



Council

30 September 2022

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 p.m. on Monday, 10 October 2022** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine the following subjects:

Contact Officer: Daniel Sharples
Tel: 0151 666 3791
e-mail: danielsharples@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

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

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

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

AGENDA

1. DECLARATIONS OF INTEREST

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

2. CIVIC MAYOR'S ANNOUNCEMENTS

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

3. MINUTES (Pages 1 - 8)

To approve the accuracy of the minutes of the meeting of the Council held on 11 July 2022.

4. PUBLIC AND MEMBER QUESTIONS

To deal with questions, statements and petitions from members of the public, and Members, in accordance with Standing Orders 10, 11 and 12.

4.1 Public Questions

Notice of question to be given in writing or by email by 12 noon, 5 October 2022 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link: [Document Data Protection Protocol](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question by the deadline for submission.

4.2 Statements and Petitions

Notice of statements to be given in writing or by email by 12 noon, 5 October 2022 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1.

Petitions may be presented to the Council if provided to Democratic and Member Services no later than 10 working days before the meeting, at the discretion of the Mayor. The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. If a petition contains more than 5,000 signatures, it will be debated at a subsequent meeting of Council for up to 15 minutes, at the discretion of the Mayor. Please give notice of petitions to committeeservices@wirral.gov.uk in advance of the meeting.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your statement/petition by the deadline for submission.

4.3 Members' Questions

To consider Members' questions to the Leader or Deputy

Leader of the Council, Committee Chair or a Leader of a Political Group, in accordance with Standing Orders 12.

5. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL

To consider any recommendations and receive reports from the Council's Committees which require the approval or consideration of the Council, and to receive questions and answers on any of those reports.

5.1 Treasury Management Annual Report 2021-22

The Council is requested to agree the following recommendation of the Policy and Resources Committee held on 13th July 2022:

That the Treasury Management Annual Report for 2021/22 be agreed.

Policy and Resources Committee minute 29 (13/7/22) attached.

The report can be viewed [here](#).

5.b Capital Monitoring Quarter 1 2022/23

The Council is requested to agree the following recommendation of the Policy and Resources Committee held on 7th September 2022 :

That the revised Capital Programme of £147.6m for 2022/23, including the addition of the new grant funding referred to in section 3.4 be approved.

Policy and Resources Committee minute 47 (7/9/22) attached.

The report can be viewed [here](#).

5.c Annual Audit and Risk Management Committee Report 2021-22

The Council is requested to agree the following recommendation of the Audit and Risk Management Committee held on 27th June 2022:

That the Annual Audit and Risk Management Committee Report for 2021-22 be approved.

Audit and Risk Management Committee minute 7 (27/6/22) attached.

The report can be viewed [here](#).

5.d External Audit Annual Audit Report 2020-21, Auditors Report Company Governance 2020-21 and Merseyside Waste Value for Money Report 2020-21

The Council is requested to agree the following recommendation of the Audit and Risk Management Committee held on 20th July 2022 and Policy and Resources Committee held on 7th September 2022:

That the External Audit Annual Audit Report 2021-21, Auditors Report Company Governance 2020-21 and Merseyside Waste Value for Money Report 2020-21 be approved.

Policy and Resources Committee minute 51 (7/9/22) and Audit and Risk Management Committee minute 18 (20/7/22) attached.

The report can be viewed [here](#).

5.e Appointment of Monitoring Officer

The Council is to consider the recommendation of the Staffing and Appointment Committee Meeting held on 29th September 2022 in respect to the appointment of Monitoring Officer (Minutes to follow).

5.f Appointment of Section 151 Officer

The Council is to consider the recommendation of the Staffing and Appointment Committee Meeting held on 29th September 2022 in respect to the appointment of (Director of Finance, as the Council's Section 151 Officer (Minutes to follow)

5.g Appointment to Outside Bodies

To appoint the following Members to the outside bodies and organisations listed:

Merseyside Police and Crime Panel – Councillor Leah Fraser to replace Councillor Mary Jordan

Wirral Community Safety Partnership – Councillor Sue Powell-Wilde to replace Councillor Julie McManus

5.h Six Month Attendance Rule S85 (1) of the Local Government Act 1972

6. REPORTS AND DECISIONS FROM COUNCIL COMMITTEES AND PARTNERSHIP ORGANISATIONS

To receive reports about and receive questions and answers on

decisions made by Committees since the last meeting of Council.

Members' attention is drawn to three officer decisions which have been taken and excluded from removal of delegation and reconsideration by Policy & Resources Committee and is reported to the Council in accordance with Part 4, Section 4, paragraph 6(a)(ii) of the Constitution.

[Strategic Change Programme](#)

Director of Resources

26 August 2022

[Cost of Living – Fuel Poverty](#)

Director of Public Health

14 September 2022

[Cost of Living – Community, Voluntary and Faith Sector Grants Programme](#)

Director of Public Health

14 September 2022

6.1 DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING

The minutes of all committees which have met since 17 June 2022, up until 16 September 2022 are attached, as below.

Minutes of Committees

- 20.06.2022 – [Environment, Climate Emergency and Transport Committee](#)
- 21.06.2022 – [Children, Young People and Education Committee](#)
- 22.06.2022 – [Pensions Committee](#)
- 23.06.2022 – [Constitution and Standards Committee](#)
- 27.06.2022 – [Policy and Resources Committee](#)
- 27.06.2022 – [Audit and Risk Management Committee](#)
- 29.06.2022 – [Planning Committee](#)
- 13.07.2022 – [Policy and Resources Committee](#)
- 19.07.2022 – [Children, Young People and Education](#)
- 20.07.2022 – [Audit and Risk Management](#)
- 21.07.2022 – [Environment, Climate Emergency and Transport Committee](#)
- 25.07.2022 – [Adult Social Care and Public Health Committee](#)
- 26.07.2022 – [Tourism, Communities, Culture and Leisure Committee](#)
- 27.07.2022 – [Regulatory and General Purposes Committee](#)
- 28.07.2022 – [Health and Wellbeing Board](#)
- 04.08.2022 – [Planning Committee](#)
- 31.08.2022 – [Policy and Resources Committee](#)
- 07.09.2022 – [Policy and Resources Committee](#)

- 08.09.2022 – [Planning Committee](#)

6.2 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including the Combined Authority.

7. MOTIONS ON NOTICE (Pages 23 - 32)

Motions submitted in accordance with Standing Order 13.1, are attached. They are listed in accordance with Standing Order 13.2, and the full text of each motion is attached.

1. Cost of Living Crisis and Fair Funding for Wirral Council
2. Protecting Wirral's Green Belt
3. Energy Efficiency / Residential
4. Bank and Cash Services that Meet Local Needs
5. The Impact of Inflation on Merseyside Fire and Rescue Authority
6. Support for Local Green Spaces
7. Stop the Attacks on Our Countryside and Nature
8. Stop Fracking

Full Council Responsibility for Functions

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



Vicki Shaw, Head of Legal Services
(Deputy Monitoring Officer)

TIMINGS AND GUILLOTINE

Members are reminded of the following:

Item 2 - under Standing Order 2(iv) Mayor's announcements normally limited to up to 5 minutes.

Item 4A. – under Standing Order 10.7, public questions, up to 2 minutes allowed to put a question and up to 2 minutes for a response. Up to 30 minutes in total allowed for public questions (Standing Order 2(v)).

Item 4B. - under Standing Order 11.1, representations (statements) up to 3 minutes, with public speaking on any one item not exceeding 10 minutes. Up to 20 minutes in total allowed to receive representations (Standing Order 2(vi)).
Petitions – under Standing Order 11.2, present and speak to a petition for up to 1 minute.

Item 4C. – under Standing Order 12.8, questions on notice from Members will not exceed 1 minute and up to 2 minutes for a response.

Item 6 – under Standing Order 2(xii) the total time allowed for questions and answers on decisions of committees is up to 45 minute.

Under Standing Order 9 of the Council Procedure Rules:

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

Where three hours have elapsed after the commencement of any meeting (and in the case of an extraordinary meeting of Council when two hours have elapsed since commencement of the meeting) the Mayor shall interrupt the meeting and the Member speaking must immediately cease doing so and sit down. The meeting shall then dispose of the item then under consideration as if the motion '*That the question be now put*' had been carried (i.e. the debate shall be concluded by the seconder and by the Member who has the right of

reply and the vote will then be taken without any further discussion). This rule will not apply to meetings of a quasi-judicial or regulatory nature.

Audio/Visual Recording of Meetings

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

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

COUNCIL

Monday, 11 July 2022

Present: The Civic Mayor (Councillor Jeff Green) in the
Chair
Deputy Civic Mayor (Councillor Jerry Williams)

Councillors	T Anderson	A Gardner	D Mitchell
	S Bennett	P Gilchrist	S Mountney
	J Bird	E Gleaves	Y Nolan
	M Booth	H Gorman	C O'Hagan
	A Brame	N Graham	A Onwuemene
	D Burgess-Joyce	EA Grey	O Osanlou
	H Cameron	J Grier	S Percy
	I Camphor	P Hayes	C Povall
	C Carubia	A Hodson	S Powell-Wilde
	M Collins	K Hodson	L Rennie
	H Collinson	J Hoey	T Smith
	C Cooke	J Johnson	P Stuart
	T Cox	C Jones	Jason Walsh
	A Davies	M Jordan	S Williams
	C Davies	S Kelly	V Wilson
	G Davies	B Kenny	G Wood
	T Elzeiny	D Kenny	A Wright
	L Fraser	I Lewis	
	S Foulkes	P Martin	

<u>Apologies</u>	Councillors	P Cleary	J McManus
		P Connolly	J Robinson
		K Greaney	Joe Walsh
		T Jones	J Williamson

18 DECLARATIONS OF INTEREST

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

No such declarations were made.

19 CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor announced that apologies had been received from Councillors Pat Cleary, Paul Connolly, Karl Greaney, Tony Jones, Julie McManus, Jean Robinson, Joe Walsh, Janette Williamson.

The Civic Mayor reported that a number of directors were leaving Wirral Council. It was reported that Alan Evans, Director of Regeneration and Place was leaving the authority after 17 years to explore other opportunities within regeneration, and the Civic Mayor thanked Alan for his work on driving forward the council's regeneration programme including Wirral Waters.

The Civic Mayor reported that Philip McCourt, Director of Law and Governance was also leaving the authority, having secured a role as a consultant at Bevan Brittan LLP. The Civic Mayor placed on record his thanks to Philip for undertaking the difficult role of Monitoring Officer, during which time he had overseen the roll out of the Committee System, the revision of the Constitution and the move to whole council elections.

The Civic Mayor also reported that Julie Webster, Director of Public Health was retiring from her role. It was reported that Julie had been with the Council since moving from the NHS in April 2013 and had been in her current post since August 2017, and the Civic Mayor outlined his admiration for Julie's passion and commitment to Public Health and the contributions she had made during her time which included the response to the Covid-19 pandemic.

The Civic Mayor outlined that he had invited a number of members to the Mayor's Parlour following Council and that he looked forward to seeing them.

The Civic Mayor also informed the Council of the notable events he had attended since the last meeting, which included the 34th visits from guests from Alicante, the recommencement of public citizenship ceremonies and the 10th anniversary of Wirral Food Bank. The Civic Mayor extended his thanks to those who had been involved in the preparation of the Knife Angel launch at Birkenhead Park.

20 **MINUTES**

The minutes of the meetings of Council held on 18 May 2022 and 25 May 2022 had been circulated to Members.

On a motion by the Civic Mayor seconded by Councillor Paul Stuart it was –

Resolved – That the minutes of the meetings held on 18 May 2022 and 25 May 2022 be approved and adopted as correct records.

21 **PUBLIC QUESTIONS**

The Civic Mayor informed the Council that no questions had been received from members of the public.

22 STATEMENTS AND PETITIONS

The Civic Mayor informed the Council that no requests to make statements had been made.

The Civic Mayor informed the Council that a request to submit a petition had been received from Councillor Simon Mountney without the requisite notice but that the Mayor had agreed to receive the petition.

Councillor Mountney presented a petition of some 1248 signatures petitioning the Council to not build houses on fields and ex-farmland at Grange Hill in West Kirby.

Resolved – That the petition be noted and referred to the appropriate Chief Officer in accordance with Standing Order 11.2.

23 MEMBERS' QUESTIONS

The Civic Mayor reported that no questions from Members had been received.

24 INDEPENDENT REMUNERATION PANEL REPORT

The first item requiring approval was in relation to the recommendations of the Independent Remuneration Panel to amend the Members Allowance Scheme in respect to the Special Responsibility Allowances for Group Leaders and Basic Allowance for Members.

Councillor Tony Cox moved and Councillor Paul Stuart seconded the recommendations of the Constitution and Standards Committee of 23 June 2022 with regard to the report of the Independent Remuneration Panel.

The Civic Mayor put on record his thanks on behalf of the Council for the work of the Independent Remuneration Panel. The motion was put and it was –

Resolved (55:1) (1 abstention) – That the Members Allowance Scheme be amended in respect to the level of Special Responsibility Allowance for Group Leaders and the Basic Allowance for all Members, as detailed in the report, effective following July 2022 Council Meeting.

25 WIRRAL PLAN UPDATE

The second item requiring approval was in relation to an update to the Wirral Plan 2021-26 to allow the Plan to be res-set as a four-year plan for the full

term of the new administration following the Whole Council Elections in May 2023. Following feedback and officer clarification at the Policy and Resources Committee on 27 June 2022, the Wirral Plan had been further amended.

Councillor Paul Stuart moved and Councillor Yvonne Nolan seconded the recommendations of the Policy and Resources Committee of 27 June 2022 with regard to the Wirral Plan Update.

Councillor Tom Anderson moved an amendment, which was seconded by Councillor Andrew Gardner, as follows:

Deletion of paragraph (1)

Delete 'and their approval be recommended for approval by Council in July' in paragraph (2)

Deletion of paragraph (3)

Add new paragraph (2) –

(2) Council resolves that 'Active Travel', as a cross-cutting policy, now be solely reserved to Policy and Resources Committee.

Following a debate, the amendment was put and lost (22:35) (1 abstention).

A further debate took place in relation to the original motion. The motion was put and agreed (34:22) (1 abstention). It was therefore –

Resolved (34:22) (1 abstention) – That

- (1) the progress made against the Wirral Plan deliverables as set out in Appendix 2 be noted and request that all future progress of deliverables be presented using the framework in the amended delivery plan agreed at Council (Min. 25, Council, 6th September 2021). This framework is informed by the agreement between the chairs of Economy, Regeneration and Development (now Economy, Regeneration and Housing) Committee and Environment, Climate Emergency and Transport Committee (Min. 27, P&R, 30th June 2021).**
- (2) the refreshed Wirral Plan 2022/23 priorities as set out in Appendix 3 be approved.**
- (3) officers be requested to work with the Council's political leadership and committee chairs during 2022/23 to develop a new four year plan for adoption following the elections in May 2023.**

26 **REPORT OF THE INDEPENDENT ASSURANCE PANEL**

The third item requiring approval was in relation to the report of the Independent Assurance Panel, established to oversee the Council's improvement in response to the external assurance review commissioned by the Department for Levelling Up, Housing and Communities (DLUHC) which was published in November 2021. The report was a requirement in line with the Terms of Reference of the Panel and would be submitted to DLUHC to provide an independent assessment on Wirral Council's improvement progress over the previous 6 months.

On a motion by Councillor Paul Stuart, seconded by Councillor Tom Anderson, it was –

Resolved (unanimously) – That the report of the Independent Assurance Panel be noted.

27 **WIRRAL COUNCIL IMPROVEMENT PLAN**

The fourth matter requiring approval was in relation to the Wirral Council Improvement Plan which had been developed in response to the External Assurance Review commissioned by the Department for Levelling Up, Housing and Communities (DLUHC) and also responded to the report and recommendations arising from the Local Government Association (LGA) Corporate Peer Challenge in March 2022. Further to the endorsement at Policy and Resources Committee on 27 June 2022, a number of minor amendments had been made to the plan to make it more presentable for members and key stakeholders.

On a motion by Councillor Paul Stuart, seconded by Councillor Angie Davies, it was –

Resolved (unanimously) – That the Improvement Plan be approved.

28 **CAPITAL OUTTURN REPORT 2021-22**

The fifth matter requiring approval was in relation to the Capital Outturn for 2021/22.

On a motion by Councillor Paul Stuart, seconded by Councillor Angie Davies, it was –

Resolved (unanimously) – That

(1) the additional year-end re-profiling of £30.4m from 2021/22 to 2022/23 be noted.

(2) the financing of the Programme for 2021/22 be noted.

(3) the virements referred to in Appendix 3 of the report be approved.

29 DECISIONS TAKEN SINCE THE LAST COUNCIL MEETING

The Civic Mayor reported that if any questions were in relation to matters for committees where the Chair was not in attendance, a written response would be provided.

Councillor Tony Cox asked a question of Councillor Liz Grey, in respect of minute item 79 of the Environment, Climate Emergency and Transport Committee seeking confirmation of when the deferred coastal on and off-road parking charges would be coming into effect.

In response Councillor Liz Grey sought the advice of the Deputy Monitoring Officer, who advised that the consideration of the parking charges report had been deferred by the Committee following the threat of a legal challenge in relation to the matter and detailed advice to members was in the process of being prepared. Once the full detailed legal advice was available the officer recommendations would be presented to the Committee again with detailed legal advice.

Councillor Jo Bird asked a question of Councillor Janette Williamson, in respect of minute item 9 of Policy and Resources Committee seeking confirmation of how much of the underspend on the existing Adult Social Care budget was as a result of providers not paying the Real Living Wage and asking whether that underspend could be reserved for paying the Real Living Wage. The Civic Mayor advised that a written response would be provided.

Councillor Simon Mountney asked a question of Councillor Liz Grey, in respect of minute item 73 of the Environment, Climate Emergency and Transport Committee, clarifying whether work had started on the West Kirby sea defence wall and whether the appropriate consultations and concluded and been published.

In response, Councillor Liz Grey confirmed that she had visited the site with the Environment Agency and work had started with good progress having been made, and that she had been informed that all of the necessary documentation was in order.

Councillor Stuart Kelly asked a question of Councillor Tony Jones, in respect of minute item 77 of the Economy, Regeneration and Development Committee, asking why the working group established to oversee the performance of legal support to the regeneration programme had not yet met. The Civic Mayor advised that a written response would be provided.

Councillor Andrew Gardner asked a question of Councillor Liz Grey, in respect of minute item 67 of the Environment, Climate Emergency and Transport Committee, asking the Chair to confirm whether the Parking Strategy fell within the Terms of Reference of the Committee, whether the Strategy was in place and if not when it would be.

In response, Councillor Liz Grey advised that a meeting was due to take place to discuss the remit of the different committees which would determine where Parking Strategy sits, and that a strategy was in development which she felt would be an excellent strategy.

Councillor Ian Lewis asked a question of Councillor Tony Jones, in respect of minute item 7 of the Economy, Regeneration and Housing Committee, seeking clarification on when there would be explanation as to the technical reasoning behind the withdrawal of the item 'Sale of Land at Cross Lane, Wallasey'. The Civic Mayor advised that a written response would be provided.

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MINUTE EXTRACT

POLICY AND RESOURCES COMMITTEE

13 JULY 2022

29 TREASURY MANAEMENT ANNUAL REPORT 2021-22

The Interim Director of Finance introduced the report of the Director of Resources which provided the Treasury Management Annual Report for 2021-22. The Authority's treasury management activity was underpinned by the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management ("the Code"), which required the Authority to approve treasury management semi-annual and annual reports. Therefore the report fulfilled the Authority's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the Department for Levelling Up, Housing and Communities (DLUHC) Investment Guidance.

It was reported that there was an underspend on net Treasury activities of £0.1 million, which was attributable to lower debt management costs which was incorporated into the Revenue Outturn report. It was further reported that Capital Financing debt had reduced by £6m to £160m and temporary loans from other Local Authorities has reduced by £27m to £58m.

In response to various queries from members, further information was to be provided on the cost benefits of short-term lending to other local authorities, the Council's risk appetite and the guidance associated with the Public Sector Social Impact Fund.

Resolved – That Council be recommended to agree the Treasury Management Annual Report for 2021/22.

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MINUTE EXTRACT

POLICY AND RESOURCES COMMITTEE

7 SEPTEMBER 2022

47 CAPITAL MONITORING QUARTER 1 2022/23

The Director of Resources introduced the report which provided an update on the progress of the Capital Programme 2022/23 at the end of June 2022 and recommended that Committee agree the revised 2022/23 Capital Programme of £147.6 million taking account of re-profiling, virements, additional funding requirements and grant variations identified since the Capital Programme was formally agreed on 28th February 2022.

Following the setting of the budget in February 2022, a number of schemes remained unspent and the funding had been reprofiled into the capital programme as detailed in the report. The report further detailed the new grant funded schemes including the Better Care Fund Disabled Facilities Grant, the City Region Sustainable Transport Settlement and Basic and High Needs school provision. The report sought the Committee's approval of the proposed virements within the gift of Policy and Resources Committee and the recommended approval of the revised Capital Programme to Council.

Members discussed the detail of a number of the Capital Programmes including the cost for the works to the Dock Road Bridge and the liability for the increased costs for the West Kirby Flood Alleviation Scheme. Following a detailed discussion in relation to the Secretary of State's request to see the Council's plan to generate additional capital receipts, the Director of Resources undertook to report back to the Committee on the proposed phasing of repaying the capitalisation funding based on the timing of capital receipts.

Resolved – That

- (1) Council be recommended to approve the revised Capital Programme of £147.6 million for 2022/23, including the addition of the new grant funding referred to in section 3.4.**
- (2) The virements referred to in Appendix D to the report with a value of less than £0.5m be approved.**

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AUDIT AND RISK MANAGEMENT COMMITTEE

Monday, 27 June 2022

Minute extract

7 ANNUAL ARMC REPORT 2021-22

The Chief Internal Auditor presented a report on behalf of the Chair which summarised the work undertaken by the Committee in the previous year. Reporting this annually complied with best professional practice.

Resolved – That the Annual ARMC Report for 2021-22 be approved and submitted to Council.

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AUDIT AND RISK MANAGEMENT COMMITTEE

20 JULY 2022

MINUTE EXTRACT

18 EXTERNAL AUDIT ANNUAL AUDIT REPORT 2020-21, AUDITORS REPORT COMPANY GOVERNANCE 2020- 21 AND MERSEYSIDE WASTE VALUE FOR MONEY REPORT 2020-21

The auditor from Grant Thornton introduced the report of the Director of Resources which presented the Council's external auditors (Grant Thornton) completion of the Council's main audit 2020-21 Accounts in January 2022. The auditors Annual Audit Report of the key issues/findings from their audit was attached, including two further reports, the Value for Money report on Merseyside Waste and the review of the Governance of Companies and other investments. The Audit Reports contained a set of recommendations for the Council to Implement, although significant progress had been made in addressing these recommendations.

The auditor expressed concern over the use of resources and the risk consideration but acknowledged that there was a savings plan and reduced use of reserves.

Members queried elements in the report and it was established that

- The detail on minimal revenue provision was concerned at overall expenditure not specific projects
- Monitoring and reporting since the report was written had been assisted by an independent panel and a finances Star Chamber
- Not all risks were aimed to be eliminated but mitigated
- Further reports would be brought to the Committee on specific issues such as minimal revenue provision
- Officers had agreed the recommendations where they were able and they were being acted upon
- Officers would discuss with other Committee leads the potential for taking additional information to be included within the performance reports to other Committees
- Launching specific initiatives, such as the community bank, may require considerable specific experience and staff resources in order to mitigate risks
- Audit fees were based on potential risk

The Chair proposed an additional recommendation to bring back future reports, as highlighted in Appendix 4 from the Director of Resources to this Committee. This was agreed.

Resolved – That

- (1) the reports and appendices be approved and be forwarded for approval to the Policy and Resources Committee and full Council and then published on the Council website;**
- (2) further reports on the progress of the auditors recommendations be brought back to Audit and Risk Management Committee.**

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MINUTE EXTRACT

POLICY AND RESOURCES COMMITTEE

7 SEPTEMBER 2022

51 EXTERNAL AUDIT ANNUAL AUDIT REPORT 2020-21, AUDITORS REPORT COMPANY GOVERNANCE 2020-21 AND MERSEYSIDE WASTE VALUE FOR MONEY REPORT 2020-21

The Director of Resources introduced the report which provided for consideration the recommendations of the Audit and Risk Management Committee in respect of External Audit Annual Audit Report 2020-21, Auditors Report Company Governance 2020-21 and Merseyside Waste Value for Money Report 2020-21. It was reported that the report was submitted to Policy and Resources Committee as per best practice to provide an overarching view of the final reports prior to submission to Council for approval.

The Committee discussed the recommendation of the External Auditor in relation to a Council officer being a member of the Board of Edsential, and it was confirmed that the Assistant Director of Education was a member of the Board.

On a motion by Councillor Jean Robinson, seconded by the Chair, it was –

Resolved – That

- (1) Council be recommended to approve the publication of the External Audit Annual Audit Report 2020-21, Auditors Report Company Governance 2020-21 and Merseyside Waste Value for Money Report 2020-21.**
- (2) a further report on the implementation of the Auditors recommendations and progress throughout the year be considered at a future meeting.**

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COUNCIL

10 OCTOBER 2022

REPORT TITLE:	SIX MONTH ATTENDANCE RULE S85 (1) OF THE LOCAL GOVERNMENT ACT 1972
REPORT OF:	HEAD OF LEGAL SERVICES (DEPUTY MONITORING OFFICER)

REPORT SUMMARY

Section 85(1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, unless permission for the absence is granted by the Authority in advance, in order to avoid being disqualified as a Councillor. Without advance permission to be absent, loss of office is automatic and permission cannot be granted retrospectively.

The report requests that Councillor Joe Walsh is granted permission to be absent from Council meetings for the remainder of the 2022/23 municipal year.

RECOMMENDATION/S

It is recommended that:

The absence of Councillor Joe Walsh from all Council and Committee Meetings be authorised and approved for the remainder of the 2022/23 municipal year, pursuant to Section 85 (1) of the Local Government Act 1972

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Section 85(1) of the Local Government Act 1972 requires a Member of a Local Authority to attend at least one meeting of that Authority within a six-month consecutive period, unless permission for the absence is granted by the Authority in advance, in order to avoid being disqualified as a Councillor. Councillor Joe Walsh has been unable to attend meetings due to ill health.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The proposal in this report is made to avoid Councillor Joe Walsh being disqualified from office for non-attendance during a period of ill health. Agreeing to the waiver over a different time period other than until the end of the 2022/23 Municipal Year is an option that Members may wish to consider. Were the Council not to approve the reason for absence, a vacancy would then arise on expiry of the six month period of absence.

3.0 BACKGROUND INFORMATION

- 3.1 Section 85(1) of the Local Government Act 1972 ('Vacation of office by failure to attend meetings') requires that, if a member of a local authority fails to attend any meeting of the authority throughout a period of six consecutive months from the date of their last attendance at a meeting, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- 3.2 Attendance in an official capacity at a relevant meeting of the Council is defined as attendance at a Committee or a Sub-Committee of the Council or at any meeting of a joint Committee or other such body discharging functions of the Council or at any meeting as a representative of the Council is deemed to be a meeting of the Council.
- 3.3 Once any councillor loses office through failure to attend for the six-month period, the disqualification cannot be overcome by the councillor subsequently resuming attendance. Nor can retrospective approval of the Council be sought for an extension.

4.0 FINANCIAL IMPLICATIONS

- 4.1 If the recommendations are approved, Councillor Walsh will continue to receive the basic allowance which all Councillors are entitled to receive. As this is budgeted for, there are no financial implications arising from the recommendations within this report.

5.0 LEGAL IMPLICATIONS

- 5.1 If the recommendation set out in this report is not approved Councillor Joe Walsh would become disqualified due to the six month non-attendance rule if he is unable to attend a meeting before 25 November 2022. Approval of continuing absence is allowed under Section 85 (1) of the Local Government Act 1972.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 If the Council does not approve the recommendation set out in this report a Members may become automatically disqualified. This will mean that some electors will be under-represented as there cannot be any by elections before May 2023.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Leader of Cllr Walsh’s Political Group has consulted other Group Leaders on the proposal to approve a period of absence from meetings for Cllr Walsh pursuant to section 85 of the Local Government Act 1972.

9.0 EQUALITY IMPLICATIONS

9.1 Any Equality Implications are addressed in section 1.1 of the report and the recommendation.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no environment and climate change implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

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

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APPENDICES

None

BACKGROUND PAPERS

Local Government Act 1972

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Council – 10 October, 2022

Motions

The following motions have been submitted in accordance with the notice required by Standing Order 13.1 and are listed in accordance with Standing Order 13.2.

1. COST OF LIVING CRISIS AND FAIR FUNDING FOR WIRRAL COUNCIL

Proposed by Councillor Janette Williamson

Seconded by Councillor Paul Stuart

Council notes that Wirral Council has made huge improvements in its finances since 2021 and was on course to set a balanced budget for 2023/24, despite 10 years of austerity and a loss of £224m to its budget.

However, the Cost of Living crisis has now resulted in a funding gap for 2023/24 of potentially £49m.

The current dire budgetary forecast is a result of factors beyond the Council's control, namely:

- Inflation
- Rise in energy costs
- Wage pressures

Wirral is not on its own and the LGA and CIPFA has expressed in the strongest terms their concerns to Government about the financial sustainability of the majority of local councils in England as a result of the Cost of Living crisis

Council notes that Rishi Sunak, ex-Chancellor of the Exchequer, recently admitted to diverting central government funding from 'deprived urban areas' like Wirral to affluent Conservative areas like Royal Tunbridge Wells. Wirral residents deserve better than this.

Council notes that the tax cuts in the 'mini budget' and the lifting of the cap on bankers' bonuses will punish the public sector and send the wrong message at a time when most people are struggling between heating and eating and striving for a fair wage. This was a budget for the rich and was underpinned by the much discredited ideology of 'trickle down' economics.

This Government has cut taxes for the richest while ordinary people cannot afford to feed their children or turn on the heating. Now it is starving local councils of funding so that we cannot help our residents when they need us most.

Council notes that the 'mini budget' of 23rd September 2022 did not set out a package of measures for local councils. Without Government intervention, councils such as Wirral will be forced to cease all non-essential services that are so vital and cherished by our residents. Without appropriate funding, Wirral and many other councils could be forced to file for bankruptcy.

Council demands fair funding for Wirral.
Council requests a fair, long-term funding settlement for Wirral by central government in December 2022.

Council instructs the Leader to write to the Chancellor of the Exchequer Kwasi Kwarteng as a matter of urgency, asking for the support Wirral needs and deserves in order to maintain and deliver much needed services to our residents.

2. PROTECTING WIRRAL'S GREEN BELT

Proposed by Councillor Mike Collins
Seconded by Councillor Tom Anderson

Council notes that under The Planning and Compulsory Purchase Act of 2004, all local councils were required to have a clear Local Plan for development. This Plan would clearly state the areas to be protected and conserved, such as Wirral's Green Belt, and those areas which would be earmarked for development for housing and commercial use.

Council further notes that in March 2018, the then Secretary of State for Housing, Communities and Local Government wrote to the then Leader of the Council signalling his intention to intervene in Wirral's Local Plan process.

Council finally welcomed a draft Local Plan in May 2022. The draft Local Plan, which received all Party support, does not designate any Green Belt for development and, instead, requires developers to invest and regenerate the eastern side of the Borough.

Council notes one of Wirral's largest landowners has submitted seven planning applications for 788 houses and has indicated its intention to submit a further application for another 240 houses, all to be built on Wirral's precious Green Belt land.

Council is disappointed that representatives acting on behalf of the landowner have so far refused invitations from local councillors to attend any public meetings organised to discuss these applications.

Council therefore wishes to reaffirm its commitment to protecting Wirral's precious Green Belt and urges all Wirral landowners to work with our local communities and the Council to do the same.

3. ENERGY EFFICIENCY / RESIDENTIAL

Proposed by Councillor Naomi Graham
Seconded by Councillor Judith Grier

Council welcomes the national and local financial support to help residents with energy bills.

But rising energy costs are not a one off. To protect against future energy price increases and maximise the return on expenditure, Council believes all housing in our borough should be insulated to a minimum of Energy Performance Certificate (EPC) 'C' standard with good quality loft insulation, cavity wall insulation, double-glazing and draught exclusion.

Council notes

- The insight from Wirral Intelligence service that almost 1 in 7 households in Wirral were estimated to live in fuel poverty in 2020, with large inequalities between wards - over 1 in 4 households in Bidston and St James ward (25.2%) compared to 1 in 12 in Heswall ward (8.3%) (1). The report to Policy and Resources Committee in August 2022 which outlined that the proportion of households in England living in fuel poverty could rise to 42% of households after October 2022¹.
- The Fuel Poverty, Cold Homes and Health Inequalities report which highlights the 'dangerous consequences' of living in a cold home to a child's health and future life expectancy (2)
- The Great Homes Upgrade report identifying that one in four pounds spent on heating is wasted (3) and the Energy Saving Trust Report from December 2020 commissioned by Wirral Council, highlighting that our existing housing stock is less energy efficient than the UK average.
- The Energy Efficiency Infrastructure Group (EEIG) estimate that if all homes were upgraded to the EPC C efficiency band, households would save on average £400 per year (4).
- The economic benefits of retrofitting with the potential for high-value local jobs in retrofitting. The UK Energy Research Council (UKERC) estimate that for every £1 invested by in domestic energy efficiency, GDP could be increased by £3.20 and tax take by £1.27.
- The Government target to upgrade all housing to Energy performance certificate (EPC) level C or above by 2035. To achieve that target, 7,095 homes on the Wirral need to be insulated per year.
- Cool 2 Wirral's Climate Strategy to reduce the overall demand for energy in Wirral across residential, commercial and industrial sectors making sure all homes currently below Energy Performance Certificate Band C that can be upgraded are improved to this level or better by around 2030".

Council acknowledges the work already being done as outlined in the Update on the Low Carbon Housing Retrofit Programme to Wirral's Housing Committee in November 2021 (5) but commits to increasing the pace of delivery.

Council appreciates the scale of this challenge but at the same time makes a commitment to end fuel poverty, poor health and excess carbon emissions from poorly insulated homes.

To support this, Council asks the Economy Regeneration and Housing Committee, to include as part of its' work programme, actions to enable the Council to

- Have an ambitious stated year on year insulation or EPC target for Wirral.
- Develop a plan by the end of financial year to help realise the target.
- Actively identify potential sources of funding (within current budgets and via external funding) to enable improvements to start this winter.

¹ <https://www.wirralintelligenceservice.org/state-of-the-borough/> (all wards at https://wirral.communityinsight.org/?indicator=fuel_pov_alt_11_dr_20200101#)

² <https://democracy.wirral.gov.uk/documents/s50093142/Cost%20of%20Living%20Crisis.pdf>

³ <https://www.instituteofhealthequity.org/resources-reports/fuel-poverty-cold-homes-and-health-inequalities-in-the-uk>

⁴ <https://greathomesupgrade.org/housingCampaign/campaign>

⁵ <https://greathomesupgrade.org/about/faq>

4. BANK AND CASH SERVICES THAT MEET LOCAL NEEDS

**Proposed by Councillor Phil Gilchrist
Seconded by Councillor Dave Mitchell**

Council recognises that, over a number of years, there has been a marked reduction in the number of bank branches in Wirral. This process has continued in the face of concerns raised by the communities facing the impact of those closures.

In 2022, the closure of over 400 bank branches was either announced or implemented, despite concerns raised by the affected communities including, most recently, the facilities in Port Sunlight.

Council appreciates that the Post Office network has been, by arrangement with the banking sector, able to take on a number of the functions and services relating to deposits. In a further step, access to cash has continued with the provision of cash machines in many retail locations.

Council understands that, in order to try to meet the gaps in services where communities have lost banking facilities with no reasonably convenient and accessible services nearby, banking ‘hubs’ have developed in a number of locations, though the roll-out of these has been on a small scale. The ‘hubs’ require a degree of co-operation between the major banks and the Post Office.

Council aims to secure the regeneration of Wirral and believes that no communities should be left behind.

In view of this, Council requests that the Group Leaders should write a joint letter to the Link organisation asking them to look at the pattern of services in Wirral. The organisation can be asked to consider the creation of a ‘hub’ or ‘hubs’ in Wirral with a view to securing the long-term future of accessible local services.

The response from the Link organisation should then be considered by the Policy and Resources Committee at an appropriate time.

Council notes that relevant information and statistics have been included in reports compiled by the researchers at the House of Commons library and requests that Wirral's MPs pursue the issues raised here in the interests of Wirral's residents.

5. THE IMPACT OF INFLATION ON MERSEYSIDE FIRE AND RESCUE AUTHORITY

Proposed by Councillor Brian Kenny
Seconded by Councillor Gill Wood

Wirral Council notes that the Home Office and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) have recognised the magnificent work Merseyside Fire and Rescue Authority (MFRA) carried out to support the country's response to the COVID-19 and the work it does to protect the local community and businesses from fire risk.

That challenge has been made all the more difficult by the impact of global and national economic factors in recent months that have far exceeded the inflationary assumptions within the current Budget and Financial Plan approved in February 2022.

Council notes that the MFRA is committed to facing these challenges positively and constructively. However, Council recognises the real current impact of inflation on their ability to deliver much-needed services for local people and businesses, including in Wirral

The highest levels of inflation for four decades are now driving up the costs of the raw materials, labour, energy and other costs which the Authority must pay for in order to provide essential public services and capital investment in the Service.

The Authority's budget for 2022/23 was set in February 2022 based on estimates that price inflation and wage growth would both be in the region of 2% to 3% in 2022/23. These were not unrealistic assumptions as they reflected the Government's own forecasts for inflation in 2022 and 2023, specifically:-

- In October 2021, the Autumn Budget and Spending Review 2021 Statement set out forecasts that the Consumer Price Index could reach 4% in 2022, but would fall to 2.6% by 2023;
- In December 2021, the provisional Local Government Finance Settlement uprated grant funding for 2022/23 by the actual Consumer Price Index as at September 2021 (3.1%); and,
- In February 2022 (when MFRA budgets were being finalised), the Office of Budget Responsibility forecast that the Consumer Price Index could reach 4.7% in 2022, but would fall to 2.3% by 2023.

Council notes that, since then, there has since been a dramatic shift in these expectations. The latest estimates from the Office of Budget Responsibility are that

the Consumer Price Index will reach over 10.% this year – significantly higher than both the inflationary increase in funding which the Authority received and the forecast increases which informed the MFRA budget for 2022/23.

Coupled with continuing growth in demand for Protection services and meeting increasing risks such as flooding, Council recognises that the MFRA is now facing enormous financial difficulties.

Council notes that the Institute for Government recently estimated that local authorities in England will be facing unbudgeted costs of up to £2bn as a result of inflation being significantly higher than was forecast in the Chancellor of the Exchequer's Autumn Budget and Spending Review announcements. The Authority has estimated that this impact could exceed the revenue provision by £2m in 2022/23 and the expected increase in capital expenditure is potentially +£10m;

- The Authority had a fixed price electricity contract that ended in March 2022. The new contract has increased prices by +200%. Gas prices have had a similar increase. The additional cost in 2022/23 is estimated at £1.6m;
- Capital projects – many of which are essential in providing firefighters with the relevant training, PPE and equipment to provide an effective and safe fire response, have also been hit. The Authority is facing significant extra costs due to increases in the price of raw materials and labour. The proposed new Training and Development Academy / fire station, fundamental to keeping our firefighters safe and able to respond quickly and effectively, has seen its costs increased from £25m to £39m, of which a significant element relates to increased raw material and labour costs;
- The local government and firefighter pay award for 2022/23 have yet to be resolved –with inflation forecast to exceed 10% this year, pay disputes are inevitable if pay offers represent significant real-terms pay cuts. While removing any “cap” on pay increases, the Government has previously stated that any pay award must be funded from the Authority budget. This was already going to be difficult when pay was forecast to rise by around 2.5%, pay awards above those levels will add significant pressure on Authority finances if they are not resourced from additional funding provided by the Government. Each additional 1% = £0.5m; and,
- Operational revenue budgets across the full range of Authority services are being impacted by increases in the costs of materials, fuel, labour and a higher indexation ratio being applied to outsourced contracts.

Council recognises that the financial challenge of inflation comes on top of the enormous pressures faced by the Authority after a decade of austerity when the biggest cuts in local authority funding impacted on the authorities in the most deprived areas of the country because they relied more heavily on the Government grants which were cut so severely. The Authority is also less able to raise income from increases in Council Tax and Business Rates.

Council is concerned that, without extra support, the Authority may have to once again balance the books by cutting more essential services to our vulnerable residents, including those in Wirral.

Council notes that, over the last decade or so, the MFRA have prioritised every possible option to achieve greater efficiency and minimise the need to cut budgets for essential services. It is clearly not realistic to expect financial pressures of this magnitude to be addressed through further efficiencies.

Council notes that, in effect, the Local Government Finance Settlement was determined on the basis of a set of assumptions which has since been proven to be significantly inaccurate. Council appreciates that those assumptions were legitimate at the time, but global and national events since then have created a wholly different set of circumstances. It would be unfair and unrealistic to expect the Authority to be able to cope with the scale of those changes. Wirral Council therefore urges the Government to ensure that the inflationary pressures facing fire and rescue authorities in 2022/23 are properly and fully funded.

Council asserts that, in the longer-term, for Levelling Up to be effective, it is essential that inequalities in local government funding are addressed. This must be reflected in both the forthcoming "Fair Funding" Review and the 2023/24 Local Government Finance Settlement – which should ensure that local authority funding is fairly distributed on the basis of local levels of deprivation and properly reflects the prevailing rates of price inflation and wage inflation which affect the services that the Authority delivers.

Council urges the Government to appreciate that the fire and rescue sector cannot resolve the current difficulties without national Government support.

The Council Leader is therefore requested to write to the appropriate Government Minister, to seek such financial support, as a matter of urgency.

6. SUPPORT FOR LOCAL GREEN SPACES

Proposed by Councillor Lesley Rennie
Seconded by Councillor Ian Lewis

Council thanks residents of Wirral for continuing to engage in the development of a Local Plan, following adoption of the updated Statement of Community Involvement by the Regeneration and Economic Development Committee at its meeting on 4th March 2021.

In particular, Council notes the findings of the review of sites for Local Green Space designations which contributed to the draft Local Plan and the additional protections offered to valued and long-standing green spaces, often in urban areas where green space is at a premium.

Council thanks residents and community groups for their ongoing support for the retention of local green spaces, including:

1. School Lane fields (Wallasey Village);
2. Tower Grounds (New Brighton) and
3. Ditton Local Nature Reserve (Leasowe)

and the safeguards afforded to all designated Local Green Spaces within the draft Local Plan.

7. STOP THE ATTACKS ON OUR COUNTRYSIDE AND NATURE

Proposed by Councillor Liz Grey
Seconded by Councillor Steve Foulkes

Council notes that the Government has, in its announcements of 21st and 22nd September 2022, proposed, “liberalised planning rules to release more land” in “tax cutting investment zones” to “unlock housing development”.

Council notes that this deregulation of environmental protection to enable housing and other building development includes the green open spaces around Wirral.

Council also notes that the new Retained EU Laws Bill could see the end of the basic protections known as Habitat Regulations – laws that protect birds and animals across the country and that this deregulation has been described by the RSPB as “places you love from the shires to the cities – all under threat from bulldozers, from concrete”.

Council believes that our countryside and nature deserve more protection, not less, and that this attack on our green open spaces must stop.

Council therefore requests that this Government reverse any plans to reduce legal protection of natural spaces and asks that the Leader of the Council write to the Government urging it to retain and not abandon the protections we have in this country, which is already the most nature depleted country in the Western world.

8. STOP FRACKING

Proposed by Councillor Liz Grey
Seconded by Councillor Sue Powell Wilde

Council notes that the Government has lifted the 2019 ban on fracking, despite its own commissioned report by the British Geological Survey concluding that there is no scientific evidence that fracking is safe for local communities.

Council also notes the comments by The Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS), Jacob Rees-Mogg, that:

“While HM Government will always try to limit disturbance to those living and working near to sites, tolerating a higher degree of risk and disturbance appears to us to be in the national interest.”

And from Kwasi Kwarteng, when himself SoS for BEIS, and asked if fracking would lower energy prices:

“No amount of shale gas from wells across rural England would be enough to lower European price any time soon. With the best will in the world, private companies are not going to sell the shale gas they produce to UK consumers below the market price.”

Council believes that while the former SoS for BEIS believes fracking won't lower energy prices and the current incumbent believes that local communities should just put up with the risk of earthquakes, we do not share the Government's disregard for their economic and environmental wellbeing, nor the disregard for the climate emergency.

Council notes that a Petroleum Exploration and Development Licence 184 (PEDL184) is currently held by a company with interests in fracking and this licence includes part of the Wirral West constituency.

Council therefore calls on the Government to reinstate the ban on fracking and protect our communities from the fear and distress involved.

Council requests that the Leader of Wirral Council writes to the SoS for BEIS urging him to invest instead in renewable energy and subsidise adequate home insulation programmes across the country to properly deal with the cost of living crisis, the climate emergency and to better provide energy security.

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Full Council – Responsibility for Functions

1. Introduction

Full Council is the primary decision-making body of the Council and, as such, is responsible for the exercise of all of the functions that are held by the local authority.

Whilst decisions in relation to these functions could be made by the Council, and indeed some functions can only be carried out by the Full Council, in order to operate more effectively as an organisation, most of the Council's functions are exercised through delegation to a committee, sub-committee or an officer, or to another local authority.

This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels and also contains the Scheme of Delegation to Officers.

2. Council Functions

The Council reserves to itself the following functions (in accordance with the rules and procedures contained in this Constitution):

- (a) All non-delegable functions as defined by the Local Authorities (Committee System) (England) Regulations 2012 including: -
 - (i) **The Budget** – The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision, which includes the overarching annual:-
 - (1) Capital programme
 - (2) Capital investment strategy
 - (3) Medium term financial plan
 - (4) Treasury management strategy,except for any amendment, modification, variation or revocation which—
 - (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
 - (bb) is authorised by a determination made by the local authority—
 - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution (including virements); and
 - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

(ii) **Policy Framework (Required)** – The making or revoking or amending the following policies, plans and strategies required to form a part of the Council’s Policy Framework:

- (1) Annual Library Plan;
- (2) Crime and Disorder Reduction Strategy;
- (3) Development Plan Documents;
- (4) Licensing Authority Policy Statement;
- (5) Policies made under the Gambling Act (including any resolution relating to casinos);
- (6) Local Transport Plan;
- (7) Plans and alterations which together comprise the Development Plan;
- (8) Sustainable Community Strategy; and
- (9) Youth Justice Plan;

except for any amendment, modification, variation or revocation which—

- (aa) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
- (bb) is authorised by a determination made by the local authority—
 - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution; and
 - at the time when the local authority approves or adopts the plan or strategy, as the case may be.

- (iii) Making of a Members Allowance Scheme and amending the same.
- (iv) Determination of Mayor’s and Deputy Mayor’s allowances.
- (v) Making a request for single member electoral wards to the Local Government Boundary Commission.
- (vi) Resolution to change a scheme for elections.
- (vii) Making an order giving effect to the recommendations made in a Community Governance Review.
- (viii) Conferring voting rights on co-opted members of Overview and Scrutiny Committees (if any).

- (b) **Policy Framework (Choice)** - The making or revoking or amending the following policies, plans and strategies reserved by Council to form a part of the Council's Policy Framework
 - (i) The Council Plan.
- (c) Setting the Council's Council Tax requirement
- (d) Electing the Mayor and Deputy Mayor
- (e) Appointing the Leader and Deputy Leader of the Council (Chair and Vice-Chair of Policy & Resources Committee)
- (f) Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership
- (g) Confirming the appointment (or dismissal) of the Head of Paid Service, Monitoring Officer and Chief Finance (Section 151) Officer.
- (h) Confirming the appointment of the Independent Persons.
- (i) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- (j) Appointment of the Returning Officer and Electoral Registration Officer.
- (k) Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- (l) All other matters which by law are reserved to the Council including: -
 - (i) Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
 - (ii) Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- (m) Conferring the title of Honorary Freeman and Honorary Alderman.
- (n) Approving the Annual Senior Officer Pay Policy Statement.
- (o) Changing the name of the Borough.
- (p) Appointment of representatives of the local authority not otherwise delegated to a Committee.
- (q) Nomination of councillors and other persons to outside bodies
- (r) Consideration of reports from committees or any other body constituted by the Council.

- (s) To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
- (t) Making recommendations to the Secretary of State on the Borough boundaries, ward boundaries, electoral divisions, ward or polling districts; and
- (u) any other function which must by law be reserved to full Council.

Note

For the avoidance of doubt, the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have also been delegated to a Committee or Officer. Full Council shall not, however, exercise a power that has been delegated without first ensuring that such a step is in the best interests of the Council and in accordance with the rules set out in the Articles of this Constitution. The Council's ability to exercise its powers will not override or supersede any decision or action already taken and implemented by a Committee or Officer acting under delegated authority.