



Council Annual Meeting Supplement

Town Hall
Wallasey

30 May, 2014

Dear Councillor

This is the supplement for the Part 2 Meeting of Annual Council to be held at **6.15pm on Monday, 9 June 2014** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects :

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AGENDA

ANNUAL MEETING OF THE COUNCIL (PART 2)

6. DECLARATIONS OF INTEREST

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

7. CIVIC MAYOR'S ANNOUNCEMENTS

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

8. PETITIONS

To receive petitions submitted in accordance with Standing Order 21.

9. MINUTES (Pages 1 - 22)

To approve the accuracy of the minutes of the meeting of the Council held on 10 March, 2014.

10. ELECTION RESULTS - 22 MAY 2014 (Pages 23 - 24)

To receive and note the report of the Returning Officer on the results of the Local Government Election held on 22 May 2014.

11. LEADER'S ANNOUNCEMENT

The Leader will confirm his Cabinet and Cabinet Portfolios and Holders (or otherwise confirm to Council that such details shall be communicated to all Members as soon as practically possible after the meeting).

12. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 25 - 128)

A. To consider the reports of the Head of Legal and Member Services on the following matters:

(i). Appointment and Constitution of Council Committees for 2014/15.

(Pages 25 - 43)

(ii). Appointments to Statutory and Advisory Committees, Working Parties and Panels 2014/15.

(Pages 45 - 57)

(iii). Appointment of Members (and/or other individuals) to Outside Bodies and organisations 2014/15.

(Pages 59 - 73)

B. To consider recommendations from the Policy and Performance Coordinating Committee of 1 April, 2014, in respect of proposed Joint Health scrutiny arrangements covering the Merseyside and Cheshire area.

(Pages 75 - 90)

C. To consider recommendations from the Standards and Constitutional Oversight Committee of 28 April, 2014, in respect of the Council's Ethical Framework relating to Member conduct and related issues.

(Pages 91 - 128)



Head of Legal and Member Services

COUNCIL

Monday, 10 March 2014

Present: The Mayor (Councillor Dave Mitchell) in the Chair
Deputy Mayor (Councillor Steve Foulkes)

Councillors	RL Abbey	P Hayes	M Patrick
	E Boulton	A Hodson	C Povall
	A Brighthouse	K Hodson	D Realey
	P Brightmore	M Hornby	D Roberts
	W Clements	M Johnston	L Rowlands
	A Cox	AER Jones	J Salter
	J Crabtree	C Jones	H Smith
	G Davies	P Kearney	T Smith
	P Davies	S Kelly	W Smith
	WJ Davies	B Kenny	J Stapleton
	P Doughty	A Leech	M Sullivan
	D Elderton	I Lewis	A Sykes
	G Ellis	AR McLachlan	J Walsh
	P Gilchrist	M McLaughlin	G Watt
	P Glasman	C Meaden	S Whittingham
	JE Green	B Mooney	J Williamson
	R Gregson	S Mountney	I Williams
	P Hackett	C Muspratt	KJ Williams
	J Hale	S Niblock	P Williams
	T Harney	T Norbury	S Williams

Apologies Councillors C Blakeley L Fraser L Rennie

80 DECLARATIONS OF INTEREST

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

By virtue of their membership of the Merseyside Fire and Rescue Authority, Councillors Denise Roberts, Steve Niblock and Jean Stapleton declared their personal interest in agenda item 5 – Minutes of the Budget Meeting of the Council, (see minute 84 post) insofar as they referred to the precept issued by the Merseyside Fire and Rescue Service,

By virtue of his employment, Councillor Paul Doughty declared his disclosable pecuniary interest in agenda item 6D – Matters Requiring Approval by the Council, insofar as it related to recommendations from the Planning Committee held on 20 February 2014 (see minute 91 post), regarding changes to the Scheme of Delegation to officers for the determination of planning applications and planning related matters. He proposed to leave the room during consideration of that item.

By virtue of their employment, Councillors Jeff Green and Tony Norbury declared their interest in agenda item 6A – Matters Requiring Approval by the Council – Minutes of the Special Meeting of the Cabinet, insofar as they related to recommendations in relation to the Combined Authority.

81 **MAYOR'S ANNOUNCEMENTS**

The Mayor referred to the great success of the commemoration for HMS Birkenhead on 5 March 2014 and thanked all those who had attended, many visitors having travelled considerable distances to the event. He praised the officers for their contribution in making the commemoration such a success, in particular, Peter Lee, the Council's Memorial's Officer.

The Mayor also announced that the recipient of the Andy Day Memorial Cup for 2013/2014, an award which was presented annually in memory of a former councillor to confer recognition on a member of the Council who, in the Mayor's opinion, had demonstrated the qualities of dedication and selflessness possessed by the late Councillor, was Councillor Phil Gilchrist.

He noted also that apologies for absence had been received from Councillors Chris Blakeley, Leah Fraser and Lesley Rennie.

The Leader of the Council commented that this was the last ordinary meeting of the Council to be presided over by the Mayor. He thanked both the Mayor and Mayoress for all the work they had undertaken during the year, particularly with schools and volunteer groups and referred also to the fair manner in which meetings of the Council had been chaired.

The Leader of the Conservative Group and the Leader of the Liberal Democrat Group associated themselves with the remarks made by the Leader of the Council

In response, the Mayor indicated that it had been a privilege to represent Wirral. He referred to the great pleasure he had taken during his year in office, in particular the visit of school groups and he thanked all those who had supported him during his year in office.

82 **PETITIONS**

In accordance with Standing Order 21, the Mayor received petitions submitted by –

Councillor Stuart Whittingham on behalf of 155 signatories, requesting the Council to stop the sale of two areas of land in Upton – to be added to the petition he had presented at the meeting held on 25 February 2014.

Councillor Andrew Hodson on behalf of 35 signatories objecting, on the grounds of increased traffic, to Planning Application APP/1400125 – New build adjacent to Riva Cottage, Telegraph Road, Heswall.

Resolved – That the petitions be noted and referred to the appropriate Chief Officer in accordance with Standing Order 34.

83 **PUBLIC QUESTIONS**

The Mayor advised that no questions had been received from members of the public.

84 **MINUTES**

The minutes of the Budget Meeting of the Council held on 25 February 2014 had been circulated to Members for approval as a correct record.

The Mayor advised that, pursuant to minute 77 (Council Tax 2014/2015), the Council was asked to note the precepts that had been issued and to note the total amount of Council Tax for 2014/2015 for each of the categories of dwellings.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) –

- (1) That the minutes be approved and adopted as a correct record**
- (2) That pursuant to minute 77, Council:**
 - (i) Notes that the Police and Crime Commissioner for Merseyside and the Merseyside Fire and Rescue Service have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council’s area, as indicated in the tables –**

Police and Crime Commissioner for Merseyside

A	B	C	D
104.42	121.82	139.23	156.63
E	F	G	H
191.44	226.24	261.05	313.26

Merseyside Fire and Rescue Service

A	B	C	D
46.71	54.50	62.28	70.07
E	F	G	H
85.64	101.21	116.78	140.14

- (ii) That having calculated the amounts at 2 (c) (minute 77) and (i) above, that the Council in accordance with Section 30 (2) of the Local Government Finance Act 1992 notes the following amounts as the total amount of Council Tax for the year 2014/2015 for each of the categories of dwellings –**

Total Council Tax for Wirral including Police and Fire

A	B	C	D
1,003.30	1,170.52	1,337.74	1,504.96
E	F	G	H
1,839.40	2,173.83	2,508.26	3,009.92

85 **PROCEDURE**

On a motion by Councillor Bill Davies and seconded by Councillor Brian Kenny, it was –

Resolved (61:0) (One abstention) – That Standing Order 9 be applied at 8.30pm.

86 **MATTERS REQUIRING APPROVAL BY THE COUNCIL**

The Mayor indicated that, in accordance with Standing Order 5(2), seven matters were submitted for approval by the Council (see minutes 87 to 93 post)

87 **COMBINED AUTHORITY**

The first matter requiring approval was in relation to the Combined Authority and the recommendations of the Special Meeting of the Cabinet held on 10 March 2014 (minute 157 refers)

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

“That the recommendations contained within Cabinet minute 157 be approved”.

It was moved as an amendment by Councillor John Hale and seconded by Councillor Jeff Green –

“That Council:

1. Notes that the present powers and responsibilities of Wirral Metropolitan Borough Council were created by Parliament Acts which took effect in 1974 and were further enhanced following the abolition of Merseyside County Council in 1986 and the proposals contained within the consultation documents before Council show an intention to surrender these powers from a Council which gives representation from every ward in Wirral across all parties as against 6 people, the Leaders of Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral, 5 of whom neither reside in Wirral, represent any part of Wirral and have never been elected by anyone in Wirral and believes that this would be against the wishes of the residents of Wirral.

2. Believes that the responsibilities and powers granted to the Wirral Metropolitan Borough Council by Acts of Parliament should not be transferred to an unelected body, most of whom are without any connection with Wirral.

Recommendation:

Add as the first paragraph "No transfer of powers and/or responsibilities as confirmed in the Cabinet recommendations shall proceed until a referendum of the electors of Wirral has been held to ascertain whether they support a transfer of powers and/or responsibilities to an unelected body, the wording of the referendum to be agreed by the political parties of Wirral".

At the request of the Leader of the Council, the Mayor adjourned the meeting for 15 minutes at 6.40pm, to allow Members an opportunity to consider the proposed amendment.

The meeting reconvened at 6.55pm

Following a debate and Councillor Phil Davies having replied, the amendment proposed by Councillor Hale was put and lost (19:42) (One abstention).

The motion was put and carried (42:19) (One abstention)

Resolved (42:19) (One abstention) – That the recommendations contained within Cabinet minute 157 be approved:

- (1) **Council confirms its previous decision that it should formally become a constituent member of the Combined Authority for the Liverpool City Region (as referred to in the report of the Chief Executive).**
- (2) **Council notes the position on the making of the Orders, as attached in Appendix One to the Chief Executive's report, and the Parliamentary process in train.**
- (3) **Council endorses the Constitution for the Combined Authority for adoption, as attached to the Chief Executive's report as Appendix Two.**
- (4) **Council approves the Operating Agreement for the Combined Authority for adoption as attached to the Chief Executive's report as Appendix Three.**
- (5) **That Councillors Phil Davies and Ann McLachlan (as substitute) be appointed to the Combined Authority as set out in section 5.1 of the Chief Executive's report (see minute 101 post).**
- (6) **That Members be nominated to the Merseytravel Committee on the basis of continuing with the existing arrangements until the Annual General Meeting in June 2014, as set out in section 5.2 of the Chief Executive's report (see minute 101 post).**

- (7) Council notes that no allowances (other than travel and subsistence) will be paid to Members of the Combined Authority, the Scrutiny Panel and other Committees and Boards, with the exception of the Merseytravel Committee (as part of the transitional arrangements).
- (8) Council agrees that the payment of allowances for co-opted Members of the Merseytravel Committee (using the current Merseyside Integrated Transport Authority scheme) will be dealt with by the Council's own scheme as part of the transitional arrangements, and funded by Merseytravel, as set out in section 10.1 of the Chief Executive's report.
- (9) Council notes that a review of the Combined Authority's arrangements will be undertaken during the first year and reported to the Combined Authority in 2015.
- (10) Council agrees that approval to make any technical amendments to the Constitution and Operating Agreement for the Combined Authority on behalf of the Council be delegated to the Chief Executive in consultation with the Leader of the Council.

88 PAY POLICY STATEMENT 2014/2015

The second matter requiring approval was in relation to the Pay Policy Statement 2014/2015 and the recommendations of the Special Meeting of the Cabinet held on 10 March 2014 (minute 158 refers)

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within Cabinet minute 158 be approved.

89 MEMBERS' SURVEY RESULTS

The third matter requiring approval was in relation to the Members' Survey Results and the recommendations of the Standards Working Group concerning proposed amendments to the Council's Constitution, considered by the Standards and Constitutional Oversight Committee (minute 13 (24 February 2014) refers).

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within the Standards and Constitutional Oversight Committee minute 13 be approved.

90 **LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL**

The fourth matter requiring approval was in relation to two Delegated Decisions taken by the Cabinet Member – Economy, which informed the content of the emerging Local Development Framework:

- (i) That the Council adopt the final revised Statement of Community Involvement.
- (ii) That the findings of the Water Cycle Study be approved as a material consideration for use by the Planning Committee in the determination of planning applications.

On a motion by Councillor Pat Hackett and seconded by Councillor Phil Davies, it was –

Resolved (61:0) (One abstention) – That the recommendations of the Cabinet Member – Economy, be approved.

91 **PROPOSED CHANGES TO THE SCHEME OF DELEGATION**

Councillor Paul Doughty, having declared his interest in this matter, left the Chamber during its consideration.

The fifth matter requiring approval was in relation to Changes to the Scheme of Delegation to officers for the Determination of Planning Applications and Planning Related Matters and to the recommendation of the Planning Committee (minute 229 (20 February 2014) refers).

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

“That the recommendation contained within Planning Committee minute 229 be approved”

Notice having been given under Standing Order 12(9), it was moved as an amendment by Councillor Andrew Hodson and seconded by Councillor Les Rowlands that –

“Council is concerned that the some of the proposed changes to the Scheme of Delegation to officers for the determination of planning applications and planning related matters will adversely affect the transparency of the Council’s planning processes.

Council believes that, in so far as is possible, any Elected Member activity which impacts on public processes should be open to public scrutiny in the widest available form, in this particular instance this would be the Planning Committee.

Council therefore requests that this matter be referred back to the Planning Committee for the Committee to ensure that when a Member of the Council is involved in a planning application, either professionally or privately, the matter is scrutinised by the Planning Committee.”

With the agreement of the Mayor, Councillor Phil Davies deferred the right of reply to Councillor Bernie Mooney, Chair of the Planning Committee.

Following a debate and Councillor Bernie Mooney having replied, the amendment proposed by Councillor Hodson was put and lost (18:41) (Two abstentions).

The motion was put and carried (41:18) (Two abstentions)

Resolved (41:18) (Two abstentions) – That the recommendation contained within Planning Committee minute 229 be approved.

92 **PROPOSED DESIGNATION OF LOWER BEBINGTON CONSERVATION AREA**

The sixth matter requiring approval was in relation to the Proposed Designation of Lower Bebington Conservation Area and to the recommendation of the Planning Committee (minute 230 (20 February 2014) refers).

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendation contained within Planning Committee minute 230 be approved.

93 **PROPOSED ADOPTION OF BYELAWS**

The seventh matter requiring approval was in relation to the recommendations of the Licensing, Health and Safety and General Purposes Committee (minute 15 (13 November 2013) refers) concerning the proposed adoption of byelaws with respect to Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved (61:0) (One abstention) – That the recommendations set out in Licensing, Health and Safety and General Purposes Committee minute 15 be approved.

94 **LEADER'S EXECUTIVE MEMBERS' AND CHAIRS' REPORTS**

The Mayor referred to the reports of the Leader, Cabinet Members and Chairs of Policy and Performance Committees. The Council was invited to receive and note the reports and he commented that they would not be presented, being taken as read. The Mayor requested that questions be confined to the content of the reports.

The Leader of the Council responded to questions in relation to his portfolio report from Councillors Jeff Green, Stuart Kelly and Janette Williamson and made a number of comments including:

- Contrary to recent reports, Shared Services had not been abandoned, but had been put on hold until October 2014, when proposals with regard to the Future Council project would be published. This would allow further analysis of the Business Case to be undertaken and he commented that it was appropriate for matters to be put on hold to assess the costs/savings, prior to any binding agreement being signed. Nevertheless, considerable savings were still required as a result of Government cuts and he expressed disappointment that the Conservative Group had not wished to be involved in recent events to discuss the future shape of Council services in Wirral.
- He indicated that there was an appetite in Schools to work with the Council to share costs associated with School Crossing Patrols and the Primary Heads Group had indicated their willingness to work with the Council. He re-affirmed that the safety of young people was paramount and that where a school was unwilling or unable to commit to share costs, funding would be made available.
- He was pleased that Wirral was now a Living Wage Council and commented that this also included a commitment to ensuring that new contracts for social care providers would demonstrate that they would follow the Council's ethical care charter. This asked providers, amongst other requirements, not to employ staff on zero hour contracts. He had attended on 7 March 2014 a meeting with other North West Council's who were committed to paying the Living Wage, with a view to sharing best practice and he hoped that work being undertaken with major employers would lead to Wirral becoming a Living Wage Borough.

Resolved – That the report of the Leader of the Council be noted.

Questions were then invited for Councillor Ann McLachlan on her Governance and Improvement Portfolio Report and responses to a question from Councillor Tony Norbury included the following comments:

- That the Cultural Change Programme was of significant value to the Council and all Members and officers had a duty to engage with it. Its importance had been identified by the Wirral/LGA Improvement Board and a recent Members' Survey had highlighted the key role to be played by Group Leaders to promote good standards of conduct. With the support of the Members' Training Steering Group, training would continue to be offered to develop the Cultural Change agenda. However, courses were more cost effective when fully attended and she hoped that all Members would engage with the training programme.

Resolved – That the Governance and Improvement Portfolio report be noted.

Questions were then invited for Councillor George Davies on the Neighbourhoods, Housing and Engagement Portfolio Report and his responses to questions from Councillors Mike Hornby and Andrew Hodson included the following comments:

- Sunderland City Council had started a process of devolved funding and services to local areas four years ago and now allocated significant resources to five Area Committees. This had led to decision making being more responsive to local needs and a recent visit to Sunderland had assisted in the development of Wirral's Constituency Committee model. He anticipated that the devolvement of services and increased funding to Constituency Committees would continue.
- He assured the Council that comments from Constituency Committee Chairs would be included in future reports and that he would provide an explanation to all Members of the Council as to why they had not been included in the current update report.

In response to a question from Councillor Stuart Kelly, Councillor Davies proposed to provide a written response with regard to the number of Wirral residents employed in the new affordable housing schemes.

Resolved – That the Neighbourhoods, Housing and Engagement Portfolio report be noted.

Questions were invited for Councillor Adrian Jones on the Central and Support Services Portfolio Report and his responses to questions from Councillors Les Rowlands, Geoffrey Watt and Jim Crabtree included the following comments:

- With regard to recent IT outages, he highlighted a failure of the previous administration to invest funding to upgrade IT systems, which had been allocated in January 2010. A number of key officers had also left the employment of the Authority, including the Head of IT Services, which had resulted in external expertise having to be brought in. He commented that meetings were due to take place in the next few days with the highest level of external expertise and that the outcome of that meeting would be communicated to all Members.
- With regard to the severe weather event in December 2013, he referred to the thorough and accurate reporting in the Liverpool Echo, which highlighted the huge gulf in the treatment of Wirral by the Government compared to other parts of the country, in the light of comments made by the Prime Minister that 'money would be no object'. He expected that the Chief Executive would write to the Prime Minister to highlight the neglect of Wirral.

Resolved – That the Central and Support Services Portfolio report be noted

Questions were invited for Councillor Pat Hackett on his Economy Portfolio Report and responses to questions from Councillors Stuart Kelly and Rob Gregson included the following comments:

- The master plan for Birkenhead Town Centre had been commenced by Neptune Development, which was expected to be completed within the next 12 months. He referred to the success of previous schemes, which had been achieved following extensive consultation and he assured the Council that there would be consultation as the plan was developed.
- He commented upon the excellent record of the Council and its partners in the development of the Reachout Programme, which sought to get people into employment and was pleased to highlight the funding allocation agreed by Budget Council to extend the Programme.

Resolved – That the Economy Portfolio report be noted.

Questions were invited for Councillor Brian Kenny on the Environment and Sustainability Portfolio Report and his responses to questions from Councillors Bill Davies, Walter Smith, Mike Sullivan and Geoffrey Watt included the following comments:

- He was disappointed with recent suggestions that the Council had not responded effectively to repair damages to assets caused by the severe weather event in December 2013. He highlighted that the Cabinet had committed £250,000 from reserves to allow a programme of repairs, whilst receiving a grant of only £20,000 from central Government. However, although the repairs programme had commenced, to avoid wasting resources, a number of repairs had been delayed to allow for the passing of the high Spring tides that were forecast to occur until the end of March. Works would be undertaken during April and he thanked all of the volunteers who had been involved in the cleanup programme. He referred also to a visit to the affected Wirral areas by the Chair of the NW Regional Flood and Coastal Committee and confirmed that pressure would be maintained for funding to undertake improvements to the West Kirby coastal area.
- He referred to the success of the Garden Waste Scheme and indicated that the take up by households had exceeded expectations.
- There remained a problem of fly-tipping in certain areas and he referred to the establishment of a Waste Investigation Unit that had been set up to help tackle alleyway dumping, with a particular focus on targeting landlords and contractors who illegally fly-tipped to avoid waste disposal costs. A communications/enforcement campaign was soon to be undertaken and he indicated his determination to pursue prosecutions.
- He was happy to investigate suggestions to limit and prevent damage caused by storms and high tides and looked forward to a report from Esther McVey MP who had been given Special Responsibility for North West Floods.

Resolved – That the Environment and Sustainability Portfolio report be noted.

Questions were then invited for Councillor Harry Smith on the Highways and Transportation Portfolio Report and his responses to questions from Councillors Phil Gilchrist, Kathy Hodson and Tony Cox included the following comments:

- He provided an update with regard to the Delivery of the Highway Services Contract 2014-2018 and commented that work was progressing with the new and the existing provider and Council officers, to ensure as smooth a transition as possible. In particular, meetings were also taking place in respect of TUPE with the employees' union representatives to facilitate transfer to the new employer.
- Until details of allocations were received, it was not possible to comment at this stage upon reports that the Government was to make additional funding of £103.5m available to local authorities to address potholes in their area. At the present time, pot holes would be dealt with as far as the budget would allow.

In response to a question from Councillor Jeff Green, he proposed to provide a written response to all Members of the Council with regard to the date the Highway Services Contract was awarded to BAM Nuttall Limited.

Resolved – That the Highways and Transportation Portfolio report be noted.

Moving on to the Health and Wellbeing Portfolio Report, questions were invited for Councillor Chris Meaden. Her responses to questions from Councillors Ian Lewis, Wendy Clements and Alan Brighouse included the following comments:

- That public consultation on the draft Wirral Green and Open Space Strategy 2014-2024 was due to end on 14 March 2014 and it was hoped that funding would be available for allocation to Friends Groups to support local projects.
- A Strategic Plan had been put forward by the Williamson Art Gallery Action Group, which would form the basis of continuing discussions and the exploration of options for an alternative way of managing the asset.

Resolved – That the Health and Wellbeing Portfolio report be noted.

At this point, Standing Order 9 came into effect, in accordance with minute 85 ante.

Resolved – That the Adult Social Care and Children and Family Services Portfolio reports and the report of the Policy and Performance Committee Chairs be noted.

95 MATTERS FOR NOTING

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved – That minute 131 (Cabinet – 16 January 2014) – Financial Monitoring 2013/2014 (Month 8) and minute 145 (Cabinet – 12 February 2014) – Financial Monitoring 2013/2014 (Month 9) be noted.

96 **MEMBERS' QUESTIONS**

In accordance with Standing Order 10 (2) (b), notice had been given of a question from Councillor Phil Gilchrist to Councillor Brian Kenny (Cabinet Member for Environment and Sustainability) in respect of the Refuse and Recycling Calendar December 2013 – January 2015.

Councillor Kenny advised that he would prepare a written response, which would be circulated to all Members of the Council.

97 **MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES**

- A** At the meeting of the Council held on 14 October 2013 (minute 37 refers), the Mayor had referred a Notice of Motion 'Improving Wirral's Sites for Jobs' to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee held on 27 January 2014 (Regeneration and Environment – minute 31 refers).

In accordance with Standing Order 7(5), the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee, which advised that in view of the lack of funding available to fully pursue the Notice of Motion, the response to it should be for the Strategic Director for Regeneration and Environment to present a brief update to an early meeting of the Regeneration and Environment Policy and Performance Committee upon the availability of land for employment opportunities.

- B** At the meeting of the Council held on 16 December 2013 (minute 64 refers), the Mayor had referred a Notice of Motion 'Local Government Declaration on Tobacco Control' to the Families and Wellbeing Policy and Performance Committee. The motion was duly considered at the meeting of the Committee held on 28 January 2014 (Families and Wellbeing – minute 43 refers)

In accordance with Standing Order 7(5), the Council was invited to consider the recommendation of the Families and Wellbeing Policy and Performance Committee, which advised that –

- (1) the Families and Wellbeing Policy and Performance Committee fully supports the Notice of Motion in relation to the Local Government Declaration on Tobacco Control; and
- (2) the Cabinet Member for Health and Wellbeing and the Director of Public Health/Head of Policy and Resources be requested to submit an update report on smoking cessation to a future meeting.

Resolved –

- (1) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion ‘Improving Wirral’s Sites for Jobs’ be approved.**
- (2) That the recommendation of the Families and Wellbeing Policy and Performance Committee in relation to the Notice of Motion ‘Local Government Declaration on Tobacco Control’ be approved.**

98 **NOTICES OF MOTION**

Notices of motion submitted in accordance with Standing Order 7(1) were reported to the Council. The Mayor, having considered each motion, in accordance with Standing Order 7(4) had decided that they would be dealt with as follows:

- (i) ‘No’ to Nuisance Calls**
To be referred to the Regeneration and Environment Policy and Performance Committee
- (ii) The European Union - #WhylamIN**
To be debated
- (iii) Mersey Tunnel Tolls**
To be referred to the Regeneration and Environment Policy and Performance Committee
- (iv) Labour’s Effective Stewardship**
To be referred to the Policy and Performance Coordinating Committee
- (v) Storm Damage**
To be debated

99 **MOTION - THE EUROPEAN UNION - #WHYIAMIN**

Proposed by Councillor Stuart Kelly
Seconded by Councillor Phil Gilchrist

That this Council notes:

- the #WhylamIN social media campaign supporting membership of the European Union which was launched by the Deputy Prime Minister Nick Clegg MP;
- that the campaign gained support from Sir Richard Branson, among others, who commented “*It should go without saying that being a part of the European Union is better for all countries involved*” <http://www.virgin.com/richard-branson/why-i-am-in>
- that Michael Sherwood, co-chief executive of Goldman Sachs International has said that, in the event Britain leaves the EU “*In all likelihood we would transfer a substantial part of our European business from London to a eurozone location*” and Stephen Odell, chief executive

of Ford in Europe stated that withdrawal "*would be devastating for the UK economy.*";

- a recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey/>

Council believes that remaining part of the European Union is vital to the long term security of Wirral and LCR businesses and to building a strong local economy.

Council endorses the sentiment expressed by Frank Field MP that "*Our aim should be to change the EU. And change it by staying in.*"

Council, therefore, calls upon local businesses, public sector organisations and political parties represented on this Council to highlight the importance of remaining within the European Union in the run-up to the 2014 European Parliament elections.

Two amendments which had been circulated in advance of the meeting were submitted in accordance with Standing Order 12(1) and (9), as follows:

First Amendment –

Proposed by Councillor Phil Davies

Seconded by Councillor Pat Hackett

Add the following:

‘Council recognises that one of the key benefits of EU membership for regions such as Merseyside has been access to European structural funding which has contributed to a number of important regeneration projects in Wirral and Merseyside over several years.

Council believes that the Government’s decision to propose a cut of 65% in Merseyside’s EU funding allocation for the new programme (2014-20) to be unfair and unjustifiable given the level of economic and social need in this region.

Council notes that the Judicial Review brought by the Local Enterprise Partnerships representing South Yorkshire and Merseyside resulted in the High Court deciding on the 7th February 2014 that the Government’s allocations of funding within the UK (particularly with reference to Merseyside and South Yorkshire) were unlawful. Council further notes that the Court therefore decided to quash the Government’s original decisions on the allocation of EU funds to England, Scotland, Wales and Northern Ireland and LEPs within England and refer them back to the Secretary of State for reconsideration.

The High Court judgement requires the Government to take a fresh decision on EU funding allocations within the UK, having regard to the public sector

equality duty. Council therefore urges the Government to use this opportunity to reverse the massive and clearly unjustified cut in its proposed allocation of EU funding to Merseyside for the new programme and thereby enable us to continue to tackle our economic challenges.’

Second Amendment –

Proposed by Councillor Adam Sykes

Seconded by Councillor Geoffrey Watt

Delete the four bullet points and insert the following:

- That by being a Member State of the European Union the United Kingdom is part of the world’s largest single market – an economic zone larger than that of the USA and Japan combined with a total GDP of around £11 trillion.
- This single market of 500 million people provides a relatively level playing for British business to trade in. This enables not just free trade in terms of the absence of customs duties or tariffs but a common set of rules so that business does not have to comply with 27 different sets of regulations.
- A recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey>

Delete paragraph 2 “Council believes that.....”

At the end of original paragraph 3 add – “However, we should be able to recognise if change that the UK requires isn’t forthcoming; the UK electorate should have their say on the future involvement of the UK in the EU via a referendum.

Within original paragraph 4 replace all after “on this Council to” with “engage in dialogue over the future of the UK’s involvement within the European Union.”

Councillor Stuart Kelly stated that he was prepared to accept the first amendment, moved by Councillor Phil Davies

Having applied the guillotine in accordance with Standing Order 9 the Council did not debate this matter.

The second amendment, moved by Councillor Adam Sykes, was put and lost (19:42)

The motion, incorporating the first amendment, moved by Councillor Phil Davies, was put and carried (42:19) (One abstention)

Resolved (42:19) (One abstention) –

That this Council notes:

- the #*WhylamIN* social media campaign supporting membership of the European Union which was launched by the Deputy Prime Minister Nick Clegg MP;
- that the campaign gained support from Sir Richard Branson, among others, who commented “*It should go without saying that being a part of the European Union is better for all countries involved*” <http://www.virgin.com/richard-branson/why-i-am-in>
- that Michael Sherwood, co-chief executive of Goldman Sachs International has said that, in the event Britain leaves the EU “*In all likelihood we would transfer a substantial part of our European business from London to a eurozone location*” and Stephen Odell, chief executive of Ford in Europe stated that withdrawal “*would be devastating for the UK economy.*”;
- a recent CBI poll found that nearly 80% of UK businesses supported membership. <http://www.cbi.org.uk/media-centre/press-releases/2013/09/8-out-of-10-firms-say-uk-must-stay-in-eu-cbi-yougov-survey/>

Council believes that remaining part of the European Union is vital to the long term security of Wirral and LCR businesses and to building a strong local economy.

Council endorses the sentiment expressed by Frank Field MP that “*Our aim should be to change the EU. And change it by staying in*”.

Council, therefore, calls upon local businesses, public sector organisations and political parties represented on this Council to highlight the importance of remaining within the European Union in the run-up to the 2014 European Parliament elections.

Council recognises that one of the key benefits of EU membership for regions such as Merseyside has been access to European structural funding which has contributed to a number of important regeneration projects in Wirral and Merseyside over several years.

Council believes that the Government’s decision to propose a cut of 65% in Merseyside’s EU funding allocation for the new programme (2014-20) to be unfair and unjustifiable given the level of economic and social need in this region.

Council notes that the Judicial Review brought by the Local Enterprise Partnerships representing South Yorkshire and Merseyside resulted in the High Court deciding on the 7th February 2014 that the Government’s allocations of funding within the UK (particularly with reference to Merseyside and South Yorkshire) were unlawful. Council further notes that the Court therefore decided to quash the Government’s original decisions on the allocation of EU funds to England, Scotland, Wales and Northern Ireland and LEPs within England and refer them back to the Secretary of State for reconsideration.

The High Court judgement requires the Government to take a fresh decision on EU funding allocations within the UK, having regard to the public sector equality duty. Council therefore urges the Government to use this opportunity to reverse the massive and clearly unjustified cut in its proposed allocation of EU funding to Merseyside for the new programme and thereby enable us to continue to tackle our economic challenges.

100 **MOTION - STORM DAMAGE**

Proposed by Councillor Brian Kenny

Seconded by Councillor Phil Davies

Council is disappointed that despite a recent pledge from David Cameron that 'money is no object' in the repair of damage caused by the recent extreme weather, Wirral is only set to receive a measly £20,000 for our suffering businesses and not one penny for infrastructure damage or the North Wirral coastline.

Wirral will instead have to fund the cost of the damage, some £250,000, from an under-spend in the 2013/14 budget. This is money that could have been used to protect front-line services from further Tory-Lib Dem cuts.

Council instructs the Chief Executive to write to the government seeking equal and fair treatment for Wirral.

An amendment, which had been circulated in advance of the meeting, was submitted in accordance with Standing Order 12(1) and (9), as follows

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Alan Brighthouse

Add after paragraph 3

Council, whilst not objecting to a letter being sent, believes it should be more constructive.

Council believes that the terms of the proposed letter should recognise that the Government is reviewing and re-evaluating the scheme of emergency financial assistance introduced in 1983.

Generally known as the 'Bellwin' Scheme, it has always helped local authorities claim and meet exceptional and unexpected costs.

It should be acknowledged that the Scheme has been changed this year to include:

- paying Bellwin Grant at 100% above threshold instead of the normal default 85%

- allowing upper tier authorities with responsibility for fire to claim on a comparable basis to standalone fire authorities
- reducing the Bellwin thresholds for all county councils and unitary authorities
- extending the eligible spending period until the end of March 2014

These changes were followed by an announcement of an offer of a £5,000 “repair and renew” grant for homeowners and businesses, to support repairs which improve a property’s ability to withstand future flooding.

The letter should stress that both Government and local authorities now need to plan for the greater frequency of such events due to climate change and thus:

- (a) outline the steps Wirral has been taking to encourage its tourism potential and coastal economy
- (b) recognise that the wind direction, storm surges and low pressure affected many parts of the western coasts but, fortunately, did not have as serious an impact here.
- (c) fairly represent Wirral’s budgetary problems
- (d) offer to join a dialogue on the investment needed to make services more resilient for the future.

Having applied the guillotine in accordance with Standing Order 9 the Council did not debate this matter.

The amendment was put and lost (24:37)

The motion was put and carried (37:24) (One abstention)

Resolved (37:24) (One abstention) – That

Council is disappointed that despite a recent pledge from David Cameron that ‘money is no object’ in the repair of damage caused by the recent extreme weather, Wirral is only set to receive a measly £20,000 for our suffering businesses and not one penny for infrastructure damage or the North Wirral coastline.

Wirral will instead have to fund the cost of the damage, some £250,000, from an under-spend in the 2013/14 budget. This is money that could have been used to protect front-line services from further Tory-Lib Dem cuts.

Council instructs the Chief Executive to write to the government seeking equal and fair treatment for Wirral.

101 **VACANCIES**

The Council was requested to deal with the following matters in respect of appointments to outside organisations –

Leasowe Community Homes Management Board

A vacancy to replace Mr C Hughes, Group Solicitor – Department of Transformation and Resources

Combined Authority

In accordance with the recommendations contained within Cabinet minute 157 (10 March 2014) (see minute 87 ante):

- (i) The appointment of a Member and substitute Member to the Combined Authority.
- (ii) The appointment of Members to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority.

It was moved by Councillor George Davies and seconded by Councillor Brian Kenny –

- (1)** That the Chief Executive, in consultation with the three Group Leaders, be authorised to nominate and fill the officer vacancy on the Management Board of Leasowe Community Homes.
- (2)** That the Leader of the Council, Councillor Phil Davies, be appointed as the Council's Member on the Combined Authority and Councillor Ann McLachlan be appointed as the substitute Member.

The motion was agreed (61:0) (One abstention)

It was moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan –

That the following Members, currently appointed to the Merseyside Integrated Transport Authority (MITA) be appointed to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority:

- Councillor RL Abbey
- Councillor S Foulkes
- Councillor SL Rowlands
- Councillor J Salter

The motion was agreed (61:0) (One abstention)

Resolved (61:0 (One abstention) –

- (1)** That the Chief Executive, in consultation with the three Group Leaders, be authorised to nominate and fill the officer vacancy on the Management Board of Leasowe Community Homes.

- (2) That the Leader of the Council, Councillor Phil Davies, be appointed as the Council's Member on the Combined Authority and Councillor Ann McLachlan be appointed as the substitute Member.
- (3) That the following Members, currently appointed to the Merseyside Integrated Transport Authority (MITA) be appointed to the Transport Committee (known as the Merseytravel Committee) of the Combined Authority:
- Councillor RL Abbey
 - Councillor S Foulkes
 - Councillor SL Rowlands
 - Councillor J Salter

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List of Councillors elected on Thursday 22 May 2014

The following persons were elected to fill the vacancies then existing in the wards indicated below and that all such persons have subsequently subscribed to the declaration of acceptance of office:

Bebington:

Walter Smith, 25 Manor Hill, Birkenhead, Wirral, CH43 1UG

Bidston and St James:

Ann McLachlan, 27 Danefield Road, Greasby, Wirral, CH49 3BP

Birkenhead and Tranmere:

Pat Cleary, 3 Lingdale Road, West Kirby, Wirral, CH48 5DG

Bromborough:

Irene Williams, 49 Parkhill Road, Prenton, Birkenhead, Wirral, CH42 9JD

Clatterbridge:

Tracey Smith, 1 Hornby Road, Bromborough, Wirral, CH62 2EG

Claughton:

Denise Roberts, 3 Mount Pleasant, Birkenhead, Wirral, CH43 5SY

Eastham:

Christopher Carubia, 81 Bridle Road, Eastham, Wirral, CH62 8BU

Greasby, Frankby and Irby:

Tom Anderson, 11 Arnside Road, Wallasey, Wirral, CH45 4LT

Wendy Clements, 10 Neale Drive, Greasby, Wirral, CH49 1SL

Heswall:

Les Rowlands, 63 Sandham Grove, Heswall Hills, Wirral, CH60 1XN

Hoylake and Meols:

Eddie Boulton, 37 Meols Drive, Hoylake, Wirral, CH47 4AE

Leasowe and Moreton East:

Treena Johnson, 41 Daneswell Drive, Moreton, Wirral, CH46 1QD

Liscard:

Matthew Daniel, Flat 2, 9 Dudley Road, Wallasey, Wirral, CH45 9JP

Moreton West and Saughall Massie:

Bruce Berry, 6 Merlin Close, Saughall Massie, Upton, Wirral, CH49 4PZ

New Brighton:

Christine Spriggs, 22 Hill Road, Prenton, Wirral, CH43 8TL

Oxton:

Alan Brighthouse, 31 Grosvenor Road, Oxton, Birkenhead, Wirral, CH43 1TJ

Pensby and Thingwall:

Louise Reecejones, 16 Third Avenue, Prenton, Birkenhead, Wirral, CH43 9YX

Prenton:

Denise Realey, 667a Borough Road, Prenton, Birkenhead, Wirral, CH42 9QB

Rock Ferry:

Moira McLaughlin, 15 Stoneleigh Grove, Rock Ferry, Birkenhead, Wirral, CH42 4NH

Seacombe:

Adrian Jones, 10 Elmswood Road, Seacombe, Wallasey, Wirral, CH44 8DB

Upton:

Stuart Whittingham, 16 Fender Way, Prenton, Birkenhead, Wirral, CH43 7JZ

Wallasey:

Lesley Rennie, 4 Greenlea Close, Bebington, Wirral, CH63 7RU

West Kirby and Thurstaston:

Jeff Green, 181 Irby Road, Irby, Wirral, CH61 2XE

WIRRAL COUNCIL

ANNUAL COUNCIL

9 JUNE 2014

SUBJECT:	APPOINTMENT AND CONSTITUTION OF COMMITTEES 2014/2015
WARD/S AFFECTED:	ALL
REPORT OF:	HEAD OF LEGAL AND MEMBER SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to request the Council, in accordance with the relevant statutory provisions and the terms of the Constitution, to appoint Committees for 2014/2015.

2.0 BACKGROUND AND KEY ISSUES

2.1 Proportionality

2.1.1 Members must have regard to the requirements of section 15 of the Local Government and Housing Act 1989, and the relevant regulations (which deal with political balance on committees and sub-committees), and the terms of the High Court judgment in the case of R v Brent LBC ex-parte Gladbaum and Wood (which requires the relevant parent committee, rather than the Council, to appoint members of sub-committees and panels).

2.1.2 The political composition of the Council following the elections is as follows:

Conservative	21 seats	(31.82% of the 66 seats)
Labour	38 seats	(57.58%)
Liberal Democrat	6 seats	(9.09%)
Green	1 seat	(1.51%)

2.1.3 Based on the numbers of committees, the total number of committee places to be allocated in accordance with the above percentages, excluding the Cabinet and Constituency Committees is **133** (referred to as available seats). The method of calculation of committee places for each political group is set out in Appendix 1.

2.2 Statutory and Other Considerations

2.2.1 Unless appointed as full members, the Leaders and Deputy Leaders of the three largest political parties represented on the Council are entitled to attend meetings of all committees and sub-committees, but with no right to vote and the right to speak only at the Chair's invitation (Standing Order 25(5)).

2.2.2 The Council is reminded that seats must be allocated to political groups in accordance with the following principles:

- (a) not all seats may be allocated to the same group;
- (b) a group with an overall majority is entitled to a majority of the seats on every committee;
- (c) subject to (a) and (b), the total of available seats must be allocated in the same proportion as each group's membership bears to the Council's membership;
- (d) subject to (a) to (c), the number of seats on each committee must be proportional to the group's membership of the Council.

Note: Only principles (a), (b) and (d) apply to the appointment of sub-committees, panels and advisory committees.

2.2.3 The Cabinet has previously expressed the view that non-executive members of the Council (other than the Mayor) should have the opportunity to serve on a scrutiny committee if they so choose and a total of 60 places will be available.

2.2.4 Although the same might be said for all committees, for the Pensions Committee in particular it is considered desirable to maintain a continuity of membership.

2.2.5 A list of the 2013/14 year's membership of committees is attached as Appendix 2 and may prove useful as a guide. Where the size of committees or representation has altered, the numbers required to be appointed by each group are indicated.

2.2.6 It is suggested that it would be good practice for the Coordinating Committee to include the Chairs and Vice-Chairs (six members) of the three Policy and Performance Committees.

2.3 Co-opted members

2.3.1 The position with co-opted members is that any Policy and Performance Committee is entitled to recommend to the Council the appointment of any non-voting co-optees. The Families and Wellbeing Policy and Performance Committee currently has four co-optees – there is a statutory requirement to have representatives of the Catholic and Church of England dioceses and of parent governors – who are entitled to vote on education matters. These co-optees should also be appointed to the Coordinating Committee for those occasions when it deals with education matters. The Pensions Committee also has voting co-optees who represent the other four districts in Merseyside and the wider membership of the Merseyside Pension Fund.

2.4 Appointment of Chairs and Vice-Chairs

- 2.4.1 Standing Order 5A (2) (e) provides for the Council to appoint Chairs and Vice-Chairs, but for the past few years it has left the appointment of Vice-Chairs to individual committees. Not all of them have made such an appointment, but it is recommended that they be urged to do so, particularly to avoid the possibility of a meeting being postponed because the Chair might not be available.
- 2.4.2 Appendix 2 indicates which political group should nominate Chairs for each Committee for 2014/2015.

2.5 Deputies

- 2.5.1 Standing Order 25(6) (a) permits the Council to appoint up to a maximum of eight deputies for each political group on Committees and Sub-Committees. It is not necessary for deputies to be appointed for the Licensing Act 2003 Committee. This is because the vast majority of its work will be done by Sub-Committees comprising any three members of the Committee.

3.0 RELEVANT RISKS

- 3.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to committees.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 No other options were considered beyond those outlined in the report.

5.0 CONSULTATION

- 5.1 It is for political groups to decide how they wish to allocate their committee places.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no implications arising directly from this report.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 There are no implications arising directly from this report.

8.0 LEGAL IMPLICATIONS

- 8.1 There are no implications arising directly from this report.

9.0 EQUALITIES IMPLICATIONS

- 9.1 There are none arising directly from this report.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no implications arising directly from this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no implications arising directly from this report.

12.0 RECOMMENDATION/S

12.1 The Council is requested to:

- (a) agree the constitution and membership of committees in 2014/2015 (including deputies), having regard to the political proportionality requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 and relevant case law;
- (b) agree the appointment of chairs and, if considered appropriate, vice-chairs;
- (c) note the designation of party spokespersons.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The Annual Meeting of the Council is required to make appointments to Committees.

REPORT AUTHOR: Andrew Mossop
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APPENDICES

1. Calculation of Committee Places
2. Committee Membership 2013/2014

REFERENCE MATERIAL

Previous reports on the appointment of Committees and amendments made during the year and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	20 May 2013
Council	30 April 2013
Council	14 May 2012
Council	16 May 2011

APPOINTMENT AND CONSTITUTION OF COMMITTEES 2014/2015

- (1) This note advises on the allocation of committee places to political groups and representation on the joint authorities in the light of the relative strength of the groups for the municipal year 2014/15 following the 22 May 2014 election:

Conservative	21 seats	31.82 %
Labour	38 seats	57.58 %
Liberal Democrat	6 seats	9.09 %
Green	1 seats	1.51 %
	66 seats	Totals 100.00%

Allocation of Committee Places

- (2) Applying the percentages in (1) above to the overall number of committee places (Members of the Cabinet are not included in those calculations) and based upon a total of **133** committee places, the three political groups and the Green Party member would be entitled to a **total** of committees places as shown below:

Conservative	42.32 rounded down to	42
Labour	76.58 rounded up to	77
Liberal Democrat	12.09 rounded down to	12
Green	2.01 rounded down to	2

- (3) Applying the arithmetical entitlement to **individual** committees would result in the following allocations:

<u>Committee</u>	<u>Places</u>	<u>Con</u>	<u>Lab</u>	<u>L/Dem</u>	<u>Green</u>
Standards & Constitutional etc.	9	3	5	1	
Audit and Risk Management	9	3	5	1	
Employment and Appointments	8	2	5	1	
Licensing Act 2003 Committee	15	4	9	2	
Licensing, Health & Safety etc.	9	3	5	1	
Pensions	10	3	6	1	
Planning	13	4	7	1	1
Policy & Performance:					
Families & Wellbeing	15	5	8	1	1
Policy & Performance:					
Transformation & Resources	15	5	9	1	
Policy & Performance:					
Regeneration & Environment	15	5	9	1	
Policy & Performance					
Co-ordinating Committee	15	5	9	1	
Total	133	42	77	12	2

- (4) For two of the larger committees an arithmetical adjustment has had to be made to enable the Green member to have his entitlement of 2 committee places. As the Liberal Democrat Group are entitled to an overall total of 12

Committee places one of the 11 committees has to have 2 Liberal Democrat members.

- (5) These adjustments have been made in light of the requirement for the Labour Group, as the majority group on the Council, to maintain an overall majority on each committee and for each group's entitlement to committee places to be in accordance with those figures set out in (2) above.

Joint Authorities

- (6) Appointments to outside organisations (see report elsewhere on this agenda) requires that appointments to the Merseyside Fire and Rescue Authority (4 places) and the Merseytravel Committee of the Liverpool City Region Combined Authority (4 places) should be made so as to reflect the political composition of the Council.

MEMBERSHIP of COMMITTEES 2013/2014**REGULATORY COMMITTEES****AUDIT AND RISK MANAGEMENT COMMITTEE****(9 Council Members)**

MEMBERS	DEPUTIES
3 Conservative: John Hale (S) Vacancy Kathryn Hodson	Simon Mountney Lesley Rennie Les Rowlands Leah Fraser Geoffrey Watt Steve Williams Paul Hayes Jeff Green
5 Labour: J Crabtree (Chair) R Abbey (Vice-Chair) S Foulkes J Walsh J Williamson	Phil Brightmore P Doughty P Glasman Anita Leech J Salter M Sullivan S Whittingham I Williams
1 Liberal Democrat: Stuart Kelly (S)	Alan Brighthouse Phil Gilchrist Tom Harney Pat Williams

9 Council Members to be appointed in 2014/15**3 Conservative****5 Labour (Chair)****1 Liberal Democrat**

**EMPLOYMENT AND APPOINTMENTS COMMITTEE
(8 Council Members)**

MEMBERS	DEPUTIES
<p>2 Conservative:</p> <p>Jeff Green (S) Lesley Rennie</p>	<p>Peter Kearney Andrew Hodson Paul Hayes John Hale Geoffrey Watt Wendy Clements Simon Mountney Chris Blakeley</p>
<p>5 Labour:</p> <p>Paul Doughty (Chair) Phil Davies (Vice-Chair) George Davies Adrian Jones Ann McLachlan</p>	<p>Steve Foulkes Brian Kenny Chris Jones Chris Meaden Denise Roberts Pat Hackett Harry Smith Tony Smith</p>
<p>1 Liberal Democrat:</p> <p>Phil Gilchrist (S)</p>	<p>Alan Brighthouse Tom Harney Stuart Kelly Pat Williams</p>

8 Council Members to be appointed in 2014/15

2 Conservative

5 Labour (Chair)

1 Liberal Democrat

**LICENSING, HEALTH & SAFETY AND GENERAL PURPOSES
COMMITTEE
(9 Council Members)**

MEMBERS	DEPUTIES
<p>3 Conservative:</p> <p>Ian Lewis (S) Chris Blakeley Geoffrey Watt</p>	<p>Mike Hornby Cherry Povall Adam Sykes Steve Williams Paul Hayes John Hale Peter Kearney Wendy Clements</p>
<p>5 Labour:</p> <p>Bill Davies (Chair) Steve Niblock (Vice-Chair) Pat Glasman John Salter Irene Williams</p>	<p>Jim Crabtree George Davies Phil Brightmore Christina Muspratt Anita Leech Denise Roberts Jean Stapleton Mike Sullivan</p>
<p>1 Liberal Democrat:</p> <p>Pat Williams (S)</p>	<p>Alan Brighthouse Phil Gilchrist Tom Harney Stuart Kelly</p>

9 Council Members to be appointed in 2014/15

3 Conservative

5 Labour (Chair)

1 Liberal Democrat

**LICENSING ACT 2003 COMMITTEE
(15 Council Members)**

MEMBERS	DEPUTIES No provision for deputies
<p>5 Conservative:</p> <p>Eddie Boulton Gerry Ellis Andrew Hodson Mike Hornby Ian Lewis</p>	
<p>8 Labour:</p> <p>Bill Davies (Chair) Steve Niblock (Vice-Chair) George Davies Tony Norbury Denise Roberts John Salter Harry Smith Mike Sullivan</p>	
<p>2 Liberal Democrat:</p> <p>Tom Harney Pat Williams</p>	

15 Council Members to be appointed in 2014/15

4 Conservative

9 Labour (Chair)

2 Liberal Democrat

**PENSIONS COMMITTEE
(10 Council Members; 5 co-opted members)**

MEMBERS	DEPUTIES
<p>3 Conservative:</p> <p>Geoffrey Watt (S) Mike Hornby Cherry Povall</p>	<p>Adam Sykes Kathryn Hodson John Hale Eddie Boulton Les Rowlands Simon Mountney Paul Hayes Steve Williams</p>
<p>6 Labour:</p> <p>Pat Glasman (Chair) Ann McLachlan (Vice-Chair) George Davies Paul Doughty Adrian Jones Harry Smith</p>	<p>Jim Crabtree Rob Gregson Brian Kenny Moiria McLaughlin Bernie Mooney Denise Roberts Jean Stapleton Stuart Whittingham</p>
<p>1 Liberal Democrat:</p> <p>Tom Harney (S)</p>	<p>Alan Brighthouse Phil Gilchrist Stuart Kelly Pat Williams</p>
<p>5 Co-opted members:</p> <p>The nominees of:</p> <ul style="list-style-type: none"> • Liverpool City Council • Knowsley MBC • St Helens MBC • Sefton MBC <p><i>plus</i> Representative of other Pension Fund employers (Patrick McCarthy)</p>	

10 Council Members to be appointed in 2014/15
3 Conservative
6 Labour (Chair)
1 Liberal Democrat

**PLANNING COMMITTEE
(13 Council Members)**

MEMBERS	DEPUTIES
<p>5 Conservative:</p> <p>David Elderton (S) Eddie Boulton Wendy Clements Paul Hayes Simon Mountney</p>	<p>Kathryn Hodson Vacancy Geoffrey Watt Les Rowlands Cherry Povall Lesley Rennie Chris Blakeley Mike Hornby</p>
<p>7 Labour:</p> <p>Bernie Mooney (Chair) Denise Realey (Vice-Chair) Phil Brightmore Steve Foulkes Anita Leech Joe Walsh Irene Williams</p>	<p>Jim Crabtree Brian Kenny Rob Gregson Pat Glasman Christina Muspratt Tony Norbury Denise Roberts Stuart Whittingham</p>
<p>1 Liberal Democrat:</p> <p>Stuart Kelly (S)</p>	<p>Alan Brighthouse Phil Gilchrist Tom Harney Pat Williams</p>

13 Council Members to be appointed in 2014/15

4 Conservative

7 Labour (Chair)

1 Liberal Democrat

1 Green

**STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE
(9 Council Members; 4 Independent Persons)**

MEMBERS	DEPUTIES
<p>3 Conservative:</p> <p>Leah Fraser (S) Gerry Ellis Peter Kearney</p>	<p>Chris Blakeley Les Rowlands Steve Williams Paul Hayes Simon Mountney John Hale Andrew Hodson Mike Hornby</p>
<p>5 Labour:</p> <p>Bill Davies (Chair) Moirá McLaughlin (Vice-Chair) Ron Abbey Denise Roberts John Salter</p>	<p>Jim Crabtree Steve Foulkes Pat Glasman Chris Jones Anita Leech Chris Meaden Bernie Mooney Steve Niblock</p>
<p>1 Liberal Democrat:</p> <p>Tom Harney (S)</p>	<p>Alan Brighthouse Phil Gilchrist Stuart Kelly Pat Williams</p>
<p>4 Independent Persons:</p> <p>Professor R S Jones (appointed until 15 July, 2016) Mr C Jones (appointed until 15 July, 2016) Mr D Burgess-Joyce (appointed until 15 July, 2016) Mr B Cummings (appointed until 15 July, 2016)</p>	

9 Council Members to be appointed in 2014/15

3 Conservative

5 Labour (Chair)

1 Liberal Democrat

POLICY AND PERFORMANCE COMMITTEES**COORDINATING COMMITTEE****(15 Council Members; 4 co-opted members)**

MEMBERS	DEPUTIES
5 Conservative: Andrew Hodson (S) David Elderton Leah Fraser Adam Sykes Steve Williams	Simon Mountney Les Rowlands Wendy Clements Cherry Povall John Hale Mike Hornby Gerry Ellis Lesley Rennie
9 Labour: Stuart Whittingham (Chair) Steve Foulkes (Vice-Chair) Ron Abbey Paul Doughty Pat Glasman Moira McLaughlin Bernie Mooney Denise Roberts Jean Stapleton	Jim Crabtree Anita Leech Rob Gregson Denise Realey John Salter Walter Smith Irene Williams Jerry Williams
1 Liberal Democrat: Alan Brighthouse (S)	Phil Gilchrist Tom Harney Stuart Kelly Pat Williams
Co-opted members (when dealing with education matters): 2 Diocesan representatives (with voting rights): Roman Catholic – Mr Damian Cunningham Church of England – Vacancy 2 Parent Governor representatives (with voting rights): Mrs H Shoebridge (until 28 October 2015) Mrs Nicola Smith (until 8 February 2017)	

15 Council Members to be appointed in 2014/15**5 Conservative****9 Labour (Chair)****1 Liberal Democrat**

FAMILIES AND WELLBEING
(15 Council Members; 4 co-opted members)

MEMBERS	DEPUTIES
<p>5 Conservative:</p> <p>Wendy Clements (Chair) Paul Hayes Mike Hornby Simon Mountney Cherry Povall</p>	<p>Peter Kearney Steve Williams Geoffrey Watt Les Rowlands Jeff Green Adam Sykes Vacancy Lesley Rennie</p>
<p>9 Labour:</p> <p>Moira McLaughlin (Vice-Chair) Phil Brightmore Bernie Mooney Steve Niblock Tony Norbury Denise Roberts Walter Smith Jean Stapleton Janette Williamson</p>	<p>Ron Abbey Paul Doughty Pat Glasman Anita Leech Denise Realey John Salter Joe Walsh Irene Williams</p>
<p>1 Liberal Democrat:</p> <p>Pat Williams (S)</p>	<p>Alan Brighthouse Phil Gilchrist Tom Harney Stuart Kelly</p>
<p>Co-opted members:</p> <p>2 Diocesan representatives (with voting rights): Roman Catholic – Mr Damian Cunningham Church of England – Vacancy</p> <p>2 Parent Governor representatives (with voting rights): Mrs H Shoebridge (until 28 October 2015) Mrs Nicola Smith (until 8 February 2017)</p>	

15 Council Members to be appointed in 2014/15

5 Conservative

8 Labour (Chair)

1 Liberal Democrat

1 Green

**REGENERATION AND ENVIRONMENT
(15 Council Members)**

MEMBERS	DEPUTIES
<p>5 Conservative</p> <p>Steve Williams (S) Eddie Boulton Gerry Ellis Kathryn Hodson Peter Kearney</p>	<p>Andrew Hodson Adam Sykes Les Rowlands Simon Mountney David Elderton John Hale Lesley Rennie Jeff Green</p>
<p>8 Labour:</p> <p>Steve Foulkes (Vice-Chair) Jim Crabtree Paul Doughty Rob Gregson Anita Leech Denise Realey Mike Sullivan Jerry Williams</p>	<p>Phil Brightmore Bernie Mooney Christina Muspratt Tony Norbury Steve Niblock Joe Walsh John Salter Irene Williams</p>
<p>1 Liberal Democrat:</p> <p>Alan Brighthouse (Chair)</p>	<p>Phil Gilchrist Tom Harney Stuart Kelly Pat Williams</p>
<p>1 Independent:</p> <p>Mark Johnston</p>	

15 Council Members to be appointed in 2014/15

5 Conservative

9 Labour (Chair)

1 Liberal Democrat

**TRANSFORMATION AND RESOURCES
(15 Council Members)**

MEMBERS	DEPUTIES
<p>5 Conservative:</p> <p>Andrew Hodson (S) Chris Blakeley John Hale Les Rowlands Adam Sykes</p>	<p>Wendy Clements Simon Mountney Cherry Povall Paul Hayes Kathryn Hodson Peter Kearney Steve Williams</p>
<p>8 Labour:</p> <p>Stuart Whittingham (Chair) Ron Abbey (Vice-Chair) Pat Glasman Rob Gregson Matthew Patrick Christina Muspratt John Salter Janette Williamson</p>	<p>Phil Brightmore Jim Crabtree Anita Leech Bernie Mooney Denise Realey Denise Roberts Mike Sullivan Jerry Williams</p>
<p>1 Liberal Democrat:</p> <p>Phil Gilchrist (S)</p>	<p>Alan Brighthouse Tom Harney Stuart Kelly Pat Williams</p>
<p>1 Independent:</p> <p>Mark Johnston</p>	

15 Council Members to be appointed in 2014/15

5 Conservative

9 Labour (Chair)

1 Liberal Democrat

CONSTITUENCY COMMITTEES**BIRKENHEAD****(18 Council Members)****(plus up to 6 co-opted Community Representatives)**

WARD	MEMBERS
Bidston and St James	Jim Crabtree, Ann McLachlan, Harry Smith
Birkenhead and Tranmere	Phil Davies, Brian Kenny, Jean Stapleton
Claughton	George Davies, Steve Foulkes, Denise Roberts
Oxton	Alan Brighthouse, Stuart Kelly, Pat Williams
Prenton	Paul Doughty, Tony Norbury, Denise Realey
Rock Ferry	Bill Davies, Chris Meaden, Moira McLaughlin
Co-opted	Mr Frank Field MP

WALLASEY**(18 Council Members)****(plus up to 6 co-opted Community Representatives)**

WARD	MEMBERS
Leasowe and Moreton East	Ron Abbey, Anita Leech, Ian Lewis
Liscard	Bernie Mooney, Janette Williamson, Vacancy
Moreton West and Saughall Massie	Chris Blakeley, Simon Mountney, Steve Williams
New Brighton	Patricia Glasman, Rob Gregson, Pat Hackett
Seacombe	Adrian Jones, Chris Jones, John Salter
Wallasey	Leah Fraser, Paul Hayes, Lesley Rennie
Co-opted Community Representatives	Mr Ken Harrison, Mr Brian Higgins, Mr Tony Jones, Mr Keith Raybould, Mr Paul Roberts, Mr Lewis Collins

WIRRAL SOUTH
(15 Council Members)
(plus up to 6 co-opted Community Representatives)

WARD	MEMBERS
Bebington	Christina Muspratt, Walter Smith, Jerry Williams
Bromborough	Steve Niblock, Joe Walsh, Irene Williams
Clatterbridge	Peter Kearney, Cherry Povall, Adam Sykes
Eastham	Phil Gilchrist, Tom Harney, Dave Mitchell
Heswall	Andrew Hodson, Kathryn Hodson, Les Rowlands

WIRRAL WEST
(15 Council Members)
(plus up to 6 co-opted Community Representatives)

WARD	MEMBERS
Greasby, Frankby and Irby	Wendy Clements, Vacancy , Mike Hornby
Hoylake and Meols	Eddie Boulton, Gerry Ellis, John Hale
Pensby and Thingwall	Phillip Brightmore, Mark Johnston, Michael Sullivan
Upton	Tony Smith, Stuart Whittingham and Matthew Patrick
West Kirby and Thurstaston	David Elderton, Jeff Green, Geoffrey Watt
Co-opted Community Representatives	Jackie Hall (Hoylake and Meols Ward) John Smith (Greasby Frankby and Irby Ward) Lynn Collier (Pensby and Thingwall Ward) Elise Wong (Upton Ward) David Wade (West Kirby and Thurstaston Ward)

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WIRRAL COUNCIL

ANNUAL COUNCIL

9 JUNE 2014

SUBJECT:	APPOINTMENT OF PANELS, STATUTORY / ADVISORY COMMITTEES AND WORKING PARTIES; AND MISCELLANEOUS APPOINTMENTS 2014/2015
WARD/S AFFECTED:	ALL
REPORT OF:	HEAD OF LEGAL AND MEMBER SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to enable the Council to review the continuing need for various panels, statutory / advisory committees and working parties, and to request the Council to appoint members and named deputies to serve on those (including the statutory committees and panels) that are to be retained in 2014/2015. The membership of the various bodies in 2013/2014 is set out in Appendix 1.
- 1.2 The schedule attached at Appendix 1 has been updated to reflect the current statutory committees / panels etc. to which Members are required to be appointed to for 2014/15.

2.0 STATUTORY COMMITTEES AND PANELS

The following statutory committees and panels, all of which have full delegated authority, were retained during 2013/2014.

2.1 ADULT SOCIAL CARE

Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel (Panel of Members to be drawn from Councillors on the Policy and Performance – Families and Wellbeing Committee)

To hear requests to discharge service users subject to guardianship upon the application of a professional responsible for their care.

2.2 CHILDREN AND FAMILY SERVICES

(i). **Complaints Panel (School Curriculum and Related Matters)**

To hear and determine complaints about curriculum delivery in schools and related matters as required by statute.

(ii). **Education Staff Panel**

- (1) In relation to schools not subject to a scheme of delegation, to hear and determine appeals arising out of the procedure for the dismissal of

teachers as contained in the regulations governing their appointment and conditions of service.

- (2) To determine appeals by teachers against proposals to dismiss made by the Director of Children's Services under the Education (Teachers) Regulations 1993, or as subsequently amended or re-enacted.

(iii). Headteacher Appointments Panel

To participate in and approve the appointment of headteachers of schools not subject to a scheme of delegation.

(iv). School Appeals Panel

To consider, as part of a statutory review process, appeals against decisions by the Local Authority (or the Governors of voluntary or aided schools) concerning the allocation of places in primary and secondary schools, and decisions by governing bodies concerning the exclusion of pupils.

The School Appeals Panel is drawn from a "pool" of lay members or members with experience in education. However, Councillors are ineligible to serve on the Appeals Panels for schools under local authority control.

(v). Standing Advisory Committee on Religious Education (SACRE)

SACRE is responsible for advising the local authority on matters concerning the teaching of religious education and collective acts of worship; it decides on applications for determination of cases in which requirements for Christian collective worship are not to apply; and may require the local authority to review its agreed syllabus.

(vi). Wirral Schools Forum (Funding Consultative Group)

The Forum makes recommendations in respect of the allocation of funding to schools and academies from the Dedicated Schools Grant (DSG) received from the DfE. The Forum must be consulted on any changes to Schools and Early Years funding formulae, arrangements for the education of pupils with special educational needs and funding to meet statutory duties or other agreed commitments. In the composition of the Forum, the Council's three representatives act only as observers.

(vii). Wirral Children's Trust Board

This has a variety of responsibilities including to co-ordinate services for children and young people; to identify the needs of Wirral children and young people in terms of the five outcomes in the Children Act 2004; to determine the strategies required to improve the outcomes for children's well-being; to make recommendations to the Council and other partner organisations with respect to the measures that are needed to improve children's well-being; and to recommend joint commissioning strategies and, where appropriate be responsible for pooled budget arrangements.

(viii). Adoption / Fostering Panels

(The Adoption Panel member should be either a member of the Executive or of the Policy and Performance – Families and Wellbeing Committee)

As part of a wider membership, to determine applications for the adoption and for the fostering of children.

2.3 CENTRAL AND SUPPORT SERVICES

Independent Remuneration Panel (Four persons who are not members of the Council and who are not disqualified from being a member)

To make recommendations to the Council on Members' remuneration and allowances and any proposals for amendments to the Scheme of Members' Allowances.

2.4 HEALTH AND WELLBEING

Health and Wellbeing Board

To work across professional and agency boundaries to drive innovation make a difference to the health and wellbeing of local people by;

- agreeing priorities and actions to reduce health inequalities and promote health and wellbeing
- developing a Health and Wellbeing Strategy
- developing a framework for the effective performance monitoring of the Health and Wellbeing Strategy
- discussing and evaluating joint performance

3.0 ADVISORY COMMITTEES AND WORKING PARTIES

The following is a list of advisory and consultative bodies that were retained or created in 2013/2014 to assist the Cabinet and Policy and Performance Committees in their work. The Council may wish to make appointments directly to some or all of them, or alternatively, to ask the relevant Policy and Performance Committee to express a view as to whether all of these bodies need to be retained or whether their role could be undertaken by the P & P Committee itself. For those bodies that are retained, it is suggested that they report to the relevant Committee or P & P Committee.

3.1 CHILDREN AND FAMILY SERVICES

(i). Youth and Play Service Advisory Committee

To support and monitor the youth and play services provided by the local authority and other agencies and to make appropriate recommendations.

(ii). Corporate Parenting Group

This acts as the governing body of a virtual school, whose roll comprises all of the children that are looked after by the local authority, with particular

emphasis on improving their well-being, educational attainment and attendance.

(iii). Headteachers and Teachers JCC

To meet with headteachers' and teachers' representatives to discuss educational issues.

(iv). Wirral Schools' Music Service Consultative Committee

To represent the views of key stakeholders in the Music Service; to act as a forum for the continuing development of the service; to offer recommendations to the Director of Children's Services; to inform and be accountable to the local authority; and to uphold the right of all young people in the borough to have the opportunity of access to quality music-making activities.

3.2 ECONOMY

(i). Wirral Trade Centre Working Party

At its meeting on 16 April 2012, the Council (minute 154 refers) called on the three Parties to agree membership for a Member Working Party in the ratio 1:1:1, reporting to the Economy and Regeneration O&S Committee (now the Regeneration and Environment Policy and Performance Committee. The Working Party will scope a project leading to recommendations to ensure the Council and its partners are Trade Centre Ready and able to embrace all opportunities for development through its growing links with China and other countries and that potential barriers to businesses and investors are identified and recommendations made as to how these can be overcome.

(ii). Birkenhead Business Improvement District Steering Group

At its meeting on 10 April, 2014, Cabinet (minute 185 refers) agreed to support the Wirral Chamber of Commerce in drawing up proposals relating to the establishment of a Birkenhead BID. BIDs are a tried and tested method of regenerating town centres, commercial districts and some tourism zones.

3.3 ENVIRONMENT AND SUSTAINABILITY

Wirral Climate Change Group

To achieve the adopted target of a 60% reduction in carbon emissions by 2025 through the reporting structure of the Wirral Wide Carbon Reduction Delivery Plan, together with the implementation of the Community Carbon Reduction Programme (CRed), working with residents, communities and both the public and private sectors to help achieve their own CO2 reduction.

3.4 GOVERNANCE AND IMPROVEMENT

(i). Members' Training Steering Group

To advise on the preparation of the annual programme of training for Council members and on individual applications to attend courses.

(ii). Members' Equipment Steering Group

To review IT equipment provision for members.

3.5 HEALTH AND WELLBEING

(i). Birkenhead Park Advisory Committee

To advise the Council on all issues relating to and affecting Birkenhead Park, and in particular on the regeneration project.

(ii). Hilbre Island Nature Reserve Management Committee

To manage the nature reserve and to make appropriate recommendations for its preservation and maintenance.

4.0 RELEVANT RISKS

4.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to various panels, advisory committees and working parties.

5.0 OTHER OPTIONS CONSIDERED

5.1 No other options were considered beyond those outlined in the report.

6.0 CONSULTATION

6.1 It is for political groups to decide how they wish to allocate their committee places.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

None

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no implications arising directly from this report

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no implications arising directly from this report.

10.0 LEGAL IMPLICATIONS

10.1 There are no implications arising directly from this report.

11.0 EQUALITIES IMPLICATIONS

11.1 There are none arising directly from this report.

12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

12.1 There are no implications arising directly from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no implications arising directly from this report.

14.0 RECOMMENDATION/S

14.1 The Annual Meeting of the Council is requested to:

- (1) appoint members and named deputies, as necessary, to serve on the statutory committees, panels and other bodies identified in paragraph 2.0 above (including Chairs);
- (2) make appointments to advisory committees, working parties and consultative groups identified in paragraph 3.0 above (or, alternatively, to seek the views of the relevant policy and performance committees concerning their retention);
- (3) confirm that, where appropriate, the minutes of the statutory committees and panels, advisory committees and other bodies be submitted to the relevant policy and performance committees for information, with any matters requiring an executive decision being referred to the Cabinet as necessary;
- (4) to note the current constitution and membership of the School Appeals Panel.

15.0 REASON/S FOR RECOMMENDATION/S

15.1 This Annual Meeting of the Council is required to appoint the membership of various panels, statutory / advisory committees and working parties.

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APPENDICES

1. Statutory and Advisory Committees, Working Parties and Panels Membership 2013/2014

REFERENCE MATERIAL

Previous reports on the appointment of panels, statutory / advisory committees and working parties and amendments made during the year and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	20 May 2013
Council	14 May 2012
Council	16 May 2011

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STATUTORY AND ADVISORY COMMITTEES, WORKING PARTIES AND PANELS – MEMBERSHIP 2013/2014

Note: figures in brackets indicate the political ratio, i.e. (Labour: Conservative: Liberal Democrat); asterisk indicates party spokesperson. Statutory Committees should be appointed proportionately or if not proportionate should be appointed with no councillors voting against. Advisory Committees or working parties need not be proportionate.

(1) STATUTORY COMMITTEES AND PANELS

(listed under relevant portfolio)

(a) ADULT SOCIAL CARE

Discharge from Guardianship by Wirral Council under the Mental Health Act 1983 Panel (2:1:0)

(Members appointed from membership of the Policy and Performance Families and Wellbeing Committee)

Councillor Pat Glasman
Councillor Moira McLaughlin
Councillor Simon Mountney

(b) CHILDREN AND FAMILY SERVICES

(i). **Complaints Panel (School Curriculum and Related Matters)** (2:1:0 plus named deputies)

Councillors Tony Smith Jim Crabtree	Deputies – Councillors Paul Doughty Walter Smith Bernie Mooney
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Councillor Wendy Clements	Deputies – Councillors Paul Hayes Cherry Povall
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(ii). **Education Staff Panel (4:2:1 plus named deputies)**

Councillors Paul Doughty Tony Smith Walter Smith Bernie Mooney	Deputies – Councillors Chris Meaden Vacancy
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Councillors Wendy Clements Cherry Povall	Deputy – Councillor Paul Hayes
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Councillor Pat Williams	Deputies – Councillors Alan Brighthouse Tom Harney
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(iii). Headteacher Appointments Panel

(3:1:0 plus named deputies)

Councillors Bernie Mooney Deputies – Councillors Jim Crabtree
Walter Smith Janette Williamson
Tony Smith

Councillor Wendy Clements Deputy – Councillor Cherry Povall

(iv). School Appeals Panel

Lay Chairs: Mrs A Barker, Mrs S Reynolds, Mr J Smallthwaite, Mr D Spencer,
Mrs J Turner, Mrs H A Wells and Mrs H Welsh

(v). Standing Advisory Committee on Religious Education (SACRE)

(4:2:0)

Councillors Tony Smith Deputies – Councillors Phill Brightmore
Walter Smith Jim Crabtree
Bernie Mooney Denise Roberts
Moira McLaughlin

Councillors Wendy Clements Deputy – Councillor Paul Hayes
Peter Kearney

(vi). Wirral Schools Forum (Funding Consultative Group)

Observers (2:1:0)

Councillor Bernie Mooney
Councillor Tony Smith
Councillor Wendy Clements

(vii). Wirral Children's Trust Board (2:1:0)

Cabinet Member – Councillor Tony Smith
and Councillors Chris Meaden and Wendy Clements

(viii). Adoption / Fostering Panels

Adoption: Councillor Tony Smith (Chair)
Fostering: Councillors Anita Leech, Cherry Povall and Tom Harney

(c) CENTRAL AND SUPPORT SERVICES

Independent Remuneration Panel (4 persons who are not members of the
Council and who are not disqualified from being a member)

Don Latham (Chair), Ray Allan, Nunzia Bertali, Pauline Brown

(d) HEALTH AND WELLBEING

Health and Wellbeing Board

3 Political Group Leaders plus, as co-optees, the Cabinet Members for Adult Social Care, Councillor Chris Jones, Children and Family Services, Councillor Tony Smith, and Health and Wellbeing, Councillor Chris Meaden

(e) NEIGHBOURHOODS, HOUSING AND ENGAGEMENT

(i). Housing Review Panel

(No longer meets - appointments not required)

(ii). Unified Waiting List Management Advisory Board

(No longer meets - appointments not required)

(2) ADVISORY COMMITTEES AND WORKING PARTIES

(listed under relevant portfolio)

(a) CHILDREN AND FAMILY SERVICES

(i). Youth and Play Service Advisory Committee

(8 Council Members - 3:3:2)

Councillors	Tony Smith Chris Meaden Walter Smith	Deputy –	Councillor	Jean Stapleton
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Councillors	Paul Hayes Wendy Clements Cherry Povall	Deputy –	Vacancy
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Councillors	Tom Harney Pat Williams	Deputies –	Councillor	Phil Gilchrist
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(ii). Corporate Parenting Group (2:2:2)

Councillors Chris Meaden, Tony Smith
Councillors Cherry Povall, Wendy Clements
Councillors Tom Harney, Pat Williams

(iii). Headteachers and Teachers Joint Consultative Committee

(7 Council Members - 3:2:2)

Councillors	Denise Roberts Tony Smith George Davies	Deputies –	Councillors	Jim Crabtree Maira McLaughlin Bernie Mooney
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Councillors	Wendy Clements Paul Hayes	Deputy –	Councillor	Cherry Povall
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(e) HEALTH AND WELLBEING

(i). Birkenhead Park Advisory Committee (4:2:2)

Councillors Brian Kenny, George Davies, Denise Roberts, Jean Stapleton
Councillors Cherry Povall, David Elderton
Councillors Stuart Kelly, Alan Brighouse

**(ii). Hilbre Island Nature Reserve Management Committee
(2:4:2)**

Councillors Jerry Williams, Tony Smith
Councillors Gerry Ellis, John Hale, Jeff Green, Geoffrey Watt
Councillors Alan Brighouse and **Vacancy**

(f) NEIGHBOURHOODS, HOUSING AND ENGAGEMENT

Anti-Social Behaviour Partnership Body

(No longer meets - appointments not required)

(g) CHILDREN AND FAMILY SERVICES / ADULT SOCIAL CARE

Safeguarding Reference Group

(No longer meets - appointments not required)

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WIRRAL COUNCIL

ANNUAL COUNCIL

9 JUNE 2014

SUBJECT:	APPOINTMENTS TO OUTSIDE ORGANISATIONS 2014/2015
WARD/S AFFECTED:	ALL
REPORT OF:	HEAD OF LEGAL AND MEMBER SERVICES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to request the Council to nominate representatives of the Council to serve on, or continue as members of, various outside organisations in 2014/2015.

2.0 BACKGROUND AND KEY ISSUES

2.1 The bodies to which appointments are to be made are set out in Appendix 1, with the 2013/2014 year's representation as a guide.

2.2 The schedule attached at Appendix 1 has been updated to reflect the current bodies to which Members are required to be appointed to for 2014/15.

2.3 The bodies are listed under the relevant Cabinet portfolio or Committee.

2.4 Attendance by elected members at meetings of these outside bodies has been designated as an approved duty unless there are specific reasons for not doing so (e.g. where another authority pays expenses to its members).

3.0 RELEVANT RISKS

3.1 There is a requirement under the Council's Constitution that the Annual Council meeting shall appoint Members to outside organisations.

4.0 OTHER OPTIONS CONSIDERED

4.1 No other options were considered beyond those outlined in the report.

5.0 CONSULTATION

5.1 It is for political groups to decide how they wish to allocate their outside body places.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are no implications arising directly from this report, however, many of the organisations to which nominations are made represent such interests.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 There are no implications arising directly from this report.

9.0 LEGAL IMPLICATIONS

9.1 There are no implications arising directly from this report.

10.0 EQUALITIES IMPLICATIONS

10.1 There are none arising directly from this report, however, some of the organisations to which nominations are made represent such groups as the elderly, ethnic minorities and those with disabilities.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 There are no implications arising directly from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are no implications arising directly from this report.

13.0 RECOMMENDATION/S

13.1 The Annual Meeting of the Council is requested to appoint or nominate, as the case may be, elected members, officers or others (as appropriate) to represent the Council on the outside organisations identified in Appendix 1, where appointments are still required.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 The Annual Meeting of the Council is required to appoint Members to a variety of outside organisations.

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APPENDICES

1. Outside Organisations' Membership 2013/2014

REFERENCE MATERIAL

Previous reports on the appointments to outside organisations and amendments made during the year and the Council's Constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	20 May 2013
Council	14 May 2012
Council	16 May 2011

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APPOINTMENTS TO OUTSIDE BODIES 2013/2014 (grouped under portfolio or Committee)

Note: Where ratios are quoted, the first figure refers to the entitlement of the Labour group, then Conservative, then Liberal Democrat.

(A) LEADER

(i). Liverpool City Region Cabinet

Leader of the Council, Councillor Phil Davies

(ii). Liverpool City Region Combined Authority *

Leader of the Council, Councillor Phil Davies
Councillor Ann McLachlan (substitute member)

*A Liverpool City Region Combined Authority Scrutiny Panel is due to be established, subject to agreement at the Combined Authority's meeting on 13 June, and nominations will be made at the Council meeting on 14 July, 2014.

(iii). Liverpool City Region Boards

Environment and Waste Board	Leader of the Council Councillor Phil Davies (Chair) Councillor Brian Kenny
Improvement and Efficiency Board	(Appointments no longer required)
Employment and Skills Board	Councillor Pat Hackett
Housing and Spatial Planning Board	Councillor George Davies

(iv). Liverpool City Region Local Enterprise Partnership - Director

Leader of the Council – Councillor Phil Davies

(v). Local Strategic Partnership Executive Board

Group Leaders:	Councillors	Phil Davies
(or their nominees)		Jeff Green
		Phil Gilchrist

and Mr G Burgess (Chief Executive)

(vi). NW Regional Leaders' Board (Nomination)

3 places available for Merseyside Authorities. For the 2013/2014 municipal year, Members from Liverpool City, Knowsley and St Helens Councils were appointed.

(vii). Strategic Partnership Assembly

Group Leaders: Councillors Phil Davies
(or their nominees) Jeff Green
Phil Gilchrist

and Mr G Burgess (Chief Executive)

(B) ADULT SOCIAL CARE

(i). Age UK

Councillor Chris Jones

(ii). Arch Initiatives - Wirral Management Committee (1:1:1)

Councillor Denise Roberts
Councillor Steve Williams
Councillor Pat Williams

(iii). Bebington Day Centre Advisory Body
(Bebington Ward Councillors)

Councillors Christina Muspratt
Walter Smith
Jerry Williams

(iv). Girtrell Court Residential Centre Advisory Body (1:1:1)

Councillor Stuart Whittingham
Councillor Simon Mountney
Councillor Pat Williams

(v). Heswall Advisory Body (Heswall ATC) (1:1:1)

Councillor Jerry Williams
Councillor Kathy Hodson
Councillor **Vacancy**

(vi). John Lloyd Corkhill Trust

Councillor Chris Jones

(vii). Merseyside Society for the Deaf (1:1:0)

Councillor John Salter
Councillor Mike Hornby

(viii). Wallasey Day Centre Advisory Body (3:0:0)

Councillors John Salter
Pat Glasman
Rob Gregson

(C) CENTRAL AND SUPPORT SERVICES

**(i). Birkenhead Market Limited/Birkenhead Market Services Limited
– Director**

Vacancy

(ii). *Local Government Association: General Assembly (3:1:0)
* See also item (vii) below

Councillors Phil Davies
George Davies
Ann McLachlan
Councillor Jeff Green

(iii). North Western Local Authorities Employers' Organisation

Councillor Adrian Jones
(Deputy – Councillor Phil Davies)

(iv). SIGOMA (LGA Special Interest Group of Metropolitan Authorities)

Leader of the Council, Councillor Phil Davies, or nominee

Councillor George Davies is the Leader's current nominee, and the other Group Leaders or their nominees have been authorised to attend as observers.

(Councillor Chris Blakeley is an observer.)

(v). West Kirby Charities (the Council is able to nominate up to 8 trustees)

Councillor D M Elderton	(appointed until 7 September 2017)
Councillor E Boulton	(appointed until 16 October 2017)
Mr David Stevenson	(appointed until 30 October 2014)
Vacancy	(appointed until 18 October 2016)
Councillor Geoffrey Watt	(appointed until 26 April 2016)
Vacancy	(appointed until 30 October 2015)
Mrs Victoria Gawith	(appointed until 18 April 2015)
Mrs Gill Conlon	(appointed until 30 January, 2017)

(D) CHILDREN AND FAMILY SERVICES

(i). Birkenhead Sixth Form College Governing Body

Councillor Denise Roberts (1 Nov 2011 to 31 Oct 2015)

(ii). C E Gourley VC Endowment Fund

Councillors Geoffrey Watt
Gerry Ellis

(iii). Lower Bebington School Lands Foundation (1:1:1)

Councillor Jerry Williams
Councillor Cherry Povall
Councillor Phil Gilchrist

(iv). National Society for the Prevention of Cruelty to Children

Councillor Tony Smith

(v). Oaklands Centre Management Committee (2:1:1)

Councillors Walter Smith
Tony Smith
Councillor Simon Mountney
Councillor Tom Harney

(vi). St Bridget's Educational Trust

Councillor Gerry Ellis

(vii). University of Liverpool Court (1:1:1)

Councillor Adrian Jones
Councillor Adam Sykes
Councillor Pat Williams

(viii). West Kirby Residential School

Councillor Eddie Boulton

(ix). Wirral Alternative School Programme (WASP) (1:1:1)

Councillor Tony Smith
Councillor Wendy Clements
Councillor Tom Harney

(x). Wirral Metropolitan College Governing Body (Nomination)

Councillor Ann McLachlan (appointed for 4 year term to 19.07.2015)
Mr D Armstrong (Assistant Chief Executive) (appointed for 4 year term to 19.12.2014)

(xi). Wirral Play Council Executive Committee (1:1:0)

Councillor Chris Meaden
Councillor Wendy Clements

(xii). Wirral Play Partnership (1:1:1)

Councillor Chris Meaden
Councillor Cherry Povall
Councillor Pat Williams

(E) ECONOMY

(i). Chrysalis (General Partner) Limited - Director

Councillor Ann McLachlan

(ii). Conservation Area Advisory Committees

<u>Conservation Area</u>	<u>Councillor(s)</u>
Bromborough Pool	Steve Niblock
Oxton	Pat Williams
Barnston	Phillip Brightmore
Caldy	Jeff Green
Frankby	Wendy Clements
Gayton and Heswall	Kathy Hodson
Thornton Hough	Cherry Povall
Thurstaston	David Elderton
Wellington Road, New Brighton	Pat Glasman, Pat Hackett, Rob Gregson
Saughall Massie	Steve Williams
Port Sunlight	Steve Niblock
Rock Park	Chris Meaden
Bidston	Harry Smith
Eastham	Tom Harney
Hoylake Meols Drive/King's Gap	Gerry Ellis
Friends of Birkenhead Park	Jerry Williams
West Kirby Society	David Elderton
Bromborough Society	Irene Williams
Mount Wood	Paul Doughty, Tony Norbury, Denise Realey
Clifton Park	Brian Kenny

(iii). Lairdsie Communities Together

Councillors Phil Davies
Chris Meaden

(iv). Mersey Maritime Group Ltd (1:1:0)

Councillor Brian Kenny
Councillor Lesley Rennie
Councillor Phil Davies (Co-opted Member)

(v). Mersey / Dee Alliance (1:1:1)

Councillor Pat Hackett (or nominee)
Councillor Steve Williams (or nominee)
Councillor Dave Mitchell (or nominee)

(vi). North Birkenhead Development Trust (Director)

Councillor Harry Smith

(vii). Wirral Business Partnership

Leader of the Council – Councillor Phil Davies
Strategic Director: Regeneration and Environment – Mr K Adderley

(viii). Wirral Citizens' Advice Bureau (1:1:1)

Councillor Jean Stapleton
Councillor David Elderton
Councillor Alan Brighouse
Plus Strategic Director: Regeneration and Environment (Mr K Adderley) (or nominee)

(ix). Wirral Council for Voluntary Service - Management Committee (1:1:0)

Councillor Denise Roberts
Councillor David Elderton

(F) ENVIRONMENT AND SUSTAINABILITY

(i). Liverpool Airport Consultative Committee

Councillor Steve Niblock

(ii). LGA Urban Commission
(Appointments no longer required)

**(iii). Local Government Association
Coastal Issues Special Interest Group**

Councillor Harry Smith
(Cabinet Member for Highways and Transportation)

(iv). Manchester Port Health Authority

Councillor John Salter
(Deputy – Not appointed)

(v). Mersey Port Health Committee (3:2:1)

Councillors	Ron Abbey John Salter Harry Smith	Deputies – Councillors	Bernie Mooney Denise Roberts
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Councillors	John Hale Gerry Ellis	Deputies – Councillors	Wendy Clements Les Rowlands
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Councillor	Dave Mitchell	Deputies – Councillor	Alan Brighouse
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(vi). Merseyside Waste Disposal Authority (1:1:0)

Councillor Irene Williams*
Councillor Steve Williams.

**Nominated for the purposes of Section 41, Local Government Act 1985*

(G) GOVERNANCE AND IMPROVEMENT

(i). Wirral Improvement Board
(Appointments no longer required)

(ii). Wirral Multicultural Organisation (1:1:1 plus a Ward Councillor)

Councillor Brian Kenny
Councillor Ian Lewis
Councillor Dave Mitchell
Councillor Phil Davies (Ward Councillor)

(H) HEALTH AND WELLBEING

**(i). Beechwood Play and Community Centre
Joint Management Committee**

Councillors Jim Crabtree
Denise Roberts
Ann McLachlan
Harry Smith

**(ii). Charing Cross Play, Youth and Community Centre
Joint Management Committee**

Councillors Phil Davies
Brian Kenny
Denise Roberts
Jean Stapleton

(iii). Cheshire and Wirral NHS Partnership Trust: Appointed Governor

Councillor P N Gilchrist (Appointed for 3 years until 10 October 2016)

(iv). Clatterbridge Cancer Centre NHS Foundation Trust
(Appointed for 3 years until end of September 2015)

Councillor Pat Glasman

**(v). Gautby Road Play & Community Centre
Joint Management Committee**
(Bidston and St James Ward Councillors)

Councillors Jim Crabtree
Ann McLachlan
Harry Smith

- (vi). **Kylemore Community Centre Joint Management Committee**
(Has now moved outside the Council's control – appointments not required for 2014/15)

(vii). **The Lauries Centre**

Councillor B Kenny

(viii). **Leasowe Play, Youth & Community Association Joint Management Committee**

Councillors Ron Abbey
Ian Lewis
Anita Leech

- (ix). **Liscard Community Facilities Complex Joint Management Cttee**
(Liscard Ward Councillors) - (Will move outside the Council's control within the next three months)

Councillors Vacancy
Janette Williamson
Bernie Mooney

- (x). **Livingstone Street Community Centre Joint Management Cttee**
(Bidston and St James Ward Councillors) - (Will move outside the Council's control within the next six months)

Councillors Jim Crabtree
Ann McLachlan
Harry Smith

- (xi). **Mayer Trust, Bebington**
(Appointments to this body will be subject to review as the Trust is currently reviewing its constitution)

Councillors Jerry Williams
Cherry Povall
Dave Mitchell

(xii). **Merseyside Cultural Forum**

Councillor Chris Meaden (Cabinet Member for Health and Wellbeing)

- (xiii). **New Ferry Village Hall Joint Management Committee**
(Bromborough Ward Councillors) – (Will move outside the Council's control within the next three months)

Councillors Joe Walsh
Steve Niblock
Irene Williams

(xiv). North West Libraries

Councillor Chris Meaden (Cabinet Member for Health and Wellbeing)
(or nominee)

(xv). Royal Liverpool Philharmonic Society

Councillor Denise Roberts

(xvi). Seacombe Community Association (Council)

Councillor J Salter

(xvii). Tam O'Shanter Cottage Trust

Councillors Denise Roberts
Chris Meaden
George Davies
Steve Foulkes
Simon Mountney

(xviii). Westbourne Community Centre Joint Management Committee

(Has now moved outside the Council's control – appointments not required for 2014/15)

**(xix). Wirral University Teaching Hospital Foundation Trust - Governors
(1:1)**

Councillor Kathy Hodson)
Councillor Anita Leech) Appointed for 3 years until 18 September 2016

Deputy: Director of Adult Social Services
(Members appointed to the trust cannot also be members of the Policy and Performance Families and Wellbeing Committee)

(xx). Woodchurch Community Centre Joint Management Committee

(Upton Ward Councillors) – (Will move outside the Council's control within the next three months)

Councillors Matthew Patrick
Stuart Whittingham
Tony Smith

(I) HIGHWAYS AND TRANSPORTATION

(i). Merseytravel Committee of the Liverpool City Region Combined Authority (formally the Merseyside Integrated Transport Authority (Not an Approved Duty) (3:1:0)

Councillors Ron Abbey*
Steve Foulkes
John Salter
Councillor Les Rowlands

**Nominated for the purposes of Section 41 of the Local Government Act 1985*

(ii). National Parking Adjudication Service Joint Committee

Councillor Harry Smith
(Deputies – Councillors Lesley Rennie and Dave Mitchell)

(iii). Wirral Cycle Forum (1:1:1)

Councillor Christina Muspratt
Councillor Wendy Clements
Councillor Phil Gilchrist

(iv). Wirral Pedestrian Forum (1:1:1)

Councillor Harry Smith
Councillor Kathy Hodson
Councillor Phil Gilchrist

(J) LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

(i). North Western Inshore Fisheries and Conservation Authority

Councillor Pat Glasman

(K) NEIGHBOURHOODS, HOUSING AND ENGAGEMENT

(i). Beechwood & Ballantyne Community Housing Association – Board

Councillors Ann McLachlan
Harry Smith
Denise Realey

(ii). Leasowe Community Homes Management Board

Councillors Ron Abbey
John Salter
Anita Leech

And Officer Vacancy

**(iii). Merseyside Fire and Rescue Authority (3:1:0)
(Not an Approved Duty)**

Councillors Denise Roberts*
Steve Niblock
Jean Stapleton
Councillor Lesley Rennie

**Nominated for the purposes of Section 41 of the Local Government Act 1985*

(iv). Merseyside Police and Crime Panel

(Established on 22 June, 2012 by City Region Cabinet)

Councillors John Hale
Moirra McLaughlin

(v). Wirral Community Safety Partnership (1:1:1)

Councillors George Davies
John Hale
Alan Brighthouse

(vi). Wirral Council and Riverside Challenge Fund Working Group

Councillor George Davies
(Cabinet Member for Neighbourhoods, Housing and Engagement)
Mr K Adderley
(Strategic Director: Regeneration and Environment) or deputy
Mr S Tour
(Head of Legal / Member Services) or deputy

(vii). Magenta Living – Board members (3:1)

(Note – numbers reduced from 5 to 4 as from 17 September, 2013)

Councillors Stuart Whittingham
Denise Roberts
Steve Foulkes
Councillor Jeff Green

(viii). Magenta Living: Community Fund Working Group

Councillor George Davies (Cabinet Member)
Mr K Adderley (Strategic Director: Regeneration and Environment)
Mr S Tour (Head of Legal / Member Services)

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**POLICY AND PERFORMANCE COORDINATING COMMITTEE
1 APRIL 2014**

51 PROTOCOL FOR THE ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS FOR CHESHIRE AND MERSEYSIDE

A report by the Director of Public Health/Head of Policy and Performance outlined the process currently being undertaken to develop a Joint Health Scrutiny Protocol/Arrangements covering the Cheshire and Merseyside area pursuant to The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("Regulations").

A copy of the draft protocol was attached to the report at Appendix 1 for Members' information. The Protocol responded to a requirement set out in Regulations and provided a vehicle for establishing Joint Health Scrutiny Committees with the other authorities in the Cheshire and Merseyside area as the need arose.

The requisite changes required to the Council's Constitution were attached to the report at Appendix 2 for Members' information.

Additional clarifications in respect of the Protocol for the establishment of joint health scrutiny arrangements for Cheshire and Merseyside were attached to the report at Appendix 3 for Members' information.

It was reported that since the publication of the committee papers, the protocol had been subject to a final amendment, prior to approval by all nine Cheshire and Merseyside authorities as follows:

A Joint Committee would be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:

- where four or more local authorities deem the proposed change to be substantial, each authority will nominate two elected Members
- where three or less local authorities deem the proposed change to be substantial, then each participating authority will nominate three elected Members.

(Note: In making their nominations, each participating authority would be asked to ensure that their representatives had the experience and expertise to contribute effectively to a health scrutiny process.)

Local authorities who consider change to be 'substantial'	No' of elected members to be nominated from each authority
4 or more	2 Members
3 or less	3 Members

Councillor P Glasman declared a non pecuniary interest in this item of business by virtue of her being on the Board of the Clatterbridge Cancer Centre NHS Foundation Trust.

The Committee discussed its need to maintain its own independent view and referred to Clatterbridge Hospital as an example as it was in the Council's administrative area. The Director of Public Health/Head of Policy and Performance informed that the Council would still have its own arrangements in place to review issues at the local level.

The Head of Legal and Member Services informed the Committee that it was not expected that there would be any more changes to the Protocol at this time whilst the nine participating authorities were going through the process of agreeing it. However, it would be kept under regular review and there could be future amendments to ensure that it was working effectively.

RESOLVED: That

- (1) the draft Protocol for the Establishment of Joint Health Scrutiny arrangements for Cheshire and Merseyside set out in Appendix 1 to the report be endorsed;**
- (2) the Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside set out Appendix 1 to the report be recommended to the Council at its Annual Meeting on 9 June 2014;**
- (3) the Committee recommends to the Council at its Annual Meeting on 9 June 2014 that it be given delegated authority to amend and revise the Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside as considered appropriate and necessary; and**
- (4) the Committee recommends the Council at its Annual Meeting on 9 June 2014 to include Article 6A as set out at Appendix 2 to the report within the Council's Constitution.**

PROTOCOL FOR ESTABLISHMENT OF JOINT HEALTH SCRUTINY ARRANGEMENTS FOR CHESHIRE AND MERSEYSIDE

1. INTRODUCTION

- 1.1 This protocol has been developed as a framework for the operation of joint health scrutiny arrangements across the local authorities of Cheshire and Merseyside. It allows for:
- scrutiny of substantial developments and variations of the health service; and,
 - discretionary scrutiny of local health services
- 1.2 The protocol provides a framework for health scrutiny arrangements which operate on a joint basis only. Each constituent local authority should have its own local arrangements in place for carrying out health scrutiny activity individually.

2. BACKGROUND

- 2.1 The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 came into effect on 1 April 2013 revising existing legislation regarding health scrutiny.
- 2.2 In summary, the revised statutory framework authorises local authorities to:
- review and scrutinise any matter relating to the planning, provision and operation of the health service; and,
 - consider consultations by a relevant NHS body or provider of NHS-funded services on any proposal for a substantial development or variation to the health service in the local authority's area.
- 2.3 Ultimately the regulations place a requirement on relevant scrutiny arrangements to reach a view on whether they are satisfied that any proposal that is deemed to be a substantial development or variation is in the interests of the health service in that area, or instead, that the proposal should be referred to the Secretary of State for Health. In instances where a proposal impacts on the residents of one local authority area exclusively, this responsibility lays with that authority's health scrutiny arrangements alone.
- 2.4 Where such proposals impact on more than one local authority area, each authority's health scrutiny arrangements must consider whether the proposals constitute a substantial development or variation or not. The regulations place a requirement on those local authorities that agree that a proposal is substantial to establish, in each instance, a joint overview and scrutiny committee for the purposes of considering it. This protocol deals with the

proposed operation of such arrangements for the local authorities of Cheshire and Merseyside.

3. PURPOSE OF THE PROTOCOL

3.1 This protocol sets out the framework for the operation of joint scrutiny arrangements where:

- a) an NHS body or health service provider consults with more than one local authority on any proposal it has under consideration, for a substantial development/variation of the health service;
- b) joint scrutiny activity is being carried out on a discretionary basis into the planning, provision and operation of the health service

3.2 The protocol covers the local authorities of Cheshire and Merseyside including:

- 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

3.3 Whilst this protocol deals with arrangements within the boundaries of Cheshire and Merseyside, it is recognised that there may be occasions when consultations/discretionary activity may affect adjoining regions/ areas. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

4. PRINCIPLES FOR JOINT HEALTH SCRUTINY

4.1 The fundamental principle underpinning joint health scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the health of local people and to tackle health inequalities;
- To represent the views of local people and ensure that these views are identified and integrated into local health service plans, services and commissioning;

- To scrutinise whether all parts of the community are able to access health services and whether the outcomes of health services are equally good for all sections of the community; and,
- To work with NHS bodies and local health providers to ensure that their health services are planned and provided in the best interests of the communities they serve.

5. SUBSTANTIAL DEVELOPMENT/VARIATION TO SERVICES

5.1 Requirements to consult

- 5.1.1 All relevant NHS bodies and providers of NHS-funded services¹ are required to consult local authorities when they have a proposal for a substantial development or substantial variation to the health service.
- 5.1.2 A substantial development or variation is not defined in legislation. Guidance has suggested that the key feature is that it should involve a major impact on the services experienced by patients and/or future patients.
- 5.1.3 Where a substantial development or variation impacts on the residents within one local authority area boundary, only the relevant local authority health scrutiny function shall be consulted on the proposal.
- 5.1.4 Where a proposal impacts on residents across more than one local authority boundary, the NHS body/health service provider is obliged to consult all those authorities whose residents are affected by the proposals in order to determine whether the proposal represents a substantial development or variation.
- 5.1.5 Those authorities that agree that any such proposal does constitute a substantial development or variation are obliged to form a joint health overview and scrutiny committee for the purpose of formal consultation by the proposer of the development or variation.
- 5.1.6 Whilst each local authority must decide individually whether a proposal represents a substantial development/variation, it is only the statutory joint health scrutiny committee which can formally comment on the proposals if more than one authority agrees that the proposed change is “substantial”.
- 5.1.7 Determining that a proposal is not a substantial development/variation removes the ability of an individual local authority to comment formally on the proposal and exercise other powers, such as the power to refer to the Secretary of State. Once such decisions are made, the ongoing obligation on the proposer to consult formally on a proposal relates only to those authorities

¹ This includes the NHS England, any Clinical Commissioning Group providing services to the residents of Cheshire and Merseyside, an NHS Trust, an NHS Foundation Trust and any other relevant provider of NHS funded services which provides health services to those residents, including public health.

that have deemed the proposed change to be “substantial” and this must be done through the vehicle of the joint committee. Furthermore the proposer will not be obliged to provide updates or report back on proposals to individual authorities that have not deemed them to be “substantial”.

5.2 Process for considering proposals for a substantial development/variation

5.2.1 In consulting with the local authority in the first instance to determine whether the change is considered substantial, the NHS body/ provider of NHS-funded service is required to:

- Provide the proposed date by which it requires comments on the proposals
- Provide the proposed date by which it intends to make a final decision as to whether to implement the proposal
- Publish the dates specified above
- Inform the local authority if the dates change²

5.2.3 NHS bodies and local health service providers are not required to consult with local authorities where certain ‘emergency’ decisions have been taken. All exemptions to consult are set out within regulations.³

5.2.4 In considering whether a proposal is substantial, all local authorities are encouraged to consider the following criteria:

- *Changes in accessibility of services:* any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.
- *Impact on the wider community and other services:* This could include economic impact, transport, regeneration issues.
- *Patients affected:* changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
- *Methods of service delivery:* altering the way a service is delivered may be a substantial change, for example moving a particular service into community settings rather than being entirely hospital based.
- *Potential level of public interest:* proposals that are likely to generate a significant level of public interest in view of their likely impact.

² Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

³ Section 24 *ibid*

5.2.5. This criteria will assist in ensuring that there is a consistent approach applied by each authority in making their respective decisions on whether a proposal is “substantial” or not. In making the decision, each authority will focus on how the proposals impacts on its own area/ residents.

6. OPERATION OF A STATUTORY JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

6.1 General

6.1.1 A joint health overview and scrutiny committee will be made up of each of the constituent local authorities that deem a proposal to be a substantial development or variation. This joint committee will be formally consulted on the proposal and have the opportunity to comment. It will also be able to refer to the Secretary of State for Health if any such proposal is not considered to be in the interests of the health service.

6.1.2 A decision as to whether the proposal is deemed substantial shall be taken within a reasonable timeframe and in accordance with any deadline set by the lead local authority, following consultation with the other participating authorities.

6.2 Powers

6.2.1 In dealing with substantial development/variations, any statutory joint health overview and scrutiny committee that is established can:

- require relevant NHS bodies and health service providers to provide information to and attend before meetings of the committee to answer questions
- make comments on the subject proposal by a date provided by the NHS body/local health service provider
- make reports and recommendations to relevant NHS bodies/local health providers
- require relevant NHS bodies/local health service providers to respond within a fixed timescale to reports or recommendations
- carry out further negotiations with the relevant NHS body where it is proposing not to agree to a substantial variation proposal; and
- where agreement cannot be reached, to notify the NHS body of the date by which it intends to make the formal referral to the Secretary of State

6.2.2 A joint health overview and scrutiny committee has the power to refer a proposal to the Secretary of State if:

- the committee is not satisfied that consultation with the relevant health scrutiny arrangements on any proposal has been adequate
- it is not satisfied that reasons for an ‘emergency’ decision that removes the need for formal consultation with health scrutiny are adequate

- it does not consider that the proposal would be in the interests of the health service in its area

6.2.3 Where a committee has made a recommendation to a NHS body/local health service provider regarding a proposal and the NHS body/provider disagrees with the recommendation, the local health service provider/NHS body is required to inform the joint committee and attempt to enter into negotiation to try and reach an agreement. In this circumstance, a joint committee has the power to report to the Secretary of State if:

- relevant steps have been taken to try to reach agreement in relation to the subject of the recommendation, but agreement has not been reached within a reasonable period of time; or,
- There has been no attempt to reach agreement within a reasonable timeframe.

6.2.4 Where a committee disagrees with a substantial variation and has either made comments (without recommendations) or chosen not to provide any comments, it can report to the Secretary of State only if it has:

- Informed the NHS body/local health service provider of its decision to disagree with the substantial variation and report to the Secretary of State; or,
- Provided indication to the NHS body/local health service provider of the date by which it intends to make a referral.

6.2.5 In any circumstance where a committee disagrees with a proposal for a substantial variation, there will be an expectation that negotiations will be entered into with the NHS body/local health service provider in order to attempt to reach agreement.

6.2.6 Where local authorities have agreed that the proposals represent substantial developments or variations to services and agreed to enter into joint arrangements, it is only the joint health overview and scrutiny committee which may exercise these powers.

6.2.7 A statutory joint health overview and scrutiny committee established under the terms of this protocol may only exercise the powers set out in 6.2.1 to 6.2.3 above in relation to the statutory consultation for which it was originally established. Its existence is time-limited to the course of the specified consultation and it may not otherwise carry out any other activity.

6.3 Membership

6.3.1 Each participating local authority should ensure that those Councillors it nominates to a joint health overview and scrutiny committee reflect its own political balance.⁴ However, overall political balance requirements may be waived with the agreement of all participating local authorities.

⁴ Localism Act 2011, Schedule 2 9FA, 6 (b)

6.3.2 A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:

- where 8 or more local authorities deem the proposed change to be substantial – the joint health overview and scrutiny committee will consist of 1 nominated elected member from each participating authority (or a nominated substitute)
- where between 4 and 7 local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members
- where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members.

(Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)

Local authorities who consider change to be 'substantial'	No' of elected members to be nominated from each authority
8 or more	1 member
Between 4 and 7	2 members
3 or less	3 members

6.3.3 Each local authority will be obliged to nominate elected members through their own relevant internal processes and provide notification of those members to the lead local administrative authority at the earliest opportunity.

6.3.4 To avoid inordinate delays in the establishment of a relevant joint committee, it is suggested that constituent authorities arrange for delegated decision making arrangements to be put in place to deal with such nominations at the earliest opportunity.

6.5 Quorum

6.5.1 The quorum of the meetings of a joint committee shall be one quarter of the full membership of any Joint Committee, subject to the quorum being, in each instance, no less than 3.

6.5.2 There will be an expectation for there to be representation from each authority at a meeting of any joint committee established. The lead local authority will attempt to ensure that this representation is achieved.

6.6 Identifying a lead local authority

6.6.1 A lead local authority should be identified from one of the participating authorities to take the lead in terms of administering and organising a joint committee in relation to a specific proposal.

6.6.2 Selection of a lead authority should, where possible, be chosen by mutual agreement by the participating authorities and take into account both capacity to service a joint health scrutiny committee and available resources. The application of the following criteria should also guide determination of the lead authority:

- The local authority within whose area the service being changed is based; or
- The local authority within whose area the lead commissioner or provider leading the consultation is based.

6.6.3 Lead local authority support should include a specific contact point for communication regarding the administration of the joint committee. There will be an obligation on the key lead authority officer to liaise appropriately with officers from each participating authority to ensure the smooth running of the joint committee.

6.6.4 Each participating local authority will have the discretion to provide whatever support it may deem appropriate to their own representative(s) to allow them to make a full contribution to the work of a joint committee.

6.7 Nomination of Chair/ Vice-Chair

The chair/ vice-chair of the joint health overview and scrutiny committee will be nominated and agreed at the committee's first meeting. It might be expected that consideration would be given to the chair being nominated from the representative(s) from the lead authority.

6.8 Meetings of a Joint Committee

6.8.1 At the first meeting of any joint committee established to consider a proposal for a substantial development or variation, the committee will also consider and agree:

- The joint committee's terms of reference;
- The procedural rules for the operation of the joint committee;
- The process/ timeline for dealing formally with the consultation, including:
 - the number of sessions required to consider the proposal; and
 - the date by which the joint committee will make a decision as to whether to refer the proposal to the Secretary of State for Health – which should be in advance of the proposed date by which the NHS body/service provider intends to make the decision.

6.8.2 All other meetings of the joint committee will be determined in line with the proposed approach for dealing with the consultation. Different approaches may be taken for each consultation and could include gathering evidence from:

- NHS bodies and local service providers;
- patients and the public;
- voluntary sector and community organisations; and
- NHS regulatory bodies.

6.9 Reports of a Joint Committee

6.9.1 A joint committee is entitled to produce a written report which may include recommendations. As a minimum, the report will include:

- An explanation of why the matter was reviewed or scrutinised
- A summary of the evidence considered
- A list of the participants involved in the review
- An explanation of any recommendations on the matter reviewed or scrutinised

The lead authority will be responsible for the drafting of a report for consideration by the joint committee.

6.9.2 Reports shall be agreed by the majority of members of a joint committee and submitted to the relevant NHS body/health service provider or the Secretary of State as applicable.

6.9.3 Where a member of a joint health scrutiny committee does not agree with the content of the committee's report, they may produce a report setting out their findings and recommendations which will be attached as an appendix to the joint health scrutiny committee's main report.

7. DISCRETIONARY HEALTH SCRUTINY

- 7.1 More generally, the Health and Social Care Act 2012 and the 2013 Health Scrutiny Regulations provide for local authority health scrutiny arrangements to scrutinise the planning, provision and operation of health services.
- 7.2 In this respect, two or more local authorities may appoint a joint committee for the purposes of scrutinising the planning, provision and operation of health services which impact on a wider footprint than that of an individual authority's area.
- 7.3 Any such committee will have the power to:
- require relevant NHS bodies and health service providers to provide information to and attend before meetings of the committee to answer questions
 - make reports and recommendations to relevant NHS bodies/local health providers
 - require relevant NHS bodies/local health service providers to respond within a fixed timescale to reports or recommendations
- 7.4 A discretionary joint committee will not have the power to refer an issue to the Secretary of State for Health.
- 7.5 In establishing a joint committee for the purposes of discretionary joint scrutiny activity, the constituent local authorities should determine the committee's role and remit. This should include consideration as to whether the committee operates as a standing arrangement for the purposes of considering all of the planning, provision and operation of health services within a particular area or whether it is being established for the purposes of considering the operation of one particular health service with a view to making recommendations for its improvement. In the case of the latter, the committee must disband once its specific scrutiny activity is complete.
- 7.6 In administering any such committee, the proposed approach identified in sections 6.3 – 6.9 (disregarding any power to refer to the Secretary of State) of this protocol should be followed, as appropriate.

8. CONCLUSION

- 8.1 The local authorities of Cheshire and Merseyside have adopted this protocol as a means of governing the operation of joint health scrutiny arrangements both mandatory and discretionary. The protocol is intended to support effective consultation with NHS bodies or local health service providers on any proposal for a substantial development of or variation in health services. The protocol also supports the establishment of a joint health overview and scrutiny committee where discretionary health scrutiny activity is deemed appropriate.
- 8.2 The protocol will be reviewed regularly, and at least on an annual basis to ensure that it complies with all current legislation and any guidance published by the Department of Health.

DRAFT

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Article 6A - Joint Health Scrutiny Committee(s)

1. Role and Function

- 1.1 The role and function of any Joint Health Scrutiny Committee shall be determined in accordance with the arrangements set out in the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside'.
- 1.2 To undertake joint health scrutiny obligations arising under the Health Scrutiny Regulations (as detailed in the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside') as from 1st April 2013 (i) where more than one local authority's health scrutiny arrangements consider a proposed change in NHS services to be substantial in terms of the impact on its area; and/or (ii) in other circumstances as permitted by the Health Scrutiny Regulations or the Protocol.

2. Composition

- 2.1 The composition of any Joint Health Scrutiny Committee shall be in accordance with the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside' as approved by the Policy and Performance Coordinating Committee.

3. Membership

- 3.1 The appointment of Members to any Joint Health Scrutiny Committee will be in accordance with the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside'. Nominations to any Joint Health Committee shall be determined and made by the Families and Wellbeing Policy and Performance Committee which is responsible for discharging the Council's Health Scrutiny responsibilities.

4. Quorum

- 4.1 The quorum of any Joint Health Scrutiny Committee shall be determined in accordance with the arrangements set out in the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside'.

5. Frequency of Meetings

- 5.1 The frequency of meetings of any Joint Health Overview Scrutiny Committee will be determined at the first meeting of any Committee in line with the purposes for which it has been established.

6. Access to Information

- 6.1 The Access to Information Regulations shall apply to any Joint Health Scrutiny Committee.

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE
28 APRIL 2014

14 **SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP**

The Head of Legal and Member Services and Monitoring Officer submitted a report detailing the work undertaken by the Standards Working Group in relation to the Council's Ethical Framework relating to Member conduct, related issues and the analysis undertaken in relation to the Member Survey on Perceptions and Experiences on the Council's Governance Arrangements.

The report indicated that the Working Group had considered by the Committee:

- Member Survey on Perceptions and Experiences on the Council's Governance Arrangements;
- Members' Code of Conduct;
- Protocol on Dealing with Complaints Against Members;
- Disclosure and Barring Service checks for checks;
- Amendment to the Council's Constitution to give effect to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

The Member Survey on Perceptions and Experiences on the Council's revised Governance Arrangements; outcome of the survey; revised Members' Code of Conduct; revised protocol: arrangements for investigating and making decisions in relation to allegations made under the Members' Code of Conduct; proposed amendment to the Council's DBS Policy and Standing Order 13 of the Council Procedure Rules were attached as appendices to the report.

Members thanked all the Standards Working Group for their excellent work and their contribution in relation the report.

In relation to the Members' Code of Conduct regarding paragraph 7.3, a Member asked the Head of Legal and Member Services if he felt that it was sufficient to only have to inform and not consult with the relevant Political Group Leader of a complaint made against a Member of his Group. In response, the Head of Legal and Member Services indicated that the only requirement within the Localism Act was for the Monitoring Officer to consult and seek the views of one of the four independent persons.

In response to a member, the Head of Legal and Member Services indicated that following the outcome of the survey the report detailed a series of recommendations going forward, one of which was to review the comments made by Members and seek Members' views by way of a survey on a regular basis.

It was commented that some of the issues raised by Members in the survey would form part of the Committee's work programme for the ensuing year.

A Member commented that in relation to the online survey, some of the questions posed could have been worded differently and suggested that the survey be undertaken on an annual basis.

In response, the Head of Legal and Member Services indicated that this would be brought back to Committee as part of the work programme.

Resolved – That:

- (1) the Member Survey on Perceptions and Experiences on the Council's Revised Governance Arrangements and the Standards Working Group's comments be noted; and the recommendations as set out in Appendix 2 be approved;**
- (2) the revised Members' Code of Conduct set out at Appendix 3 be approved and be recommended to Council for approval with an effective date of 1 August 2014;**
- (3) the revised Protocol on Dealing with Complaints Against Members set out at Appendix 4 be approved and be recommended to Council for approval with an effective date of 1 August 2014;**
- (4) the proposed amendment to the Council's Disclosure and Barring Service Policy set out at Appendix 5 be approved and be recommended for approval to Council (as necessary) with an effective date of 1 October 2014;**
- (5) the proposed amendment set out at Appendix 6 to Standing Order 13 of the Council's Council Procedure Rules contained within the Council's Constitution to give effect to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 be approved and recommends the same to Council for approval.**

WIRRAL COUNCIL

MEMBERS' CODE OF CONDUCT

Introduction

The Localism Act 2011 (“the Act”) requires the Council to adopt a Members’ Code of Conduct with effect from 1 July 2012. **This revised Code of Conduct shall take effect from 1 August 2014.**

You are a representative of this Council and the public will view you as such therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code is based upon the “Nolan Principals-the seven principles of public life” which are set out at Schedule 1.

Interpretation

In this Code:-

“Disclosable pecuniary interest” means those interests as defined under Schedule 3.

“Meeting” means any meeting of:

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the Council’s or its executive’s committees, sub-committees, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question.

“Member” includes an appointed Member and Co-opted Member.

“Relevant Authority” means Wirral Borough Council (unless otherwise stated).

General Obligations

1. When acting in your role as a Member of the Council:
 - 1.1 **DO** treat others with respect;
 - 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of Members;

- 1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-
- (i) you have the consent of a person authorised to give it;
 - (ii) you are 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-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) **agreed with** the Monitoring Officer prior to its release.
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.
- 1.6 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
2. When using or authorising the use by others of the resources of the authority-
- 2.1. **DO** act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and **other Council** policies (attached to the Council's Constitution), copies of which have been provided to you and which you are deemed to have read;
 - 2.2. **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - 2.3. **DO** have regard to **any** applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended).

3. When acting as a nominated representative of the Council:-

(a) on another relevant authority (as defined by the Localism Act 2011), you must, when acting for that other relevant authority, comply with that relevant authority's applicable code of conduct;

(b) on any other body, you must, when acting for that other body, comply with Wirral Council's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

Interests

Disclosable Pecuniary Interests

4.1 You must, within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing:-

- (a) of your disclosable pecuniary interest which are notifiable under the Act and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations (2012) for inclusion in the Register of Interests; and,
- (b) of the details of your other personal interests for inclusion in the register of interests; and,

Thereafter, as soon as reasonably possible (and in any event within 28 days) after becoming aware of any new disclosable or personal interests or change to any disclosable or personal interests, give written notification of such change to the Monitoring Officer or amend your Register of Interest.

Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.

Personal Interests

4.2 You have a personal interest in any business of the Council where it relates to or is likely to affect:-

(i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body:-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party), of which you are a member or in a position of general control or management.

4.3 You also have a personal interest in any business of the Council:-

(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or,

(ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

Sensitive Interests

4.4 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register which are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

~~4. You are required to register "pecuniary and other interests" (these will be laid out in Regulations subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.~~

~~You are required to update your register of interests within 28 days of the date a disclosable pecuniary and other registerable interest arises.~~

Disclosure and participation

5. At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

Disclosable Pecuniary Interest

7. Where you disclose a disclosable pecuniary interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.

Personal Interests

8. Where you have a personal interest (as described above) in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
9. Where you have a personal interest but, by virtue of paragraph 4.4 above sensitive information relating to it is not registered in the Council's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
10. Where you have a personal interest in any business of the Council, you must consider if this is also an interest that could be deemed as prejudicial.

Prejudicial Interests

11. If you have a personal interest in any business of the Council, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
 - (a) affects your financial position or the financial position of a person or body described in paragraphs 4.2 or 4.3 above; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.2 to 4.3 above.
12. Subject to paragraph 13 below, where you disclose a prejudicial interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.
13. Where you have a prejudicial interest in any business of the Council you may attend a meeting, but only for the purpose of making representations, answering questions or

giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose (whether under a statutory right or otherwise) and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Pre-determination or bias

14. 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 political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
15. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Gifts and Hospitality

16. You are required to declare to the Monitoring Officer and register any such gift or hospitality which has (or is estimated to have) a value in excess of twenty five pounds (£25.00) within 28 days of receiving the gift or hospitality.

Interests arising in relation to overview and scrutiny ~~committees~~ functions (subject to ~~Localism Act provisions~~)

- 17.1 In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-
- 17.2 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- 17.3. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee ~~mentioned in paragraph 11.1~~ and you were present when that decision was made or action was taken; or
- 17.4. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):

You may attend a meeting of the **relevant committee exercising** overview and scrutiny ~~committees~~ functions of the Council or of a sub committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are

also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

Dispensations

18.1 The Council, through the Standards and Constitutional Oversight Committee, may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

18.2 Under this Code, Members are granted dispensations in relation to those matters set out in Schedule 2.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

DISPENSATIONS

Subject to you disclosing the interest at the meeting, where a decision to be taken relates to one of the functions of the Council/Executive set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends,
- (iii) 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;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992; and
- (vii) trade union matter where you are a member (but not in a position of control) of the recognised trade union in question or another recognised trade union (excluding Sponsorship as defined under Schedule 3).

Schedule 3

Disclosable Pecuniary Interests

1.1 A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, 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) within the following descriptions:-

Subject	Prescribed Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act (1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

<p>Corporate Tenancies</p>	<p>Any tenancy where (to the Member's knowledge):-</p> <ul style="list-style-type: none"> (a) the landlord is the relevant Authority; and, (b) the tenant is a body in which the relevant person has a beneficial interest.
<p>Securities</p>	<p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none"> (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and (b) either:- <ul style="list-style-type: none"> (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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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MEMBERS' CODE OF CONDUCT

PROTOCOL

Arrangements for Investigating and Making Decisions in relation
to allegations made under the Members' Code of Conduct

~~July 2012~~

April 2014

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1. Interpretation

- 1.1 'Chairperson' refers to the relevant person presiding at the Standards Committee or the Standards Panel or Standards Appeal Panel.
- 1.2 'Complainant' means the person who is making the Standards Complaint.
- 1.3 'Investigator' means the Monitoring Officer or other person nominated by the Monitoring Officer (or his/her representative) to investigate a complaint.
- 1.4 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Panel and/or Standards Appeals Panel. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.5 'Member(s)' includes all Elected Members of Wirral Council and all non-elected Co-Opted Members of any committee (including the Standards Committee and any Overview and Scrutiny Committee) (or any sub-committee) irrespective of whether they have any voting rights and also the Member's nominated representative.
- 1.6 'Monitoring Officer' means the employee appointed to this role by the Council pursuant to section 5 of the Local Government and Housing Act 1989 ('the 1989 Act'). (The Monitoring Officer has responsibility for ensuring that the Council acts lawfully and properly in everything it does.) 'Monitoring Officer' includes any Deputy Monitoring Officer appointed by the Monitoring Officer, whether generally or for a specific purpose, in accordance with the 1989 Act; and any person authorised by the Monitoring Officer to act on his/her behalf.
- 1.7 'Standards Complaint' means (i) a complaint made against a Subject Member alleging a potential breach of the Members' Code of Conduct/misconduct that is accepted by the Monitoring Officer as a valid complaint; and (ii) has been made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer).
- 1.8 'Subject Member(s)' means the Member(s) of the Council who is the subject of an allegation(s) made under a Standards Complaint unless stated otherwise or the context so requires.

2. Introduction and Summary

- 2.1 This Protocol has been developed and established pursuant to paragraphs 9.3(f),(g) and (j) of the Terms of Reference of The Standards Committee set out at Article 9 of the Constitution.
- 2.2 Any action/steps taken, discretion exercised and decisions made pursuant to this Protocol must promote the following:
 - a. Fairness to all parties and in proceedings;
 - b. Accountability;
 - c. Transparency of decision making;
 - d. Efficiency; and
 - e. Value for money.

3. What Can Be Dealt With Under This Local Protocol

- 3.1 Complaints about the behaviour/conduct of a Member(s) must be made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer) which is obtainable from Committee Services (or the Council's website), and addressed to the Monitoring Officer. In line with the requirements of the Equality Act 2010 (and other related legislation), the Council can make reasonable arrangements to assist people if they have a disability that prevents them from making a Standards Complaint in writing.
- 3.2 In order to avoid unnecessary use of public resources, the Complainant must specify on the complaint form template what the Subject Member(s) is alleged to have said or done, any corroborating evidence or details of people who will be able to provide it, and a copy of any documentary evidence the Complainant seeks to rely on.
- 3.3 Standards Complaints must be about a Member(s) breaking any part of the Council's Members' Code of Conduct. This includes:
- Unlawfully discriminating against someone.
 - Failing to treat people with respect.
 - Doing something to prevent those who work for the Council from being unbiased.
 - Revealing information that was given in confidence, or stopping someone getting information they are entitled to by law.
 - Damaging the reputation of their office or Council.
 - Using their position improperly to their own or someone else's advantage or disadvantage.
 - Misusing the Council's resources.
 - Allowing the Council's resources to be misused for the activities of a registered political party.
 - Failing to register a disclosable pecuniary interest or other relevant interest(s).
 - Failing to reveal a disclosable pecuniary interest **or other relevant interest(s)** at a meeting.
 - Failing to register any gifts or hospitality they have received in their role as a member, worth over £25.00.

4. What Cannot Deal With Under This Local Protocol

- 4.1 There are some complaints that are not legally capable of being dealt with under this Protocol, such as:
- Complaints about policy or decisions made.
 - Complaints where a Member(s) is not named.
 - Complaints that are not in writing (with the exception set out in paragraph 6.1 below or otherwise agreed by the Monitoring Officer).
 - Incidents or actions that are not covered by the Members' Code of Conduct or one of the Council's local protocols.
 - Incidents that are about a fault in the way the Council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman.
 - Complaints about people employed by the Council – they will be dealt with through the Corporate Complaints Procedures or the Council's disciplinary procedures.
 - Complaints about the way in which the Council conducts and records its meetings

- these should be referred directly to the Council's Monitoring Officer.

5. Acknowledging Receipt of a Standards Complaint

- 5.1 Unless paragraph 6.1 applies, within five working days of receipt, the Complainant shall be sent a written acknowledgement of the Standards Complaint.
- 5.2 Subject to the application of paragraphs 22.2, 22.4 and 22.6 below, within five working days of receipt of the Standards Complaint, the Subject Member(s) shall be sent a written notification and summary of the Standards Complaint received.
- 5.3 The Subject Member(s) shall not disclose (except to his/her advisor(s) confidentially) any information provided to him/her under paragraph 5.2 above to any other person/body without the express written consent of the Monitoring Officer.
- 5.4 Where a 'complaint' has been received which does not allege a potential breach of the Members' Code of Conduct/misconduct by a Member(s) or provides insufficient information to enable the 'complaint' to be progressed under this Protocol, the Monitoring Officer will inform the Complainant of this issue within five working days of receipt of the 'complaint' and advise the Complainant to either raise his/her issue through an alternative and more appropriate route (if available); or request that the Complainant provides further information in connection with the 'complaint'.
- 5.5 In the event that further information is provided by the Complainant, pursuant to paragraph 5.4 above, that enables the 'complaint' to be accepted as a Standards Complaint, paragraphs 5.1 and 5.2 above shall apply.
- 5.6 Where no further information is provided by the Complainant, pursuant to paragraph 5.4, no further action shall be taken in relation to the 'complaint' and the Monitoring Officer shall inform the Complainant accordingly.

6. Anonymous Complaints

- 6.1 No action shall be taken in respect of any anonymous 'complaints' received unless in the opinion of the Monitoring Officer to do so would be in the public interest. For example, if an allegation is made of a criminal nature and evidence is provided to support the allegation, the matter may be referred to the Police or the matter raised should be considered under the Council's Whistleblowing Policy.
- 6.3 Details of such allegations will be retained on file by the Monitoring Officer for future reference and monitoring purposes.

7. Pre-Assessment Reports and Enquiries

- 7.1 Upon receipt of a Standards Complaint, the Monitoring Officer may, if it is considered appropriate and/or necessary, ask the Complainant for clarification or additional information in relation to the complaint. The Monitoring Officer shall be entitled to undertake such preliminary enquiries as he/she considers necessary in order to carry out the Preliminary Assessment and Evaluation referred to in paragraph 7.2 below.
- 7.2 The Monitoring Officer shall, as soon as practicably possible after receipt of a Standards Complaint (and after receiving any clarification/information requested under paragraph 7.1 above), assess and evaluate the Standards Complaint to determine whether:

- (i) it can be dealt with by local resolution;
 - (ii) it is frivolous and/or vexatious;
 - (iii) it can be dealt with by adopting another approach that is considered more effective and/or efficient; or
 - (iv) it is appropriate to be referred for investigation (see paragraph 8 below)
- (“Preliminary Assessment and Evaluation”).

7.3 The Preliminary Assessment and Evaluation carried out by the Monitoring Officer under 7.2 above, must take into account of (i) the views of the Independent Person; (ii) the public interest, (iii) any guidance provided by Standards Committee; and (iv) paragraph 2.2 above.

7.4 The Monitoring Officer shall notify (and provide a summary to) the relevant Political Group Leader* of a complaint received in respect of a Member of their political group.

[*In the event that the Subject Member is the Political Group Leader, the Monitoring Officer shall notify the relevant Deputy Political Group Leader; in the event that the Subject Members are both the Political Group Leader and Deputy Political Group Leader, the Monitoring Officer shall notify the next most relevant senior Political Group Official/Spokesperson.]

7.5 The suitability of an alternative course of action to an investigation of a Standards Complaint will be heavily influenced by the nature of the complaint. Certain Standards Complaints may indicate that there is a wider underlying problem/trend. Deciding to deal pro-actively with such a matter in a positive way that does not involve an investigation can be a sensible way of resolving the matter/Standards Complaint. This may be the simplest and most cost effective way of (i) getting the matter/Standards Complaint resolved promptly; (ii) helping the Council work more effectively; and (iii) avoiding similar complaints in the future.

7.6 The Monitoring Officer, in carrying out the assessment and evaluation under paragraph 7.2 above, may consider that it is appropriate and proportionate that an alternative course of action is taken in relation to Standards Complaint as it (i) enables a more satisfactory resolution to be achieved for all parties concerned; (ii) enables working practices or policies to be amended in light of the issues raised; and/or (iii) allows a better understanding of Members knowledge of the Members’ Code of Conduct and/or Council procedures to be gauged. Evidence of this may include:

- (a) a number of Members failing to comply with the same part(s) of the Code;
- (b) officers giving incorrect advice;
- (c) failure to adopt the Code; or
- (d) inadequate or incomplete protocols.

Other action may also be appropriate where a breakdown in relationships within the Council is apparent; evidence of this may include:

- (a) a pattern of allegations of disrespect, bullying or harassment;

- (b) factionalised groupings within the Council;
- (c) a series of 'tit-for-tat' allegations; or
- (d) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.

7.6 The Monitoring Officer should, as part of any Preliminary Assessment and Evaluation, take a practical approach to considering other action, taking into account the needs of the Council.

7.7 Unless otherwise stated within this Protocol, Standards Complaints that are referred for investigation under paragraph 7.2 (iv) above, will not be referred to the Standards Panel in the event that the other action undertaken has (or is perceived to have) failed due to no fault or reason on the part of the Subject Member(s). To do so in such circumstances is considered unfair to the Subject Member(s).

Local Resolution

7.8 If, following Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that a local resolution of the complaint is possible and appropriate, he/she shall approach the Subject Member(s) and ask whether the he/she admits, denies or otherwise wishes to comment on the allegation made in the Standards Complaint; and whether he/she would be prepared to offer an apology or undertake other remedial action conducive to achieving a local resolution.

7.9 If the Subject Member(s) agrees to offer an apology or undertake other remedial action, and duly does so, the Standards Complaint shall not be progressed any further. In such circumstances there shall be no reporting of the Standards Complaint and/or its outcome to the Council or any Committee of Council other than as part of a periodic anonymous summary to the Standards Committee for monitoring and review purposes.

7.10 If the Monitoring Officer, whilst seeking local resolution of the Standards Complaint, is of the opinion that:

- (i) local resolution is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) the Subject Member fails to offer an apology or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and the additional information for investigation and the investigation report produced shall be considered by the Standards Panel.

Frivolous/Vexatious

7.11 If, following the Preliminary Assessment and Evaluation, the Monitoring Officer is of the

opinion that the Standards Complaint is frivolous and/or vexatious, he/she shall inform the Complainant of his/her view and the reasons for reaching that conclusion. The Standards Complaint shall not be progressed any further and nor will there be a right of appeal against the decision of the Monitoring Officer in such circumstances.

Alternative approach

7.12 If, following the assessment and evaluation outlined above, the Monitoring Officer is of the opinion that an alternative approach exists that could achieve a more effective and efficient resolution of the Standards Complaint than that outlined in paragraphs 7.8 and 7.9 above, he/she shall adopt that approach accordingly and endeavour to achieve a resolution of the Standards Complaint.

7.13 If the Monitoring Officer, whilst seeking resolution of the Standards Complaint by adopting an alternative approach, under paragraph 7.12, is of the opinion that:

- (i) a resolution of the Standards Complaint is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) the Subject Member fails to co-operate or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and any other relevant information for investigation; and the investigation report produced shall be considered by the Standards Panel.

8. Referral of a Complaint for Investigation

8.1 Where the Monitoring Officer has determined that the Standards Complaint should be referred for investigation, he/she may undertake the investigation in person; or alternatively, (i) appoint another person (including the Deputy Monitoring Officer); or (ii) another appropriate officer (having regard to the nature of the allegations); or (iii) a Monitoring Officer/Deputy Monitoring Officer of another local authority; or (iv) an external Investigator of appropriate experience and standing, (an 'Investigator'), to undertake the investigation.

8.2 Within five working days of the Monitoring Officer's decision that the Standards Complaint should be investigated, he/she will:

- (i) begin to investigate the matter personally; or
- (ii) appoint an Investigator and instruct him/her to conduct an investigation of the Standards Complaint and to report his/her findings to the Monitoring Officer and subsequently to the Standards Panel.

8.4 The Monitoring Officer may appoint another person (or other persons) to assist him/her or the Investigator in the conduct of his/her functions.

8.5 The investigation will be carried out having regard to any guidance provided by the

Standards Committee and/or the Monitoring Officer; and shall normally be completed (i.e. a final report produced) within twelve weeks from the date the decision was made that the Standards Complaint should be investigated. The timescale for investigation may take longer when dealing with complex complaints or where there are large numbers of witnesses. In such cases the Monitoring Officer will ensure that the process is dealt with in a timely manner; concluded as soon as reasonably practicable; and that the Complainant, Subject Member(s) and Chairperson of the Standards Committee are kept informed as to progress.

- 8.6 The Monitoring Officer shall ensure that the investigation is conducted in a manner that is appropriate to the seriousness of the complaint and compliant with natural justice and human rights. The Monitoring Officer shall have regard to all relevant considerations, including: the extent to which allegations are supported by any evidence; the Council's financial position; and the public interest.

9. Production of Documents, Information and Explanations

- 9.1 In the course of the investigation, the Investigator (and any person authorised on his/her behalf) may make such enquiries of any person (and/or request any person to provide any document, information or explanation), as he/she thinks necessary for the purposes of carrying out the investigation.

10. Interviews

10.1 Timescale

The Investigator will make arrangements for interviews with relevant persons within ten working days of being appointed. If it subsequently becomes apparent that there needs to be further interviews (or other evidence provided) this will be dealt with as soon as reasonably practicable.

10.2 Requesting attendance

- (i) In the course of the investigation the Investigator may request any person to attend and appear before him/her or otherwise provide advice or information, as he/she thinks necessary for the purposes of carrying out the investigation.
- (ii) The Complainant, Subject Member and other relevant Members (as determined by the Investigator) shall co-operate fully with the Investigator and make themselves available for interview within a reasonable period of time (which must not exceed 21 days) of the Investigator requesting a convenient time and date for interview.
- (iii) In the event that the Complainant or Subject Member(s) fail to respond to a request for interview or fail to make him/herself available for interview within 21 days of the Investigator request for interview or fail to co-operate fully with the Investigator thereby leading to unnecessary and/or unacceptable delay, the Monitoring Officer shall be entitled, after seeking the views of the Independent Person, to instruct the Investigator to complete the investigation and final report without interviewing the Complainant or Subject Member(s).

10.3 Representation

Any person who is interviewed by the Investigator may be accompanied (at their own expense) by one friend/adviser provided that that person is not a witness in the same investigation.

10.4 Notes of interviews

Where reasonably practicable, following the interview the Investigator will produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask him/her to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

11. Investigator's Report

11.1 The Investigator will decide whether it is appropriate to produce a draft report or to produce a final report without first producing a draft report; a draft report will only be produced in the case of unusually lengthy or complex investigations. In either event, the Investigator may wish to confirm the accuracy of parts of the report directly with the Complainant and/or any other persons interviewed during the investigation.

11.2 The draft report will be marked "Confidential" and "Draft". It will also make clear that the draft report does not necessarily represent the Investigator's final findings and that a final report will be presented to the Standards Panel once the Investigator has considered any comments received on the draft report.

11.3 The Investigator will then send a copy of his/her draft report to the Complainant and Subject Member(s), who will be afforded the opportunity to make comments on the draft report for consideration by the Investigator. All such comments shall be made by the Complainant and Subject Member(s), to the Investigator, within ten working days of receipt of the draft report.

11.4 The Investigator shall, upon receipt of any comments received under paragraph 11.3 above, will consider such comments when preparing his/her final report.

12. Rights and Responsibilities of Members and the Investigator

12.1 Depending upon the seriousness of the allegations and the available evidence, the Investigator may also interview other persons named by the Subject Member(s) or the Complainant if the Investigator considers such persons may assist the investigation. Neither the Subject Member(s) nor the Complainant shall seek to interview any person who may be of assistance to the investigation.

12.2 The Subject Member(s) and Complainant may provide the Investigator with any documents and information they would like the Investigator to examine as part of the investigation, or the contact details of persons they would like the Investigator to interview.

12.3 The Complainant and Subject Member(s) will normally be interviewed face-to-face by the Investigator. Other witnesses may be interviewed by telephone or invited to make written submissions, as the Investigator considers appropriate. The Subject Member(s) will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint.

- 12.4 It is a breach of the Members' Code of Conduct to attempt to intimidate the Investigator or Members of the Standards Committee, or any witness, potential witness or any other person in relation to the Standards Complaint and any investigation. Neither the Complainant nor Subject Member(s) should attempt to discuss or otherwise communicate matters and issues relating to a Standards Complaint in which they are involved with Members of the Standards Committee. Should the Complainant or Subject Member(s) have any queries or concerning in respect of the Standards Complaint or investigation, then he/she should raise them directly with the Monitoring Officer in writing.
- 12.5 Anyone involved with the investigation will be advised that they may be compromising their position if they communicate with the media on matters relevant to the investigation whilst the investigation is ongoing and that any communication that is made should emanate from the Council's communication team.
- 12.6 It is the responsibility of the Investigator to seek to discover the facts in an impartial and thorough manner. It is the responsibility of the Standards Panel (and Standards Appeal Panel) to determine the facts and decide whether there has been a failure to comply with the Code of Conduct.

13. Processing the Investigator's Report

- 13.1 Within five working days from receipt of the Investigator's report the Monitoring Officer shall send a copy of the Investigator's final report to both the Complainant and the Subject Member(s).
- 13.2 In the event that the Investigator in his/her final report concludes that the Members' Code of Conduct has not been breached (and the Monitoring Officer is satisfied, after seeking the views of the Independent Person, with the investigation and the Investigator's final report), then no further action shall be taken in respect of the Standards Complaint and the matter shall be closed. The Monitoring Officer shall, with agreement of the Subject Member(s), arrange for a Council media statement to be issued in relation to the Standards Complaint and the findings/outcome of the investigation.
- 13.3 Where the Investigator has concluded in his/her final report that the Members' Code of Conduct has been breached, the Monitoring Officer shall, within 10 working days of receipt of the Investigator's final report, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Panel to be convened at a convenient time and date to all parties to consider the Investigator's Report. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject Member(s) fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member(s) (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Panel hearing.

14. Confidentiality of Information gathered during an Investigation

- 14.1 Information gathered during an investigation will be treated as confidential until it is reproduced in the form of a final report. Anyone involved in the investigation or is interviewed will be required to maintain confidentiality and any Member (including the Subject Member) will be reminded of his/her obligation under part 1.3 of the Members' Code of Conduct not to disclose information they have received in confidence.

14.2 If a draft report is issued in relation to the outcome of the investigation, it will be marked “confidential”, to preserve the integrity of the final report or any further investigation that may need to be carried out, and must not be disclosed by the recipient to another person (unless disclosure is to his/her advisor(s) confidentially).

15. Role of Investigator and the Panels

15.1 The function of the Investigator is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Panel (and the Standards Appeals Panel as applicable), to assist it in determining whether the Subject Member has failed to comply with the Members’ Code of Conduct as alleged in the Standards Complaint.

15.2 It is essential that the Investigator acts, at all times, in a manner that is impartial and fair to all parties.

15.3 The Standards Panel (and the Standards Appeals Panel as applicable) shall act in an inquisitorial manner seeking the truth in relation to the conduct of the Subject Member and on the balance of probabilities reach a decision having regard to all relevant representations, evidence and information adduced.

16. Standards Panel

16.1 Where a Standards Complaint has been referred for investigation and a finding of a breach has been found by the Investigator, the Standards Panel shall be convened within 20 working days of the Monitoring Officer receiving the Investigator’s final report.

16.2 The Standards Committee shall consider and/or have regard to:

- (i) the Investigator’s final report;
- (ii) the views of the Independent Person;
- (iii) material factors, relevant issues and evidence;
- (iv) relevant representations made by the parties,
- (v) available guidance and advice; and
- (iii) any aggravating and/or mitigating factors (as considered appropriate).

It will then reach one of the following decisions in respect of the complaint:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator’s final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

16.3 All relevant parties shall be entitled to attend the meeting of the Standards Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

16.4 Sanctions

If the Standards Panel determines that the Members’ Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of

reference.

16.5 The Standards Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the Standards Complaint; and accordingly adjourn the consideration of a Standards Complaint to another meeting.

17. Notification of Standards Panel Decision and Right of Appeal

17.1 The Standards Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member(s) within normally five working days of the Standards Panel meeting. The Complainant and Subject Member(s) have a right to seek permission to appeal to the Standards Appeal Panel against the decision of the Standards Panel in accordance with paragraph 18 below.

18. Request for permission to Appeal

18.1 If the Complainant or Subject Member(s) is dissatisfied with the decision of the Standards Panel, he/she may seek permission to appeal to the Standards Appeal Panel against the decision on the grounds set out below.

18.2 Any request seeking permission to appeal must be made in writing to the Monitoring Officer within 21 working days of receipt of the Standards Panel's decision.

18.3 The Monitoring Officer shall acknowledge any request seeking permission to appeal made under paragraph 18.2 within 5 working days of receipt.

18.4 A request seeking permission to appeal will only be valid and accepted providing:

- (i) it confirms the procedural, legal and/or evidential issues are relied upon in support of the request; and
- (ii) the Monitoring Officer is satisfied, having considered the views of the Independent Person, that (a) significant and/or important procedural, legal and material evidential issues have been raised; and/or (b) it is considered reasonable and equitable in the circumstances that the request for appeal be permitted.

The Monitoring Officer shall make a decision in respect of the request within 5 working days and promptly notify the Complainant and Subject Member of his/her decision.

19. Review Panel

19.1 The Monitoring Officer shall convene a meeting of the Standards Appeal Panel to consider the appeal within 20 working days (or as soon as practicable thereafter) of his/her decision to allow an appeal under paragraph 18.4 above.

19.2 The Monitoring Officer shall, within 10 working days of allowing the appeal, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Appeal Panel to be convened at a convenient time and date to all parties to hear the appeal. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject

Member(s) fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member(s) (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Appeal Panel hearing.

19.3 The Standards Appeal Panel will consider and/or have regard to:

- (iv) the Investigator's report;
- (v) the views of the Independent Person;
- (vi) material factors, relevant issues and evidence;
- (iv) relevant representations made by the parties,
- (v) available guidance and advice; and
- (iii) any aggravating and/or mitigating factors (as considered appropriate).

The decision and reasons of the Standards Panel relating to the Standards Complaint shall not be disclosed to the Standards Appeal Panel.

The Standards Appeal Panel will then reach one of the following decisions in respect of the appeal:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

19.4 All relevant parties shall be entitled to attend the meeting of the Standards Appeal Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

19.5 Sanctions

If the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of reference.

19.6 The Standards Appeals Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the appeal; and accordingly adjourn the consideration of the appeal to another meeting.

20. Notification of Review Panel Decision

20.1 The Standards Appeal Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member, within normally five working days of the Standards Appeal Panel considering the Standards Complaint. The Complainant and Subject Member do not have a right to of appeal against the decision of the Standards Appeal Panel.

21. Access to Meetings and Decision Making

21.1 Where the Standards Panel or Standards Appeals Panel is considering allegations that a Subject Member has failed, or may have failed, to comply with the Members' Code of

Conduct, the Standards Complaint and all associated reports, documents, information and the like shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel or the Standards Appeals Panel at its meeting considers that the public interest in lifting the exemption outweighs the public interest in maintaining the exemption.

- 21.2 Agendas and papers for meetings of the Standards Panel and Standards Appeals Panel shall be distributed in accordance with the Council's Access to Information Procedure Rules.
- 21.3 The publication of Standards Panel and Standards Appeals Panel decisions and associated information shall be kept for six years from the date of the decision.

22. Confidentiality

- 22.1 Unless otherwise permitted under this Protocol or required by legislation, a Standard Complaint (and all associated information, documents, information) shall remain confidential until such time that the Monitoring Officer, or Standards Committee, or the Standards Panel or the Standards Review Panel, consider it appropriate (if at all) to disclose the Standards Complaint (and all associated information, documents, information) in the public domain.
- 22.2 The Subject Member(s) will (unless otherwise stated in this Protocol) be sent a summary of the complaint within five working days of receipt unless the Monitoring Officer believes to do so would:
- (a) put the complainant at risk of bullying, harassment or intimidation;
 - (b) put other witnesses at risk of bullying, harassment or intimidation;
 - (c) prejudice any investigation;
 - (d) prejudice any other action from being taken;
 - (e) not be in the public interest; and/or
 - (f) not be consistent with guidance provided by the Standards Committee or Secretary of State.
- 22.3 The Subject Member shall not disclose (except to his/her advisor(s) in confidentially) any information provided to him/her under paragraph 22.2 above without the express written consent of the Monitoring Officer.
- 22.4 Any request by the Complainant to keep his/her name confidential will be considered by the Monitoring Officer within five working days of receipt of any such request and the decision (with reasons) communicated to the Complainant in writing. Where the request is refused, the complainant may be afforded the opportunity to withdraw the Standards Complaint. However, where the Standards Complaint relates to a serious matter, the Monitoring Officer reserves the right to progress the Standards Complaint in accordance with this Protocol.
- 22.5 In exceptional circumstances, despite the Monitoring Officer agreeing to the Complainant's identity being kept confidential under paragraphs, 22.1, 22.2 and/or 22.4

above, the confidential details in question may still become known in the public domain or have to be provided for other reasons and purposes which disclosing them in the public domain.

- 22.6 The Subject Member will not be informed/notified of the Standards Complaint and/or the identity of the Complainant, in accordance with paragraph until after the Monitoring Officer has considered the Standards Complaint and made a determination in relation to any request for confidentiality made under paragraph 22.4 above.

23. Conflicts of Interest

- 23.1 Members and officers shall not take part in meetings of the Standards Panel or Standards Appeal Panel where any of the following circumstances apply:
- (a) The complaint is likely to affect the well-being or financial position of that Member or officer or the well-being or financial position of a friend, family member of person with whom they have a close association.
 - (b) The Member or officer is directly or indirectly involved in the Standards Complaint and/or investigation in any way.
 - (c) A family member, friend or close associate of the Member or officer is involved in the Standards Complaint and/or investigation.
 - (d) The Member or officer has an interest in any matter relating to the Standards Complaint and/or investigation. For example, it concerns a Member's failure to declare an interest in a planning application in which the Member or officer has an interest. This is despite the fact that the outcome of any investigation or other action could not affect the decision reached on the application.

24. Monitoring and Review

- 24.1 For monitoring and review purposes, the Monitoring Officer shall provide the Standards Committee, at each of its meetings (unless otherwise directed by the Standards Committee), an anonymous summary (unless the information is already in the public domain) of all Standards Complaints received, their progress, outcome and any costs incurred.

25. Failure to Comply with the Requirements of this Protocol

- 25.1 Failure by a Member to comply with the reasonable requirements of the Investigator, or this Protocol, may result in a complaint being made to or by the Monitoring Officer under the Members' Code of Conduct.

26. Modification of Procedure

- 26.1 The Monitoring Officer, in consultation with the Chairperson of the Standards Committee and Political Group Leaders (or their nominated spokesperson), may vary the procedures and practices detailed in this Protocol where the variation is considered (i) necessary to ensure the effective and timely administration, investigation and/or determination of a Standards Complaint; and (ii) it is fair and equitable to do so. Any such variation shall be recorded in writing (which shall include the reasons for the variation) and be signed by the Chairperson of the Standards Committee.

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AMENDMENT TO COUNCIL'S DBS POLICY

The Council's DBS Policy be amended (to take effect from 1 October 2014) to include the following:

8. Disclosures for Non-Council Employees

Councillors

The Disclosure and Barring Service (DBS) gives no direction about Council's undertaking DBS checks in relation to Elected Members.

Some Councils conduct DBS checks for all Elected Members whereas others only conduct checks when Elected Members undertake regulated activity.

A 'regulated activity' is defined as regularly undertaking one of the following "*unsupervised activities*":

- *Teaching*
- *Training*
- *Instructing*
- *Caring for supervising or being in sole charge of children and/ or vulnerable adults*

The Council's Constitution defines the key roles of Elected Members as:

- Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- Represent their communities and bring their views into the Council's decision-making process;
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- Balance different interests within the ward and represent the ward as a whole;
- Be involved in decision making;
- Be available to represent the Council on other bodies;
- Maintain the highest standards of conduct and ethics;
- Take part in member development and training.

Legal Framework

The Rehabilitation of Offenders Act Regulations allows **discretion** for the Council to carry out enhanced DBS checks on Elected Members who hold responsibilities in relation to children and vulnerable adults.

Consideration should also be given to carrying out DBS checks for those Elected Members who have responsibility for financial services and for awarding public works contracts, public supply contracts and public service contracts.

These are referred to in the DBS Guide to eligibility of criminal record checks as positions, professions, employment, offices and works eligible for DBS checks which are taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Governing Principles

The DBS advise that Elected Members in their general constituency capacity are **not** eligible for a DBS records check.

It is considered appropriate that targeted checking of Elected Member positions which discharge “social services and education functions” (i.e. Executive Members for Children Young People and Executive Member for Adult Social Services) be subject to DBS Disclosure.

Any DBS Disclosure check required shall be undertaken as soon as possible and will be undertaken by the Council’s Human Resources and Organisational Development Section.

The requirement for a DBS Disclosure check shall not prevent an Elected Member from undertaking their role as an Elected Member or any other role/responsibility conferred upon them by the Council/Leader of the Council.

Leader of the Council

The Leader of the Council is ultimately responsible for all Executive decisions of the Council and as such, is involved in a range of decisions impacting on the services provided to children and vulnerable adults.

In addition, the Leader of the Council plays a key role in ensuring the Council delivers its responsibilities as a Corporate Parent and in demonstrating his support for the Council’s commitment to safeguarding children and vulnerable adults.

In undertaking the role of Leader, the Elected Member will frequently come into contact with children and vulnerable adults and therefore may undertake regulated activities as part of the role.

Accordingly, the Leader of the Council will be subject to DBS Disclosure.

Cabinet Members

In line with the role of the Leader, Cabinet Members will be involved in a number of decisions that directly impact on the services delivered to children and vulnerable adults. Depending on their portfolio, they could also have a statutory responsibility as Lead Member for Children or Adults, as well as be asked to play a leading role in relation to specific aspects of the Council’s role as Corporate Parent.

Given the broad nature of a Cabinet Member’s portfolio, there is potential for Cabinet Members to need to carry out regulated activities.

Accordingly, Cabinet Members will be subject to DBS Disclosure.

Member of the Policy and Performance Committees (Families and Wellbeing)

Given the nature of the work undertaken by this Committee, the fact that members of the committee will be involved in a number of decisions that directly impact on the services delivered to children and vulnerable adults and will support the Council's role as Corporate Parent, it is considered appropriate that DBS Disclosure checks are undertaken for members of this committee.

Members

Whilst the Council cannot require any Member to undertake an enhanced DBS check, requesting Members do so in relation to specific roles they may undertake is consistent with the Council's safeguarding duties.

Any Elected Member that is not required to undertake a DBS Check does not prevent him/her from making decisions relating to the discharge of education or social services functions of the Council.

However, an Elected Member would be advised against having unsupervised contact with children when visiting a school or children's home, if frequently carrying out a relevant activity there, without a DBS Disclosure check being undertaken.

In such circumstances, the Elected Member should seek advice from the Head of Legal & Members Services and/or Head of Human Resources and Organisational Development.

Use of DBS Disclosure by other bodies

Where an Elected Member has been subject to a DBS Disclosure check by virtue of another position they hold (i.e. as a Governor of a school), consideration shall be given to whether the DBS Disclosure is appropriate and sufficient to be utilised by the Council.

The Head of Human Resources and Organisational Development shall consider each case and determine whether use of a valid DBS Disclosure can be utilised by the Council.

Register of Elected Member DBS Disclosures

The Head of Human Resources and Organisational Development shall keep a register of Elected Member DBS Disclosures (which may include details of other DBS Disclosures undertaken by other bodies).

If there is a trace?

If the DBS certificate of an Elected Member has a trace, the Head of Human Resources and Organisational Development will meet with the Elected Member and assess the implications arising (if any) and advise the Elected Member accordingly. Where necessary and appropriate the Monitoring Officer will be notified.

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PROPOSED AMENDMENT

The proposed amendment gives effect to the changes introduced by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

COUNCIL PROCEDURE RULES

1. Budget Procedure

Original Provision

Standing Order 13 - Budget Council Procedure

The Head of Law/Members Services shall prior to the budget meeting of the Council consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the budget meeting but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply.

Proposed Amendment

Standing Order 13 - Budget Council Procedure

13.1 The Head of **Legalaw and** Members Services shall prior to the **Budget Council** meeting consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the **Budget Council** meeting; but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply **(unless otherwise agreed by the Leaders of the political groups)**.

13.1 The Budget Council Procedure referred to under 13.1 above shall comply with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

13.2 In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, any other budget decision taken at any other budget decision meeting (as defined the Regulations) must record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

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