

WIRRAL COUNCIL

TRANSFORMATION AND RESOURCES POLICY & PERFORMANCE COMMITTEE

30TH JULY 2013

SUBJECT:	<i>TERMS OF REFERENCE</i>
WARD/S AFFECTED:	<i>ALL</i>
REPORT OF:	<i>DIRECTOR OF PUBLIC HEALTH / HEAD OF POLICY AND PERFORMANCE</i>
RESPONSIBLE PORTFOLIO HOLDER:	<i>CLLR ANN MCLACHLAN</i>

1.0 EXECUTIVE SUMMARY

1.1 This report informs members of the Terms of Reference of the Policy and Performance Committees, as set out in Article 6 of the Council's constitution. The specific Service Areas which fall within the remit of this Policy & Performance Committee are listed in Appendix 2.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Council's constitution has recently been revised and updated in response to the need to improve the Council's corporate governance and decision making. These improvements were approved by Cabinet on 23rd April and Council on 30th April 2013. The main changes to the constitution involve:

- The creation of four Policy and Performance Committees to undertake overview and scrutiny
- The creation of four new Constituency Committees to devolve decision-making in line with the Localism Act
- A revised Scheme of Delegation
- Changes to the format of Council meetings

2.2 The terms of reference for the Policy and Performance Committees are set out in Article 6 of the Council's constitution which is published on the Council's website at the following link:

<http://democracy.wirral.gov.uk/ecSDDisplay.aspx?NAME=SD867&ID=867&RPID=1000732115&sch=doc&cat=12881&path=12881>

3.0 TERMS OF REFERENCE

3.1 The terms of reference set out the functions and powers of the four committees. The terms of reference are included in this report at Appendix 1. In addition, the Service Areas within the remit of this Committee are shown at Appendix 2.

4.0 RELEVANT RISKS

4.1 There are none arising from this report.

5.0 OTHER OPTIONS CONSIDERED

5.1 No other options have been considered

6.0 CONSULTATION

6.1 The terms of reference set out in Article 6 of the Council's constitution, were developed following a series of consultation and Member development events over autumn/winter 2012/13. The proposals have also been presented and discussed through the all-party Democracy Working Party.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 There are none arising directly from this report.

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

8.1 There are none arising directly from this report.

9.0 LEGAL IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
(a) No

11.0 CARBON REDUCTION IMPLICATIONS

11.1 There are none arising directly from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 There are none arising directly from this report.

13.0 RECOMMENDATION/S

13.1 Members are requested to note the terms of reference as set out in Appendix 1 and the Areas of Responsibility as shown in Appendix 2.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 This report was produced to inform Members of the terms of reference for this Policy and Performance Committee.

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Article 6 – Policy and Performance committees

6.1 Appointment

The council will annually constitute and appoint four Policy and Performance Committee, comprising at least seven councillors, to discharge the functions conferred by the Local Government Act 2000 for overview and scrutiny, as subsequently amended and associated regulations.

6.2 The four committees will be comprised as follows:

- (i) One committee known as the Co-ordinating Committee which will be responsible for:
 - a. Determining the Overview and Scrutiny Rules and operational protocols set out in Part 4 insofar as they have not otherwise been determined by statute or reserved to the Council.
 - b. Determining the overall work programme of the Policy and Performance Committees, including ensuring there is an overall planned approach to in-depth reviews generated by the 3 committees.
 - c. Allocating responsibilities to the Policy and Performance Committees where there is ambiguity or a matter is the concern of more than one committee.
 - d. Considering any matter affecting the area or its inhabitants including matters referred by constituency committees and councillor calls for action, and exercises the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet.
 - e. Approving an overview and scrutiny forward work programme, including the programme of any sub-committees it appoints so as to ensure that committees' and sub-committees' time is effectively and efficiently utilised.
- (ii) Three committees, to be called Policy and Performance Committees, responsible for scrutinising the work of the three strategic directorates in accordance with the approved overview and scrutiny forward work programme at 6.2(i)(e) above.

6.3 The Policy and Performance Committees will:

- (i) perform all overview and scrutiny functions on behalf of the council, including
 - (a) the review or scrutiny of decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (ii) The power of an Policy and Performance committee to review or scrutinise a decision made but not implemented includes power
 - (a) to recommend that the decision be reconsidered by the person who made it, or
 - (b) to arrange for its function under subsection 6.3(ii)(a), so far as it relates to the decision, to be exercised by the authority.
 - (c) to make reports or recommendations to the council or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - (d) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - (e) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - (f) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- (iii) appoint such sub-committees, task groups and representatives on major project boards as it considers appropriate to fulfil those functions
- (iv) make reports and recommendations to the Full Council and the Cabinet and any relevant partner in connection with the discharge of any functions
- (v) foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote
- (vi) In addition to the above the Policy and Review Committee responsible for health scrutiny will:

- (a) review and scrutinise any matter relating to the planning, provision and operation of health services in The Borough, including significant change to service provision and those jointly commissioned or delivered by the council
- (b) require the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health services in the Borough
- (c) require a local NHS body to provide information about the planning, provision and operation of health services in the Borough, subject to the exemptions outlined in the Health and Social Care Act 2001
- (d) participate in cross-boundary overview and scrutiny of health services with other local authorities; including the establishment of joint committees; or the delegation of functions to another local authority
- (e) report to the secretary of state for health:
 - (i) where the committee is concerned that consultation on substantial variation or development of services has been inadequate
 - (ii) where the committee considers that the proposal is not in the interest of the local health service.
- (f) maintain an overview of the council's responsibilities and role in relation to health and wellbeing
- (vii) The Co-ordinating Committee shall appoint at least two but not more than five parent governor representatives to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

6.4 Finance

The Co-ordinating Committee will exercise overall responsibility for the finances made available to it.

Appendix 2 – Service Areas of Responsibility

The Transformation and Resources Policy and Performance Committee is responsible for the scrutiny of the following areas of Council business:

1. Resources & Financial Services

- Financial Advice
- Financial Management (including Treasury Management)
- Audit
- Procurement
- Information Technology Services

2. Legal & Member Services

- Legal Services
- Registration
- Freedom of Information
- Records Management & Archives
- Complaints

3. Human Resources & Organisational Development

- HR / Payroll
- Organisational Development

4. Business Processes

- Revenue / Benefits
- Libraries / One Stop Shops
- Customer Services

5. Pensions