY FOR FUNCTIONS - (B) COMMITTEES

1. Composition, Terms of Reference *and Business* 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 and sub-committees of the Council, which are grouped as Policy and Service Committees from Article 6, *which includes the re-consideration of decisions and overview and scrutiny matters referred to at* Article 7, and the 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 *that* might *be* establish*ed* but will otherwise delegate their functions to a relevant officer. Committees shall only establish *further* sub-committees where there is a compelling reason to do so to facilitate the conduct of the Committee`s business *and only as may be approved by Council or the Policy and Resources Committee.*

The business of Committees and Sub-Committees shall be conducted in accordance with those Council Standing Orders at Part 4(1) of this Constitution as apply to Committees. The agenda of any Committee or Sub-Committee shall only include those items of business that require a decision, relate to budget or performance monitoring or which are necessary to discharge their overview and scrutiny function.

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, if not members of a Committee, shall 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) **Panels or 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; or
(iii) responding to a major policy consultation.

The terms of reference and purpose are to be specified by the relevant Committee. *A specific standing order is set out at Part 4(4)B of this Constitution in respect of a Policy and Services Committee establishing a panel or working group to undertake its overview and scrutiny review functions.*

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 SERVICES COMMITTEES (Articles 6 and 7)

1. **Policy and Resources Committee**

2. **Adult Social Care and Public Health Committee**
3. **Children, Young People and Education Committee**
4. **Economy, Regeneration and *Housing* Committee**
5. **Environment, Climate Emergency and Transport Committee**
6. **Tourism, Communities, Culture & Leisure Committee**

STATUTORY, REGULATORY AND OTHER COMMITTEES (Article 8)

7. **Planning Committee**
8. **Regulatory and General Purposes Committee**
9. **Licensing Act Committee**

10. **Audit & Risk Management Committee**
11. **Constitution and Standards Committee**
12. **Pensions Committee**

13. **Health and Well Being Board**

14. **Joint Merseyside Police and Crime Panel**

POLICY AND SERVICE COMMITTEES (Articles 6 *and 7*)

1. POLICY AND RESOURCES COMMITTEE

1.1 **Composition**:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation. 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 Services 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 ***£500,000***;
  (iii) on any virement between Budget funds (capital) or any amendment to the Capital Programme requested by a Committee or officer in excess of *£500,000*
  (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, ***£****500,000, unless*

the Committee has delegated this function in relation to a specified area or business plan as the Committee may determine

(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 ***Re-consideration***

The Committee additionally holds responsibility for the removal of delegation and reconsideration of decisions made by policy and services committees, or of key decisions made by an officer acting under delegation of those committees, as set out at Article 7 and Part 4(4)(A) of this Constitution.

1.4 ***Overview and Scrutiny***

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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 holds responsibility:*

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery; *and*

(ii) *for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues*

(c) **Stakeholder Engagement** - 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.

1.5 Senior Officer Appointments & Staffing Sub-Committee

(a) A Sub-Committee of members of the Policy and Resources, 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.

(b) The Sub-Committee will not be appointed in accordance with the political balance rules (minute 8(1) of 2020/21 refers) but will consist of:

(i) the Leader (Chair of Policy & Resources Committee), or in their absence the Deputy Leader (Vice-Chair), who shall chair the Sub-Committee;

(ii) a member from each of the other Political Groups represented on the Policy & Resources Committee; and

(iii) the Chair, or in their absence the Vice-Chair, of the Policy & Services Committee with terms of reference most closely associated with the post concerned (or if that committee concerned is deemed to be the Policy & Resources Committee then the Deputy Leader (Vice-Chair).

1.6 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 (disciplinary matters and appeals) set out at Part 4(7) of this Constitution. The membership of any such sub-committee or panel shall be as per 1.5(b) above but may differ or be altered in order to meet with any statutory, contractual or any other legal requirements relating to the post or postholder concerned.

1.7 Finance Sub-Committee

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

1.8 **Shareholder Board**

A Sub-Committee of three (3) to five (5) members of the Policy and Resources Committee, subject to politically 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.

2. ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE

2.1 Composition:

To be determined each year by the Annual Meeting of Council and subject to 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. This includes , in respect of the Health and Social Care Act 2006, the functions to investigate major health issues identified by, or of concern to, the local population.

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 and response services, including those concerning domestic violence.

f) a shared responsibility with the Children, Young People and Education Committee for ensuring the well-being and support of vulnerable young people and those at risk of harm as they make the transition into adulthood

g) in respect of the Health and Social Care Act 2006, the functions to:

(iii) *investigate major health issues identified by, or of concern to, the local population.*

(iv) *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.*

(v) *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.*

(vi) *maintain an overview of health service delivery against national and local targets, particularly those that improve the public's health.*

(vii) *receive and consider referrals from local Healthwatch on health matters*

which are to include the establishment and functioning of joint arrangements as set out at paragraph 14 of this Section.

2.3 Overview and Scrutiny

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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 holds responsibility:*

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery;

(ii) for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does

not fall within the role or remit of another service Committee or where it relates to cross cutting issues; and

(iii) *for those overview and scrutiny functions in respect of the Health and Social Care Act 2006 as set out in paragraph g) above which may be conducted by the Joint Committee referred to at paragraphs 14 below.*

(c) **Stakeholder Engagement** - 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.

2.4 Joint Strategic Commissioning Board Sub-Committee

A Sub-Committee of three (3) or more members of the Adult Social Care and Public Health Committee, subject to politically balance, to sit in common or jointly with representatives of the National Health Service and to exercise delegated authority on behalf of the Council in respect of:

(a) pooled funding arrangements with the NHS or other governmental bodies;

(b) the place based health and care arrangements as may be provided for by legislation; and

(c) such other commissioning, strategic design quality and performance of health and care services across the Borough of Wirral, including the outcomes and quality of those services,

within the terms of reference of the Adult Social Care and Public Health Committee, that the Committee may from time to time determine shall be the responsibility of the Sub-Committee.

2.5 Joint Health and Integrated Care System Scrutiny Committees

Joint health scrutiny arrangements and protocol are to be agreed between the local authorities of Cheshire and Merseyside being:

- *Cheshire East Council*
- *Cheshire West and Chester Council*
- *Halton Borough Council*
- *Knowsley Council*
- *Liverpool City Council*
- *St. Helens Metropolitan Borough Council*
- *Sefton Council*
- *Warrington Borough Council*
- *Wirral Borough Council*

The Adult Social Care and Public Health Committee is responsible for the Council's functions under the Joint Health Scrutiny Arrangements and Protocol, which provide for the establishment, membership and procedures in respect of the following

(a) Joint Heath Scrutiny Committees Protocol

Where a substantial development or variation to health services is deemed to affect more than one of the constituent authorities, a Joint Health Overview and Scrutiny Committee comprising of representatives of the authorities in the area affected will be called to meet under the terms of the Protocol. This joint committee will be formally consulted on the health proposal and have the opportunity to comment. It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service.

(b) ***Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee Arrangements***

The Arrangements establish a joint committee of all nine constituent authorities. The Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee is charged with exercising its functions with a view to supporting the effective planning, provision, and operation of health services at Cheshire and Merseyside level. This will include promoting transparency in how the Integrated Care System (ICS) fulfils its responsibilities within Cheshire and Merseyside.

The overarching role of the Joint Committee is to scrutinise the work of the ICS in the discharge of its statutory responsibilities and functions at Cheshire and Merseyside level in order to support their effective exercise and, where appropriate to make reports or recommendations to the ICS.

3 CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE

3.1 Composition:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation, to include:

(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) two Co-opted Parent Governor Representatives (non-voting)

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 Overview and Scrutiny

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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.

(c) **Overview and Scrutiny** – *The Committee holds responsibility*

(iv) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery; *and*

(v) *for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues*

(c) **Stakeholder Engagement** - 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) or more 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 *HOUSING* COMMITTEE

4.1 Composition:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation.

4.2 Terms of Reference

The Economy, Regeneration and *Housing* 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 policies, including the Local Plan, and infrastructure planning. It is responsible for promoting regeneration, economic development and associated activities, including the tourism, culture and visitor economy, and for removing barriers to growth. It is also responsible for taking a strategic approach to the Council`s various housing functions, including issues concerning social rented and affordable housing, homelessness, allocations and standards of housing.

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

(a) *formulation* and delivery of the Council's strategic *development* 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) *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) *relationship with Registered Providers of housing;*

(vii) *housing loans and grants;*

(viii) *housing related support services;*

(ix) *policies and actions with a view to reducing and eliminating street homelessness to ensure that appropriate action is taken; and*

(x) *analysis, development and overview of housing policies in terms of spatial planning to inform the Local Plan and planning policies;*

(i) 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;

(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.

6.3 Overview and Scrutiny

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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 holds responsibility:*

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery; *and*

(ii) *for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues*

(c) **Stakeholder Engagement** - 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:

To be determined each year by the Annual Meeting of Council and subject to 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, transport policy 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 also responsible for the overview and scrutiny of flood risk management and coastal erosion management functions.

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, air quality issues, 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.

(l) *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.*

5.3 Overview and Scrutiny

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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 holds responsibility:*

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery;

(ii) *for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues; and*

(iii) *for those overview and scrutiny functions in respect of flood and coastal protection as set out in paragraph 5.4(l) above.*

(c) **Stakeholder Engagement** - 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. TOURISM, COMMUNITIES, CULTURE AND LEISURE COMMITTEE

6.1 Composition:

To be determined annually by the Annual Meeting of Council and subject to the overall political balance calculation.

6.2 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.

m) 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

6.3 Overview and Scrutiny

The Committee's role includes an overview scrutiny approach to its responsibilities which shall be conducted in accordance with the overview and scrutiny means of working set out at Part 4(4)(B) of this Constitution. As part of its work programming the Committee shall consider:

(a) **Overview 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.

(d) **Overview and Scrutiny** – *The Committee holds responsibility:*

(i) for scrutinising and reviewing decisions made or actions taken by the Authority in so far as they have an impact on the role or functions of the Committee, its policies, budget and service delivery;

(ii) *for the overview and scrutiny of external organisations whose services or activities affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service Committee or where it relates to cross cutting issues; and*

(iii) *for those overview and scrutiny functions in respect of crime and disorder as set out in paragraph 6.4(m) above which are to include the establishment and functioning of joint arrangements as set out at paragraph 15 of this Section.*

(c) **Stakeholder Engagement** - 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.

STATUTORY, REGULATORY AND OTHER COMMITTEES (Article 8)

7. PLANNING COMMITTEE (DEVELOPMENT CONTROL)

7.1 **Composition:**

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation. There shall be no power to co-opt.

7.2 **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.

7.3 **Methodology**

The process and meetings of the Committee shall also be subject to:

(a) the Members Planning Code;

(b) the requirement that 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.

7.4 **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

8 REGULATORY AND GENERAL PURPOSES COMMITTEE

8.1 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.

8.2 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.

8.3 **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

8.4 **Licensing Panels (Sub-Committees) - Regulatory**

Sub-Committees of between three (3) and five (5) members of the Regulatory and General Purposes Committee, which shall consist of members of more than one political group but shall otherwise not be subject to political balance (Council minute 30 of 2021/22 refers), 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).

8.5 **Methodology**

The process and meetings of the Committee will be conducted in accordance with:

(a) guidance on Licensing and Regulatory matters that may be issued;

(b) the requirement that 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 Sub-Committee 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.

9 LICENSING ACT COMMITTEE

9.1 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). Substitute members are not permitted in respect of the Licensing Act Committee. There shall be no power to co-opt.

9.2 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.

9.3 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.

9.4 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.

10 AUDIT AND RISK MANAGEMENT COMMITTEE

10.1 **Composition:**

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation, in respect of which:

(a) The membership of the Audit and Risk Management Committee may not include Leader or Deputy Leader of the Council, a Chair of a Policy and Services Committee or any other member of the Policy and Resources Committee

(b) Members may not consider decisions as part of the of the Audit and Risk Management Committee that they have made as a member of another Committee. In this case, they should declare an interest and leave the meeting room. If a member feels that there is a particular reason why he or she should participate, a dispensation must be sought from the Constitution and Standards Committee or Monitoring Officer

(c) The Committee will in addition include a person who is not a Member or officer of the Council who shall be a co-opted member of the Committee entitled to speak but not vote at meetings.

10.2 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 to full Council as appropriate.

(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 *and make recommendations to Council*.

(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.

11 CONSTITUTION AND STANDARDS COMMITTEE

11.1 Composition:

To be determined each year by the Annual Meeting of Council, which may not necessarily be appointed in accordance with the political balance rules (minute 8(1) of 2020/21 refers) but which shall include at least one member nominated by each of the all Political Groups and then otherwise endeavour to reflect political balance.

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

11.2 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.

11.3 **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.

12 PENSIONS COMMITTEE

12.1 Composition:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation.

The Committee shall include 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.

12.2 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).

12.3 Joint Governance Committee of the Northern Local Government Pension Scheme Investment Pool

12.3.1 Establishment

(a) Wirral Metropolitan Borough Council, Tameside Metropolitan Borough Council and City of Bradford Metropolitan Borough Council (together referred to as the "Pooling Partners" and individually as a "Pooling Partner") are all councils responsible for the administration of local government pensions within their areas as set out in the Local Government Act 1972 and the Superannuation Act 1972.

(b) The Pooling Partners are each required by Regulation 7(1) of the Investment Regulations to have formulated an investment strategy in accordance with Statutory Guidance issued by the Secretary of State for Housing, Communities and Local Government as issued from time to time.

(c) Regulation 7(2)(d) of the Investment Regulations requires in particular that each LGPS administering authority sets outs its "approach to pooling investments, including the use of collective investment vehicles and shared services" in its investment strategy statement.

(d) Having regard to their obligations under the Investment Regulations, the Pooling Partners have therefore agreed to establish and participate in a formal joint committee, known as the "Northern LGPS Joint Governance Committee", pursuant to section 101 and section 102 of the Local Government Act 1972. (Approved at Council 14th October 2019)

12.3.2 Composition

The membership of the Joint Governance Committee shall consist of the Chair and Vice-Chair of each of the Pooling Partners' pension committees or such alternative persons nominated by the Pooling Partners.

12.3.3 Joint Governance Committee Terms of Reference

Scope

(a) Subject to the terms of the Agreement, the Joint Governance Committee shall undertake those matters which are not Matters Reserved to the Pooling Partners as set out in Schedule 1.

Purpose

(b) The primary purposes of the Joint Committee are to:

(i) exercise oversight over the investment performance of the Pooling Partners' Funds;

(ii) deliver the Shared Objectives;

(iii) agree on any recommended changes to the Shared Objectives from time to time to refer to the Pooling Partners; and

(iv) report to the Pooling Partners quarterly (and at any other time when the Joint Governance Committee considers it to be necessary) on the matters within their remit below.

Remit

(c) Monitoring and benchmarking performance against key performance indicators and costs and reporting back to the Pooling Partners.

(d) Making recommendations on the appointment, replacement or termination of the Pool Custodian to the Pooling Partners

(e) Oversight of responsible investment activities (including ethical, social and governance matters and voting rights) of the Pooling Partners and making recommendations to the Pooling Partners as to any changes.

(f) Engagement with the Pooling Partners to help drive efficiencies in investment management, research or administration.

(g) Nominating representatives to national structures as appropriate (for example any LGPS cross-pool forum or national infrastructure board).

(h) Overseeing staffing requirements of the Northern LGPS investment vehicles.

(i) Delegation of tasks to the Officer Working Group, including the selection of external investment managers, preparation of reports and draft documents and the responding to Government or other consultations].

(j) Oversight of Northern LGPS investment vehicles and reviewing opportunities for collaborative working with other investors (including other LGPS pools).

(k) Appointing and replacing service providers and advisers to the Joint Governance Committee.

(l) Liaison with Pension Boards as appropriate in line with CIPFA Guidance, and Statutory Guidance.

(m) Reporting on the performance of the Northern LGPS, its costs and other activities, but not limited to the Ministry for Housing, Communities and Local Government, the Scheme Advisory Board and the general public.

(n) Applying any processes or policies, for example in relation to conflicts on interest that are assigned to the Joint Governance Committee under this Agreement by the Pooling Partners.

(o) Monitoring the implementation and effectiveness of the Northern LGPS policies and procedures and initiating reviews of these with the Host Council where required.

(p) Seeking advice from officers and professional advisers where necessary.

(q) Overseeing any shared costs of the Joint Governance Committee.

13 HEALTH AND WELL BEING BOARD

13.1 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.

13.2 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.

13.3 **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.

13.4 **Chairing the Board**

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

14 MERSEYSIDE POLICE AND CRIME PANEL

14.1 Establishment:

14.1.1 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;

14.1.2 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.

14.2. Functions of the Panel

14.2.1 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.

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

14.2.3 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.

14.2.4 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.

14.2.5 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.

14.2.6 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.

14.2.7 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.

14.2.8 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.

14.2.9 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.

14.2.10 The Panel has the power to **appoint an Acting PCC** where the incumbent PCC is incapacitated, resigns or is disqualified.

14.2.11 The Panel may **suspend the PCC** if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.

14.2.12 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.

14.3. **Operating Arrangements**

14.3.1 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.

14.3.2 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.

14.4. **Council Membership**

14.4.1 All district councillors, and where appropriate elected mayors, on Merseyside will be eligible to be nominated as members of the Police and Crime Panel.

14.4.2 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.

14.4.3 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:

Authority	Minimum Allocation	Extra Members	**Total**
Knowsley	1	-	1
Liverpool	1	2	3
St. Helens	1	1	2
Sefton	1	1	2
Wirral	1	1	2

14.4.4 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.

14.4.5 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.

14.4.6 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.

14.4.7 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.

14.5. **Panel Arrangements**

14.5.1 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

PETITIONS SCHEME

1. Petitions

1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. You can send us a paper petition and/or set up an e-petition online.

1.2 We expect all petitioners and signatories – who may be of any age – to live, work or study in the area the area covered by Wirral Council. For this reason, we require all petitioners and signatories to provide the full postcode of either their home address or the address of the organisation they work or study at when submitting a paper petition or signing an e-petition via the Council's website.

1.3 There is an expectation that supporters of a petition which is presented via a website external to the Council also live, work and/or study in Wirral and supporters of such petitions are encouraged to include their postcode.

2. The subject of a petition

2.1 Petitions submitted to the Council must include –

- *a clear and concise statement covering the subject of the petition;*
- *what action the petitioners wish the Council to take;*
- *the name, contact details and postcode of the petition organiser so that we can contact them to explain how we will respond to the petition;*
- *the name and signature of any person supporting the petition and, when submitting a paper petition or signing an e-petition via the Council's website, the full postcode of either their home address or the address of the organisation they work or study at.*

2.2 Petitions must relate to what the Council does or relate to an improvement in the economic, social or environmental well-being of the area covered by Wirral Council. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

3. Where to send a petition

3.1 ***Paper petitions*** *should be sent to Democratic and Member Services, Wirral Borough Council, Wallasey Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED. This should be submitted at least* ***10 working days before*** *the meeting at which you would like the petition to be presented at which the Mayor (or Chair of the meeting) will exercise final discretion.*

3.2 ***E-petitions*** *- follow this link (https://www.wirral.gov.uk/about-council/have-your-say/petitions) to create, sign and submit an e-petition.*

4 What the Council will do when it receives a petition

4.1 *The Council will send an* ***acknowledgement*** *of all petitions to the petition organiser within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed).*

4.2 *We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.*

4.3 *Once submitted, the petition organiser will be offered the choice as to whether they wish the petition to be:-*

i) presented at the next full Council meeting to decide how we will respond; or

ii) referred directly to the appropriate committee or sub-committee of the Council to decide how we will respond; or

iii) responded to by the relevant officer of the Council.

4.4 *If the petition organiser wishes to refer the petition to a full Council meeting or directly to the relevant decision-making meeting, they will be invited to attend the meeting and will be offered the opportunity to either present the petition themselves or for a Councillor or someone else to present it on their behalf. Dates and times of all Council meetings and the relevant contact details can be found on the Council's webpage for the Council Committee Calendar (https://democracy.wirral.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1)*

4.5 *If the petition organiser would like to present their petition to the Council or would like their Councillor or someone else to present it on their behalf, they need to contact Democratic & Member Services* ***at least 10 working days before the meeting*** *and we will talk you through the process. If the petition organiser prefers to receive a response from the relevant officer without the petition being presented at a meeting, a response will be sent to them within 21 working days of the closure of the petition and will be posted on the Council's website.*

5 Full Council debates

5.1 *If a petition contains more than **5,000 signatures**, it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend before a decision is made about how we will respond. The Council will try to consider the petition at its next meeting. This may not always be possible and the petition will then be considered at the next meeting.*

5.2 *The petition organiser will be given **3 minutes** to present the petition at the meeting and the petition will then be discussed by Councillors. This will usually be for a maximum of 15 minutes, however this may be extended at the discretion of the Mayor. The Council will then decide how to respond to it at this meeting and may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.*

5.3 *The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.*

6 Exceptions

6.1 *If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having a directly elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on this is available on the Council's website, while general information on how you can express your views is available here: Wirral Council Have Your Say (https://www.wirral.gov.uk/about-council/have-your-say)*

6.2 *We will not take action on any petition which is considered by the Council's Monitoring Officer to be vexatious, abusive or otherwise inappropriate and, if this is the case, we will explain our reasons in our acknowledgement of the petition.*

6.3 *A petition will not have any action taken upon it, other than to be published, if it is substantially the same or asks for the same or substantially similar outcome as a petition that has been responded to by the Council within the previous six months. Where more than one petition is received in the same period that seeks a similar outcome or is otherwise substantially the same, then we will respond to them as one combined petition and request that the petition organisers co-ordinate their approach.*

6.4 *In the period immediately before an election or referendum we may need to deal with a petition differently – if this is the case then we will discuss with the petition organiser the revised timescale which will apply.*

6.5 *If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons. To ensure that people know what we*

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

7 How the Council will respond to a petition

7.1 The Council's response to a petition will depend on what it asks for and how many people have signed it. Among the options that we may consider are –

- *taking the action requested in the petition;*
- *not to take the action requested for reasons explained;*
- *considering the petition at a Council meeting;*
- *holding an inquiry into the matter;*
- *undertaking research into the matter;*
- *holding a public meeting;*
- *holding a consultation;*
- *holding a meeting with petitioners;*
- *calling a referendum (poll); or*
- *writing to the petition organiser setting out our views about the request in the petition.*

7.2 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. If a petition is about something over which the Council has no direct control (for example the railway or hospital) we will either direct the petitioner to that body where it has its own petition scheme, consider making representations on behalf of the community to the relevant body or in exceptional circumstances it may choose to do both. The Council works with a large number of local partners and where possible will work with these partners to respond to a petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will tell the petition organiser the reasons for this.

7.3 Because a petition could be signed by thousands of people, we will respond to the petition organiser and we would invite them to share the response with those signing the petition. We will also place the response on the internet for all to see.

7.4 Where the person providing a response does not think that they will be able to take the action requested in the petition they will share their response with all of the Councillors for your ward. The Councillors will have the opportunity to explore other possible actions before the response is finalised.

7.5 Where your petition has enough signatures to trigger a full Council debate, the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

8 E-petitions

8.1 The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, contact details and postcode. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for 4 months, but they can choose a shorter or longer time, up to a maximum of 6 months. When creating an e-petition, it may take five working days before it is published online. This is because we have to check that the content of a petition is suitable before it is made available for signature.

8.2 If we feel we cannot publish a petition for some reason, we will contact the petition organiser within this time to explain. They will be able to change and resubmit their petition if they wish. If they do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the Council's website.

8.3 When an e-petition has closed for signature, it will automatically be submitted to the Council. In the same way as a paper petition, we will send the petition organiser acknowledgement of receipt within 10 working days confirming what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If the petition organiser would like to present their e-petition to a meeting of the Council, or would like a Councillor to present it, they should contact the Council's Democratic and Member Services team at least 10 working days before the meeting to find out more about the process.

FREQUENTLY ASKED QUESTIONS

How do I start an e-petition?

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

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

How do I 'sign' an e-petition?

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

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

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

Can I still submit a paper petition?

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

RECONSIDERATION AND SCRUTINY PROCEDURE RULES

A. REMOVAL OF DELEGATION FOR RECONSIDERATION (Policy and Resources Committee to re-consider a decision)

1. Overview

As set out in Article 7.3 (Removal of delegation) at Part 2 of this Constitution, a majority of the members of the Policy and Resources Committee may request that a decision taken by one of the other Policy and Service Committees, or of a Key Decision taken by an officer acting under delegated authority from a Committee, is re-considered by the Policy and Resources Committee.

The effect of this process is to remove delegated authority from the Committee or officer in respect of that item of business, so that the decision is nullified, allowing the Policy and Resources Committee to confirm, refer back or make the decision afresh under this procedure.

Due to the costs and delay caused by reconsidering a decision, it is intended that it should only be used in exceptional circumstances. It is therefore subject to safeguards concerning:

(i) the number of members required to make a valid request;

(ii) the timescale in which a request must be made; and

(iii) criteria for acceptable reasons to make a valid request

before the delegated authority is removed and the item of business referred to the next meeting of the Policy and Resources Committee

2. Process

Members of the Policy and Resources Committee may initiate a reconsideration of a decision taken by another Policy and Services Committee, or of a Key Decision taken by an officer acting under delegated authority from one of those committees, by a meeting of the Policy and Resources Committee. This process will not apply to decisions made in the circumstances set out at paragraph 6 below.

A request for a reconsideration of an item of business must be made in writing (which may be by email) to the Monitoring Officer or Chief Executive and be made:

(i) before the expiry of three full working days from the date on which the decision notice was published;

(ii) supported or signed by half or more of the appointed (not substitute) members of the Policy and Resources Committee; and

(iii) setting out why the request meets the criteria for reconsideration.

3. Criteria

Such a request must be received by the Monitoring Officer or Chief Executive and must set out at least one of the following grounds in support, explaining why the decision is or might reasonably felt to be:

(a) a key decision but not treated as such;

(b) inadequate consultation with stakeholders prior to the decision;

(c) inadequate evidence on which to base a decision;

(d) contrary to the budget or policy framework;

(e) the action is not proportionate to the desired outcome;

(f) a potential human rights or equalities challenge; or

(g) insufficient consideration of legal and financial advice.

4. Effect

Where the Monitoring Officer or Chief Executive consider these criteria have been met, delegated authority for that matter shall be withdrawn from the Committee or officer concerned and the decision shall be accordingly nullified and made subject to referral to the next meeting of the Policy and Resources Committee, or if necessary to an extraordinary meeting, for the matter to be considered afresh.

5. Decision

Upon re-considering the referred item of business, the Policy and Resources Committee may:

(a) Uphold the previous decision, following which the original decision shall take effect by 9.30am the next working day following the day of the Policy and Resources Committee meeting which considered the request.

(b) Refer the matter back to the relevant Committee or officer with a recommendation from the Policy and Resources Committee. The relevant Committee or officer shall reconsider the matter, taking into account any concerns and recommendations of the Policy and Resources Committee, before reaching a final decision. The decision

may not be the subject of a further request for reconsideration and will take from the date on which the new decision notice is published.

(c) Determine the matter itself, whereby the Policy and Resources Committee may determine the matter as it sees fit. The Policy and Resources Committee will set out its reasons for coming to a different conclusion from the originating Committee or officer whose decision has been superseded. The decision may not be further reconsidered and will take effect from the date on which the new decision notice is published.

6. Exclusion from removal of delegation

(a) A decision making Committee, Sub-Committee or officer may determine that a decision being taken by them is not to be subject to removal of delegation and reconsideration in the circumstances where:

(i) in the opinion of the decision-maker, any delay likely to be caused by the process for removal of delegation and reconsideration would seriously prejudice the Council's or the public's interest;

(ii) the Chief Executive (or in his or her absence their nominee) agrees both that the decision proposed is reasonable in all the circumstances and that it should be treated in this manner; and

(iii) the decision maker causes a record to be made and notice published that the decision is not to be subject to removal of delegation and reconsideration and of the reasons for that determination

(b) The Chief Executive (or in his or her absence their nominee) may otherwise decline to act on a request made under paragraph 2 above in those circumstances where he or she considers that it would be likely that the implementation of the process for removal of delegation in respect of a decision taken and its then reconsideration by the Policy and Resources Committee would cause serious prejudice to the Council's or the public's interest.

(c) Application of this exclusion to the removal of delegation and reconsideration procedure must be reported to the next available meeting of the Council, together with the reasons for doing so.

RECONSIDERATION AND SCRUTINY PROCEDURE RULES

B. OVERVIEW AND SCRUTINY WAYS OF WORKING

1 Policy and Services Committee Terms of Reference

As set out at Section 3(B) of this Constitution, the overview and scrutiny methods of working and conducting reviews is an important part of the Policy and Services Committees' terms of reference as part of a 'doing and reviewing' approach. In conducting a review, the Committees may hold enquiries and investigate the available options for future direction in policy development and will act in accordance with the procedure rules.

2 Overview and Scrutiny Approach

The Policy and Services Committees are to adopt overview and scrutiny working practices when undertaking their functions to review the Council's actions or to review or otherwise scrutinise outside bodies and processes, In doing so, the Committee shall have regard to the relevant Regulations, statutory and non-statutory guidance issued by the Secretary of State and best practice as issued by the Centre for Governance and Scrutiny (CfGS). This may include adopting innovative ways of working for these functions. In this context, the Policy and Services Committees will operate more like select committees and may take oral evidence through select committee style witness hearings in order to produce a report and recommendations as a result of the review.

3 Internally Focussed Reviews

The Policy and Services Committees 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.

4 Externally Focussed Reviews

The Policy and Services Committees are also responsible for the overview and scrutiny of external organisations. The Committee may therefore 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 where this does not fall within the role or remit of another service committee or where it relates to cross cutting issues, including the review and monitoring of contractual and operational performance of shared service partnerships, joint ventures and outside organisations to which the Council makes a resource contribution, focusing on examination of the benefits of the Council`s contribution and the extent to which the body concerned makes a contribution to the achievement of the Council`s priorities.

5 Review Process

To undertake an overview and scrutiny style review, the Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers 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. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

In conducting a review the Committee will act in the manner set out at paragraphs (B)7 below and further 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.

6 Review Outcome

The intention of a review is that, upon its conclusion, the Committee or Working Group will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee (including their or their parent committee), an officer or external governmental or non-governmental body as may be relevant.

7 Conduct of Reviews

7.1 Before starting any overview and scrutiny style review or enquiry, the Committee will consider the resources available to conduct the review and:

(a) Define the issue(s) it wishes to look at and the Committee's purpose in undertaking the review;

(b) Indicate the type of background information and any performance or other data the Committee requires;

(c) Indicate the individuals to be invited to be interviewed as part of their review (e.g. Members, staff, representatives from other organisations, local residents and outside experts. etc);

(d) Set a realistic timescale including meeting dates if there are to be additional meetings to those in the calendar; and

(e) Decide whether the review is to be undertaken by the Committee itself or by a Panel (working group) of members of the Committee reporting to the main Committee.

with the intention at all times to maximise the efficiency of the investigation or analysis of the review.

7.2 The terms of reference will be sent to all members of the Committee.

7.3. The Group Whip shall not apply to the overview and scrutiny method of working

*8 **Review Panel Standing Order***

Where the review is to be undertaken by a Panel (working group) of members of the Committee it shall comply with the following rules

(a) Chair of meeting

Either the Chair or Vice-Chair of the Committee will normally be appointed "Lead Councillor" for the Review and will Chair meetings of the Panel unless the Committee determine otherwise. If he/ she is not present the Members present shall appoint a Chair from amongst their number for that meeting only.

(b) Appointment of substitute members

Due to a need for consistency and it is suggested that substitutes should not been permitted unless designated by the parent committee.

(c) Business

At each meeting, the following business will be conducted
(i) to consider the accuracy of the minutes of the last meeting
(ii) to declare interests
(iii) to consider the matters set out in the agenda for the meeting

(d) Quorum

The membership of the Panel will be at least 3 members and the quorum shall be a minimum of 2.

(e) Appointment of Co-opted/ Advisers

The Panel may appoint non-voting co-optees/ advisers to assist during the Review.

(f) Time and place of meetings

The dates and times of meetings will be agreed at the first meeting of the Panel in accordance with the project plan. Meetings will be held at such place as the Panel considers most appropriate or remotely. The Chair may call additional meetings.

(g) Form of minutes

An officer from Democratic Services will be responsible for taking minutes at meetings of the Panel.

(h) Voting

Voting will be by show of hands or by means of a roll-call if held remotely and it will not normally be the practice to record how individual members have voted unless specifically requested to do so.

(i) Attendance at meetings by members of the public

Meetings of the Panel will not normally be open to the press and public. Where the Committee or Panel determines that a meeting should be held in public, the meet shall comply with the Access to Information Rules set out at Part 4(2) of this Constitution

(j) Notice and agendas for meetings

Agenda and reports for meetings should ordinarily be available 5 clear days prior to the meeting. Reports should only be marked to follow in exceptional circumstances and this should be agreed with the Lead Councillor prior to the item being included on the agenda. Any member of the Panel may request Democratic Services to make sure that an item is placed on the agenda for the next available meeting for consideration.

(k) Consideration of Final Report

Following completion of the Review, the Panel's Final Report will be submitted to the parent Committee for consideration and approval prior to being submitted to the any other Committee, body or person . The Lead Councillor for the Review will normally present the final report of the Panel to the Committee.

9 Submission of Evidence to Reviews

Where the Committee or Panel conducts reviews or investigations and asks people to attend or to give evidence, it will proceed in accordance with the following:

(a) Summoned Speakers -The Committee may require Members of the local authority, and officers of the authority, to attend before it to answer questions and it shall be the duty of any such Member or Officer to comply with the requirement, provided that they will not be obliged by that requirement to answer any question which he or she would be entitled to refuse to answer in, or for the purposes of proceedings in, a court of law in England and Wales.

(b) Invited Speakers - The Committee may request any of the following to attend a meeting:

i) any Member, elected or co-opted, to attend and advise;

ii) a representative of any outside body, whose powers or interests are relevant to the matter in hand, to give their views;

iii) any external expert to give evidence, provided arrangements can be made within the budget to pay any expenses or fees so incurred; or

iv) (or allow to speak) any resident of the Borough or any person with a legitimate interest in the topic under consideration to attend and give their views.

c) Conditions - In applying the above, the proceedings of the Committee will be subject to the following provisions:

i) Any requirements to attend shall be subject to not less than five clear working days' notice, except in a case of urgency;

ii) A Chair of the Committee concerned or relevant Member may ask the appropriate chief officer or other senior officer to attend with them to assist in providing technical advice;

iii) Where a Committee asks or requires an officer to attend who is not a chief or statutory officer, the appropriate chief and/or statutory officer shall also be entitled to be heard, and the officer required to attend may, if they wish, nominate a senior officer to attend on their behalf;

iv) Where someone requested or required to attend is genuinely unable to attend then, in the case of a Chair or Member, another Member of the relevant committee shall attend in their place. In the case of an officer, another officer who is able to speak on the topic under consideration shall attend;

v) Anyone asked to speak to a meeting of a Committee shall be entitled to see the terms of reference of the particular matter under consideration by the Committee before attending to speak;

vi) Anyone asked to speak to a to a meeting of a Committee shall be entitled to see the public papers which have been made available to the Committee and, wherever possible, on the same timescale as for a member of that Committee;

vii) Anyone asked to speak to a to a meeting of a Committee shall, wherever possible, be given access to statements submitted by

individuals from whom the Committee has already heard, but not those who have not yet given evidence. The Chair shall have a discretion to disclose other papers, including statements submitted by following speakers and confidential or exempt material, if he or she considers that will help the speakers to address a particular point, or will otherwise assist the Committee's examination of the issue;

viii) All speakers shall respect the confidentiality of any confidential or exempt information they receive, and shall not disclose it without the authorisation of the Committee;

ix) Speakers may submit papers in advance to the Committee *where that is possible*, but such papers shall be clear and succinct;

x) Papers for consideration by Committee will not be admissible *without meeting the Access to Information Procedure Rules (unless in the context of a working group setting)*;

xi) Speakers shall be able to bring such notes and diaries as are helpful to them in assisting the Committee, but shall expect to make available any such notes to the Committee, on the request of the Chair;

xii) Papers submitted by speakers shall become public documents *(in accordance with the Access to Information Procedure Rules)* once they have presented their evidence, and shall be cited as background papers in any published report by the Committee;

xiii) Officers shall not be required to give personal opinion on any Committee's decision which is different from the recommendation they made;

xiv) Committee Members may expect to ask searching questions, but will always behave in a polite and respectful way to anyone contributing to the Committee's proceedings;

xv) The Chair may specify a time limit for a contribution, in advance of the commencement of such contribution, which shall not be less than five minutes. If someone making such a contribution exceeds the time limit given, the Chair may stop them. The Chair may also structure a discussion and limit the time allowed for questioning by members of the Committee;

xvi) Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment wherever possible. Should they feel that such record is not accurate, then they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Committee.

OFFICER EMPLOYMENT PROCEDURE RULES

1 **Purpose**

These standing orders set out the rules dealing with the appointment and dismissal of staff. This includes mandatory standing orders required by statute.

2 **Recruitment and Appointment**

(a) **All staff to be appointed on merit**

Subject to those exceptions set out in section 7 of the Local Government and Housing Act 1989, every appointment of a person to a paid office or employment under the Authority (an officer of the Council) shall be made on merit.

(b) **Declarations**:

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, spouse, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the Head of Paid Service or relevant Chief Officer or an officer nominated by him/her.

(c) **Seeking support for appointment**

(i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) No Councillor or officer will seek support for any person for any appointment with the Council.

3. **Recruitment of Chief Officers and Deputy Chief Officers**

(a) A 'Chief Officer' and a 'Deputy Chief Officer' means those officers of the Council as defined by Part 1 of the Localism Act 2011 and as listed in Article 12 of this Constitution.

(b) Where the Council proposes to appoint a Chief Officer or Deputy Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(i) draw up a statement specifying:

(1) the duties of the officer concerned; and

(2) any qualifications or qualities to be sought in the person to be appointed;

(ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(iii) make arrangements for a copy of the statement mentioned in paragraph (i) above to be sent to any person on request.

(c) Where a post has been advertised as provided in (a), the Council shall:

(i) interview all qualified applicants for the post, or

(ii) select a short list of such qualified applicants and interview those included on the short list.

(d) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with (a)(ii) above.

4. **Appointment of Head of Paid Service, Monitoring Officer and the Chief Finance (S.151) Officer**

(a) The full Council must appoint the Head of Paid Service following consideration of any recommendation of the Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) as to the person to be appointed.

(b) The full Council shall appoint the Monitoring Officer and the Chief Finance (S.151) Officer following consideration of any recommendation of the Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) as to the person to be appointed.

(c) The full Council shall also appoint the officer designated as the Returning Officer and the Electoral Registration Officer.

5. Appointment of Chief Officers

The Senior Officer Appointments & Staffing Sub-Committee (Appointment Panel) will appoint all other Chief Officers, whose posts are normally designated as a 'Director'. The Sub-Committee may make a recommendation to Council in respect of those chief officers identified at paragraph (4) above.

6. ***Appointment of Deputy Chief Officers***

The appointment of all Deputy Chief Officers, whose posts may variously be described or designated as 'Assistant Director', 'Head of Service', 'Chief [Technical] Officer', 'Service Manager' or similar, has been delegated by Council to the Head of Paid Service or an officer nominated by him or her.

7. **Other appointments**

(a) **Officers other than Chief Officers** – The appointment of all officers other than a Chief Officer or Deputy Chief Officer (excepting assistants to political groups referred to at (b) below) is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.

(b) **Assistants to political groups**. Appointment of an assistant to a political group under the Local Government & Housing Act 1989 shall be made in accordance with the wishes of that political group.

8. **Disciplinary action in respect of the Head of Paid Service, Monitoring Officer or Chief Finance (s.151) Officer**

(a) **Suspension** - The Head of Paid Service, Monitoring Officer or Chief Finance Officer and other Chief Officer(s) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months without a review of such suspension first taking place.

(b) **Potential for dismissal** - Disciplinary action or situations in which there is the potential to dismiss either the Head of Paid Service, Monitoring Officer or Chief Finance Officer on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal (in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015)).

(c) **Procedure** - Paragraphs 13 and 13A and Model Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives (13th October 2016) give effect to these provisions and will be used in circumstances where disciplinary action against the Head of Paid Service, Monitoring Officer or s151 Officer is contemplated.

9. **Disciplinary action and dismissal of, and disciplinary action against, Chief Officers and Deputy Chief Officers**

Subject to Standing Order 7 above, the Head of Paid Service or an officer nominated by him or her is authorised to discharge the functions of dismissal of, and taking disciplinary action against, chief officers and deputy chief officers.

10. **Dismissal of and disciplinary action against other officers**

Councillors will not be involved in the dismissal of or taking disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action resulting in dismissal only.

11. Statement of Pay Policy

A statement of the Council's pay policy will be published annually.

THE MEMBERS CODE OF CONDUCT

Introduction

This Authority and those across the Liverpool City Region have adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members. It is adapted from the Local Government Association (LGA) 2021 Model Councillor Code of Conduct and Guidance.

The LGA Model Code was introduced by a Joint Statement from the political groups that:

> *"The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.*
>
> *As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.*
>
> *Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.*
>
> *This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government."*

The Code sets out general obligations about the standards of conduct expected of Members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 by the Authority as of 6th September 2021 (amended for clarification May 2022).

The LGA Model Code is to be reviewed annually and is supported by published Guidance.

Definitions

For the purposes of this Code of Conduct, a "Member" means a member or co-opted member of a local authority. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who:

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

For the purposes of this Code of Conduct, "local authority" includes the upper tier councils, town or parish councils and the combined authorities (the Liverpool City Region Combined Authority, the Merseyside Fire and Rescue Authority and the Merseyside Recycling and Waste Authority) together with any joint committee of two or more of the local authorities across the Liverpool City Region.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

General principles of Member Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community.
- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member; or
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of Member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Member:

1.1 **I treat other Members and members of the public with respect.**

1.2 **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member- officer protocol.

2. Bullying, harassment and discrimination

As a Member:

2.1 **I do not bully any person.**

2.2 **I do not harass any person.**

2.3 **I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the local authority

As a Member:

3.1 **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Member:

4.1 **I do not disclose information:**

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - **i. I have received the consent of a person authorised to give it;**
  - **ii. I am required by law to do so;**
  - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - **iv. the disclosure is:**

1. **reasonable and in the public interest; and**
2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
3. **I have consulted the Monitoring Officer prior to its release.**

4.2 **I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**

4.3 **I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Member:

5.1 **I do not bring my role or local authority into disrepute.**

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the local authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Member:

6.1 **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that

will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Member:

7.1 **I do not misuse local authority resources.**

7.2 **I will, when using the resources of the local *authority* or authorising their use by others:**

a. act in accordance with the local authority's requirements; and

b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Member:

8.1 **I undertake Code of Conduct training provided by my local authority.**

8.2 **I cooperate with any Code of Conduct investigation and/or determination.**

8.3 **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

8.4 **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Member:

9.1 **I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the local authority.

You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Pre-Determination or Bias

As a Member I:

10.1 **Never place myself under any financial or other obligation to outside individuals or organisations who might seek to influence me in the performance of my official duties.**

10.2 **Consider all matters with an open mind and make decisions based upon weighing the best evidence before me, fairly and on merit.**

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you must ensure that your integrity is not compromised.

You may be pre-disposed to a number of outcomes to a decision, based upon your, philosophy, beliefs or political allegiance (including any application of a Group whip), but this must not predetermine your actions or the outcome of a decision you are to make. You must always remain open to the potential for further evidence or argument to alter any previously expressed or held viewpoint at the time of making your decision. For this reason, particularly in relation to contractual matters or those affecting individuals' civil rights, it is often best to be cautious about how or if your views are expressed before coming to make a decision.

11. Gifts and hospitality

As a Member:

11.1 **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

11.2 **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

11.3 **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

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

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

"Standard Dispensation" means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Disclosure and Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation or a Standard Dispensation applies. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you in exercise of your function as a Member (such as Chair or Vice-Chair or acting as consultee to an officer

decision or in attending an informal briefing as Leader, Deputy Leader, Group Leader or Spokesperson), you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests and Non-Registerable Interests (Personal and Prejudicial Interests)

Personal Interests

6. Where a matter arises at a meeting which **affects**:

    a. your own financial interest or well being;

    b. a financial interest or well-being of a relative, close associate; or

    c. *a financial interest or wellbeing of* a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing the interest the following test should be applied

Prejudicial Interests

7. In the following instances, you must disclose the interest and you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

    a. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in **Table 2**).

    b. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate.

    c. Where a matter ***affects*** *the* financial interest or well-being:

        1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

        2. a reasonable member of the public knowing all the facts

would believe that it would affect your view of the wider public interest

8. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Overview and Scrutiny Committees

9. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:

   (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's committees, sub-committees, boards, joint committees or joint subcommittees; and

   (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee, board or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

10. Paragraph 9 does not prevent you attending and participating in a meeting if you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers.

***N.B.** Paragraphs 9 and 10 above apply to Members when participating in joint or combined authority committee meetings that have been established for the conduct of overview and scrutiny committee functions.*

Wirral Council has elected to not establish an overview and scrutiny committee and these paragraphs are disapplied in respect of Council meetings.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) *any unpaid directorships*

b) any body of which you are in general control or management and to which you are nominated or appointed by your authority

c) any body
   (i) exercising functions of a public nature
   (ii) any body directed to charitable purposes or
   (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) *of which you are a member or in a position of general control or management*

Table 3: Standard Dispensations

1. You will not be regarded as having a prejudicial interest in any business of your authority in respect of any Other Registerable Interest:

   (a) where that business relates to:

      (i) another local authority of which you are also a member;

      (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

      (iii) a body to which you have been elected, appointed or nominated by your authority, but only in the circumstance where the sole purpose of participating is to make representations, answer questions or give evidence relating to the business at the request of the Committee meeting;

      (iv) your role as a school governor, unless it relates particularly to the school of which you are a governor; or

      (v) your role as a member of a National Health Service board or governing body;

   (b) except that no dispensation described in sub-paragraph (a) above will apply where the business to be transacted at the

meeting is the determination of any regulatory approval, consent, licence, permission or registration *(for example, determination of an application for planning permission or consent or licence under the Licensing Act 2003).*

2. You will not be regarded as having a prejudicial interest in any business where that business relates to:

   (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

   (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

   (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

   (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

   (e) any ceremonial honour given to one or more Members; or

   (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence).