



POLICY AND RESOURCES COMMITTEE

Wednesday, 17 July 2024

REPORT TITLE:	APPOINTMENT OF SUB-COMMITTEES AND WORKING PARTIES 2024/25
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES (MONITORING OFFICER)

REPORT SUMMARY

The purpose of the report is to enable the Policy and Resources Committee, in accordance with the relevant statutory provisions and the terms of the Constitution, to appoint Members to the three Sub-Committees of the Policy and Resources Committee for 2024/2025, these are:

- The Senior Officer Appointments and Staffing Sub-Committee
- The Finance Sub-Committee
- The Shareholder Board

Leaders and Deputy Leaders of the political groups represented on the Council are entitled to attend meetings of all Committees, Sub-Committees and Panels, with the right to speak at the invitation of the Chair (Part 3 (B) Section 1 of the Council's constitution), if they are not appointed as members of the sub-committee or board.

This matter affects all wards. It is not a key decision.

The appointment of various Sub-Committees to undertake duties on behalf of Policy & Resources Committee will contribute to all of the Wirral Plan 2023-27 priorities.

RECOMMENDATION/S

The Policy and Resources Committee is recommended to:

- (1) (a) confirm that the Senior Officer Appointments and Staffing Sub-Committee be appointed for 2024-25 with the terms of reference as referred to in paragraph 3.1 of this report and will consist of:
 - (i) the Leader (Chair of Policy & Resources Committee), or in their absence the Deputy Leader (Vice-Chair), who shall chair the Sub-Committee;

- (ii) a member from each of the other Political Groups represented on the Policy & Resources Committee; and
- (iii) the Chair, or in their absence the Vice-Chair, of the Policy & Services Committee with terms of reference most closely associated with the post concerned (or if that committee concerned is deemed to be the Policy & Resources Committee then the Deputy Leader (Vice-Chair)).

(b) appoint Members to serve on the Senior Officer Appointments and Staffing Sub-Committee in 2024-25, including the appointment of the Chair and named deputies.

- (2) (a) confirm that the Finance Sub-Committee be appointed for 2024-25 with the terms of reference identified with 5 or more members of the Policy and Resources Committee.

(b) appoint Members to serve on the Finance Sub-Committee in 2024-25, including the appointment of the Chair and named deputies.

- (3) (a) confirm that the Shareholder Board be appointed for 2024-25 with the terms of reference identified with 3 to 5 members of the Policy and Resources Committee.

(b) appoint Members to serve on the Shareholder Board in 2024-25, including the appointment of named deputies.

- (4) authorise the Monitoring Officer as Proper Officer to carry out the wishes of the Group Leaders in allocating Members to membership and substitute membership of those sub-committees, listed in recommendations (1) to (4) above and to appoint those Members with effect from the date at which the Proper Officer is advised of the names of such Members.

- (5) Give consideration to the proposal to appoint a cross party group of Members to conduct a policy development review in accordance with the approach outlined at appendix 1 of the report

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To enable the appointment of Members to the three Sub-Committees of the Policy and Resources Committee as listed in 3.1 below.
- 1.1 The key drivers for refreshing policy development work at Committees is the move to a Whole Council Election Scheme in May 2023 and the new four-year Council Plan agreed by Council on 4th December 2023. The Council Plan provides an opportunity to establish a new way of strategically 'working together' across the organisation to deliver the Council Plan vision '*working together to promote fairness and opportunity for people and communities*' and the associated Council Plan enabling and delivery themes:

Enabling Theme:

- Working together to create a more efficient, effective and accessible Council.

Delivery Themes:

- Working together to improve early help for children and families.
- Working together to promote independence and healthier lives.
- Working together to deliver people-focused regeneration.
- Working together to protect our environment.
- Working together to create safe, resilient and engaged communities

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Part 2, Article 6.4 (iii) of the constitution states: Sub-Committees will normally be constituted of five (5) members, which may be altered to accommodate the overall political balance calculation, or be constituted of such other number as the parent Committee decides.
- 2.2 **Policy Development**
- 2.3 Potential options which the Committee could investigate, and potential consequences, include:
- 2.4 Not conducting policy development work. However, policy development work is clearly stated in The Council's Constitution and not conducting this type of work can be viewed by the sector as being indicative of wider governance and service failure issues (it is also considered good practice). Given the new Council Plan has now been approved, Members now have a clear strategic framework to conduct effective policy development work. It is important as it engenders transparency and enables the Council to be accountable to residents. It can help the Council achieve best value; support further improvement and best practice; and enable locally adopted, enforceable recommendations and policies which deliver better outcomes for the wider community

3.0 BACKGROUND INFORMATION

- 3.1 The Sub-Committees of the Policy and Resources Committee are described below (Constitution (Part 3 – Responsibility for Functions (B) Committee Terms of Reference)):

Senior Officer Appointments and Staffing Sub-Committee

- (a) A Sub-Committee of members of the Policy and Resources Committee, with delegated authority to recommend or make appointments and related matters in respect of chief officers, as set out at Part 4(7) of the Constitution, together with oversight of employment policies, terms and conditions.
- (b) The Sub-Committee will not be appointed in accordance with the political balance rules (as previously agreed by Council at its meeting on 28 September 2020 (minute 8 refers)) but will consist of:
 - (i) the Leader (Chair of Policy & Resources Committee), or in their absence the Deputy Leader (Vice-Chair), who shall chair the Sub-Committee;
 - (ii) a member from each of the other Political Groups represented on the Policy & Resources Committee; and
 - (iii) the Chair, or in their absence the Vice-Chair, of the Policy & Services Committee with terms of reference most closely associated with the post concerned (or if that committee concerned is deemed to be the Policy & Resources Committee then the Deputy Leader (Vice-Chair)).

Finance Sub-Committee

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

Shareholder Board

A Sub-Committee of three (3) to five (5) members of the Policy and Resources Committee, subject to political balance, with delegated authority to exercise responsibility for the Council's functions as corporate shareholder of a company, or group of companies or a limited liability partnership. The Sub-Committee will be organised, and will also meet as a working group, alongside officers and advisors in accordance with the Council's adopted Code of Practice for the Governance of Council Interests in Companies at Part 5(7) of this Constitution.

- 3.2 Proportionality:

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

Part 2, Article 6.4 (b) (iii) of the Constitution states: sub-committees, constituted of members of the parent committee, will normally number three (3) or more (5) members, in accordance with political balance requirements.

The political balance of the Finance Sub-Committee, if set at 5 members should be:

2 Labour Members
1 Conservative Member
1 Green Member
1 Lib Dem Member

Shareholder Board was previously 5 members to ensure that political representation of all four groups on the Board.

2 Labour Member
1 Conservative Member
1 Green Member
1 Lib Dem Member

It was a decision of Council to change the requirements for political balance of the Senior Officer Appointments & Staffing Sub-Committee.

- 3.3 The Finance and Shareholder Board Sub-Committees are subject to political balance regulation (S15 of the Local Government and Housing Act 1989).
- 3.4 It is noted that the Senior Officer Appointments and Staffing Sub-Committee's primary function is to make appointments or recommendations to Council on appointments regarding chief officers of the Council. In its alternative form the sub-committee exists to deal with disciplinary matters and appeals. There was considered to be an optimum size for such sub-committees and it was unanimously agreed at Annual Council on 28 September 2020 that this Sub-Committee be exempt from political proportionality. It was felt by all group leaders that it was important that all political groups on the Council had a vote on these matters.

Policy Development Work

Purpose

- 3.5.1 The purpose of policy development work is to achieve positive outcomes for local people by undertaking a thorough, targeted examination of the council's service provision and procedures (or those services or activities carried out by external organisations which affect the Borough of Wirral or any of its inhabitants). However, it is not possible to examine every service or activity in detail, so it is important for the Policy and Service Committees to prioritise and plan its work programme for the year to be taken forward through the committee, or a dedicated task and finish group.

Scope

3.5.2 The Council's Constitution (Part 4, Section 4) states that the Policy and Services Committees are to adopt policy development working practices when undertaking their functions to review the Council's actions or to review or otherwise scrutinise outside bodies and processes. The Policy and Services Committees may conduct policy development to:

- Review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the Committee and the Committee can make recommendations to the relevant Committee on policies, budget and service delivery.
- Undertake reviews and make recommendations on services or activities carried out by external organisations which affect the Borough of Wirral or any of its inhabitants where this does not fall within the role or remit of another service committee or where it relates to cross cutting issues, including the review and monitoring of contractual and operational performance of shared service partnerships, joint ventures and outside organisations to which the Council makes a resource contribution, focusing on examination of the benefits of the Council's contribution and the extent to which the body concerned makes a contribution to the achievement of the Council's priorities as outlined in the Council Plan 2023 - 2027.

Process

3.5.3 A suggested process for determining and prioritising policy development topics is outlined at Appendix 1. This includes:

- **Identify potential issues -**
 - Consulting with all Members of Policy and Service Committees, Senior Leaders and Council Officers.
 - Looking at Wirral Council Plan priorities, Directorate Business Plans, the Forward Plan of the Council, as well as the MTF5.
 - Considering events and decisions in the Council's calendar that could require an input from scrutiny, such as setting budgets.
 - Reviewing the Council's risk register - analysis of risk registers on an ongoing basis will mean that scrutiny can understand what the impacts might be if risks are likely to occur, and what steps can be taken to mitigate.
 - Evaluating previous Council performance and identifying any follow-up work required to previous scrutiny work.
 - Carrying out work to engage with local people, for example through surgeries, local media, opinion surveys and online forums.
 - Reviewing customer complaints to identify any reoccurring themes.
- **Prioritise topics -** Identify and prioritise potential scrutiny topics, considering the resources they would require and the level of impact they could achieve.
- **Plan policy development and scrutiny work -** Decide which policy topics to review and include them in the work programme.
- **Review and evaluate -** Review progress and evaluate outcomes to demonstrate the value added.

3.5.4 For every item on the policy development work programme, it should be clear:

- What is the issue/activity/project under consideration?
- What would the Policy and Service Committee be asked to do?
- What are the reasons for/expected benefits of policy development in this area?

- Strategic considerations (aligned to the new Council Plan and underpinning strategic framework).
- Is there a specific deadline for the piece of work?

4.0 FINANCIAL IMPLICATIONS

- 4.1 The Chair of the Finance Sub-Committee is entitled to a special responsibility allowance (SRA) of £5,187.68 under Part 6 of the Constitution – Members’ Allowances Scheme. These funds are accounted for within the Members’ Allowances Scheme.
- 4.2 It should be noted that under the Members’ Allowances Scheme, no councillor shall be entitled to receive more than one payment by way of a special responsibility allowance. Any councillor who is already receiving an SRA as Chair of a Policy and Services Committee, Group Leader etc shall not be entitled to additional payment as Chair of the Sub-Committee mentioned above as per paragraph 4.3 of the Members’ Allowances Scheme.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council must allocate seats on committees and sub committees so as to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government Committee and Political Group Regulations 1990. The Act provides four principles concerning political representation that must be observed. The four principles are:-
- (a) That not all seats are allocated to the same political party.
 - (b) That the political group with the majority of seats should have the majority of seats on each committee.
 - (c) Subject to (a) and (b) that the total number of seats allocated to political groups on all committees (to which Section 15 of the Act applies), shall be in the same proportion as the total number of seats on the authority held by each political group.
 - (d) Subject to (a) to (c) that the number of seats allocated to each political group on a committee (to which Section 15 of the Act applies), shall be the same as the proportion of the total number of seats on the authority held by each political group.

The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles within this report only by a unanimous vote.

- 5.7 In undertaking policy development work, the Committee shall have regard to the relevant Regulations, statutory and non-statutory guidance issued by the Secretary of State and best practice as issued by the Centre for Governance and Scrutiny (CfGS).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

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

7.0 RELEVANT RISKS

7.1 There are no direct risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is for Members of the Policy and Resources Committee to decide how they wish to allocate places on the Sub-Committees and Working Group.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no equality implications arising directly from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS

11.1 There are none arising directly from this report.

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BACKGROUND PAPERS

The Constitution of the Council
Members' Allowances Scheme

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Policy and Resources Committee	14 June 2023
Policy and Resources Committee	8 June 2022
Policy and Resources Committee	25 October 2021
Policy and Resources Committee	9 June 2021
Policy and Resources Committee	11 November 2020

**Council
Policy and Resources Committee
Council**

**19 October 2020
7 October 2020
28 September 2020**