

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Tuesday, 12 June 2018

Present: Councillor M McLaughlin (Chair)

Councillors	C Blakeley	C Jones
	T Cox	B Kenny
	G Ellis	J McManus
	P Gilchrist	C Meaden (in place of B Mooney)

Independent Members	
A Lloyd Price	J McCosh

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Mooney.

2 MEMBER DECLARATIONS OF INTEREST

No declarations of interest were received.

3 MINUTES

RESOLVED:

That the Minutes of the meeting of the Standards and Constitutional Oversight Committee held on 27 February 2018 be confirmed as a correct record.

4 ADOPTION OF THE MODEL COUNCIL MEMBERS' PLANNING CODE

The Deputy Monitoring Officer introduced a report of the Director: Governance and Assurance (Monitoring Officer) recommending that Council adopts the Council Members' Model Planning Code (the 'Model Code') that had been produced by Lawyers in Local Government (LLG).

The Deputy Monitoring Officer informed that the Model Code had been prepared in response to a series of successful challenges concerning local planning authorities and the Members' conduct or conflicts of interests. The Model Code replaced a number of individual and sometimes haphazard approaches that existed within individual councils at the time.

The Deputy Monitoring Officer further informed that the Model Code took into account the Nolan Principles and commentary from the Committee on

Standards in Public Life, the changes in the approach to codes of conduct and to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013. She added that the Model Code applied to Members at all times when involving themselves in the planning process i.e. Planning Committee Members and Deputies.

Members questioned the Deputy Monitoring Officer on a number of points that included the requirement for training on planning matters for Planning Committee Deputies, avoidance of accusations of pre-determination or declaring of a position when approached by constituents and the need to ensure Planning Committee Deputies were made aware of the issues.

Members were keen to ensure that the Planning Committee were fully engaged and consulted upon the Model Code to ensure their views were taken into account before the Model Code was recommended to Council.

RESOLVED:

That, subject to the views of the Planning Committee, Committee recommends to Council that the Model Council Members' Planning Code as appended to the report be adopted and included within the Council Constitution.

5 ESTABLISHING THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP 2018/19

The Deputy Monitoring Officer introduced a report of the Director: Governance and Assurance (Monitoring Officer) that sought approval for the establishment of a Constitutional Review Working Group for the municipal year 2018/19. The report also sought the Committee's view on the membership, allocation of seats on a parity basis, and to confirm arrangements for deputy members.

Members discussed the frequency of meetings for the Working Group, agreeing that it shall meet as frequently as considered necessary. The consensus view was to hold daytime meetings, on a monthly basis.

The Chair informed that, in line with current practice, Independent Members also be invited to attend the Working Group meetings – one member per meeting, on a rota basis, but with no voting rights.

RESOLVED: That

- (1) A cross-party Constitutional Review Working Group for the current Municipal Year be established;**
- (2) The Constitutional Review Working Group shall comprise of the following:**

- **three Members from the Labour Group (including the Chair)**
- **two Members from the Conservative Group**
- **one Member of the Liberal Democrat Group**
- **one Independent Member (no voting rights)**

i.e. a total of six members (plus one Independent Member), all of whom must be members (or in the case of Independent Members, a co-opted member) of the Council's Standards and Constitutional Oversight Committee (or in the case of the Liberal Democrat Member this may be his/her deputy); and

- (3) The Constitutional Review Working Group shall meet as frequently as considered necessary, commencing with daytime meetings to be held on a monthly basis.**

6 REVIEW OF COUNCIL CONSTITUTION

The Deputy Monitoring Officer introduced a report of the Director: Governance and Assurance (Monitoring Officer) that presented an approach to taking forward a major review of the Council's Constitution.

The report informed that alongside the general guidance to the 2000 Act, in support of section 37 the Government had issued a Modular Constitution setting out a suggested structure for council constitutions that included statutory governance requirements and matters traditionally covered by Standing Orders, financial regulations and schemes of delegation. While suggesting a structure, guidance did recognise that local choice existed and that individual Council would find their own ways to organise how their own Council would work.

The Deputy Monitoring Officer apprised Members that an initial oversight review of the Constitution had revealed areas where the Wirral Council's Constitution varied from the Modular Constitution and where the Wirral Constitution did not include some additional documents that had come to be regarded as good practice for inclusion.

Members noted that some work to remedy the more immediate Constitutional issues had already been undertaken, with the Council at the meeting held on 5 March 2018 approving a revised form of Budget and Policy Framework Procedure Rules, and a Code of Conduct for Elected Members Dealing with Planning Matters intended for inclusion in the Constitution being presented to this meeting of the Committee and recommendation for consideration by the Planning Committee at its meeting to be held on 21 June 2018.

Members agreed that a scoping document i.e. a prioritised listing to be determined by the Constitutional Review Working Group would form the basis

of the significant review. This document should also consider a number of ad hoc issues previously raised for consideration by the Standards and Constitutional Oversight Committee.

RESOLVED: That

- (1) a significant review of the Council's Constitution be progressed;
and**
- (2) the Constitutional Review Working Group give consideration to a scoping document to consider a timetable and set priorities for the review.**