

## **POLICY AND RESOURCES COMMITTEE**

**Wednesday, 14 June 2023**

<b>REPORT TITLE:</b>	<b>APPOINTMENT OF SUB-COMMITTEES</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)</b>

### **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 2023/2024, 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 2021-2026 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 2023-24 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 2022-23, including the appointment of the Chair and named deputies.

(2) (a) confirm that the Finance Sub-Committee be appointed for 2022-23 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 2022-23, including the appointment of the Chair and named deputies.

(3) (a) confirm that the Shareholder Board be appointed for 2022-23 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 2022-23, including the appointment of named deputies.

(4) agree that the Contain Outbreak Management Fund Working Group not be re-established, and that the Director of Public be requested to present a summary outcome report to the Health and Wellbeing Board.

(5) 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.

## **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.

### **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.

### **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.

### **3.5 Contain Outbreak Management Fund Working Group**

In 2022/23 Policy & Resources Committee agreed to re-appoint to the Contain Outbreak Management Fund Working Group which provided oversight to future spending proposals for this fund, linked to other existing Covid-19 funding and the wider recovery and renewal priorities for Wirral. The national Contain Outbreak and Management Fund (COMF) which was allocated to Wirral ended on 31<sup>st</sup> March 2023. No further allocations of this funding are expected for 2023/24. It has been agreed by Policy and Resources Committee that the Cost of Living Workstream will report to the Health and Wellbeing Board. Therefore it is proposed that this Working Group not be re-established for 2023/24.

## **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Chair of the Finance Sub-Committee is entitled to a special responsibility allowance (SRA) of £4,993.92 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.

## **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)**

<b>Council Meeting</b>	<b>Date</b>
<b>Policy and Resources Committee</b>	<b>8 June 2022</b>
<b>Policy and Resources Committee</b>	<b>25 October 2021</b>
<b>Policy and Resources Committee</b>	<b>9 June 2021</b>
<b>Policy and Resources Committee</b>	<b>11 November 2020</b>
<b>Council</b>	<b>19 October 2020</b>
<b>Policy and Resources Committee</b>	<b>7 October 2020</b>
<b>Council</b>	<b>28 September 2020</b>