

CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 24 February 2021

Present: Councillor P Gilchrist (Chair)

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

In attendance: Independent Persons
Mr G Kerr

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Professor Ronald Samuel Jones, Independent Person.

11 MEMBER DECLARATIONS 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.

12 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 25 November 2020 be agreed.

13 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.

14 LOCAL GOVERNMENT ASSOCIATION - MODEL COUNCILLOR CODE OF CONDUCT

Philip McCourt, Director of Law and Governance, introduced the report which provided detail on a recently published model Councillor Code of Conduct by the Local Government Association (LGA) and sought the endorsement of the publication and the establishment of a Working Group to review the Council's current Code of Conduct.

The Committee was advised that the Model Code had been developed following a recommendation from the Committee for Standards in Public Life to try to address variations in local codes. A ten-week consultation had taken place to give Councillors and Local Government officers opportunity to feed into the development of the Code, and upon completion it was expected that Councils would adopt it as a minimum, with the provision for additional local variations. It was further reported that the Local Government Association had since recognised that there were areas within the Code that required clarification and had commissioned guidance to be published alongside the code.

Members noted the proposal for close working across the Liverpool City Region to develop a common Code of Conduct and emphasised the desire for Wirral Council's Code to be implemented in a timely manner.

Resolved – That

- (1) the publication of the Local Government Association (LGA) Model Councillor Code of Conduct 2020 be noted and endorsed.**
- (2) the commissioning by the Local Government Association of guidance to better understand and apply the Model Code be noted and endorsed.**
- (3) the working together across the City region to develop a common Member Code of Conduct across the six councils and three combined authorities be noted and endorsed.**
- (4) a Member Working Group be established to review the Council's current Code of Conduct for Members and make any recommendation for revision to Council.**

15 **WHISTLEBLOWING POLICY**

Philip McCourt, Director of Law and Governance introduced the report which outlined a proposed new Whistleblowing Policy. Members were advised that following a review in 2018, it was agreed that the Whistleblowing process should be updated to align itself to both peer and national best practice. The new draft policy had been reviewed by the charity PROTECT and benchmarked nationally.

Resolved – That

- 1. The contents of the report be noted and the Whistleblowing Policy be approved.**

2. the report be referred to the Audit and Risk Management Committee for information.

16 **AMENDMENT TO THE CONSTITUTION - HEALTH AND WELLBEING BOARD**

Philip McCourt, Director of Law and Governance introduced the report, which detailed a proposed change to the Constitution to enable the Leader of the Council to nominate another member of the Health and Wellbeing Board as Chair of the Board. The Director of Law and Governance further outlined a forthcoming wider review of the Health and Wellbeing Board to prepare the Council for any changes required as a result of the anticipated legislative changes that would require the implementation of a integrated care system with the NHS and the statutory functions this would place upon the Health and Wellbeing Board.

A Member commented that given that the proposed review of the Health and Wellbeing Board had not yet taken place, the alteration could be delayed to await the outcome of such review. In response, the Leader of the Council outlined that consultation with the Local Government Association had been undertaken, and it was deemed good practice to appoint alternative members of the Board as its Chair, including the lead member for Adult Social Care and in some cases the Chair of the Clinical Commissioning Group.

A further discussion ensued in respect to the possibility of enabling the Health and Wellbeing Board to appoint its own Chair, and the suitability of non-Councillors being appointed as Chair. It was suggested that the Health and Wellbeing Board would benefit from the expertise the Chair of the Adult Social Care and Public Health Committee would bring as Chair of the Board, and that the Board would also benefit from the continuity such appointment would allow over and above allowing the Board to appoint its own Chair.

An amendment to the recommendation was proposed by Councillor Phil Gilchrist and seconded by Councillor Steve Hayes, to include 'or another elected member as their nominee'.

Resolved (8:3) – That

it be recommended to Council that in respect to the Health & Wellbeing Board Terms of Reference as detailed in Part 3b Section 16.4 of the Constitution, 'Chairing the Board' be revised to read 'The Board will be chaired by the Leader of the Council (or another elected member as their nominee)'.

17 REVISION OF THE PETITION SCHEME

Philip McCourt, Director of Law and Governance introduced the report which provided the Committee with an opportunity to comment on the Council's pre-existing Petition Scheme and sought support for a review of the scheme to be undertaken and reported back at the next meeting. The Committee was advised that following discussions with the Chair and Group Spokes, it was felt that more time was required to undertake a comprehensive review of the scheme and that reporting back to a later meeting would be more practical.

Resolved – That

the Director of Law and Governance be requested to undertake a review of the existing petition scheme and report back to a future meeting.

18 MEMBER SUPPORT STEERING GROUP

Philip McCourt, Director of Law and Governance introduced the report which set out a proposal to establish a Member Support Steering Group, which would combine the work of the existing Member Development Steering Group and the Equipment Steering Group. It was outlined that the inception of the Equipment Steering Group was to facilitate the transition from paper agendas to devices, therefore following the success of that project the regular monitoring of equipment could be undertaken by one group alongside member learning and development.

It was proposed that the Member Support Steering Group would meet in mid-March in advance of the member induction programme to enable the group to be consulted on the approach to be taken with new members. Furthermore the group would also have oversight on longer term member learning and development, alongside the member portal.

Resolved – That

- 1. a Member Support Working Group be established, combining the support work previously undertaken by the Member Development Steering Group and the Equipment Steering Group.**
- 2. membership nominations be sought via the Political Groups to the Director of Law and Governance to form the Steering Group on the basis seven members, being:**
 - 2 Labour**
 - 2 Conservative**
 - 1 Liberal Democrat**
 - 1 Green Party**
 - 1 Independent**

- 3. the Director of Law and Governance be requested to arrange a meeting of the new Steering Group in March 2021, with quarterly meetings thereafter.**

19 **CALENDAR OF MEETINGS 2021/22**

Philip McCourt, Director of Law and Governance introduced the report, which recommended draft dates for Council and Committee meetings for the municipal year 2021/22.

Members noted the short period between the May election and the proposed date of Annual Council, and it was suggested that Annual Council (Part 2) be moved to 26 May 2021 to enable further time for the groups to negotiate committee places following the election. Members were advised that moving Annual Council (Part 2) would mean the meetings scheduled for the week commencing 31st May 2021 would need to be rescheduled.

A comment was also made regarding Budget Policy and Resources Committee in February 2022, where it was felt that holding the meeting earlier would enable more time for budget proposals to be developed prior to Budget Council. It was therefore proposed that the Policy and Resources Committee be scheduled a day earlier.

Resolved – That

- (1) the Annual Council Part 2 meeting scheduled for 19 May 2021 be rescheduled to 26 May 2021.**
- (2) The Policy and Resources Committee meeting scheduled for 16 February 2022 be rescheduled to 15 February 2022.**
- (3) delegated authority be given to the Director of Law and Governance to rearrange the meetings scheduled for the week commencing 31 May 2021.**
- (4) Council be recommended to approve the Calendar of Meetings for the 2021/22 municipal year, subject to the aforementioned amendments.**

20 **REMOTE MEETINGS UPDATE**

Steve Fox, Head of Democratic and Member Services introduced the report of the Director of Law and Governance, which provided an update in respect to the implementation of the programme of remote Committee meetings since April 2020 in direct response to the Covid-19 pandemic. The Committee was provided with an update on the latest position following its previous meeting

and informed that for the period from 1 April 2020 to 12 February 2021, 85 Council and Committee meetings had taken place virtually, in addition to 22 Working Group meetings and 22 Budget Workshops. The Head of Democratic and Member Services expressed his gratitude to Democratic and Member Services colleagues, Group Office Managers and ICT officers for their excellent work in delivering remote meetings.

The Committee was also provided with an update on the recently undertaken Member Survey, which had been completed to ascertain the views of members on their experience of remote Committee meetings and their views on the future running of Committees virtually. It was outlined that 34 members had responded, and the key feedback included:

- Further support was required for Committee Chairs;
- There was a good level of support from Democratic Services Officers and IT;
- Members were able to participate fully in remote meetings; and
- Concerns over the duration of virtual meetings.

A further update was provided on the future of remote Committee meetings, where it was explained that the legislative changes required to allow remote Committee meetings to continue once the regulations set out in the Coronavirus Act 2020 expire on 7 May 2021, had not yet been confirmed. Therefore, pending further advice Democratic Services had made arrangements for Committee meetings to take place both remotely and in-person, alongside an additional approach known as “Hybrid meetings” which was a mixture of remote and in-person attendance.

Members expressed their support for the continuation of remote meetings in the short-term to allay anxieties some members may have about returning to in-person meetings. It was outlined that site visits and risk assessments had been undertaken at potential venues, and assurances were given to the Committee that in-person Committee meetings could be delivered safely should they be required.

Resolved - That

- (1) the report be noted.**
- (2) the Director of Law and Governance be requested to update Group Leaders on the progress of the continuation of remote meetings after 7 May 2021.**
- (3) the thanks of the Committee be expressed to officers involved in the facilitating of remote meetings.**

21 **LEARNING FROM EXPERIENCE OF THE NEW CONSTITUTIONAL ARRANGEMENTS**

The Chair explained that he had requested the item to be added to the agenda in order to give members an opportunity to highlight any issues they wished to be considered as part of a future review of the constitution. A discussion ensued and the following points were raised:

- The possible extension of the 1 minute allowed for the introduction of petitions;
- further clarity on what business can be considered via a working group and what business should be discussed in public at Committee; and
- further training on motions, amendments and voting in Committee meetings.

RESOLVED – That

the Director of Governance be requested to progress the comments made by the Committee on the Constitution through the Governance Working Group.

22 **URGENT ITEM: DISPENSATION**

Vicki Shaw, Head of Legal outlined that the Monitoring Officer had received a written request for a dispensation from Cllr Steve Foulkes to enable him to vote on an item at Budget Council in which he had an interest. The interest related to his membership of the Board of Magenta and the outcome of the Policy and Resources Committee decision in relation to community alarms which would be considered by Council.

The Committee was informed that the Localism Act 2011 defined a number of grounds for requests for dispensation, and the request before the Committee was made on the basis that the interest was structural and if the Member left the chamber the representation of different political groups would otherwise be affected so as to alter the likely outcome of any vote. The Head of Legal advised the Committee that should Cllr Foulkes be unable to vote, it could alter the likely outcome of the vote.

Resolved – That

a dispensation be granted to enable Councillor Steve Foulkes to remain in the room, participate in the debate and vote on item 4c at Budget Council on 1 March 2021, in which he has an interest by virtue of his membership of the Board of Magenta.