Constitution of the Council

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PART 1

THE COUNCIL'S CONSTITUTION

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

The Constitution is divided into **16 Articles** which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later on in the document. These rules and protocols may be changed more frequently.

What's in the Constitution?

Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution.

Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens of the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- Joint Health Scrutiny Committee(s) (Article 6A)
- The Cabinet (Article 7)
- Regulatory and Other Committees (Article 8)
- The Standards and Constitutional Oversight Committee (Article 9)
- Constituency Committees (Article 10)
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- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)

- Review and revision of the Constitution (Article 15)

- Suspension, interpretation and publication of the Constitution (Article 16)

HOW THE COUNCIL OPERATES

The Council is composed of 66 Councillors with one third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards and Constitutional Oversight Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader and Cabinet (the Executive) and hold the Executive to account. There will be an opportunity for members of the public to ask questions at Council meetings.

HOW DECISIONS ARE MADE

The Executive and its Committee is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is elected by all Councillors and a Cabinet of 9 Councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide. Throughout this constitution document the terms "Leader and Cabinet" or "Cabinet" are used rather than "Executive".

OVERVIEW AND SCRUTINY

There are three Overview and Scrutiny committees who support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. These Committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet or the Executive Board but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

CONSTITUENCY COMMITTEES

In order to give local citizens a greater say in Council affairs four constituency committees have been created. These are primarily consultative. They involve Councillors and community representatives for each particular area and are held in public.

COUNCIL STAFF

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, Cabinet and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- submit petitions generally to Councillors or officers on matters of local concern;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny committees;
- find out, from the Leader and Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and comment accordingly;

- see reports and background papers, and any record of decisions made by the Council and Cabinet, either on paper or electronically where reports and decision records are displayed on the Council's website;

- complain to the Council about any of the Council's services;

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and

- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director: and Governance and Assurance (Monitoring Officer), Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED, who can let you have a statement of your right to inspect agendas and reports and attend meetings.

PART 2

Article 1 - The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

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

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

(i) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

(ii) support the active involvement of citizens in the process of local authority decision making;

(iii) help Councillors represent their constituents more effectively;

(iv) enable decisions to be taken efficiently and effectively;

(v) create a powerful and effective means of holding decision-makers to public account;

(vi) ensure that no one will review or scrutinise a decision in which they were directly involved;

(vii) ensure that those responsible for decision making are clearly identified to local people and that they explain the reasons for decisions; and

(viii) provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

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

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

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PART 2

Article 2 - Members of the Council

2.1 Composition and eligibility

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

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

2.2 Election and terms of Councillors

Election and terms - The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year except that in 2013 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.3 Roles and functions of all Councillors

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

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

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

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

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

(e) be involved in decision-making;

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

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

(h) take part in member development and training.

(ii) **Rights and duties**

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

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

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

2.4 **Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution, and comply with any reasonable request of the Council's Standards and Constitutional Oversight Committee.

2.5 **Allowances**

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

PART 2

Article 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

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

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

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

(b) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;

(c) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and

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

(iii) **Participation** - Citizens have the right to participate in the Council's question time and contribute to investigations by Overview and Scrutiny Committees. Citizens have the right to submit petitions to Councillors or officers about matters that are of local concern.

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

(a) the Council itself under its complaints scheme;

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

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

3.2 **Citizens' responsibilities**

(i) Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

(ii) Citizens are legally required to register to vote and actively encouraged to exercise their vote as part of their commitment to citizenship and local democracy.

PART 2

Article 4 - The Full Council

4.1 Meetings

The full Council will decide the Council's budget and policy framework.

(i) **Policy Framework** - The policy framework means the following plans and strategies:

- Council's Corporate Plan;
- Children and Young People's Plan;
- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Licensing Authority Policy Statement & Statement of Principles
- Local Transport Plan;
- Plans and strategies which together comprise the Local Development Framework;
- Youth Justice Plan;

(ii) **Budget** - The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(iii) **Housing Land Transfer** - Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

(i) adopting and changing the Articles of the Constitution;

(ii) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

(iii) subject to the urgency procedure contained in the **Access to Information Procedure Rules** set out in Part 4 of the Constitution, making decisions about any matter in the discharge of a Cabinet

function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to, or not wholly in accordance with, the budget;

(iv) appointing the Leader;

(v) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(vi) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

(vii) adopting an allowances scheme;

(viii) changing the name of the area or conferring the title of Honorary Alderman or the Freedom of the Borough;

(ix) confirming the appointment of the Head of Paid Service;

(x) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(xi) all **Local Choice Functions** set out in Part 3 of the Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and

(xii) all other matters which, by law, must be reserved to Council.

4.3 **Council meetings**

There are three types of Council meeting:

(i) the annual meeting;

(ii) the ordinary meetings;

(iii) extraordinary meetings;

and they will be conducted in accordance with the **Council Procedure Rules** set out in Part 4 of the Constitution.

4.4 **Responsibility for functions**

The Council will maintain the tables in Part 3 of the Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

PART 2

Article 5 - Chairing the Council

THE MAYOR

5.1 **Role and function of the Mayor**

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

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

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

(iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or do not hold committee chairs are able to hold the Cabinet and committee chairs to account;

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

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

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PART 2

Article 6 – Overview and Scrutiny Committees

6.1 Appointment

The Council will annually constitute and appoint four Overview and Scrutiny Committees, comprising of fifteen councillors, to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

6.2 General Role

Within their terms of reference, Overview and Scrutiny Committees will:

(a) Review and / or scrutinise the decisions made or actions taken in connection with the discharge of the Council's functions;
(b) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny committee about their activities and performance;
(c) Support joint work planning arrangements in developing an integrated scrutiny work programme;
(d) Make reports and / or recommendations to the Council and / or the Cabinet in connection with any policy or the discharge of any functions;
(e) Exercise the right to call in, for reconsideration decisions made but not yet implemented by the Executive function of the Council;
(f) Assist the Council and the Cabinet in the development and monitoring of the annual budget;
(g) Review and scrutinise the Council's transformation governance and processes as well as monitoring the outcomes and benefits of the Transformation Programme;
(h) Review and scrutinise the Council's partnership arrangements;
(i) Review and scrutinise the Council's commissioning activities;
(j) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas; and
(k) Have the authority to establish task & finish groups, standing panels and sub-committees as necessary to discharge the functions falling within the remit of the committee.

6.3 Overview and Scrutiny Committees Terms of Reference

The Overview and Scrutiny Committees are aligned to the Wirral Plan themes of People, Business and Environment with responsibility for reviewing and / or scrutinising decisions made or actions taken in connection with the pledges that make up the respective theme of the Wirral Plan. The Overview and Scrutiny Committees are also responsible for scrutinising the strategies, policies, partnerships, transformation projects / programmes and supporting functions which operate in support of their Wirral Plan theme.

Adult Care & Health Overview and Scrutiny Committee

Wirral Plan Pledges	• Older People Live well • People with disabilities live independently
Scope of the Committee	To review and / or scrutinise any strategies and plans, and the delivery of these plans, including: • Ageing well Strategy • All Age Disability Strategy • Safeguarding Strategy • Health and Wellbeing Strategy To review and / or scrutinise the commissioning, management and performance of services for: • Older People • Health and Social Care • Mental Health (all age) • Learning Disabilities (all age) • Adult Safeguarding To perform the Council's statutory responsibilities to undertake health scrutiny. The Committee will: • 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. • Require the provision of information or 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. • 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, where appropriate. • Report to the Secretary of State for Health: - Where the committee is concerned that consultation on substantial variation or development of services has been inadequate

	- Where the committee considers that the proposal is not in the interest of the local health service.
Cross-Cutting Themes	• Wirral residents live healthier lives pledge (link with Environment) • Liverpool City Region Combined Authority

Children and Families Overview and Scrutiny Committee

Wirral Plan Pledges	• Children are ready for school • Young people are ready for work and adulthood • Vulnerable children reach their full potential • Reduce child and family poverty • Zero tolerance to domestic violence
Scope of the Committee	To review and / or scrutinise any strategies and plans, and the delivery of these plans, including: • Wirral's Strategy for Children, Young People and Families • Improving Life Chances Strategy • Zero Tolerance to Domestic Abuse Strategy • Safeguarding Strategy • Schools Strategy To review and / or scrutinise the commissioning, management and performance of services for: • Children's Care • Children's Services • Education • Children's Safeguarding
Cross-Cutting Themes	• People with disabilities live independently (link with Adult Care and Health) • Liverpool City Region Combined Authority

Business Overview and Scrutiny Committee

Wirral Plan Pledges	• Greater job opportunities in Wirral • Workforce skills match business needs • Increase inward investment • Thriving small businesses • Vibrant Tourism economy • Transport and technology fit for the future • Assets and buildings are fit for purpose
Scope of the Committee	To review and / or scrutinise any strategies and plans, and the delivery of these plans, including: • Wirral's Growth Plan • Wirral Visitor Economy Plan • Wirral's Transport Strategy • Wirral's Digital Strategy • Wirral Asset Strategy To review and / or scrutinise the commissioning, management and performance of services for: • Growth • Transport • Digital • Regulatory Services • Asset Management • Customer Services
Cross-Cutting Themes	• Good quality Housing that meets the needs of residents pledge (Link with Environment) • Community services are joined up and accessible pledge (link with Environment) • Liverpool City Region Combined Authority

Environment Overview and Scrutiny Committee

Wirral Plan Pledges	• Leisure and cultural opportunities for all • Wirral Residents live healthier lives • Community services are joined up and accessible • Good quality housing that meets the needs of residents • Wirral's Neighbourhoods are safe • Attractive local environment for Wirral residents
Scope of the Committee	To review and / or scrutinise any strategies and plans, and the delivery of these plans, including: • Wirral's Leisure Strategy • Wirral's Culture Strategy • Wirral Residents Live Healthier Lives Strategy • Neighbourhood Strategy • Housing Strategy • Ensuring Wirral's Neighbourhoods are Safe • Managing Our Waste Strategy 2015 - 2020 • Loving Our Environment Strategy To review and / or scrutinise the commissioning, management and performance of services for: • Leisure • Community Services • Safer Neighbourhoods • Housing Services • Environment To perform the Council's statutory responsibilities to undertake scrutiny in relation to: • The review and scrutiny of the flood and coastal erosion risk management functions under the Flood and Water Management Act 2010. • The review and scrutiny of decisions made or action taken in connection with the discharge by the Responsible Authorities and Co-operating bodies of the Wirral Community Safety Partnership of their crime and disorder functions.

Cross-Cutting Themes	• Vibrant tourism economy pledge (link with Business) • Transport & Technology Infrastructure fit for the future (link to Business) • Liverpool City Region Combined Authority

PART 2

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'.

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 Adult Care & Health Overview and Scrutiny Committee and the Children and families Overview and Scrutiny Committee which are 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.

PART 2

Article 7 - The Cabinet

THE ROLE OF THE CABINET

7.1 **Role**

The Cabinet will, unless otherwise delegated by the Leader of the Council, carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 **Form and composition**

The Cabinet will consist of the –

(i) The Leader of the Council ("the Leader"); and
(ii) at least two but not more than nine Councillors ("other Cabinet Members") appointed from time to time by the Leader, none of whom may be the Mayor at any time while being the Leader or other Cabinet Members.

7.3 **Leader of the Council**

(i) The Leader will be a Councillor elected to the position of Leader by the Council at the Annual Meeting of the Council following elections, if any.

(ii) The Leader will hold office as such until or unless –

(a) he/she resigns from the office; or
(b) he/she is suspended/disqualified from being a Councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000 (as amended) and Localism Act 2011; or
(c) he/she ceases to be a Councillor (whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of councillors); or
(d) The Council passes a resolution expressly to remove him/her from the office of Leader.

7.4 **Other Cabinet Members**.

(i) Other Cabinet Members shall be appointed and their portfolios and functions shall be determined from time to time by the Leader.

(ii) The power of appointment by the Leader with respect to other Cabinet Members shall include the power to remove any of them from the Cabinet and to determine whether or not to appoint one or more other

Councillors in their places (subject in all such circumstances to the limitations upon numbers in paragraph 7.2 (ii) above)

(iii) The Leader may from time to time appoint a Cabinet Member to be his/her deputy and the person so appointed shall be known and referred to as the Deputy Leader of the Council ("the Deputy Leader").

(iv) The power of appointment by the Leader of the Deputy Leader shall include power to remove him/her from the office of Deputy Leader and to determine whether or not to appoint another Cabinet Member thereto.

(v) Subject to paragraphs (i), (ii), (iv) and (v) above, a Cabinet Member shall hold office as such until or unless -

(a) he/she resigns from such office; or
(b) he/she is suspended/disqualified from being a councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000) (as amended) and Localism Act 2011 (although he/she shall be eligible to resume such office on appointment by the Leader at the expiry of the period of suspension); or
(c) he/she is no longer a Councillor, whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of councillors.

7.5 **Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Procedure Rules set out in Part 4 of this Constitution.

Criteria for Referral of Executive Functions and Matters

All executive functions/matters may be referred by the Leader and/or Cabinet Members and Officers to Cabinet for consideration, determination and/or decision.

Generally only those executive functions/matters that fall into one or more of the following categorises should be referred to Cabinet:

(i) The matter under consideration is a high profile matter;
(ii) The decision has a significant budgetary impact;
(iii) There is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
(iv) The function/matter provides important performance management information.

7.6 **Responsibility for functions**

(i) The Leader may discharge any executive function, or

(ii) may arrange for the discharge of any of those functions –

(a) by the Cabinet;
(b) by any Cabinet Member;
(c) by a committee of the Cabinet;
(d) by area constituency committee; or
(e) by an officer of the authority.

(iii) Where any functions may be discharged by the Cabinet, then, unless the Leader otherwise directs, the Cabinet may arrange for the discharge of any of those functions –

(a) by a committee of the Cabinet;
(b) by area constituency committee; or
(c) by an officer of the authority.

(iv) Where any functions may be discharged by a Cabinet Member, then, unless Leader otherwise directs, the member who may discharge the functions may arrange for the discharge of any of those functions –

(a) by area constituency committee; or
(b) by an officer of the authority.

(v) Where any functions may be discharged by area constituency committee, then, unless the Leader otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority.

(vi) Any arrangements made under paragraphs (ii) – (v) above does not prevent or otherwise prohibit the person/body making the arrangement from exercising those functions.

7.7 Responsibility for Cabinet functions when no Leader or Deputy Leader is in post and no quorate Cabinet is in office

(i) This paragraph shall apply for any period during which;

(a) no Councillor holds the position of Leader; and
(b) fewer than three Councillors (or such other number of Councillors as from time to time shall be the quorum for a meeting of the Cabinet) hold the position of Cabinet Member

(ii) In the circumstances to which sub-paragraph (i) above applies, the Chief Executive (or in his/her absence, the Assistant Chief Executive) in consultation with the leaders of all political groups represented on the Council, shall have delegated authority to act in respect of any executive function, provided that the Chief Executive or Assistant Chief Executive (as the case may be) is of the opinion that to delay acting

until after the likely conclusion of the period specified in sub-paragraph (i) above would not be in the public interest.

(iii) All decisions or other action taken by the Chief Executive or the Deputy Chief Executive pursuant to sub-paragraph (ii) above shall be promptly set out in a written record which shall include the reasons for the decision or other action and the conclusions as to the public interest which caused such decision or other action to be taken **and** all such records shall be submitted to the Councillor who next holds the position of Leader as soon as is reasonably practicable after his or her election as Leader.

PART 2

Article 8 - Regulatory and other committees

8. **Regulatory and other committees**

8.1 The Council will appoint the committees set out in the left hand column of Table 2 (Responsibility for Council Functions) in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

8.2 Proceedings of regulatory or other committees: the committees will conduct their proceedings in accordance with the relevant provisions of the Council Procedure Rules set out in Part 4 of this Constitution.

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PART 2

Article 9 - The Standards and Constitutional Oversight Committee

9.1 Standards and Constitutional Oversight Committee

The Council meeting will establish a Standards and Constitutional Oversight Committee, to be known as the Standards and Constitutional Oversight Committee.

9.2 Composition

(i) **Membership**
The Standards and Constitutional Oversight Committee will be composed of:

- nine Members, not more than one of whom is a member of the Cabinet (other than the Leader) and

- four persons who are not Members or officers of the Council (independent persons).

(ii) **Independent persons**
Independent members will not be entitled to vote at meetings.

(iii) **Chairing the Committee**
The committee chairperson shall be determined by the Standards and Constitutional Oversight Committee at its first meeting in the Municipal Year.

9.3 Role and Function

The Standards and Constitutional Oversight Committee will:-

(i) promote and maintain high standards of conduct by Members, Co-Opted Members and church and parent governor representatives;

(ii) to advise and recommend to Council the adoption, revision or replacement of the Code(s) of Conduct for Members, Co-Opted Members and Officers.

(iii) assist the Members and Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct;

(iv) monitor and review the complaints made under the Members' Code of Conduct; including the operation of the Members' Code of Conduct;

(v) advise, train or arrange to train Members, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;

(vi) establish, amend or revise arrangements under which allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members can be investigated (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for the effective and timely investigation of allegations).

(vii) establish, amend or revise arrangements under which decisions on allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Members' Code of Conduct can be made (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for effective and timely decision making).

(viii) support the Monitoring Officer in the exercise of that Officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council.

(ix) in relation to Members or Co-Opted Members or church and/or parent governor representatives with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

(x) to exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act 2011.

(xi) monitoring and reviewing as necessary the operation of whistle-blowing procedures;

(xii) considering reports arising from external inspections, audit investigations, Ombudsman investigations where maladministration is found, legal challenges and other sources which cast doubt on the honesty or integrity of the Council or its Members;

(xiii) to consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred to it by Council, which further the aim of promoting and maintaining the highest standards of conduct within the Council;

(xiv) approve the payment of compensation involving sums in excess of £5,000 (or less, if considered appropriate) to settle complaints of maladministration.

(xv) establishing such sub-committees and/or panel as are required to discharge its role and the functions as set out in these Terms of Reference.

(xvi) To keep the Council's constitutional arrangements under review and to make such recommendations to the council as it considers appropriate for ways in which it should be amended in order better to achieve the purposes set out in Article 1.

(xvii) To oversee and agree such minor and consequential changes to the Council's constitutional arrangements as are recommended by the Monitoring officer from time to time.

9.4 **The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club.**

9.5 **Establishment of Panels**

The Standards and Constitutional Oversight Committee will establish a Standards Panel and a Standards Appeals Panel.

A. Terms of Reference of the Standards Panel

A1 The Standards Panel will:

(i) Consider only those allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members that are specified in the arrangements established under paragraph 9.3(vi) above.

(ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.

(iii) The Standards Panel after consideration of a complaint may (pursuant to paragraph 9.3(vii) above):-

(a) ask for additional information on the allegation before reaching a decision;

(b) determine that no action should be taken in respect of the allegation(s) made;

(c) determine that the Members' Code of Conduct has been proved to have been breached;

(iv) Where the Standards Panel determines that the Members' Code of Conduct has been breached, it may:

(a) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or

(b) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or

(c) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference / consideration; and/or

(d) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or

(e) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

(v) Where the Standards Panel determines that the Members' Code of Conduct has NOT been breached, it may:

(a) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, that a Council media statement be issued upon the Council's website detailing the nature and outcome of the investigation into the allegations made and the decision of the Panel.

(b) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee;

(vi) The Standards Panel shall also consider under Sections 1 and 2 of the Local Government and Housing Act 1989: -

(a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and

(b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

A2. **Composition**

The Standards Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Panel, providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on the Standards Panel where he/she has a conflict of interest.

A3. **Chair**

The Chair shall be appointed by the Standards Panel at each meeting.

Where the Standards Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chair shall not be a Member of the same political party of the Member against whom the allegation(s) have been made.

A4. **Quorum**

The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.

A5. **Frequency of Meetings** - The Standards Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.

A6. **Access to Information** – Where the Standards Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under A1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless

the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.

B. Terms of Reference of the Standards Appeal Panel

B1. Where a complainant or Member or Co-opted Member is dissatisfied with the determination of a complaint by the Standards Panel, the Standards Appeal Panel will convene to re-consider the complaint providing that:

(i) A request for permission to appeal is first made in writing, within 14 days of receipt of the Standards Panel's Decision Notice, to the Monitoring Officer which details the procedural, legal and/or evidential issues relied upon in support of the request for permission; and

(ii) The Monitoring Officer being satisfied, having considered the views of the independent person, that (a) the request for permission raises valid procedural, legal and/or evidential issues and matters not previously considered by the Standards Panel, and/or that (b) it is reasonable and equitable in all the circumstances of the case that permission to appeal be granted.

B2. Where the Standards Appeal Panel has been convened pursuant to paragraph B1 above, the Standards Appeal Panel shall:

(i) Consider the complaint/allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.

(ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.

B3. The Standards Appeal Panel after consideration of a complaint may (pursuant to paragraph 9.3(vi) above:-

(i) ask for additional information on the allegation before reaching a decision;

(ii) determine that no action should be taken in respect of the allegation(s) made;

(iii) determine that the Members' Code of Conduct has been proved to have been breached;

Where the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may:

(iv) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or

(v) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or

(vi) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference/consideration; and/or

(vii) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or

(viii) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

Where the Standards Appeal Panel determines that the Members' Code of Conduct has NOT been breached, it may:

(ix) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, a Council press release be issued detailing the nature and outcome of the investigation into the allegations and the decision of the Panel.

(x) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Council and/or the Standards and Constitutional Oversight Committee;

B4. **Composition**

The Standards Appeal Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Appeal Panel,

providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on (or otherwise attend, engage or interfere with) the Standards Appeal Panel where he/she has a conflict of interest.

B5. **Chairperson** – The Chairperson shall be appointed by the Standards Appeal Panel at each meeting. Where the Standards Appeal Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chairperson shall not be a member of the same political party of the Member against whom the allegation(s) have been made.

B6. **Quorum**
The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.

B7. **Frequency of Meetings** - The Standards Appeal Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.

B8. **Access to Information** – Where the Standards Appeal Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under B1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.

PART 2

Article 10 - Constituency Committees

10.1 **Constituency Committee**

(i) The Council will appoint 4 area committees co-terminus with the four constituency boundaries to discharge functions in respect of that area of the authority as set out below.

(ii) The area committees will be known as Constituency Committees.

(iii) The members of the committee will be members of the authority who are elected for electoral divisions or wards which fall wholly or partly within the wards comprising the area of the committee.

(iv) The council will, at the annual general meeting, determine the number of members on each area committee and appoint members to the committee in accordance with paragraph (iii) above.

10.2 **Terms of Reference**

(i) To discharge such functions as may be delegated to them from time to time by the Cabinet and/or the Council.

(ii) To act as a voice for the community with respect to:-

(a) the development of area action plans which reflect the needs and priorities of the area;

(b) issues concerning the environment, traffic, policing, education, jobs, health;

(c) development of the Borough's Community Strategy;

(d) the quality, range and level of services provided in the area by public bodies;

(e) to provide public bodies with an opportunity to consult with local people on the development and delivery of plans, programmes and services;

(f) to make recommendations to the Cabinet in respect of the expenditure of any funds allocated to them.

(iii) The Constituency Committees shall be a decision making Committee. They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.

(iv) The Committee can appoint up to six Community representatives with non-voting rights.

(v) Any Member of the Committee, including Community Representatives, may be appointed as the Chairperson of the Committee.

PART 2

Article 11 - Joint Arrangements

11.1 Arrangements to promote well-being

In order to promote the economic, social or environmental well-being of its area, the Council or the Cabinet may:

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

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

(iii) exercise on behalf of that person or body any function of that person or body.

11.2 Joint arrangements

(i) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(ii) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(iii) Except as set out below, the Cabinet may appoint only Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(iv) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

(a) where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member of a ward which is wholly or partly contained within the area;

(b) the political balance requirements do not apply to such appointments.

(v) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation in Part 3 of this Constitution.

11.3 **Delegation to and from other local authorities**

(i) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

(ii) The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.

(iii) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.4 **Contracting out**

The Council, for functions which are not Cabinet functions, and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

PART 2

Article 12 - Officers

12.1 **Management structure**

(i) **General** - The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(ii) **Chief Officers** - The full Council will engage persons for the following posts, who will be designated chief officers:

Chief Executive
Corporate Director for Business Management
Corporate Director for Delivery Services (Assistant Chief Executive)
Corporate Director for Children's Services (DCS)
Corporate Director for Strategy and Partnerships
Corporate Director for Economic and Housing Growth
Director for Adult Care and Health (DASS)

The role of the Council's Statutory Scrutiny Officer shall be undertaken by the Head of Intelligence or as otherwise decided by Council.

(iii) **Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will designate the following posts as shown:-

Post	**Designation**
Chief Executive	Head of Paid Service
Director: Governance and Assurance	Monitoring Officer
Director: Finance and Investment	Chief Finance Officer (also known as Section 151 Officer)

Such posts will have the functions described in Article 12.2-12.4 below.

Protocols will be developed to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained. In addition a protocol relating to the role of the Monitoring Officer will also be developed.

(iv) **Structure** - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This will be published on the Council's website.

12.2 **Functions of the Head of Paid Service**

(i) **Discharge of functions by the Council** - The Head of Paid Service where he/she considers it appropriate to do so in respect of any proposals of his/her will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(ii) **Restrictions on functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 **Functions of the Monitoring Officer**

The Monitoring Officer will:

(i) maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public;

(ii) make such minor changes to the Constitution as are necessary to give effect to organisational changes from time to time provided the same are reported to the Standards and Constitutional Oversight Committee at the first available opportunity;

(iii) after consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;

(iv) contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Constitutional Oversight Committee;

(v) ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible;

(vi) advise whether decisions of the Cabinet are in accordance with the budget and policy framework;

(vii) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget and policy framework issues to all Councillors;

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service;

(viii) The Monitoring Officer be responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance).

12.4 **Functions of the Chief Finance Officer**

The Chief Finance Officer will:

(i) after consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council, or to the Cabinet in relation to a Cabinet function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account which is unlawful;

(ii) have responsibility for the administration of the financial affairs of the Council;

(iii) contribute to the corporate management of the Council, in particular through the provision of professional financial advice;

(iv) provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and the elected Leader and will support and advise Councillors and officers in their respective roles;

(v) provide financial information to the media, members of the public, relevant third parties and the community.

12.5 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.7 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

PART 2

Article 13 - Decision Making

13.1 **Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.2 **Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

(i) proportionality (i.e. the action must be proportionate to the desired outcome);

(ii) due consultation and the consideration of professional advice from officers;

(iii) respect for human rights;

(iv) a presumption in favour of openness;

(v) clarity of aims and desired outcomes; and

(vi) Wednesbury reasonableness (i.e. the decision must not be so unreasonable that no reasonable Council could have reached it, having taken into account all relevant considerations, and having ignored irrelevant considerations).

13.3 **Types of decision**

Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

Key decisions are those as defined in regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations (see Council Constitution Part 1 - How Decisions are Made, Summary and Explanation).

(i) A “key decision” means a Cabinet decision, which is likely

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant authority’s budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority;

subject to any guidance issued by the Secretary of State in relation to the meaning of significant.

(ii) In the absence of such guidance, a key decision is

(a) any decision of the Cabinet incurring expenditure or making savings in excess of 10% of the relevant budget head or £500,000, whichever is the smaller, unless

- the specific expenditure or saving has previously been agreed in full Council or
- it is a decision taken in accordance with the Council's Treasury Management Policy

or

(b) any decision of the Cabinet which, in the view of the Leader, will have a significant effect on a significant number of people.

In addition to the above, and for the avoidance of doubt, any decision approving proposals for the making of a plan or budget which requires the approval of full Council shall be treated as a key decision.

13.4 **Decision making by the full Council**

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 **Decision making by the Cabinet**

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 **Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.7 **Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 **Decision making by Council bodies acting as tribunals**

The Council, a committee or sub-committee, councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

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PART 2

Article 14 - Finance, Contracts and Legal Matters

14.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.3 Legal proceedings

The Director: Governance and Assurance (Monitoring Officer) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director: Governance and Assurance (Monitoring Officer) or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value as specified in the Contract Procedure Rules entered into on behalf of the local authority in the course of the discharge of a Cabinet function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director: Governance and Assurance (Monitoring Officer). A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director: Governance and Assurance (Monitoring Officer) should be sealed. The affixing of the Common Seal will be attested by the Director: Governance and Assurance (Monitoring Officer) or some other person authorised by him/her.

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PART 2

Article 15 - Review and Revision of the Constitution

15.1 Duty to Monitor and Review the Constitution

The Director: Governance and Assurance (Monitoring Officer) in association with the Cabinet or the Executive Board will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

(i) observe meetings of different parts of the member and officer structure;

(ii) undertake an audit trail of a sample of decisions;

(iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and

(iv) compare practices in this authority with those in other comparable authorities or with national examples of the best practice.

15.3 Changes to the Constitution

(i) **Approval** - Changes to the Articles of the constitution will only be approved by the full Council after consideration of a proposal by the Monitoring Officer, and the Audit and Risk Management Committee or Standards and Constitutional Oversight Committee as appropriate. Amendments will be submitted to and considered by the annual meeting of the Council, unless otherwise required by the Monitoring Officer, after consultation with the Cabinet or the Executive Board and/or the relevant Overview and Scrutiny Committee.

(ii) **Change from a Leader and Cabinet form of Executive to alternative arrangements** - The Council must take reasonable steps to consult with local electors and other interested parties in the area when drawing up proposals.

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PART 2

Article 16 - Suspension and Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

(i) **Limit to suspension -** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(ii) **Procedure to suspend -** Any suspension of any of the Rules must be in accordance with the Council's Procedural Rules.

16.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.3 Publication

(i) The Director: Governance and Assurance (Monitoring Officer) will give a printed copy of this Constitution to each member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(ii) The Director: Governance and Assurance (Monitoring Officer) will ensure that it will be available electronically on the Council's website and copies can be purchased by members of the local press and the public on payment of a reasonable fee.

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Responsibility for Functions

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended specify which functions are not to be the responsibility of the Cabinet, which may (but need not) be the responsibility of the Cabinet (the 'local choice functions') and which are to some extent the responsibility of the Cabinet. All other functions not so specified are to be the responsibility of the Cabinet. The Cabinet arrangements in the Constitution indicate how the responsibility for all these functions is allocated so that it is clear whether:

they are the responsibility of the Council and/or its Committees; or

they are the responsibility of the Cabinet; or

they are, or are not, the responsibility of the Cabinet to a specified extent.

The tables below provide a means of meeting this requirement. Table 1 covers local choice functions. Table 2 covers functions which are not the responsibility of the Cabinet. Table 3 covers Cabinet responsibilities.

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PART 3

Table 1

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The detailed functions in Table 1 and those which are delegated on to a committee of the Cabinet, a committee of the Council or any officer are set out in the Schedules to Part 3 of the Constitution.

Function	Decision Making Body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	The Council		Functions which are delegated onwards are set out in the Schedules to Part 3.
2. The determination of an appeal against any decision made by, or on behalf, of the Authority.	The Council		Functions which are delegated onwards are set out in Table 4.
3. Making arrangements for school admission appeals.	School Appeals Panel	3 Independent Members	To promote parental choice and ensure that as many parents as possible are offered a school place which they will consider satisfactory for their child. Where parents are dissatisfied they have a right of appeal.
4. Making arrangements for appeals against exclusion of pupils.	School Appeals Panel	3 Independent Members	To hear appeals against the permanent exclusion of a pupil from any maintained school.
5. Questions on Police matters (Section 20 Police Act 1996).	The Council		

Function	Decision Making Body	Membership	Delegation of Functions
6. Arrangements for the appointment of members of Police Authorities **(This function has been discontinued)**	The Council		
7. Any function relating to contaminated land.	The Cabinet		Details of onward delegation are shown in the Schedules to Part 3.
8. The discharge of any function relating to the control of pollution or management of air quality.	The Cabinet		Details of onward delegation are shown in the Schedules to Part 3.
9. The service of an abatement notice in respect of a statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
10. The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply to the authority's area.	The Cabinet		Details of onward delegation are shown in the Schedules to Part 3.
11. The inspection of the authority's area to detect any statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
12. The investigation of any complaint as to the existence of a statutory nuisance.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
13. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council		Details of onward delegation are shown in the Schedules to Part 3.
14. The obtaining of particulars of persons interested in land under Section 16 of the	The Council		Details of onward delegation are shown in the

Function	Decision Making Body	Membership	Delegation of Functions
Local Government (Miscellaneous Provisions) Act 1976.			Schedules to Part 3.
15. The making of agreements for the execution of highways works.	The Cabinet		Details of onward delegation are shown in the Schedules to Part 3.
16. The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	The Council or in respect of executive functions the Leader or Cabinet		Details of onward delegation are shown in Table 4 and the Schedules to Part 3.
17. The making of agreements with other local authorities for placing of staff at the disposal of other local authorities.	The Cabinet		Details of onward delegation are shown in the Schedules to Part 3.
18. To consider and determine statutory proposals relating to the establishment and discontinuance of schools, prescribed alterations and transitional arrangements in accordance with the Education and Inspections Act 2006	The Cabinet		

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PART 3

Table 2

RESPONSIBILITY FOR COUNCIL FUNCTIONS

It is a matter for local choice having regard to the Statutory Guidance whether the Council has separate committees for the functions below.

The detailed functions in this table and those which are delegated on to an officer are set out in the Schedules to Part 3 of this Constitution.

Committee	Membership	Functions	Onward Delegation of Functions
Planning	13 Members of the Authority	**Planning and conservation** Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (the "Functions Regulations").	Functions which are delegated on to an officer and the limits of that delegation are set out in the Fourth Schedule to this Part.
Licensing, Health and Safety and General Purposes Committee	9 Members of the Authority	**Commons registration** The registration of common land or town and village greens and to register the variation of rights of common as set out in paragraphs 37 and 38 of Part B of Schedule 1 to the Functions Regulations. **Highways use and regulation** The exercise of powers relating to Public Rights of Way as set out in Schedule 1 - miscellaneous functions - Part I of the Functions Regulations and paragraphs 47-55 of Part B of Schedule 1. **Taxi, food and miscellaneous licensing** Functions relating to licensing and registration as set out in Part B (excluding paragraphs 37 and 38) and paragraph 42 of Part I of Schedule 1 to the Functions Regulations; **Health and Safety at Work** Functions relating to health and safety as set out in Part C of the	Functions which are delegated on to an officer and the limits of that delegation are set out in the Schedules to this Part.

Committee	Membership	Functions	Onward Delegation of Functions
		Functions Regulations under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer. **Electoral matters** Functions relating to Elections, making recommendations to Council or Cabinet relating to bills and name and status of the Borough and individuals.	
Licensing Act 2003 Committee	15 Members of the Authority	To discharge the functions set out in Section 7 of the Licensing Act 2003 and Section 154 of the Gambling Act 2005.	
Audit and Risk Management Committee	9 Members of the Authority	**Accounts** Approval of Council's Statement of Accounts and Section 151 responsibilities To consider and make recommendations to Council or Cabinet as appropriate on; (i). the annual Audit Report and the Management Letter of the external auditor; (ii). any other statutory report of the external auditor; and other financial and risk management matters (see Schedule 2 of Part 3 below). To keep Financial Regulations and Contract Procedure Rules under review and agreed revisions.	
Standards & Constitutional Oversight Committee	9 Members of the authority (other than the Mayor or Leader) and 4 voting co-optees.	To keep the Constitution under review and make recommendations to Council on proposals for improvements Promoting and maintaining high standards of conduct by Councillors and voting co-opted members (including church and parent governor representatives)	

Committee	Membership	Functions	Onward Delegation of Functions
		Advising the Council on the adoption or revision of the Members' Code of Conduct; Assisting Councillors and voting co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct; Monitoring the operation of the Members' Code of Conduct, in the light of best practice, changes in the law, guidance from the Standards Board for England and recommendations from Case Tribunals; Advising, training or arranging to train Councillors and voting co-opted members including church and parent governor representatives on matters relating to the Members' Code of Conduct; Granting dispensations to Councillors and voting co-opted members including church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct; Dealing with any reports from a Case Tribunal or Interim Case Tribunal, or from the Standards Board and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer; Other functions relating to standards of conduct of members assigned to Standards and Constitutional Oversight Committees under any Regulations under the Local Government Act 2000, including any Regulations made under Section 66.	

Committee	Membership	Functions	Onward Delegation of Functions
		• To consider Ombudsman's reports in cases of maladministration; (Section 92, Local Government Act 2000) • Whistle-blowing • Strategic overview of Employees' Code of Conduct; • Overview of reports from External Auditors; • Dealing with breaches of protocols. To carry out the functions, discharge the Powers and undertake the duties of the Council as Trustee of E.F Callister Youth Club.	
Pensions Committee	10 Council members plus 5 employer representatives	The powers and duties of the Council in relation to its functions as administering authority of the County of Merseyside Pension Fund	Functions delegated to officers and the limits of that delegation are set out in the Fourth Schedule to this Part.
Employment and Appointments Committee	8 Members of the Authority Where the matter to be considered relates to the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Employment and Appointments Committee membership shall include a minimum of two Independent Persons on the Committee as determined and defined by The Local Authorities (Standing Orders) (England) (Amendment)	Appointment of Chief Officers and Deputies. To act as the Appeals Body in respect of misconduct of chief officers. Functions relating to Pensions as an Employer. To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to	

Committee	Membership	Functions	Onward Delegation of Functions
	Regulations 2015 (SI 2015/881) or as may be amended from time to time.	time. To approve, amend and/or revise Council employment/ workforce policies and schemes. To monitor and exercise oversight of workforce performance and management matters. The Chairperson shall, in consultation with Party Spokespersons and the Assistant Director: Human Resources / Organisational Development, have authority to make minor amendments to employment/workforce policies and schemes. To consider and approve substantive changes to the Council's senior management structure proposed by the Chief Executive/Head of Paid Services where the overall cost of the restructure can be met from existing approved budgets. Where the overall cost cannot be met from existing approved budgets, the Committee shall make a recommendation to Council as appropriate. For the avoidance of doubt, Chief Officers are posts are above Spinal Column Point 74 on the Council's pay scales.	
Chief Officers Employment Disciplinary Sub-Committee	The Membership of the Chief Officers Employment Disciplinary Sub-Committee shall be determined by the Employment and Appointments Committee. Where the matter to be considered relates to the	To receive reports from a designated independent person investigating allegations of misconduct against the Head of Paid Service, the Monitoring Officer or Chief Finance Officer To investigate and take disciplinary action in respect of allegations of misconduct against Chief Officers. To provide advice, views or	

Committee	Membership	Functions	Onward Delegation of Functions
	possible dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Chief Officers Employment Disciplinary Sub-Committee membership shall include a minimum of two Independent Persons as determined and defined by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.	recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.	
Overview and Scrutiny Committees	15 Members of the Authority	The statutory functions of a Overview and Scrutiny Committee with the terms of reference set out in Article 6.	

PART 3

Table 3

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

3.1 The Cabinet has all those functions not allocated above together with those local choice Cabinet functions assigned in Table 1.

3.2 The Cabinet must not make final decisions on the functions assigned to the Council by the Functions Regulations or any other statutory provision.

3.3 The Leader of the Council has established a Committee of the Cabinet, which meets alongside an equivalent Committee of the Governing Body of the Wirral Clinical Commissioning Group, with the following terms of reference.

JOINT STRATEGIC PARTNERSHIP BOARD CABINET COMMITTEE

The Joint Strategic Commissioning Board (JSCB) is established to focus on the commissioning, strategic design and performance management of health and care services on Wirral, including the outcomes and quality of those services. The Board will oversee the development of population based commissioning.

The JSCB Cabinet Committee, which will meet at the same time and with the same agenda as the Wirral Clinical Commissioning Group JSCB, will undertake the following duties and responsibilities, exercising delegated powers of the WBC Executive and formulating recommendations for adoption by the WBC Cabinet and / or the CCG Governing Body, as the case may be, that seek –

- To promote the integration of health and social services generally across WBC and WCCG;
- To approve integrated health and care commissioning strategies;
- To approve large scale health and care transformation programmes;
- To approve and maintain oversight of plans and oversight of delivery for specific areas such as:
    - Better Care Fund Schemes
    - Urgent Care Transformation
    - Commissioning Prospectus
    - Learning Disabilities Plan;
- To ensure effective stewardship of Section 75 pooled monies and address any issues of concern;
- To maintain oversight of health and care system performance and address any issues of concern;
- To ensure the implementation of integrated health and care commissioning strategies and transformation programmes.

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PART 3

Table 4

STATUTORY AND ADVISORY BODIES

Adoption Panel	1 member of the Authority plus up to 9 other qualified persons (with a quorum of 5) as set out in the Adoption Agencies Regulations 2005 (Note: The member of the authority should either be a member of the Cabinet or of the Children and Families Overview and Scrutiny Committee).	To make recommendations to the Adoption Agency in respect of children and prospective adopters.
Fostering Panel	3 members of the Authority plus other representatives.	The Fostering Panel is an advisory body that makes recommendations to the Director for Children's Services in respect of fostering.
Review Panel (Complaints Procedure)	3 members from pool of independent members	Under the NHS and Community Care Act, 1990 and the Children Act 1989, to consider the Investigating Officers' reports into complaints where the complainant is dissatisfied with the response of the Adult Social Services Department or Children's and Young People's Department. Comments made by the Director for Adult Care and Health or Director for Children's Services in response to the Review Panel's decisions shall be considered by the relevant Cabinet member, Overview and Scrutiny Committee Chair and party spokespersons (unless any of them were members of the Review Panel in question).

Independent Remunera-tion Panel	At least 3 persons who are not members of the Council (and who are not disqualified from being a member) including a representative of the business community and the voluntary sector	To make recommendations to the Council on Members' remuneration and allowances and any proposals for amendments to the Scheme of Members' Allowances, including:- The amount of basic allowances; The duties of Councillors that should be the subject to a special responsibility allowance; Whether child care and dependent care allowances should be available for Councillors.
Standing Advisory Council on Religious Education	6 Members of the Council as local education authority and 6 teacher representatives, 6 Church of England representatives and 10 representatives of other religions	To advise the LEA on religious worship and education and to determine applications made by Headteachers under Section 394 of the Education Act 1996.
Wirral Schools Forum: Funding Consultative Group	<u>Schools Group</u> (20): 5 Primary school headteachers 4 Secondary school headteachers 1 Special School Headteacher 5 Primary school governors 4 Secondary school governors 1 Special school governor <u>Non-Schools Group</u> (8) 1 Church of England representative 1 Roman Catholic representative 1 The 14-19 Partnership 1 Teacher representative 1 Non-teacher representative 2 The PVI Early Years Providers 1 LSC observer	To advise the Council on financial issues affecting schools and, in particular, the amount of funding made available to schools and the way it is shared among them.

School Admissions Forum	Membership to be determined by the Cabinet, within the following limits: 1 to 5 representatives of the LEA 1 to 3: community and voluntary controlled schools 1 to 3: foundation schools 1 to 3: voluntary aided schools 1 to 3: Church of England Diocese 1 to 3: Catholic Diocese 1 to 3: parent governors Up to 3 from local community The Forum can also ask for other representation	To advise the Council on arrangements for the admission of pupils to the various categories of schools.
Children and Young People's Strategic Management Board	Chair (Cabinet Member for Children's Services) Wirral Council (2 plus the Chair) Wirral PCT*** (2)** Wirral Hospital Trust (1) Cheshire & Wirral Partnership Trust (1) Connexions (1) Police (1) Schools (Headteachers) (2) Learning and Skills Council (1) Voluntary and Community Sector (3) Director of Children's Services (ex officio)	To co-ordinate services for children and young people and to make recommendations to appropriate partner organisations with respect to the measures that are needed to improve children's well-being.
Discharge from Guardianship By Wirral Council under the Mental Health Act 1983 Panel	3 Members (To be determined)	To hear requests to discharge service users subject to guardianship upon the application of a professional responsible for their care.

Education Staff Panel	7 Members	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 for Children's Services under the Education (Teachers) regulations 1993, or as subsequently amended or re-enacted.
Headteacher Appointments Panel	4 Members	To participate in and approve the appointment of headteachers of schools not subject to a scheme of delegation.
Local Pension Board	The Board shall consist of 8 voting members to be constituted as follows: Four employer representatives, of whom; • Two shall be nominated from Local Authorities, Police/ Fire/ Transport Authorities, Parish Councils • One from the Academies / Further/Higher Education Bodies • One from Admitted Bodies excluding employers admitted by virtue of undertaking a commercial contract connected to a function of a scheme employer.	The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to: a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pension Regulator in relation to the Scheme and; b) ensure the effective and efficient governance and administration of Merseyside Pension Fund. c) provide the Scheme Manager with such information as it requires ensuring that any member of the Pension Board or person to be appointed to the Board does not have a conflict of interest.

PART 3

SCHEDULE 1

CABINET PORTFOLIOS 2018/19

- Leader
- Children and Families
- Housing and Planning
- Law and Order
- Adult Care and Health
- Finance and Resources
- Jobs and Growth
- Environment
- Leisure and Recreation Services
- Highways and Transport

LEADER OF THE COUNCIL

KEY RESPONSIBILITIES

- Setting of the Council's Budget
- Overall strategic direction of the Council
- Effective governance of the Council
- Lead the Wirral Partnership
- Lead Wirral across the Liverpool City Region
- Performance Management of the Authority
- Chair the Wirral Cultural Partnership and member of Wirral Visitor Economy Board
- Ensure the implementation of the 2018 Imagine Wirral Programme
- Support the development and design of Wirral's 2019 Borough of Culture Programme
- Ensure Wirral's most prominent and recognisable attractions and experiences are promoted to attract visitors from far and wide
- Engage with local, regional and national arts and cultural organisations
- Engage with external funders to identify any funding opportunities
- Ensure the Council effectively communicates:
    - with residents
    - with key local partners
    - with staff
    - regionally
    - nationally
- Engage residents and build ongoing relationships with residents and key organisations including behaviour change
- Customer Contact/Access Wirral Transformation Programme

KEY DELIVERABLES 2018/19

- Enabling the Liverpool City Region to effectively transfer to a Mayoral model
- Setting up a system to hold Cabinet Members to account for delivery of their responsibilities
- Implement Wirral Together Strategy

- Improved content and distribution of Wirral View
- Lead on Residents Survey and analysis of findings and any required actions
- Imagine Wirral Programme
- Constitution review and implementation
- Governance review and implementation
- Council Digital Pan
- Support the design of the 2019 Borough of Culture Programme
- Action points are delivered for:
    - Culture Strategy

KEY RELATIONSHIPS

- Wirral Partnership
- Liverpool City Region Combined Authority
- Local Government Association
- Wirral Cultural Partnership
- Key Cultural Organisations
- External Funders: Arts Council England, Big Lottery Fund and Heritage Lottery Fund
- Department for Digital, Culture, Media and Sport
- LCR Cultural Partnership, LEP, Visitor Economy Network

LEAD OFFICER: CHIEF EXECUTIVE

CABINET MEMBER FOR CHILDREN AND FAMILIES

KEY RESPONSIBILTIES

- Ensure that the Council's responsibilities for children are effectively discharged
- Leadership of Wirral Plan Pledges and associated strategies:
    - Reduce Child and Family Poverty
    - Vulnerable Children Reach their Full Potential
    - Young People are Ready for Work and Adulthood
    - Children are Ready for School
- Ensure budget is effectively set and managed

KEY DELIVERABLES 2018/19

- Put effective Member-led systems of Budget management and financial controls in place and the 2017/18 Budget is balanced and a Budget for 2018/19 agreed
- Secure agreement for and deliver the Schools Strategy
- Achieve targets in all 4 pledge areas
- Deliver Children's Services Improvement Plan and secure a successful Inspection
- Improve SEND services and secure a successful Inspection

KEY RELATIONSHIPS

- Ofsted
- Chair of Safeguarding Board
- Chair of Improvement Board
- DfE Advisor
- Police
- NHS Leads

LEAD OFFICER: CORPORATE DIRECTOR FOR CHILDREN'S SERVICES

CABINET MEMBER FOR HOUSING AND PLANNING

KEY RESPONSIBILITIES

- Ensure sufficient and appropriate housing is available for all residents
- Ensure the completion of the Wirral Local Plan
- Leadership of Wirral Plan pledges and associated strategies:
  - Good quality housing that meets the needs of residents

KEY DELIVERABLES 2018/2019

- Completing the Wirral Local Plan
- Effective Planning Arrangements
- Selective Licensing
- Housing Pledge Targets met
- Housing Strategy Actions implemented
- Build and refurbish homes

KEY RELATIONSHIPS

- Builders, Developers, Housing Providers
- Ministry of Housing, Communities and Local Government
- Liverpool City Region

LEAD OFFICER: CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH

CABINET MEMBER FOR LAW AND ORDER

KEY RESPONSIBILITIES

- Ensure public feel safe and are safe through an effective community safety partnership.
- Leadership of Wirral Plan pledges and associated strategies:
    - Wirral's neighbourhoods are safe
    - Zero tolerance to domestic violence

KEY DELIVERABLES 2018/2019

- Dealing with key local issues e.g. Scrambler Bikes
- Early Intervention and Prevention
- Community Safety Hub delivers Phase Two of Transformation
- Effectively Chair and Develop the Wirral Community Safety Partnership
- Tackle homelessness and rough sleeping
- Tackle anti-social behaviour
- Domestic violence campaigns

KEY RELATIONSHIPS

- Police and Crime Commissioner
- Fire Service

LEAD OFFICER: COMMISSIONER FOR COMMUNITY SAFETY

CABINET MEMBER FOR ADULT CARE AND HEALTH

KEY RESPONSIBILITIES

- Effective and affordable commissioning of Health and Care Services
- High quality service delivery
- Leadership of Wirral Plan Pledges and associated strategies:
    - Older People Live Well
    - People with Disabilities Live Independently
    - Wirral Residents Live Healthier Lives
- Ensure Council responsibilities for Adult Social Care and Public Health are effectively discharged
- Ensure all budgets relating to this portfolio are spent on Council's priorities and do not overspend
- Ensure all effective stakeholder management and arrangements are in place, and lead these

KEY DELIVERABLES 2018/2019

- Put effective Member-led systems of budget management and financial controls in place
- Budget for 2019-20 for Social Care and Health are set and delivery plans are in place
- Alcohol and heathy eating campaigns
- Health Wirral programme and new models of care are delivered
- Tackle social isolation and improve residents' ability to live independent lives
- Deliver Integrated Services and Functions with the NHS

KEY RELATIONSHIPS

- Wirral University Teaching Hospitals Trust
- Wirral Community Trust
- Cheshire and Wirral Mental Health Trust
- Clinical Commissioning Group
- Community Action Wirral

LEAD OFFICERS: DIRECTOR OF HEALTH AND SOCIAL CARE (DASS)

DIRECTOR OF HEALTH AND WELLBEING (DPH)

CABINET MEMBER FOR FINANCE AND RESOURCES

KEY RESPONSIBILITIES

Assist the Leader in setting the Council's budget;

- Production of proposals
- Co-ordination of Cabinet Members contributions and proposals
- Organisation of stakeholder engagement process

Budget Monitoring;

- Lead delivery of the agreed budget
- Hold Cabinet Members and Officers to account

Devise proposals, monitor delivery and drive income through;

- Treasury Management (Investments, use of borrowing, creative use of resources)
- Use of Council's retained assets (excluding Wirral Growth Company)
- Implementing the Council's Commercial Strategy
- Fees and Charges setting
- Hold Cabinet Members and Officers to account for the delivery of two main income generations:
    - Business Rates Growth
    - Council Tax Growth
    - Council retained Assets
    - Merseyside Pension Fund
    - Commissioned services – ensure effective commissioning relationships are in place for these functions

KEY DELIVERABLES 2018/19

- 2018-19 Budget delivered
- Set up a Member led system of budget accountability
- Asset sales of £15M to fund transformation
- Implementing the Commercial Strategy and effective Commissioning
- Assisting the Leader in setting the 2019/20 Budget
- Deliver improved value for money

- Effective procurement to enhance community wealth building
- Asset management
- Member and organisation development

KEY RELATIONSHIPS

- External Auditor
- CIPFA
- LCR Treasurer

LEAD OFFICER: CORPORATE DIRECTOR BUSINESS SERVICES

CABINET MEMBER FOR JOBS AND GROWTH

KEY RESPONSIBILITIES

- Oversee major development projects
- Drive forward jobs and skills in the local economy
- As a director of Wirral Growth Company, ensure the council's ambitions in terms of social value, regeneration & financial returns are achieved
- Engage with Wirral's Visitor Economy Community and Stakeholders, to champion the industry and increase the number of businesses operating in the sector
- Support the transformation of our approach to digital in order to create a connected Wirral for our businesses
- Leadership of Wirral Plan Pledges and Wirral Growth Strategy:
    - Greater job opportunities in Wirral
    - Increase inward investment
    - Thriving small businesses
    - Workforce skills match business needs
    - Technology and Infrastructure (Digital Strategy)
    - Vibrant Visitor Economy
- Use our assets to maximise our outcomes and income
- Ensure opportunities are taken to establish meanwhile uses for start-up businesses, independent businesses, and Arts and Cultural groups.

KEY DELIVERABLES 2018/19

- Achievement of improvement targets in all pledge areas
- Delivering ambitions for Wirral's Growth Company
- Community Wealth Building
- Implementation of digital infrastructure for business – "Digital Wirral"
- Facilitate job creation
- Increase skills and improve talent pathways
- Increase apprenticeship opportunities
- Increase availability of industrial provision
- Secure delivery of major projects including;

- Wirral Waters
- Celtic Manor Resort
- Eureka

KEY RELATIONSHIPS

- The Borough's Major Businesses
- Wirral Chamber of Commerce
- Department of Trade and Industry
- LCR Combined Authority

LEAD OFFICER: CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH

CABINET MEMBER FOR ENVIRONMENT

KEY REPONSIBILITIES

- Ensure the Council's responsibilities for the environment are effectively discharged
- Ensure Waste Collection and disposal arrangements are affordable and of good quality
- Lead on delivery of Pledges and associated strategies:
  - Attractive Local Environment for Wirral Residents
- Primary focus on Council run and Commissioned Services
- Oversee Environmental Health and Trading Standards and all Environmental services

KEY DELIVERABLES 2018/2019

- Changes to collection arrangements
- Increase food waste and improve recycling programme
- Reduce litter/fly tipping/dog waste
- Love Wirral Strategy Implementation
- LCR Waste Strategy delivery
- Improve performance and achieve targets for Environment Pledge
- Deliver Action Plan for all Attractive Local Environment Strategy
- Deliver a balanced budget for 2018/2019 and set the budget for 2019/2020
- New Energy Company

KEY RELATIONSHIPS

- Mersey Waste Authority
- Local Providers
- Regional and National providers

LEAD OFFICER: CORPORATE DIRECTOR FOR SERVICE DELIVERY

CABINET MEMBER FOR LEISURE AND RECREATION SERVICES

KEY RESPONSIBILITIES

- Primary focus on Council run and Commissioned Services (Leisure, Parks, Culture, Libraries)
- Deliver the changes required in the following services to make them affordable and financially sustainable:
    - Leisure services
    - Parks services
    - Culture services
    - Library Services
- Effectively run services, managed within budget

KEY DELIVERABLES 2018/19

- Complete review of services in this portfolio
- Begin to implement any changes required following completion of reviews

KEY RELATIONSHIPS

- Parks and Friends Organisations
- Community Action Wirral
- NML

LEAD OFFICER: CORPORATE DIRECTOR BUSINESS SERVICES

CABINET MEMBER FOR HIGHWAYS AND TRANSPORT

KEY RESPONSIBILITIES

- Ensure Wirral has an effective infrastructure for transport
- Ensure Merseytravel deliver on effective service for Wirral residents
- Leadership of Wirral Plan Pledges and associated strategies:
  - Technology and Infrastructure
- Primary focus on Council run and Commissioned Services for Infrastructure and Transportation

KEY DELIVERABLES 2018/2019

- Action points for Transport Strategy delivered
- Pledge performance improved
- Street Lighting effectively delivered
- Improve broadband access across Wirral Council
- Manage street lighting and highway maintenance
- Repairing pot holes & improving road conditions
- Parking policy and income generation
- Improvement transport links to key sites for employment and housing
- Delivery of Transport Strategy and promotion of cycling and walking

KEY RELATIONSHIPS

- Merseytravel
- Ministry of Housing, Communities and Local Government
- Liverpool City Region

LEAD OFFICER: CORPORATE DIRECTOR FOR ECONOMIC AND HOUSING GROWTH

CORPORATE DIRECTOR FOR SERVICE DELIVERY

PART 3

SCHEDULE 2

SCHEME OF DELEGATION OF (NON-EXECUTIVE) FUNCTIONS TO COMMITTEES

1. The Council delegates under Section 101 of the Local Government Act 1972 to the Committees set out below all those non-Executive functions vested in it, identified in the terms of reference for each Committee.

2. This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including any statutory re-enactment or modification of the legislation referred to in this Scheme.

3. Any exercise of responsibility for functions or delegated powers shall comply with:

   (i) any statutory requirements;

   (ii) the Council's Constitution;

   (iii) the Council's Budget and Policy Framework and approved budget;

   (iv) the Members' Code of Conduct;

   (v) the Code of Recommended Practice on local authority publicity;

   (vi) the agreed arrangements for recording decisions;

4. This scheme does not delegate any matters reserved by law to the full Council or assigned to the Executive.

5. **PLANNING COMMITTEE**

   Planning Functions

   Within approved Council policy and in accordance with the overall aims and objectives of the Council, this Committee shall exercise the following delegated functions and powers:

   (1) The powers and duties of the Council as Local Planning Authority as set out below:

A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.

12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

24. Power to issue enforcement notices in relation to demolition of unlisted buildings in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)
29. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
30. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
31. Power to make limestone pavement order	Section 34(c) of the Wildlife and Countryside Act 1981.
32. Power to authorise stopping-up or diversion of highway	Section 247 of the Town and Country Planning Act 1990.
33. Power to authorise stopping-up or diversion of footpath or bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.
34. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
35. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

(2) The issuing of planning policy directions as may be considered appropriate.

(3) In consultation with the relevant Overview and Scrutiny Committee to make appropriate recommendations to the Cabinet on the formulation of the Local Development Framework for the Borough.

(4) To carry into effect Sections 222 and 223 of the Local Government Act 1972 so far as they affect this committee and to exercise the powers of the Council in relation thereto and in particular to authorise any appropriate officer to institute or defend on behalf of the Council proceedings before any court or tribunal or to appear on behalf of the

Council before any such court or tribunal in any proceedings instituted by the Council or on its behalf or against it.

(5) To obtain information as to interests in land under S.330 Town & Country Planning Act 1990

(6) To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

(7) To appoint proper officers and deputies where required by an Act of Parliament for the discharge of the functions of the Council delegated to this Committee;

(8) To carry into effect so much of any Act of Parliament relating to any of the functions set out above and any Orders, Regulations, Schemes or Bye-Laws made under or in pursuance thereof and to exercise non-executive powers of the Council in relation thereto;

6. **LICENSING ACT 2003 COMMITTEE**

Functions relating to Licensing matters in accordance with the Licensing Act 2003 and the Gambling Act 2005.

7 **LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**

(1) The Committee shall exercise the following functions:

A Highways Functions

1. Power to create footpath or bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980.
2. Power to create footpaths and bridleways and restricted byways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways and restricted byways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways and restricted byways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.

11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway or restricted byway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway or restricted byway.	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
28. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984
29. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981

30. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
31. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
32. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
33. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
34. Power to license planting, retention and maintenance of trees, etc. in part of highway.	Section 142 of the Highways Act 1980.
35. Power to authorise erection of stiles, etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
36. Power to license works in relation to buildings, etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
37. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
38. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
39. Power to restrict the placing of rails, beams, etc. over highways.	Section 178 of the Highways Act 1980.
40. Power to consent to construction of cellars, etc. under street.	Section 179 of the Highways Act 1980.
41. Power to consent to making of openings into cellars, etc. under streets and pavements lights and ventilators	Section 180 of the Highways Act 1980
42. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981 or an order under section 147 of the Inclosure Act	Regulation 6 of the Commons Registration (New Land) Regulations 1969
43. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)
44. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.

45. To approve the making of Gating Orders.	Section 129A of the Highways Act 1980.

B. Licensing and registration functions

1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to appoint and revoke Hackney Carriage stands on the highway and on non-adopted roads (with consent) for part of or the whole day to include the number of Hackney Carriages permitted on a stand and times of usage.	Section 63 of the Local Government (Miscellaneous Provisions) Act 1976
7. Power to license sex establishments.	The Local Government (Miscellaneous Provisions) Act 1982,
8. Power to license performances of hypnotism.	The Hypnotism Act 1952.
9. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
10. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
11. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
12. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.

13. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
14. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
15. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
19. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
21. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
22. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
23. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
24. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
25. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
26. Power to approve premises for the solemnisation of marriages.	The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.
27. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916

	and section 2 of the House to House Collections Act 1939.
28. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
29. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
30. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
31. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
32. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
33. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
34. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
35. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
36. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
37. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
38. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
39. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
40. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
41. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
42. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
43. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

44. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
45. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
46. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
47. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.

(2) Service of an abatement Notice in respect of a statutory nuisance.

(3) Inspection of the area to detect a statutory nuisance.

(4) Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.

(5) To hear appeals against decisions made by officers carrying out delegated licensing functions.

(6) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) ("the Functions Regulations") namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than those that relate to the Council's capacity as employer.

(7) To designate unsocial drinking zones under the Local Authorities (Alcohol Consumption in public places) Regulations 2001.

(8) Power to make closing orders for take-away food shops under (Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.

(9) Functions relating to elections set out in Part D of Schedule 1 of the Functions Regulations as amended from time to time.

(10) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals and bylaws and to promote or oppose Parliamentary Bills.

(11) Enforcement of the provisions relating to smoke-free legislation under the Health Act 2006, including powers to:

- enforce offences relating to the display of no-smoking signs (section 6(5));

- enforce offences relating to smoking in smoke-free places (section 7(4));
- enforce offence of failing to prevent smoking in smoke-free places(section 8(4));
- transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.

(12) To have responsibility for Sea Fisheries matters.

(13) To deal with any other non-Executive functions not reserved to Council by law or this Constitution or delegated to any other committee, sub-committee or officer.

8. **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

(1) The appointment of Chief Officers and Deputies in accordance with the Employment Procedure Rules.

To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.

To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).

(2) To hear and determine appeals in connection with disciplinary action or dismissal of Chief and Deputy Chief Officers.

(3) To exercise any of the Council's functions as an Employer under the Local Government Pension Scheme.

(4) To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

(5) To approve, amend and/or revise Council employment/workforce policies and schemes.

(6) To monitor and exercise oversight of workforce performance and management matters.

(7) The Chairperson shall, in consultation with Party Spokespersons and the Assistant Director: Human Resources and Organisation Development, have authority to make minor amendments to employment/workforce policies and schemes.

(8) To consider and approve substantive changes to the Council's senior management structure proposed by the Chief Executive/Head of Paid Services where the overall cost of the restructure can be met from existing approved budgets. Where the overall cost cannot be met from

existing approved budgets, the Committee shall make a recommendation to Council as appropriate.

For the avoidance of doubt, Chief Officers are posts are above Spinal Column Point 74 on the Council's pay scales.

9. CHIEF OFFICERS EMPLOYMENT DISCIPLINARY SUB COMMITTEE

The Council delegates to and confers upon the Sub-Committee the following duties, powers and authorities:-

(1) To receive and consider reports from a designated independent person investigating allegations of misconduct against the Council's Head of Paid Service, the Monitoring Officer or Chief Finance Officer.

(2) To investigate and take disciplinary action in respect of the misconduct of Chief Officers and Deputies, (subject to their right of appeal to the Employment and Appointments Committee)

(3) To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

10. STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

The Standards and Constitutional Oversight Committee's functions and delegated powers are set out in Article 9, Part 2. The terms of reference of the Standards and Constitutional Oversight Committee Panel's (Sub-Committees) are also set out in Article 9.

11. AUDIT AND RISK MANAGEMENT COMMITTEE

(1) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

(2) To maintain an overview of the contract procedure rules and financial regulations and to agree any changes to the same;

(3) The Committee has the following duties, powers and authorities:

(a) approval of the Council's statement of accounts;
(b) the responsibilities of the Council under section 151 of the Local Government Act 1972 to make proper provision for its financial affairs;

(c) to consider and make recommendations to Council or Cabinet as appropriate on;
(d) the annual Audit Report and the Management Letter of the external auditor;
(e) any other statutory report of the external auditor;
(f) any internal audit report that may be referred to the committee by the Chief Executive, the Director: Finance and Investment (as Chief Finance Officer) or the Director: Governance and Assurance (as Monitoring Officer);
(g) summaries of specific internal audit reports as requested;
(h) the effectiveness and adequacy of the response by the Council, the Cabinet, any committee or sub-committee of the Council or of any officer to any internal or external audit report or management letter;
(i) the systems of control and the arrangements for the prevention of fraud and corruption within the Council;
(j) any other matter relevant to the audit of the Council's accounts and financial records or its systems for the control and safeguarding of all the Council's assets;
(k) a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale; and
(l) the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
(m) to approve (but not direct) the strategy, plan and performance of the Council's internal audit service;
(n) to oversee the production of the Authority's statement or internal control and recommend its adoption;
(o) to monitor the Council's policies on "Raising Concerns at Work", to the anti-fraud and corruption strategy and the complaints procedure;
(p) to liaise with the Audit Commission over the appointment of the Council's external auditors.
(q) The Chair of the Audit and Risk Management Committee shall act as the Council's Risk Management Champion.

(4) Cabinet Members will not normally be members of the Audit and Risk Management Committee

12. OVERVIEW AND SCRUTINY COMMITTEES

The Overview and Scrutiny Committees terms of reference are set out in Part 2, Article 6 of the Council Constitution.

13. PENSIONS COMMITTEE

(1) To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the County of Merseyside Pension Fund, and in particular the following.

(2) To be responsible for the overall investment policy, strategy and principles of the Fund and its overall performance of the Fund.

(3) To appoint and terminate the appointments of the professional advisers to, and external managers of, the Fund and agree the basis of their commission and remuneration.

(4) To receive actuarial valuations of the Fund and determine the level of employers' contributions necessary to balance the Fund.

(5) To monitor the Local Government Pension Scheme including the benefit regulations and payment of pensions and their day to day administration and to be responsible for any policy decisions relating to the administration of the scheme.

(6) To consider any views expressed by employing organisations and staff representatives relating to the scheme.

(7) To appoint members of the Investment Monitoring Working Party, which shall have responsibility for reviewing the performance of the Fund's investments and its asset allocation and regularly reporting their findings to the Pensions Committee.

(8) To award contracts for goods and services relating to the Fund in accordance with the Contract Procedure Rules after taking into account the recommendations of officers and external professional advisers (where appropriate).

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PART 3

SCHEDULE 3

ADVISORY AND STATUTORY COMMITTEES (See also Council Constitution Part 3, Table 4 above)

1. (a) Adoption Panel

To make recommendations to the adoption agency in respect of children and prospective adopters

(b) Fostering Panel

A working party known as the Fostering Panel was set up to mirror the Adoption Panel in terms of its former composition. Its terms of reference are to make recommendations to the Corporate Director for Children's Services on fostering issues.

2. School Appeals Panel

To hear and determine parents' appeals against offers of school places.
To hear and determine appeals against the permanent exclusion of a pupil from any maintained school.

3. Review Panel (Complaints Procedure)

To consider the Investigating Officers' reports into complaints where the complainant is dissatisfied with the response of the Adult Social Services Department or Children's and Young People's Department.

4. Wirral Independent Remuneration Panel

To recommend a members' allowances scheme to the Council.

5. Wirral School's Forum: Funding Consultative Group

To advise the Council on financial issues affecting schools (and, in particular, the amount of funding made available to schools and the way it is shared among them).

6. School Admission Forum

To advise the Council on arrangements for the admission of pupils to the various categories of schools.

7. Children and Young People's Partnership Board

To co-ordinate strategies and the provision of services for children and young people, to monitor the effectiveness of the Children and Young People's Plan and to make appropriate recommendations to the Council and other partner agencies.

8. Health and Wellbeing Board

To provide collective leadership to improve Health and Wellbeing across the local authority area. To coordinate the production and monitoring of the Health and Wellbeing Strategy and the Joint Strategic Needs Assessment.

9. Local Pension Board of Wirral Borough Council

Terms of Reference

1. Introduction

1.1 This document sets out the terms of reference of the Local Pension Board of Wirral Borough Council (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

1.2 The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.

1.3 The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

1.4 The Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

2. Statement of Purpose

2.1 The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

a. secure compliance with the Regulations , any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pension Regulator in relation to the Scheme and;

b. ensure the effective and efficient governance and administration of Merseyside Pension Fund.

c. provide the Scheme Manager with such information as it requires ensuring that any member of the Pension Board or person to be appointed to the Board does not have a conflict of interest.

2.2 The Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

2.3 The Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than twice in any year. There is also the provision for special meetings to be convened at notice.

3. Scheme Manager Consents

3.1 The Board shall not:

- Overturn investments decisions that have been made by the Pension Committee but may consider whether due process has been followed to validate the decision taken.

- Amend the strategies prepared in compliance with section 57 to 61 of the LGPS regulations

- Consider or become involved in any specific internal dispute resolution appeal

- Enter into contracts on behalf of the Administering Authority

- Dismiss any members of the Pension Committee

- Compromise the Pension Committee's ability to comply with its fiduciary duty to the Pension Fund and its members.

4. Membership and Appointment Process

4.1 The Board shall consist of 8 voting members to be constituted as follows:

Four employer representatives, of whom;

a. Two shall be nominated from Local Authorities, Police/ Fire/ Transport Authorities, Parish Councils

b. One from the Academies / Further/Higher Education Bodies

c. One from Admitted Bodies excluding employers admitted by virtue of undertaking a commercial contract connected to a function of a scheme employer.

4.2 Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

4.3 Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required:

Four scheme member representatives of whom;

a. Two shall represent and be drawn from active members of the Merseyside Pension Fund;

b. Two shall represent and be drawn from pensioner and deferred members of the Merseyside Pension Fund.

4.4 Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund.

4.5 Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

4.6 In addition one other non-voting independent member selected by the Scheme Manager, shall be appointed as Chair of the Board, with independence defined as follows:

a. Not a current elected member or employee of a participating scheme employer or an individual with a financial or other material interest in either the Administering Authority or any of its constituent employers.

b. Has not been an elected member or employee of a participating scheme in the past 5 years.

c. Is not an active, pensioner or deferred member of Merseyside Pension Fund

4.7 It will be the role of the Chair to:

a. Ensure that all members of the Board show due respect for process, that all views are fully heard and considered and to determine when consensus has been met, instances of a failure to reach a consensus position will be recorded and published.

b. To uphold and promote the purpose of the Board and to interpret its constitution and Terms of Reference when necessary.

c. Ensure that the Board members have the knowledge and skills as determined in the Fund's Training Policy and other guidance or legislation and maintain a training record.

d. Agree the agenda and minutes for each Board meeting with the Board Secretary (Head of Pension Fund)

e. Ensure an attendance record is maintained along with advising the Scheme Manager on expenses to be paid.

f. Advise the Scheme Manager on any required budget for the Board. The Chair shall not incur any expenditure on behalf of the Board without seeking the prior written consent of the Scheme Manager.

g. Write reports required by Scheme Manager on the performance of the Board.

h. Liaise with the Scheme Manager on the requirements of the Board, including advanced notice for Officers to attend and arranging dates and times of Board meetings.

i. To annually review and report on the performance of the Board.

4.8 The decision of the Chair on all points of procedure and order and the Chair's interpretation of the protocol shall be final.

4.9 The appointment of the Chair by the Scheme Manager will only be made following an openly advertised competitive process for the role which shall also be subject to the passing of a motion by the Board to approve the successful candidate.

4.10 Members of the Board shall only be appointed after all employers or members of the Fund have been invited to put forward nominations or expressions of interest.

4.11 Successful employer and employee representatives will be selected by the Scheme Manager having taken account of their capacity to represent other scheme employers and members, attend meetings and undertake extensive training.

4.12 Members in all categories will only be appointed by the Scheme Manager if they commit to acquire the knowledge and skill requirement set out in the relevant regulations and guidance, as defined in section 10 of this document.

5. Length of term

5.1 Members of the Board will serve for a term of four years which can be extended for further period(s) subject to re-nomination.

5.2 In recognition of the complexity of pension legislation and to assist with knowledge development and retention, the initial term of office for one of the two active member representatives shall be 6 years and one of the two

employer representatives of the local authorities, Police/Fire Transport authorities and Parish Council shall be 6 years.

5.3 Other than as a result of retirement at the expiry of this period the term of office will come to an end:

a. For employer representatives who are councillors if they cease to hold office as a councillor;

b. For employer representatives who are not councillors when they cease to be employed by the employing body where they were employed on appointment;

c. For scheme member representatives if they cease to be a member of the relevant member group.

5.4 Each Board member should endeavour to attend all Board meetings during the year. Substitute members are not permitted due to the nature of the Board as a supervisory body and the need for appropriate knowledge and skills and the management of conflicts of interest.

5.5 Members of the Board shall cease to be a member of the Board if they do not attend two consecutive meetings and fail to tender apologies which are accepted by the Board

5.6 In event of the independent member not being available for a Board meeting, a Vice Chair for that meeting will be determined by the Board members.

5.7 The removal of the independent member requires the consent of the Scheme Manager.

6. Quorum

6.1 A meeting is only quorate when at least 2 employer representatives and 2 scheme member representatives are present.

6.2 A meeting that becomes inquorate may continue but any decisions will be non-binding

7. Code of Conduct and Conflicts of Interest

7.1 The principles included in the Council's Code of Conduct for members apply to all members of the Board set out in the Constitution of the Council. Conflicts of interest shall be managed taking account of the requirements set out in the Council's constitution, best practice defined in the Scheme Advisory Board's statutory guidance and the Pension Regulator's Code of Practice 14: Governance and Administration of public service pension schemes.

8. Board Review Process

8.1 The Board will undertake each year a formal review process to assess how well it and its members are performing with a view to seeking continuous improvement in the Board's performance.

9. Advisers to the Board

9.1 The Board may be supported in its role and responsibilities through the appointment of advisers as agreed with the Scheme Manager. In addition the Board will have access to the officers of Merseyside Pension Fund and where considered appropriate access to the advisers to the Pension Fund.

10. Knowledge and Skills

10.1 A member of the Board must be conversant with –

a. The legislation and associated guidance of the Local Government Pension Scheme (LGPS).

b. Any document recording policy about the administration of the LGPS which is for the time being adopted by the Merseyside Pension Fund.

10.2 A member of the Board must have knowledge and understanding of -

a. The law relating to pensions, and

b. Any other matters which are prescribed in regulations.

10.3 It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Board.

10.4 In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Board members are therefore required to maintain a written record of relevant training and development.

10.5 Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

10.6 Board members will comply with the Scheme Manager's training policy.

11. Board Meetings – Notice Minutes and Reporting

11.1 The Scheme Manager shall give notice to all Board members of every meeting of the Board, and shall ensure that all papers are published on Wirral Borough Council's Website at least 5 working days prior to each meeting. These may at the discretion of the Scheme Manager be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act

1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

11.2 The Scheme Manager shall ensure that a formal record of Board proceedings is maintained.

11.3 The Board shall on an annual basis produce a report on both the nature and effect of its activities for consideration by the Scheme Manager. The contents of this annual report will be subject to consideration and agreement at a meeting of the Board, but should include as a minimum:

a. Details of the attendance of members of the Board at meetings,

b. Details of the training and development activities provided for members of the board and attendance at such activities;

c. Details of any recommendations made by the Board to the Scheme Manager and the Scheme Manager's response to those recommendations;

d. Details of the costs incurred in the operation of the Board

11.4 The Board in considering items of business at its ordinary meetings shall in relation to each item consider whether it wishes to make a recommendation to the Scheme Manager, to which the Scheme Manager shall respond at the subsequent meeting.

12. Remit of the Board

12.1 The Board must assist the Scheme Manager with the primary core function in securing compliance with the regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator.

12.2 This involves but is not limited to oversight and comment on :

a. Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.

b. Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.

c. Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.

d. Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.

e. Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.

f. Monitor complaints and performance on the administration and governance of the scheme.

g. Assist with the application of the Internal Dispute Resolution Process.

h. Review the complete and proper exercise of Pensions Ombudsman cases.

i. Review the implementation of revised policies and procedures following changes to the Scheme.

j. Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.

k. Review the complete and proper exercise of employer and administering authority discretions.

l. Review the outcome of internal and external audit reports.

m. Review draft accounts and Fund annual report.

n. Review the compliance of particular cases, projects or process on request of the Committee.

o. Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate

12.3 The secondary core function of the Board is to ensure the effective and efficient governance and administration of the Scheme and may determine the areas it wishes to consider including but not restricted to :

a. Assist with the development of improved customer services.

b. Monitor performance of administration, governance and investments against key performance targets and indicators.

c. Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.

d. Monitor investment costs including custodian and transaction costs.

e. Monitor internal and external audit reports.

f. Review the risk register as it relates to the scheme manager function of the authority.

g. Assist with the development of improved management, administration and governance structures and policies.

h. Review the outcome of actuarial reporting and valuations.

i. Assist in the development and monitoring of process improvements on request of Committee.

j. Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code

13. Standards of Conduct

13.1 The role of the Board members requires the highest standards of conduct and therefore the "seven principles of public life" as defined within the Council Constitution will be applied to all Pension Board members and embodied in their code of conduct.

13.2 These principles are –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

14. Decision making

14.1 Each employer and member representative of the Board will have an individual voting right but the Independent Chair is explicitly excluded from having the right to vote in accordance with regulation 106 (7) of the LGPS Regulations 2013. It is expected the Board will as far as possible reach a consensus.

15. Publication of Pension Board information

15.1 Stakeholders of the Scheme will want to know that the Merseyside Pension Fund is being efficiently and effectively managed. They will also want to be confident that the Board is properly constituted, trained and competent in order to comply with scheme regulations, the governance and administration of the scheme and requirements of the Pension Regulator.

15.2 Up to date information will be posted on the Merseyside Pension Fund website showing:

a. The names, contact details and other relevant information about the Board members

b. How the scheme members are represented on the Board

c. The responsibilities of the Board as a whole

d. The full terms of reference and policies of the Board and how they operate

e. Details of the Pension Board appointment process

f. Any specific roles and responsibilities of individual Board members.

15.3 The Scheme Manager will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

16. Accountability

16.1 The Board will be collectively and individually accountable to the Scheme Manager.

17. Expense Reimbursement and Remuneration

17.1 All members of the Board shall, on the production of relevant receipts be reimbursed for travel and subsistence expenses they have incurred in the conduct of their duties as a member of the Board, including attendance at relevant training and development activities.

17.2 Members of the Board shall be reimbursed a mileage allowance for use of their own car at the rate proscribed by the Inland Revenue from time to time as adopted by Wirral Borough Council.

17.3 Employer and Employee representatives will receive an annual fee of half the special responsibility allowance paid to the Chair of Pension Committee.

17.4 The Chair should receive the full rate of the annual special responsibility allowance paid to the Chair of Pension Committee.

18. Reporting Breaches

18.1 Where any breach of legislation or duties is committed or is alleged to have been committed by the Pension Committee, the Board shall:

a. As soon as reasonably possible of the potential breach meet with the Committee

b. Ask the Committee Chair to explain the actions taken and provide evidence of the legitimacy of the action taken

c. Consider the matter on the facts available and evidence provided by the Committee Chair and refer it back to Committee to reconsider and correct any areas of concern or breaches of duty or

d. Determine that no breach of duty has taken place

18.2 If it is decided that a breach has occurred, the Board shall (as required by the Code of Practice and the Pensions Act 2004)

a. Report the breach to the Monitoring Officer and Chief Finance Officer and take prompt and effective action to investigate and correct the breach and its causes and, where appropriate, notify any affected members:

b. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.

c. Where prompt and effective action to remedy the breach has not been taken report the breach as a breach of material significance to the Pension Regulator and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.

18.3 As per Regulation 106(6) and subject to the terms within this document, the Pension Board shall have the power to do anything to facilitate or is conducive to the discharge of any of its functions.

19. Interpretation

19.1 Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Scheme Manager.

20. Definitions

20.1 The undernoted terms shall have the following meaning when used in this document:

"Pension Board" or "Board"	Means the local Pension Board for Wirral Borough Council as administering authority for the Merseyside Pension Fund required under the Public Service Pensions Act 2013
"Scheme Manager"	Means Wirral Borough Council as administering authority of the Merseyside Pension Fund.
"Chair"	The individual responsible for chairing meetings of the Board and guiding its debates

"LGPS"	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
"Scheme"	Means the Local Government Pension Scheme as defined under "LGPS"

These Terms of Reference shall be reviewed on each material change to that part of the Regulations covering local pension boards.

These Terms of Reference were adopted following approval by Council on 16 March 2015 with the establishment of the Board taking effect from 1 April 2015.

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PART 3

SCHEDULE 4 A PART 1 (As agreed by Council)

SCHEME OF NON EXECUTIVE DELEGATION OF FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation authorises the Head of Paid Service and Directors, Assistant Directors (and other duly authorised officers under this scheme) to exercise and discharge non-executive functions, powers and responsibilities of the Council as set out in this scheme.

2 a. All delegations conferred under this scheme must be recorded in writing by the Directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.

b. The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The Directors are responsible for recording all delegations under paragraph 8 below in such form as the Monitoring Officer may prescribe.

3. This scheme is without prejudice to the exercise of the Council's functions by Full Council, the Council's committees, sub-committees and panels.

4. The delegation of the Council's Executive functions to officers are set out in Part 3 Schedule 4 Part B and are determined by the Leader of the Council.

5. For the purposes of this scheme "Director" and "Directors" means the Council's Chief Executive, all Directors and Assistants Directors (or any equivalent post(s) within the Council's officer senior management structure).

6. For the purposes of this scheme "Chief Officers" are those Council officers employed on JNC Chief Officer terms and conditions.

7. For the purposes of this scheme "committee" and "committees" means all council committees, sub-committees and panels constituted under the Council's Constitution.

The Directors are empowered to make exercise and/or discharge all non-executive decisions, functions, powers and responsibilities within their areas of responsibility on behalf of the Council in accordance with the following general principles:

a. If a function, power or responsibility has not been specifically reserved to the Full Council or Council committees the Director within whose remit the matter falls is authorised to act.

b. Full Council or its committees will make decisions on matters of policy. The Directors have express authority to take all necessary actions to

implement decisions council or committees that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.

c. The Directors are empowered to take all strategic and operational decisions, within agreed policies, in relation to the services for which they are responsible.

d. The Directors are empowered to take all necessary decisions in cases of emergency.

e. In relation to all delegated authority conferred on the Directors by this scheme, the Head of Paid Service may allocate or re-allocate responsibility for exercising particular functions and powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Director: Governance and Assurance of any such change. The Director: Governance and Assurance will amend the Constitution as necessary.

f. Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Head of Paid Service. This nomination should be formally recorded in writing.

g. Where there is doubt over the responsibility for the exercise of a delegated power, the Head of Paid Service or his/her nominee is authorised to act or to determine who is to act.

h. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.

8. For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual or that the interests of the Council may be compromised.

9. In deciding whether or not to exercise such delegated powers, the Directors should consider whether to consult the appropriate committee Chairperson and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body or Full Council where they consider it expedient to do so.

10. The Directors may authorise officers in their service areas and/or management to exercise, on their behalf all functions, powers and responsibilities delegated to them under this scheme.

11. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's

constitution, including its Financial Regulations and Contract Procedure Rules, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

12. Without prejudice to the generality of the foregoing the Directors shall have the power:

a. To take all lawful action consistent with overall Council policy to deliver agreed strategy plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:

- commissioning
- undertake procurement exercises
- invitation and acceptance of tenders
- submission of bids for funding
- write-off of irrecoverable debts
- virement (within the budget framework)
- disposal and acquisition of assets
- service and placing of any necessary statutory or other notice (other than those expressly reserved to Full Council, committee or the Cabinet/Cabinet Member)
- after consultation with the Director: Governance and Assurance to the Council, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.

b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.

c. In the case of any overspend to notify the Council's Chief Finance Officer in accordance with the Financial Regulations and Contract Procedure Rules.

d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service (or his/her nominee) and conformance with Council policies.

e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies (including operation of policies for discipline and dismissal, grievance, capability, attendance management, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

(f) To authorise following consultation with and the approval of the Director: Governance and Assurance suitably qualified and/or experienced Council officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.

13. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.

a. A key decision should be taken in accordance with the relevant requirements;

b. the views of the relevant committee Chairperson, area board(s) following the application of the consultation criteria set out in paragraph (c) below;

c. consideration of the views of the Constituency Committees and the local councillors in decisions about local services;

d. the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant Cabinet Member(s) or committee Chairperson and local members, where the issue relates to a specific area, should take place;

e. consultation in accordance with the Council's consultation strategy and the views emanating from that process;

f. the range of available options;

g. the staffing, finance and legal implications;

h. the assessment of any associated risks in accordance with the Council's risk and management strategy;

i. the involvement of appropriate statutory officers and/or other Directors;

j. the Council's constitution, including the forward work plan, its contract and Financial Regulations and Contract Procedure Rules, all relevant guidance, legislation, codes of practice and protocols.

14. Any councillor may request that decisions taken by officers under delegated powers are scrutinised by the appropriate Overview and Scrutiny Committee.*

15. **Statutory Officers**

15a. The Council is required to appoint certain officers to undertake the "Statutory Officer" roles which require them to discharge specific legal duties to ensure that the Council acts within the law and uses its resources wisely. Those roles are the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer), and the Monitoring Officer.

15b. The Council is responsible for ensuring that the Statutory Officers have the resources they require to discharge their roles effectively.

16. **The Head of Paid Service**

16a. The Chief Executive is the Council's Head of Paid Service. The Head of Paid Service reports to Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. For the purposes of the Council's Schemes of Delegation to Officers, references to Chief Executive includes Head of Paid Service (and vice versa).

The Council's Assistant Chief Executive is authorised to act on behalf of the Chief Executive in respect of all powers, duties and functions in his/her absence/unavailability unless otherwise determined by the Chief Executive.

Chief Finance Officer

16b. The Director: Finance and Investment Director: Finance and Investment is the Council's Chief Finance Officer (also known as the Section 151 Officer) and is responsible for the proper administration of the financial affairs of the Council.

16c. The Chief Finance Officer will contribute to the corporate management of the Council by providing professional advice and assistance to officers and Members in respect of matters of financial propriety, compliance, and due process in the formation and implementation of the budget and policy framework.

16d. The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Leader of the Council, Cabinet or the external auditor.

The Council's Deputy Section 151 Officer is authorised to act on behalf of the Chief Finance Officer in respect of all powers, duties and functions in his/her absence/unavailability unless otherwise determined by the Chief Executive.

Monitoring Officer

16e. The Director: Governance and Assurance is the Council's Monitoring Officer and is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of elected Members.

16f. The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.

16g. The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Finance Officer, report any proposal, decision or omission considered to be unlawful or to amount to maladministration to the Council, Leader of the Council or the Cabinet. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

16h. The Monitoring Officer will contribute to the promotion and maintenance of high standards of Member conduct and will discharge functions in respect of breaches of the Member Code of Conduct.

16i. The Monitoring Officer shall determine matters relating to the interpretation of the Constitution and will be responsible for ensuring that it is kept up to date.

16j. The Monitoring Officer is authorised to make minor and/or consequential amendments to the Constitution for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions or otherwise giving effect to the intentions of the Council.

Proper Officers

17a. There are various laws which require certain functions to be undertaken by the "Proper Officer" of the Council. The Council's designated proper officers are set out in the Proper Officer Schedule below (unless varied under paragraph 18 below). In the event that a proper officer is not listed then the proper officer shall be the Chief Officer with responsibility for the subject matter in question but in any event any Director.

17b. Proper Officer functions may be discharged by other officers duly authorised by Directors and/or Chief Officer(s) to act in the name of the Proper Officer concerned.

18. For the avoidance of doubt anything which is not covered by this scheme, including required changes to the designation of proper officers for the purpose of any statutory function for reasons of legality and/or business efficacy, will be determined by the Head of Paid Service in consultation with the Director: Governance and Assurance.

Proper Officer Schedule

Local Government Act 1972 - Section	Subject Matter	Proper Officer
83(1)-(4)	Declaration of acceptance of office Civic Mayor, Deputy Civic Mayor or councillor	Chief Executive or Director: Governance and Assurance
84	Receipt of notice of resignation of office by person elected or appointed.	Chief Executive/Returning Officer (or in his/her absence the Director: Governance and Assurance)
88(2)	Convening of meetings of Council to fill casual vacancy in office of Chair/Civic Mayor or Deputy Civic Mayor	Director: Governance and Assurance
89(1)(b)	Receipt of notice of casual vacancy in the office of councillor from two local government electors	Chief Executive/Returning Officer (or in his/her absence the Director: Governance and Assurance)
100B(7)(c)	Determination of documents to be supplied to the press	Head of Communications
100C(2)	Minutes of exempt information	All Directors
100D(1)(a) 100D(5)(a)	Compilation of background papers for inspection by members of the public Identification of background papers to be disclosed.	Director in whose name report is written
100F(2)	Exclusion of documents containing exempt information to Elected Members of the Council	Director in whose name the report is written
115(2)	Receipt of money due from Officers	Director: Finance and Investment
146(1)(a) and (b)	Declarations and certificates with regard to securities	Director: Finance and Investment

151	Arrangements for proper administration of Council's financial affairs	Director: Finance and Investment
223(1)	Appearance of Council Officers in legal Proceedings [and to conduct proceedings]	All Directors with approval of the Director: Governance and Assurance
225(1)	Deposit of documents and receipt and retention of the same	Director: Governance and Assurance
228(3)	Accounts to be open to inspection of any Elected Member of the Council	Director: Finance and Investment
229(4) 229(5)	Admissibility of photographic copies of documents in proceedings Certification of photographic copies of documents to be used in legal proceedings	Director: Governance and Assurance
234(1) and (2)	To sign formal notices, orders or other documents which the Council is authorised or required to do by or under any enactment	All Directors
238	Certification of copies of byelaws made by the Council	Director: Governance and Assurance
248(2)	The keeping of Roll of Freemen post 1st April 1974	Director: Governance and Assurance
Schedule 12 Part 1 para 4(2)(b)	Signature and service of summons to attend Council Meeting	Director: Governance and Assurance
Schedule 12 Part 1 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Director: Governance and Assurance
Schedule 14 Part II para 25(7)	Certification of resolutions for use in legal proceedings	All Directors

Local Government (Miscellaneous Provisions) Act 1976 Section -	Subject Matter	Proper Officer
41	Certifying copies of resolutions, order, report and minutes for use in legal proceedings	Director: Governance and Assurance

Representation of the People Act 1983 Section -	Subject Matter	Proper Officer
8(1) and (2) (a)	Electoral Registration Officer	Chief Executive
35(1)	Returning Officer Elections and Referenda	Chief Executive

Building Act 1984 Section -	Subject Matter	Proper Officer
78 (8)	Taking immediate action in relation to dangerous structures.	Relevant Director and/or Chief Officer

Local Government Finance Act 1988 Section -	Subject Matter	Proper Officer
114	Provision of financial reports to the Council.	Director: Finance and Investment

Local Government and Housing Act 1989 Section -	Subject Matter	Proper Officer
2(4)	Deposit of list of politically restricted posts	Director of Change and Organisational Design
4	To be the Head of Paid Service	Chief Executive
5	To be the Monitoring Officer	Director: Governance and Assurance
15-17	Receipt of various notices relating to political groups	Director: Governance and Assurance

Local Government (Committees and Political Groups) Regulations 1990 Section -	Subject Matter	Proper Officer
8(1) and (5)	Officer to whom notice is delivered about the constitution of a political group, or the change of name of a political group	Director: Governance and Assurance
9 and 10	Officer to whom notice is delivered about a Councillor's membership of, or cessation of membership of, a political group	Director: Governance and Assurance
13	Officer to whom the wishes of a political group are expressed and receipt of those wishes	Director: Governance and Assurance
14	Officer responsible for notifying a political group about allocations and vacations of seats	Director: Governance and Assurance

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 Section -	Subject Matter	Proper Officer
7(2)	Exclusion of information in any report which relates only to matters during which, in the proper officer's opinion, the meeting is likely to be a private meeting.	All Directors
7(7)(c)	Copy of any other document supplied to members of the executive in connection with the item considered at a meeting as the proper officer thinks fit.	All Directors

7(12)	To ensure that a written statement is produced for every executive decision as required.	Director: Governance and Assurance
20	Determining whether to disclose a document containing confidential, exempt information or advice provided by a political advisor or assistant.	All Directors

The Local Authorities (Standing Orders) (England) Regulations 2001 Sections	**Subject Matter**	**Proper Officer**
All	Notice to Cabinet in respect of any proposed appointment or dismissal of the Chief Executive Officer (Head of Paid Service) or the Chief Officer. Notice in respect of dismissing the Monitoring Officer or Chief Finance Officer	Director of Change and Organisational Design and Director: Governance and Assurance

SCHEDULE 4A PART 2

1. The Council's regulatory and enforcement functions in relation to planning, licensing and other regulatory and finance matters will be exercised in accordance with express delegations below.

2. Unless otherwise stated, the delegations below may be exercised by the relevant Chief Officer(s) reporting to the Directors listed below and any other suitably qualified and experienced Council officer duly authorised by:

    - Corporate Director for Delivery Services and Assistant Chief Executive
    - Corporate Director for Business Management
    - Corporate Director for Children's Services
    - Corporate Director for Strategy and Partnerships
    - Corporate Director for Economic and Housing Growth
    - Director for Adult Care and Health
    - Chief Finance Officer and/or
    - Monitoring Officer

    or pursuant to Schedule 4A Part 1 above

    (1) Take any action under any relevant legislation (and related statutory instruments and case law) including, where relevant (but not limited to) the ***issue and*** service of notices ***and orders***, the appointment of persons, the issue of licences and authorisations and the approval of registrations, prior consents and grants; acceptance of statutory notifications; to apply for warrants, to seize and detain goods and documents and carry out test purchases of goods and services being the exercise of the powers and duties listed including those contained in the legislation amending or superseding the same.

    Relevant legislation under this paragraph shall include but is not limited to:

    Accommodation Agencies Act 1953
    Administration of Justice Act 1970
    Agriculture Act 1970
    Agriculture (Miscellaneous Provisions) Act 1968
    Agriculture Produce (Grading and Marking) Act 1931
    Animal Boarding Establishments Act 1963
    Animal Health Act 1981
    Animal Health Act 2002
    Animal Health (Amendment) Act 1998
    Animal Health and Welfare Act 1984
    Animal Welfare Act 2006.
    Animals Act 1971
    Antisocial Behaviour Act 2003
    Anti-Social Behaviour, Crime and Policing Act 2014
    Breeding of Dogs Acts 1973 and 1991
    Breeding and Sale of Dogs (Welfare) Act 1999

Building Act 1984
Business Protection from Misleading Marketing Regulations 2008
Care Act 2014
Care Standards Act 2000
Caravan Sites Act, 1968
Caravan Sites and Control of Development Act 1960
Charities Act 1992
Children and Families Act 2014
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 2006
Company Directors Disqualification Act 1986
Competition Act 1980
Consumer Credit Act 1974 and 2006
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Consumer Protection (distance selling) Regulations 2000
Consumer Rights Act 2015
Control of Horses Act 2015
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patents Act 1988
Copyright etc and Trade Marks Offences and Enforcement Act 2002
Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013
County of Merseyside Act 1980
Courts and Legal Services Act 1990
Criminal Attempts Act 1981
Criminal Damage Act 1971
Criminal Justice Act 1988
Criminal Justice & Public Order Act 1994
Criminal Justice and Police Act 2001
Criminal Law Act 1977
Dangerous Dogs Acts 1989 and 1991
Dangerous Wild Animals Act 1976
Defective Premises Act 1972
Deregulation Act 2015
Development of Tourism Act 1969
Dogs Act 1871 and 1906
Dogs (Protection of Livestock) Act 1953
Education Act 1996
Education and Inspections Act 2004
Education Reform Act 1988
Employment Agencies Act 1973
Energy Act 2013
Enterprise Act 2002
Environment Act 1995
Environmental Protection Act 1990

Estate Agents Act 1979
European Communities Act 1972
Explosives Act 1875
Factories Act 1961
Fair Trading Act 1973
Flood and Water Management Act 2010
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 2005
Guard Dogs Act 1975
Hallmarking Act 1973
Health and Safety at Work etc. Act 1974
Health and Social Care Acts 2008 and 2012
Health Act 2006
Highways Act 1980
Home Energy Conservation Act 1995
Housing Acts 1980, 1985, 1988, 1996 and 2004
Housing and Building Control Act 1984
Housing Grants, Construction and Regeneration Act 1996
Housing and Planning Act 2016
Intellectual Property Act 2014
Land Compensation Act 1973
Land Drainage Act 1991
Landlord and Tenant Acts 1954, 1985, 1987 and 1988
Licensing Act 2003
Litter Act 1983
Local Government Act 1972
Local Government Act 1988
Local Government Finance Act 1992
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Local Land Charges Act 1975
Medicines Act 1968
Mental Health Acts 1983, 2007 and 2014
Merchant Shipping Acts 1979/1995
Mobile Homes Act, 2013
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Noise and Statutory Nuisance Act 1993
Noise Act 1996
Offensive Weapons Act 1996
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Act 1995
Opticians Act 1989
Performing Animals (Regulation) Act, 1925
Pet Animals Act 1951
Planning (Listed Buildings and Conservation Areas) Act 1990

Planning and Compulsory Purchase Act 2004
Poisons Act 1972
Police and Criminal Evidence Act 1984
Police Reform Act 2000
Pollution Prevention and Control Act 1999
Powers of Criminal Courts (Sentencing) Act 2000
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Protection of Animals (Amendment) Acts 1988
Protection from Eviction Act, 1977
Protection of Birds Acts 1954 to 1976
Psychoactive Substances Act 2016
Public Health Acts 1875, 1936, 1961 and 1969
Radioactive Substances Act 1993
Registered Designs and Patents Act 1949
Regulation of Investigatory Powers Act, 2000
Refuse Disposal (Amenity) Act 1978
Rent Act, 1977
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988
Slaughter Houses Act 1974
Slaughter of Poultry Act 1967
Scrap Metal Dealers Act 2013
Solicitors Act 1974
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Acts 1968 and 1978
The Cancellation of Contracts made in a Consumer's Home or place of work etc, Regulations 2008
Town and Country Planning Act 1990
Town Police Clauses Acts 1847 and 1889
Trades Descriptions Act 1968
Traffic Management Act 2004
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1972
Transport Acts 1980-1985
Unsolicited Goods and Services Acts 1971 and 1975
Vehicles (Crime) Act 2001
Video Recordings Act 1984/1993
Water Act, 1989
Water Industry Act 1991
Weights and Measures Acts 1976 and 1985
Zoo Licensing Act 1981

and any legislation amending or replacing the above (including Statutory Instruments)

(2) Institute legal action and or proceedings in respect of the enforcement of any relevant legislation.

(3) Authorise individual Council officers falling within their area of management and/or control to take particular actions in their own names and to charge people at police stations.

(4) With regards to Trading Standards, the Corporate Director for Delivery Services and the Assistant Director (Place) shall be authorised to-

(a) Personally or, where legislation requires it, through the Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders) authorise suitably qualified members of staff in the Trading Standards Division to carry out enforcement functions as authorised officers under trading standards, consumer and related legislation;

(b) personally or through the Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders) authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;

(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Director: Governance and Assurance, to present cases and appear in legal proceedings on behalf of the Council:

Senior Manager (Trading Standards) and Trading Standards Operation Manager and authorise other officers as considered necessary to present and appear in legal proceedings on behalf of the Council.

(d) authorise the Trading Standards Operational Manager (or equivalent post holder) to charge alleged offenders in police stations.

(5) Authorise directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, and designate officers to carry out that function.

(6) Issue fixed penalty notices for leaving litter or for breaching any notice or order or to drivers who allow their vehicle engines to run unnecessarily while the vehicle is stationary.

(7) Take action under the Licensing Act 2003 relating to the sale of intoxicating liquor to, or for consumption by, persons under 18.

(8) Enforce the Customs & Excise Management Act 1979 and the Tobacco Products Act 1979 relating to fiscal marking of tobacco products.

(9) Operate Agency Services under the terms of Sections 135 and 169 of the Local Government and Housing Act 1989 and to charge fees accordingly.

(10) (a) Approve increases in charges not fixed by statute.

(b) Waive charges for the provision of information under the Environmental Information Regulations in appropriate circumstances

(11) Vary levels of charges in respect of depot sales of surplus materials and miscellaneous charges, such revisions having regard to the retail price index and prevailing market conditions.

(12) Nominate an officer to deal with representations made to the Council by persons in receipt of a Notice.

(13) Authority to implement the Food Safety Act 1999, as amended, the Food Hygiene (England) Regulations 2005 and 2006, the Official Feed and Food Controls (England) Regulations 2005 and 2006, and for any subsequent amendments, modifications or re-enactments to the parent legislation or any regulations or orders made thereunder.

(14) To exercise the powers and duties available under the Business Protection from Misleading Marketing Regulations 2008 and the Consumer Protection from Unfair Trading Regulations 2008.

(15) Authorise relevant officers throughout the Council to issue Community Protection Notices for leaving litter and other related matters affecting the quality of life of persons in Wirral.

(16) With regards to licensing and registration functions, the Corporate Director for Business Management and the Director: Governance and Assurance be authorised to determine and otherwise deal with the following matters, provided that controversial matters must be submitted to the Licensing, Health and Safety and General Purposes Committee or Licensing Panel or Licensing Act 2003 Committee:

(i) Premises Licenses;
(ii) Scrap Metal Dealers Registration;
(iii) Street Collection Licences and House to House collection permits;
(iv) Club Premises Certificates;
(v) Temporary Event Notices;
(vi) License premises for gambling activities;
(vii) Notices given for temporary use of premises for gambling;
(viii) Grant permits for gaming and gaming machines in clubs and miner's welfare institutions;
(ix) Regulate gaming and gaming machines in alcohol licensed premises;
(x) Grant permits to family entertainment centres;
(xi) Grant permits for prize gaming;

(xii) Consider occasional use notices for betting at tracks;
(xiii) Register small societies' lotteries;
(xiv) The enforcement of the provisions of the Gambling Act 2005;
(xv) Personal Licenses;
(xvi) Registration of second-hand dealers;
(xvii) Certificates of Consent for all public exhibitions, demonstrations or performances of hypnotism;
(xviii) Licences to hold civil marriage ceremonies on approved premises;
(xix) Application for new (and renewal applications) for hackney carriage and private hire driver's licences, vehicle licences and operator's licences in accordance with guidelines, approved by the Licensing, Health and Safety and General Purposes Committee;
(xx) The enforcement of conditions relating to the licensing of hackney carriage and private hire drivers licences, vehicle licences and operator's licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension or revocation of driving licences, vehicle licences and operator's licences. (Any actions to be reported to the next meeting of the Licensing, Health and Safety and General Purposes Committee);
(xxi) The enforcement of the provisions of the Licensing Act 2003;
(xxii) The enforcement of all Hackney Carriage and Private Hire matters under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847;
(xxiii) Authorise members of staff in the Licensing Division to carry out enforcement functions as authorised officers under licensing legislation;
(xxiv) Personally, or through the Director: Governance and Assurance, commence legal proceedings on behalf of the Council under licensing legislation;
(xxv) Authorise relevant officers throughout the Council to issue and enforce Community Protection Notices and to enforce Public Spaces Protection Orders.

(17) In consultation with the three party spokespersons, to consider and determine applications for street trading consents or renewals thereof (including the imposition of such conditions as is considered reasonably necessary)

In respect of Planning and related matters:

(18) The Corporate Director for Delivery Services and the Development Management Manager has authority:

(i) to determine all planning and related applications other than those listed under below;

(ii) to take appropriate enforcement action on **all** matters relating to the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders, including the following:

- To take initial action to deal with breaches of planning control including the serving of Planning Contravention Notices to obtain relevant information in order to assess whether or not a breach of planning control has occurred.

- To serve Breach of Condition Notices where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.

- To serve Enforcement Notices or to withdraw, modify and reissue any Enforcement Notice following a decision by the Planning Committee to grant permission for development or not to proceed with enforcement action.

- In cases of urgency, in consultation with the Chair, Vice-Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices unless the serving of such a notice would result in the significant loss of jobs or the potential for substantial costs against the Council.

- In consultation with the Chair, Vice-Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.

(For the avoidance of doubt) where it is proposed **not** to take appropriate enforcement action relating to ***Priorities 1, 2 and 3*** of the adopted Planning Enforcement Policy on the grounds of non-expediency, the Authority of Members of the Planning Committee ***must*** be sought.

(iii) to refuse applications in relation to telecommunications development.

(iv) where it is proposed to recommend approval of telecommunication development and other proposals requiring prior notification approval, after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

(v) to determine all planning and related applications where decisions would require a Section 106 obligation or action under other powers (with the exception of applications where an applicant is required to provide the Council with a sum of £200,000 or more).

(19) The Corporate Director for Delivery Services and the Development Management Manager to determine on behalf of the Council all minor and

other applications, including those submitted by the authority, excluding those applications listed under (A) below;

(A) Applications to be determined by Committee:

(i) Any major applications as set out below (unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below);

(a) residential development of 50 or more dwellings;
(b) other forms of development or change of use of 5,000 square metres floorspace or more;
(c) applications or development or change of use of 2 hectares or more of land;
(d) Proposals requiring Environmental Impact Assessment; and
(e) Minerals and waste applications (other than minor amendments to existing permissions, and ancillary or small scale works).

(ii) Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.

(iii) Decisions that would need to be referred to the Secretary of State with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.

(iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the Planning Committee the Member **must**, however, state the reason(s) on planning grounds for that request ***in writing and all requests must be made prior to the last date for comment as published on an application;***

(v) Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing, **unless** the application is being recommended for refusal, in which case, the application shall remain under delegated powers, (unless a Member registers support in writing for an application on planning grounds). The lead petitioner will be informed of the recommendation to refuse under delegated powers.

(vi) Any application recommended for refusal where a Member has registered support in writing for an application on planning grounds and has requested the application is determined by Planning Committee.

(vii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Council's planning services section.

(viii) Any application where an Elected Member is involved in any capacity as an agent or consultant where at least one objection has been received (where no objections have been received, the Corporate Director for Delivery Services, assisted by the Development Management Manager, may determine such applications following consultation with and the agreement of the Chair of Planning Committee, and the other party Spokesperson)

(ix) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.

(B) The Corporate Director for Delivery Services and the Development Management Manager are authorised to undertake the following functions and powers. Being the exercise of the powers and duties listed below including those contained in the legislation amending or superseding the same**:**

(i) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-

(a) To take appropriate action to advertise planning applications and display site notices.
(b) Reject an outline application because of insufficient details.
(c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.
(d) Serve planning control contravention notices and to hold discussions as a result of the “time and place” procedure under Section 171(C) of the Act.
(e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act and vary and revoke such orders.
(f) Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.
(g) Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and 2011.
(h) Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and1997.

(ii) To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-

(a) Part I – Building Regulations.

(b) Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.

(c) Part IV – Powers of entry, execution of works and enforcement.

(iii) Safety at Sports Ground(s) - responsibility transferred to Head of Corporate & Community Safety

(iv) To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.

Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

(v) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.

(vi) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.

(vii) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.

(viii) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.

(ix) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.

(x) To respond to consultations from neighbouring local planning authorities on planning applications.

(xi) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.

(xii) After consulting the Director: Finance and Investment, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.

(xiii) To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.

(xiv) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.

(xv) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

(xvi) To exercise all the powers and duties under Parts 1-6 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the issue or extension of a Closure Notice to 48 hours.

(20) (A) The Assistant Director: Major Growth Projects and Housing Delivery is authorised to prepare, maintain and publish a statutory Brownfield Register of previously developed land suitable for housing development in accordance with relevant national legislation.

(B) Matters to be determined by Planning Committee:

(i) following the inclusion of sites in Part 1 of the Brownfield Land Register, to determines which sites should be allocated for residential development, subject to the procedures set out in national legislation, before entering land in Part 2 of the Brownfield Land Register.

(ii) Review the Brownfield Land Register at least every 12 months, in line with the requirements set out in national legislation and during this review adding any additional sites which meet the criteria for inclusion in Part 1 and where relevant Part 2, and removing sites that have been developed or which are no longer suitable.

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PART 3

SCHEDULE 4 Part B (As settled by the Leader)

SCHEME OF DELEGATION of EXECUTIVE FUNCTIONS TO OFFICERS

1. This part of the scheme of delegation records the delegations of executive functions to officers under article 7 by the Leader.

2. The Leader authorises the directors to exercise any of the executive functions of the Council as set out in this document.

    a. All delegations conferred under this scheme must be recorded in writing by the directors (including for the avoidance of doubt any delegation under paragraph 5(e) below). Any decision taken under such authority shall remain their responsibility.

    b. The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The directors are responsible for recording all delegations under paragraph 5(e) below in such form as the monitoring officer may prescribe.

3. This scheme is without prejudice to the exercise of the Executive's functions by the Cabinet.

4. For the purposes of this scheme "the directors" means the directors whose job title and areas of responsibility are set out below.

5. The directors are empowered to make all executive decisions within their areas of responsibility on behalf of the Council in accordance with the following general principles:

    a. If a function, power or responsibility has not been specifically reserved to the Cabinet by the leader, the director within whose remit the matter falls is authorised to act.

    b. Full Council and its committees will make decisions on matters of significant policy.

    c. The directors have express authority to take all necessary actions to implement executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.

    d. The directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.

e. The directors are empowered to take all necessary decisions in cases of emergency.

f. In relation to all delegated authority conferred on the directors by this scheme, the Leader may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit. He will notify the Director: Governance and Assurance (Monitoring Officer) of any such change. The Director: Governance and Assurance (Monitoring Officer) will amend Table 1 in Part 3 of the Constitution as necessary.

g. Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Leader. This nomination should be formally recorded in writing.

h. Where there is doubt over the responsibility for the exercise of a delegated power, the head of paid service or their nominee is authorised to determine who is to act.

i. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.

6. For the purposes of this scheme, emergency shall mean a situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.

7. In deciding whether or not to exercise such delegated powers, the directors should consider whether to consult the appropriate portfolio holder or leader and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate portfolio holder or cabinet where they consider it expedient to do so.

8. The directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.

9. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

10. Without prejudice to the generality of the foregoing the directors shall have the power:

a. To take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:

- invitation and acceptance of tenders
- submission of bids for funding
- write-off of irrecoverable debts
- virement (within the budget framework)
- disposal and acquisition of assets
- service and placing of any necessary statutory or other notice (other than those expressly reserved to a Council, committee or cabinet)
- after consultation with the Director: Governance and Assurance (Monitoring Officer), authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.

b. To put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.

c. In the case of any overspend to notify the Chief Finance Officer in accordance with the financial procedure rules and regulations.

d. To determine staffing arrangements within approved budgets, subject to agreement on grading with the head of paid service and conformance with Council policies.

e. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for discipline and dismissal, voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

(f) To authorise following consultation with and the approval of the Director: Governance and Assurance (Monitoring Officer) suitably qualified and/or experienced Council Officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in

accordance with Section 223 of the Local Government Act 1972 as amended.

11. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.

    a. A key decision should be taken in accordance with the relevant requirements;

    b. the views of the relevant portfolio holder;

    c. consideration of the views of the constituency committees and the local councillors in decisions about local services;

    d. the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases consultation with officers, relevant cabinet member(s) or committee Chair and local members, where the issue relates to a specific area, should take place;

    e. consultation in accordance with the Council's consultation strategy and the views emanating from that process;

    f. the range of available options;

    g. the staffing, finance and legal implications;

    h. the assessment of any associated risks in accordance with the Council's risk and management strategy;

    i. the involvement of appropriate statutory officers and/or other directors;

    j. the Council's constitution, including the forward work plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.

12. Any councillor may request that decisions taken by officers under the delegated powers are scrutinised by the appropriate Overview and Scrutiny Committee.

13. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the head of paid service.

Directorate & Chief Officer roles	Reporting Chief Officers	Functions
Chief Executive (Statutory role - Head of Paid Service)	Director for Adult Care & Health	Adult social care and health
	Corporate Director for Children's Services	Children's services
	Corporate Director for Strategy & Partnerships	• Strategy & Partnerships • Public Health • Safer Wirral Hub • Policy & Planning • Strategic commissioning development • Performance management & improvement • Business, Intelligence & Research • Communications, Marketing, Press & PR
	Corporate Director for Economic & Housing Growth	• Economy • Housing • Growth & investment
	Corporate Director for Business Management	• Business management & corporate resources including: – Transformation – organisational change and design – Human resources – IT – Finance & investment – Law and governance – Commercial management
	Corporate Director for Delivery Services (Assistant Chief Executive)	Delivery Services including Place and Community services

Adult Care & Health (Director for Adult Care & Health)	Assistant Director – Integrated Commissioning Programme	• Integrated commissioning • Standards & planning • Professional leadership • Care governance • Independent reviews
	Assistant Director – Health & Care Outcomes	• Integrated health provision • Community services • Adult social care • Personalised support • Integrated disability and mental health
Children's Services (Corporate Director for Children's Services)	Deputy Director for Children	• Children in need and child protection • Fostering, Adoption & Permanence service • Children looked after & care leavers
	Assistant Director – Early Help & Prevention	• Early Help/Targeted Family Support • Early years & childcare • Children's centres • Youth & Play
	Assistant Director – Modernisation & Support	• Performance, improvement & modernisation • Inspection, audit & compliance • Local partnership arrangements
	Lead Commissioner for Schools	• School improvement & intervention • Services for children with disabilities/SEN • Education services including admissions • Adult learning •
Strategy & Partnerships (Corporate Director for Strategy & Partnerships)	Director for Health & Wellbeing	• Statutory DPH • Health improvement • Health protection • Voluntary sector • Neighbourhoods/Area Public Service Boards

	Strategic Commissioner - Environment	• Environmental strategies and related services
Economic & Housing Growth (Corporate Director for Economic & Housing Growth)	Assistant Director – Culture & Visitor Economy	• Culture & leisure • Visitor economy • Digital infrastructure
	Assistant Director – Major Growth Projects & Housing Delivery	• Strategic assets • Housing strategy • Housing infrastructure • Forward planning • Local plan • Planning • Building control
	Assistant Director – Regeneration & Inward Investment	• Regeneration & Economic Development • Business Support/Inward investment
Business Management (Corporate Director for Business Management)	Director of Change & Organisational Design	• Corporate strategy & business planning • Organisation development • Business design & change • Human resources • Information technology
	Director – Governance & Assurance (Statutory role – Monitoring Officer)	• Legal services • Democratic services • Electoral Registration • Freedom of Information • Records Management & Archives • Registrars • Licensing
	Director of Finance & Investment (Statutory role – Chief Finance Officer)	• Corporate Finance • Audit, risk & business continuity • Revenue/Benefits • Customer services & one stop shops
	Director of Merseyside Pension Fund	• Merseyside Pension Fund • Fund investments

	Assistant Director – Commercial Management	• Corporate commissioning & contract management • Quality assurance & commissioning reviews • Procurement • Waste & environment
Delivery Services (Corporate Director for Delivery Services & Assistant Chief Executive)	Assistant Director – Community Services	• Leisure services • Library services • Culture services • Parks & countryside • Grounds & park maintenance
	Assistant Director – Place Services	• Highways management • Supported housing • Housing standards • Homelessness • Trading standards • Environmental health

PART 3

SCHEDULE 5

DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS

The Leader of the Council in conjunction with the Cabinet and Cabinet Members leads the implementation of policy within the Council's Budget and Policy Framework.

In doing this the Leader of the Council in conjunction with the Cabinet and Cabinet Members carries out all of the Council's functions which are not the responsibility of Council whether by law or under this Constitution.

By this Scheme of Delegation, the Leader of the Council has delegated to individual Cabinet Members executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to Officers which is contained in Part 3 Schedule 4B of the Constitution.

The following conditions apply to this Scheme of Delegation to Cabinet Members and shall be complied with at all times:-

1. Every delegated power shall be exercised in the name of the Council.

2. The exercise of delegated powers shall be in accordance with Cabinet (Executive) functions and the Council's Budget and Policy Framework.

3. A Cabinet Members exercising delegated powers shall record the decision and the reasons for it on a Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.

4. All key decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.

5. No Cabinet Members shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan or the appropriate notice(s) issued/published under the Access to Information Procedure Rules of the Constitution or prevailing legislation.

6. No action may be taken which is contrary to the Council’s Constitution.

All Cabinet Members within their own Portfolio

Unless otherwise stated below, Cabinet Members have power and authority to make decisions, advise upon and deal with all matters arising and falling within their respective Portfolios.

General

(i) Approve the appointment of consultants up to the value of £50,000.
(ii) Approve and authorise the submission of any formal response on behalf of the Council to Government consultation documents on matters relating to their Portfolio.
(iii) Determine grant applications within their Portfolio. Approve and authorise the submission of grant funding (or other resource) applications relating to their Portfolio on behalf of the Council.
(iv) Approval of the extension of contracts within their Portfolio for a maximum of up to 2 years, where such an extension was an option in the original contract in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
(v) Authorise consultation (whether statutory or otherwise) as considered necessary and appropriate on matters falling within their Portfolio.
(vi) Approve the commencement of all procurement exercises in accordance with the Council's Contract Procedure Rules in relation to matters failing within their Portfolio.
(vii) Accept tenders relating to their Portfolio up to the value of £5,000,000 where the tender is considered the most economically advantageous, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer..
(viii) Approve additional or replacement items relating to their Portfolio for the current year's Capital Programme, where the amount of the estimate does not exceed £5,000,000 and does not increase the overall total of the Departmental Capital Programme in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
(ix) The award of contracts relation to their Portfolio of up to 5 years, where the contract value does not exceed £5,000,000, where the tender is the most economically advantageous, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
(x) Approve variations to contract values post-tender relating to their Portfolio where the value of the variation, or series of variations exceeds £20,000.
(xi) To fix, vary or amend fees and charges for services within their Portfolio (as permitted).

Where any Cabinet Member is unable to make a decision on a matter within their delegation as a result of a personal or prejudicial interest in the matter it can be referred to the Leader of the Council or, in his or her absence, the Deputy Leader, who shall deal with the matter.

The Leader and Cabinet Members may refer any executive function/matter falling within their Portfolio to Cabinet for consideration, debate and decision but shall have regard to the criteria for such referral set out below.

Leader of the Council

(i) Exercise all executive powers on behalf of the Council.
(ii) Authorise Cabinet Members and/or Officers to undertake other executive functions not falling within their Portfolio or applicable scheme delegation.
(iii) The disposal of surplus land, buildings and other assets up to the value of £2,500,001 by sale or lease.
(iv) The purchase or lease of land, buildings and other assets up to a value of £1,250,000.
(v) The removal of restrictive covenants on land, in consultation with the Corporate Director: Economic and Housing Growth (or nominee), where the increase in land value as a result is less than £250,000.
(vi) To designate (as necessary) attendances at conferences, training events, meetings and seminars as an approved duty.
(vii) In consultation with the relevant Cabinet Member(s), authorise the write-off of individual bad debts above £1,000 within directorates on the recommendation of the Chief Finance Officer and appropriate Head of Service and report such write-offs to Cabinet at least annually.

Cabinet Member for Housing and Planning (Deputy Leader of the Council)

(i) To exercise all executive powers as necessary on behalf of the Council on behalf of the Leader of the Council in the absence or unavailability of the Leader of the Council.

Cabinet Member for Children and Families

(i) Authorise appointments to serve on the School Appeals Panel.

Cabinet Member for Highways and Transport

(A) To approve the recommendation of;

(1) The Assistant Director: Place in connection with all proposed highway and traffic management matters, as set out below, to which unresolved petitions of objection of 24 signatures or less, or 14 or less individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -

(2) The Business Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which

unresolved petitions of objection of 25 signatures or more, or 15 or more individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -

(3) The Business Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which unresolved objections have been lodged which have been supported by a Ward Member(s) for a Ward(s) affected by the proposals, (such support, including reasons, to be submitted in writing to the Assistant Director: Place and where he/she agrees with the recommendation: -

(a) All highway and traffic management matters governed by the Road Traffic Regulation Act 1984, whether subject to a Traffic Regulation Order or otherwise, including (but not limited to) the following:-

i. waiting and parking restrictions;
ii. speed limits;
iii. one way traffic orders;
iv. weight limits;
v. prohibiting or restricting the use of heavy commercial vehicles;
vi. signalised and non signalised pedestrian/cycle/horse crossings;
vii. provision of off street parking and parking on roads ,footpaths, pavements and verges
viii. traffic signs and traffic signals.
ix. Bus lanes and taxi ranks
x. Siting of street furniture

(b) All highway and traffic management matters governed by the Highways Act 1980 including (but not limited to) the following:-

i. road humps;
ii. traffic calming speed reducing measures;
iii. improvement lines for road widening;
iv. cycle tracks.

(B) To approve the Winter Maintenance arrangements.

Cabinet Member for Environment

(A) In the event of the local authority being minded not to issue, vary or renew, or to revoke, a licence under Schedule 1 s7 of the Scrap Metal Act 2013, to be the person to hear and determine those applications / proposed revocations where an applicant / licence holder wishes to appear before, and be heard by, a person appointed by the authority to determine the matter.

CABINET – Criteria for Referral of Executive Functions and Matters

All executive functions/matters may be referred by the Leader and/or Cabinet Members and Officers to Cabinet for consideration, determination and/or decision.

Generally only those executive functions/matters that fall into one or more of the following categorises should be referred to Cabinet:

(i) The matter under consideration is a high profile matter;
(ii) The decision has a significant budgetary impact;
(iii) There is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
(iv) The function/matter provides important performance management information.

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PART 4A
Council Procedure Rules – Standing Orders

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SECTION 1 - RELATING TO MEETINGS OF THE COUNCIL

1. Meetings of the Council

(1) In addition to the Annual Meeting of the Council and any extraordinary meetings convened by the Mayor or by members of the Council (in accordance with Schedule 12 of the Local Government Act 1972), ordinary meetings shall be held in each year on such dates as the Council decides, provided that such dates may be varied by the Council, or by the Director: Governance and Assurance (Monitoring Officer) after consultation with the Leader of the Council.

(2) The Annual Meeting shall be held at **7.00** pm or at such other time as the Council decides, at the Town Hall, Wallasey, or at such other place as the Council decides, and ordinary meetings of the Council shall be held at **6.00** pm, or at such other time decided by the Director: Governance and Assurance (Monitoring Officer) after consultation with the Leader of the Council, at the Town Hall, Wallasey.

(3) Each ordinary meeting of the Council shall be concluded by **9:15pm on the day of the meeting** in accordance with the procedure contained in Standing Order 9, unless the Council agrees to suspend that standing order before it comes into operation at the meeting.

(4) An extraordinary meeting of the Council may be called at any time by the Mayor. The Mayor should also consider a request for an extraordinary meeting if it is signed by five members of the Council. If the Mayor refuses to comply with the request or does not refuse but does not call an extraordinary meeting within seven days of receiving

the requisition, then any five members of the Council may call an extraordinary meeting.

2. Election of Mayor and appointment of Deputy Mayor

The Council shall at the Annual Meeting elect a Mayor and appoint a Deputy Mayor. Should the Deputy Mayor subsequently be asked by the Leader to take up a position in his/her Cabinet and wishes to accept that invitation, then the Deputy Mayor shall relinquish the post of Deputy Mayor but may still be considered "Mayor Designate" for the following year. In these circumstances, a new appointment of a Deputy Mayor will be held as soon as practicable to carry out all the activities associated with that post.

3. Chair of Meeting

Any power or duty of the Mayor relating to the conduct of the meeting may be exercised by the person presiding at the meeting.

4. Quorum

(1) Subject to the requirements of the Local Government Act 1972 the quorum of the Council shall be 17 (which shall include the Mayor or other person presiding at the meeting), and if during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum present the meeting shall stand adjourned. Any undisposed of business shall be referred either to an adjourned meeting, the date and time of which shall be fixed by the Mayor after consultation with the Leader of the Council at the time the meeting is adjourned, or, if the Mayor does not fix a time, to the next ordinary meeting of the Council.

(2) If at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start a quorum is not present, no meeting shall take place. The majority of members then present, or if there is only one member then present that member, may fix the date and time for a reconvened meeting, and Director: Governance and Assurance (Monitoring Officer) shall make an appropriate entry in the minutes.

5. Order of Business (Council Meetings)

(1) This Standing Order shall be subject to Standing Order 5A below as respects Annual Meetings of the Council.

(2) Subject to paragraph (3) below, the order of business at every meeting of the Council shall be as follows:

(a) **Selection of Chairperson** - to choose a person to preside if the Civic Mayor and Deputy Civic Mayor are absent;

(b) **Declarations of Interest** - to receive declarations of interest from Members;
(c) **Civic Mayor's Announcements** - to receive the Civic Mayor's announcements;
(d) **Minutes** - to approve as a correct record and sign the minutes of the last meeting of the Council;
(e) **Business Required by Statute** - to deal with any business required by statute to be done before any other business;
(f) **Outstanding Business** - to dispose of business (if any) remaining from the previous meeting;
(g) **Petitions** - to receive petitions without debate in accordance with Standing Order 21;
(h) **Petitions** - to consider and decide upon active petitions referred to Council for debate under Standing Order 34(1); on a motion to be formally moved by the Civic Mayor and duly seconded to note the contents of the petition;
(i) **Public Questions** - to deal with questions from members of the public in accordance with the procedure set out in Appendix 1 to these standing orders;
(j) **Leader's, Executive Members' and Chair's Reports** - to receive the written reports of the Leader and the Cabinet Members and the Chairs of the Overview and Scrutiny Committees and receive questions and answers on any of those reports in accordance with Standing Order 10(2)(a);
(k) **Members' Questions** - to deal with Members questions in accordance with Standing Order 10(2)(b);
(l) **Matters Referred from Overview and Scrutiny Committee or Other Council Committees** - to deal with any references from the Overview and Scrutiny Committee or other Council Committees;
(m) **Vacancies** – to receive nominations, in accordance with Standing Order 25(6) in respect of proposed changes in the membership of Committees or appointments to outside organisations;
(n) **Matters Requiring Approval or Consideration by the Council** - to consider any recommendations of the Leader / Cabinet and Committees which require the approval of the Council;
(o) **Notices of Motion** - to consider any notices of motion submitted in accordance with Standing Order 7 which the Council agrees should be debated rather than being referred to the Leader or the appropriate Committee(s).
(p) **Other Business that the Mayor Considers Urgent** - to deal with any other urgent business.

(3) The order of items (a - f) of paragraph (1) cannot be changed. The order of other items may be varied:

(a) at the discretion of the Civic Mayor; or
(b) by a resolution duly moved and seconded, without discussion.

(4) Notices of Motion shall be dealt with in the order in which they are received (unless otherwise stated within this Constitution).

(5) Council shall conclude all business other than:

i. motions (and amendments thereto) to be debated pursuant to Standing Order 7; and
ii. any urgent business agreed by the Civic Mayor

by no later than 7.15pm (unless otherwise permitted by the Civic Mayor).

5A Annual Meetings of the Council

(1) The Annual Meeting of the Council will be held:

(a) in a year of ordinary elections of Councillors to the Council, on the first Monday after the day of retirement of the persons who were Councillors before the election, or on such other day within 21 days after that day of retirement as the Council may fix; or
(b) in any other year, on the second Monday in May, or such other day in the month of March, April or May that year as the Council may fix.

But provided the Annual Meeting commences on such date, some or all of the business to be conducted at the Annual Meeting (with the exception of the election of a Mayor) may be adjourned to another date (or dates) determined by the Council. Note: The 'day of retirement of the persons who were Councillors before the election' is the fourth day after the day of the election (see the Local Government Act 1972, section 26(3)).

(2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include:

(a) as the first item of business, the election of a Civic Mayor;
(b) the appointment of a Deputy Civic Mayor;
(c) the election of a Leader as provided for by Article 7.3 of the Constitution (but only when the occasion to do so under that Article arises);
(d) the appointment of Members to committees that are not Committees of the Cabinet;
(e) the appointment of Chairs and Vice-Chairs to such committees as are provided for at (d) unless the Council decides in any instance not to do so;
(f) the appointment of Members to panels, advisory committees, working parties and miscellaneous other bodies; and

(g) the appointment of Members (and/or other individuals) to outside bodies and organisations.

(3) A Policy Council to agree the policy framework/performance agreement will normally be held in July, its purpose to establish the Council's priorities, agree the Corporate Plan and inform the budget setting process including the Medium Term Financial Strategy.

5B Election of the Leader

(1) When the occasion arises for the Council to elect a Leader, the Mayor (or other person presiding at the meeting) shall invite a Member nominated by the Group Leader of the political group with the largest number of Councillors to propose the name of a Councillor to be elected as the Leader of the Council.

(2) If a name is proposed under Rule 5B(1), the Mayor (or other person presiding at the meeting) shall then invite any Member to second that proposal.

(3) If a name is proposed and seconded under Rules 5B(1) and (2), the Mayor (or other person presiding at the meeting) shall then invite the person proposed as Leader to confirm whether or not they accept the nomination and if (but only if) they so accept, to have the opportunity (which may be declined in whole or in part) to indicate to the Council the political composition and/or names of Cabinet Members that, if elected as the Leader, they would be minded to appoint.

(4) If the person proposed as the Leader has confirmed their willingness to serve as the Leader if elected, the motion shall then be put to the vote without debate and, if a majority of those Councillors present and voting vote for the motion, the person proposed shall be elected as the Leader with immediate effect and shall be invited to make an acceptance speech of not more than 5 minutes duration.

(5) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the second largest number of Councillors'.

(6) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the third largest number of Councillors'.

(7) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then, so far as the Mayor considers it appropriate, Rules 5B(1) to (6) may be repeated.

(8) Where two or more political groups comprise the same number of Councillors their precedence under this Rule 5B shall be determined by agreement of the relevant Group Leaders or, in the absence of such agreement, by the drawing of lots (before or during the meeting) in a manner determined by the Director: Governance and Assurance (Monitoring Officer) (or his representative attending the meeting).

(9) The Leader shall confirm his/her 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 Annual General Meeting).

6. Minutes

(1) If the minutes of the last meeting of the Council have been circulated before the meeting, they shall be taken as read and the Mayor shall move that they be approved as a correct record.

(2) The minutes shall not be discussed except to question their accuracy. If their accuracy is not disputed the Mayor shall sign them. Any question of accuracy shall be put to the vote.

(3) Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

7. Notices of Motion

(1) Subject to Standing Order 17, notice of every motion except of one under Standing Order 8 shall be given in writing, signed by the Elected Member in whose name it stands ("the Proposer") and seconded by another Elected Member ("the Seconder") **no later than the Monday of the second week before each ordinary meeting of the Council** to the Director: Governance and Assurance (Monitoring Officer).

(2) The Director: Governance and Assurance (Monitoring Officer) shall set out in the Summons for every meeting of Ordinary Council all motions of which notice has been duly given under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) in the following order, unless the Proposer of the motion has since withdrawn it in writing:

1. Largest Political Group Notice of Motion;
2. Second largest Political Group Notice of Motion;
3. Third largest Political Group Notice of Motion;
4. A Notice of Motion not received from a Political Group;
5. The order above thereafter to be repeated.

(3) If a motion set out in the Summons is not moved by the member who gave notice of it or by another member on his/her behalf, or is not duly seconded, it shall, unless postponed with the agreement of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(4) If the Mayor does not consider it convenient or conducive to the dispatch of business or the majority of councillors present do not agree that the motion will be dealt with at the meeting at which it is brought forward, it shall be referred without discussion to the Leader or such committee as the Mayor may determine for consideration.

(5) Where a motion has been referred to any committee or the Cabinet under the previous paragraph, any debate on that motion at a subsequent Council meeting shall take place upon the report or the recommendation of the committee(s) or the Cabinet and there shall be no separate debate upon the motion itself.

(6) The Proposer and Seconder of a motion which has been referred to the executive or any committee shall be given notice of the meeting at which it is to be considered. Either the Proposer or Seconder shall have the right to attend the meeting and an opportunity of explaining the motion.

(7) Every motion shall be relevant to some matter which affects the Borough or be related to the Council's powers or duties.

(8) If the Director: Governance and Assurance (Monitoring Officer) after consultation with the Mayor is of the opinion that a notice of motion is out of order it shall not be included in the Council Summons and that officer shall arrange for the members who signed it to be so informed.

(9) All amendments to motions submitted under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) must be submitted to the Director: Governance and Assurance (Monitoring Officer) by 10.00am on the Friday immediately preceding the Ordinary Council meeting at which the motion is to be debated. All such amendments shall be published by the Director: Governance and Assurance (Monitoring Officer).

(10) In the case of a Notice of Motion being referred to the Leader, Cabinet or a Committee of the Council by the Civic Mayor, the Standards and

Constitutional Oversight Committee shall determine the procedure for how such a referral shall be dealt with.

8. Motions which may be moved without notice having been given under Standing Order 7

The following motions may be moved without notice, but must be seconded. The mover must confine any remarks to the form of the motion:

(a) appointment of a Chair for the meeting at which the motion is made;
(b) motions relating to the accuracy of the minutes;
(c) that an item of business specified in the Summons has precedence;
(d) appointment of a committee or members of it, arising from an item mentioned in the Summons, or the submission to Council for approval of a name as a member of any body as required by the minutes of the Council or of a committee;
(e) adoption of reports and recommendations of committees or officers and any consequent resolutions;
(f) that leave be given to withdraw a motion;
(g) extending the time limit for speeches in accordance with Standing Order 12(7);
(h) that the Council proceed to the next business;
(i) that the question be now put;
(j) that the debate be now adjourned;
(k) that the Council adjourn to a specified time and date, or to such time and date as the Mayor may decide after consultation with the Leader of the Council;
(l) suspending a Standing Order in accordance with Standing Order 22A;
(m) motions under the Local Government (Access to Information) Act 1985 to exclude the public;
(n) that a member named under Standing Order 15 be not further heard or do leave the meeting;
(o) giving the consent of the Council where the consent of the Council is required by these Standing Orders;
(p) to amend the motion;
(q) to postpone consideration of the motion or amendment;
(r) motions and amendments on references by a Overview and Scrutiny Committee; and
(s) any motion or amendment relating to the referring of petitions or their debate at Council pursuant to Standing Order 34.

9. Conclusion of Council Meeting

(1) If the Council has not disposed of all Business by 9.15 pm on the day of the meeting it shall 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 (see Standing Order 12(14)(b) below).

(2) After that matter has been disposed of, all remaining matters listed for debate, shall be dealt with by being moved and seconded without discussion and put to the vote.

10. Questions

(1) At every ordinary Council meeting, except the Budget Council meeting, questions may be asked by either a member of the Council or a member of the public in accordance with this standing order.

(2) A member of the Council may:

(a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5(2) (h) of the Executive Board or a committee submitted to the Council at that meeting.

(b) ask the Mayor or the Chair of any committee or a Cabinet member a general question on any matter which affects the Borough or which is related to the Council's powers or duties. Notice of a general question must be given to the Director: Governance and Assurance (Monitoring Officer) by **10.00 a.m. on the Wednesday** preceding the day on which Council is held.

(3) A member of the public may ask a question in accordance with the procedure set out in the appendix to these standing orders.

(4) Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer.

(5) An answer may take the form of:

(a) a direct oral answer; or
(b) where the information requested is contained in a publication of the Council, a reference to that publication; or
(c) a written answer circulated to members of the Council either during the meeting at which the question is asked or subsequently.

(6) If a question relates to a matter within the competence of a sub-committee, the Chair may refer it to the Chair of that sub-committee, and the expression "Chair" in the standing order shall be interpreted in this way.

(7) Where a spokesperson has been nominated under the Local Government Act 1985 or any other statute to answer questions in Council on matters relating to the functions of other authorities, or any member or officer is required to answer questions pursuant to section 71(5) of the Local Government and Housing Act 1989 that

spokesperson, member or officer shall be treated as a Chair for the purposes of this Standing Order and those parts of it relating to general questions shall apply.

11. Restrictions and time limits on questions

(a) Any question shall be limited to 2 minutes.
(b) Questions by members on written report submitted under Standing Order 5(2)(h) may be asked in any order – the total number of questions on any one report shall not usually exceed five.
(c) Response to questions should be brief, succinct and to the point.
(d) The total time allocated to member questions and responses on the written reports submitted under Standing Order 5(2)(h) shall not exceed 45 minutes.
(e) Where a verbal response cannot be provided to any question asked by a member under Standing Order 10(2), a written response shall be provided within 10 working days thereafter.
(f) The Civic Mayor will broadly endeavour to call members and allocate the time for questions fairly and equitably.
(g) The Civic Mayor as an exception may agree to an extension of these numbers and time limits.

12. Rules of Debate for Council Meetings

12(1) Motions and Amendments

A motion or amendment shall relate to a recommendation of a committee submitted in accordance with Standing Order 5.2(l), or to a matter referred to in Standing Orders 7 and 8. It shall not be discussed unless it has been proposed and seconded.

The terms of any amendment or notice of motion shall not be varied except with the agreement of the Council

12(2) Joint Debates

The Council can agree to deal with the two or more related motions in one debate. Each mover and seconder should have the right to speak in accordance with Standing Order 12(7) and separate votes should be taken on each motion.

12(3) Seconding

A member when seconding a motion or amendment shall speak immediately before the reply made by either the Chair or the mover of the original motion, under paragraphs (5) or (6) of this standing order. No further ordinary speeches shall be made after the seconder has spoken.

12(4) Standing when speaking

A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order.

12(5) Right of reply (Amendment to Recommendation)

The Chair of the Committee or the Member of the Cabinet, the recommendation under 5(2)(l) of which is being debated, shall have the right of reply at the close of the debate on the amendment.

12(6) Right of reply (Notices of Motion under Standing Order 7)

The mover of a motion has a right to reply at the close of the debate on the motion. If an amendment is moved, only the mover of the original motion has a right of reply at the close of the debate on the amendment.

12(7) Speeches, restrictions and time limits

A member shall direct any speech to the matter under discussion or to a point of order as defined in paragraph (15) of this standing order. The following time limits shall apply to speeches:-

(a) the Chair, Cabinet Member or mover of the motion - not exceeding 5 minutes;
(b) the seconder of the motion or notice of motion - not exceeding 3 minutes;
(c) the Chair, Cabinet member or the mover of the motion, having the right to reply - not exceeding 3 minutes;
The Chair having the right to reply shall be entitled to give an explanation immediately after the motion has been moved and seconded but the total time allowed for the explanation and for the reply at the end of the debate shall not exceed 5 minutes;
(d) any other speakers - not exceeding 3 minutes.
The Civic Mayor as an exception may agree to an extension of these time limits for a period or successive periods of 2 minutes.

12(8) Restrictions on speaking more than once

A member who has spoken on any motion shall not speak again while it is the subject of debate, except

(a) to speak once on an amendment moved by another member;
(b) if the motion has been amended since the member last spoke, to move a further amendment;
(c) in exercise of a right of reply given by paragraphs (5), (6), (7) or (14) of this standing order;
(d) on a point of order.

12(9) Amendments

Subject to Standing Order 7(5) an amendment to a motion or recommendation of the Cabinet or of a Committee shall be relevant to the motion or recommendation under consideration and shall be either

(a) to refer or refer back a subject of debate for consideration or re-consideration as the case may be;
(b) to leave out words;
(c) to leave out words and insert or add others;
(d) to insert or add words.
(e) Where an ordinary Council meeting is scheduled to take place on a Monday, any amendment to a Notice of Motion submitted pursuant to Standing Order 7, must be submitted to the Director: Governance and Assurance (Monitoring Officer) (or his/her nominee) by no later than 10:00a.m on the Friday immediately preceding that ordinary Council meeting. In the case of any other scheduled ordinary Council meeting, any amendment proposed to a Notice of Motion, must be submitted to the Director: Governance and Assurance (Monitoring Officer) (or his/her nominee) at least two clear working days prior to the relevant ordinary Council meeting, unless the Civic Mayor agrees, giving reasons in writing, that it is in the public interest to allow the submission of the amendment at an alternative date and time as long as the effect of any amendment is not to negate the motion or recommendation.

12(10) Amendments to be dealt with in order

Only one amendment may be moved and discussed at a time.

12(11) Substantive motion

If an amendment is lost, other amendments notified under Standing Order 12(9)(e) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

12(12) Withdrawal of Motion or Amendment

A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused (see Standing Order 7(3)).

12(13) Motions which may be moved in course of debate

When a motion or amendment is under debate no motion shall be moved except the following:

(a) to amend the motion;
(b) to postpone consideration of the motion or amendment;

(c) to adjourn the meeting;
(d) to suspend Standing Order 9(1);
(e) to adjourn the debate;
(f) to proceed to the next business;
(g) that the question be now put;
(h) that a member be not further heard;
(i) by the Mayor under Standing Order 15, that a member do leave the meeting;
(j) a motion under the Local Government (Access to Information) Act 1985 to exclude the public;
(k) giving the agreement of the Council where the agreement is required by these standing orders.

12(14) Closure motions

A Member who has not spoken previously on a matter under debate may move without comment at the end of a speech of another member:

"That the Council proceed to the next business",
or "That the question be now put",
or "That the debate be now adjourned",
or "That the Council do now adjourn".

If the motion is seconded the Mayor shall proceed as follows:-

(a) On a motion to proceed to next business,

(i) the Mayor shall put the motion to proceed to the next business to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;

(ii) if that motion is not carried the Mayor shall allow the debate to continue;

(iii) if that motion is carried the Council shall immediately proceed to consideration of the next item of business.

(b) On a motion that the question be now put,

(i) the Mayor shall put the motion that the question be now put to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;

(ii) if that motion is not carried the Mayor shall allow the debate to continue;

(iii) if that motion is carried the Mayor shall call upon the seconder of the motion under discussion provided the seconder has not already spoken.

The Mayor shall then call upon the Chair, Cabinet member or the mover of the original motion to reply, as appropriate in accordance with paragraphs (5) or (6) of this standing order;

(iv) the Mayor shall then put the original matter under debate to the vote.

(c) On a motion to adjourn the debate or the meeting, the Mayor shall put the adjournment motion to the vote without calling on the Chair, Cabinet member or the mover of the original motion to reply under paragraphs (5) or (6) of this standing order. Similarly, the seconder of the original motion who has not already spoken shall not be allowed to speak.

12(15) Point of Order

A member may rise on a point of order and shall be entitled to be heard immediately.

A POINT OF ORDER SHALL RELATE ONLY TO AN ALLEGED BREACH OF A STANDING ORDER OR STATUTORY PROVISION, AND THE MEMBER SHALL SPECIFY THE STANDING ORDER OR THE STATUTORY PROVISION AND THE WAY IN WHICH HE/SHE CONSIDERS IT HAS BEEN BROKEN.

12(16) Mayor's ruling

The ruling of the Mayor on a point of order shall not be open to discussion.

12(17) Precedence of Mayor

Whenever the Mayor rises during a debate a member then standing shall be seated and the Council shall be silent.

13. Budget Council Procedure

The Director: Governance and Assurance (Monitoring Officer) shall prior to the budget meeting of the Council consult with the Leaders of each political group and submit to the Cabinet and the 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.

14. Motions affecting persons employed by the Council

If any question arises at a meeting of the Council (or at a committee of it or at Cabinet) to which the Local Government (Access to Information) Act 1985 applies as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or Cabinet has decided whether or not the power of exclusion of the public under the Act should be exercised.

15. Disorderly conduct

(1) If any member of the Council misconducts himself/herself at a meeting by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the named member be not further heard". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall take no further part in the debate in question.

(2) If the named member continues the misconduct after a motion under the previous paragraph has been carried, or if any member acts so irregularly, improperly or offensively that the member's continued presence at the meeting cannot reasonably be tolerated, the Mayor or any other member may move "That the named member leave the meeting immediately". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall leave the meeting immediately.

(3) If the named member continues the misconduct after a motion under paragraph (1) has been carried, the Mayor shall have a discretion, and as an alternative to pursuing the action set out in paragraph (2), to adjourn the meeting for a period of up to 30 minutes.

(4) In the event of a general disturbance which in the opinion of the Mayor prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

16. Disturbance by members of the public

(1) If a member of the public interrupts the proceedings at any meeting the Mayor shall issue a warning. If that person continues the interruption the Mayor may order the person to be removed from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Mayor may order that part to be cleared.

(2) In the event of a general disturbance which, in the opinion of the Mayor, prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

17. Rescission of preceding resolution

(1) No decision of the Council (including a decision taken by a committee or panel under delegated powers) may be reconsidered by the Council on a notice of motion within six months of the date of the earlier

decision unless the notice of motion (under Standing Order 7) is signed by 17 members of the Council. If that motion is rejected by the Council neither it nor one to the same effect can be considered by the Council for six months.

(2) No resolution or recommendation (other than a procedural resolution) made by a committee or panel during the course of a meeting shall be rescinded or amended by the committee or panel during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

18. Voting

(1) The normal method of voting at meetings of the Council shall be by show of hands unless the Council determines otherwise.

(2) The Mayor may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly.

(3) When the electronic voting system is being used, the Mayor may require or allow the vote to be retaken either electronically or by show of hands if he/she considers that there has been any malfunction of the equipment or any incorrect use of it.

(4) No individual votes will be recorded in the minutes of Council unless either a “card vote” is requested pursuant to paragraph (5) hereof or a “recorded vote” is requested pursuant to paragraph (6).

(5) If a member of the Council makes a request before a vote is taken for a “card vote” and is supported by five other members rising in their places, voting shall be by that method so as to show how all members present and voting gave their votes provided that when the electronic voting system is to be used a “card vote” shall mean only the electronic recording of such votes.

(6) Where immediately after a vote is taken at a meeting of the Council, any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the motion/amendment, or against the motion/amendment (a dissent) or whether he/she abstained from voting.

(7) When the electronic voting system is not being used, a card vote may still be requested during the procedure referred to in Standing Order 9(1).

(8) In taking a vote upon any question, only those members of the Council who are present in the Council Chamber and seated in their places when the question is put from the Chair shall be entitled to vote.

19. Voting on appointments

Where there are more than two persons nominated for any position to be filled by the Council and there is not a majority of the votes given in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

20. Interest of officers in contracts

The Director: Governance and Assurance (Monitoring Officer) shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours for inspection by any member of the Council.

21. Petitions

Petition shall be dealt with in accordance with Standing Order 34. Save as permitted by Standing Order 34 no person shall be entitled to speak to a petition at Council.

22. Interpretation of Standing Orders

The ruling of the Mayor as to the interpretation or application of any of the standing orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

22A. Suspension of Standing Orders

(1) Subject to paragraphs (2) and (3) of this standing order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of the Council where its suspension is moved.

(2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 9) unless there shall be present at least one half of the whole number of the members of the Council.

(3) Standing Orders 6(3), 18(6), 23(f) (and the reference thereto in Standing Order 33) shall not be capable of being suspended without statutory authority.

SECTION 2 - RELATING TO COMMITTEES

23. Standing Orders to apply to committees and sub-committees

The following standing orders of the Council shall, with any necessary modification, apply to committee, sub-committee and panel meetings -

(a) Rules of Debate (except for those parts which relate to standing, to speaking more than once, and to amendments being in writing) - S O 12
(b) Motions affecting persons employed by the Council - S O 14
(c) Disorderly conduct - S O 15
(d) Disturbance by members of the public - S O 16
(e) Rescission of preceding resolution - S O 17
(f) Recording of votes - S O 18(6)
(g) Voting on appointments - S O 19
(h) In relation to start time – S O 1
(i) In relation to the suspension of standing orders – SO 22A

24. [*This Procedure Rule has been deleted*]

25. Committees, Sub-Committees of the Council and Attendance

(1) Unless its terms of reference provide otherwise, a committee may authorise one of its sub-committees or any officer of the Council to discharge any of its functions.

(2) Unless it is expressly stated to the contrary, reference to committees and sub-committees in this section of Standing Orders shall be taken not to include panels (see Standing Order 33).

(3) No member shall be appointed to a committee of the Council so as to hold office later than the next Annual Meeting of the Council.

(4) The Council may at any time dissolve such a committee or alter its membership.

(5) The Leaders and Deputy Leaders of the three largest political groups represented on the Council shall, if not members, be permitted to attend meetings of the Cabinet, committees and Overview and Scrutiny Committees, sub-committees and panels, but with the right to speak only at the Chair's invitation.

(6) When a casual vacancy occurs, or when a political group wishes to alter its representation on such a committee, the relevant political group shall submit a replacement nomination to the Director: Governance and Assurance (Monitoring Officer), who shall report the nomination to the next meeting of the Council. The appointment of the

nominee shall be deemed to take effect when the nomination has been reported, without the need for a vote.

(a) The Council may appoint named deputies for members of its committees and each committee may appoint named deputies for members of its subcommittee(s) and panel(s) up to a maximum of eight for each political group, and such deputies shall be authorised to deputise for any member of their group who is unable to attend a meeting.

(b) In the absence of the first named deputy the second member is deemed to be the deputy and in the absence of both the third shall be the deputy, and so on.

(c) If apart from this paragraph a person would be entitled to act as a deputy for more than one member of the committee that person shall be the deputy for the member whose surname has alphabetical priority and shall be regarded as absent in deciding which other deputy members are entitled to act in the absence of any other member of the committee.

(d) Once a meeting has commenced no member shall be replaced by a deputy and no deputy shall be replaced by any other member provided that where a meeting has been adjourned to another date the adjourned meeting shall be regarded as a separate meeting for the purposes of this Standing Order. The exception to this is where meetings are considering individual applications and where changes in membership are necessary due to declarations of interest.

(7) A member of the Cabinet shall not be appointed to serve on any Overview and Scrutiny Committee of the Council.

26. Special meetings of committees

(1) The Chair of the Cabinet or of any committee or sub-committee (or his/her nominee) may authorise the calling of a special meeting at any time, provided that in the case of the Cabinet the Chair should consult other party leaders represented on the Cabinet and in the case of committees the relevant party spokespersons prior to any decision on the date of the meeting.

(2) A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question or by any three members of the committee - delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting be organised within 14 days of the date of receipt of the requisition or as soon as reasonably practicable, the actual date being determined by the Head of Legal and

Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.

(3) No special meeting of a committee or sub-committee shall be held in the period between the last meeting of the Council before the summer recess and the 1st of September in any year without the agreement of the Chair.

(4) The Director: Governance and Assurance (Monitoring Officer) may convene a meeting of a Overview and Scrutiny Committee when required to comply with the Call-In procedure.

27. Attendance of members of the Council at Cabinet and committee meetings

A member of the Council may attend any meeting of the Cabinet, a standing committee, sub-committee or panel of the Council, even though he or she is not a member of the committee/sub-committee/panel. Non-members of the Cabinet, committee, sub-committee or panel may be excluded from the meeting if, in addition to passing a resolution pursuant to the Local Government (Access to Information) Act 1985, the committee/subcommittee/ panel also passes a resolution excluding non-members of that committee/sub-committee/panel. This standing order shall not affect a member's rights at common law.

28. Selection of Mayor and Deputy Mayor of the Council

The Cabinet shall be empowered to make recommendations to the Annual Meeting of the Council of the name of the person to be proposed for election as Mayor and of the name of the person to be proposed for appointment as Deputy Mayor.

29. Quorum of committees and sub-committees

(1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present.

In no case shall a quorum of a committee be fewer than four members.

(2) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of a sub-committee or panel unless at least one quarter of the whole number of the subcommittee is present.

In no case shall a quorum of a sub-committee be fewer than three members.

30. Voting in committees and sub-committees

Voting at a meeting of a committee, sub-committee or panel shall be on a show of hands, and where there is an equality of votes the Chair of the meeting shall have a second or casting vote. The minutes of a committee, sub-committee or panel shall record the number of votes cast for and against any motion which is put to the vote. All motions and amendments formally moved and seconded shall be recorded in the minutes.

31. Proceedings of committees to be confidential

Reports and documents marked "Not for Publication" shall be so treated unless and until they become public in the ordinary course of the Council's business or until that classification is removed by a committee, sub-committee or panel or by the Council. Reports marked "Confidential" shall remain confidential at all times.

32. Surrender of delegated powers

Where any powers or duties have been delegated to the Pensions Committee it may submit any of its decisions to the Council for approval if it so decides. It must submit any decision in this way if requested to do so at the meeting at which that decision is made by at least one quarter of the total number of members present and voting. The request may be made before or after the vote is taken provided the next item of business has not been called.

33. Panels

(1) A Committee may appoint one or more panels of members for the purpose of advising on or deciding any matter within the committee's terms of reference. The need for such panels shall be kept under review and in particular shall be reviewed at the first meeting of the Committee in each municipal year.

(2) Committees may appoint the Chairs, Vice-Chairs and members of panels.

(3) Panel meetings shall be summoned by the Director: Governance and Assurance (Monitoring Officer) (or by another officer duly nominated) with the consent of the Chair of the panel.

(4) The minutes of each panel meeting shall be submitted to the subsequent meeting of the committee concerned.

(5) Notwithstanding the delegation of any powers to a panel, a panel may, if it so decides, submit a matter to the committee concerned or to a sub-committee for decision.

(6) Standing Orders 23, 25(4) and (6), 27, 29(2), 30 and 31 shall apply to meetings of panels. Any reference to a committee or sub-committee in

other parts of the Council's Rules of Procedure shall be construed as including a panel.

34. Petitions

Petitions will be managed in accordance with the Petition Scheme

35. Calling-In of decisions

(1) All decisions of:

(i) the Cabinet;
(ii) an individual member of the Cabinet; or
(iii) a committee of the Cabinet; and
(iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

(2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).

(3)

(i) During that period, the Chief Executive shall Call-In a decision for scrutiny by the responsible Overview and Scrutiny Committee in which the matter relates if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory by the Call-In deadline. When a Call-In is requested, the Chief Executive shall liaise with the Member listed first on the Call-In schedule to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the Call-In should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a special meeting of one of the Overview and Scrutiny Committees, designated through consultation with the Chairs of the committees, on such date as he/she may determine, where possible and in any case within 15 working days of the decision to Call-In.

(ii) The relevant Chief Officer and all members will be notified of a Call-In immediately and no action will be taken to implement the decision until the Call-In procedure has been completed. A

decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may be called in only once.

(iii) The meeting of the committee to consider the Call-In shall be quorate if four (4) or more members are in attendance.

(iv) The meeting of the Overview and Scrutiny Committee shall commence at 4:00pm unless otherwise agreed by the Chairperson.

(v) Should a committee meeting be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new committee meeting convened within 7 working days.

(4) Having considered the decision, the Overview and Scrutiny Committee may:-

(i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;

(ii) refer the matter to full Council. Such a referral should only be made where the Overview and Scrutiny Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.

(5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.

(6) If following a Call-In, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting. If the Overview and Scrutiny does not meet the decision shall take effect from the date when the Committee should have met.

(7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.

(8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request.

Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.

(9) Call-In should only be used in circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.

(10) Call-In and urgency

(a) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the Call-In process would seriously prejudice the Council's or the public's interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to Call-In. The Chief Executive must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(b) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

(11) Call-In shall be consistent with the Scrutiny Call-In Guidelines. The Scrutiny Call-In Guidelines shall be amended / approved by Overview and Scrutiny Committee Chairs as required.

APPENDIX 1

STANDING ORDER 10

Public Question Time - Procedure

There shall be a period of the Council Meeting of not more than 30 minutes in total during which any member of the public may address a question to the Leader, Cabinet Member, Chair of a Overview and Scrutiny Committee or Chair of an Ordinary Committee.

To qualify as a questioner a person must be a registered voter in Wirral or a representative of a local firm or organisation.

Questions must be submitted in writing to Director: Governance and Assurance (Monitoring Officer) at least five clear working days before the meeting of Council and must relate to the discharge of the Council's functions.

Questions may be edited as necessary by Director: Governance and Assurance (Monitoring Officer) to bring them into proper form and to ensure brevity.

Questions which, in the opinion of Director: Governance and Assurance (Monitoring Officer) and the Mayor are defamatory, frivolous or otherwise improper or objectionable may be rejected.

The Mayor shall call questions in the order in which they have been received and the questioners must read them out.

Replies to the questions shall be oral unless the person questioned feels that a written response may be more suitable.

No speeches or discussion will be allowed but the questioner may ask one supplemental question.

If there is insufficient time for all questions, written replies will be made to any unanswered question.

A questioner may ask only one question at each meeting of the Council (subject to the right to ask a supplementary on that question) but if that person has asked a question at a previous meeting the Mayor shall have the right to change the order of questions or to reject questions which are repetitious.

Persons not able to attend to ask a question will be provided with a written answer in due course.

PART 4B

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, area committees (if any), the Standards and Constitutional Oversight Committee and regulatory committees and public meetings of the Cabinet and Executive Board (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETINGS

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Town Hall, Wallasey.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;
(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
(c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with any item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:-

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
(c) the agenda for the meeting; and
(d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

Every report will contain a list of those documents called background papers relating to the subject matter of the report which in his/her opinion:-

(a) disclose any facts or matters on which the report or an important part of the report is based; and
(b) which have been relied on to a material extent in preparing the report but that list need not include published works or those which disclose exempt or confidential information (as defined in Rule 9) and, in respect of Cabinet or Executive Board reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.2 Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.3 **Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its disclosure or information which cannot be publicly disclosed by Court Order.

9.4 **Meaning of exempt information**

Exempt information means information falling within the following categories (subject to any condition):-

CATEGORY	**CONDITION**
1. Information relating to an individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated. Information is only exempt: (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated. Information is only exempt: (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or

	(c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding the information) *'financial or business affairs' includes contemplated, as well as past or current, activities* *This category will include commercial and contractual interests*	Information is not exempt information if it is required to be registered by law e.g. Companies Act 1985, the Charities Act 1993 etc Information is only exempt if and for so long as: (a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or (b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or (c) disclosure of trade secrets and other information would, or would likely, prejudice the commercial interests of any person, including the Council; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority '*Labour relations matters' are as specified in paragraphs (a) to (g) of*	Information is only exempt if and for so long as its disclosure to the public: (a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.

Section 29(1) of the Trade Unions and Labour Relations Act 1974 *i.e. matters which may be the subject of a trade dispute* *'employee' means a person employed under a contract of service* *'office-holder' means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority*	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information is only exempt: (a) where a claim of legal professional privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or (b) to make an order or direction under any enactment	Information is exempt only if and so long as: (a) disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and (b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is only exempt if its disclosure would, or would be likely to, prejudice- (a) criminal investigations and proceedings; or

	(b) the apprehension or prosecution of offenders; or (c) the administration of justice; or (d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or (e) regulatory enforcement; or (f) any civil proceedings; or (g) Health and safety; or (h) information obtained from confidential sources; and (i) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
In addition to the categories referred to above, the following categories will apply to the proceedings of the Standards and Constitutional Oversight Committee only in connection with the investigation and consideration of an allegation(s) of a breach of the Council's Member Code of Conduct	
7A. Information which is subject to any obligation of confidentiality	
7B. Information which relates in any way to matters concerning national security	Information is only exempt if its disclosure would, or would be likely to, prejudice- (a) matters concerning national security; and (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
7C. The deliberations of the Standards Committee in reaching any finding on a matter relating to the conduct of an elected or Co- opted/Advisory Member and Parish/Town Councillors	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Director: Governance and Assurance thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public.

Such reports will be marked “Not for publication” together with the category of information likely to be disclosed. The report will explain why it is being treated as exempt.

11. APPLICATION OF RULES TO THE CABINET

Rules 12 - 19 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 - 10 unless Rule 14 (general exception) or Rule 15 (special urgency) applies.

A key decision is as defined in Article 13.3 of this Constitution.

12. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 14 (general exception) and Rule 15 (special urgency), a key decision may not be taken unless:-

(a) a notice (called here a forward plan) has been published in connection with the matter in question;
(b) at least 28 clear days have elapsed since the publication of the forward plan; and
(c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

13. THE FORWARD PLAN

13.1 The forward plan will be published on the Council’s website and will be updated from time to time as required.

13.2 In respect of Key Decisions the forward plan will contain the following information:

(a) that a key decision is to be made on behalf of the relevant local authority;
(b) the matter in respect of which the decision is to be made;
(c) where the decision maker is an individual, that individual’s name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
(d) the date on which, or the period within which, the decision is to be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and
(h) the procedure for requesting details of those documents (if any) as they become available.

14. GENERAL EXCEPTION

(1) Subject to regulation 11, where the publication of the intention to make a key decision under regulation 9 is impracticable, that decision may only be made:

(a) where the Director: Governance and Assurance informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the Committee by notice in writing, of the matter about which the decision is to be made;

(b) where the Director: Governance and Assurance published on the Council's website a copy of the notice given pursuant to sub-paragraph (a); and

(c) after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

(2) As soon as reasonably practicable after the Director: Governance and Assurance complied with paragraph (1), he or she must –

(a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with Rule 12 is impracticable; and
(b) publish that notice on the Council's website.

15. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 14 (general exception) cannot be followed then the decision can only be taken if the decision taker (if an individual) or the leader obtains the agreement of the chair of the relevant Overview and Scrutiny Committee or the Mayor that taking the decision cannot be reasonably deferred. If the chair or Mayor is unable to act, then the agreement of the Deputy Mayor will suffice.

16. REPORT TO COUNCIL

16.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

(a) included in the forward plan; or
(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chair, or the Mayor of the Council under Rule 15; the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Director: Governance and Assurance, who shall require such a report on behalf of the committee when so requested by the chair or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

16.2 **Cabinet Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

16.3 **Quarterly Reports on Special Urgency Decisions**

In any event the Leader will in the report to the Council report on the Executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.

17. **RECORD OF DECISIONS**

After any meeting of the Cabinet or any of its committees, the Director: Governance and Assurance or the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

18. **DECISION BY INDIVIDUAL MEMBERS OF THE CABINET**

18.1 **Record of individual decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Cabinet or key decision has been taken by an officer, he/she will prepare, or instruct the Director: Governance and Assurance, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

19. **OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

19.1 **Rights to copies**

Subject to Rule 19.2 below, an Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:-

(a) any business transacted at a meeting of the Cabinet or its committees;
(b) any decision taken by an individual member of the Executive.

19.2 **Limit on rights**

An Overview and Scrutiny Committee will not be entitled to:-

(a) any document that is in draft form;
(b) the advice of a political adviser.

19.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have.

PART 4C

Budget and Policy Framework Procedure Rules

1. The framework for Executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Developing the Budget and Policy Framework

The process by which the Budget and Policy Framework shall be developed and revised is:

(a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chair and Vice Chair of the Co-ordinating Committee will also be notified. Consultation will take place in a manner and to the extent that is appropriate in the circumstances.

(b) In relation to proposals associated with the preparation of or alterations to the Development Plan the Executive will develop draft proposals for the purpose of public consultation in accordance with regulations 10 to 22 of the Town and Country Planning (Development Plans) (England) Regulation 1999. The draft consultation proposals will be submitted to Council for approval or amendment.

(c) At the end of the consultation period, the Cabinet will draw up firm proposals for plans and the budget having regard to the responses to that consultation. The Cabinet's report to Council will reflect the comments made by consultees and the Cabinet's response.

(d) Once the Cabinet has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

3. Adoption of plans and strategies

(a) Where the process at Paragraph 2 results in the Leader or Cabinet submitting a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph (b).

(b) Before the Council—
(i) amends the draft plan or strategy;

(ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give instructions requiring the Leader or Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

(c). Where the Council gives instructions in accordance with paragraph (b), it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader or Cabinet may—

(i) submit a revision of the draft plan or strategy as amended by the Leader or Cabinet (the "revised draft plan or strategy"), with the Leader or Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(ii) inform the Council of any disagreement that the Leader or Cabinet has with any of the Council's objections and the Leader or Cabinet's reasons for any such disagreement.

(d) When the period specified by the Council, referred to in paragraph (c), has expired, the Council must, when—

(i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Leader or Cabinet's reasons for those amendments, any disagreement that the Leader or Cabinet has with any of the Council's objections and the Leader or Cabinet's reasons for that disagreement, which the Leader or Cabinet submitted to the Council, or informed the Council of, within the period specified.

4. Adoption of the Budget

(a) The process at Paragraph 2 will result in Cabinet making recommendations to Council on budget proposals and estimates in relation to the following financial year to a Budget Decision meeting of Council to enable the Council to set a lawful and balanced budget and to set the Council Tax by 11th March each year. Every Council has a statutory obligation to agree the Council tax by that date.

(b) The Budget Decision meeting of Council will only consider:

(i) the Cabinet's Budget Recommendations/Minutes, which shall include any additional paragraphs/ recommendations (e.g. those relating to precepts), together with any other recommendation(s)/minute(s) from the last relevant Cabinet meeting held before the meeting of Council (and/or any other relevant Cabinet meeting) that require approval by the Council; and

(ii) any objections to those Recommendations, Alternative Budget Proposal(s) or Amendment(s) to the Cabinet's Budget Recommendations/Minutes referred to at (i).

(c) Where the Council, following consideration of those estimates or amounts, has any objections to them, it must take the action set out in paragraph (d). Where those objections take the form of a proposal to move a substantial amendment or amendments which amount to an alternative budget decision to be adopted by the Council, they may only do so provided they give notice in writing of the proposed amendment(s) to the Monitoring Officer no later than **12 noon three working days before the Council meeting** (not including the day of the meeting).

(d). Before the Council makes a Budget Decision, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to the Leader instructions requiring the Leader and Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

(e). Where the Council gives instructions in accordance with paragraph (d), it must specify a period of at least five working days beginning on the day after the date on which the Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may—

(i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

(ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

(f). When the period specified by the Council, referred to in paragraph (e), has expired, the Council must, when making a Budget Decision, take into account—

(i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(ii) the Cabinet's reasons for those amendments;

(iii) any disagreement that the Cabinet has with any of the Council's objections; and
(iv) the Cabinet's reasons for that disagreement,

which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.

(g) Immediately after any vote is taken at a Budget Decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

(h) Within these Rules "Budget Decision" means a meeting of the full Council:
(i) at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992;
(ii) which includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and
(ii) in respect of which references to a vote are references to a vote on any decision related to the making of the calculation.

5. Decisions outside the budget or policy framework

(a) Any person or body exercising executive functions must normally act within the budget and policy framework. A decision is outside the budget and policy framework if it is contrary to the policy framework set out in Article 4 of the Constitution or contrary to or not wholly in accordance with the budget as defined in Article 4.

(b) Urgent decisions outside the budget or policy framework may be made in the circumstances described in paragraph 5 below.

(c) Virement will be possible to the extent described in the Council's Financial Procedure Rules.

(d) In any other circumstances if a person or body exercising executive functions wishes to make a decision which is outside the budget or policy framework, then that decision may only be taken by the Council. It is the duty of the person or body who wishes to make the decision to refer it to Council.

(e) In any case if a person or body wishes to make a decision which appears to be outside the budget or policy framework they shall take advice from the Monitoring Officer and/or the Chief Finance Officer. Those officers shall advise as to whether the proposed decision would in fact be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be

referred by that body or person to the Council for decision. The only exception to this is if the decision is a matter of urgency. In that case the provisions in paragraph 6 (urgent decisions outside the budget and policy framework) shall apply.

6. Urgent decisions outside the budget or policy framework

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

(a) Any person or body discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

(i) if it is not practical to convene a quorate meeting of the full Council; and
(ii) if the Chair and Vice Chair of a Scrutiny agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council must be noted on the record of the decision. The consent of the Chair and Vice Chair of a Scrutiny Committee whose terms of reference would allow it to scrutinise the proposed decision shall suffice as to the decision being taken as a matter of urgency must also be noted on that record. In the absence of the Chair and Vice Chair of the Scrutiny Committee the consent of the Mayor will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7. Virement

The Council's Financial Procedure Rules set out procedures and limitations on virement within budget heads.

8. In-year changes to policy framework

All decisions in relation to executive functions must be in line with the policy framework. Only the Council can change any policy or strategy which is part of the framework except that the Cabinet may make changes:

(a) to give effect to a ministerial requirement in relation to any plan or strategy submitted to him for approval;

(b) if so authorised by the Council when approving or adopting the plan or strategy.

(c) Any decisions subject to the provisions of paragraph 5 above.

9. Call-in of decisions outside the budget or policy framework

(a) Where the Co-ordinating Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

(b) In respect of functions, which are the Executive functions, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Co-ordinating Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Coordinating Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 14 days of the request by the Co-ordinating Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may:

(i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

PART 4D

Overview and Scrutiny Procedure Rules

1. The number and arrangements for Overview and Scrutiny Committees

The Council has established Overview and Scrutiny arrangements in accordance with the requirements of the Local Government Act 2000.

The Council will have three Overview and Scrutiny Committees as set out in article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub committees. The role of Overview and Scrutiny Committees is wide ranging and can relate to all the Council's functions and responsibilities and to external bodies.

The Council recognises that these arrangements are an important and integral part of its political structure not only in relation to calling the Cabinet to account but more importantly allowing all Members of the Council to participate in the development of the Council's policies, plans and strategies including the formulation of the Budget and the Policy and Planning Framework and to contribute to decision-making in the Council.

The role for the Council in scrutinising other public bodies, such as the National Health Service, is recognised and the Council's arrangements reflect these statutory responsibilities.

2. Membership of Overview and Scrutiny Committees

All Councillors except for members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision with which he/she has been directly involved. A member of an Overview and Scrutiny Committee may however be involved in scrutinising the recommendations of a working party, where he or she was involved in drawing up those recommendations.

3. Education Regulation Co-optees

The Children and Families Overview and Scrutiny Committee and any sub-committee dealing with education matters shall include in its membership the following co-optees:

(a) One Church of England diocese representative

(b) One Roman Catholic diocese representative

(c) Two parent governor representatives

Where the Children and Families Overview and Scrutiny Committee / sub-committee deals with other matters, these statutory consultees shall not vote on those matters, though they may stay in the meeting and speak.

4. Meetings of the Overview and Scrutiny Committees.

There shall be at least four ordinary meetings of each Overview and Scrutiny Committee in each year plus further dedicated meetings to support the annual consultation and/or budget setting process where necessary. In addition, extraordinary meetings may be called from time to time as and when appropriate. Committee meetings may be called by the Chair (after consulting the Party Leaders or spokespersons before the date is determined), or on the requisition of any two party spokespersons for the committee or sub-committee in question, or by any three members of the committee - delivered in writing to the Director: Governance and Assurance. (see Council Procedure Rules, Standing Order 26 for further information).

5. Quorum

The quorum for an Overview and Scrutiny Committee shall be set out in the Council Procedure Rules in Part 4 of the Constitution (Standing Order 29).

6. Overview and Scrutiny Committees Chairs

(a) The Chairs and Vice Chairs of Overview and Scrutiny Committees will be appointed by Council. Sub-committee Chairs will be drawn from among the members sitting on the sub-committee.

(b) The Chairs and Vice Chairs of the Overview and Scrutiny Committees shall have discretion to determine how cross-cutting matters / issues will be allocated between the committees.

(c) Regular meetings of the committee Chairs will be convened to review the work programme and allocation of cross-cutting matters / issues as appropriate.

7. Work Programme

The Overview and Scrutiny Committees will be responsible for developing a single integrated Overview and Scrutiny work programme. The work programme will reflect the priorities of the Wirral Plan.

8. Agenda items

Any member of an Overview and Scrutiny Committee or sub-committee, Cabinet Portfolio Holder or the Leader shall be entitled to notify the Chair that they wish an item falling within the remit of the committee be included on the agenda of the next available meeting of the Committee / sub-committee. On receipt of such a request, the Chair will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and / or Council. The Cabinet and / or Council shall consider the report of the Overview and Scrutiny Committee within two months of receiving it or the next available meeting should that not be possible.

9. Policy review and development

(a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of the constitution.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committees or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(c) Overview and Scrutiny Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committees

(a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committees will prepare a written report for submission to Cabinet (if the proposals are consistent with the existing budget and policy framework), or to the Council (if the recommendation would require a departure from or change to the agreed budget and policy framework).

(b) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months or the next available meeting should that not be possible.

11. Making sure reports are considered by the Cabinet

The agenda for meetings of the Cabinet will, where appropriate, include an item entitled 'Issues arising from Overview and Scrutiny Committees'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included in that point in the agenda (unless they have been considered in the context of the deliberations on a substantive item on the agenda) within two months of the

Overview and Scrutiny Committee completing its report/recommendations or the next available meeting should that not be possible.

12. Rights of Overview and Scrutiny Committee members to documents

(a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

(a) Any Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any officer to attend before it to explain in relation to matters within its remit:-

(i) any particular decision or series of decisions;
(ii) the extent to which the actions taken to implement Council policy; and / or
(iii) their performance

(b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that committee will inform the Head of Legal and Democratic Services who will inform the member or officer giving at least three working days notice of the meeting at which they are required to attend. This notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where in exceptional circumstances, the member or officer is unable to attend on the required date, the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of fifteen working days from the original request.

14. Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and / or answer questions. It may, for example, wish to hear from members and officers in other

local public sector organisations, or from residents or other stakeholders and shall invite such people to attend.

15. Call-In

Arrangements for Call-In shall be conducted in accordance with Part 4a of the Council's Constitution (Standing Order 35).

In considering any matter called-in the Overview and Scrutiny Committee shall follow the process set out in **Annex 1** and will have due regard to the Call In Guidelines that have been produced to support consistency in the Call-In process.

16. Referral of Notices of Motion from Council

Council Standing Order 7 enables Notices of Motion to be referred to an Overview and Scrutiny Committee. Under those circumstances:

(a) The Proposer and Seconder of a motion which has been referred above shall be given at least 7 days notice of the meeting at which the motion is to be considered. The Proposer (or in his/her absence, the Seconder) shall be expected to attend the meeting and explain the Motion.

(b) The Chairperson may call an extraordinary meeting of the Committee if he/she considers the matter to be time sensitive and the matter should be considered before the next scheduled meeting of the Committee.

(c) At the discretion of the Chairperson, other persons with expertise on the subject of the Motion may be invited to attend the meeting at which it is to be considered.

(d) The following shall apply to speakers:-

- (i) the Proposer (or in his/her absence, the Seconder) of the Motion – shall have up to 5 minutes to explain the motion (unless otherwise permitted by the Chairperson).
- (ii) any other person – up to 3 minutes (unless otherwise permitted by the Chairperson).
- (iii) the Proposer (or in his/her absence, the Seconder) of the Motion shall have the right of reply - not exceeding 3 minutes (unless otherwise permitted by the Chairperson).
- (iv) Questions may be asked of speakers by the Committee – not exceeding 5 minutes (unless otherwise permitted by the Chairperson).

(e) Should both the Proposer and Seconder of the motion be unable to attend, no written submission on their behalf will be permitted and the motion shall be considered in their absence.

(f) Consideration of the motion may be deferred to a future meeting to allow further information to be provided or other persons to attend.

(g) Subject to (f) above, the Committee shall debate the Motion and reach a decision.

(h) Any decision taken in respect of the motion shall be referred to the next Ordinary Council meeting for consideration.

17. The party whip

When considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip and the nature of it before the Overview and Scrutiny Committee's consideration of the matter. The declaration and detail of the whipping arrangement shall be recorded in the minutes of the meeting.

18. Procedure at Overview and Scrutiny Committee meetings

(a) Overview and Scrutiny Committees and sub-committees shall consider the following business:-

(i) declarations of interest (including Party Whip declarations);
(ii) minutes of the previous meeting(s);
(iii) response of the Cabinet to reports of the Overview and Scrutiny Committee;
(iv) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny Committees conduct investigations (e.g. with a view to policy development), the committees may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:-

(i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
(ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19. Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee falls within the remit of more than one Overview and Scrutiny Committee, the decision as to which Committee will be responsible for the matter will be resolved by agreement of the Chairs of the Overview and Scrutiny Committees.

ANNEX 1 CALL IN PROCEDURE

Chair's opening remarks (5 minutes)
The Chair will open the special Committee meeting convened to consider the Call-In and set out the procedure as follows:

Explanation of the call in by the lead signatory (5 minutes)
The Chair will invite the lead signatory to set out the reasons for the Call-In.
Members of the Committee will be invited to ask the lead signatory questions.

Overview and explanation of the decision taken by the relevant Cabinet Member (5 minutes)
The Chair will invite the Cabinet Member to explain the reasons for the decision.
Members of the Committee will be invited to ask the Cabinet Member questions.

Evidence from call in witnesses
The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement (not to exceed 5 minutes) if they wish, prior to questions from Members of the Committee.

(Running order of witnesses)

Evidence from decision-taker's witnesses
The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement if they wish (not to exceed 5 minutes), prior to questions from Members of the Committee.

Summary of the lead signatory (5 minutes)
The Chair will invite the lead signatory to summarise the key points of evidence given in support of their case.

Summary of the decision-taker (5 minutes)
The Chair will invite the decision-taker to summarise the key points of evidence given in support of the initial decision.

Committee Debate
The Chair will invite comments, observations and discussion from members of the Committee.

Committee Decision
The Committee having considered the evidence and debate may:-

- Refer the decision back to the Cabinet Member setting out in writing the nature of its concerns.

- Refer the matter to the Council. Such a referral should only be made where the Overview and Scrutiny believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.

- Uphold the decision - If the Overview and Scrutiny Committee agrees with the initial decision the relevant Senior Officer may implement it without delay.

PART 4E

FINANCIAL REGULATIONS

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1 INTRODUCTION

1.1 The Financial Regulations and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to all Members and Officers of the Council and anyone acting on its behalf.

1.2 All Members and officers, and others acting for the Council, have a responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1.3 The Director: Finance and Investment is responsible for maintaining a continuous review of Financial Regulations and implementing any changes in accord with the procedures set out in the Constitution. The Director: Finance and Investment is also responsible for reporting, where appropriate, breaches of the Financial Regulations to appropriate Committees and/or the Council.

1.4 Chief Officers are responsible for ensuring that all officers in their directorates are aware of, and comply with, the Council's Financial Regulations and Contract Procedure Rules.

1.5 Officers requiring further advice should contact their line manager. Any failure to comply may lead to action by management in accordance with the Council's disciplinary procedures.

1.6 The Financial Regulations and Contract Procedure Rules set out the framework for managing the Council's financial affairs. As such they do not cover every eventuality and therefore the spirit should always be followed. Where there is any uncertainty in respect of the Financial Regulations, the Director: Finance and Investment (Chief Finance Officer) should be consulted. Where there is uncertainty in respect of the Contract Procedure Rules the Director: Governance and Assurance (Monitoring Officer) and Head of Procurement should be consulted.

Note Throughout this document the term Chief Officers is used and refers to the Executive / Managing Directors, Directors and Assistant Directors as per the Senior Management structure of the Council. The Director: Finance and Investment should be assumed to be the Chief Finance Officer and the Director: Governance and Assurance is assumed to be the Monitoring Officer when reading this document.

2 FINANCIAL MANAGEMENT

2.1 Why is this important?

2.1.1 Financial Management encompasses all financial accountabilities in relation to the running of the Council, including the budget and policy framework.

2.2 Responsibilities of Elected Members

- The Council: Approves the policy framework and budget within which the Cabinet operates and approves the Constitution.
- The Cabinet: Propose the policy framework and budget to the Council and discharge functions in accordance with the policy framework and budget.
- Executive Members: Individual Executive Members have decision making powers in accordance with the Constitution (including the Financial Regulations and Contract Procedure Rules) and Scheme of Delegation.
- Overview and Scrutiny Committee: Scrutinises Cabinet / Executive decisions before or after they have been implemented.
- Audit and Risk Management Committee: An advisory body that reports to the Council having right of access to all information it considers necessary and can consult directly with auditors.

2.3 Responsibilities of Statutory Officers

- Head of Paid Service (Chief Executive) is responsible for the corporate and overall strategic management of the Council and monitoring the performance of the organisation.
- Monitoring Officer (Director: Governance and Assurance).The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct; for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Executive, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

2.4 The Role of the Chief Finance Officer (Director: Finance and Investment)

2.4.1 The Chief Finance Officer (also known as the Section 151 Officer) has statutory duties in relation to the financial administration and stewardship of the Council which cannot be overridden. Also appointed as the Council's Money Laundering Reporting Officer and will maintain and advise on Anti-Money Laundering procedures.

2.4.2 The statutory responsibility arises from:

(i) Section 151 of the Local Government Act 1972.

(ii) The Local Government and Finance Act 1988.
(iii) The Accounts and Audit Regulations 2003.

2.4.3 The responsibility is for the proper administration of the Council's financial affairs and includes:

(i) setting and monitoring compliance with appropriate financial management standards;
(ii) advising on the corporate financial position and on the key financial controls to secure sound financial management;
(iii) providing financial information;
(iv) preparing the revenue budget and capital programme;
(v) treasury management;
(vi) ensuring an adequate and effective system of internal audit is in place.

2.4.4 Section 114 of the Local Government Finance Act 1988 requires the Director: Finance and Investment (Chief Finance Officer)to consult with the Head of Paid Service and Monitoring Officer and to report to the Council, Cabinet and external auditor, if the Council or one of its officers:

(i) has made, or is about to make, a decision which involves incurring unlawful expenditure;
(ii) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
(iii) is about to make an unlawful entry in the Council's accounts.

2.4.5 The Director: Finance and Investment (Chief Finance Officer) must also make a report under this section if it appears that the expenditure of the Council (including that which it is proposing to incur) in a financial year is likely to exceed the resources available to meet that expenditure.

2.5 The Role of Chief Officers

2.5.1 Chief Officers are responsible for ensuring that the Cabinet is advised of the financial implications of all proposals and that those implications have been agreed by the Director: Finance and Investment (Chief Finance Officer).
2.5.2 Chief Officers must consult the Director: Finance and Investment (Chief Finance Officer) and seek his/her approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

2.6 Financial Management Standards

2.6.1 All officers and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and

the controls that are in place to ensure that these standards are met. Therefore all officers and Members should comply with Financial Regulations. Failure to do so may lead to disciplinary action.

2.6.2 The key controls for financial management standards are to:

(i) ensure their promotion throughout the Council;
(ii) have in place a system to review compliance with Financial Regulations.

2.6.3 The Director: Finance and Investment (Chief Finance Officer) has to:-

(i) set the financial management standards which should ensure best professional practices and monitors compliance. As the head of the profession in relation to finance staff has responsibility for their standards, performance and development;
(ii) advise on the key strategic controls necessary to secure sound financial management;
(iii) ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

2.6.4 Chief Officers have to promote the financial management standards in their directorates, and monitor adherence to them, liaising as necessary with the Director: Finance and Investment (Chief Finance Officer).

2.7 Managing Expenditure

2.7.1 Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own budgets, in accordance with the Council's scheme for virement.

2.7.2 The format of the budget is approved by the full Council and is based on advice from the Director: Finance and Investment (Chief Finance Officer). No budget holder is permitted to exceed any budget within their direct control, as agreed by full Council, without specific approval from full Council. However, in pursuance of good financial management and to promote a degree of flexibility Chief Officers may vire resources between budgets.

2.8 Virements

2.8.1 Whilst Council must set a Budget before the 11 March for the following financial year, there may need to be changes to the approved Budget

during the year. To ensure there is appropriate control over budget virements the following procedures will follow. It is stressed that virements between Employee budgets and All Other Budget Heads are not permitted.

2.8.2 A virement is an increase in any budget or part of a budget or budget that is matched by an equal and/or opposite decrease in any other budget or other budgets such that when aggregated there is a nil impact on the overall budget.

2.8.3 Where the virement is essentially of an administrative nature and not involving a change from existing approved policies, Member approval is not required. The Director: Finance and Investment (Chief Finance Officer) should be consulted where there is uncertainty as to whether a proposed virement constitutes a change of approved policy. Administrative changes include:

- re-analysis of school "one-line" budgets;
- Implementation of restructuring and reorganisation proposals that have already received the appropriate level of officer and member approval;
- Routine changes to the structure of the accounting system;
- Changes to notional accounting budgets which are required for reporting purposes but which do not impact on the Council's cash expenditure such as changes to depreciation.

2.8.4 Officers may also make virements if they are contained within a single budget line in a service area (i.e. within an Objective service subjective summary analysis line per the Budget book). This is provided the virement

(i) does not give rise to any increased overspend in the current year or give rise to unfunded expenditure in future years;

(ii) does not conflict with any prior decision made or policy or plan or strategy of the Council.

2.8.5 For virements which fall outside of the above, the Director: Finance and Investment (Chief Finance Officer) shall be consulted and approval shall be sought from Cabinet. Cabinet may approve if it has received advice from the Director: Finance and Investment (Chief Finance Officer) that no unfunded expenditure commitments arise from the virement request and that reserves remain at prudent levels.

2.8.6. Revenue Budgets Carry Forwards

The automatic carry forward of revenue budget underspends by services is not permitted. However where a Chief Officer identifies a one-off demand not covered from his or her on-going revenue budget a request can be made for a reserve to be established. The agreement of any new reserve will require the initial approval of the Director: Finance and Investment (Chief Finance Officer) and will be ratified by members.

Note: under proper accounting practice, monies can be set aside for goods and services which have been received by the financial year end but which have not yet been paid for. The recognition of these creditor amounts is an accounting requirement and falls outside the definition of a reserve.

Capital Programme - requiring Director and / or Member approval

2.8.7 Supplementary Capital Estimates (existing schemes)

Where services wish to increase the level of expenditure on an existing capital scheme and the funding is not going to be vired from another existing scheme, approval must be sought for a supplementary capital estimate.

Where the funding does not include use of additional Council resources (includes borrowing, capital receipts and capital reserves), this should be referred to the Director: Finance and Investment (Chief Finance Officer) who will report the variation to Cabinet for final approval from either full Cabinet or the cabinet Portfolio holder under the scheme of delegation as appropriate.

Changes funded wholly or in part from additional Council resources such as reserves, borrowing and capital receipts, regardless of value, must be approved by Full Council. Full Council approval is also required where there are significant implications (as determined by the Director: Finance and Investment (Chief Finance Officer)) for future years' budgets.

2.8.8. Supplementary Capital Estimates (new schemes)

Where services wish to undertake a capital scheme which is not included in the approved Capital Programme, they must follow the approval process and prepare a business case for review by the Asset and Capital Group regardless of value or source of funding. Once approval of the Group has been obtained, Member approval is required before the scheme can commence. The same approval rules (depending on amount and source of funding) apply as for existing schemes as above.

Note that the scheme of delegation allows Cabinet Members to approve additional or replacement items relating to their Portfolio for the current year's Capital Programme where the amount of the estimate does not exceed £5,000,000 and does not increase the overall total of the Departmental Capital Programme. This should be in consultation with the relevant Chief Officer, the Director: Finance and Investment (Chief Finance Officer) and the Monitoring Officer.

2.8.9. Capital Programme Reductions

Where services wish to reduce the size of a capital scheme budget funded from Council resources such as borrowing or capital receipts the approval limits set out in section 2.8.5 should be followed. If a budget reduction is required due to a third party decision to withdraw external funding the approval of the relevant Director is sufficient.

2.8.10 Capital Carry Forwards

Capital schemes can be prone to delay. It cannot be assumed that underspends will automatically roll forward into the following year. Requests to carry forward funding should make clear whether they are due to re-profiling of schemes or for other reasons.

It is extremely unlikely that uncommitted carry forwards will be approved if there are unfunded overspends elsewhere within the departmental Capital Programme. Requests for carry forward should be made to the Director: Finance and Investment (Chief Finance Officer) who will report variances to the Capital Programme to Cabinet for final approval.

2.9 Accounting Policies

2.9.1 The Director: Finance and Investment (Chief Finance Officer)is responsible for the preparation of the Council's annual Statement of Accounts. These have to be prepared in accordance with current legislation and proper practice.

2.9.2 The key controls for accounting policies are:

(i) systems of internal control are in place to ensure that financial transactions are lawful;
(ii) suitable accounting policies are selected and applied consistently;
(iii) accurate and complete accounting records are maintained;
(iv) financial statements are prepared which present a true and fair view of the financial position of the Council and its income and expenditure.

2.9.3 The Director: Finance and Investment (Chief Finance Officer) has to select suitable accounting policies which are in accordance with best practice and ensure that they are applied consistently. The accounting policies are set out in the annual Statement of Accounts.

2.9.4 Chief Officers are:-

(i) to consult with, and obtain approval from the Director: Finance and Investment (Chief Finance Officer) before making any changes to accounting records or procedures;

(ii) to maintain adequate records which provide an audit trail leading from the source of income/expenditure through to the accounting statements, in accordance with the accounting policies set by the Director: Finance and Investment (Chief Finance Officer) and supply any information required to enable the Director: Finance and Investment (Chief Finance Officer) to complete the Statement of Accounts;

(iii) to adhere to the accounting policies and guidelines as approved by the Director: Finance and Investment (Chief Finance Officer).

2.10 Accounting Records and Returns

2.10.1 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. There is a statutory responsibility to prepare an annual Statement of Accounts, in accordance with proper practice as set out in the format required by the Code of Practice on Local Council Accounting In the United Kingdom for each financial year ending 31 March. These are subject to external audit, which provides assurance that the accounts are prepared properly and that proper accounting practices have been followed. The external Auditor will form a conclusion as to whether the Council has adequate arrangements in place for achieving value for money.

2.10.2 The key controls for accounting records and returns are:

(i) all Cabinet Members, finance staff and budget managers operate within the required accounting standards and timetables;

(ii) all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;

(iii) reconciliation procedures are carried out to ensure transactions are correctly recorded;

(iv) prime documents are retained in accordance with legislative and other requirements;

(v) procedures are in place to enable accounting records to be reconstituted in the event of systems failure.

2.10.3 The Director: Finance and Investment (Chief Finance Officer) has to:-

(i) determine the accounting procedures and records for the Council and arranging for the compilation of all accounts and accounting records under his/her direction, in accordance with best practice;

(ii) when allocating accounting duties separate the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them. Officers with the duty of examining

or checking the accounts of cash transactions must not themselves be engaged in these transactions;

(iii) prepare the timetable for the Statement and ensure completion in accordance with the statutory timetable. This includes making proper arrangements for the audit of the accounts in accordance with the Accounts and Audit Regulations as updated from time to time;

(iv) ensure that all claims for funds, including grants, are made by the due date and that guidance is issued to Chief Officers to ensure that this can be achieved;

(v) provide guidance, within the Document Retention Policy on the retention of financial documents relating to minimum periods for retention and ensure that these timescales are complied with.

2.10.4 Chief Officers are responsible for ensuring that officers in their directorates are aware of, and adhere to, the accounting policies, procedures and guidelines within the set timescales as set by the Director: Finance and Investment (Chief Finance Officer).

3 FINANCIAL PLANNING

3.1 Why is this important?

3.1.1 The Council is responsible for agreeing the policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- The 20/20 Vision the Wirral Plan – sets out the long term aims and objectives. It will be regularly revisited and monitored to ensure that the Council's priorities remain relevant to its overall aims and to assess the progress being made in achieving these.
- The Medium Term Financial Strategy - details the scenario over the medium term and the options available. As the Council is a complex organisation responsible for delivering a wide variety of services effective planning is needed to enable scarce resources to be allocated in accordance with priorities. The Strategy and the annual Budget are the financial expressions of the Council's plans and policies.

3.2 Policy Framework

3.2.1 The Director: Finance and Investment (Chief Finance Officer) advises the Council on the financial environment, financial policies (including the appropriate levels of reserves and balances, prudential borrowing and treasury management),

3.2.2 Chief Officers support the process by developing service scenario and policy and expenditure options in their area of responsibility in a format determined by the Director: Finance and Investment (Chief Finance Officer).

3.2.3 The Cabinet, advised by the Director: Finance and Investment (Chief Finance Officer) and Chief Officers develop a budget package which is subject to scrutiny before referral to Council. Council determines the final Budget and Council Tax.

3.3 Format of the Budget

3.3.1 The format of the budget determines the level of detail to which financial control and management will be exercised. This shapes how the rules around virement operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

3.3.2 The key controls for the budget format are:

(i) the format complies with all legal requirements;
(ii) the format complies with current best professional practice;
(iii) the format reflects the accountabilities of service delivery.

3.3.3 The Director: Finance and Investment (Chief Finance Officer) is responsible for advising Council, Members and officers on the format of the budget to be approved by full Council.

3.3.4 Chief Officers are required to comply with accounting guidance issued by the Director: Finance and Investment (Chief Finance Officer).

3.4 Budget Preparation

3.4.1 The Council produces an annual Revenue Budget and Capital Programme (paragraph 3.7).

Revenue Budget

3.4.2 The Revenue Budget is the Council approved plan of spending for each service to deliver the agreed priorities and has been prepared in accordance with the policy and format above. Revenue expenditure is broadly defined as any expenditure incurred on the day-to-day running of the Council and includes items such as salaries, energy costs and consumable supplies.

3.4.3 The key controls for budgets and medium-term planning are:

(i) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered;
(ii) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

3.4.4 It is the responsibility of the Director: Finance and Investment (Chief Finance Officer) to:-

(i) prepare and submit reports on budget prospects to the Cabinet, including resource constraints set by the Government;
(ii) determine the form of revenue estimates and the methods for their preparation after consultation with Chief Officers;
(iii) prepare and submit reports to the Cabinet on the aggregate spending plans of directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied;
(iv) calculate income levels from general and specific grants and the proceeds of the Business Rate;
(v) advise on the medium-term implications of spending decisions, including implications of capital programme decisions;
(vi) encourage the best use of resources and value for money by working with Chief Officers and partners to identify opportunities to improve economy, efficiency and effectiveness;
(vii) advise the Council on Cabinet proposals in accordance with his / her responsibilities under Section 151 of the Local Government Act 1972, as amended, and with other relevant legislation. This includes the robustness of the estimates contained within the Budget proposed by Cabinet and the adequacy of the reserves in the proposals.

3.4.5 In conjunction with the Director: Finance and Investment (Chief Finance Officer), Chief Officers:-

(i) prepare estimates of income and expenditure, to be submitted to the Cabinet;
(ii) prepare budgets which are consistent with the Council's annual budget cycle and within the approved Council guidelines;
(iii) integrate financial plans into service planning, so budgets can be supported by financial and non-financial measures;
(iv) prepare detailed draft revenue and capital budgets for consideration by the Cabinet, in accordance with the laid-down guidance and timetable having regard to:
    (a) spending patterns and pressures revealed through the budget monitoring process;
    (b) legal requirements;
    (c) policy requirement as defined by the full Council in the approved policy framework;
    (d) initiatives already under way.

3.5 Resource Allocation

3.5.1 Commonly available resources are not adequate to fulfil all needs and desires. It is therefore imperative that needs/desires are carefully prioritised and that resources are allocated, in order to fulfil all legal

responsibilities. Resources may include staff, fixed assets, money, equipment, goods and materials.

3.5.2 The key controls for resource allocation are:

(i) resources are acquired in accordance with the law and using an approved authorisation process;
(ii) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
(iii) resources are securely held for use when required;
(iv) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

3.5.3 The Director: Finance and Investment (Chief Finance Officer) advises on methods available for the funding of resources and assists in the allocation of resources to budget managers.

3.5.4 Chief Officers are responsible for working within budget limits and utilising resources allocated in the most efficient, effective and economic way. This includes the identification of opportunities to minimise or eliminate resource requirements or consumption and to maximise income where appropriate.

3.6 Revenue Budget Management

3.6.1 Budget management is the preparation, monitoring and control of budgets. It ensures that allocated resources are used for their intended purpose and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It provides the mechanism that makes managers responsible for defined elements of the budget.

3.6.2 By continuously reviewing and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council operates within an annual cash limit, approved when setting the overall budget. Each service is required to manage its own expenditure within the budget allocated to it.

3.6.3 Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not support recurring revenue expenditure from one-off sources of savings or additional income, or creating future commitments for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own budgets.

3.6.4 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or

cost centre. However, budgetary control with monthly reporting may take place at a more detailed level if this is required.

3.6.5 The key controls for managing and controlling the revenue budget are:

(i) expenditure should be prioritised using an appropriate methodology;
(ii) budget managers should be responsible only for income and expenditure that they can influence;
(iii) there is a nominated budget manager for each budget heading;
(iv) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
(v) budget managers follow an approved certification process for all expenditure;
(vi) income and expenditure are properly recorded and accounted for;
(vii) budgets are profiled over the financial year taking account of all relevant factors;
(vii) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget;
(viii) specific budget approval is given for all expenditure;
(ix) budget managers are appropriately trained to carry out their budgetary control responsibilities;
(x) formal orders for goods and services must be raised in advance through the procurement system.

3.6.6 The Director: Finance and Investment (Chief Finance Officer) establishes an appropriate framework of budgetary management and control, with frequent reports to the Cabinet to ensure that:

(i) budget management is exercised within annual cash limits unless the full Council agrees otherwise;
(ii) each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
(iii) expenditure is committed only against an approved budget head;
(iv) all officers responsible for committing expenditure comply with relevant guidance and the Financial Regulations;
(v) each cost centre has a single, named manager, determined by the relevant Chief Officer. Budget responsibility should be aligned as closely as possible to the decision-making processes which commit expenditure;
(vi) significant variances from approved budgets are investigated and reported by budget managers regularly.

The Director: Finance and Investment (Chief Finance Officer) also:

(i) administers the Council's scheme of virement;
(ii) prepares and submits reports on the Council's projected income and expenditure compared to budget on a regular basis;
(iii) prepares and submits reports to Cabinet and Council, in consultation with the relevant Chief Officer, when a Chief Officer is unable to balance expenditure and income within their approved budget.

3.6.7 It is the responsibility of Chief Officers to:-

(i) maintain budgetary control within their areas, in adherence to the principles outlined above, and to ensure that all income and expenditure is properly recorded and accounted for;
(ii) ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officer. Budget responsibility should be aligned as closely as possible to the decision making which commits expenditure;
(iii) ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast;
(iv) ensure that an effective monitoring process is in place to review performance levels/levels of service in conjunction with the budget;
(v) prepare and submit to the Cabinet, reports on the service's projected expenditure compared with its budget, in consultation with the Director: Finance and Investment (Chief Finance Officer);
(vi) ensure compliance with the scheme of virement;
(vii) agree with the relevant Chief Officer where it appears a budget proposal, including a virement proposal, may materially impact upon another service area or level of service activity;
(viii) report to Cabinet and to Council, in consultation with the Director: Finance and Investment (Chief Finance Officer), when unable to balance expenditure and income within the approved budget.

3.7 Capital Programme

3.7.1 Capital expenditure is broadly defined as expenditure in excess of £10,000 which involves acquiring or adding to the value of assets (as opposed to merely maintaining the value). This includes land, buildings, major items of plant, equipment or vehicles and IT equipment. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

3.7.2 The key controls for the Capital Programme are:-

(i) specific approval by the Council for the Capital Programme which is based on clearly defined prioritisation criteria;
(ii) a scheme and estimate, including project plan, progress targets and associated revenue spend is prepared for each project;
(iii) the reporting of the acceptance of tenders for individual schemes to the appropriate committee in accordance with Contract Procedure Rules;
(iv) accountability for each proposal is devolved to, and accepted by a named manager;
(v) the monitoring and reporting of progress in conjunction with expenditure and comparison with approved budget.

3.7.3 The Director: Finance and Investment (Chief Finance Officer) is responsible for:

(i) the production of the Council's Capital Programme;
(ii) the development of corporate prioritisation methodologies to assist the Council in determining the Capital Programme within defined resource limitations;

3.7.4 The Director for Business Services is responsible for the production of the Council Asset Management Plan, and the overall management and control of the Council's assets. This includes responsibility for the identification of, and sale of, surplus assets.

3.7.5 Chief Officers are responsible for:

(i) the development, implementation and monitoring of the capital programme;
(ii) ensuring that the Cabinet is advised of the financial implications of all proposals, and that these implications have been agreed by the Director: Finance and Investment (Chief Finance Officer);
(iii) ensuring that all capital proposals have undergone a project appraisal being presented in the form of a business case showing how the project meets Council objectives, details of how it will be managed, including resource implications and the expected outcomes.

3.7.6 Cabinet Members may approve additional or replacement items relating to their Portfolio for the current year's Capital Programme. Where the amount of the estimate does not exceed £5,000,000 and does not increase the overall total of the Departmental Capital Programme. This will be in consultation with the relevant Chief Officer, the Director: Finance and Investment (Chief Finance Officer) and Monitoring Officer.

3.8 Maintenance of Reserves

3.8.1 The Council determines the prudent level of general reserves it wishes to maintain having regard to risk levels before it can decide the level of Council Tax. Reserves enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

3.8.2 The key controls are:-

(i) to maintain reserves in accordance with the relevant codes of practice on local Council accounting in the United Kingdom and agreed accounting policies;
(ii) for each reserve established, the purpose, usage and basis of transactions should be clearly identified.

3.8.3 The Director: Finance and Investment (Chief Finance Officer) is responsible for advising the Cabinet and/or the full Council on prudent levels of reserves for the Council.

3.8.4 The Director: Finance and Investment (Chief Finance Officer) will ensure that reserves are reviewed at least annually to ensure that any reserves held are still appropriate.

3.8.5 Chief Officers will ensure that resources are only used for the purposes for which they were intended.

4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Why is this important?

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and addressing all significant strategic and operational risks to the Council's objectives. This should include the proactive participation of all those associated with planning and delivering services.

4.2 Risk Management

4.2.1 All organisations face risks to people, property and continued operations. Risk is the chance of something happening that will have an impact on the Council's objectives. Risk management involves evaluating the measures an organisation already has in place to manage identified risks, and then recommending the action the organisation needs to take to control these risks effectively.

4.2.2 The key controls for risk management are that:

(i) the Council has a clear Risk Management Strategy;

(ii) procedures are in place to identify, assess, and respond to significant risks and these procedures are operating effectively throughout the Council;
(iii) a monitoring process is in place to review regularly the effectiveness of risk management strategies and the operation of controls. The risk management process should be conducted on a continuing basis;
(iv) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management tools and techniques.

4.2.3 It is the responsibility of the Cabinet to approve the Council's Risk Management Policy and Strategy, and to promote a culture of risk management awareness throughout the Council.

4.2.4 There are two levels to the Risk Register:

Corporate - risks that impact on the Council's overall objectives either because of their frequency of occurrence or the significance of the impact.

Directorate / Departmental - risks that impact on the service objectives. There should be a movement of risks both upwards and downwards throughout the levels and treatment addressed at the most appropriate level of the Council.

4.2.5 The Director: Finance and Investment (Chief Finance Officer) will:

(i) with the Director for Business Services, in conjunction with Chief Officers, prepare and promote the Council's Risk Management Policy and ensure that the culture of risk management is embedded within the Council;
(ii) effect corporate insurance cover, through external insurance and internal funding, and arrange for the management of claims in consultation with other officers where necessary.

4.2.6 Chief Officers are responsible for ensuring Risk Management is carried out at operational, tactical and strategic levels in accordance with the agreed guidance and procedures. Departmental strategic risk assessments will be carried out annually and form the basis of the Directorate element of the Council Risk Register. The Corporate Risk Register will be reported to the Strategic Leadership Team, Cabinet and the Audit and Risk Management Committee in accord with the corporate performance reporting cycle.

4.2.7 Directorate / departmental Risk Registers, and associated actions, will be monitored and reviewed on a regular basis as part of the performance management process. The Director: Finance and Investment (Chief Finance Officer) should be informed of any

Departmental or Service risks that are considered significant enough to escalate to the corporate level.

4.3 Insurance

4.3.1 The Director: Finance and Investment (Chief Finance Officer) and the Risk and Insurance Officer maintain and administer the Council's insurances in accordance with the Risk Management Strategy. This includes authorising the settlement or repudiation of insurance claims and associated costs. Advice will be sought from the Council's appointed insurers and legal advisors.

4.3.2 Chief Officers must notify the Insurance and Risk Manager of:-

(i) any insurance claims received;
(ii) events which may result in an insurance claim against the Council;
(iii) any new risks which require insurance or of alterations to existing insurances. This includes new projects, new ways of working and changes in legislation which require new ways of working;
(iv) changes to the assets insured by the Council.

4.3.3 Chief Officers must ensure the retention of documents in accordance with the Council Document Retention Policy and co-operate with the Risk and Insurance Team in providing the correct documentation within the strict timescales of Civil Procedure Rules.

4.4 Internal Controls

4.4.1 As a large, complex organisation the Council requires internal controls to manage and monitor progress towards strategic objectives and to identify, meet and monitor compliance with statutory obligations.

4.4.2 The Council must, on an annual basis, produce an Annual Governance Statement. This Statement must provide a description of the system of internal control within the Council, a description of work undertaken to assess the effectiveness of the internal control framework and any significant internal control weaknesses.

4.4.3 The system of internal control is established in order to provide measurable achievement of:-

(i) efficient and effective operations and governance;
(ii) reliable financial information and reporting;
(iii) compliance with laws and regulations;
(iv) risk management.

4.4.4 The key controls and control objectives for internal control systems are:

(i) that they should be reviewed on a regular basis;
(ii) that the Council should make an annual declaration within its Annual Governance Statement that the systems of internal control are operating effectively. This Statement should be signed by the Leader of the Council and the Chief Executive and be supported by statements from Chief Officers;
(iii) that the Chief Internal Auditor should produce an evidence based annual internal audit opinion on the organisations control environment that supports the production of the Annual Governance Statement;
(iv) to promote ownership of the control environment by defining roles and responsibilities. Managerial control systems should include clearly defined policies, objectives, plans, arrangements for effective performance and financial management and arrangements to take appropriate anticipatory or remedial action with regard to these controls.

4.4.5 The Director: Finance and Investment (Chief Finance Officer) is responsible for ensuring that an appropriate control environment and effective internal controls are in place, which provides reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

4.4.6 The Director: Finance and Investment (Chief Finance Officer) is the designated statutory officer (as set out in Section 151 of the Local Government Act 1972) for the Council's financial affairs.

4.4.7 CIPFA advise that the Director: Finance and Investment (Chief Finance Officer):-

(i) should be a key member of the Leadership Team, helping to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;
(ii) must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and ensure alignment with the organisation's financial strategy; and
(iii) must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

4.4.8 Chief Officers are responsible for:-

(i) managing processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks;

(ii) reviewing existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Director: Finance and Investment (Chief Finance Officer) and the Chief Internal Auditor. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication;

(iii) ensuring officers have a clear understanding of the consequences of lack of control;

(iv) signing an annual statement confirming (i) – (iii) that can be used to inform the Council's Annual Governance Statement.

4.5 Audit Requirements

4.5.1 Internal audit is an independent and objective appraisal and consulting activity established by the Council to add value and improve the organisations operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

4.5.2 The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities 'make arrangements for the proper administration of their financial affairs'. The Accounts and Audit Regulations 2011, Regulation 6, more specifically require that a 'relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control'.

4.5.3 The key controls for internal audit are:

(i) that it is independent in its planning and operation;

(ii) the Chief Internal Auditor has direct access to the Chief Executive, all levels of management and directly to elected Members;

(iii) internal auditors comply with the Public Sector Internal Auditing Standards and other recognised best practice as promoted by CIPFA, the CIIA and other professional bodies.

4.5.4 The Director: Finance and Investment (Chief Finance Officer) is responsible for maintaining an independent continuous audit of the financial records, operations and systems of control in accordance with current best practice.

4.5.5 The Council is responsible for ensuring that auditors are provided with all necessary assistance and support to ensure that they meet the required standards:-

(i) to enter any premises or land without prior notification to examine all records, documents, correspondence and management systems relating to any financial and other transactions of the Council, including documents of a confidential nature;
(ii) to receive such explanations as deemed necessary in order to satisfy themselves on any matter under consideration;
(iii) to require production of any information or items deemed necessary for the efficient and effective conduct of the audit;
(iv) to require appropriate and timely action in response to any significant matters identified during an audit.

4.5.6 The Director: Finance and Investment (Chief Finance Officer) is responsible for ensuring that there is effective liaison between external and internal audit.

4.5.7 The external and internal auditors have rights of access to all documents and information necessary for audit purposes with the auditor's rights set out in the Audit Commission Act 1998 and the Accounts and Audit Regulations 2011, respectively.

4.5.8 The external auditor's objectives are to review and report upon:

(i) the financial aspects of the audited body's corporate governance arrangements;
(ii) the audited body's financial statements;
(iii) the adequacy of the audited body's arrangements for achieving economy, efficiency and effectiveness in its use of resources;
(iv) the certification of grant claims on behalf of Central Government bodies in line with agreed arrangements;
(v) the Whole of Government Accounts return;
(vi) issues raised by members of the public where they relate to specific responsibilities set out in the Audit Commission Act 1998, including where appropriate the issuing of public interest reports, advisory notices or other reports.

4.5.9 The Local Audit Accountability Act 2014 identifies requirements for local public bodies for the appointment of external independent auditors and governance over all associated activities.

4.5.10 The Director: Finance and Investment (Chief Finance Officer) has to ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

4.5.11 Chief Officers are legally required to ensure that external auditors are given access to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work. They also ensure that the receipt and action taken in response to the recommendations within external audit reports, relating to services for

which they are responsible, are reported promptly to the appropriate Committee.

4.6 Preventing Fraud and Corruption

4.6.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

4.6.2 The Council's expectation of propriety and accountability is that Members and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

4.6.3 The Council also expects that individuals and organisations with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

4.6.4 The key controls regarding the prevention of Fraud and Corruption are:-

(i) acknowledgement of the threats of fraud and corruption and the harm they can cause to the Council, its aims and objectives and to its service users;
(ii) fraud risks are routinely considered as part of the Council's risk management arrangements;
(iii) A policy framework is in place which supports the implementation of the counter fraud strategy The framework includes:

- Anti Fraud and Corruption Policy
- Whistleblowing Policy
- Anti-Money Laundering Policy
- Anti-Bribery policy
- Gifts and Hospitality Policy and Register
- Pecuniary Interest Policy and Register
- Employee and Members Code of Conduct
- Financial and Contract Procedure Rules

(iv) fraud is prevented through the implementation of appropriate and robust controls and security measures;
(v) all employees are required to complete the online anti-fraud and corruption training;
(vi) counter fraud staff with appropriate skills are utilised and the Council grants unhindered access to its employees, information and other resources as required;
(vii) the Council makes effective use of national, local and sectoral initiatives to detect and prevent fraud, such as data matching and intelligence sharing;
(viii) the Council works in partnership with other organisations to assist in the investigation of fraud.

4.6.5 The Director: Finance and Investment (Chief Finance Officer) has responsibility to develop and maintain relevant anti-fraud and corruption policies and monitor the effectiveness of internal control arrangements.

4.6.6. Chief Officers must ensure that all suspected irregularities and financial improprieties are reported to the Director: Finance and Investment (Chief Finance Officer).

4.7 Assets

4.7.1 The Council holds assets in the form of land, buildings, major items of plant, equipment, vehicles, IT equipment and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.

4.7.2 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:-

(i) resources are used only for the purposes of the Council and are properly accounted for;
(ii) resources are available for use when required;
(iii) resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits;
(iv) an asset register is maintained for the Council, assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset;
(v) all officers are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's information security and internet security policies;
(vi) assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained.

4.7.3 The Director: Finance and Investment (Chief Finance Officer) is responsible for:-

(i) the production of the Council's Capital Programme and associated revenue budgets;
(ii) the development of corporate prioritisation methodologies to assist the Council in determining the Capital Programme within defined resource limitations;
(iii) ensuring that an asset register is maintained in accordance with accepted best current professional practice.

4.7.4 Property is a corporate resource, owned by the Council, and has to be managed proactively to support service delivery and improvement across all areas. The Director for Business Services is the designated Corporate Property Officer and is responsible for:

(i) the production of the Asset Management Plan;
(ii) the overall management and control of the Council's assets;
(iii) ensuring that an appropriate register is maintained of all land and buildings owned by the Council to ensure that they are;
(a) safeguarded;
(b) used efficiently and effectively;
(c) adequately maintained;
(iv) the valuation of all land and buildings owned by the Council on a rolling programme at appropriate intervals. This should be carried out in accordance with the relevant codes of practice for local Council accounting, and best professional practice.

4.7.5 Chief Officers must maintain a property database in a form approved by the Director: Finance and Investment (Chief Finance Officer) and Director for Business Services for all properties, plant and machinery and moveable assets currently owned or used by the Council. Any use of property by a department or establishment other than for direct service delivery should have the appropriate approval and be supported by documentation identifying terms, responsibilities and duration of use.

4.7.6 Chief Officers have a responsibility to:

(i) ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Chief Officer in consultation with the Director: Finance and Investment (Chief Finance Officer), has been established as appropriate;
(ii) ensure the proper security of all buildings and other assets under their control;
(iii) identify land or buildings which are surplus to requirements;
(iv) pass title deeds to the Director: Governance and Assurance;
(v) ensure that no Council asset is subject to personal use by an employee without written permission from the Chief Officer;
(vi) ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council;
(vii) ensure that the Department maintains a register of moveable assets in accordance with arrangements defined by the Director: Finance and Investment (Chief Finance Officer);
(viii) ensure that assets are identified, their location recorded and that they are appropriately marked and insured;
(ix) consult the Director: Finance and Investment (Chief Finance Officer)in any case where security is thought to be defective or

where it is considered that special security arrangements may be needed;

(x) ensure cash holdings on premises are kept to a minimum;

(xi) ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Director: Finance and Investment (Chief Finance Officer) as soon as possible;

(xii) arrange for the valuation of assets for accounting purposes to meet requirements specified by the Director: Finance and Investment (Chief Finance Officer);

(xiii) ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

4.7.7 Chief Officers are responsible for ensuring that the procedures in respect of assets are followed. It is imperative to:-

(i) maintain inventories and record an adequate description of furniture, fittings, equipment, plant and machinery;

(ii) carry out an annual check of all items on the inventory in order to verify location, review their condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers and cameras should be identified with security markings as belonging to the Council;

(iii) make sure that property is only used in the course of the Council's business, unless the Chief Officer concerned has given written permission otherwise;

(iv) notify the Head of Procurement of all surplus items and dispose of them in accordance with guidance from the Director: Finance and Investment (Chief Finance Officer).

4.7.8 Chief Officers are responsible for making appropriate arrangements for the care and custody of stocks and stores in their department. This should include the keeping of adequate records and regular physical checks.

4.7.9 Chief Officers are responsible for establishing controls to ensure that officers do not carry out private work in Council time and that officers are aware of an employer's rights with regard to intellectual property.

4.7.10 The detailed procedures for the disposal of land and property are contained within the Council's Standing Orders and Contract Procedure Rules and should be adhered to.

4.7.11 The Cabinet Member for Strategic Economic Development, Finance and Devolution under the scheme of delegation has authority to:

(i) agree the disposal of surplus land, buildings and other assets up to the value of £2,500,001;
(ii) to agree the purchase or lease of land buildings and other assets up to a value of £1,250.000;
(iii) the removal of restrictive covenants on land, in consultation with the Director for Business Services (or nominee) where the increase in land value as a result is less than £250,000.

4.8 Treasury Management

4.8.1 The Council has adopted the CIPFA Code of Practice for Treasury Management in Local Authorities (the Code). Council approves the Treasury Management Strategy each year at, or before, the start of each financial year.

4.8.2 Accordingly, the Council will create and maintain the following, to ensure effective treasury management:

(i) a Treasury Management Policy statement, stating the principles and objectives of its treasury management activities;
(ii) suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve this Policy, and prescribing how it will manage and control those activities. The content of the Policy statement and TMPs follows the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council and will not result in materially deviating from the Code.

4.8.3. The Council (via Cabinet) will receive reports on its treasury management policies, practices and activities. As a minimum this reporting will be an annual Strategy in advance of the year and an annual report after its close.

4.8.4 Responsibility for the implementation and monitoring of treasury management policies and practices is delegated to the Cabinet, and for the execution and administration of treasury management decisions to the Director: Finance and Investment (Chief Finance Officer). He / she must act in accordance with the Council's policy statement and TMPs and current best professional practice.

4.8.5 Other controls are:-

(i) no bank account can be opened or operated without the express consent of the Director: Finance and Investment (Chief Finance Officer);
(ii) no loans may be made to, or interests acquired in third parties without the approval of the Director: Finance and Investment (Chief Finance Officer);
(iii) no income received on behalf of the Council may be paid into an imprest account or used to defray expenditure.

4.8.6 The Director: Finance and Investment (Chief Finance Officer) is responsible for:-

(i) arranging the borrowing and investments of the Council in accordance with the CIPFA 'Code of Practice on Treasury Management' and with the Council's Treasury Management Policy Statement and Strategy;
(ii) reporting on treasury management activities to the Cabinet and Council at least twice each financial year;
(iii) opening and operating all bank accounts in the name of Wirral Council, as he / she considers necessary and for the ordering and issuing of cheques. This includes variations in the Council's banking terms and overdraft arrangements. All cheques drawn on behalf of the Council may only be signed by the Director: Finance and Investment (Chief Finance Officer) or specifically approved officers. Such officers are responsible for the safe and proper custody of cheques;
(iv) Arranging cash or imprest accounts to meet petty cash payments.

4.8.7 Any indemnity required by the Council's bankers regarding the signature of cheques by a computer or where the services of a security firm are used for the deposit or receipt of cash at the bank may only be given by the Director: Finance and Investment (Chief Finance Officer) or other duly authorised officer.

4.8.8 It is the responsibility of Chief Officers to:-

(i) ensure that loans are not made to, or interests acquired in third parties without the approval of the Council following consultation with the Director: Finance and Investment (Chief Finance Officer);
(ii) follow instructions on banking issued by the Director: Finance and Investment (Chief Finance Officer);
(iii) operate imprest accounts in accordance with the Director: Finance and Investment (Chief Finance Officer) instruction;
(iv) arrange for all trust funds to be held, wherever possible, in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit securities, etc., relating to the trust with the Director: Finance and Investment (Chief Finance Officer), unless the deed otherwise provides;
(v) arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director: Finance and Investment (Chief Finance Officer) and Cabinet, and to maintain written records of all transactions;
(vi) ensure that trust funds are operated within any relevant legislation and specific requirements for each trust.

5 FINANCIAL SYSTEMS AND PROCEDURES

5.1 Why is this important?

5.1.1 Directorates have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

5.1.2 The Director: Finance and Investment (Chief Finance Officer) has a professional responsibility to ensure that the Council's financial systems are sound and must be notified, in advance, of any new developments or changes

5.1.3 The key controls for systems and procedures are:

(i) basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated, and for performance information to be communicated to the appropriate managers on an accurate, complete and timely basis;
(ii) early warning is provided of deviations from target, plans and budgets that require management attention;
(iii) operating systems and procedures are secure;
(iv) data is backed up on a regular basis.

5.1.4 The Director: Finance and Investment (Chief Finance Officer) has responsibility to determine the Council's accounting systems, forms of accounts and supporting records, and to ensure that financial systems are robust. This includes issuing advice, guidance and procedures for officers and others acting on the Council's behalf.

5.1.5 Chief Officers must ensure that:-

(i) accounting records are properly maintained and are secure;
(ii) all financial transactions have audit trails, which allow tracing from accounting records to original documents;
(iii) Arrangements are made for the documentation of systems and relevant officers training and to ensure that effective contingency arrangements exist for computer systems within their scope of activity.

5.2 Income

5.2.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the

Council's cash flow and also avoids the time and cost of administering debts.

5.2.2 The key controls for income are:

(i) all income due to the Council is identified and charged correctly, in accordance with an approved charging policy;
(ii) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
(iii) all money received by the Council is paid without delay to the Council's bank account, and is properly recorded;
(iv) proper separation of duties exists between cash collection, identifying the amount due, and for reconciling the amount due to the amount received;
(v) effective action is taken to pursue non-payment within defined timescales and in accordance with the scheme of delegation;
(vi) formal approval for debt write-off is obtained and actioned within defined timescales;
(vii) all appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Director: Finance and Investment (Chief Finance Officer);
(viii) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

5.2.3 The Director: Finance and Investment (Chief Finance Officer) is responsible for:-

(i) approving all systems relating to the collection of income on behalf of the Council;
(ii) establishing and initiating appropriate recovery procedures, including legal action, for debts that have not been paid within the normal timescales;
(iii) agreeing the write-off of bad debts up to an approved limit or refer larger amounts for write-off to Cabinet.

5.2.4 Chief Officers are responsible for establishing a charging policy for the supply of goods and services, and, in consultation with the Director: Finance and Investment (Chief Finance Officer), for reviewing annually the levels of fees and charges relating to services under their control.

5.2.5 Chief Officers are responsible for identifying and billing for income relating to their service areas. In particular they must ensure that the responsibility for identifying amounts due and the responsibility for collection is separated as far as possible.

5.2.6 Under the scheme of delegation Chief Officers may write-off irrecoverable debts up to £1,000 with the agreement of the Chief Finance Officer.

5.3 Expenditure

5.3.1 In terms of expenditure public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council's procedures should help to ensure that services obtain value for money from their procurement arrangements. These procedures should be read in conjunction with the Council's Contract Procedure Rules.

5.3.2 The key controls for ordering and paying for work, goods and services are:-

(i) all goods and services are ordered only by approved individuals and are correctly recorded;
(ii) all goods and services shall be ordered in accordance with the Council's Contract Procedure Rules;
(iii) goods and services received are checked to ensure they are in accordance with the purchase order. Goods should not be received by the person who placed the purchase order;
(iv) payments are not made unless goods have been received to the correct price, quantity and quality standards;
(v) payments are made to the correct person/supplier, for the correct amount and are properly recorded, regardless of the payment method;
(vi) appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with guidance issued by the Director: Finance and Investment (Chief Finance Officer);
(vii) expenditure is accurately recorded against the approved budget;
(viii) no expenditure should be incurred where there is no approved budget.

5.3.3 The Director: Finance and Investment (Chief Finance Officer) must approve all the systems relating to the making of payments on behalf of the Council.

5.3.4 The Director: Finance and Investment (Chief Finance Officer) may examine, so far as he/she considers necessary, all accounts passed to him/her for payment and is entitled to receive any information and explanations as he/she may require. The Director: Finance and Investment (Chief Finance Officer) will pay all accounts which he/she is satisfied represent legal payments and are in order.

5.3.5 Chief Officers are responsible for ensuring that all goods and services are properly ordered, received and paid for. In particular they must ensure that:

(i) goods have been ordered against an appropriate, approved budget;

(ii) proper segregation of duties is maintained over the ordering, receiving and payment process.

5.3.6 Chief Officers are responsible for ensuring that invoices are processed in sufficient time to enable payment to be made to the supplier within the agreed payment period.

5.4 Payments to Employees and Members

5.4.1 Staff costs are the largest item of expenditure for most local Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

5.4.2 The key controls for payments to employees and Members are:-

(i) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to: starters, leavers, variations and enhancements, and that payments are made on the basis of timesheets or claims;
(ii) frequent reconciliation of payroll expenditure against approved budgets and bank accounts;
(iii) all appropriate payroll documents are retained and stored for the defined period, in accordance with guidance issued by the Director: Finance and Investment (Chief Finance Officer);
(iv) all expenditure is accurately recorded against the correct accounts codes, and any errors identified and corrected;
(v) that HM Revenue and Customs regulations are complied with.

5.4.3 The responsibilities of the Director: Finance and Investment (Chief Finance Officer) are to:-

(i) arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date;
(ii) record and make arrangements for the accurate and timely payment of tax, national insurance, superannuation and other deductions;
(iii) make arrangements for payment of all travel and subsistence claims;
(iv) make arrangements for paying Members' allowances, travel, and subsistence upon receiving the prescribed form, duly completed and authorised by the Director: Governance and Assurance.

5.4.4 The Assistant Director: HR / OD with the Director: Finance and Investment (Chief Finance Officer) is responsible for approving the format of timesheets or other pay documents and the associated procedures.

5.4.5 The Chief Officers shall provide the Director: Finance and Investment (Chief Finance Officer) with all information necessary to maintain records of service, pensions, income tax, National Insurance, statutory sick pay, etc.

5.4.6 Chief Officers have responsibility to ensure that all requests to pay employees are:-

(i) in respect of employees within authorised establishments or approved redeployments or in respect of temporary or casual employees engaged for periods of sickness or emergency;
ii) at salary and wage rates in accordance with nationally negotiated rates except where otherwise approved.

5.4.7 Chief Officers are responsible for notifying the Assistant Director: HR / OD of all appointments, promotions, regradings, resignations, redundancies, dismissals, retirements, suspensions, secondments and absences from duty or any other circumstances affecting the salaries, wages or emoluments of any employee in the Council. The Assistant Director: HR / OD must be consulted on matters relating to the application of salaries and wages scales.

5.5 Taxation

5.5.1 The Council is responsible for ensuring its tax affairs are in order. Tax issues are complex and the penalties for incorrectly accounting for tax can be severe. It is therefore very important for all officers to be aware of their role and the current legislation and best practice relating to taxation.

5.5.2 The key controls for taxation are:-

(i) budget managers are provided with relevant information and kept up to date on tax issues;
(ii) budget managers are instructed on required record keeping;
(iii) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
(iv) records are maintained in accordance with instructions;
(v) returns are made to the appropriate authorities within the stipulated timescale.

5.5.3 It is the responsibility of the Director: Finance and Investment (Chief Finance Officer) to:-

(i) maintain up to date guidance for employees on taxation issues;

(ii) complete all HM Revenue and Customs returns regarding PAYE, and for providing details to the Inland Revenue regarding the Construction Industry Scheme;
(iii) complete the required returns of VAT inputs and outputs to H.M. Revenue and Customs.

5.5.4 It is the responsibility of Chief Officers to:-

(i) ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with H.M. Revenues and Customs regulations;
(ii) ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary Construction Industry Scheme requirements;
(iii) ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;
(iv) follow the guidance on taxation issued by the Director: Finance and Investment (Chief Finance Officer);
(v) seek advice from the Director: Finance and Investment (Chief Finance Officer) (where appropriate) on tax matters allowing time for efficient tax planning and the minimisation of any tax liabilities.

5.6 Trading Accounts and Business Units

5.6.1 Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under accounting practice authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost.

5.6.2 The Director: Finance and Investment (Chief Finance Officer) is responsible for the provision of advice on the establishment and operation of trading accounts and business units.

5.6.3 It is the responsibility of Chief Officers to:

(i) observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged;
(ii) ensure the same accounting principles are applied in relation to trading accounts as for other services or business units;
(iii) ensure each business unit prepares an annual business plan.

5.7 Voluntary and Unofficial Funds

5.7.1 The term ‘voluntary’ or ‘unofficial’ fund refers to any fund, other than an official fund of the Council, which is controlled wholly or partly by an officer or teacher employed by the Council, or by the managers or governors of a school maintained by the Council.

5.7.2 The Director: Finance and Investment (Chief Finance Officer) has to determine the accounting requirements under which unofficial and voluntary funds shall be held and operated. These shall include a provision for such funds or investments to be held in the names of at least two people. The Director: Finance and Investment (Chief Finance Officer) should determine the audit arrangements for these accounts in consultation with the Chief Officer concerned.

5.7.3 Chief Officers must provide the Director: Finance and Investment (Chief Finance Officer) with details of all voluntary or unofficial funds at schools or other establishments. This does not apply to funds which managers or governors of schools are entitled to control.

5.7.4 Fund Managers must ensure the accounts of voluntary and unofficial funds are made up annually, if possible by people not directly involved in administering the fund. These accounts shall be published on the notice board of the establishment or school and included in a report to the managers or governors, where appropriate. The appropriate Chief Officer should be informed that the accounts have been audited and published.

5.8 Merseyside Pension Fund

5.8.1 The Council is the administering authority of the Merseyside Pension Fund. These Financial Regulations (and Contract Procedure Rules) apply to the arrangements for that Fund.

6 EXTERNAL ARRANGEMENTS

6.1 Why is it important?

6.1.1 Partnerships are arrangements with other organisations (public or private) to carry out duties with, or on behalf of, the Council including the delivery and funding of services. They are becomingly increasingly common with a range of different options available to help improve the delivery of services.

6.2 Partnerships

6.2.1 The main reasons for entering into a partnership are:-

(i) the desire to find new ways to share risk;
(ii) the ability to access new resources;

(iii) to provide new and better ways of delivering services;
(iv) to forge new relationships.

6.2.2 Partnerships are playing an increasingly key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

6.2.3 The Council often takes a key financial management role by agreeing to act as the Accountable Body for externally funded projects. By so doing the Council will champion the needs of their areas and harness the energies of local people and community organisations.

6.2.4 The key controls are:

(i) the nature of the partnership must be clearly stated in a partnership agreement and must include formal agreement and acceptance of each partner's roles and responsibilities. The Director: Governance and Assurance must be consulted when drawing up any such agreement;
(ii) the partnership agreement must be subject to a risk management process to establish and manage all known risks;
(iii) standards of financial administration must be consistent with those operated by the Council. This may mean that Financial Regulations and tendering/contract procedures need to be shared with partner organisations;
(iv) a performance monitoring framework must be established to ensure that the objectives of the partnership are met;
(v) a formal reporting procedure must be established to inform the Council of the financial and performance position;
(vi) access protocols to records and documents must be established to ensure effective audit and inspection processes.

6.2.5 The responsibilities of the Director: Finance and Investment (Chief Finance Officer) are:-

(i) to ensure that accounting arrangements are satisfactory and meet all requirements of the funding agencies;
(ii) to advise Council partners of their responsibilities under the Council's financial regulations;
(iii) to advise on the key elements of funding a project;
(iv) where the Council is the Accountable Body for an externally funded project, to ensure that all financial management arrangements take full account of the Council's responsibilities, and are approved by the Cabinet.

6.2.6 The responsibilities of Chief Officers are to:-

(i) maintain a register of all arrangements entered into with external organisations after prior consultation with the Director: Finance and Investment (Chief Finance Officer);
(ii) ensure that all partnership agreements are properly documented, do not impact adversely upon the services provided by the Council and that a risk appraisal has been undertaken, in conjunction with the Director: Finance and Investment (Chief Finance Officer), prior to entering such agreements;
(iii) ensure compliance with the Council's Financial Regulations, Contract Procedure Rules and the specific requirements of external bodies where the Council acts as the Accountable Body for any scheme, project or programme.

6.3 External Funding

6.3.1 External funding can come from a variety of sources including Central Government Departments, European Union, National Lottery, Private Sector Companies and individuals. The funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. As the Council works with other agencies and private service providers such funds enable the Council to deliver services to the local community. However, in some instances, this funding is linked to tight specifications and time limits which may not be flexible enough to link to the Council objectives.

6.3.2 The key controls for external funding are:-

(i) to ensure the conditions of funding and statutory requirements are followed and that the Council responsibilities as the Accountable Body are understood;
(ii) to ensure funds acquired meet the priorities approved in the corporate plan by the full Council;
(iii) to ensure any match-funding requirements are given due consideration prior to entering into the agreements and that they are reflected in future revenue budgets;
(iv) to ensure there is a realistic exit strategy for time limited projects when the external funding ceases.

6.3.3 The responsibilities of the Director: Finance and Investment (Chief Finance Officer) are:-

(i) to ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts;
(ii) to ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements;
(iii) to ensure that time limited projects have a realistic exit strategy;

(iv) to ensure that any external audit requirements are met;
(v) where he or she is specifically responsible for submitting grant claims, to ensure that all claims for funds are made by the due date.

6.3.4. Chief Officers must ensure that:-

(i) adequate supporting documentation is maintained to enable claims for funding to be maximised, in consultation with the Director: Finance and Investment (Chief Finance Officer);
(ii) all claims for funds and returns are made by the due date;
(iii) all expenditure is properly incurred, authorised and recorded and that the project progress is appropriately recorded.

6.3.5 Cabinet members under the scheme of delegation may approve and authorise the submission of grant funding (or other resource) applications relating to their Portfolio on behalf of the Council and determine grant applications.

6.4 Work for Third Parties

6.4.1 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is within the Council's legal powers.

6.4.2 The key controls for working with third parties are:-

(i) to ensure that proposals are costed properly in accordance with guidance provided by the Director: Finance and Investment (Chief Finance Officer);
(ii) to ensure that contracts are drawn up using guidance provided by the Director: Finance and Investment (Chief Finance Officer) and that the formal approvals process is adhered to;
(iii) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

6.4.3 The Director: Finance and Investment (Chief Finance Officer) will issue guidance on the financial aspects of third party contracts.

6.4.4 Chief Officers must:-

(i) ensure that such contracts do not impact adversely upon the services provided for the Council;
(ii) ensure that the department/unit has the appropriate expertise to undertake the contract;
(iii) ensure that no contract is subsidised by the Council;
(iv) that appropriate insurance arrangements are made;
(v) ensure that the Council is not put at risk from any bad debts;

(vi) ensure that the approval of the Cabinet is obtained before negotiations are concluded to work for third parties;
(vii) to ensure that all contracts are properly documented;
(viii) to provide appropriate information to the Director: Finance and Investment (Chief Finance Officer) to enable compliance with best accounting practice;
(ix) ensure that, wherever possible, payment is received in advance of the delivery of the service;
(x) maintain a register of all contracts entered into with third parties in accordance with the procedures laid down by the Director: Finance and Investment (Chief Finance Officer).

PART 4F

Contracts Procedure Rules – effective April 2016 (Amended July 2018)

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1. Introduction

1.1 These Contract Procedure Rules are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of European and domestic law from which they emanate (in particular the principles relating to non-discrimination, equal treatment and transparency) is mandatory for all Officers and Members. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent, fair and competitive manner.

1.2 Decisions relating to procurement are among the most important decisions that can be made by the Council, its Members and Officers because the money involved is public money and the Council is concerned to ensure that high quality Goods, Services and the execution of Works are procured. Efficient use of resources in order to achieve Best Value is therefore imperative.

1.3 These Rules shall apply to all procurement activity where the Council is to procure any Goods, Services or the execution of Works, or enters into a concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).

1.4 For the avoidance of doubt, these Rules shall apply to Framework Agreements.

1.5 Where relevant, the Council shall have regard to the Public Services (Social Value) Act 2012 ("the Act"). This requires commissioners and procurers at the pre-procurement stage to consider how / what is to be procured may improve social, environmental and economic well-being of Wirral, how it might secure any such improvement and to consider the need to consult. The Council and Officers should refer to the Procurement Toolkit for further guidance.

1.6 The Audit and Risk Management Committee shall monitor compliance with the Rules and undertake a review of the Rules every two years. Any failure to comply with any of the provisions of these Rules must be reported immediately to the Director: Governance & Assurance (Monitoring Officer). Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.

1.7 The Director: Governance & Assurance (Monitoring Officer) will keep these rules under review and have authority to make minor amendments as required, after consultation with the Head of Procurement. Any changes will be notified by the Director: Governance & Assurance (Monitoring Officer) to

Strategic Directors for dissemination to officers involved in procurement. Any significant changes require the consent of the Audit and Risk Management Committee.

1.8 The Director: Governance & Assurance (Monitoring Officer), in consultation with the Head of Procurement, will fully review these rules every two years and report this review to the Audit and Risk Management Committee for approval.

1.9 These Rules should be read in conjunction with the Council's Constitution and in particular the Financial Regulations, the Procurement Toolkit, and any relevant guidance documents endorsed by the Council.

2. Interpretations and Definitions

2.1 In the event of any conflict between EU law and these Rules and Council Policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over these Rules and Council Policy.

2.2 Any reference to legislation, primary or secondary, shall include any amendments / replacements made from time to time.

2.3 All figures specified in these Rules are exclusive of VAT.

2.4 In the event of any doubt as to the interpretation of these Rules, or as to proper procedure to be followed, advice should be sought from Corporate Procurement in the first instance and reference should be made to the guidance contained in the Procurement Took Kit which should be read in conjunction with these Rules.

2.5 In these Rules the words and phrases below have the following meanings:

AO	Authorised Officer and is any Officer, who has delegated authority from the SRO, to carryout commissioning functions.
Best Value	has the same meaning as that defined in the Local Government Act 1999 as amended from time to time.
Bidder	any Economic Operator that submits a Quotation or Tender.

Call-off	an order made/call-off Contract entered into under a Framework Agreement and are subject to the application of Rule 5.1.
Category Manager	the Category Manager or similar role with equivalent experience and seniority within Corporate Procurement.
Concessions	the granting of a right (exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment.
Contract	a legally binding agreement between the Council and the Contractor for the procurement by the Council of all Goods, Services, the execution of Works and Concessions Contracts and which incorporates the terms and conditions under which the Goods, Services, execution of works and Concessions will be provided.
Contractor	the Bidder or Tenderer who the Council enters into a Contract with following the submission of a Quotation or Tender and who is appointed by the Council to provide the Goods, Services, execution of Works or Concessions Contract. They may also be referred to as ‘suppliers’, ‘providers’ or ‘service providers’.
Contracts Finder	the web-based portal provided for the purposes of Part 4 of the regulations by or on behalf of the Cabinet Office.
Corporate Procurement	Provide advice and support at all stages of the procurement process

	regardless of value. They will conduct procurement activity £5,000 or over in value.
Director of Finance & Investment (Chief Finance Officer)	the Senior Responsible Officer for Finance and is the most Senior Officer delegated in the Council's Scheme of Delegation for Finance Services, the Officer appointed by the Council pursuant to S151 of the Local Government Act 1972.
Economic Operator	any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of Works and/or a work, the supply of Goods or the provision of Services on the market.
EIR	the Environmental Information Regulations 2004.
Electronic Purchasing System (EPS)	purchases made online.
Equality Duties	The Council's responsibilities as defined within the Equality Act 2010.
EU Procurement Directives	the Public Contracts Directive 2014/24/EU, the Concessions Directive 2014/23/EU and other relevant Directives in force from time to time.
Exemption/Exception	the release of the obligation to comply with some or all of these Rules.
Financial Regulations	the written code of procedures forming part of the Council's Constitution which provide a framework for proper financial management and which set out the

	rules on accounting, audit, administrative procedures and budgeting systems.
FOIA	the Freedom of Information Act 2000.
Framework Agreement	an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Goods	an inherently useful tangible item required by the Council, from time to time.
Head of Procurement	the Senior Responsible Officer for all Council procurement activity.
Director: Governance and Assurance (Monitoring Officer)	the Senior Responsible Officer for Legal and is the most Senior Officer delegated in the Council's Scheme of Delegation for Legal Services.
Invitation to Tender	an invitation issued by the Council to Tenderers to submit a Tender or a quote for the provision of Goods, Services, the execution of Works or a Concessions contract in accordance with the Specification or request for those Goods, Services, execution of works or Concessions Contract.
Key Decision	Key decisions are those as set out in Article 13 of the Council's Constitution.

Legal Services	The Contract Team within Legal Services can provide legal advice on high-value or complex procurements. Officers are responsible for ensuring that Legal are involved in all above threshold contracts and any contracts involving legal issues for example TUPE or State Aid. The Contract Team within Legal Services can provide legal advice on specialist IT, social care, education and housing related contracts.
Modification	any variation to a Contract, including an extension or overspend.
Officer	any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf.
OJEU	the Official Journal of the European Union.
PIA	a Procurement Initiation Approval providing details of the procurement activity and the authority to commence it as required in accordance with Rule 7.1.
Post Tender Report	a summary of the outcomes delivered by the procurement activity.
PQQ	pre-qualification questionnaire and is the document used by the Council to screen potential Tenderers in accordance with the Regulations.
PRAD (Procedure Rules Approval Document)	The documents of approval, 1-7, for Exceptions to CPR's (1); Extensions to Contracts (2); Variations to Contracts (3); Contract Award (4); Use of Corporate Contract (5);

	Breach Notice (6); Financial Appraisal (7)
Procurement Toolkit	the documents which detail the processes, procedure and regulations to follow when carrying out a procurement activity.
Purchasing Cards	transaction cards which work in a similar way to charge cards and can be used by an AO to purchase Goods and/or Services.
Quotation	a formal offer submitted by a Bidder to supply goods, Services, execute Works or operate a Concessions Contract at a defined price.
Regulations	the Public Contracts Regulations 2015, and The Concessions Regulations 2016, as amended or replaced from time to time, which implement the EU public procurement directives.
Regulations Threshold	the financial threshold identified by the EU Procurement Directives, as amended from time to time, and where applicable, requires the procurement activity to be subject to the Regulations.
Rules	these Contract Procedure Rules
Scheme of Delegation	the scheme identified within the Council's Constitution which delegates powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council's functions.

SCM	the Senior Category Manager or similar role with equivalent experience and seniority within Corporate Procurement.
Services	the time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.
Specification	the outputs, outcomes and the scope and nature of Goods, services, execution of Works or concessions Contract required by the Council from a procurement activity.
SRO	Senior Responsible Officer and is the Officer delegated in the Council's Scheme of Delegation for the relevant service with the responsibility for the award of the Contract.
Tender	a formal offer submitted by a Tenderer to the Council at a stated price in response to a Specification to supply Goods, Services, execute Works or operate a Concessions Contract.
Tenderer	any Economic Operator that submits a Tender.
The Chest	the North West e-Sourcing portal.
TUPE	the Transfer of Undertakings (Protection of Employment) regulations 2006 as amended from time to time together with any EU Directives including but not limited to the Acquired Rights Directive 2001/23/EC, as amended from time to time.

Value for Money	the optimum combination of whole-life costs, price, quality and benefits to meet the Council's requirement. Such a term equates to the EU procurement requirement of most economically advantageous offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Works	the provision of physical activity which is directed toward the production or accomplishment of something by the Contractor, from time to time.
Writing	the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted by electronic means, in legible form, and capable of being used for subsequent reference.

3. Principles and Responsibilities

3.1 Principles

3.1.1 All procurement activity must comply with all of the following principles of European Union (EU) Law:

a. free movement of Goods and Services;
b. non-discrimination;
c. openness/transparency;
d. equal treatment for all; and
e. proportionality.

3.1.2 All procurement activity must be compliant with the latest EU laws, national legislation, and the Council Constitution and have regard to:

a. **The need to achieve accountability** through effective mechanisms which enable Officers and Members of the Council to maintain the

highest standards of integrity and honesty and to enable them to discharge their responsibility on issues of procurement risk and expenditure of public money;

b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply;**
c. **The need to meet commercial, regulatory and Corporate Priorities of the Council;**
d. **The need to achieve efficiencies** by administering procurement processes which are cost effective.
e. **The need to ensure Value for Money**.
f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under FOIA and EIR;
g. **The need to maintain integrity** by excluding corruption or collusion with suppliers or others from procurement processes;
h. **The need to ensure informed decision-making** based on accurate information;
i. **The need to ensure legality** in the administration of procurement processes and award of contracts;
j. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
k. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery.
l. **The need to create and retain an audit trail in relation to each procurement activity**.
m. The consideration of **Risk**.

3.2 **The Responsibilities of Officers and Members**

3.2.1 Officers and Members involved in procurement activity must comply with these Rules, the Council's Financial Regulations, and the Council's Officers' Code of Conduct/Members' Code of Conduct. They must also have due regard to any guidance provided by Corporate Procurement.

3.2.2 Failure to comply with any of these rules may be considered a **breach of the Officers' Code of Conduct and may result in disciplinary action.**

3.2.3 Where it becomes apparent that a Service has failed to comply with the CPRs a Breach Notice, as set out in a Procedure Rules Approval Document (PRAD 6), should be completed and submitted to the Head of Procurement and Internal Audit. Internal Audit will, if the breach exceeds £50,000 in value, submit a report to the Head of Procurement and the Director: Governance and

Assurance (with appropriate recommendations) before reporting to Audit and Risk Management Committee and / or the Corporate Governance Group. Breaches up to £50,000 will be reported to the Corporate Governance Group by Corporate Procurement in consultation with Internal Audit.

4. Contracts to which these Rules do not apply

4.1 These rules **do not** apply to the following:

a. Employment contracts for Officers engaged on a PAYE basis;
b. Contracts relating solely to the disposal or acquisition of securities and investments; - Treasury Management Strategy.
c. Contracts for the acquisition of an interest in land and property;
d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal or potential legal proceedings by the Director: Governance & Assurance (Monitoring Officer).

5. Contracts which do not require full competition

The Senior Responsible Officer (SRO) / Authorised Officer (AO) must complete a Procedure Rules Approval Document (PRAD) in accordance with Rule 12 where any of the circumstances outlined below are applicable and the procurement may be excepted from the requirement of Rule 9 (Quotations) and Rule 10 (Tenders).

5.1 Call-Off contracts

5.1.1 Call-off Contracts where a suitable Framework Agreement has been identified in accordance with Rule 6.3.

5.2 No competitive market

5.2.1 Where any of the following circumstances apply and subject to Rule 5.2.2:

a. Proprietary or patented goods or services are proposed to be purchased which, in the opinion of the AO, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented goods is available; or
b. The AO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Goods, Services or execution of works; or
c. The AO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or

d. Goods are proposed to be purchased by or on behalf of the Council at a public auction; or
e. Goods or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist).

Further guidance can be provided by Corporate Procurement and an AO must seek advice where there is any doubt and comply with Rule 10.

5.2.2 The AO, in conjunction with the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement, shall ensure that the Contract terms and conditions are appropriate taking into account all relevant factors (such as benefit and risk to the Council) and ensure that the Contract complies with Rule 11.

5.3 **Exemptions as prescribed by legislation**

5.3.1 Certain other arrangements contained in European or domestic legislation may permit an exemption from the requirement for competition. Contact Corporate Procurement for advice.

6 **Corporate Contracts**

6.1 **Use of Corporate Contract**

6.1.1 If a Council contract exists which covers the subject matter of the proposed procurement (a Corporate Contract) it must be used unless one of the following conditions applies:

- The corporate contractor has confirmed that the goods or services are not available within the required timescale.
- The corporate contractor has confirmed that they are unable to fulfil the requirement.
- The corporate contract is subject to an unresolved dispute or an exit plan has been exercised.
- The corporate contractor's financial position has altered and a status of administration or liquidation has been applied.
- The corporate contractor is in breach of contract and a termination notice has been issued.
- The Corporate Contract is no longer value for money and the Council is entitled in law to procure the goods or services elsewhere.

6.1.2 Where an officer seeks to no longer use a corporate contract, they will

arrange for consent to be obtained in writing from the Head of Procurement. Such consent will be evidenced on a Procedure Rules Approval Document (PRAD 5), in advance of any commitment to proceed with a supplier or provider.

7. Pre-Procurement Process

7.1 Authority to carry out procurement activity

7.1.1 Any procurement activity carried out on behalf of the Council must be carried out by an SRO with the appropriate delegated authority as set out in the Scheme of Delegation. For all procurement valued over £5000 the SRO must submit either a Quotation / Tender Procurement Initiation Approval (PIA), to Corporate Procurement, prior to starting the relevant procurement activity. By submitting the PIA the SRO confirms that they have the authority and budget to carry out the procurement activity.

7.1.2 Any proposed procurement for I.T. or Telecomms products or services must be referred to the Head of Digital by the SRO for approval to proceed further. This approval should be recorded by the SRO and Head of Digital. The PIA document can be completed and submitted when this approval has been granted.

7.2 Appraisal of the procurement activity

7.2.1 The AO, together with Corporate Procurement, must conduct an options appraisal of the route to market and consider the following:

a. Value for Money;
b. The need for the expenditure and its priority;
c. The objectives of the purchase;
d. Whether it is a Key Decision;
e. Any risks associated with the purchase and how to manage them;
f. The market;
g. TUPE and pensions;
h. Which procurement method is most likely to achieve the purchasing objectives;
i. Existing and compliant Framework Agreements or other arrangements; and
j. The economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value, ***the Council's Social Value Policy 2017***, ***Social Value Guidance and Social Value Framework***.

7.2.2 Where award for a Contract for services may result in **employees** of the Council or its Contractor **transferring to a new employer**, the **advice** of the Director of Change & Organisation Design and the Director: Governance & Assurance (Monitoring Officer) **must be obtained** before the commencement of the procurement activity to ensure compliance with **TUPE,** and other related legislation, and to assess the implications in respect of pension arrangements.

7.2.3 The AO must ensure that an appropriate Tender Specification or request for a Quotation commensurate to the scope of the Goods, Services, and execution of Works or Concessions Contract required is written prior to the commencement of any procurement activity. Advice from Corporate Procurement must be sought where it is proposed that a Tender Specification or request for a Quotation is not used.

7.2.4 For procurement under the Regulations Thresholds, the use of PQQs is no longer permitted. However, the Regulations do permit the use of suitability assessment questions where they are relevant to the subject matter of the procurement and are proportionate. Advice must be sought from Corporate Procurement where it is proposed that such questions are to be used.

7.2.5 The Authorising Officer, together with Corporate Procurement, in all Supplier / Contractor sectors and areas identified as vulnerable to serious and organised crime include within the **quotation / tender** documentation the following statement:

"Wirral Council has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. Wirral Council therefore reserves the right to include enhanced probity checks / requirements at both the selection and award stages of the procurement." as set out in the invitation to tender.

7.3 Framework Agreements

7.3.1 Where, following an options appraisal as required by Rule 7.2 a suitable Framework Agreement is identified, the AO must ensure that:

a. Any Call-off Contract is entered into in accordance with the terms of the relevant Framework Agreement; and
b. Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement.
c. Authority to proceed must be obtained from the Head of Procurement or his delegated representative.

7.3.2 For the avoidance of doubt, a Framework Agreement is considered suitable where it has either been entered into by:

a. The Council in compliance with these Rules; or
b. Another local authority, a local authority purchasing consortium or central government where the Framework Agreement has been tendered and awarded in accordance with EU public procurement legislation, and the Council is identified as a contracting authority.

7.3.3 Where a Framework Agreement has been set up following an EU Tender, there must be full compliance with EU rules when awarding Call-off Contracts under it.

7.4 **Pre-Procurement Market Research and Consultation (Soft Market Testing can be referenced within Guide 9 of the Procurement Toolkit)**

7.4.1 The AO responsible for the procurement activity and Corporate Procurement:

a. May consult potential Bidders or Tenderers in general terms about the nature, level and standard of the supply, contract packaging and others relevant matters, prior to a request for a Quotation or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers; and
b. Must not seek or accept technical advice on the preparation of a request for a Quotation or an Invitation to Tender from anyone who may have a commercial interest in the tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers or distort competition.

Advice and support must be sought from Corporate Procurement in all instances.

7.5 **Estimating the Total Value of a Contract or Framework Agreement**

7.5.1 The Council must not split Contracts or Framework Agreements to avoid public procurement rules or calculate the value of Contracts in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. Therefore all Contracts should be dealt with according to their total value and all Officers must calculate the total value (excluding VAT) of any Contract. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract:

Yearly contract value X Contract Period in years (including any option to extend) = Total value

Where the duration of the contract is indeterminate or is longer than four years, this should be taken to be the estimated value of the contract over a period of four years.

7.5.2 The value of a Framework Agreement means the estimated amount payable by the users of the Framework Agreement for the Goods, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement.

7.5.3 Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement.

7.5.4 The value of the Contract or Framework Agreement will determine which procurement activity to follow in accordance with Table 1 below subject to Rules 7.5.6 and 7.5.7:

Table 1

Goods, Services and Concessions

Value	**Procurement Activity**	**Quotation/Tender process Managed by:**
£0-£1,999.99	No requirement for a quotation	Departmental responsibility
£2,000 - £4,999.99	Minimum one Quotation in accordance with Rule 8 - Quotations	
£5,000 - £49,999.99	Minimum three Quotations in accordance with Rule 9 - Quotations	Corporate Procurement through The Chest (and Contracts Finder over £25k)
£50,000-£99,999.99	Minimum of five quotations in accordance with Rule 9	
£100,000 and up to the Regulation Thresholds	In accordance with Rule 10 Tenders	Corporate Procurement through The Chest and Contracts Finder
Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Corporate Procurement through the Chest, OJEU Notice and Contracts Finder

***WHERE ANY OPPORTUNITY OVER £25k IS OPENLY ADVERTISED, IT MUST BE PLACED ON CONTRACTS FINDER BY CORPORATE PROCUREMENT**

7.5.5 Where the value of the Contract is above the Regulation Thresholds, the AO and the Corporate Procurement will determine which procurement activity to follow in accordance with the Regulations.

7.5.6 Irrespective of the value in Rule 7.5.4 Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) as amended from time to time.

7.5.7 The AO and Corporate Procurement shall ensure that, where proposed Contracts or Framework Agreements, irrespective of their value, might be of interest to potential Economic Operators located in other member states of the European Union, a sufficiently accessible advertisement is published.

7.5.8 Quotations for construction works, below regulation thresholds, shall only be invited from contractors who are members of Constructionline and the Safety Scheme in Procurement (SSIP). If quotations are invited on a restricted basis, at least six contractors shall be invited to quote to be selected in accordance with the Council's policy on the procurement of such contracts (available on the Procurement website).

7.5.9 Where the value of the Contract is below £2,000, its procurement must comply with the general principles contained in Rule 3.1.2 and a Quotation sought if the procurement would otherwise not be so compliant.

7.6 **Standards and Award Criteria**

7.6.1 Before inviting Quotations or Tenders, the AO, with support from the Corporate Procurement, must ascertain any relevant British, European or international standards which apply to the subject matter of the Contract. The AO must include those standards or equivalent where they are necessary to describe the required quality.

7.6.2 The AO must define award criteria that is appropriate to the procurement activity and designed to secure an outcome giving Value for Money for the Council. The basic award criteria shall include one of the following:

a. Most economically advantageous tender ("MEAT") – where considerations other than price also apply;
b. Lowest price – where payment is to be made by the Council;
c. Highest price – if payment is to be received by the Council;

If MEAT is the chosen award criteria, advice must be obtained from Corporate Procurement to ensure that it is compatible with the EU Directives and the Regulations.

7.6.3 The AO must seek advice from Corporate Procurement to ensure any award criteria are compliant with relevant legislation and best practice.

8 The Chest

8.1 The Chest is the Council's e-sourcing portal, which is used for procurement activities £5,000 and over.

a. The web based portal facilitates online tendering to ensure access to a wide spectrum of suppliers, process efficiency, standardisation and compliance.
b. Officers must use this system for all procurement with a value of £5,000 and over unless the Head of Procurement has provided written consent for an Exception (PRAD 1).
c. The elements of the procurement process carried out using The Chest are highlighted below and within the Procurement Toolkit.

9. Quotations

9.1 Requests for Quotations

9.1.1 All Quotations, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotations, £5000 and over, must be stored on The Chest.

9.1.2 When requesting a Quotation, an appropriate description of the Goods, Services, execution of Works or Concessions (commensurate with the value of the Contract) setting out the Council's requirements in sufficient detail must be provided to prospective Bidders to enable the submission of competitive Quotations.

9.1.3 The request for a Quotation shall also make reference to or include the following as a minimum:

a. the terms and conditions of Contract that will apply; and
b. notification that Quotations are submitted to the Council on the basis that they are compiled at the Bidder's expense; and
c. a description of the award criteria as appropriate and in accordance with Rule 7.6; and
d. the date and time by which a Quotation is to be submitted by; and

e. that the Council is not bound to accept any Quotations submitted.

9.1.4 The proposed form of Contract must comply with Rule 11 and where possible the Council's standard terms and conditions of Contract must be used. Advice must be sought from Legal Services and approval given by the Director: Governance & Assurance (Monitoring Officer) where alternative terms and conditions are used.

9.1.5 Where requests for a Quotation are sought from more than one prospective Bidder, where possible, the request must be sent to each Bidder at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

9.2 **Submission and Receipt of Quotations**

9.2.1 Unless agreed by Corporate Procurement, bidders must be given a minimum of two weeks in which to prepare and submit a Quotation, timescales should be consistent with the complexity of the Contract requirement and provide bidders with a reasonable opportunity to prepare and submit a Quotation.

9.2.2 In the event that an abnormally low Quote is received, the AO must take advice from Corporate Procurement on how to proceed.

9.2.3 Any Quotation (including all associated documents) submitted after the specified date and time for submission of Quotations shall only be accepted or considered by the Council with agreement from the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement.

9.2.4 If fewer than the minimum number of Quotations is received as stipulated in Table 1 in Rule 7.5, then advice must be sought for a decision from the Head of Procurement as to whether to proceed. Any decision must be recorded in writing and stored on The Chest.

9.3 **Amendments to Quotations**

9.3.1 The Council may accept amendments to Quotations, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions. In such circumstances, any alterations must be made by resubmitting a new Quote and clearly highlighting which Quotation (and associated documents) is correct and which should be considered as part of the procurement activity.

9.3.2 A Quotation may be amended after the closing date for submission if the amendment is made only in order to correct arithmetical or other obvious

errors. Such amendments may only be made with the prior approval of the Head of Procurement and Senior Manager Internal Audit.

9.4 **Evaluation of Quotations**

9.4.1 All compliant Quotations, including those in mini-competitions under Framework Agreements, must be checked by the AO and validated to ensure they are arithmetically correct. The AO must seek advice from Corporate Procurement if there is any doubt. If arithmetical or other obvious errors are found they should be notified to the Bidder, who should be requested to confirm, or withdraw or seek permission to amend their Quotation. If the rates in the Quotation prevail over the overall price, an amended Quotation may be requested to accord with the rates given by the Tenderer. All amendments to correct any error may only be allowed at the discretion of the Head of Procurement who may seek advice form the Director: Governance & Assurance (Monitoring Officer). Any decision to allow an amendment must have regard to the general principles contained in Rule 3.1.2.

9.4.2 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded, and where appropriate (£5,000 and above) recorded on The Chest. The AO must then confirm to Corporate Procurement that the Contract can be awarded in accordance with Rule 9.5 by updating the PIA.

9.4.3 Officers must ensure transparency and fairness during the evaluation process.

9.5 **Contract Award – through a Quotation Process**

9.5.1 The Contract will be awarded in accordance with the award criteria used.

9.5.2 Where the Quotation is not within the relevant approved budget but additional budgetary provision is available, the relevant AO, with the approval of the Director of Finance & Investment (Chief Finance Officer), may accept the Quotation ensuring compliance with the Financial Procedure Rules/Regulations.

9.5.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.

9.5.4 All award decisions must be recorded and a PRAD 4 signed and dated by the SRO or delegated representative for the relevant service and, ***where necessary*** signed by the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement e.g. if Rules 5 or 12 apply.

9.5.5 Once the decision has been made and the approval given to award the Contract, the AO, through Corporate Procurement, must send a Contract award letter to the winning Bidder(s) and inform unsuccessful bidders of the outcome.

9.5.6 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 11.2 unless Rule 11.2.5 applies.

9.5.7 Legal Services will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.

10. Tenders

10.1 Invitations to Tender

10.1.1 All Tender opportunities must be placed on The Chest and, where appropriate, Contracts Finder in accordance with Table 1 at Rule 7.5.

10.1.2 The Invitation to Tender shall include the following where appropriate:

a. A form upon which the Tenderer can provide details of its bid ("Form of Tender");
b. A reference to the Council's ability to award in whole, in part or not at all;
c. A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
d. the terms and conditions of Contract that will apply;
e. A requirement for Tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose);
f. A requirement for Tenderers to fully complete and sign all Tender documents including the Form of Tender and certificates relating to canvassing and non-collusion;
g. Notification that Tenders are submitted to the Council on the basis that they are compiled at the Tenderer's expense;
h. A description of the award procedure and the evaluation criteria to be used to assess Tenders including any weighting as considered appropriate and in accordance with Rule 6.6. The evaluation criteria must be clear, concise and unambiguous and must be approved by the AO in consultation with Corporate Procurement. The evaluation criteria cannot be amended once published in the Invitation to Tender;

i. The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with and in particular, whether the overall price prevails over the rates in the Tender or vice versa;
j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;
k. Whether additional arrangements will be required in relation to pension provision;
l. Provisions relating to the Council's termination rights in the event that corruption is discovered;
m. The relevance and application of any parent company guarantees and/or bonds;
n. That the Council is not bound to accept Tenders.

10.1.3 The proposed form of Contract must comply with Rule 10 and where possible the Council's standard terms and conditions of Contract must be used. Advice must be sought from Legal Services and approval given by the Director: Governance & Assurance (Monitoring Officer) where alternative terms and conditions are used.

10.1.4 All Tenderers invited to Tender must be issued with the same information at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

10.1.5 All communications relating to Tenders must be recorded on The Chest.

10.2 **Pre and Post Tender Clarification Procedures**

10.2.1 Providing pre-Tender clarification to potential or actual Tenderers, or seeking clarification of a Tender, is permitted subject to Rule 9.2.3.

10.2.2 Post-tender clarification may be undertaken with Tenderers only where it is essential in order to be completely clear about any fundamental aspect of the Tender submission before the completion of the Tender evaluation process and subject to Rule 10.2.3.

10.2.3 All pre- and post- tender communication must be conducted either in writing or in a meeting recorded by Corporate Procurement. All correspondence or meetings must be documented and retained on The Chest. **Where a meeting is required, there must always be more than one Officer present.**

10.2.4 At all times during the clarification process, the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

10.2.5 Unless otherwise permitted by the Regulations, in no circumstances are post-award negotiations permitted that would materially change the contract.

10.3 Submission and Receipt of Tenders

10.3.1 Tenderers must be given a reasonable period in which to prepare and submit a proper Tender, consistent with the complexity of the Contract requirement and in accordance with the Regulations.

10.3.2 Any tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered with agreement from the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement.

10.3.3 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the specified closing date and time has passed.

10.3.4 If less than the minimum number of Tenders is received as stipulated in Table 1 in Rule 7.5, then advice must be sought for a decision from the Head of Procurement on how to proceed. Any decision must be recorded in writing and stored on The Chest.

10.4 Verifying and Opening Tenders

10.4.1 Tenders are to be verified by an Officer who is independent of the procurement activity to which the Tender relates.

10.4.2 The tenders must be opened by Corporate Procurement. This will be an electronic process, through the Chest, unless an exception in writing has been obtained from the Head of Procurement.

10.4.3 A record of all tenders received will be kept and will include;

- service name
- contractor's names
- tender value
- date
- reason for any disqualifications
- name of those who were invited but did not submit a tender

10.4.4 Any request for an extension to a tender period by an AO must be made no later than 3 working days before the tender closing date and agreed by the Head of Procurement. If an extended date is permitted all tenderers must be advised.

10.5 **Amendments to Tender**

10.5.1 The Council may accept amendments to Tender submissions, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions.

10.5.2 A Tender may be amended after the closing date for submission if the amendment is made only in order to correct arithmetical or other obvious errors. Such amendments may only be made with the prior approval of the Head of Procurement and Internal Audit informed.

10.6 **Evaluation of Tenders**

10.6.1 If a PQQ or an expression of interest prior to PQQ was used, all those Tenderers must be given feedback at the relevant stage.

10.6.2 In the event that an abnormally low Tender is received, the AO must take advice from Corporate Procurement on how to proceed.

10.6.3 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the AO and validated to ensure they are arithmetically correct. The AO must seek advice from Corporate Procurement if there is any doubt. If arithmetical or other obvious errors are found they should be notified to the Bidder, who should be requested to confirm, or withdraw or seek permission to amend their Tender. If the rates in the Tender prevail over the overall price, an amended Tender may be requested to accord with the rates given by the Tenderer. All amendments to correct any error may only be allowed at the discretion of the Head of Procurement who may seek advice from the Director: Governance & Assurance (Monitoring Officer). Any decision to allow an amendment must have regard to the general principles contained in Rule 3.1.2.

10.6.4 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on The Chest. The AO must then confirm to Corporate Procurement that the Contract can be awarded by updating the PIA.

10.6.5 During the evaluation process, the evaluation of quality should be separate from that of price to ensure so that one cannot influence the other before the final scoring of bids is completed. ***Unless agreed with the Head of Procurement all evaluation criteria should be based upon 70% price / 30% quality.***

10.6.6 Officers must ensure transparency and fairness during the evaluation process.

10.7 **Financial Evaluations**

10.7.1 Corporate Procurement shall obtain financial profile reports of bidders for all appropriate procurements of £5k and above.

10.7.2 Financial profile reports for procurements up to £100k shall be considered jointly by the commissioning service and Corporate Procurement for the purposes of deciding to include the bid in the evaluation stage. Financial profile reports for procurements of £100k and above shall be submitted to the Director of Finance & Investment (Chief Finance Officer) for the approval or rejection of the bidder to proceed to the evaluation stage in accordance with the following principles.

10.7.3 No tender shall be rejected on the grounds of lack of financial standing unless the criteria for rejection is clearly stated in the published pre-tender documentation and the tender can be rejected in accordance with those criteria.

10.7.4 The financial standing criteria must comply with Regulation 58 of the Public Contracts Regulations 2015 as being related to and proportionate to the subject matter of the contract and compliant with the requirements on minimum yearly turnovers and ratios between assets and liabilities set out in the Regulation.

10.7.5 Where the Director of Finance & Investment (Chief Finance Officer) considers it to be necessary, annual accounts shall be obtained from bidders for appraisal.

10.7.6 The appraisal of financial profile reports for procurements of £100k and above shall be supported by the completion of a Procedure Rules Approval Document (PRAD 7) by Corporate Procurement and issued to the Director of Finance & Investment (Chief Finance Officer) for approval or rejection, in accordance with the above requirements.

10.8 **Contract Award – through a Tender process**

10.8.1 The winning Tenderer shall be awarded the Contract in accordance with the award criteria used.

10.8.2 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the relevant SRO, can only accept the tender by having prior approval of the Director of Finance & Investment (Chief Finance Officer), and complying with the Financial Regulations.

10.8.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.

10.8.4 All award decisions must be recorded and a PRAD 4 signed and dated by the SRO for the relevant service and where necessary signed by the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement e.g. if Rules 5 or 12 apply.

10.8.5 A contract which has a contract value above the Regulation thresholds can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.

10.8.6 Once the decision to award a Contract is made, each Tenderer must be notified by the AO and Corporate Procurement in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via The Chest. The letters must include a description of the relative advantages of the successful Tenderer.

10.8.8 All challenges by Tenderers must be dealt with immediately by the SRO/AO, in consultation with Legal Services and Corporate Procurement, before the award process proceeds.

10.8.9 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 11.2 unless Rule 11.2.5 applies.

10.8.10 Legal Services will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.

10.8.11 The AO and Corporate Procurement must publish a contract award notice in the OJEU and on the Council's website no later than 48 days after the date of award of the Contract where a Contract value exceeds the Regulation threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.

10.8.12 Contract award letters, feedback to Tenderers and the contract Terms and Conditions, including any incidental documentation must be approved by Corporate Procurement prior to sending, where the value of the Contract is over the Regulation Thresholds.

10.9 **Enquiries about the Tender process**

10.9.1 The confidentiality of Tenders and the identity of Tenderers must be preserved at all times insofar as this is compatible with the Councils' obligations under FOIA and EIR.

10.9.2 If the Council receives a request for information under the FOIA as a result of the de-briefing process, the request must be referred to both the Head of Procurement and the relevant Officer of the Council who deals with such requests. The Council will be responsible for responding to the request.

10.9.3 Any challenges, complaints or requests for feedback, clarification or further information must be referred to the Head of Procurement who will advise on how to respond and notify the Director: Governance & Assurance (Monitoring Officer).

11. **Contract Provisions and Contract Formalities**

11.1 **Contract Provisions**

11.1.1 All contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from Corporate Procurement as to the appropriate form of Contract to be used and where possible, be on the Council's standard terms and conditions.

11.1.2 All contracts, irrespective of value, shall, where appropriate, clearly specify as a minimum:

a. What is to be supplied (i.e. the Works, materials, services, matters or things to be furnished, had or done).
b. The provisions for payment (i.e. the price to be paid and when).
c. The time, or times, within which the contract is to be performed.
d. The provisions for the Council to terminate the Contract and break clauses.
e. The provision for collateral warranties from sub-contractors.
f. The provision of Bond of Surety where applicable, Legal and Procurement to advise.
f. Dispute resolution process.

11.1.3 Legal Services can provide advice on Contract specific terms and conditions.

11.2 **Contract Formalities**

11.2.1 Once a decision to award has been made in accordance with Rule 9.5.3 or 10.7.3, the contract must be either be signed by the Officer authorised to award the Contract under Council's Scheme of Delegation or by Seal and in accordance with Rule 11.3.2

11.2.2 Where the Contract is to be in writing, the AO must arrange with Legal Services for the Contract including all schedules and appendices to be signed by all parties. This can be done in two ways:

a. Sending bound hard copies of the Contract to the winning Bidder(s) or Tenderer(s) for signing; or
b. Sending electronic copies of the Contract to the winning Bidder(s) or Tenderer(s) for printing, binding and signing.

11.2.3 Before arranging for the Contract to be signed or sealed on behalf of the Council, the Legal Services must check that the returned signed Contract has not been amended or altered by the winning Bidder(s) or Tenderer(s) without prior written agreement by the Council.

11.2.4 All Contracts which are to be formally completed in writing must be completed before the Goods are supplied, or the Service, execution of Works or Concessions Contract begins, except in exceptional circumstances, and then only with the prior approval from the Director: Governance & Assurance (Monitoring Officer).

11.2.5 All contracts must include clear provisions as to the amounts and timing of payments due under the contract. Payments should be paid in arrears upon the production of satisfactory evidence of performance. Where the total amount payable under the contract cannot be ascertained the contract must include a clear mechanism for calculating the amounts due, for example by reference to a bill of quantities or schedule of rates, and the maximum amount payable must be stated.

11.2.6 Approval of the relevant SRO and the Head of Procurement is required if payment is required in advance or partially in advance as necessary for provision of the service or in line with statutory guidance. Evidence of such approval and the reasons for it must be recorded on a PRAD 1.

11.2.7 A purchase order must be raised in the e-Procurement system for all goods, services and works requirements to be acquired through an EPS and for all Contracts. The purchase order must attach the terms and conditions of Contract between the Council and the Contractor. The exception to this is

where payment is to be made by certificate within the contract conditions (e.g. New Engineering Contract 3).

11.2.8 The AO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the AO must seek advice from Legal Services.

11.3 Contracts under Seal

11.3.1 A Contract must be sealed where:

a. The Council wishes to extend the liability period under the Contract and enforce its terms for up to 12 years; or
b. The price to be paid or received under the Contract is a nominal price and does not reflect the value of the goods or services; or
c. There is any doubt about the authority of the person signing for the other contracting party; or
d. The Contract value is £100,000 or above.

11.3.2 The seal must be affixed in accordance with the provisions of the Council's Constitution.

11.3.3 All contracts with a value of £100,000 or over will be sealed as a Deed by Legal Services. Contracts between £50,000 and £100,000 in value shall be signed by an authorised signatory from Legal Services.

11.3.4 When the steps for finalising the contract are complete the contract can be issued to the supplier for execution as a Deed or for signature (as appropriate).

11.3.5 The supplier will seal or sign the contracts in duplicate but leave them undated.

11.3.6 Legal Services must notify Corporate Procurement, Finance and the relevant SRO when the contract has been executed.

11.3.7 The contract will be dated when the Council's seal is affixed.

11.3.8 Electronic signatures may be used in accordance with the Electronic Signatures Regulations 2002, provided the security arrangements have been approved by the relevant SRO.

11.4 **Transfer of Contracts**

11.4.1 No Contract should be transferred from one Contractor to another without first consulting Legal Services. Contracts can only be transferred if approved in accordance with the table below:

Value of Contract/Quote	Decision Maker
All values	Director of Finance & Investment (Chief Finance Officer) and the Director: Governance & Assurance (Monitoring Officer) or their nominees in accordance with the Council's Scheme of Delegation and in consultation with the Head of Procurement

11.5 **Insurance**

11.5.1 The AO is responsible for checking that all chosen contractors provide written evidence of adequate insurance to cover public liability, employers' liability and if necessary professional indemnity for the full duration of the contract.

11.5.2 Indemnity levels must reflect the risk to the Council which typically will be for each and every contract;

- £5 million for Public liability
- £10 million for Employers liability
- £2 million for Professional indemnity

11.5.3 In some cases where the contract is of low risk the levels required may be reduced but only following written consent of the Director of Finance & Investment (Chief Finance Officer) or nominee. For major contracts of long duration where contractor's exposure to liability is high, it may be appropriate to require higher limits.

12. **Waiving the Rules**

12.1 **Procedure Rules Approval Document**

12.1.1 Where an Officer intends to seek an exemption or exception to these rules as they apply to all procurements they shall arrange for consent to be obtained in writing.

a. Such consent shall be evidenced on a Procedure Rules Approval Document (PRAD) signed by the authorised appropriate Officer/s

depending on the value of the procurement as set out in the table below **prior** to the start of the procurement process.

b. The PRAD must be completed by the SRO/AO quoting which of the Exceptions (PRAD 1) listed below apply and why. The PRAD must be checked by Legal Services and Procurement prior to signing by the authorised Officer/s.

c. Consent to waiving the rules will only be approved in exceptional circumstances and only when the EU Procurement regulations do not apply.

12.2 **Summary Table: Officers authorised to approve waiving of the Contract Procedure Rules.**

Under £10,000	**Under £50,000**	**Under £100,000**	**£100,000 and over**	**Over threshold**
Senior Category Manager	Commercial Procurement Manager	Head of Procurement or Delegated representative	Approval of Head of Procurement and Director: Governance & Assurance (Monitoring Officer) or Delegated representatives	Unable to waive unless exempt from the Regulations and the Chief Executive, Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement provide prior approval

12.3 **Exemptions**

12.3.1 Contracts which are exempt from the application of the Regulations and these rules include:

a. Contracts relating solely to the acquisition or disposal of an interest in land and buildings.

b. Transactions conducted by the Director of Finance & Investment (Chief Finance Officer) in respect of dealing in the money market or obtaining finance for the Council.

c. Employment contracts.

12.4 **Exceptions (PRAD 1)**

12.4.1 Requests to waive these rules for under EU threshold contracts (or where the thresholds do not apply) may be authorised in the following circumstances, supported in all cases by appropriate evidence;

a. Goods, services or execution of works are obtainable only from one source or contractor and there is no reasonably satisfactory alternative.
b. Compatibility issues such that procurement from another source would be uneconomic given the investment in previous infrastructure;
c. A waiver of the rules would be in the interests of the Council, be lawful, and provide value for money;
d. Where there is a legal requirement to contract with a particular supplier.
e. Call-offs under framework agreements, providing procedures are adopted which are broadly equivalent to these rules and compliant with national and EU legislation.
f. Contracts awarded to sole suppliers because of exclusive rights.

12.5 **Records of Waiver**

12.5.1 All exemptions or exceptions should be recorded by Corporate Procurement in the Contract Procedure Rules Exceptions Register and be available for inspection as required. All original Procedure Rules Approval Document evidencing waiving of the rules must be kept in the register.

13. **Extension or Variation/Overspend of Contracts**

13.1 The relevant SRO must not enter into extensions, variations or overspends which are within the scope of the original procurement but would increase the value of the contract singly or cumulatively by an additional 10% or more beyond the approved budget without the approval of the Director of Finance & Investment (Chief Finance Officer). A business case will be required to obtain this approval. Evidence of such approval must be recorded in writing in a PRAD 2 Extension or PRAD 3 Variation/Overspend.

13.2 The Head of Procurement will keep a record of such approvals.

13.3 The SRO can extend or vary a contract provided;

- There is provision within the contract to extend (and this has not already been utilised to its full extent).
- The budget has been confirmed in writing or confirmation there is the budget available.
- Authority is recorded in writing and
- Legal Services prepare the documentation to record the terms of the extension or variation (if necessary depending upon the provisions of the contract).

13.4 If there is no provision within the OJEU contract notice or in the contract terms for extensions, legal advice should be sought.

13.5 Legal advice must be sought on the need to re-procure if changes amount to a significant or material alteration to the contract advertised or there is a proposed change to a named subcontractor.

14. Sale of Council Goods or Assets

14.1 When selling Council goods or assets Officers must comply with the aims of these rules (Rule 3) specifically the need to achieve best value, ensure transparency, openness, nondiscrimination, probity and accountability.

14.2 Appropriate authority under the relevant scheme of delegation for the sale must be evidenced on a PRAD 1 before commencing the sale process.

14.3 The table below sets out the minimum measures Officers must take to ensure that sales achieve best value.

Sale with value of under £10,000	Sale with value under £50,000	Sale with value over £50,000
Minimum of 3 offers required wherever possible	Procurement to advise on the need to advertise to achieve an appropriate level of interest	Advertise sale appropriately

14.4 Corporate Procurement can advise officers on compliance regarding sales if required.

15. Application of the Contract Procedure Rules to Schools

15.1 The Schools Fair Funding Scheme (FFS) governs the management by each school of its delegated and devolved budget as determined in s.48 of the School's Standards and Framework Act 1998. Schools (other than academies) are expected to follow these Rules, (unless Governing bodies have taken decisions to change reporting arrangements) but where there is conflict between the Rules and the FFS, the FFS will take precedence.

16. Declarations of Interest, Anti-Bribery and Corruption

16.1 The Council's reputation with regards to procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure they comply with the obligations set out in the Council's Members' Code of Conduct and Officers' Code of Conduct respectively and any other relevant policies,

guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time.

16.2 Any Member or Officer must declare any interest which could influence their judgment in relation to procurement activity in accordance with the Council's Code of Conduct.

16.3 No gifts or hospitality should be accepted from Bidders or Tenderers involved in procurement activity except in accordance with the Council's Code of Conduct.

16.4 Members and Officers involved in a procurement process must not have contact with Bidders or Tenderers whilst documents are out to tender or whilst bids are being evaluated, except, formally, through the Chest. Exceptional circumstances, where contact forms part of the process, can only be conducted with the prior written consent of the Director: Governance & Assurance (Monitoring Officer) and the Head of Procurement.

17. Reporting to Members

17.1 The Officer responsible for awarding the Contract shall notify in writing the Head of Procurement who shall report at half yearly intervals to the Audit and Risk Management Committee, whenever;

- A contract is awarded the total value of which exceeds £500,000 or
- A variation or extension to a contract is approved by the Director of Finance & Investment (Chief Finance Officer) or
- There is a waiver of the Contract Procedure Rules in relation to a contract which exceeds £50,000 in value.

18. Contract Management

18.1 All Contracts must have a Council Contract Owner for the entirety of the Contract. In the event that there is no named Contract Owner the AO will fulfil the role of Contract Owner.

18.2 The Contract Owner will be responsible for reviewing monitoring and evaluating the contract to ensure that its provisions and the services within it are being followed and performed as they should be.

18.3 During the life of the Contract, the Contract Owner should monitor the Contract in respect to the following:

a. Performance (against agreed KPIs where relevant);
b. Compliance with specification and contract;
c. Cost;

d. Any Best Value duties;
e. Continuous Improvement;
f. User satisfaction; and
g. Risk Management
h. Be responsible, in accordance with the Council's Equality Duties, for ensuring that workforce profiles are submitted annually from all contractors.

18.4 Where the Contract is to be re-let, this information should be available early enough to inform the approach to re-letting the next contract.

18.5 Corporate Procurement can provide advice and support on good practice in performance management of Contracts £5000 and over.

18.6 All Contracts, £5,000 and over, must be included and published on the Contracts Register maintained by Corporate Procurement in line with the Local Government Transparency Code 2014. This is a mandatory requirement and it is the responsibility of the SRO for each Service to ensure that they have informed Corporate Procurement of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register accordingly.

19. Retaining Relevant Documents

19.1 All records in relation to the award of Contracts and the associated procurement process, including supporting documentation, shall be stored by Corporate Procurement in an electronic filing system to be available for inspection by the Council's internal and external auditors, or Officer, immediately upon request. Records will be retained in accordance with relevant regulations applicable to electronic record retention.

19.2 Hard copies of all written contracts shall be retained, by Legal Services, as follows:

Contracts with a value between £5,000 and £249,999	for six years after the end of the Contract
All sealed Contracts and Contracts with a value of £250,000 and above	For twelve years after the end of the Contract
Contracts that are grant funded regardless of value	Must comply with retention period above or the terms and conditions of the grant, whichever is the longer

19.3 If legislation related to any individual Contract stipulates a longer retention period than this, then the legislation requirements takes precedence over the Council's minimum periods.

19.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

PART 4G

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

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

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

(b) Seeking support for appointment

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

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

(iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application form.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:-

(a) draw up a statement specifying:-

(i) the duties of the officer concerned; and

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

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

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

3. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or subcommittee of the Council. That committee or sub-committee must include at least one member of the Executive.

4. Appointment of Chief Officers and Deputy Chief Officers

(a) Where a committee is discharging on behalf of the Authority the appointment of a Chief or Deputy Chief Officer as defined below, it must include at least one member of the Executive

(b) For the purposes of sub-paragraph 4(a) above, Chief Officer means the following posts:

- Chief Executive
- Corporate Director for Business Management
- Corporate Director for Delivery Services (Assistant Chief Executive)
- Corporate Director for Children's Services (DCS)
- Corporate Director for Strategy and Partnerships
- Corporate Director for Economic and Housing Growth
- Director for Adult Care and Health (DASS)

(c) An offer of appointment as a Chief Officer or as a Deputy Chief Officer must not be made until the Director: Governance and Assurance (Monitoring Officer) has notified every member of the Cabinet of:

(i) the name of the person to whom the offer is to be made;

(ii) any other particulars relevant to the appointment;

(iii) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to Director: Governance and Assurance (Monitoring Officer);
and either

(iv) the Executive Leader has within the period specified in the notice under subparagraph (c) (iii) notified Director: Governance and Assurance (Monitoring Officer) that neither he/she nor any other member of the Executive has any objection to the appointment; or

(v) the objection has been received by Director: Governance and Assurance (Monitoring Officer) within the period from the Executive Leader; and the appointing committee is satisfied that any objection

received from the Executive Leader within that period is not material or is not wellfounded.

5. Other appointments

(a) Officers below Deputy Chief Officer - Appointments of officers below Deputy Chief Officer, other than assistants to political groups, is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

(b) Assistants to political groups - Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

(a) No disciplinary action in respect of the Authority's Head of Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 6(b) below, may be taken by the Authority or by a committee/sub-committee or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person.

[Explanatory Note: A designated independent person is a person appointed in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct). His or her role is to prepare a report before any conclusion on disciplinary action is reached.]

(b) The action mentioned in Paragraph 6(a) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

7. Disciplinary action and dismissal of, and disciplinary action against, chief officers and deputy chief officers

(a) Councillors will only be involved in disciplinary action against the Head of Paid Service, Chief Officers and Deputy Chief Officers where such involvement is necessary for any investigation or inquiry into alleged misconduct through the Council's disciplinary, capability and related procedures.

(b) Except as outlined in 7(a) above, the Head of Paid Service or an officer nominated by him/her will discharge the functions of dismissal of, and taking disciplinary action against, Chief Officers and Deputy Chief Officers.

(c) Notice of dismissal of the Head of Paid Service, or any Chief Officer or Deputy Chief Officer must not be given by the dismisser, being the Committee or officer discharging the function of dismissal, until

(i) the dismisser has notified the Chief Executive of the name of the person whom the dismisser wishes to dismiss or any other particulars which the dismisser considers are relevant to the dismissal;

(ii) the Chief Executive has notified every member of the Executive of the Authority of:

(a) the name of the person whom the dismisser wishes to dismiss;

(b) any other particulars relevant to the dismissal which the dismisser has notified to the Chief Executive; and

(c) the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive, to the Chief Executive; and

(iii) either

(a) the Executive Leader has, within the period specified in the notice under sub-paragraph (ii)(c) above, notified the dismisser that neither he/she nor any other member of the Executive has any objection to the dismissal;

(b) the Chief Executive has notified the dismisser that no objection was received by him/her within that period from the Executive Leader; or

(c) the dismisser is satisfied that any objection from the Executive Leader within that period is not material or is not well-founded.

8. Dismissal of and disciplinary action against other officers

Councillors will not be involved in the dismissal of any officer, or the taking of any disciplinary action against officers below Deputy Chief Officer.

9. Appeals

Nothing in these Officer Employment Procedure Rules shall prevent a member from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by

(a) another person, against any decision relating to the appointment of that other person as a member of staff of the Authority; or

(b) a member of the staff of the Authority against any decision relating to the dismissal of or taking of disciplinary action against that member of staff.

Part 5A

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).

1. <u>General Obligations</u>

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. <u>When using or authorising the use by others of the resources of the authority</u>

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.

4. Interests

4.1 Disclosable Pecuniary Interests

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.

4.2 Personal Interests

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 wellbeing 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.

4.4 Sensitive Interests

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.

5. Disclosure and participation

5.1 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.

5.2 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.

6. Disclosable Pecuniary Interest

6.1 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. Descriptions set out in Schedule 3 below.

7. Personal Interests

7.1 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.

8. 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.

9. 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.

10. Prejudicial Interests

10.1 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.

11. Subject to paragraph 13.1 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.

12. 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.

13. Pre-determination or bias

13.1 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.

14. 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.

15. Gifts and Hospitality

15.1 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.

16. Interests arising in relation to overview and scrutiny functions

16. 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-

16.2 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

16.3. 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 subcommittee and you were present when that decision was made or action was taken; or

16.4. 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):

16.5 **You may** attend a meeting of the relevant committee exercising overview and scrutiny 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.

17. Dispensations

17.1 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.

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

Schedule 1

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.

Schedule 2

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

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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act (1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority:- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	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.
Corporate Tenancies	Any tenancy where (to the Member's knowledge):- (a) the landlord is the relevant Authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	Any beneficial interest in securities of a body where:- (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and (b) either:- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or, (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Part 5B

Officers' Code of Conduct

1. Honesty, Integrity, Impartiality and Objectivity

An employee must perform his/her duties with honesty, integrity, impartiality and objectivity.

2. Accountability

An employee must be accountable to the authority for his/her actions.

3. Respect for Others

An employee must –

a) treat others with respect;
b) not discriminate unlawfully against any person; and
c) treat members and co-opted members of the authority professionally.

4. Stewardship

An employee must –

a) use any public funds entrusted to or handled by him/her in a responsible and lawful manner and for purposes consistent with and directed to the objectives and targets of the post; and
b) not make personal use of property or facilities of the authority unless properly authorised to do so.

5. Personal Interests

An employee must not in his/her official or personal capacity –

a) allow his/her personal interests to conflict with the authority's requirements; or
b) use his/her position improperly to confer an advantage or disadvantage on any person; or
c) do anything which would affect his/her ability, or the public's confidence in his/her ability, to do their job.

6. Registration of Interests

An employee must comply with any requirements of the authority –

a) to register or declare interests; and

b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.

And the Local Authority shall determine the manner of registration and declaration of interests and make employees aware of any changes from time to time.

7. Reporting Procedures

An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct. Some employees, by virtue of their membership of a professional body, may have a specific duty to report misconduct.

8. Openness

An employee must –

a) not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he/she is by law to do so; and
b) not prevent another person from gaining access to information to which that person is entitled by law.

9. Appointment of staff

9.1 An employee **must not** be involved in the appointment of or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a **relative or friend**.

9.2 In the paragraph above:

a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

b) "partner" in sub-paragraph (a) above means a member of a couple who live together.

10. Duty of Trust

An employee must at all times act in accordance with the trust that the public is entitled to place in him/her.

11. Use of Internet and Electronic Mail Facilities

An employee must comply with the code of practice adopted by the Council for the acceptable use of computer facilities, including electronic mail and the internet.

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Part 5C

Protocol on Member/Officer Relations

1. Role and Purpose

1.1 The purpose of this protocol is to guide Members and Officers in their relations with each other and outline some of the appropriate conventions within the Council. The document cannot cover every eventuality nor is it prescriptive. Its intention is to offer guidance on some of the issues which commonly arise.

2. Definition of the Role and Officers and Members

2.1 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The aim of these codes is to enhance and maintain the integrity of local government and they therefore demand very high standards of personal conduct.

2.2 Both Members and Officers are servants of the public. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are employed by, and are responsible to, the Council. Their job is to give effective, impartial advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its Cabinet, Committees and Sub-Committees.

2.3 For the effective conduct of Council business, there should be mutual respect and courtesy in all meetings and contacts (both formal and informal) between Members and Officers. It is important that behaviour which could be viewed as conferring an advantage or disadvantage is avoided, as should close personal familiarity between Members and Officers, which could undermine public confidence in the Council. It is acknowledged that some close relationships may inevitably develop, and if so these must be openly declared and, where possible, Members and Officers who have close personal relationships should avoid working relations where they would come into regular contact on projects and in the day-to-day business of the Council

3. Officer Advice to Party Groups

3.1 Officers cannot be instructed to attend party political group meetings, or write reports for such meetings.

3.2 Any requests for advice or attendance shall be directed through the Group Leaders or Chairs/Spokespersons for the relevant Committee or Cabinet Member concerned.

3.3 The request shall be made to the relevant Chief Officer, or in his/her absence to their deputy or the next appropriate lower tier officer. An officer accepting

an invitation to one political group or individual shall not decline an invitation to advise another political group or individual on the same subject, although the Officer is not obliged to offer to advise another political group on the same subject. Any request received and advice given shall be the subject of strict confidentiality, unless agreed otherwise.

4. Briefings for Cabinets and Committees

4.1 The principles outlined above do not obviate the necessity for regular contact on matters affecting the Council between Senior Officers and the Leadership of political groups, and on matters affecting Cabinet members' responsibilities or those of Committee Chairs and/or Political Group Spokespersons.

4.2 It is recognised that groups may wish to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Political Groups may at their own discretion decide to engage jointly in such deliberations. Officers may properly be called upon to support and contribute to such deliberations, provided they maintain a stance of political neutrality. Support includes briefings for Cabinet and committees, and briefings for Members related to their individual role, e.g. Cabinet member or scrutiny chair. Officers should be asked to give advice on Council business only, and not on matters which are of a party political nature. Such support and advice is available to all political groups.

4.3 Usually, only Chief Officers may be asked to provide the support outlined above. Requests for attendance should be made in sufficient time to allow proper preparation. Due consideration shall be given to the timing of meetings to avoid onerous demands being made. The time spent advising a political group or individual shall be reasonable, given the demands on the time of all concerned.

5. Support Services for Members

5.1 The role of Officers is only to assist Members in discharging their role as Members of the Council for Council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes. Council resources (e.g. member services, stationery, photocopying) may only be used for Council business or where such use is conducive or incidental to that role.

6. Members' Access to Information and Council Documents

6.1 All Political Groups shall be equally entitled, if they so choose to request and receive background information to decisions, including essential financial information. All such requests and the replies, shall remain confidential to that political group, although political groups may at their discretion choose to share that information between political groups. Members are reminded of the need to consider whether such information is likely to fall within the categories of exempt information as defined in the Access to Information Procedure

Rules, and to treat it accordingly. Release of information to Members will be subject to ensuring compliance with the Data Protection Act.

6.2 The common law right of Members is based on the principle that any Member has "prima facie" (or "on the face of it") right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable him/her to properly perform their duties as a Member of the Council. This is referred to as the "need to know" principle.

6.3 The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". A Member has no right to a "roving commission" to go and examine documents of the Council, and what the law terms "mere curiosity" is not sufficient. The question must initially be determined by the particular Chief Officer whose department holds the documents in question, with advice from Head of Legal and Member Services.

6.4 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee), a Member's need to know will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties), a Member will normally be expected to justify the request in specific terms, possibly in writing.

6.5 Draft Cabinet reports and working papers will be considered as work in progress and as such may not be requested under the Access to Information Procedure Rules.

7. Reports

7.1 Chief Officers may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed. Where such a report affects another service, the appropriate Chief Officer must be consulted. The appropriate Cabinet member shall be consulted prior to the publication of an Executive report which concerns their portfolio. Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations. The Cabinet Member may make suggestions as to the content and timing of the report, however the final word on these matters will be that of the Chief Officer in whose name the report is presented, even if the Cabinet Member is unhappy with the outcome.

7.2 The Cabinet Member may submit their own report for consideration alongside that of the Chief Officer.

8. Overview and Scrutiny Committee

8.1 Overview and Scrutiny Committees may require Officers and Members to attend and provide any information required to answer questions (other than those which he or she would be entitled to refuse to answer in a court of law).

Detailed provisions are contained within the Overview and Scrutiny Procedure Rules.

9. Ward Councillors

9.1 Ward Councillors (and, where appropriate, councillors for neighbouring wards where there is a clear and obvious connection) should be kept informed and consulted on relevant matters affecting their Ward, e.g. planning, highways, licensing and other relevant matters. In the case of public meetings in a particular locality, Ward Councillors will normally be invited to attend and can expect to be consulted on any form of consultation exercise on local issues.

9.2 So far as decision making is concerned, Members remain accountable to the whole electorate of the Borough, and must make a personal decision on matters which come before them, balancing the interests of the electorate as a whole, including those members of the public who did not vote for them.

10. Correspondence

10.1 Where an Officer copies correspondence addressed from one Member to another, it should be made clear to the originator and should not be sent to any Member of another political group without the originator's consent. Members' correspondence with Chief Officers should not be copied to Cabinet Members or Overview and Scrutiny Committee Chairs unless the originating Member consents.

10.2 Official letters from the Council should normally be sent out in the name of the appropriate Officer, rather than a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) to address correspondence in the name of the Member, but this is the exception rather than the rule. Letters which create obligations or give instructions should not be sent out in the name of a Member.

10.3 Any Members who receive correspondence in their capacity as Executive members shall respond to the correspondence in their official capacity only. Such correspondence shall be copied to the Leader of the Council as Chair of Cabinet, except when doing so would constitute a breach of professional confidence.

11. Press Releases

11.1 Members are reminded of the need to comply with the requirements of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity which prohibits local councils from publishing any material which appears to be designed to reflect support for a political party. Council publicity should not be used as a means to publicise individual Councillors, except where they are acting to represent the Council as a whole.

12. Ceremonial Events

12.1 Ceremonial events would normally be attended by the Civic Mayor or Deputy Civic Mayor, unless they relate specifically to initiatives led by the Cabinet or in particular committee, in which case the Cabinet Member, Chair or Vice-Chair of that Committee would attend.

12.2 In addition, local Members should be informed and, where possible and appropriate, invited to participate.

13. Complaints

13.1 Where a Member's conduct is considered inappropriate, the complainant should raise his/her complaint under the Council's Members Code of Conduct and Protocol for Dealing with Complaints Against Members. The Protocol sets out how a complaint against a Member should be made and how it will be dealt with.

13.2 Further advice on making a complaint can be sought from the Council's Monitoring Officer.

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Part 5D

MEMBERS' ROLE PROFILES

The role descriptors set out below are not exhaustive and aim to describe the outline responsibilities of each role, rather than being an extensive description of all functions and responsibilities.

A. Ward Member

66 Members of the Council, are elected by a ward.

Role

- To champion the Borough and their Ward; working collectively in the best interests of Wirral and their constituents, communities and other stakeholders.

- To develop and understand their area and work to ensure needs and priorities within their wards are met.

- To lead and encourage participation and engagement in consultation to inform policy and decision making within their local area and Council.

- To work with local communities to identify solutions and broker partnerships; balancing different views and interests and mediating where appropriate.

- To ensure the very best level of service possible for their constituents; by holding services to account.

- To listen to constituents, and be responsive; making sure enquiries are dealt with in a timely , fair and impartial manner.

- To promote good community relations and strengthen community cohesion through taking and encouraging steps to eliminate unlawful discriminatory practices and attitudes within and outside the Council.

- To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

- To be an advocate of and for the interests of the ward, individual electors, community groups and other stakeholders. To represent the interests of those individuals and groups to the Council, and deal with enquiries and representations from constituents.

Duties

i. Individually, and with other representatives of the same and other wards, to effectively represent the interests of the ward, individual and groups of constituents in the policy formulation and decision making processes of the Council and to other local and national bodies.

ii. To lead and actively encourage community involvement and engagement in consultation in policy formulation and decision making by the Council.

iii. To respond to constituents enquiries and representations fairly and impartially.

iv. To promote good community relations and take and encourage steps to eliminate unlawful discriminatory practices and attitudes within and outside the Council.

v. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

vi. To work individually and collectively in the interests of the ward and the Borough.

vii. To support the Corporate Parenting Strategy in ensuring outcomes fulfil the Council's responsibilities towards children in care

Entitlement

i. All Members receive a basic allowance under the Scheme of Members' Allowances which is detailed in Part 6(ii) of this Constitution, in part, remuneration for time and expense spent on these duties. These duties will not normally give rise to recoverable subsistence or travel expenses.

ii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

iii. The extensive legal and constitutional provisions which regulate Members' rights to attend meetings and access information necessary to the discharge of their duties is set out in the Access to Information Procedure Rules in the Constitution.

B. Member of Full Council

All 66 Members of the Council are Members of the Full Council. There are restrictions on the Mayor and Cabinet Members participating in the Overview and Scrutiny and Standards and Constitutional Oversight Committee functions of the Full Council.

Role

Collectively, to determine the Budget and Policy Framework of the Council and to effectively discharge the functions which are the Responsibility of the Full Council under Part 3 of the Constitution.

Duties

i. Participate in the setting by the Full Council, following proposals from the Cabinet, of the Budget and Policy Framework of the Council, following the procedures in the Budget and Policy Framework Procedure Rules.

ii. Collectively, as a Full Council, to directly discharge or arrange for the discharge of the functions set out in Part 3 of the Constitution which are the responsibility of the Full Council. This may include the delegation of functions to Committees, Sub- Committees or Officers and/or to joint arrangements with other Councils.

iii. To be appointed by the Full Council as Chair, Vice Chair or Member of such Committees, Sub-Committees or joint arrangements and collectively with other Members of those bodies directly discharge or arrange for the discharge of functions delegated to them.

iv. To promote the economic, social and environmental well-being of the Borough and to have regard to the Corporate Strategy when doing so.

v. When participating in decision making, to ensure that decisions are lawful, reasonable, proportionate and contribute to the vision, mission, core values, strategic objectives and deliver and are within the Policy and Budget Framework of the Council. To also consider how each decision can assist in the reduction of crime and the elimination of inequality and discrimination.

vi. When participating in decisions which have a direct impact on the rights and freedoms of individuals, ensure that proper processes are followed and that obligations under the principles of natural justice and human rights legislation are met.

vii. To be available to be appointed to outside bodies and;

- Where appointed as the Council's representative, to act as directed by, or in the interests of the Council,
- Where appointed as a Director, Trustee or other capacity bearing personal liability, to act in accordance with the law and in accordance with the interests of the outside body,
- Where appointed as an observer or other non-decision making capacity, to represent the Council without becoming involved in decision making by the outside body.

viii. To participate in Overview and Scrutiny Reviews as required by the Council.

ix. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

Entitlement

i. The basic allowance includes recognition of the work undertaken by Members in relation to Full Council meetings.

ii. The detail of how Members can participate in debates, submit motions and vote are set out in the Council Procedure Rules.

iii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities

C. Chair of the Council / Mayor

It is the duty of the annual meeting of the Full Council to elect one of its Members to be Chair of the Council. The Chair is entitled to the title of Mayor and is entitled, on appropriate ceremonial occasions to bear the title of Civic Mayor.

Role

The Mayor of the Council has a formal responsibility to chair meetings of the Full Council and an historic traditional ceremonial role. The Mayor of the Council is the First Citizen of the Borough and is entitled to take precedence at civil events.

Duties

i. To chair meetings of the Full Council neutrally preserving order, ensuring that the Council Procedure Rules are followed and allowing different opinions to be fully and fairly presented and debated.

ii. The Mayor will attend and host such civic and ceremonial functions as the Council and the Mayor shall determine, within the approved budget.

iii. To determine any questions about the interpretation of the Constitution.

iv. To respond to constituents enquires and representations fairly and impartially.

v. To discharge procedural functions under the Constitution.

vi. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

Entitlement

i. The Chair of the Council is entitled to bear the title of Mayor.

ii. The Mayor receives support in managing civic and ceremonial duties from the Office of the Mayor of the Council.

iii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

D. The Leader

The Leader is elected by all the members of the Council (see Article 7 of the Council Constitution).

Role

The Leader has responsibility to give political leadership and direction to the Council.

Duties

i. To appoint between 2 and 9 cabinet Members and determine their portfolios

ii. To appoint a Deputy Leader

iii. To determine a scheme of delegation

iv. To call cabinet meetings and determine the agenda

v. To take personal responsibility for the delivery, or the arrangements for the delivery through delegations, of the Budget and Policy Framework and the functions of the Council which are the responsibility of the Cabinet.

vi. To work closely and constructively with Overview & Scrutiny Members in leading the development of the Budget and Policy Framework, in reviews of policy and in the scrutiny of decision making.

vii. To record and make publicly available any decision taken personally

viii. To attend, answer questions, and lead debates at meetings of the Full Council

ix. To attend meetings of Overview & Scrutiny Management Committee and Sub Committees when requested to do so.

xi. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee Relations.

Entitlement

i. The Leader receives a special responsibility allowance and, subject to the scheme of allowances will receive subsistence and travel expenses detailed in Part 6 of this Constitution.

ii. The Leader is entitled to attend, speak and vote at meetings of the Council and its Committees (except Overview and Scrutiny and Standards and Constitutional Oversight Committees).

iii. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

E. Cabinet Members

Between 2 and 9 Cabinet Members are appointed by the Leader.

Role

The Cabinet have collective and individual responsibility to propose the Budget and Policy Framework to the Council, and to discharge or arrange for the discharge of those functions which are the responsibility of the Cabinet under Part 3 of the Constitution.

Cabinet Members have a personal responsibility for taking decisions in relation to, and discharging those Cabinet functions delegated to them by the Leader. The delegations to Cabinet Members are known as their portfolio.

Duties

i. Collectively and individually to propose the Budget and Policy Framework, following consultation with Overview and Scrutiny Members and others as appropriate.

ii. Personally to take decisions and discharge directly, or arrange for the discharge, of those parts of the Cabinet's functions which are delegated to the Cabinet Member by the Leader as part of their portfolio. To record, and make publicly available, any decision taken personally.

iii. To be available to be appointed by the Cabinet to outside bodies; and

- Where appointed as the Council's representative, or delegate, to act as directed by, or in the interests of the Council,
- Where appointed as a Director, Trustee or other capacity bearing personal liability, to act in accordance with the relevant law and in accordance with the interests of the outside body,
- Where appointed as an observer or other non-decision making capacity to represent the Council without becoming involved in decision making by the outside body.

iv. To undertake Ward and Full Council Members duties.

v. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

Entitlement

i All Cabinet Members, as Members of Full Council, receive a basic allowance. In addition to this basic allowance, Cabinet Members also receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. The Council will provide secretarial and administrative support for Cabinet Members. Support is also provided by Strategic Directors, Directors and Heads of Service.

iii. Cabinet Members have the same rights to information as the leader of the council.

iv. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities

F. Assistant Portfolio Members

An Assistant Portfolio Member (APM) may be appointed to support a Portfolio Holder or Portfolio Holders in carrying out their duties in a variety of ways. For example:

- One or more APMs may be appointed to assist a Portfolio Holder in all their duties or to assist in a particular specific area.

- An APM may be appointed to assist several Portfolio Holders in a particular specified area which is covered by more than Portfolio Holder.

- An APM may be appointed to assist two or more Portfolio Holders in different specified areas.

On appointment the specific duties of the APM must be specified and will be subject also to the following general considerations. APMs have no decision-making powers. Within their specified duties APMs will:

- Keep abreast of best national practice and new initiatives and brief the Portfolio Holder accordingly.

- Assist the Portfolio Holder in establishing and maintaining professional, effective and efficient working relationships with opposition groups, chairs of committees and with other Councillors.

- Undertake such responsibilities as may arise or be required from time to time in line other than decision-making.

- Deputise as required for the Portfolio Holder within the limits or conditions set by the Portfolio Holder where this does not require direct Cabinet decision taking.

- Assist the Portfolio Holder to manage their workload and deal with such issues or projects (whether long term or time limited) as shall be agreed with them.

- Develop direct, effective working contacts with Corporate Directors, Directors and Heads of Service and their staff and external partners, and assist the Portfolio Holder with maintaining effective policy and management links with them.

- Act as a point of contact for the Portfolio Holder with the relevant political group.

- Advise and support the Portfolio Holder on particular and ad hoc issues and opportunities arising from their own participation in Council activity and externally, and also on strategic issues.

- Help to promote specific media opportunities relating to key projects, with regular feedback to the Portfolio Holder.

G. Overview and Scrutiny Members

Overview and Scrutiny Members are the Chairs, Vice Chairs and Members of Overview and Scrutiny Committees, Standing and Ad Hoc Overview and Scrutiny Panels.

Members of the Cabinet cannot be Overview and Scrutiny Members.

There may be co-opted Overview and Scrutiny Members, including church and parent governor representatives where education functions are concerned and trade union representatives.

Role

With other Overview and Scrutiny Members to effectively and efficiently discharge the Council's Overview and Scrutiny Function under S21 Local Government Act 2000, including the management of resources allocated to the discharge of that function.

Duties

i. To work closely and constructively with the Leader and Cabinet Members, participate in the formulation of the Budget and Policy Framework by responding to proposals from the Cabinet within timescales set by the Cabinet.

ii. Drive and participate in programmes of policy review, both at the request of the Full Council and of the Cabinet, but equally at the initiative of Overview and Scrutiny Members. The programme of review to include consideration of

anything which is of interest to the area or its inhabitants, even where the issue is not the responsibility of the Council.

iii. To effectively discharge its functions in respect of the Overview and Scrutiny of relevant partnership bodies and where there is a duty on partnership bodies to cooperate with Overview and Scrutiny e.g. authorities responsible for crime and disorder strategies, the NHS and relevant partners identified within the Local Strategic Partnership.

iv. With other Overview and Scrutiny Members, to subject decisions of the Cabinet (including the Leader, Cabinet Committees, individual Cabinet Members and Officers taking key decisions) to appropriate but rigorous scrutiny. To evaluate and question Cabinet decision making in order to hold the Cabinet to account.

v. As an individual, and in collaboration with other Overview and Scrutiny Members, to ensure that every decision by or on behalf of the Leader (including Officers taking decisions) is subject to sufficient and timely scrutiny. To participate in a decision to trigger the Call-In procedure where, in exceptional circumstances, it is required.

vi. To ensure that the work of Overview and Scrutiny Members is available to the Cabinet and the Full Council, where appropriate, through the submission of reports and clear, concise recommendations.

vii. In undertaking these duties to apply the Constitution of the Council, and particularly the Overview and Scrutiny Procedure Rules, the Access to Information Rules and the Budget and

viii. Policy Framework Procedure Rules. To undertake additional functions such as required by the Council or by statute.

ix. To respond to constituents enquiries and representations fairly and impartially.

x. To declare any personal interest in issues being scrutinised and to take any action, including withdrawal from the Committee or Sub-Committee required to maintain impartiality.

xi. To undertake Overview and Scrutiny functions in a constructive and non-partisan way.

xii. To act in accordance with the Members' Code of Conduct and the Protocol on Member / Employee relations.

Entitlement

i. The Chairs of Overview and Scrutiny Committees receives a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. The Vice Chair of Overview and Scrutiny Management Committee do not receive a special responsibility allowance.

iii. The Chairs of Overview and Scrutiny Sub Committees receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

iv. Overview and Scrutiny Members have additional rights to access information of relevance to their areas of responsibility. These rights are set out in the Overview and Scrutiny Procedure Rules.

v. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities

H. Constituency Committee Members

[To be completed]

I. Standards and Constitutional Oversight Committee

Standards and Constitutional Oversight Committee Members are appointed by the Full Council.

The membership comprises of 9 Elected Members, 4 Members (independent of the Council).

Role

The Standards and Constitutional Oversight Committee Members collectively have the duties of promoting high standards of conduct by elected and co-opted Members of the Council and assist those Members to achieve those high standards.

Duties

i. To promote and maintain high standards of conduct by Members and Officers.

ii. To grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the members Code of Conduct, where not delegated to the Monitoring Officer.

iii. To hear appeals against decisions of the Monitoring Officer not to grant a dispensation.

iv. To monitor and review the Council's Whistleblowing policy.

v. To monitor and review protocols for standards of behaviour for Members and Officers.

vi. To monitor and review protocols for Members and Officers on relationships and dealings with outside organisations and individuals.

vii. To monitor and review Member and Officer procedures relating to gifts and hospitality and disclosable pecuniary interests and other interests.

viii. To monitor and review the mandatory training programme for Members and Officers.

ix. To monitor and oversee the response by the Council to complaints to the Ombudsman.

x. Dealing with complaints of alleged member misconduct referred to the Monitoring Officer under section 28(6) of the Localism Act 2011.

xi. Granting and supervision of exemptions from posts being designated as politically restricted.

Entitlement

i. Mandatory and further specialised training is provided for Members who have a duty to ensure that they are well informed and have the skills to enable them to undertake these responsibilities.

ii. A special responsibility allowance is paid to the Chair of the Standards and Constitutional Oversight Committee, and a co-optee's allowance to Independent Members detailed in Part 6 of this Constitution.

J. Leaders of Political Groups

It is open to Members who form political groups under the Local Government (Committees and Political Groups) Regulations 1990 to appoint a Leader.

Role

The Leader of a Political Group has one formal role, to be involved in the processes relating to the composition of the group.

Entitlement

i. The Leaders of Political Groups with two or more Members receive a special responsibility allowance detailed in Part 6(ii) of this Constitution.

ii. Each Political Group is provided with an equipped office from which the Leader and other Members can conduct their business.

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PART 5E

WIRRAL CODE OF CORPORATE GOVERNANCE

INTRODUCTION

This document sets out Wirral Council's Code of Corporate Governance. It has been produced in line with the guidance outlined in the framework document published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives/Senior Managers (SOLACE) Framework for Delivering Good Governance in Local Government and Application Note to Delivering Good Governance in Local Government: a Framework (2010).

Wirral Council ("the Council") is committed to the principles of good corporate governance and demonstrates this commitment through the development, adoption and implementation of this Code. This Code sets out the Corporate Governance arrangements which are currently in place, how the Council will continue to review these arrangements and identify improvements to ensure its effective application in all aspects of the Council's work.

This Council recognises that in order to fulfil its purpose and deliver the intended outcomes for its citizens and service users it needs to have in place comprehensive arrangements for corporate governance and accountability designed to ensure that it operates in an effective, efficient and ethical manner.

WHAT IS CORPORATE GOVERNANCE?

It is defined within the CIPFA/SOLACE framework document as being: …about how local government bodies ensure that they are doing the right things, in the right way for the right people, in a timely, inclusive, open honest and accountable manner. It comprises the systems and processes, and cultures and values by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

This means the way in which organisations manage their business, determine strategy and objectives and go about achieving those objectives. This reminds local authorities of their key role in governing and leading communities and that effective local government relies on public confidence in Councillors and officers. Where good corporate governance is in place it underpins credibility and confidence in public services.

The 6 core principles at the heart of the CIPFA/SOLACE governance framework are:

1. focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area;

2. members and officers working together to achieve a common purpose with clearly defined functions and roles;

3. promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

4. taking informed and transparent decisions which are subject to effective scrutiny and managing risk;

5. developing the capacity and capability of members and officers to be effective; and

6. engaging with local people and other stakeholders to ensure robust public accountability.

CIPFA's Statement on the Role of the Chief Financial Officer in Public Service Organisations seeks to strengthen governance and financial management across the public services. CIPFA's Statement sets out five principles that define the core activities and behaviours that belong to the role of the Chief Finance Officer ('CFO') and the governance requirements needed to support them.

The CFO in a public services organisation:

1. is a key member of the leadership team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;

2. must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risk are fully considered, and alignment with the organisation's financial strategy; and

3. must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

To deliver these responsibilities the CFO:

4. must lead and direct a finance function that is resourced to be fit for purpose; and

5. must be professionally qualified and suitably experienced.

THE PRINCIPLES OF GOOD CORPORATE GOVERNANCE – IN PRACTICE

These core principles and the additional governance requirements from the CFO underpin the Council's Code of Corporate Governance.

Appendix 1 sets out the requirements of the CIPFA/SOLACE Framework to which the Council is committed and will use to review its governance arrangements and inform the Annual Governance Statement.

ANNUAL REVIEW AND REPORTING

Elected Members are collectively responsible for the governance of the Council. The Council by adopting this local code commits itself to continuously improving corporate governance in all of its activities. To ensure it keeps to this on-going commitment, the Corporate Governance Group oversees the Council's systems and processes for their effectiveness in practice, keeps them under review to ensure that they are up-to-date and ensures appropriate reporting. Performance monitoring will take the form of:

- an Annual Report;
- production of an Annual Governance Statement as part of the financial reports which will summarise:

    - compliance with the Local Code;
    - how compliance has been monitored;
    - if changes are required; and
    - how changes are to be implemented.

A copy of this Code of Corporate Governance will be included as part of the Council's Constitution and made available to the public on the Council's website and the results of the annual review to be published each year.

REGULAR REVIEW OF POLICIES AND PROCEDURES

The Council recognises that Corporate Governance needs to be embedded in all the services it delivers. Therefore, it has identified all those strategies, policies and procedures which staff and Members need to be aware of and comply with to meet the required standards of corporate governance. All of these strategies, policies and procedures will be reviewed at least annually as part of the review of this Code.

The Annual Governance Statement will consider compliance of the Council with the principles of good governance as set out by CIPFA/SOLACE and direct improvements to governance arrangements as necessary.

CONCLUSION

The Council is fully committed to the principles of corporate governance, and through the measures outlined within this Code, will ensure that adequate arrangements are made with regard to its continued implementation, monitoring and review.

Appendix 1

CORE PRINCIPLE 1:	Focusing on the purpose of the authority and on outcomes for the local community and creating and implementing a vision for the local area.

Supporting principles	Wirral Council commits to:
1. Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users.	Develop and promote the authority's purpose and vision Review on a regular basis the Council's vision for the local area and its implications for the Council's governance arrangements Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties. Publish an annual report on a timely basis to communicate the Council's activities and achievements, its financial position and performance.
2. Ensuring that users receive a high quality of service whether directly, or in partnership or by commissioning.	Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available. Put in place effective arrangements to identify and deal with failure in service delivery.
3. Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money.	Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Ensure that timely, accurate and impartial financial advice and information is provided to assist in decision making and to ensure that the Council meets it policy and service objectives and provides effective stewardship of public money and value for money in its use. Ensure that the Council maintains a prudent financial framework; keeps its commitments in balance with available resources; monitors income and expenditure levels to ensure that this balance is maintained and takes corrective action when necessary. Ensure compliance with CIPFA's Code on a Prudential Framework for Local Authority Capital Finance and CIPFA's Treasury management Code.

CORE PRINCIPLE 2:	Members and officers working together to achieve a common purpose with clearly defined functions and roles.

Supporting principles	Wirral Council commits to:
1. Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard.	Set out a clear statement of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice. Set out a clear statement of the respective roles and responsibilities of other authority members, members generally and senior officers and of the leadership team and its member's individually. Ensure that the CFO reports directly to the chief executive and is a member of the leadership team with a status at least equivalent to other members. If different organisational arrangements are adopted, explain the reasons publicly, together with how these deliver the same impact.
2. Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.	Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required. Make a chief executive or equivalent responsible and accountable to the authority for all aspects of operational management. Ensure that the Council's governance arrangements allow the CFO direct access to the CEO and to other leadership team members. Develop protocols to ensure that the leader and Chief Executive (or equivalent) negotiates their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained. Make a senior officer (the S151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.

	Appoint a professionally qualified CFO whose core responsibilities include those set out in the Statement on the Role of the CFO in Local Government and ensure that they are properly understood throughout the authority. Ensure that the CFO: • Leads the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively. • Has a line of professional accountability for finance staff throughout the organisation Ensure that budget calculations are robust and reserves adequate, in line with CIPFA's guidance. Ensure that appropriate management accounting systems, functions and controls should apply consistently to all activities including partnership arrangements, outsourcing or where the authority is acting in an enabling role. Make a senior officer (usually the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
3. Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other.	Develop protocols to ensure effective communication between members and officers in their respective roles Set out the terms and conditions for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel. Ensure that effective mechanisms exist to monitor service delivery. Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated. Establish a medium term business and financial planning process to deliver strategic objectives

	including: • A medium term financial strategy to ensure sustainable finances • A robust annual budget process that ensures financial balance • A monitoring process that enables this to be delivered Ensure that these are subject to regular review to confirm the continuing relevance of assumptions used. When working in partnership ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority. When working in partnership: • Ensure that there is clarity about the legal status of the partnership • Ensure that representatives or organizations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

CORE PRINCIPLE 3:	**Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

Supporting principles	**Wirral Council commits to:**
1. Ensuring authority Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect. Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols. Put in place arrangements to ensure that members

	and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.
2. Ensuring that organisational values are put into practice and are effective.	Develop and maintain shared values including leadership values for both the organization and staff reflecting public expectations and communicate these with members, staff, the community and partners. Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice. Ensure that systems and processes for financial administration, financial control and protection of the authority's resources and assets are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice. Develop and maintain an effective standards Committee. Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority. In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

CORE PRINCIPLE 4:	**Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

Supporting principles	**Wirral Council commits to:**
1. Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall. Ensure an effective internal audit function is resourced and maintained. Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which

	decisions are based. Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice. Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee. Ensure that the authority's governance arrangements allow the CFO direct access to the audit committee and external audit. Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.
2. Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.	Ensure that those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications. Ensure the provision of clear, well presented, timely, complete and accurate information and reports to budget managers and senior officers on the budgetary and financial performance of the authority. Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.
3. Ensuring that an effective risk management system is in place.	Ensure that risk management is embedded into the culture of the authority; with members and managers at all levels recognising that risk management is part of their jobs. Ensure the authority's arrangements for financial and internal control and for managing risk are addressed in annual governance reports. Ensure the authority puts in place effective internal financial controls covering codified guidance, budgetary systems, supervision, management review and monitoring, physical safeguards, segregation of

	duties, accounting procedures, information systems and authorisation and approval process. Ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the authority have access
4. Using their legal powers to the full benefit of the citizens and communities in their area.	Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities. Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law. Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision-making processes.

CORE PRINCIPLE 5:	**Developing the capacity and capability of members and officers to be effective**

Supporting principles	**Wirral Council commits to:**
1. Making sure that Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.	Provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis. Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority. Ensure the CFO has the skills, knowledge, experience and resources to perform effectively in both the financial and non-financial areas of their role. Review the scope of the CFO's other management responsibilities to ensure financial matters are not compromised. Provide the finance function with the resources, expertise and systems necessary to perform its role effectively.

2. Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group.	Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively. Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed. Embed financial competencies in person specifications and appraisals. Ensure that councillors' roles and responsibilities for monitoring financial performance/budget management are clear, that they have adequate access to financial training on an ongoing basis to help them discharge their responsibilities. Ensure that effective arrangements are in place for reviewing the performance of the Executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs.
3. Encouraging new talent for membership of the authority so that best use can be made in individuals' skills and resources in balancing continuity and renewal.	Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the Council. Ensure that career structures are in place for members and officers to encourage participation and development.

CORE PRINCIPLE 6:	**Engaging with local people and other stakeholders to ensure robust public accountability**

Supporting principles	**Wirral Council commits to:**
1. Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive and accountable relationships.	Make clear to themselves, all staff and the community to whom they are accountable and for what. Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required. Produce an annual report on the activity of the scrutiny function.

2. Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning.	Ensure that clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively. Ensure that arrangements are in place to enable the Council to engage with all sections of the community effectively - these arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands. Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result. On an annual basis, publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period. Ensure that the Council as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
3. Making best use of human resources by taking an active and planned approach to meet responsibility to staff.	Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making.

PART 5F

Councillor Call for Action Protocol – A Guide

1. What is the Councillor Call for Action?

1.1 The Councillor Call for Action (CCfA) process provides ward Members with a means of escalating matters of ward concern to an Overview and Scrutiny Committee, for possible onwards recommendations to the Council's Cabinet and/or other agencies. The CCfA may not be used in relation to individual planning and licensing decisions or where other avenues of appeal exist.

1.2 This guide has been prepared to offer assistance to a Councillor who is thinking of pursuing a CCfA and has regard to a best practice guidance booklet published by the Centre for Public Scrutiny and the Improvement and Development Agency.

2. What is CCfA designed to achieve?

2.1 It enables Councillors, as the democratic representatives of their communities, to raise issues that it has not been possible to resolve by other means.

2.2 CCfA should not be seen in isolation. It is part of a range of measures available to a ward Councillor in support of his or her representative role, including the internal feedback process, petitions, call-in etc.

3. Who can raise a CCfA?

3.1 It is open to any Councillor to raise a CCfA at a meeting of one of the Council's Overview and Scrutiny Committees. The Councillor does not have to be a member of the relevant Committee.

3.2 A Councillor whose CCfA is listed on an agenda for an Overview and Scrutiny Committee meeting will be invited and expected to attend that meeting to speak to the item. However, in exceptional circumstances, the Councillor concerned can send a substitute. The decision to allow this will be taken by the Monitoring Officer in consultation with the relevant Overview and Scrutiny Committee Chair and Spokespersons.

4. What can be raised through a CCfA?

4.1 A Councillor who is a member of an Overview and Scrutiny Committee can raise any matter that is within the terms of reference of the Committee. Any Councillor can raise a local government matter with any of the Council's Overview and Scrutiny Committees and in particular, issues relating to the

local neighbourhood. A local government matter can relate to the discharge of any function of the Council and, more locally, all or part of the Councillor's ward or any person who lives or works in it. In line with the area focus of Comprehensive Area Assessment and the fact that the Council's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership, a Councillor can raise any issue that relates to the economic, social and environmental well-being of his or her ward.

5. Is any matter excluded from a CCfA?

5.1 Yes. There are certain exclusions from CCfA. The Overview and Scrutiny Committee may reject any Call for Action if it:

- is not a matter for which the local authority or its partners has a responsibility, or which does not affect the borough
- is defamatory, frivolous or offensive
- is substantially the same as a Councillor Call for Action which has been put to any meeting of the Council in the past 6 months
- is a matter relating to a planning decision
- is a matter relating to a licensing decision
- is a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or appeal conferred by or under any enactment
- is vexatious, discriminatory or not reasonable* for inclusion on an agenda for discussion at a meeting of an Overview and Scrutiny Committee.

5.2 Although a CCfA cannot be raised on a single licensing or planning decision, a CCfA can be raised about licensing and planning decisions and other decisions where there is a right to review or appeal if the CCfA consists of an allegation that the authority responsible has failed to discharge the function or is failing on a systematic basis.

6. What other avenues are available to resolve an issue?

6.1 There is a wide range of both formal and informal avenues available that a Councillor can use to influence, change and resolve problems. These include:

- Motions on the agenda for Council
- Area Forums
- Written and oral questions at Council
- Exercising the right to ask for items to be included on an agenda
- Organising a petition
- Organising a public meeting
- Informal discussions with officers or other Councillors
- Liaison and discussions with Councillors of other authorities e,g Mersey Travel

- Writing to or emailing an officer or an officer of another authority on behalf of a constituent

6.2 It is important to recognise CCfA as a last resort rather than the primary route to getting constituency issues resolved. It would be an unnecessary waste of resources if a Councillor tried to deal with all constituency issues or matters of concern by raising them on an Overview and Scrutiny Committee agenda. A Councillor should try to resolve matters informally or at a local level before considering whether to pursue a CCfA. Advice can be sought from the Monitoring Officer on appropriate courses of action.

6.3 A ward Member requesting a call for action will be asked to demonstrate to the Monitoring Officer that he or she has sought to address the issue through all existing means. The call will not be considered unless the Overview and Scrutiny Committee, whose terms of reference the CCfA falls in, is satisfied that:

- the Councillor has made all reasonable efforts to resolve the matter via dialogue with Council officers and or relevant partners and particularly the Area Forums;
- the issue of concern is a matter in respect of which the Council has a statutory power or duty to deal with which is not precluded by legislation; and
- the issue of concern has a demonstrable impact on a part of or the whole of a Councillor's ward.

6.4 Before a CCfA can be progressed to scrutiny, the Councillor must provide documentation to show that he/she has taken the following steps:

- made the relevant service request / Members' enquiry/letter to relevant other agency
- raised the issue with the relevant Cabinet Member or senior representative of a partner agency
- raised the issue of concern at relevant meetings dealing with crime and disorder matters
- brought the matter to the attention of the Area Forum.

6.5 Care should be taken by a Councillor not to offer definitive advice to a constituent about a particular issue which may lead to action or expenditure on the part of the constituent. Councillors are not insured to do so and any subsequent claim by a constituent that the advice was flawed could lead to embarrassment and costs.

7. How will the process work?

7.1 The ward Councillor's role in the consideration of the CCfA, as with any formal Council business, is subject to compliance with the Members' Code of Conduct.

7.2 A Councillor wishing to raise a CCfA should contact the Monitoring Officer with the appropriate details not less than ten working days prior to the despatch of an agenda for the Overview and Scrutiny Committee on which the item is to be included. He or she should explain:

- The background to the CCfA
- What action the Councillor has already taken to try to resolve the issue informally
- If the issue is being raised on behalf of a constituent, what action the constituent has taken to try to resolve the matter
- What resolution the Councillor (or constituent) is seeking to achieve
- The decision/recommendation(s) of the Area Forum.

7.3 It is important to recognise that CCfA is not appropriate for an individual complaint, e.g. a complaint by an individual resident about a failure to collect refuse or about an incident in a leisure centre. Avenues for complaint already exist to deal with such matters through the Council's Complaints Procedure. However scrutiny can become involved where it is felt that a series of complaints demonstrates a systematic failure in a particular service.

7.4 On receipt of the request, the Monitoring Officer will obtain any further information thought to be necessary from the Councillor, including any documentation that may be available, and his or her availability to attend the Committee meeting when the CCfA is to be raised. The Monitoring Officer will consult with the Chair of the relevant Overview and Scrutiny Committee on whether the CCfA can be accepted or whether it should be excluded under the statutory criteria.

7.5 In considering whether to include the CCfA on an agenda, regard will be had to any representations made by the Councillor in support of his or her request. The Monitoring Officer, after consultation with the appropriate Chair and Spokespersons, will consider whether all other avenues have been exhausted (if not he can use his discretion to determine the route the issue raised should now take e.g. Area Forum) or whether a CCfA can now be accepted and, If so, which Committee it should be considered by. If the CCfA is rejected, the Councillor will be notified of the decision and the reason for it.

7.6 The relevant Cabinet Member will be invited to attend the Committee meeting at which the CCfA is to be raised, together with a senior officer from the appropriate Department.

7.7 When an item is raised at a Committee meeting, the Councillor bringing the CCfA or, in exceptional circumstances the substitute, will be invited to speak to the Committee about the issue and what outcome is being sought. The Committee may:

- Challenge the expected outcome if it feels that this is unreasonable or inappropriate
- Seek further information from the Councillor bringing the CCfA

- Invite the Cabinet Member or senior officer to respond to the issues raised by the Councillor
- Decide to ask the Cabinet Member or senior officer to report back to a future meeting with further information, after investigating the issue raised
- Decide whether to invite a representative of a partner or other organisation to attend a future meeting if the CCfA relates to an issue that is the responsibility of that organisation
- Appoint a Panel to investigate the issue further and report back with recommendations
- Recommend the Cabinet Member or Cabinet to pursue a particular resolution to the CCfA
- Decide that it would be inappropriate to pursue the matter any further giving reasons
- Refer it back to the Area Forum setting out the reasons why it has decided on this course of action

7.7 If the Committee decides to submit a report and/or recommendations either to the Council or the Cabinet, it will provide the Councillor with a copy.

7.8 The decision of the Committee on the CCfA shall be final.

8. Definitions

8.1 Any matter which is vexatious, discriminatory or not reasonable is excluded from CCfA.

8.2 'Vexatious' is defined in guidance to the Freedom of Information Act as 'Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause'.

8.3 Issues around persistency are also implied in this definition. However, a persistent request may be entirely valid where it relates to a systematic problem. A request which some Councillors may regard as vexatious for political reasons may be entirely reasonable.

8.4 'Discriminatory' is defined in the Equality Act as 'A person ("A") discriminates against another person ("B") for the purposes of this Part if on the grounds of the religion or belief of B or of any other person except A (whether or not it is also A's religion or belief) A treats B less favourably than he treats or would treat others (in cases where there is no material, difference in the relevant circumstances'. The definition can be applied to other forms of discrimination for reasons of sex, disability or race.

8.5 'Not reasonable' does not mean the same as unreasonable. It is best considered as a qualifier to the word 'vexatious' i.e. a vexatious request is likely to be not reasonable and vice versa.

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Part 5G

Wirral Council Petitions Scheme

Types of petition

Petitions can relate to any issue which the Council has powers, or shared delivery responsibilities with our partners. In addition they can relate to an improvement in economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.

In order not to duplicate procedures where established processes exist for communities to have their say the following are excluded:

- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy applications under the Licensing Act 2003 and the Gambling Act 2005;
- Petitions received in response to statutory consultation such as school closures, traffic orders, Compulsory Orders etc;
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

In this scheme there are 2 types of petitions:

- Petitions that must be considered by the Council – these must be signed by at least 3,000 people who live in the Borough.
- Ordinary petitions (that just ask for action to be taken) -100 people who live in the Borough.

Submitting a petition

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take the name and address and signature of any person supporting the petition;
- the contact details of the petition organiser

All petitions whether paper or electronic, will be monitored by the Director: Governance and Assurance, in consultation with the Mayor (in the case of a petition to be discussed at the Council) and with the Leader (in the case of the others) and if considered to be vexatious, abusive or otherwise inappropriate will be rejected.

Issues such as data protection, libel and the statutory requirement as a public body to comply with equalities and anti-discrimination legalisation will also be taken into consideration at this time. If a petition is rejected the petition organiser will be informed of the reasons why it's been rejected.

E- petitions

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Member Services. In the same way as a paper petition, you will receive an acknowledgement within 14 days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

Procedure for dealing with a petition

Once a petition has been received either electronically or in paper format under this scheme it must be acknowledged within 14 days to the organiser.

This will explain what action is being taken.

In response to the petition the Authority can take the following steps –

- take the action requested in the petition;
- consider the petition at a meeting of the Council ;
- refer the petition to the Cabinet, the Co-ordinating Committee or such other meeting as is appropriate;
- provide a written response to the petition organiser setting out the authority's views on the request in the petition;

In the case of those to be considered by the Council, the Co-ordinating Committee, the petitioner will be advised of the date and time of the meeting. In the case of the Council the petitioner will be given the opportunity to address the meeting for 5 minutes and the petition will be discussed for a maximum of 15 minutes.

The petitioner will be advised of the action to be taken.

After the appropriate action has been taken the petitioner must be advised of the response and if it was submitted via the website the response must also be published there.

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PART 5H

Members' Planning Code

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Members at all times when involving themselves in the planning process. This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by the Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by the Members' Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

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

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. Fettering Discretion in the Planning Process

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. This is more than a matter of membership of both the Cabinet (or any other proposing body) and the Planning Committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body, provided:
  - the proposal does not substantially effect the wellbeing or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;
    - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area or ward, as and when it comes before the Committee and you hear all of the relevant information; and
    - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. Use the disclosure form provided for disclosing interests of any type.
- **Do** take the opportunity to exercise your separate speaking rights as a Ward Member where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;

- remove yourself from the seating area for members of the Committee for the duration of that item; and
- ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Development Management Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report in writing to the Development Management Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Management Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group

Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit**,** even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Management Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or

submitting views to the Development Management Manager], which may be incorporated into any committee report.

- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Corporate Director for Delivery Services / Assistant Chief Executive or those officers who are authorised by the Corporate Director to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Officers' Code of Conduct and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for a Committee decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in any periodic review of a sample of planning decisions to ensure that Members` judgements have been based on proper planning considerations.

PART 6

MEMBERS ALLOWANCES SCHEME

Wirral Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme :

1. This scheme may be cited as the Wirral Borough Council Members' Allowances Scheme, and shall have effect for the year commencing on 1 April 2008 and subsequent years.

The Scheme was reviewed in October 2013 and the revised Scheme came into effect on 1 January 2014. Additional monitoring and review has continued, the most recent having taken place in July 2017.

2. In this scheme, "councillor" means a member of the Wirral Borough Council who is a councillor;

"total estimated allowances" means the aggregate of the amounts estimated by the Director of Finance, at the time when a payment of basic allowance and special responsibility allowances is made, to be payable under this scheme in relation to the relevant year, and for this purpose any election under paragraph 6 (Renunciation) shall be disregarded;

"year" means the 12 months ending with 31 March.

3. Basic Allowance

3.1 Subject to paragraph 8, for each year a basic allowance of **£8,712.45** shall be paid to each councillor.

(Reduced by 5% following a meeting of the Independent Panel on Members Allowances who made a recommendation re: this to Council in October 2012 which was agreed)

4. Liverpool City Region Transport Committee – Basic Allowance

4.1 Subject to paragraph 8, for each year a basic allowance of **£5,675** shall be paid to each of the four Councillors who sit on this Committee.

5. Special Responsibility Allowances

5.1 For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in schedule 1 to this scheme.

5.2 Subject to paragraph 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

5.3 No councillor shall be entitled to receive more than one payment by way of special responsibility allowance.

6. Childcare and Dependants' Carers' Allowance

6.1 An allowance **not exceeding £7.50 per hour** shall be payable towards or in respect of actual expenses necessarily incurred in arranging for the care of a child or other dependant by virtue of a member's attendance at a meeting of the authority, or any other meeting that is authorised by the authority, or designated as an approved duty under this Scheme, provided that no such payment shall be made to a relative or a member of the claimant's own household.

7. Renunciation

7.1 A councillor may by notice in writing to the Assistant Director: Law and Governance (Monitoring Officer) (or an officer authorised in that behalf) elect to forego any part of his/her entitlement to an allowance under this scheme.

8. Part-year Entitlements

8.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

8.2 If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year

8.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during

which his/her term of office subsists bears to the number of days in that year.

8.4 Where this scheme is amended as mentioned in sub-paragraph (7.2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (7.2) (a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a councillor subsists bears to the number of days in that period.

8.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

8.6 Where this scheme is amended as mentioned in sub-paragraph (7.2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (7.2) (a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

9. Travel and Subsistence

Travel Costs

9.1 Travel costs incurred by members in performing “approved duties” as specified in **Schedule 2** to this Scheme shall be reimbursed at the prevailing public transport rates, provided that the use of taxis or members’ private motor vehicles may be permitted where public transport is either not available, or the journey by public transport would be likely to result in unreasonable delay.

9.2 Payment for the use of members’ private motor vehicles shall be made at the rate of **45 pence per mile**.

9.3 The allowance payable for the use of motor cycles or bicycles shall be in accordance with the rates prescribed by the scheme of conditions of service applicable to the authority’s employees generally.

Subsistence Payments

9.4 Members necessarily absent from home for a period in excess of four hours (but not including absence overnight) shall be entitled to receive a

payment in respect of the purchase of meals at the following rates relevant to the time of day:-

Breakfast allowance (before 11 a.m.)	£6.00
Lunch allowance (12 noon to 2 p.m.)	£9.00
Tea allowance (3 p.m. to 6 p.m.)	£3.00
Evening meal allowance (after 7 p.m.)	£11.00

9.5 Notwithstanding the rates specified at (8.4) above, members shall be entitled to claim reimbursement of the actual cost of meals taken on trains provided this is reasonable and supported by an official receipt, subject to the following limitations:

4-8 hours	cost of 1 main meal
8-12 hours	cost of 2 main meals
Over 12 hours	cost of 3 main meals

9.6 In cases where a meal is provided free of charge by an outside organisation, the entitlement to a subsistence payment shall be reduced by an amount equivalent to the rate prescribed for a meal relevant to the time of day, namely:

Breakfast	£6.00
Lunch	£9.00
Tea	£3.00
Evening Meal	£11.00

9.7 Members absent from home for a continuous period of 24 hours or more (necessarily including an overnight stay) shall be entitled to claim, in respect of the purchase of meals and overnight accommodation, reimbursement of the actual costs incurred (where supported by receipts) up to a maximum of:

Standard rate	£110.00
Central London/LGA Annual Conference Rate	£144.00

For the purposes of this section “Central London” is defined as the City of London and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.

10. Payment of Allowances

10.1 Allowances payable under this scheme shall be paid in equal monthly instalments of one-twelfth of the annual amounts specified in paragraph 3 above and **Schedule 1** hereto.

10.2 Payment of allowances and expenses under this scheme shall be made by the Director of Finance by Bankers’ Automated Clearing Services (or such other method of payment as may be acceptable to the Council) on the last

Thursday of every month (except in December, when arrangements for earlier payment may be made).

10.3 Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 7, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances.

Leader of the Council	22,927
Deputy Leader of the Council	11,463
Deputy Leader of the largest group	11,463
Leader of the largest opposition group (Cons.)	13,756
Deputy Leader of the largest opposition group	6,878
Leader of 2nd largest opposition group (Lib Dem)	9,171
Deputy Leader of 2nd largest opposition group	4,585
Mayor of Wirral	10,700
Deputy Mayor of Wirral	1,500
Cabinet Member Portfolios:	9,171
Overview and Scrutiny Committee Chairs:	4,585
Other Committees:	
Licensing, Health & Safety & General Purposes	4,585
Pensions	2,751
Planning	4,585
Standards and Constitutional Oversight	1,375
Audit and Risk Management	4,585
Standards and Constitutional Oversight Committee – Independent Persons x 4 a payment of £25 per meeting each	
Merseyside Waste Disposal Authority representatives (£1834 x 2)	3,668
Liverpool City Region Transport Committee	
Lead Member Finance and Organisation Development	4,433
Lead Member Bus	4,433
Observer on Mersey Ferries Board	expenses only
Observer on Beatles Story Board	expenses only
Opposition Spokesperson	2,660

SCHEDULE 2

APPROVED DUTIES

Attendance at any of the following is designated as an approved duty for the purpose of the payment of travel and subsistence allowances:-

(a) meetings of the Council, committees (including advisory committees), sub-committees, member panels or working parties;

(b) meetings of associations of local authorities (including committees, special interest groups or working parties) of which the council is a member;

(c) meetings of the Merseyside Waste Disposal Authority;

(d) meetings (including annual site inspections) authorised from time to time by the Cabinet and to which representatives of more than one political group have been invited;

(e) formal site visits (organised in addition to the annual tour of inspection) by members of the Planning Committee;

(f) meetings by the Party Leaders or their nominees with Government Ministers where at least two political groups have been invited;

(g) meetings by the Party Leaders or their nominees at offices of the European Union in pursuit of Council policies (and when accompanied by officers);

(h) attendance by Cabinet members, Party Leaders or Deputies and Committee Chairs or spokespersons (or their nominees) at briefings or other meetings convened by a Chief Officer to deal with Council business;

(i) Court hearings (e.g. on Licensing or other matters) where the member is attending on behalf of the Council;

(j) Hearings of Industrial and Employment Appeal Tribunals by members of the Appeals Sub-Committee;

(k) Public Inquiries (when the member is representing the Council);

(l) Training courses for Councillors included in an approved programme;

(m) attendance at seminars or presentations within the Borough where this is authorised by a committee (for members of that committee only) or by the Cabinet if the invitation is to be extended to all members of the Council;

(n) meetings of the following bodies to which the Council makes appointments or nominations:-

(A) LEADER

- Liverpool City Region Cabinet
- Liverpool City Region Combined Authority
- Liverpool City Region Combined Authority Scrutiny Panel
- Liverpool City Region Boards
- Liverpool City Region Local Enterprise Partnership - Director
- NW Regional Leaders' Board (Nomination)
- Local Strategic Partnership Assembly

(B) ADULT SOCIAL CARE AND PUBLIC HEALTH

- Age UK
- Arch Initiatives - Wirral Management Committee
- Cheshire and Wirral NHS Partnership Trust: Appointed Governor
- Clatterbridge Cancer Centre NHS Foundation Trust
- John Lloyd Corkhill Trust
- Merseyside Society for the Deaf
- Wirral University Teaching Hospital Foundation Trust - Governors

(C) CHILDREN AND FAMILY SERVICES

- Birkenhead Sixth Form College Governing Body
- C E Gourley VC Endowment Fund
- Lower Bebington School Lands Foundation
- National Society for the Prevention of Cruelty to Children
- Oaklands Centre Management Committee
- St Bridget's Educational Trust
- West Kirby Residential School
- Wirral Metropolitan College Governing Body (Nomination)
- Wirral Play Council Executive Committee
- Wirral Play Partnership

(D) ECONOMY

- Chrysalis (General Partner) Limited - Director
- Conservation Area Advisory Committees
- Lairdside Communities Together
- Mersey Maritime Group Ltd
- Mersey / Dee Alliance
- North Birkenhead Development Trust (Director)
- Wirral Chamber of Commerce
- Wirral Citizens' Advice Bureau
- Wirral Council for Voluntary Service - Management Committee

(E) ENVIRONMENT AND SUSTAINABILITY

- Liverpool Airport Consultative Committee
- Local Government Association Coastal Issues Special Interest Group
- Manchester Port Health Authority
- Mersey Port Health Committee
- Merseyside Waste Disposal Authority

(F) GOVERNANCE, COMMISSIONING AND IMPROVEMENT

- Wirral Multicultural Organisation

(G) LEISURE, SPORT AND CULTURE

- Beechwood Play and Community Centre Joint Management Committee
- Charing Cross Play, Youth and Community Centre Joint Management Committee
- Gautby Road Play & Community Centre Joint Management Committee
- The Lauries Centre
- Leasowe Play, Youth & Community Association Joint Management Committee
- Mayer Trust, Bebington
- Merseyside Cultural Forum
- New Ferry Village Hall Joint Management Committee
- Royal Liverpool Philharmonic Society
- Seacombe Community Association (Council)
- Tam O'Shanter Cottage Trust
- Woodchurch Community Centre Joint Management Committee

(H) HIGHWAYS AND TRANSPORT

- Merseytravel Committee of the Liverpool City Region Combined Authority (Not an Approved Duty)
- National Parking Adjudication Service Joint Committee
- Wirral Cycle Forum
- Wirral Pedestrian Forum

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

- North Western Inshore Fisheries and Conservation Authority

(J) NEIGHBOURHOODS, HOUSING AND ENGAGEMENT

- Leasowe Community Homes Management Board
- Magenta Living – Board members
- Magenta Living: Community Fund Working Group
- Magenta Living: Governance and Membership Committee
- Merseyside Fire and Rescue Authority
  (Not an Approved Duty)
- Merseyside Police and Crime Panel
- Wirral Community Safety Partnership
- Wirral Council and Riverside Challenge Fund Working Group

(K) SUPPORT SERVICES

- Birkenhead Market Limited/Birkenhead Market Services Limited, Director
- Local Government Association: General Assembly
- North Western Local Authorities Employers' Organisation
- SIGOMA (LGA Special Interest Group of Metropolitan Authorities)
- West Kirby Charities

Amendments to the Council Constitution

Council Meeting Date	Minute No.	Detail	Section / Paragraph	Source
10 Mar 2014	86	Matters requiring approval by Council (B) Standards and Constitutional Oversight Committee, 24 February – Minute No.13	Various	Standards & Oversight Committee
14 Jul 2014	25	That subject to the approval of the Council, the terms of reference for the Audit and Risk Management Committee be revised to incorporate the following wording, to comply with CIPFA best practice guidance: *"The Audit and Risk Management Committee should meet five times in each municipal year unless otherwise determined by Council in the calendar of meetings and at such times as determined by the Chair of the Audit and Risk Management Committee".*		Audit and Risk Management Committee 23 June, 2014 (minute 6(2) refers)
14 Jul 2014	27	Resolved – That the Strategic Director of Transformation and Resources, or his nominee, be appointed as the Council's Statutory Scrutiny Officer.		COUNCIL
19 May 2015	138	Urgent Business – re the establishment of a Pensions Board.	Table 4 Statutory and Advisory Bodies (Page 70)	Pensions Committee 19 January, 2015 (minute 62 refers)
6 Jul 2015	24	Relating to changes to the Constitution which had to be made relating to disciplinary action / arrangements in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in accordance with The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015.	Table 2 (Page 63) & Part 3, Schedule2 (Page100)	Standards & Oversight Committee 1 July, 2015 (minute 4 refers)
10 August 2015		NEW VERSION OF CONSTITUTION PUBLISHED		
5 November 2015	68	Various, Cabinet Member Portfolios, role of cabinet, delegation of functions to individual cabinet members, scheme of delegation of executive functions to officers	Article 7, Part 3 Schedule 5, Part 3 Schedule 4B	Cabinet
24 November 2015	36	Contract Procedure Rules (Note: NOT EFFECTIVE UNTIL 1 APRIL 2016)	Part 4 – Contract Procedure Rules	Audit and Risk Management Committee
14 December 2015	83	Scheme of delegation – objections to highways proposals (Standards and Constitutional Oversight Committee 23 November 2015 (minute 10 refers) PPRE 2 December 2015 (minute 27 refers)	Part 3, Schedule 5	COUNCIL
14 December 2015	84	Various – Standing Orders, Call-In per Standards and Constitutional Oversight Committee 23 November 2015 (minute 11 refers)	Part 4 – Council Procedure Rules – Standing Orders	COUNCIL

06 January 2016		NEW VERSION OF CONSTITUTION PUBLISHED		
24 November 2015	36	Contract Procedure Rules (EFFECTIVE 1 APRIL 2016)	Part 4 – Contract Procedure Rules	Audit and Risk Management Committee
24 November 2015	38	Financial Regulations	Part 4 – Financial Regulations	Audit and Risk Management Committee
14 March 2016	113	Enforcement Policy – Scheme of Delegation (Cabinet 7 March, Minute 112 refers)	Part 3 – Schedule 4A Part 1	COUNCIL
14 March 2016	114 &122	Employment and Appointments Committee Terms of Reference (Cabinet 7 March, Minute 106 refers)	Part 3 – Responsibility for Functions, Table 2 (page 59-64) and Part 3 - Schedule 2 (page 94)	COUNCIL
12 April 2016		NEW VERSION OF CONSTITUTION PUBLISHED		
17 May 2016	12	Cabinet Portfolios	Part 3 – Schedule 1 (page 73-84)	LEADER DECISION AT COUNCIL
27 June 2016	20	Policy and Performance Committee(s) become 'Overview and Scrutiny'	Article 6 (page 15)	EXTRA-ORDINARY COUNCIL
27 June 2016	20	Policy and Performance Committee(s) Including amendments to Council Procedure Rules SO35, Budget and Policy Framework Procedure Rules, Overview and Scrutiny Procedure Rules, Members' Role Profiles and Responsibility for Council Functions (Cabinet 6 June 2016, Minute 8 refers, and Policy and Performance Coordinating Committee 15 June, Minute 4 refers)	Part 3 - Responsibility for Functions Table 2 (page 65) Call-In (Page 167 & 179 & 185 & 294)	EXTRA-ORDINARY COUNCIL
11 July 2016	-	Members' Allowance Scheme – O&S amendments, mileage rate and dependent carer's allowance.	Part 6	COUNCIL
-	-	Budget and Policy Framework Procedure Rules	Part 4	-
12 July 2016		NEW DRAFT VERSION OF CONSTITUTION PUBLISHED		
17 October 2016	65	Scheme of Non-Executive Delegation of Functions to Officers (Part 3, Schedule 4A Part 1)	Part 4	COUNCIL
Effective 1 November 2016	-	Chief Officer Structure – The New Operating Model effective 1 November 2016 (administrative amendment required to key officer titles throughout the Constitution)	All sections	-
19 December 2016	103	Resolved – That the Head of Intelligence as the Council's Statutory Scrutiny Officer, in place of the Managing Director for Delivery (was Strategic Director of Transformation and Resources	Article 12	COUNCIL
19 December 2016	104	Council Standing Orders 26(2), 35(8) and 35(9) and to the proposed changes to paragraph 4 of the Scrutiny Procedure Rules.	Part 4	COUNCIL

22 December 2016		NEW VERSION OF CONSTITUTION PUBLISHED		
15 May 2017	12(1)	Review of Scrutiny Arrangements - Recommendation from the Standards and Constitutional Oversight Committee (Article 6A, Table 4 and O&S Procedure Rules also revised)	Article 6 Overview and Scrutiny Committees	COUNCIL
30 June 2017		Cabinet Portfolios	Part 3 Schedule 1	LEADER DECISION
19 September 2017		NEW VERSION OF CONSTITUTION PUBLISHED		
16 October 2017	65	Members Allowance Scheme	Part 6	COUNCIL
16 October 2017		NEW VERSION OF CONSTITUTION PUBLISHED		
11 December 2017	96	Statutory Brownfield Register of previously developed land suitable for housing - powers and duties of the Planning Committee and the Assistant Director of Environmental Services	Part 3 Schedules 2 and 4A	COUNCIL
	98	Amendments across the Constitution to amend 'Assistant Director: Finance (S151 Officer)' (and any further like references) to 'Director: Finance and Investment (Chief Finance Officer)'.	Part 2 – Article 12; Part 3 – Schedules 3, 4A-B, 5; Parts 4C, E-F	COUNCIL
5 March 2018	116	Budget and Policy Framework Procedure Rules	Part 4C	COUNCIL
19 March 2018	126	Council Procedure Rule / Standing Order 11(d) – to read '45 minutes'	Part 4A	COUNCIL
	135	Local Choice functions - Paragraph 16 Column 2 to read "'The Council or in respect of executive function the Leader or Cabinet"	Part 3 - Table 1	COUNCIL
	138	Officers, including the Assistant Director of Environmental Services, to issue Fixed Penalty Notices to drivers of idling vehicles.	Part 3 - Schedule 4A	COUNCIL
	139	Amendments across the Constitution to amend 'Assistant Director: Law and Governance (Monitoring Officer)' (and any further like references) to 'Director: Governance and Assurance (Monitoring Officer)'.	Part 1; Part 2 – Articles 12, 14-16; Part 3 – Schedules 2, 4A-B; Parts 4A-G; Part 5G	COUNCIL
15 May 2018 / June 2018	10	Amendments to reflect revised Portfolio arrangements	Part 3 Schedules 1 and 5	COUNCIL / LEADER
June 2018	21	Amendments across the Constitution to reflect the new Chief Officer structure implemented June 2018 further to Employment and Appointments Committee, March 2018	Part 2 – Article 12; Part 3 - Schedules 4A-B; Part 4G	Employment and Appointments Committee
	68	Contract Procedure Rules (approved March 2018 and updated subsequently with general amendments referenced in this schedule) (implement wef July 2018)	Part 4F	Audit and Risk Management Committee
29 June 2018		UPDATE VERSION OF CONSTITUTION PUBLISHED		

25 May 2018	-	Terms of Reference for Joint Strategic Commissioning Board	Part 3 Table 3	LEADER
July 2018	21	Further amendments to reflect the new Chief Officer structure to clarify responsibility for planning matters (from June 2018); licensing and registration to Governance and Assurance (implemented July 2018).	Part 3 - Schedules 4A-B	Employment and Appointments Committee
9 July 2018	25	Members' Planning Code	Part 5H	COUNCIL
14 August 2018		NEW VERSION OF CONSTITUTION PUBLISHED		