

WIRRAL COUNCIL

CABINET – 19th March 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

CONSTITUTIONAL AMENDMENTS

EXECUTIVE SUMMARY

At its meeting on 9 July 2008, the Cabinet considered a report on proposed constitutional amendments and resolved as follows:

‘That:

(1) the amendments proposed in the report (with the exception of those relating to Rule 16 of Contract Standing Orders) and the additional amendments circulated be recommended to Council;

(2) Cabinet meetings.

Cabinet believes that it is important to continue to make progress in improving Wirral’s CPA rating, and that continuing to improve Wirral’s Democratic Arrangements is an integral part of that progress;

Cabinet notes that the recent Audit Commission Report on Wirral’s Democratic Arrangements recommended that we ‘monitor the impact of the new scheme of delegation in reducing the Cabinet’s workload and explore the opportunity to extend the scheme further’ and that we also ‘assess and review the amount of senior officer time spent on serving current democratic arrangements and whether that currently provides value for money’; and

Cabinet recognises that the current Cabinet workload is high, and that the system of fortnightly Cabinet meetings with lengthy agendas places a considerable demand on the time of Senior Officers both in preparing reports and in briefing members.

Cabinet therefore agrees:

a) To recommend the attached Appendix A. Extended Scheme of Delegation to Council as a means of reducing by around a third the number of items on Cabinet agendas.

b) To move from a fortnightly cycle of Cabinet meetings to a three weekly cycle;

c) Council be recommended that paragraph 1.6 of the Executive Procedure Rules be amended accordingly;

d) To cancel the Cabinet meeting scheduled for August 14th in order to allow the new timetable to take effect.

(3) Revision of Cabinet Portfolios.

Cabinet recognises the high workload attached to the Leadership of the Council and therefore recommends to Council the attached Appendix B. Revision of Portfolios which will enable the Deputy Leader of the Council, in a newly titled Corporate Resources portfolio to share some of the workload and responsibilities currently undertaken by the Leader, with some consequential or other amendments to remaining Portfolios.

(4) Overview and Scrutiny

Cabinet recognises that the current system whereby each Overview and Scrutiny Committee mirrors a Cabinet Portfolio is very time-intensive for senior officers and that this was also pointed out in the Audit Commission's report on Wirral's Democratic Arrangements which asked us to 'review the current scrutiny committee structure'.

Cabinet further recognises that the present structure also mitigates against real cross cutting initiatives where input from Overview and Scrutiny could be most valuable and that the Audit Commission pointed out that 'the opportunity to look strategically at cross cutting issues is not always fully exploited.

In the light of the adoption of the new Corporate Plan, Cabinet is minded therefore to consider recommending to Council a system where five Overview and Scrutiny Committees mirror instead the five agreed Corporate Objectives in order to allow those committees to play a real part in delivering the Council's agreed agenda.

However, Cabinet realises that this is an issue that will need substantial consultation and debate with all those concerned and therefore agrees to review the position with the object of taking new proposals, with detailed terms of reference, to the appropriate Council to take effect from the next Council AGM.

In the meantime, Cabinet requests that the Chairs of the current Overview and Scrutiny Committees take account of the comments of the Audit Commission in planning their meetings and agendas in the current municipal year to ensure these are proportionate to business demands and agreed work programmes.

(5) Area Forums

In the light of:

- a) The report on the current agenda.*
- b) The move to participatory budgeting.*
- c) The need to continue to empower local communities.*
- d) The need to ensure that Forums play their full part in contributing to the Local Strategic Partnership Plan.*

Cabinet recognises that the role and responsibilities of the Area Forums are changing and that this places increasing responsibility on front line councillors.

Cabinet is mindful of this change, and of the fact that new legislation will increase these responsibilities further. Cabinet therefore agrees to review this situation in

tandem with the review of Overview and Scrutiny committees, with a view to implementation of any agreed changes at the next Annual Council.'

1.0 Background

This report proposes a number of constitutional amendments for consideration and consultation in the light of the above resolution and also proposes amendments to the scheme of delegation to portfolio holders.

2.0 Cabinet meetings

2.1 The recommendations relating to meetings of the Cabinet have been implemented and the Cabinet is now meeting on a three-weekly basis.

3.0 Changes to the scheme of delegation to portfolio holders

3.1 The existing scheme of delegation is set out at Appendix 1.

3.2 Since the introduction of this recent scheme of delegation, 44 decisions have been made by portfolio holders (a breakdown is included at Appendix 2). In comparison 138 decisions have been taken by the Cabinet. Whilst it is acknowledged that the scheme of delegation has reduced the size of Cabinet agendas, there is the potential to expand the scheme further.

3.3 Of those 138 decisions taken by Cabinet, 87 were non-key decisions. It is therefore recommended that the scheme of delegation be amended to allow all non-key decisions to be taken by the relevant portfolio holder under their delegated powers. This would allow Cabinet to focus on the key decisions of the Council, whilst still allowing non-key decisions to be scrutinised through the call-in process. The existing protocol would be retained (attached as Appendix 3).

4.0 Overview and Scrutiny Committees

4.1 The Cabinet resolution above suggests moving towards five overview and scrutiny committees based on the Council's Corporate Plan as follows:

- Economy & Regeneration
- Environment
- Health and well-being
- Children and Young People
- Excellent Council

4.2 The draft terms of reference for the Overview and Scrutiny Committees are set out at Appendix 4.

4.3 In addition the Local Government and Public Involvement in Health Act will give Overview and Scrutiny Committees the power to scrutinise Local Area Agreements and to hold partners to account in this respect. The draft terms of reference include this aspect.

4.4 Members may wish to consider whether the role of the Scrutiny Chairs Group should be given more formal status within the constitution. Members may also wish

to consider the mechanism for dealing with call-ins. Two adaptations of the five scrutiny committee model could address these issues.

4.5 Option one would see the present role of the Scrutiny Chairs' Meeting extended and formalised into an overarching Overview and Scrutiny Committee, with the five themed scrutiny bodies (Economy & Regeneration, Environment Health and well-being, Children and Young People and Excellent Council) being constituted as sub-committees. The terms of reference of the Overview and Scrutiny Committee could include dealing with all Call-ins, approving the work programmes of (and allocating work to) the five sub-committees. This would help minimise the likelihood of duplication of activity or of important matters falling between the remits of two of the themed bodies. The Overview and Scrutiny Committee could include the chairs of the five themed sub-committees provided the requirements for all scrutiny committees to be proportionate in terms of all three political groups.

4.6 Option two would see , the present role of the Scrutiny Chairs' Meeting extended and incorporated into one of the five themed scrutiny bodies (Economy & Regeneration, Environment Health and well-being, Children and Young People and Excellent Council), probably the Excellent Council Overview and Scrutiny Committee. The other four Overview and Scrutiny Committees could be constituted as sub-committees. The terms of reference of the Excellent Council Overview and Scrutiny Committee could include dealing with all Call-ins, approving the work programmes of (and allocating work to) the four sub-committees. Again, this would help minimise duplication or gaps in activity between the various bodies.

4.7 Cabinet's views are requested on whether the five Scrutiny Committee model should be refined by adopting either option one or option two above.

4.8 It is proposed that the draft Overview and Scrutiny structure be circulated to the three Group Leaders for their comments and a report be brought back to the next meeting of the Cabinet to enable any changes to the constitution to be referred to Council for decision with the intention that they be brought into effect for the 2009/10 Municipal Year.

5.0 Financial implications

The proposed increase in delegated decision making would decrease the costs associated with produced paper copies of the Cabinet agenda. The reduction in the number of Overview and Scrutiny Committees would reduce the expenditure on Special Responsibility Allowances for Members and would also decrease the expenditure involved with holding meetings at the Town Hall (room bookings, agenda papers, etc).

6.0 Staffing implications

There will be reduced staffing implications for Legal and Member Services.

7.0 Equal opportunities implications

There are no equal opportunity implications.

8.0 Community safety implications

There are no community safety implications.

9.0 Local Agenda 21 implications

There are no Local Agenda 21 implications.

10.0 Planning implications

There are no planning implications.

11.0 Anti-poverty implications

There are no anti-poverty implications.

12.0 Social inclusion implications

There are no social inclusion implications.

13.0 Background Papers

The Council's Constitution was used to prepare this report.

RECOMMENDATION

That

- (1) the scheme of delegation of executive functions to portfolio holders be amended to allow all non-key decisions to be made under delegation in line with paragraph 3.3 above;
- (2) the proposal to move to five overview and scrutiny committees, based on the Council's corporate priorities be forwarded to the three Party Leaders for their comments to be brought back to the Cabinet at its next meeting; and
- (3) Cabinet indicates whether the five Scrutiny Committee model to be referred to the Group Leaders for consultation should be refined by adopting either option one (in paragraph 4.5 above) or option two (in paragraph 4.6 above).

Appendix 1

DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS

All Cabinet Members within their own Portfolio

- (i) Approval of those matters where the recommendation is simply to note the report.
- (ii) Approval of the appointment of consultants up to the value of £50,000.
- (iii) Approval of the Council's formal response to Government consultation documents.
- (iv) Approval of the extension of contracts for a maximum of up to 2 years, where such an extension was an option in the original contract in consultation with the departmental Director and the Director of Finance.
- (v) Acceptance of tenders below £750,000 for capital works, where the tender is the lowest price, 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.
- (vi) Approval of additional or replacement items for the current year's Capital Programme, where the amount of the estimate does not exceed £100,000 and does not increase the overall total of the Departmental Capital Programme.
- (vii) The award of contracts of up to 3 years, where the contract value is less than £750,000, where the tender is the lowest price 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.
- (viii) Approve variations to contract values post-tender where the value of the variation, or series of variations exceeds £20,000.

Finance and Best Value

- (i) Power to write off debts up to £10,000, in consultation with the Director of Finance.

Corporate Resources

- (i) The disposal of surplus land, buildings and other assets up to the value of £250,000 by sale or lease.
- (ii) The purchase or lease of land, buildings and other assets up to a value of £250,000.
- (iii) The removal of restrictive covenants on land, in consultation with the Director of Corporate Services, where the increase in land value as a result is less than £250,000.
- (iv) To designate attendances at conferences, training events, meetings and seminars as an approved duty.

Children's Services and Lifelong Learning

- (i) Appointments to serve on the Parental Appeals Panel.
- (ii) Approval of applications to the Prudential Borrowing Financial Support Fund up to a maximum of £20,000.

Streetscene and Transport Services

(1) To approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged 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

(2) To approve the recommendation of the Streetscene and Transport Services Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which objections have been lodged and where he/she agrees with the recommendation:-

(a) 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.

(3) To approve the winter maintenance arrangements.

Regeneration and Planning Strategy

(i) Approval of the recommendations of the Mersey Waterfront Partnership Board up to the value of £250,000.

(ii) Approval of requests for grants from the Wirral Investment Fund up to a value of £50,000.

Community and Customer Engagement

(i) Approval of the recommendations of Area Forums (other than the one which the Cabinet Member is also a member) for spending of CIF and other similar funds.

Where any Cabinet member is unable to make a decision on a matter within their delegation as a result of a prejudicial interest in the matter it can be referred to the Leader of the Council or, in his absence, the Deputy Leader, who will have the same

power to make the decision as the Portfolio holder would have, if they did not have an interest.

Notwithstanding any of the above, Chief Officers may, if they believe it is in the Council's best interests, recommend to their portfolio holder that a report be taken out of delegation and placed on the Cabinet Agenda for approval or debate. Chief Officers should be mindful when doing so of the need to reduce the number of reports going to Cabinet.

Appendix 2

Delegated decisions made by portfolio holders since 8th July 2008

Portfolio	No of delegated decisions made
Children's Services and Lifelong Learning	1
Community and Customer Engagement	1
Corporate Resources	28
Culture, Tourism and Leisure	0
Environment	0
Finance and Best Value	6
Housing and Community Safety	0
Regeneration and Planning Strategy	3
Social Care and Inclusion	0
Streetscene and Transport Services	5

Protocol for delegated decision-making

Chief Officers will ensure that matters for decision are placed before Members following the appropriate consultation with other Officers within the Council.

In addition, the Constitution requires that delegated decisions should only be taken by portfolio holders following the expiry of 3 clear working days from the notification of matters by Chief Officers. The portfolio holder will also notify the Leader of the Council of the decisions he or she intends to make following the elapse of the 3 clear working days. During this period, the portfolio holder or the Leader of the Council may request that the matter be referred to the next meeting of the Cabinet rather than taken under delegated powers, by notifying the Head of Legal and Member Services.

A formal decision record will be produced and published on the Council's Intranet and Internet site. All Members of the Council will be informed by email and the decision will be open for call-in for 5 working days.

DRAFT TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY COMMITTEES
ECONOMY AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee will

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference:

- (1)** matters relating to the economic and urban regeneration of Wirral
- (2)** the economic regeneration strategy for Wirral.
- (3)** all economic regeneration programmes including European programmes, any other Council programmes and residual issues in relation to the Single Regeneration Budget.
- (4)** consultation and liaison with all organisations involved in regeneration in Wirral, including NWDA, English Partnerships, GoNW, Learning and Skills Council, Greater Merseyside Enterprise, Wirral Metropolitan College, trade unions, the private sector, the voluntary sector, etc.
- (5)** all matters in relation to European issues.
- (6)** the promotion of Wirral as a premier location for inward investment through the work of Wirral Direct and other organisations; in consultation with the Cabinet Member for Culture, Tourism and Leisure in the case of tourism initiatives.
- (7)** to ensure that an adequate supply of sites and premises is provided in order to cater for the needs of local businesses and to help attract new businesses.
- (8)** financial support, where appropriate, to businesses, co-operatives and other profit making and non-profit making ventures for the benefit of Wirral.
- (9)** provision of a comprehensive business support service to local companies.
- (10)** the development of community employment and training initiatives and other initiatives designed to strengthen the economy of local communities and combat disadvantage including the development of a comprehensive "pathways to Integration" strategy for Wirral.

- (11) monitoring economic trends in Wirral and identifying examples of good practice elsewhere in the field of urban policy and economic regeneration from which Wirral can benefit.
- (12) Lobbying Government and other agencies nationally, regionally and internationally, to ensure that Wirral achieves its economic regeneration objectives.
- (13) Welfare to Work.
- (14) the Development Plan and related plans and policies.
- (15) national, regional and strategic issues, including green belt policy.
- (16) the designation and preservation of conservation areas and liaison with conservation bodies.
- (17) the application of the Planning Acts in relation to:
 - preservation of general amenity
 - shopping improvement areas
 - derelict sites
 - building regulations
 - mineral planning issues
 - contributions to the Council's urban regeneration initiatives
 - compulsory purchase
- (19) liaison on planning matters with other local authorities and external bodies.
- (20) identification and action in relation to derelict land and building, in liaison with the Cabinet Member for the Environment.
- (21) the development, management, implementation and review of all aspects of the Council's Tourism Strategy.
- (22) the promotion of Wirral as a location for tourism and in consultation with the Cabinet member for Regeneration and Planning Strategy, to encourage tourism initiatives designed to bring new jobs to the Borough.
- (23) housing strategy.
- (24) the assessment of housing need including the needs of vulnerable people.
- (25) enabling vulnerable Clients to remain at home, through the provision of low level housing support services (the Supporting People programme).
- (26) the provision of homelessness and housing advice services, including rough sleepers.
- (27) the provision of services to enable access to accommodation.
- (28) the assessment of housing markets.
- (29) housing market restructuring and renewal.
- (30) Housing matters relating to:
 - Dealing with unfitness and poor condition

- Acquisition and clearance
- Financial policies for home improvement funding
- Regulation and enforcement of statutory provisions relating to private sector housing

(31) Housing matters relating to:

- The promotion and monitoring of partnerships to achieve wider strategic housing objectives
- Monitoring the performance of new Housing Stock Transfer organisations
- The accreditation and licensing of private landlords

(32) monitoring and responding to the needs of gypsies and travellers.

(33) those parts of the Corporate Plan within the remit of this Committee,

(34) to seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.

(35) to support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;

(36) to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee will

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference:

- (1)** highways, streets and footpaths, including street lighting and related enforcement activities.
- (2)** traffic regulations and road safety.
- (3)** the management of Council car parks.
- (4)** liaison with the MPTA and other external organisations.
- (5)** reservoirs, sewerage and land drainage.
- (6)** the provision of civil engineering services to the Council.
- (7)** the provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.
- (8)** coast protection and sea defences.
- (9)** restricted and selective tendering for civil engineering services.
- (10)** Grass cutting in residential areas
- (11)** weed control.
- (12)** Refuse Collection and Street Cleansing
- (13)** Advertisement Control
- (14)** Trading standards and consumer protection.
- (15)** Food safety and hygiene.
- (16)** Home safety.
- (17)** Health education.
- (18)** Control of communicable diseases.
- (19)** Port health.

- (20) Monitoring of waste disposal.
- (21) Recycling
- (22) Public conveniences.
- (23) Preservation and improvement of amenities in residential areas.
- (24) Clean air and pollution control.
- (25) Abatement of nuisance (other than statutory nuisance in private dwellings).
- (26) identification and action in relation to derelict land and buildings.
- (27) Sea Fisheries.
- (28) the development and implementation of strategies for continually improving sustainability and reducing the environmental impact of the Council, its policies, plans, programmes and services.
- (29) the provision of leisure and cultural services including:
- library services
 - museums and galleries, promotion of the Arts
 - civic theatres, entertainment and cultural activities
 - swimming pools, sports halls and indoor recreation
 - parks, recreation grounds, and adventure playgrounds
 - public playing fields, outdoor sports facilities
- (30) community centres and public halls.
- (31) sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (32) resort activities, including publicity.
- (33) beaches and the Beach Lifeguard Service
- (34) the provision of country parks and allotment gardens.
- (35) the provision and management of cemeteries and crematoria.
- (36) the heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion
- (37) Community Safety including:
- Co-ordinating neighbour nuisance policies in the private and public sector.
 - Co-ordinating anti-social behaviour policies.
 - Working with partners, the police & other Cabinet members on youth diversion schemes.
 - Working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team.

- Working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet Member for Environment.
- The use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
- The council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers and duties;
- Liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;
- the development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social behaviour Strategy

(38) the operation and development of Community Patrol

(39) those parts of the Corporate Plan within the remit of this portfolio,

(40) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas;

(41) To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.

(42) to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

HEALTH AND WELL-BEING OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee will

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference:

- (1)** the planning, commissioning and delivery of social care services for all adult client groups and to provide leadership to the wider vision of social care.
- (2)** developing preventative services that will reduce the need for social care intervention.
- (3)** work with a range of partners, including health and the voluntary and independent sector, to provide services which are well planned and integrated, make the most effective use of available resources and met the needs of our diverse community.
- (4)** social inclusion and to promote the role of the local Authority, working with the NHS community on Wirral, to improve Public Health and well being and to address health inequalities.
- (5)** examine the healthcare provision within the area in relation to all residents of the Borough. To participate in all initiatives for improving health and the healthcare provision within the area and to call officers from the NHS Community to account and request them to appear before the Committee when appropriate.
- (6)** .ensure services are of a high quality and delivered by a well-trained workforce or by informal and family carers who are themselves supported.
- (7)** better use of technology to support people.
- (8)** ensure services have an emphasis on preventing problems and that social care and health work on a shared agenda to help maintain the independence of individuals.
- (9)** ensure that people with the highest needs receive the support and protection needed to ensure their own wellbeing and the safety of society.
- (10)** ensure that risks of independence for individuals is openly shared and balanced against benefits with them.

- (11)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor and women.
- (12)** matters relating to section 47 of the National Assistance Act 1948 (as amended).
- (13)** those parts of the Corporate Plan within the remit of this portfolio,
- (14)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.
- (15)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee will

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference:

- (1)** the powers and duties set out in
 - the Children Act, 1989
 - the Education Act, 1996
 - the School Standards and Framework Act, 1998
 - the Education Act, 2002,
 - the Children Act, 2004
 - the Education Act 2005
 - the Education and Inspection Act 2006 and
 - any other legislation relevant to the functions defined below.
- (2)** the promotion of improvement in the outcomes for children and young people in terms of their health, their education and training, their ability to make a positive contribution, and their social and economic well-being.
- (3)** ensuring that children and young people in Wirral are safe from harm and neglect, and that their welfare is promoted.
- (4)** the provision of services for children and young people including services for children and young people in care to the Council, provision for early years childcare and education, primary and secondary education, adult education, and youth and play activities.
- (5)** the promotion of effective partnership working between all the statutory and non-statutory agencies which provide services for children and young people and, where feasible, to promote the integration of services.
- (6)** ensure that systems are in place to manage and scrutinise the performance of all the services for children and young people.
- (7)** ensure that resources are efficiently and effectively targeted towards the improvement of outcomes.
- (8)** liaison with the Strategic Health Authority and health trusts serving Wirral on matters relating to children and young people.
- (9)** liaison with the Learning and Skills Council on matters relating to further education and training ensuring, in consultation with the Cabinet member for

Regeneration and Planning Strategy, that the training needs of employers, employees and prospective employees are met.

- (10)** liaison with the Greater Merseyside Connexions Partnership on matters relating to young people's preparation for working life and specifically to have responsibility for the regulation of the employment of young people.
- (11)** liaison with the Police Authority, the Probation Service and the Youth Offending Service on matters relating to youth crime and disorder.
- (12)** those parts of the Corporate Plan within the remit of this portfolio,
- (13)** to seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (14)** to support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.
- (15)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

EXCELLENT COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee will

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive;

within the following terms of reference:

- (1)** development of the Council's approach to Community engagement and to build community capacity.
- (2)** the Council's Area Forum network.
- (3)** initiatives in the wider community that will increase the understanding of the democratic process, and reduce alienation and apathy.
- (4)** the Council's Customer Access Strategy and for ensuring that it takes full account of the needs of hard to reach people.
- (5)** the Council's compliance with the requirements of the Freedom of Information Act.
- (6)** grants and loans to voluntary and community organisations.
- (7)** contributing to the development and operation of Wirral's community Legal Service.
- (8)** the following areas:
 - Mayoralty and civic ceremonial
 - Hospitality
 - Town Twinning
 - Registration of births, marriages and deaths
 - Maintenance of memorials
 - Membership of outside bodies.
- (9)** the Council's Communication Strategy and Public Relations.
- (10)** Equality and Diversity.
- (11)** the following areas:
 - The development, implementation and review of the Council's arrangements for ensuring effective use of resources including meeting the requirements of the Audit Commission's Use of Resources Assessment
 - Financial monitoring, including standing orders and financial regulations

- Financial propriety
 - Procurement compliance and contract compliance within the Authority
 - Restrictive and selective tendering (other than civil engineering)
- (12) Where it is not a specified responsibility of the Employment and Appointments Committee, personnel issues including employee development and training, equal opportunities in employment and service delivery, disciplinary and grievance procedures and recruitment.
- (13) the provision of legal and administrative services to the authority; and for the Coroner's Service.
- (14) the preparation, maintenance and review of an overall strategy for the management, use and disposal of all Council owned land property, (including the preparation of the Asset Management Plan)
- (15) land issues including:
- Acquisition, disposal and appropriation of all land and property
 - Provision and management of administrative and civic offices
 - Commercial development and redevelopment of the Council land and property
 - Matters relating to the Council's freehold interest and shareholding in Birkenhead Market
- (16) the organisation of a corporate planned maintenance policy.
- (17) co-ordinating performance management and performance indicators.
- (18) the Council's contribution to the major partnership initiatives in which it is engaged, e.g. Local Strategic Partnership, Local Area Agreement Partnership Board, Liverpool City Region and Local Government Association.
- (19) The following areas:
- The formulation and submission of proposals relating to strategic policy
 - The overall production of the Corporate Plan
 - Revenue and capital budgets including preparations for the annual budget and Capital Plan
 - Schemes under the Private Finance Initiative
 - Procurement
- (20) information technology
- (21) financial matters including insurance, rating, Council Tax and Housing and Council Tax benefits.
- (22) the performance of the Council as measured through the Comprehensive Performance Assessment and Comprehensive Area Assessment process.
- (23) initiatives in relation to local democracy and the modernisation of local government
- (24) those parts of the Corporate Plan within the remit of this portfolio
- (25) To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.

- (26)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.
- (27)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

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