

CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 25 November 2020

Present: Councillor P Gilchrist in the Chair

Councillors C Cooke J Robinson
T Cox J Stapleton
P Gilchrist S Williams
P Hayes J Williamson
S Hayes G Wood
C Jones

In attendance: Independent Persons
Professor R Jones
Mr G Kerr

1 NOMINATION OF CHAIR AND VICE CHAIR OF THE CONSTITUTION AND STANDARDS COMMITTEE

The Director of Law and Governance welcomed Members of the Constitution and Standards Committee, Officers and viewing members of the public to the online, virtual meeting.

Following his introduction, the Director of Law and Governance called for nominations for the role of Chair of the Constitution and Standards Committee. It was:

Moved by Councillor Chris Cooke
Seconded by Councillor Steve Hayes

that Councillor Phil Gilchrist be appointed as Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

No other nominations were received.

RESOLVED – That Councillor Phil Gilchrist be appointed as Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

Councillor Phil Gilchrist in the Chair

The Chair called for nominations for the role of Vice Chair of the Constitution and Standards Committee. It was:

Moved by Councillor Janette Williamson
Seconded by Councillor Gillian Wood

that Councillor Jean Robinson be appointed as Vice Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

No other nominations were received.

RESOLVED – That Councillor Jean Robinson be appointed as Vice Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Chris Jones, Independent Person.

3 **MEMBERS DECLARATION OF INTERESTS**

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

No declarations of interest were received.

4 **PUBLIC AND MEMBER QUESTIONS**

The Chair informed the Constitution and Standards Committee that no petitions, public questions, Member questions, or requests to make a statement had been received.

5 **CHANGE IN GOVERNANCE ARRANGEMENTS: UPDATE ON IMPLEMENTATION**

Philip McCourt, Director of Law and Governance introduced his report that provided the Committee with an overview in respect to the implementation of the change in governance arrangements following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28 September 2020. The report was divided into three parts: Implementation of the Committee programme, Training Update, and Constitution Review and Work Programme

The Director of Law and Governance informed Members that the Council had now completed its first cycle of committee meetings and that lessons continued to be learned.

Steve Fox, Head of Democratic Services provided a brief analysis of briefings for committees, amount of time and demand on member time – partly a result of remote meetings. He further informed of the ongoing training update project (for both Members and Officers) that included Induction and the Members Portal.

Members focused questions to the Director of Law and Governance on the Change in Governance Arrangements and update on implementation including methods to prioritise the work programme for the Constitution and Standards Committee, these included:

- Member Code of Conduct – Subject of a separate report to this meeting.
- Financial Regulations – These have been updated to accommodate the change to the Committee system but are due a further and complete review will be undertaken in coming months. This will seek to simplify the Financial Regulations and give consideration to shortening them, with day to day detailed material transferring to a Financial Handbook.
- Contract Procedure Rules (Standing Orders) – Minor amendments have been made and updates included, such as transposing the Social Value Policy into the rules, but a full review is required in due course.
- Whistleblowing Policy – This is a review, considered by the Audit and Risk management Policy, that is almost complete and a report is to come before Members shortly but has not yet been considered.
- The list of appointments to outside bodies will also require a review in due course.

Members of the current Governance Working Group had identified and noted that experience is likely to highlight a number of issues that the Committee may wish to consider in greater detail. Officers have also identified issues that they would like Members to give further consideration to. With that in mind, the Constitution and Standards Committee was requested to nominate Members to sit on a Governance Working Group and further request the Director of Law and Governance to make arrangements for that group to discuss the following:

- Public Statements – clarification in respect to speaking on non-procedural items and deadline for registering to speak.
- Review of the Petition Scheme/deadline for submission.
- Interruption of the meeting - clarification in respect to Standing Orders 9.1 and 15.11
- A further discussion in respect to the Media Guidelines.
- Meeting times.
- Substitutes for Decision Review Committee when a Member has a conflict of interest.

Members questioned the Director of Law and Governance on his report. The Director responded and stated that these and other issues were best left to the Governance Working Group to consider, and that he was content that all Members put forward issues for consideration to him, or feed them through to the Working Group.

Note: Changes to membership of the Governance Working Group were to be notified to the Director of Law and Governance after the meeting, and are summarised at Recommendation 3 below.

RESOLVED – That

- (1) the report be noted;**
- (2) additional items for consideration by the Constitution and Standards Committee be fed through to the Director of Law and Governance; and**
- (3) a Governance Working Group be established, comprising:**

Councillors

Tony Cox, Chris Cooke, Phil Gilchrist, Steve Hayes and Gill Wood.

Note – all political group leaders also be invited to attend meetings of the Governance Working Group.

6 REMOTE MEETINGS UPDATE

Philip McCourt, Director of Law and Governance introduced his report that provided the Constitution and Standards Committee with an update in respect to the implementation of the programme of remote Committee meetings since April 2020 in direct response to the Covid pandemic and requested the Committee give consideration to the future application of Standing Order 11.1 'Representations' for remote meetings .

Steve Fox, Head of Democratic and Member Services informed the Constitution and Standards Committee on the work undertaken by Officers in the delivery of a full committee programme of remote council committee meetings since September 2020. He further informed that during first period of Covid-19 lockdown the Democratic Services team ran a series of Planning, Licensing, and other regulatory committee meetings, delivering in excess of 50 meetings. He added that during May and June a further 408 individual school admission appeals meetings had been successfully delivered remotely.

The Head of Democratic and Member Services apprised Members that this had been challenging, and the speed of transition had been difficult, but

successful. He expressed his thanks to the political group office managers and IT department in their assistance in helping to support Councillors and his service in the delivery of meetings, and a series of Member training sessions covering meeting etiquette and the Chairing of meetings.

The Constitution and Standards Committee's attention was drawn to paragraph 3.3 of the Director's report that had identified a key concern in respect of engagement with members of the public and the provision whereby any member of the public can present questions and/or speak for up to 15 minutes at a committee meetings (or Council). Officers requested that in an effort to aid meeting management Members consider aligning the opportunities available to the public, and standardise a deadline of noon, 3 days prior to meeting for all methods of addressing committees.

The Chair sought Members views and comments on the matter of submission deadlines to help provide the public access to meetings alongside a practical way to administer the process.

Following a short debate and noting that any change to procedures would require the consent of Council, Members' also requested that this facility be further communicated to members of the public in the most practical manner.

Additional Recommendation

It was:

Moved by Councillor Phil Gilchrist

Seconded by Councillor Steve Williams

"That the provision in respect of public speaking, submission of public questions and statements is made known to members of the public by appropriate means."

RESOLVED – That

- (1) the report be noted;**
- (2) RECOMMENDATION TO COUNCIL that in respect to Standing Order 11.1 'Representations' and in line with other provisions – the deadline for the public registering to speak be brought forward to no later than the midday three working days before the day of the meeting; and**
- (3) the provision in respect of public speaking, submission of public questions and statements is made known to members of the public by appropriate means.**

7 **UPDATE ON THE PREPARATION OF THE MODEL CODE OF CONDUCT**

Philip McCourt, Director of Law and Governance introduced his report that provided Members of the Constitution and Standards Committee with an update on progress in respect of the preparation of a revised Model Code of Conduct.

This report provided Members of the Constitution and Standards Committee with an update on progress in respect to the preparation of a revised Model Code of Conduct.

The Committee on Standards in Public Life (CoSPL) report published in January 2019 recommended creating an updated model Code of Conduct, by the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government.

Members were apprised that LGA Workshops of Members and Monitoring Officers had taken place to discuss the approach and content of the revised Code, and that consultation on a draft Code had run for 10 weeks from Monday 8 June until Monday 17 August 2020.

The Director of Law and Governance informed the Constitution and Standards Committee that in light of the feedback and discussion on 22 October 2020, the LGA would now review the draft and a final Code would then be prepared for submission to the LGA board for approval on 3 December 2020, after which the approved Code will then be published.

Members questioned the Director of Law and Governance on his report, and the Director responded accordingly. He informed that Wirral's Code of Conduct would remain in place, having been reviewed by the Governance Working Group as part of the introduction of the new Council Constitution. This would not preclude further review by the Committee.

RESOLVED – That the report be noted.

8 **SUMMARY OF STANDARDS COMPLAINTS**

Vicki Shaw, Head of Legal and Deputy Monitoring Officer introduced the report of the Director of Law and Governance and Monitoring Officer that provided a summary of Standards complaints received under the Members' Code of Conduct and Protocol for dealing with complaints against Members between 31 October 2019 and 31 October 2020. A summary of standards complaints was set out at Appendix 1 to the report.

The report informed that in order to assist with the effective administration of standards complaints, the Committee, as part of its monitoring role, is invited

to consider the nature and handling of complaints received pursuant to the Members' Code of Conduct.

The Head of Legal, Deputy Monitoring Officer apprised the Constitution and Standards Committee that all Local Authorities must have arrangements in place to deal with complaints against Elected Members, and procedures for dealing with such complaints in a confidential manner.

The report further informed that one complaint which was received in July 2019 and was still outstanding at the time of the last report to the Committee in November 2019 was investigated and referred to the Standards Panel on 4 December 2019. The Panel found that there had been a breach of the Code of Conduct and required a number of actions to be undertaken by the subject Member and the Monitoring Officer. The full decision was published on the Council website and all of the required actions have been undertaken by the Monitoring Officer and the subject Member.

The Head of Legal, Deputy Monitoring Officer further apprised the Committee that during the period under report five complaints had been received in respect of five Elected Members from five Individuals.

RESOLVED – That the report be noted.

9 **ESTABLISHING THE STANDARDS PANEL AND STANDARDS APPEAL PANEL**

Philip McCourt, Director of Law and Governance and Monitoring Officer introduced his report that requested that the Constitution and Standards Committee formally establish a Standards Panel and Standards Appeal Panel in accordance with the Council's Constitution (Part 2, Article 8), paragraph 14.3 of Part 3B Responsibility for Functions, and the Protocol for Dealing with Complaints against Members.

The Chair questioned the Director of Law and Governance on the composition and size of the Standards Panel, and the Director informed that generally such a Panel would comprise between 3 and 5 members, which allowed for stand-ins / deputies dependent upon the complaints under consideration. He added that similar provisions were established for licencing panels and that names (in a priority order) from each political group could be provided subsequent to the meeting.

RESOLVED - That

- (1) a Standards Panel and Standards Appeal Panel be formally established pursuant to paragraph 14.3 of Part 3B Responsibility for Functions of the Council's Constitution;**

- (2) each political group through their Group Leader/Deputy Group Leader or Party Spokesperson confirm the names of the Members who shall be their representative members on the Standards Panel and Standards Appeal Panel to the Director – Law and Governance / Monitoring Officer at the earliest opportunity; and**

- (3) where a representative Member, proposed / confirmed under (2) above, is unavailable to attend a proposed meeting of the Standards Panel or Standards Appeal Panel but that meeting can be attended by all other persons required, then the relevant political group through their Group Leader / Deputy Group Leader or Party Spokesperson shall promptly confirm another representative member who is able to attend that meeting.**