



## Standards and Constitutional Oversight Committee

<b>Date:</b>	<b>Monday, 28 April 2014</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Shirley Hudspeth, Democratic Services Manager  
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### AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary or non pecuniary interests in connection with any items of business on this agenda and, if so, to declare them and state the nature of the interest.
- 3. MINUTES (Pages 1 - 22)**

To approve the accuracy of the Minutes of the meeting of the Standards and Constitutional Oversight Committee held on 24 February 2014.
- 4. SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP (Pages 23 - 136)**

Report of the Head of Legal and Member Services and Monitoring Officer is **attached**.
- 5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

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## STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 24 February 2014

Present:

Councillor WJ Davies (Chair)

Councillors M McLaughlin G Ellis  
D Roberts P Kearney  
J Salter T Harney  
L Fraser

Independent Persons Mr D Burgess – Joyce  
Mr B Cummings  
Mr C Jones  
Professor RS Jones

11 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

No declarations of interest were received.

12 **MINUTES**

The Committee was aware that Minute No. 8 had already been considered by the Council at its meeting on 16 December 2013. However, all of the Minutes that related to the meeting held on the 26 November 2013 were now being presented to the Committee, so that it could agree that they were a correct record or otherwise and so that the Chair could sign them.

**RESOLVED:**

**That subject to the amendment below the Minutes of the meetings of the Committee held on 26 November 2013 and 6 January 2014 be confirmed as a correct record.**

**Minute No. 8 of meeting on 26 November 2014 – Revisions to the Constitution, final paragraph on page 6 to read:**

‘Councillor L Fraser informed that she had been happy with the proposed amendment to Paragraph 15 – Special urgency on Schedule 1 until she had heard Councillor P Kearney’s comments which had allowed her to see it in a different light. Councillor C Blakeley informed that he agreed with Councillor L Fraser on this.’

13 **MEMBER SURVEYS RESULTS**

A report by the Strategic Director – Transformation and Resources reminded the Committee that the Council’s Constitution was a ‘living document’ which needed to be kept under review to reflect changes in the Council and changes in the way the

Council delivered services and did business. It was noted that regular reviews helped to:

- ensure the Constitution remained relevant and effective;
- identified changes required to ensure clarity and consistency; and
- provided an opportunity for continuous improvement of the Council's constitutional arrangements.

Members noted that the Committee was responsible for keeping the Council's Constitutional arrangements under review. It was able to make minor changes to the Constitution as it considered appropriate and make recommendations to the Council regarding changes. However, any changes made should be made in order to better achieve the purposes set out in Article 1 – The Constitution of the Council's Constitution.

To assist the Committee discharge its role and responsibilities, the two following Members' Surveys had been agreed at its meeting on 6 January 2014:

- Proposed Amendments to Council's Constitution; and
- Member Perceptions and Experiences of the Governance Arrangements.

These Surveys had been, subsequently, launched on 13 January 2014 and had ran until 31 January 2014. The report included the responses received in relation to them.

The Committee had initially considered proposals to amend the Council's Constitution at its meeting on 26 November 2013. It had then made recommendations to the Council.

However, the Council at its meeting on 16 December 2013 had resolved that:

“Council considers that it is not in a position to accept the amendments suggested in Schedule 2.

The schedule of items set out on pages 45-49 of the Summons fails to clarify the concerns raised at the meeting of the Standards and Constitutional Oversight Committee held on 26 November.

Given the confusion and conflicting opinions expressed and evident at that meeting, Council believes that the matter be deferred. In order to restore confidence in the process, all Members should have full opportunity to see and consider the changes set out more clearly. There has to be ample time for further study and potential agreement.

To aid this consideration, the various issues shall be set out on these suggested lines:

- (i) The original wording, with the full paragraph;
- (ii) The wording that is the subject of suggested change;
- (iii) The revised wording in context;

- (iv) A reasoned argument setting out the background and comment explaining the proposed change.

Individual Members should be invited to comment by a date to be agreed so that their views on the issues can be considered at the next meeting of the Committee on 5 February 2014.

That the date for consulting with Members on potential changes to the Constitution as indicated in the report from the Cabinet Member for Governance is moved from 18 December 2013 to 7 January 2014 to commence 13 January 2014 and end 24 January 2014 to give Members more time to input any suggestions in revising the Constitution.”

The Committee had established a Standards Working Group and it had met on 17 December 2013 to consider its responsibility to review the Members’ Code of Conduct, the Protocol for dealing with complaints against Members and how higher standards of Member behaviour could be achieved and maintained.

The Standards Working Group had considered it appropriate that the Committee, when it next considered the proposed Member Surveys, should also consider the inclusion of questions relating to improving Members’ conduct/behaviour as well as questions in relation to the Members’ Code of Conduct.

The purpose of the Members’ Surveys had been to:

- ascertain and canvass the views of all Members on the effectiveness of the current governance arrangements (and afford Members to comment on what he/she considers could/should be improved);
- consider the proposed amendments to the Council’s Constitution and make comment upon the same; and
- ascertain and canvass the views of all Members on the Ethical Framework.

A brief overview of the responses received in relation to both Members’ Surveys was set out at Appendix 1 to the report.

Appendix 2 to the report provided details of the responses received in relation to the Members’ Survey on the proposed amendments to Council’s Constitution.

Appendix 3 to the report provided details of the responses received in relation to the Members’ Survey on Members’ Perceptions and Experiences of the Governance Arrangements.

The Standards Working Group had met on 17 February 2014 to consider, along with other matters, the responses to both Members’ Surveys. It was noted that there had been an overwhelming response from Members to support the amendments. The Working Group had gone through the findings of the Survey of the Proposed Amendments to the Council’s Constitution in detail but had recognised that more analysis and evaluation had been received of the responses to the Members’ Survey on Perceptions of the new Governance Arrangements Survey. It had agreed to take the time to look at this in more detail and make further recommendations to the

Committee on the Council's governance arrangements and Ethical Framework in due course.

Accordingly, it had **recommended:**

“That the Standards and Constitutional Oversight Committee:

- (1) thank all Members who have participated in both Members' Surveys; and
- (2) recommends to the Council approval of the Standards Working Group's recommended amendments to the Council's Constitution as set out in the appendix.”

The Committee gave detailed consideration to the Working Group's recommendations and comments which were presented to it in table form and agreed that good progress had been made overall. Members went through the Survey results on the Proposed Amendments to the Council's Constitution in detail, raising queries and questions which were clarified and responded to by the Head of Legal and Member Services. Of particular note to the Committee was that, every Member but one who had completed the Survey had been concerned about Members' behaviour at Council meetings. The Committee agreed to concentrate on this and what it could do to assist at a future meeting. A Member sought particular clarification on a number of points and the Head of Legal and Member Services responded as appropriately.

**RESOLVED: That**

- (1) **those Members who have participated in both Members' Surveys be thanked for their contributions; and**
- (2) **the recommendations of the Standards Working Group, as set out in the appendix to these Minutes, be approved.**

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

Page No. (of the Constitution)	Original Proposed Amendment	Standards Working Group Recommended Amendment	Original Paragraph	Standards Working Group Comments (in italics)
<p><b>18</b></p> <p>Article 6 – Policy and Performance Committees</p>	<p><b>Paragraph 6.3 (vii)</b> Delete reference to “two” and “five” parent governor representatives and replace with “at least two parent governor representatives and two Diocesan representatives”.</p>	<p>vii) The Co-ordinating Committee shall appoint at <b>least two but not more than five parent governor representatives and two Diocesan representatives</b> to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p>(vii) The Co-ordinating Committee shall appoint at least two but not more than five parent governor representatives to any Forum dealing with education matters. When the Forum deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The School Standards and Framework Act 1998 for parent governors and the Education Act 1996 for Diocesan Representatives confirm that each Local Authority must appoint at least two (and not more than five) parent governor representatives and two Diocesan Representatives to each committee or sub-committee dealing with education matters.</p> <p>The legislation explains that these co-opted Members will have full voting rights in relation to any decisions concerning education</p>

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

Page 6

<p><b>In May 2013</b> Article 9 – The Standards &amp; Constitutional Oversight Committee</p>	<p><b>Paragraph 9.2 (a)</b> <b>bullet point two</b> Delete “three” replace with “four”.</p> <p><b>Insert new paragraph</b> <b>9.4 (at page 25)</b> “The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club”.</p>	<p>• <i>four</i> persons who are not Members or officers of the Council (independent persons).</p> <p><b>9.4 The Committee shall have delegated power and responsibility to act on behalf of the Council as Trustee of the E.F Callister Youth Club.</b></p>	<p>• three persons who are not Members or officers of the Council (independent persons).</p> <p>[There is no existing 9.4]</p>	<p>and school matters.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The change corrects a typographical error.</p> <p>Council at its May 2013 AGM agreed a new Ethical Framework which included the appointment of four Independent Members.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The Council is the Trustee of the E.F Callister Youth Club. To assist the Council discharge its obligations, Council under the proposed change is delegating its Trustee responsibilities and powers to the Committee. This avoids the need for full meetings of Council, sitting as Trustee, being</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

				called to deal with issues affecting the Trust.
31 Article 10 – Constituency Committees	<p>Replace the first sentence in paragraph <b>10.2(iii)</b> “The Constituency Committee have an advisory role” with “The Constituency Committee shall be a decision making committee”.</p> <p>Add in new paragraph “<b>10.2 (iv )</b> The Committee can appoint up to six Community Representatives with non-voting rights”.</p> <p>Add in paragraph “<b>10.2 (v)</b> Any Member of the Committee, including Community Representatives, may be appointed as the Chairperson of the Committee.”</p>	<p><b>10.2 Terms of Reference</b> (i) ... (ii) ... (iii) <i>The Constituency Committee shall be a decision making committee.</i> They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p><i>10.2 (iv) The Committee can appoint up to six Community Representatives with non-voting rights.</i></p> <p><i>10.2 (v) Any Member of the Committee, including Community Representatives, may be appointed as the Chairperson of the Committee.</i></p>	<p><b>10.2 Terms of Reference</b> (i) ... (ii) ... (iii) The Constituency Committees have an advisory role. They may submit reports on matters of concern locally to the Cabinet or Co-ordinating Committee as the committee deems necessary.</p> <p>[There is no existing 10.2(iv)]</p> <p>[There is no existing 10.2(v)]</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The changes reflect and confirm the powers that Members expect/require Constituency Committees to have.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the position that Constituency Committees are to be decision making.</p> <p><i>Original Proposed amendment agreed.</i></p> <p><i>This amendment clarifies the position that each Constituency Committee has the freedom to appoint a</i></p>

				<p><i>Chairperson from the membership of the Committee.</i></p> <p><i>Constituency Committee arrangements should be kept under review.</i></p> <p>Council has previously agreed that up to six Community Representatives (with non-voting rights) can be appointed by each Constituency Committee; this change simply reflects that position.</p> <p>This change provides clarity on who can be a Chairperson of a Constituency Committee.</p>
<p><b>36</b></p> <p>Article 12 – Officers</p>	<p><b>Paragraph 12.3 – Function of the Monitoring Officer</b> Add “<b>12.3(h)</b> - The Monitoring Officer be responsible to the</p>	<p><i><b>12.3(h)</b> - The Monitoring Officer be responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the</i></p>	<p>[There is no existing 12.3(h)]</p>	<p><i>Original Proposed amendment agreed provided that the words “so far as reasonably possible” are deleted.</i></p>

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p>Authority for ensuring so far as reasonably possible that agreed procedures are followed and that all applicable statutes and regulations are complied with (as set out in the Code of Corporate Governance)".</p>	<p><i>Code of Corporate Governance)</i></p>		<p><i>This deletion provides clarity and removes any doubt.</i></p> <p>The change ensures that Article 12 is consistent with the Council's approved Code of Corporate Governance.</p>
<p><b>49</b></p> <p>Table 2 – Responsibility for Council Functions</p>	<p><b>Standards and Governance Committee (pg 51)</b> Amend Committee title to "Standards and Constitutional Oversight Committee".</p> <p>Amend Functions to include "To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club".</p>	<p><i>Standards and Constitutional Oversight Committee</i></p> <p><i>To carry out the functions, discharge the powers and undertake the duties of the Council as Trustee of the E.F Callister Youth Club</i></p>	<p>Standards &amp; Governance Committee</p> <p>This amendment simply adds a new function to the list of existing functions for this Committee appearing in Table 2.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The changes amends a typographical error with regards to the name of the Committee.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>As mentioned above the Council is the Trustee of the E.F Callister Youth Club. For the reasons already give, the changes ensures the function is included in the relevant part of the Constitution.</p>

STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p><b>Policy &amp; Performance Co-ordinating Committee (pg 53)</b> Add in “15” and delete” (Plus 4 voting and 1 other co-opted Members)”.</p>	<p>15</p>	<p>Members of the Authority (plus 4 voting and 1 other co-opted Members)</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The original wording should only relate to the Committee that deals with education matters, namely the Families and Wellbeing Policy &amp; Performance Committee.</p>
<p>78</p> <p>Scheme of Delegation of (Non Executive) Delegation of Functions to Committees</p>	<p><b>Table B. Licensing &amp; registration functions</b></p> <p>Amend <b>paragraph 7</b> to read “Power to license sex establishments” and remove reference to “section 2 and Schedule 3”.</p>	<p><i>7. Power to license sex establishments</i></p> <p><i>The Local Government (Miscellaneous Provisions) Act 1982</i></p>	<p>7. Power to license sex shops and sex cinemas.</p> <p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>The change removes a power that is not required.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change removes an unnecessary restriction on the application of the legislation.</p>

	<p>Amend <b>paragraph 26 - 2<sup>nd</sup> column (pg 80)</b> to read “The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995”.</p> <p>Delete <b>paragraph 48 (pg 81)</b> relating to the “power to register motor operators”.</p>	<p><i>The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995</i></p> <p><i>Delete paragraph 48 - Power to register motor operators</i></p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.</p> <p><b>48.</b> Power to register motor salvage operators.</p> <p>Part 1 of the Vehicle (Crime) Act 2001</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change removes an unnecessary restriction on the application of the legislation.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change reflects a power that no longer exists.</p>
<p><b>91</b></p> <p>Scheme of Non Executive Delegation of Functions to Officers</p>	<p><b>Schedule 4A Part 2 (1):</b> The list of relevant legislation be amended to -</p> <p><b>Include:</b> “Sunbeds (Regulation) Act 2010” “Mobile Home Act 2010” “Companies Act 2006” “Consumer Credit Act 1974,</p>	<p><i>Include the following legislation to the existing list of Acts and Regulations:</i></p> <p><i>“Sunbeds (Regulation) Act 2010”</i> <i>“Mobile Home Act 2010”</i> <i>“Companies Act 2006”</i> <i>“Consumer Credit Act 1974, 2006 and 2009”</i> <i>“The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008”</i></p>	<p>This paragraph consists of a list of legislation. The amendment simply proposes to add or delete specific legislation to/from the list.</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change updates legislation within the Scheme of Delegation so that it remains effective.</p> <p>It is preferable that specific legislation is cited in the Scheme rather than officers having to rely on the general provision that exists.</p>

	<p>2006 and 2009”                  “The Cancellation of Contracts made in a “Consumer’s Home or Place of Work etc Regulations 2008”                  “The Consumer Protection (Distance Selling) Regulations 2000”</p> <p><b>Delete:</b>                  “Property Misdescriptions Act 1991”                  “Trade Descriptions Act 1968”</p> <p><b>Schedule 4A Part 2:</b>                  Amend <b>paragraph (2) (pg 94)</b> to read “Institute legal action and or proceedings in respect of the enforcement of any</p>	<p><i>“The Consumer Protection (Distance Selling) Regulations 2000”</i></p> <p><i>Delete the following::</i>  <i>“Property Misdescriptions Act 1991”</i>  <i>“Trade Descriptions Act 1968”</i></p> <p><i>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.</i></p>	<p>2) Institute legal action and or proceedings in respect of the enforcement of any legislation relating to trading standards, environmental health, environmental protection, food safety, licensing and health and safety including those functions</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the power to institute proceedings and the scope of legislation.</p>
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	<p>legislation relating to trading standards, environmental health, environmental protection, food safety and the health and safety.”</p> <p>Amend <b>paragraph 4(b) (pg 95)</b> – replace reference to “Trading Standards Manager” with “Senior Manager (Trading Standards)”.</p> <p>Amend <b>paragraph 4(c) and (d) (pg 95)</b> – replace reference to “Trading Standards Manager, Divisional Officer (Business Support), Divisional Officer (Community Support and Regulation)” with “Senior Manager (Trading Standards) and Trading Standards</p>	<p>(4) (a) ...</p> <p>(b) personally or through the <i>Senior Manager (Trading Standards)</i> authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p><i>Senior Manager (Trading Standards) and Trading Standards Operation Manager</i></p>	<p>delegated to the Licensing, Health and Safety and General Purposes Committee, except the Health and Safety at Work etc. Act 1974.</p> <p>(4) (a) ...</p> <p>(b) personally or through the Trading Standards Manager authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p> <p>(c) authorise the post-holders listed below in the first instance, in the Trading Standards Division, after consultation with the Head of Law, to present cases and appear in legal proceedings on behalf of the Council:</p> <p>Trading Standards Manager Divisional Officer (Business Support) Divisional Officer (Community</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This changes updates changes to officer posts following restructures.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This changes updates changes to officer posts following restructures.</p> <p><i>Original Proposed amendment agreed.</i></p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p>Operation Manager”.</p> <p>In relation to <b>paragraph (15)(ii) (pg 96)</b>:</p> <ul style="list-style-type: none"> <li>- delete reference to “(ii) Game Dealers Licences”;</li> <li>- amend <b>(viii)</b> to read “Notices given for temporary use of premises for gambling”;</li> <li>- delete reference to “<b>(xviii)</b> Motor Salvage operators”; and</li> <li>- amend <b>(xxii)</b> (see proposed amendment)</li> </ul>	<p>and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <ul style="list-style-type: none"> <li>- delete “(ii) Game Dealers Licences”;</li> <li>- <b>(viii) Notices given for temporary use of premises for gambling;</b></li> <li>- delete “<b>(xviii)</b> Motor Salvage operators”;</li> </ul> <p><b>(xxii)</b> to read: The enforcement of conditions relating to the licensing of hackney carriage and private</p>	<p>Support and Regulation)</p> <p>and authorise other officers as considered necessary to present an appear in legal proceedings on behalf of the Council.</p> <p>Paragraph 15 contains a list of functions from which Games Dealers Licences is to be deleted.</p> <p>(viii) Consider notices given for temporary use of premises for gambling;</p> <p>Function to be deleted from functions list</p> <p><b>(xxii)</b> to read: The enforcement of conditions relating to the licensing of hackney carriage</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This power is no longer relevant.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the power so that its is clear such Notices can be issued.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This power is no longer relevant.</p> <p><i>Original Proposed amendment agreed.</i></p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

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		hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension <b>or revocation</b> of driving licences, vehicle licences and operator’s licences.	and private hire drivers licences, vehicle licences and operator’s licences, as allowed in the Local Government (Miscellaneous Provisions) Act, 1976, including the suspension of driving licences, vehicle licences and operator’s licences.	This change clarifies the power to enable revocation of licences not their suspension.
<b>114-139</b> Rules of Procedure – Council Procedure Standing Orders	<b>Page 118 - 5. Order of Business (Council Meetings), paragraph (2) (J)</b> - Deleted and paragraphs then re-lettered.  <b>Page 119 – 5A – Annual meetings of the Council, Standing Order 2 (b)</b> –Delete election and replace with “appointment”.	Delete: (j) To consider any other business specified in the summons;  (This is repeated at paragraph (n) on the same list)  (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include:  (a) as the first item of business, the election of a <b>Civic</b> Mayor;  (b) the <b>appointment</b> of a Deputy <b>Civic</b> Mayor;	(j) To consider any other business specified in the summons;  (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include:  (a) as the first item of business, the election of a Mayor;  (b) the election of a Deputy Mayor;	<i>Original Proposed amendment agreed.</i>  This change removes a Council agenda item that is repeated at paragraph (n) in the same list.  <i>Original Proposed amendment agreed.</i>  <i>The Standards W/G is satisfied that only Council will elect and appoint the Civic Mayor and Deputy Mayor respectively.</i>  The Council is required annually to <u>elect</u> a Civic Mayor/Chairman and <u>appoint</u> a Deputy Civic

	<p><b>Page 120 - Standing Order 5B(9)</b> new provision to be inserted - “Leader’s announcements – Appointment of Cabinet and Portfolios (unless to be confirmed as soon as practicably possible after the Annual General Meeting).”</p>	<p><b>5B(9)Appointment of Cabinet and Cabinet Portfolios and Holders.</b></p> <p><b>The Leader shall confirm his/her Cabinet and Cabinet Portfolios and Holders (or otherwise confirm to Council that such details shall be communicated to all Members as soon as practicably possible after the Annual General Meeting).</b></p>	<p>New provision.</p>	<p>Mayor/Chairman in accordance with Sections 3 and 5 of the Local Government Act 1972.</p> <p>Section 3(1) provides that “The chairman of a principal council shall be <u>elected</u> annually by the council from among the councillors.”</p> <p>Section 5(1) provides that “A principal council shall <u>appoint</u> a member of the council to be vice-chairman of the council.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>The change make no change to procedure or practice other than to ensure the provision is consistent with the above statutory provisions.</p> <p>This change seeks to</p>
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	<p><b>Page 122 – 8. Motions which may be moved without notice having been given under Standing Order 7</b></p> <p><b>Paragraph (l)</b> - delete “36” replace with “22A”</p> <p><b>P123 – 10. Questions – Standing Order (2)(a)</b> delete 5.1 and replace with 5(2)(h)</p> <p><b>P125 – 12. Rules of debate for Council Meetings</b></p> <p><b>Standing Order 12(6) Right of Reply (pg 125)</b> – Delete 8 replace with “7”</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order <b>22A</b>;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order <b>5.2(h)</b> of the Executive Board or a committee submitted to the Council at that meeting.</p> <p><b>12(6) Right of reply (Notices of Motion under Standing Order 7)</b></p> <p>The mover of a motion has a right to reply at the close of the debate</p>	<p>(7)(l) suspending a Standing Order in accordance with Standing Order 36;</p> <p>(2) A member of the Council may (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5.1(h) of the Executive Board or a committee submitted to the Council at that meeting.</p> <p><b>12(6) Right of reply (Notices of Motion under Standing Order 8)</b></p> <p>The mover of a motion has a right to reply at the close of the</p>	<p>confirm/clarify an existing practice.</p> <p><i>Original Proposed amendment agreed.</i></p> <p><i>Proposed amendment agreed.</i></p> <p><i>Original Proposed amendment has been simplified.</i></p> <p>This change corrects a continuity issue.</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

	<p><b>AMENDMENTS - P126 - Standing Order</b>  <b>12(9)-</b> Insert new provision – See proposed amendment opposite</p>	<p>on the motion. If an amendment is moved, only the mover of the original motion has a right of reply at the close of the debate on the amendment.</p> <p><i>12(9)(e) Where an ordinary Council meeting is scheduled to take place on a Monday, any amendment to a Notice of Motion submitted pursuant to Standing Order 7 must be submitted to the Head of Legal and Member Services (or his/her nominee) by no later than 10:00am on the Friday immediately preceding that ordinary Council meeting.</i></p> <p><i>In the case of any other scheduled ordinary Council meeting, any amendment proposed to a Notice of Motion must be submitted to the Head of Legal and Member Services (or his/her nominee) at least two clear working days prior</i></p>	<p>debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the 12(6) debate on the amendment in accordance with paragraph (7)(c) of this standing order. The mover of the amendment shall have no right of reply to the debate on the amendment.</p> <p>This is a new provision.</p> <p>There is no similar provision that exists within the Constitution.</p>	<p><i>Original Proposed amendment agreed; however it is considered appropriate that the Civic Mayor exercises any discretion under this proposed amendment not the Chief Executive and provides reasons in writing.</i></p> <p>This change seeks to mitigate against the need for an adjournment at Council to allow a Political Group(s) to consider amendments proposed</p>
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	<p><b>P127 – Standing Order (11) – Substantive Motion</b> – delete “notified under Standing Order 5(1)(h)” and “notified as an objection”.</p> <p><b>P127- Standing Order (12) – Withdrawal of amendment-</b> title change delete and replace with “Withdrawal of Motion or Amendment” and</p>	<p><i>to the relevant ordinary Council meeting unless the Civic Mayor agrees, giving reasons in writing, that it is in the public interest to allow the submission of the amendment at an alternative date and time.</i></p> <p><b>(11) Substantive motion</b> If an amendment is lost, other amendments notified under Standing Order 12(9)(e) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment <del>notified as an objection</del> may be moved.</p> <p><b>(12) Withdrawal of Motion or Amendment</b> A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No</p>	<p><b>(11) Substantive motion</b> If an amendment is lost, other amendments notified under Standing Order 5(1)(h) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment notified as an objection may be moved.</p> <p><b>(12) Withdrawal of amendment</b> A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after</p>	<p>to a Notice of Motion tabled at the Council meeting.</p> <p>The Civic Mayor has discretion to allow an amendment to be tabled at the Council meeting where he considers the public interest so demands.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue and removes reference to the lodging of an amendment as an “objection” when there is no requirement for an amendment to be lodged as such.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change reflects the current practice and corrects a continuity issue.</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

Page 20

	<p>add in "(See Standing Order 7(3))."</p> <p><b>P127 - Standing Order 13 Motions which may be moved in course of debate paragraph (d)- delete 7(8) replace with "9(1)."</b></p> <p><b>Page 131 – Voting – Standing Order 7-</b> delete 7(8) replace with "9(1)."</p> <p><b>Page 133 – Section 2 – Relating to Committees - Standing Order 23 – (h) delete 4 replace with "1".</b></p> <p><b>Page 137- Standing Order 35- Calling in of Decisions</b></p>	<p>member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused (See <b>Standing Order 7(3)</b>).</p> <p>(d) to suspend Standing Order <b>9(1)</b>;</p> <p>(7) When the electronic voting system is not being used, a card vote may still be requested during the procedure referred to in Standing Order <b>9(1)</b>.</p> <p>(h) In relation to start time – S O <b>1</b> 4</p>	<p>the mover has asked permission for its withdrawal, unless such permission has been refused.</p> <p>(d) to suspend Standing Order 7(8);</p> <p>(7) When the electronic voting system is not being used, no request for a card vote may be made during the procedure referred to in Standing Order 7(8).</p> <p>(h) In relation to start time – S O 4</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue.</p> <p><i>Original Proposed amendment agreed; however the right to request a card vote has been clarified.</i></p> <p>This change corrects a continuity issue.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change corrects a continuity issue.</p>
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	<p><b>Standing Order 35(2) – (pg 137)</b> Delete the word “notice” and replace with “Minute(s)”.</p> <p>Delete - “9a.m on the Thursday” and replace with “5:00pm on the final day of the call in period of five clear working days from the date of publication.”</p> <p><b>Standing Order 35(3)(a) – (pg 137)</b> Delete “7 working days” replace with “15 working days”.</p>	<p>35(2) That <i>Minute(s)</i> will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by <b>5:00pm on the final day of the call-in period of five clear working days from the date of publication.</b> (Adjusted by a maximum of one day <b>if</b> there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason</p>	<p>35(2) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9a.m. on the Thursday following publication of a decision on Friday. (Adjusted by a maximum of one day in there is one or more Bank Holidays in that period)</p> <p>35(3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As</p>	<p><i>Original Proposed amendment agreed.</i></p> <p>This change clarifies the Call-In procedure and timetable.</p> <p>The call-in period remains unchanged.</p> <p><i>Original Proposed amendment agreed.</i></p> <p>This change amends the timetable to ensure sufficient time is afforded to call a meeting of the relevant committee to hear the call-in.</p> <p>The last call-in demonstrated that it was very difficult to convene the necessary committee meeting within 7 working days.</p>
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STANDARDS WORKING GROUP RECOMMENDATIONS - Proposed Amendments to the Constitution

		<p>given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Coordinating Committee, and in any case within <b>15</b> working days of the decision to call-in.</p>	<p>long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Coordinating Committee, and in any case within 7 working days of the decision to call-in.</p>	<p>This was due to the need to publish the Agenda at least 5 working days before the committee meeting and the availability of members to attend the committee meeting at short notice.</p> <p>The amendment requires the committee meeting to be convened <b>within</b> 15 working days.</p>
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## WIRRAL COUNCIL

### STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

28 APRIL 2014

<b>SUBJECT:</b>	<b><i>SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP</i></b>
<b>WARDS AFFECTED</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>HEAD OF LEGAL AND MEMBER SERVICES AND MONITORING OFFICER</i></b>

#### 1.0 EXECUTIVE SUMMARY

1.1 This report provides details of the work undertaken by the Standards Working Group in relation to the Council's Ethical Framework relating to Member conduct, related issues and the analysis undertaken in relation to the Member Survey on Perceptions and Experiences on the Council's Governance Arrangements.

1.2 The Working Group has considered the following matters and made recommendations for consideration by the Committee:

- Member Survey on Perceptions and Experiences on the Council's Governance Arrangements;
- Members' Code of Conduct;
- Protocol on Dealing with Complaints Against Members;
- Disclosure and Barring Service checks for Members;
- Amendment to the Council's Constitution to give effect to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

#### 2.0 BACKGROUND AND KEY ISSUES

2.1 Council on 16 April 2012 approved a new Members' Code of Conduct and the Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members' Code of Conduct, which came into effect on 1 July 2012.

2.2 The new Ethical Framework has now been in place for 22 months. The Standards Working Group was established by the Committee to review the Ethical Framework and consider whether any amendments should be made or alternative arrangements considered given the Council's statutory duty to promote and maintain high standards of conduct amongst Members.

- 2.3 Standards Working Group has now completed its work, which included consideration of two Members' Surveys, one of which related to changes to the Council's Constitution which has been considered and dealt with; and the other is referred to within this report.
- 2.4 The Working Group has made a number of recommendations for consideration by the Committee.

### **Member Survey on Perceptions and Experiences on the Council's Revised Governance Arrangements**

- 2.5 The above survey was undertaken so as to gauge a better understanding of Members views and thoughts concerning the current governance arrangements. The Working Group included specific questions concerning the Ethical Framework.
- 2.6 A copy of the Survey is attached at Appendix 1.
- 2.7 The Working Group has considered all the responses and made comment and recommendations as appropriate. Details of the responses and recommendations are contained within Appendix 2.
- 2.8 The Working Group noted that overall the current governance arrangements were satisfactory and whilst improvements could be made, the general view of Members was more positive than negative of the current arrangements.
- 2.9 The Working Group noted that Members sought better training, not in terms of the variety of training provision, but training that recognised their experiences, skills and abilities and therefore was better tailored to them. Members were keen for the Council not to adopt a 'one size fit all' approach and welcomed the review of Member training and development.
- 2.10 The Working Group noted that Members further improvements were made to ensuring open and transparent decision making, with more pre-scrutiny and better use of delegated powers. Concern was raised over the workload of the Policy and Performance Committee (Families and Wellbeing) but it was recognised that the remit of Families and Wellbeing was correct given the synergies. However, it was important that the current policy and performance arrangements be reviewed in 12 months' time so that a more informed analysis and assessment can be undertaken. One particular issue raised was the need to ensure continuity of membership on policy and performance and regulatory committees to ensure experiences and knowledge gained can be fully utilised – which will assist in dealing with matters more effectively and efficiently.

### **Members' Code of Conduct and the Protocol on Dealing with Complaints Against Members**

- 2.11 The Working Group undertook a review of the Members' Code of Conduct and the Protocol. The Working Group noted that the responses received to questions on the Ethical Framework included in the above-mentioned survey, did not reveal any significant concerns or issues from Members.

- 2.12 The Working Group considered the Code required greater clarity with regards to interests given that members often declare 'interests' which are not disclosable pecuniary interests. It was recognised that members also referred to interests as 'personal' interests and would withdraw from a meeting if they felt they had a 'prejudicial' interest. Accordingly, the Code has been amended to clarify and take account of practices which are currently in place but not expressly stated within the Code.
- 2.13 The Code has been extended to include a requirement that Members when appointed to another 'relevant authority' they are required to comply with any Code of Practice of that authority and if they are appointed to a another body, they must abide by the Council's Members' Code of Conduct.
- 2.14 The Working Group considered it appropriate to extend the remit of dispensations to Members to include membership of a trade union (providing the member is not in a position of control).
- 2.15 The Protocol remains by and large unchanged. However, one important change proposed is that the Monitoring Officer when undertaking an initial assessment and evaluation of a complaint does not seek the views of all three group Leaders, but instead notifies (by way of summary) the relevant Group Leader of the complaint made against a Members of his/her political group.
- 2.16 The proposed changes to the Members' Code of Conduct and relating Protocol are set out at Appendix 3 and 4 respectively. It is proposed that the revised Code of Conduct if approved take effect as from 1 August 2014 to enable training to be provided to members in advance of its application.

### **Disclosure and Barring Service (DBS) checks for Members**

- 2.17 The Working Group identified that there was no clear policy in place with regards to when DBS check for Members should be undertaken.
- 2.18 Accordingly, the Working Group considered this issue and noted that the arrangements in place among many local authorities varied from DBS checks for all members through to specific members being subject to the check depending on the nature of the work/role undertaken.
- 2.19 The guidance from DBS is that a blanket check for all Members is not necessary and a more tailored approach should be considered. The Working Group has accepted that guidance and accordingly has proposed that the Council's current DBS Policy (which covers Officers only) be extended to include Members.
- 2.20 The Standards Working Group has proposed an amendment to the DBS Policy, which is set out at Appendix 5. It is proposed that the DBS Policy amendment if approved take effect from 1 October 2014 so as to allow for requisite assessments and checks to be commissioned (which can take up to 3 months to undertake by the DBS).

## **Proposed Amendment to the Council's Constitution**

- 2.21 Under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, where a budget decision is being taken at a budget decision meeting then the Council must record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 2.22 Under the Regulations, we are obliged to amend our Constitution to give effect to the above requirement.
- 2.23 The Working Group has considered this issue and is proposing that Standing Order 13 of the Council Procedure Rules be amended to ensure compliance with the Regulations and provide improved arrangements concerning how the Budget Council Procedure is agreed.
- 2.24 Appendix 6 details the proposed amendment to Standing Order 13 of the Council Procedure Rules.

### **3.0 RELEVANT RISKS**

- 3.1 The Council is required to comply with the provisions of the Localism Act 2011 with regards the arrangements for dealing with standards matters. Should it fail to do so, the Council exposes itself to risk of challenge and reputational harm.
- 3.2 To ensure the Council's Standards Regime is effective, a regular review and assessment of its effectiveness will help ensure the Council remain compliant with its legal obligations and instils confidence in democratic arrangements.
- 3.2 The Council must comply with all other relevant and applicable legislative requirements.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 The review of the current Standards Regime provides an opportunity for Members to consider and/or revise the existing arrangements or propose alternative arrangements.

### **5.0 CONSULTATION**

- 5.1 The Standards Working Group has a consultative role by virtue of its cross-party membership.

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 There are no such implications arising.

### **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 Any proposed changes to the Standards Regime will need to consider these implications.

## **8.0 LEGAL IMPLICATIONS**

8.1 The legal implications have been set out in the report.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) No EIA is required.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no such implications arising.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications arising.

## **12.0 RECOMMENDATION/S**

12.1 That the Committee:

- (a) Notes the Member Survey on Perceptions and Experiences on the Council's Revised Governance Arrangements and the Standards Working Group's comments; and agrees the recommendations as set out in Appendix 2;
- (b) Agrees the revised Members' Code of Conduct set out at Appendix 3 and recommends its approval to Council with an effective date of 1 August 2014 ;
- (c) Agrees the revised Protocol on Dealing with Complaints Against Members set out Appendix 4 and recommends its approval to Council with an effective date of 1 August 2014;
- (d) Agrees the proposed amendment to the Council's Disclosure and Barring Service Policy set out at Appendix 5 and recommends its approval to Council (as necessary) with an effective date of 1 October 2014;
- (e) Agrees the proposed amendment set out at Appendix 6 to Standing Order 13 of the Council's Council Procedure Rules contained within the Council's Constitution to give effect to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and recommends the same to Council for approval.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 The recommendations are necessary to ensure compliance with legal obligations and improve governance arrangements.

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## **APPENDICES**

Appendix 1 - Member Survey on Perceptions and Experiences on the Council's Revised Governance Arrangements

Appendix 2 - Outcome of Members' Survey on Perceptions and Experiences of the Revised Governance Arrangements

Appendix 3 – Revised Members' Code of Conduct

Appendix 4 – Revised Protocol: Arrangements for Investigating and Making Decisions in relation to allegations made under the Members' Code of Conduct

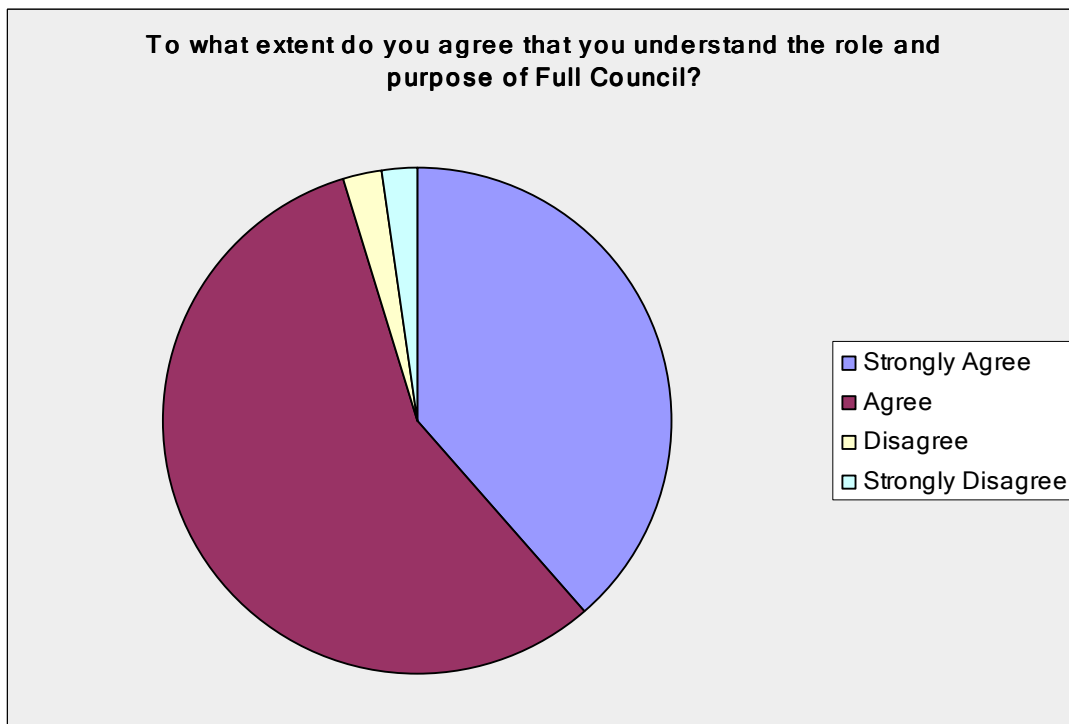
Appendix 5 – Proposed Amendment to the Council's DBS Policy

Appendix 6 – Proposed Amendment to Standing Order 13 of the Council Procedure Rules

Outcome of Members Survey on Perceptions and Experiences of the Revised Governance Arrangements

Question 1

To what extent do you agree that you understand the role and purpose of Full Council?		
Answer Options	Response Percent	Response Count
Strongly Agree	38.6%	17
Agree	56.8%	25
Disagree	2.3%	1
Strongly Disagree	2.3%	1
Please add any other comments here:		7
<b><i>answered question</i></b>		<b>44</b>
<b><i>skipped question</i></b>		<b>0</b>



**Comments:**

I think the new Cabinet member reports are useful, but the absence of the ability for a supplementary question curtails proper scrutiny and holding to account. I hope it will be possible to introduce some way to address this while preventing abuse of the opportunity by political opportunism

It is simpler and clearer than before

Reasonable time for debate

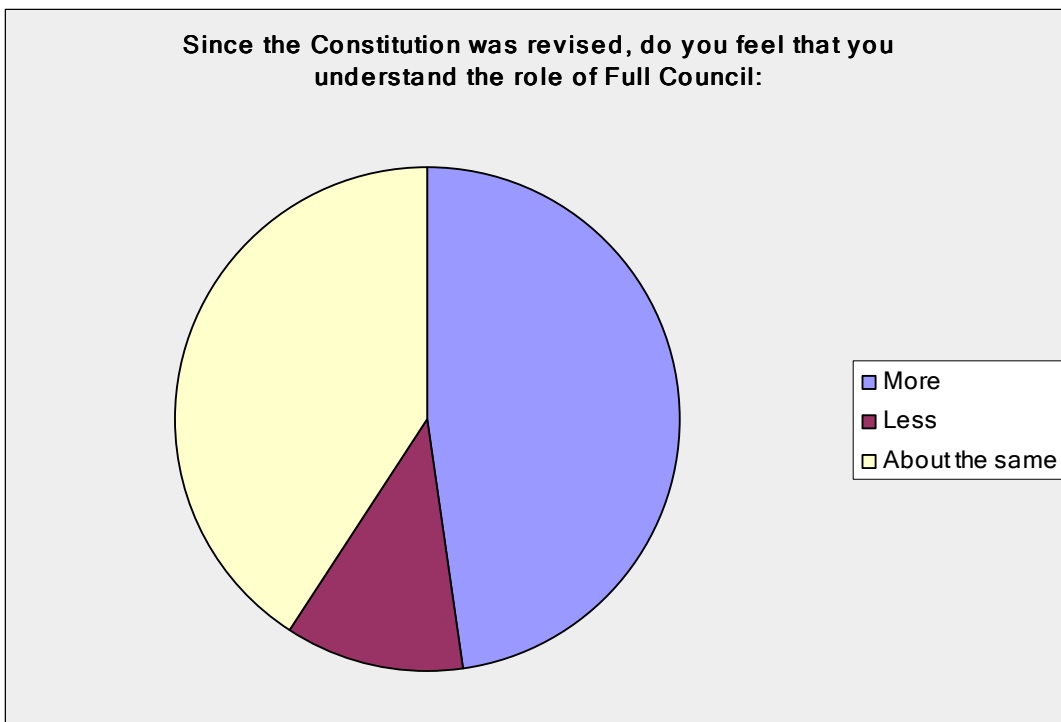
there is allot of theatre involved

With the ruling party taking up more than 80% of available time there is no longer any meaningful debate or interest.

Too much 'Party politics'; too much name calling and, frankly, appalling behaviour

**Question 2**

Since the Constitution was revised, do you feel that you understand the role of Full Council:		
Answer Options	Response Percent	Response Count
More	47.7%	21
Less	11.4%	5
About the same	40.9%	18
Please add any other comments here:		5
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>0</b>



**Comments:**

change so that all Nom's of the same objection should be voted independently but speeches all taken at the same time

More importantly the role of the Council's departments is now far clearer.

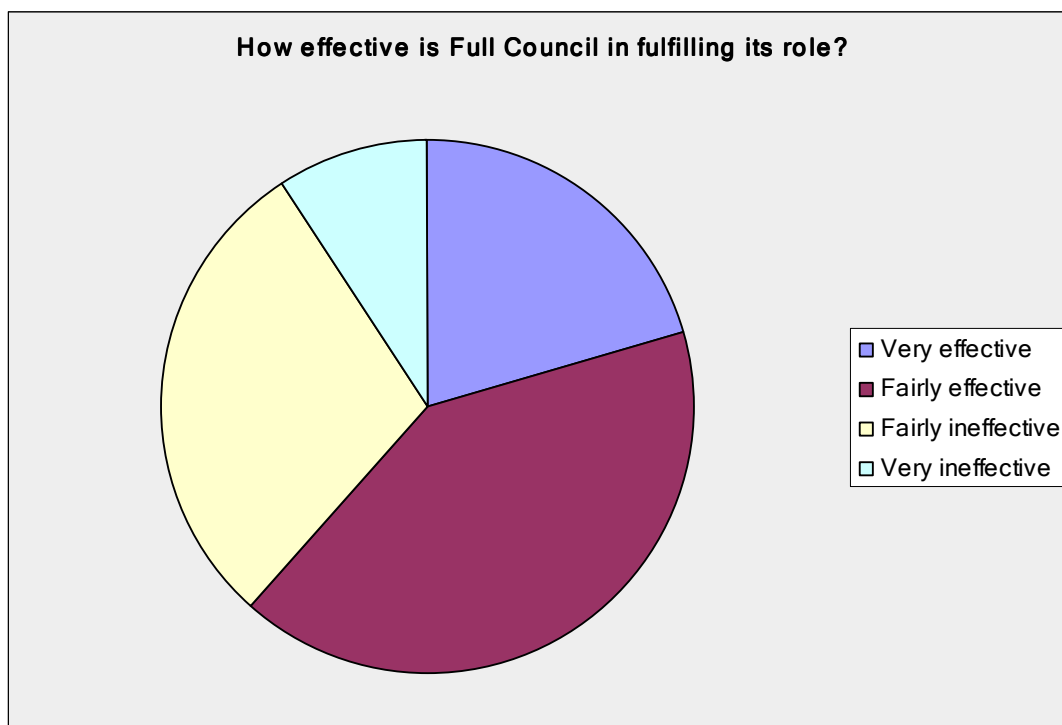
yes it is more inclusive less intimidating

Does anybody?

**Question 3**

How effective is Full Council in fulfilling its role?		
Answer Options	Response Percent	Response Count
Very effective	20.5%	9
Fairly effective	40.9%	18
Fairly ineffective	29.5%	13
Very ineffective	9.1%	4
Please add any other comments here:		14





**Comments:**

Too much time is wasted on matters that cannot be affected by policy or by pointless debate. More should be done to focus on achieving measurable outcomes with the Council's plethora of meetings.

Too many individuals still see it as a political tool.

the new constitution dose not allow for strong questioning by being limited to so few I would view the inclusion of being able to lodge questions to the Leader and executive as extremely positive BUT it is being misused with unrelated questions being asked on exec reports and exec members scripting questions to be asked by their own members.

its just window dressing

It is now more relevant, open and transparent, with current issues relating to the corporate plan and questioning of Cabinet members on the issues facing the council

However the questions to members is not sufficiently well organised. Because it has something of the "coconut shy" about it Cabinet Members plainly come prepared with stock answers to predictable "ambush" questions and counter this by ensuring "friendly" questions are asked. It would be far better if questions were given in advance in written form so that the time consuming "Punch 'n Judy" element will be removed.

The voting happens on party lines so rather than talking to each other we are talking to the gallery but have noticed more friendly amendments to motions

Its only role is to project and protect the ruling party.

Far to long in time

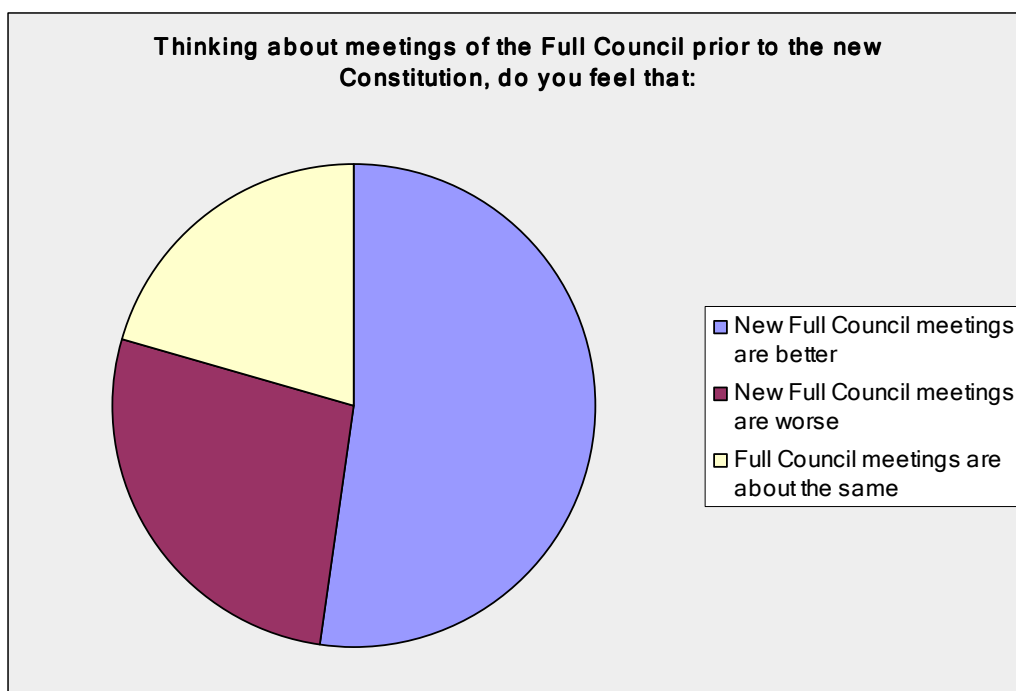
Rubber stamping exercise; Cabinet members reply to questions with answers written for them; too much 'toadying' by backbenchers

I believe Council is ineffective at fulfilling it's role now due to the Constitutional changes which have downgraded the Councils role.

Decisions made are usually on pre-determined party lines under a whip. Debate never seems to change anything!

#### Question 4

Thinking about meetings of the Full Council prior to the new Constitution, do you feel that:		
Answer Options	Response Percent	Response Count
New Full Council meetings are better	52.3%	23
New Full Council meetings are worse	27.3%	12
Full Council meetings are about the same	20.5%	9
Please add any other comments here:		18
<b>answered question</b>		<b>44</b>
<b>skipped question</b>		<b>0</b>



#### Comments:

What a load of old tosh, it's pathetic

I still do not think they do a good job but they are better.

Less political squabbling so less undermining of the role of councillor with the public. This is procedural - there is still no coherent sense of agreed areas of priority when it comes to making spending choices. I dont have any idea what each of the three leaders regard as the priorities: only my own party

more information is given and discussed

Better systems now exist BUT are being abused. Very few written questions being given, instead members looking to misuse "unwritten" questions.

too orchestrated

Better in the sense that the old rather silly "varsity style" debates have been replaced by fewer that are more relevant. However, the inordinate time spent on questions leaves insufficient time for debates to be inclusive of members who by the time debates are reached are ready to get home for their beds.

They are more inclusive and informative with regard to local issues

Self-evident

Since the constitutional changes there has been a loss of full debate over issues.

Full Council meetings are much more business like and relevant but are too long for liking

They are better, except that the new arrangements, although more interesting, have made the meetings much longer, as motions are still discussed in the same combative way!

need to be shorter

Due, solely, to introduction of questions to Cabinet members

It appears that that Councillors are prevented from getting to the bottom of scandals due to the application of recent Constitutional changes

I do not find the format encourages rational debate on controversial issues - no change there then...!

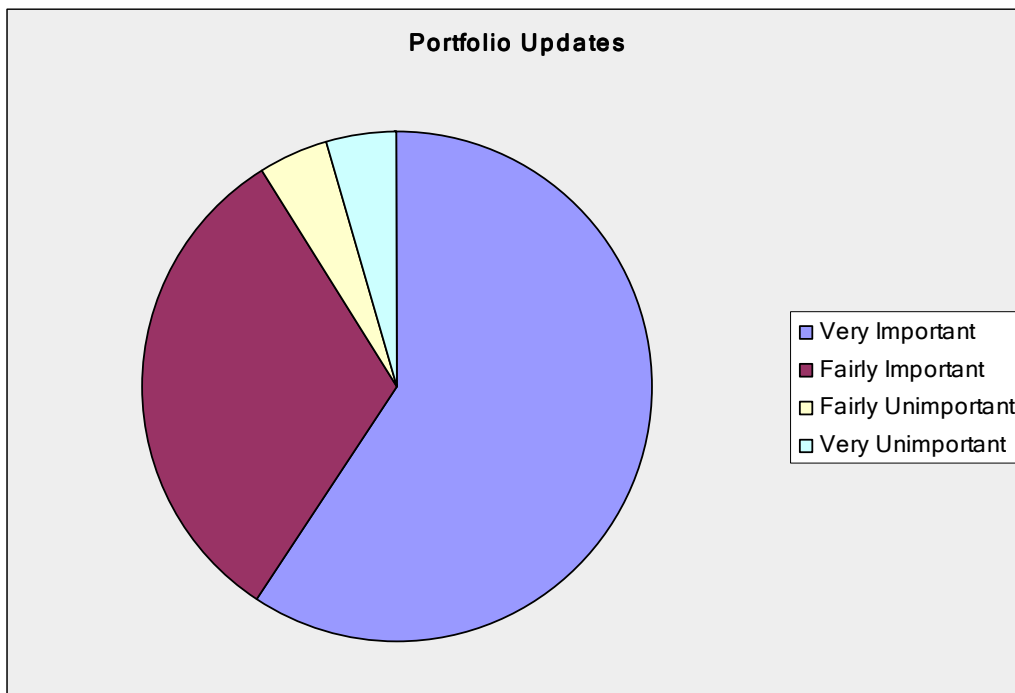
i am not convinced hat the executive reports and questions are searching enough

Questions are the one plus

### Question 5

When considering Full Council, how important do you consider Portfolio Updates?

Answer Options	Response Percent	Response Count
Very Important	59.1%	26
Fairly Important	31.8%	14
Fairly Unimportant	4.5%	2
Very Unimportant	4.5%	2
Please add any other comments here:		17
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>0</b>



### Comments:

A complete waste of everyone's time

written reports are enough

I do not see what they achieve apart from providing information that could be provided outside the meeting. The questioning of the cabinet members achieves little.

They should contain meaningful information not propaganda

It gives an insight into all aspects of council work

especially if used in the manner intended.

Not of much use as their report only contains items they want to answer questions on.

Questions are 'planted' to make the member look as though they know what they are doing

It would be far more sensible if these could be published at set periods than that they should be set only for Council meetings.

Depends on their content Where's the beef

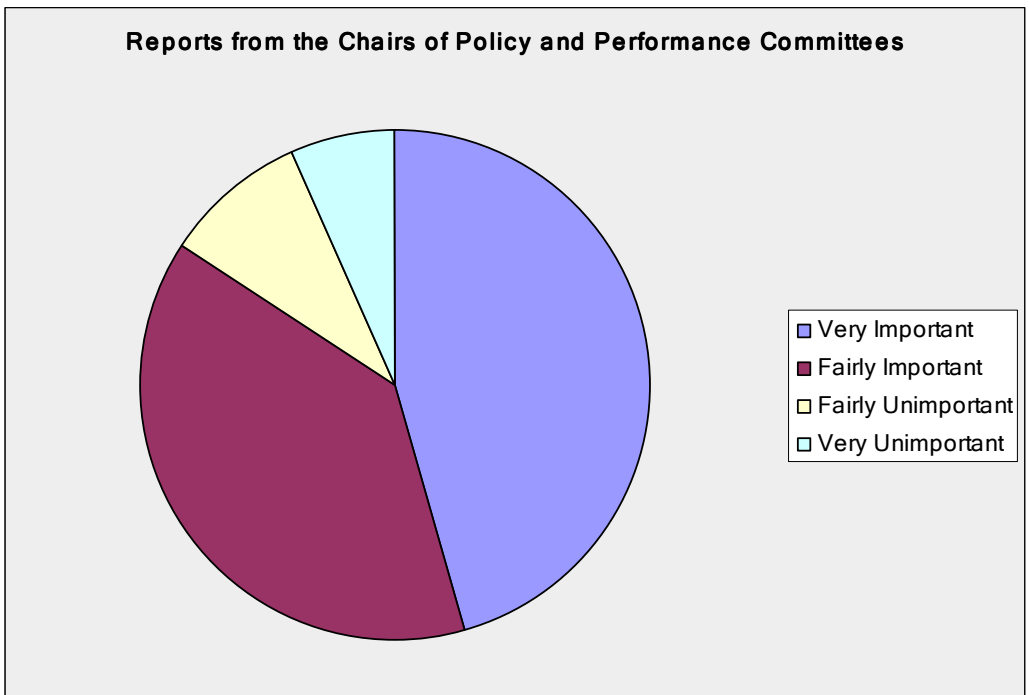
from the perspective of a newly elected member it help me and the public see who is

responsible for what and the opportunity to learn more through effective questioning as a backbencher keeps me informed  
 As Cabinet members take on the responsibility (and the money) they should be accountable not only to the public but to other councillors as well. I believe they should be given more time to answer questions.  
 The only good part of the proceedings  
 Gives some indication of what they are up to  
 Too much time wasted on 'good news' and planted questions.  
 The reports however are limited to items the portfolio holder wishes to raise rather than to actual decisions taken  
 as previous comment

**Question 6**

**When considering Full Council, how important do you consider Reports from the Chairs of Policy and Performance Committees?**

Answer Options	Response Percent	Response Count
Very Important	45.5%	20
Fairly Important	38.6%	17
Fairly Unimportant	9.1%	4
Very Unimportant	6.8%	3
Please add any other comments here:		12
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>0</b>



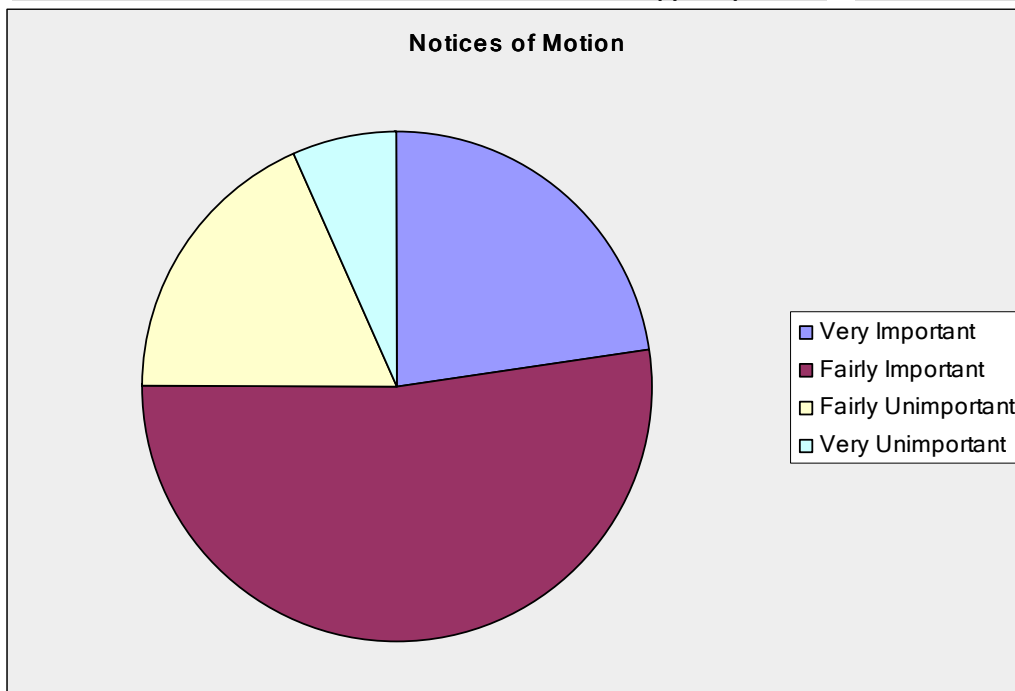
**Comments:**

See above  
 written reports are enough  
 As 5  
 One of the chairs is impossible to understand in the chamber - fails the basic test of communication which is unsatisfactory  
 This also give better insight into the councils work  
 Not really being used properly yet, maybe done to lack of experience of the Chairs  
 Much the same as for 5. above.  
 It is important to share our performance issues in an open and transparent way  
 Makes me aware of other work taking place  
 Confirm items being scrutinised - but does not usually result in changing mind of Cabinet..

We have yet to have any yet - but potentially they are very important  
as yet these have not been seriously tested

**Question 7**

When considering Full Council, how important do you consider Notices of Motion?		
Answer Options	Response Percent	Response Count
Very Important	22.7%	10
Fairly Important	52.3%	23
Fairly Unimportant	18.2%	8
Very Unimportant	6.8%	3
Please add any other comments here:		15
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>0</b>



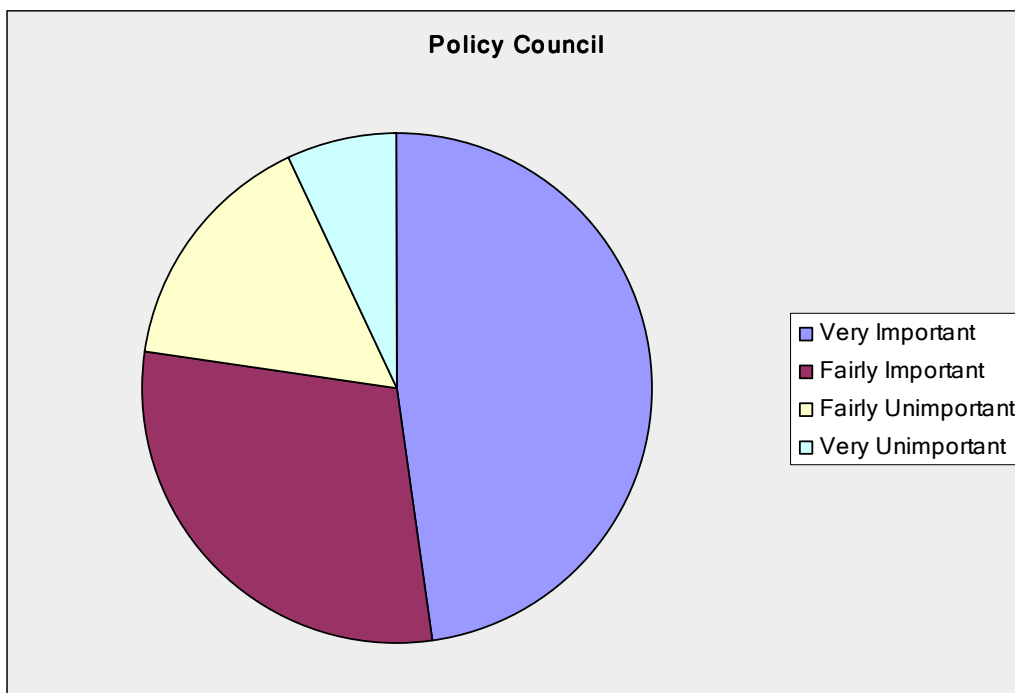
**Comments:**

But only if they have value to the citizens of Wirral and NOT party politics  
When used well, Notices of Motion are an effective tool for change in the Council. However, they rarely are used well. More should be done to ensure that Notices of Motion are focused on areas that are within the Council's control and are substantive in that they actually make a positive difference.  
These provide an opportunity to debate political issues and demonstrate the difference in political approach taken by the parties.  
When it is used correctly and not as a political tool it is good for discussing issues  
IF they stay focused on issues actually within the control of the Council. Referring back to Cttee could be positive.  
only method members have of bringing public concerns to attention  
These are the opportunity above all others for policies to have a high public and media profile. These tend to inform national issues that are relevant locally it is this section that stimulates the more theatrical speakers but it is important the public know what each of the parties stand for politically and the individual councillors  
I think we should expand the time available for these  
Better dealt with a scrutiny  
Unimportant because nobody ever acts on them.  
And I am concerned by the lack of time available for them and the process by which they are selected for debate.  
But do not seem to achieve much practical benefit. The public audience has little idea of what is going on...

More time required for debates.  
 More time should be given to debate them

**Question 8**

When considering Full Council, how important do you consider Policy Council?		
Answer Options	Response Percent	Response Count
Very Important	47.7%	21
Fairly Important	29.5%	13
Fairly Unimportant	15.9%	7
Very Unimportant	6.8%	3
Please add any other comments here:		9
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>0</b>

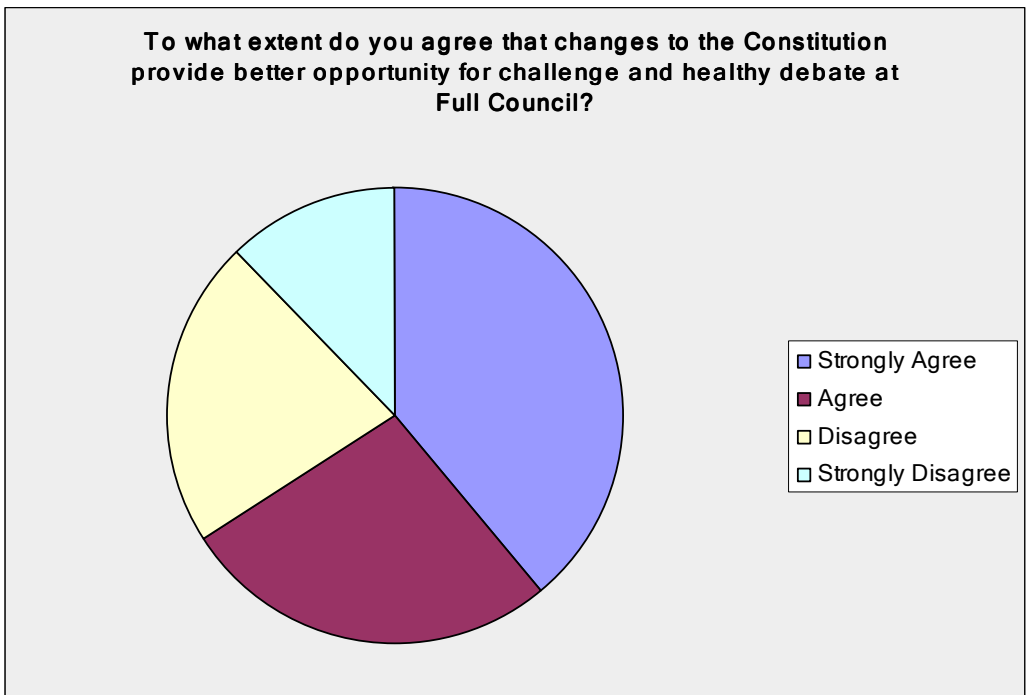


**Comments:**

This needs to be given more public profile  
 its all a forgone conclusion  
 As for 7. above  
 Not meaningful and no detailed study of the issues  
 The policy drives and sets the direction the council needs to go in. there is a reason people vote for different political parties that is because they stand for different values this must be aired in public with full participation from the elected members . it is the end of a process that all should have taken part in  
 Non-specific with no targets - the format should be agreed between ALL parties and it may then be worthwhile but not at present.  
 No real opportunity to influence policy in this forum  
 However only one party takes it seriously  
 Reminds us of what we are her for.

**Question 9**

<b>To what extent do you agree that changes to the Constitution provide better opportunity for challenge and healthy debate at Full Council?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	39.0%	16
Agree	26.8%	11
Disagree	22.0%	9
Strongly Disagree	12.2%	5
Please add any other comments here:		10
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



**Comments:**

The questioning of cabinet members is limited in its scope and the opportunity was only there under the old constitution.

Certainly healthier, challenge still constrained by time and the rules

It depends on the speakers

Provides the opportunity - BUT members misusing new systems and the whole thing still a political pantomime.

As previous comments

I refer to my comments re earlier questions . I think it will get better and members will feel more included in the decision making process and celebrate or challenge portfolio holders

We know focus on Wirral Council and what we should be doing

Relies on objections which in fact there are very few

The debate is just as politically polarised as previously - which is sad because many members have useful constructive suggestions to make that are seldom taken up.

The new procedure is far more effective at holding the Executive to account and focussing on issues relevant to the Council's responsibilities.

## Question 10

Do you have any recommendations to improve the effectiveness of Full Council meetings?	
Answer Options	Response Count
	29
<i>answered question</i>	<b>29</b>
<i>skipped question</i>	<b>15</b>

### Comments:

See my previous comments and you decide

As above.

I believe they should begin an hour earlier and some kind of food/sustenance should be available immediately prior to the Council for Members especially those coming straight from work. It would strike a blow for civilised behaviour and should never have been stopped.

I think we need to give this system more time before we make any more changes.

The new systems and rules need strong enforcement.

Unwritten questions not relating to given reports should not be allowed.

Exec members shouldn't be in the habit of "staging" positive questions delivered by their own members.

Both practises mis-use the new systems and once again cut down on proper debating time.

Ensure councillors keep to their allowed times

give the members more decision making powers

I think it is evolving along in the right direction and it is being led by the members through the workshops and reviews

As implied in the answers above Council meetings are now presently better than at any time in the past - primarily because the new arrangements militate against the absurd "tribalism" that had become a key feature. There is still a need to waste less time on questions characterised by "ambush" and countered by "friendlies" as counter defence. Written questions would remove the juvenile "jungle warfare" character presently emerging. Questions should be such that informed answers will be prepared and given for the public good rather than to provide propaganda material for political leaflets and blogs. This is an entirely new council; Wirral MBC has at last "grown up" - it is now time to behave like it and shed the former "tribal" tendencies that would be more suited to a sixth form debating club.

They should be professionally filmed and copies should be made available at reasonable cost to the public.

The idea was to discuss the state of the borough, to give members a clear picture of progress.

I suppose there are two ways of looking at a full council meeting. Its a show of hands in public on issues that have already been decided along political lines or it is a meeting in public that enables councillors and the public to understand political differences as a result of the debate re motions. But the introduction of questions to portfolio holders has made it more informative.

As a new councillor it can be an intimidating environment where you are afraid to say the wrong thing so you say nothing or it is a great environment to grow your skills as an effective orator for your public. Think we could make it more inclusive and interesting for the public and the young parliamentarians like to see a slot for a member of the youth parliament to have a seat and be able to ask questions of the portfolio holders. Be good to involve social media more so as we get feedback from a more diverse range of people. I noticed how difficult it was for people with disabilities to view what was going on and we need to cater for their needs using technology better . We could have a slot for bme communities to air their concerns or celebrate what's gone well

I feel Council is beginning to function properly, it is bedding in well, review in twelve months

To much time taken up with Questions of Portfolio holders and chairs meaningless and futile

Revert to the previous Constitution.

This is difficult as there seems to be a built in need to 'play to the gallery' in any system which I think gets fairly boring for every one. As Council Meeting seems to have to fulfil a number of roles I think the new system is certainly a lot more efficient.

I don't think we should have a guillotine.

It is the role of the Chair to ensure the meetings aren't unnecessarily delayed. If we have important business to discuss, it should be discussed.



Full Council should be as easy to follow as possible for members of the public. Bring more real issues to Council - so many things are ruled out of order or referred elsewhere.

More work needs to be done in my view to condense Full Council, do we need so many questions for Portfolio Holders, do we need to ask any questions to Policy & Performance Chairs?

Make them shorter allow for one serious debate

More time for portfolio holders to answer questions.

Questions asked should be replied to, not have to wait until all/five questions have been answered.

the time allotted to chairs to answer questions should be reduced only 1 notice of motion should be taken

Increase time for questions; scrap notice of motion to full council and transfer that to committees; reintroduce electronic voting

Too complicated an issue. I need to give this much further thought. The audience must find proceedings incomprehensible on occasions!

Return to 'Committee System'

Officers are to advise not control

questions are effectively the new opportunity that has been included in the agenda, however challenge is limited by the lack of an opportunity to ask a supplementary question and the inability to ask a question on a matter not included in the report even where a decision may have been made by the portfolio holder.

suggestions

1. reform questions to allow any question to portfolio holders

2. allow supplementary questions to be asked

- Amendments should be tabled in advance of Council meetings to avoid us having to adjourn to consider amendments which are only tabled at the Council meeting.

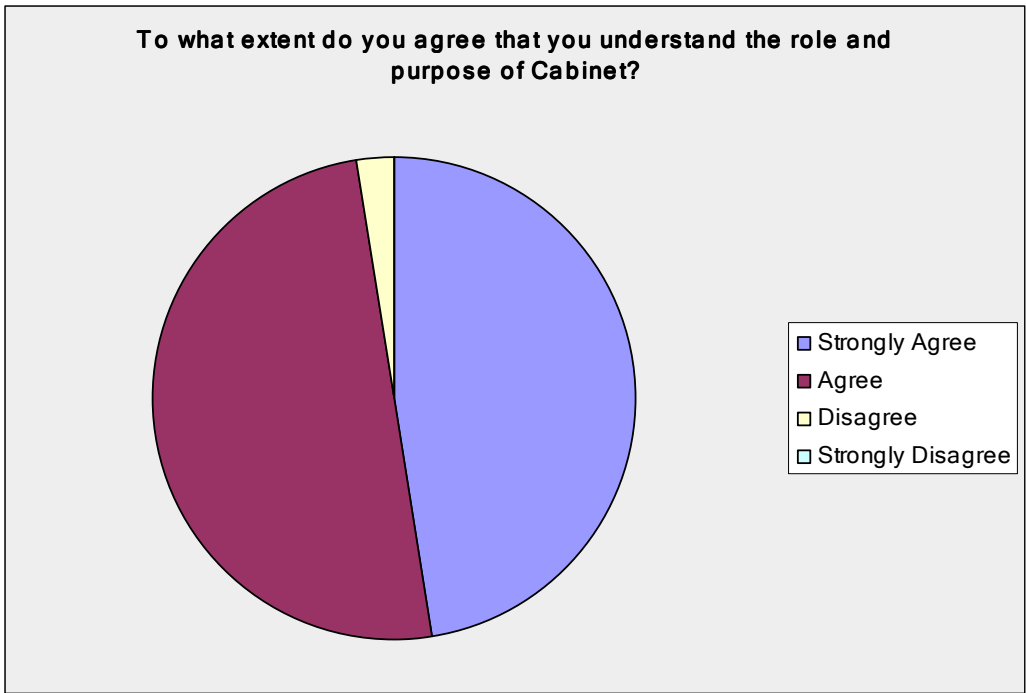
- Where there are a number of motions and amendments on the same topic we should take these as one debate with one set of votes.

- We should explore filming full Council meetings and making this available to the public via the Council's website.

stop the additional minutes on debates, and curtail length of replies.

## Question 11

To what extent do you agree that you understand the role and purpose of Cabinet?		
Answer Options	Response Percent	Response Count
Strongly Agree	47.6%	20
Agree	50.0%	21
Disagree	2.4%	1
Strongly Disagree	0.0%	0
Please add any other comments here:		7
<b><i>answered question</i></b>		<b>42</b>
<b><i>skipped question</i></b>		<b>2</b>



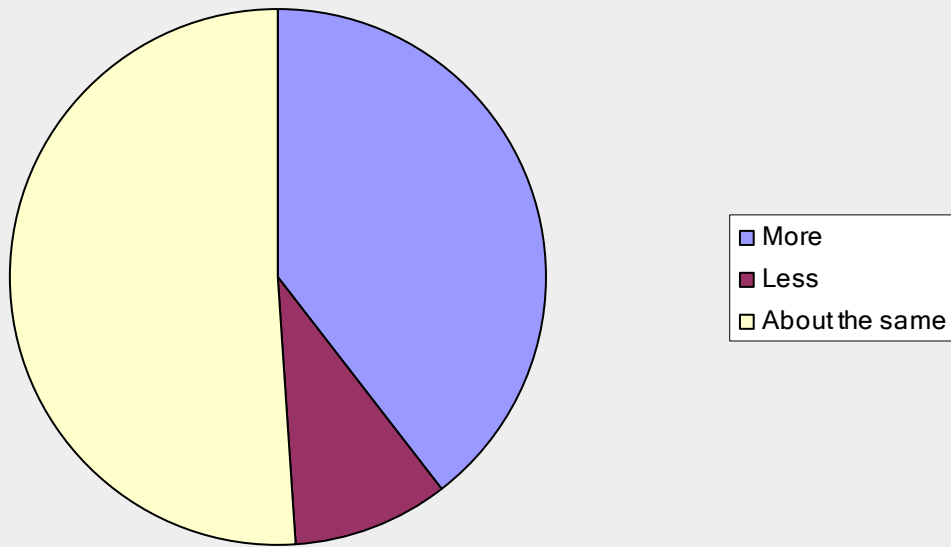
**Comments:**

I don't agree with the cabinet system anyway  
 Cabinet meetings are largely a showcase, not more than that. The leader dominates the cabinet.  
 The report at council helps with this  
 More delegation seems to be the way forward but this might take sometime for Exec members to get used to.  
 I need to attend more cabinet meetings this will help me understand  
 To establish one-party control over decision making seems the main purpose.  
 To make executive decisions for the benefit of Wirral residents and businesses

**Question 12**

<b>Since the Constitution was revised, do you feel that you understand the role of Cabinet:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
More	39.5%	17
Less	9.3%	4
About the same	51.2%	22
Please add any other comments here:		2
<i>answered question</i>		<b>43</b>
<i>skipped question</i>		<b>1</b>

Since the Constitution was revised, do you feel that you understand the role of Cabinet:



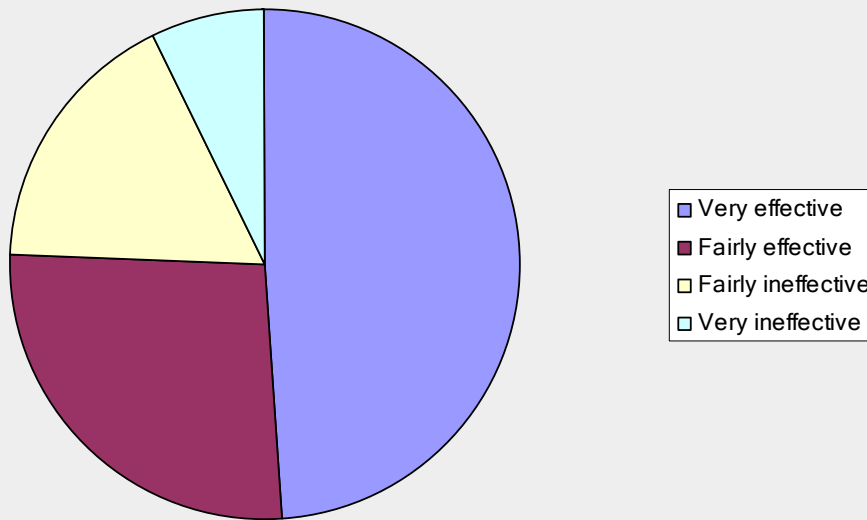
**Comments:**

Council reports helpful but verbal reporting of the written material can be a very dry.  
See comment in 11 above

**Question 13**

How effective do you feel that Cabinet is in fulfilling its role?		
Answer Options	Response Percent	Response Count
Very effective	48.8%	20
Fairly effective	26.8%	11
Fairly ineffective	17.1%	7
Very ineffective	7.3%	3
Please add any other comments here:		7
<b><i>answered question</i></b>		<b>41</b>
<b><i>skipped question</i></b>		<b>3</b>

**How effective do you feel that Cabinet is in fulfilling its role?**

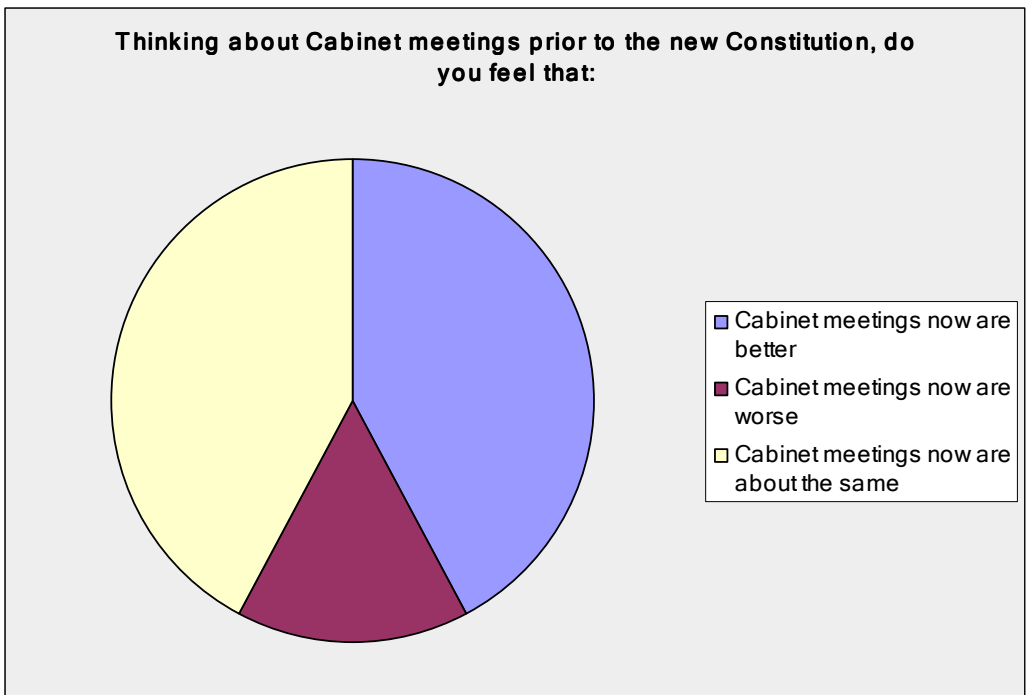


**Comments:**

would like to see more delegation and good reporting of delegated decisions.  
 In terms of my comments at 11 above very effective. In terms of democracy and all party involvement very ineffective.  
 Budget proposals done on time and with full consultation  
 Although it is run by a different Group to the one I am currently a member of, I can see it is cohesive  
 Curates egg. Good at some things - but does NOT accept recommendations of scrutiny committees as much as it should.  
 there is still a remoteness from backbenchers

**Question 14**

Thinking about Cabinet meetings prior to the new Constitution, do you feel that:		
Answer Options	Response Percent	Response Count
Cabinet meetings now are better	42.1%	16
Cabinet meetings now are worse	15.8%	6
Cabinet meetings now are about the same	42.1%	16
Please add any other comments here:		11
<i>answered question</i>		<b>38</b>
<i>skipped question</i>		<b>6</b>



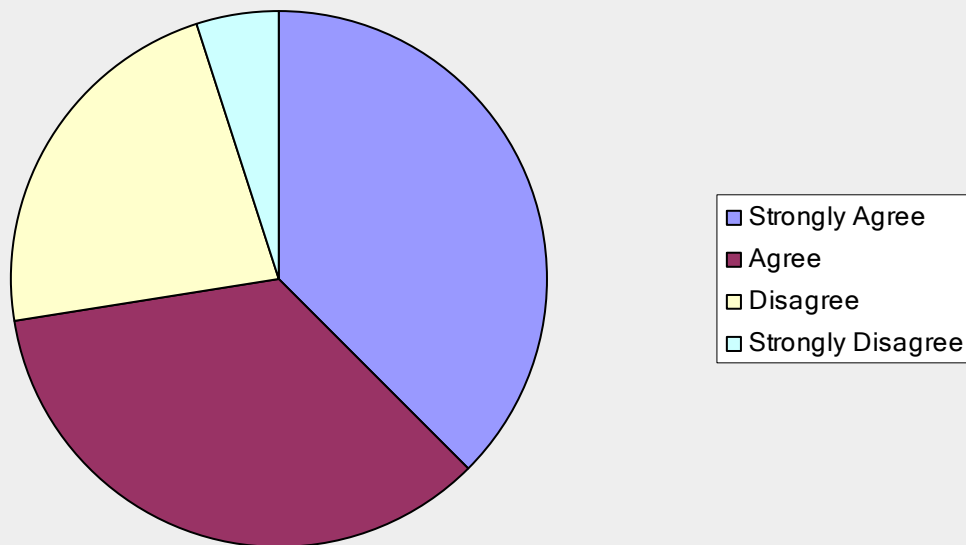
**Comments:**

Some agendas still too big.  
 Yes because members present the reports instead of officers  
 Window dressing as Members read prepared scripts and tell each other things they knew already  
 as i say i rarely attend cabinet meetings and need to so cant really comment  
 Only items for policy should be taken there two long agendas sometime  
 How would anyone know unless they are one of the ten members making all the decisions.  
 only attended one of each so not really an accurate comment  
 Portfolio holder introducing agenda items has been a positive move in my view  
 I'm not a member of the Cabinet, and have not attended a Cabinet meeting since the new Constitution was implemented.  
 Cabinet is more focused on strategic issues which require a decision and reports are introduced by Cabinet members rather than officers which gives Cabinet members more ownership of the business.

**Question 15**

<b>To what extent do you agree there is accountability and an audit trail of decision making at Cabinet?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	37.5%	15
Agree	35.0%	14
Disagree	22.5%	9
Strongly Disagree	5.0%	2
Please add any other comments here:		8
<b><i>answered question</i></b>		<b>40</b>
<b><i>skipped question</i></b>		<b>4</b>

**To what extent do you agree there is accountability and an audit trail of decision making at Cabinet?**

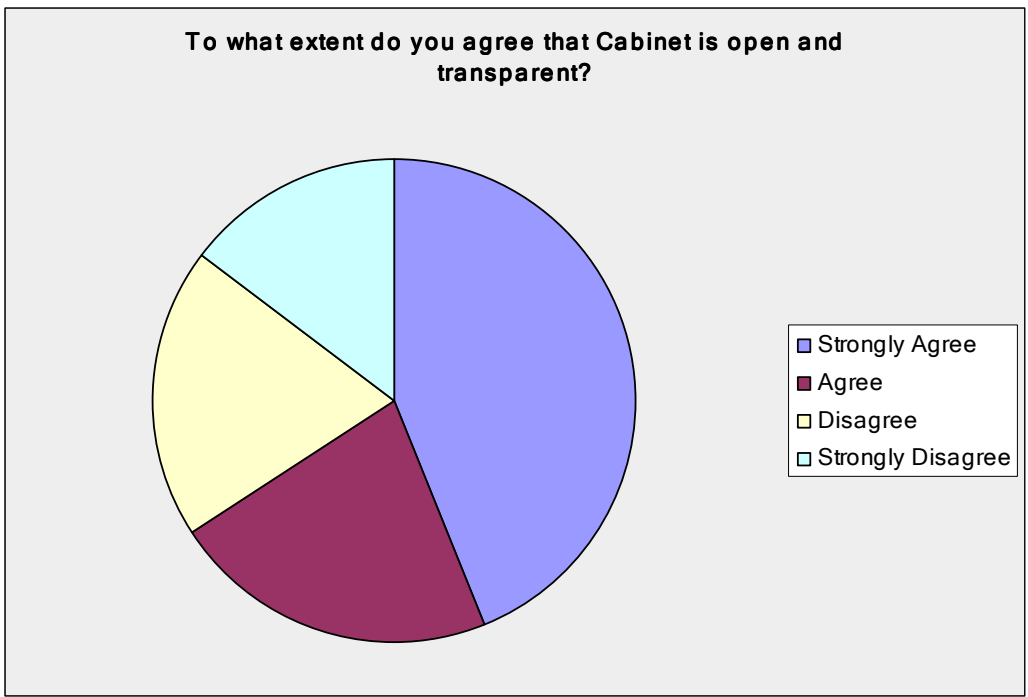


**Comments:**

Not too easy for junior opposition members at times.  
 IT APPEARS MOSTLY TO OPERATE BEHIND CLOSED DOORS  
 Who knows what was discussed before the reports were written  
 Too soon to make a judgement  
 Too bureaucratic  
 Decisions appear to be taken behind closed doors with report recommendations altered prior to Cabinet meetings. Meeting take place without any meaningful public discussion and debate. I struggle to remember the last time there was a split vote which I find incredible and conclude that this is as a result of decisions being made elsewhere without transparency.  
 Can be a convoluted process deciding who has been responsible for which executive decision - members or officers... Members should make decisions, officers should carry them out always without introducing their own layer of bias...! Please seek to avoid the outdated (and outrageous) 'Yes Minister' farago.  
 motions are passed and very often no action is taken

**Question 16**

<b>To what extent do you agree that Cabinet is open and transparent?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	43.9%	18
Agree	22.0%	9
Disagree	19.5%	8
Strongly Disagree	14.6%	6
Please add any other comments here:		8
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



**Comments:**

I think the Officers are providing open and transparent information. I don't think we will ever know all the information only have to look at latest controversy to see it hasn't getting better - probably to do with new leadership style. Would like to see more public debate with Exec members - any debating / disagreement is obviously done behind closed doors and team come to meetings with decisions fully made.

By definition a one-party Cabinet cannot be as open and transparent as an all party one.

All in public

Decisions taken first in briefing and then rubber stamped

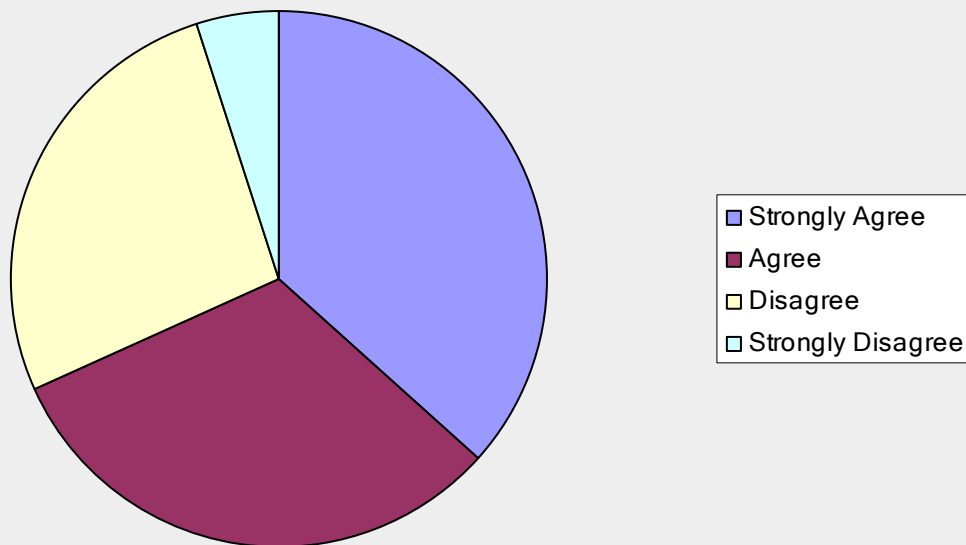
See above

if there was a don't know option i would have taken that for this and previous

**Question 17**

<b>To what extent do you agree that Cabinet is capable of making quick and effective decisions?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	36.6%	15
Agree	31.7%	13
Disagree	26.8%	11
Strongly Disagree	4.9%	2
Please add any other comments here:		9
<b><i>answered question</i></b>		<b>41</b>
<b><i>skipped question</i></b>		<b>3</b>

**To what extent do you agree that Cabinet is capable of making quick and effective decisions?**



**Comments:**

Leader is well prepped and Officers provide useful briefing at the appropriate time or when requested.  
 delegation making things better but some decisions still seem to take an age!  
 This is the first time in living memory that we have a full time Leader of both the Council and therefore of Cabinet. There is no room in the present climate of austerity for the amateurism of Leadership with one and a half eyes on the day job and half an eye on Council.  
 They've been given the power to do it  
 No more than the previous system.  
 Quick but not always effective  
 Some members do not appear to be fully up to speed on their individual Cabinet responsibilities. (No names, no packdrill)  
 But wrong decisions  
 i don't believe that cabinet is quick

**Question 18**

Do you have any recommendation to improve the effectiveness of Cabinet?	
Answer Options	Response Count
	15
<i>answered question</i>	<b>15</b>
<i>skipped question</i>	<b>29</b>

**Comments:**

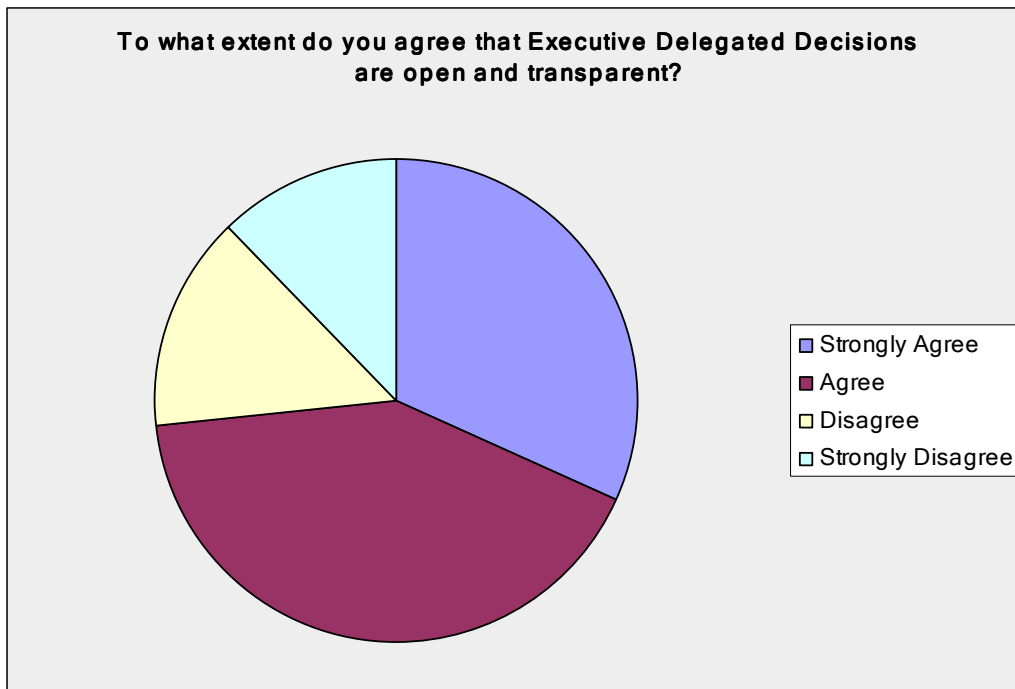
More public debate rather than meetings presenting ready made decisions.  
 More offer to meet with back benchers around decisions affecting wards / areas of interest.  
 MORE OPEN  
 Yes to delegate more  
 Cabinet Members still appear to be working entirely from home. They should perhaps at least have the option for some Council office space.  
 Go back to the drawing board  
 Yes I need to attend more cabinet meetings myself so as i can effectively answer these



questions it may be an idea to video them and allow access to all councillors  
 I like the idea of Cabinet members being responsible for presenting there papers ownership.  
 Tear up the Hilary Armstrong Constitution and return to the Committee system with all party  
 represented at all levels of decision-making in proportion to party members.  
 Representation in Cabinet for the numbers of each party proportionately.  
 more direct dialogue with scrutiny committees  
 It should be abolished and replaced by a policy and performance committee which reports to  
 Full Council for its final decision. Or it should be considered as a Committee of the Council and  
 it's membership should reflect political proportionality encouraging more debate and discussion  
 which would lead to better decision-making via a more transparent approach.  
 Cabinet posts are (understandably) awarded as a direct result of being loyal supporters of their  
 political group. Not necessarily on the grounds of ability to discharge their appointed executive  
 responsibilities. More training on their individual specific Cabinet roles and responsibilities  
 might improve the situation  
 Return to 'Committee System'  
 abolish it  
 Make the cabinet agenda smaller

**Question 19**

To what extent do you agree that Executive Delegated Decisions are open and transparent?		
Answer Options	Response Percent	Response Count
Strongly Agree	31.7%	13
Agree	41.5%	17
Disagree	14.6%	6
Strongly Disagree	12.2%	5
Please add any other comments here:		7
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



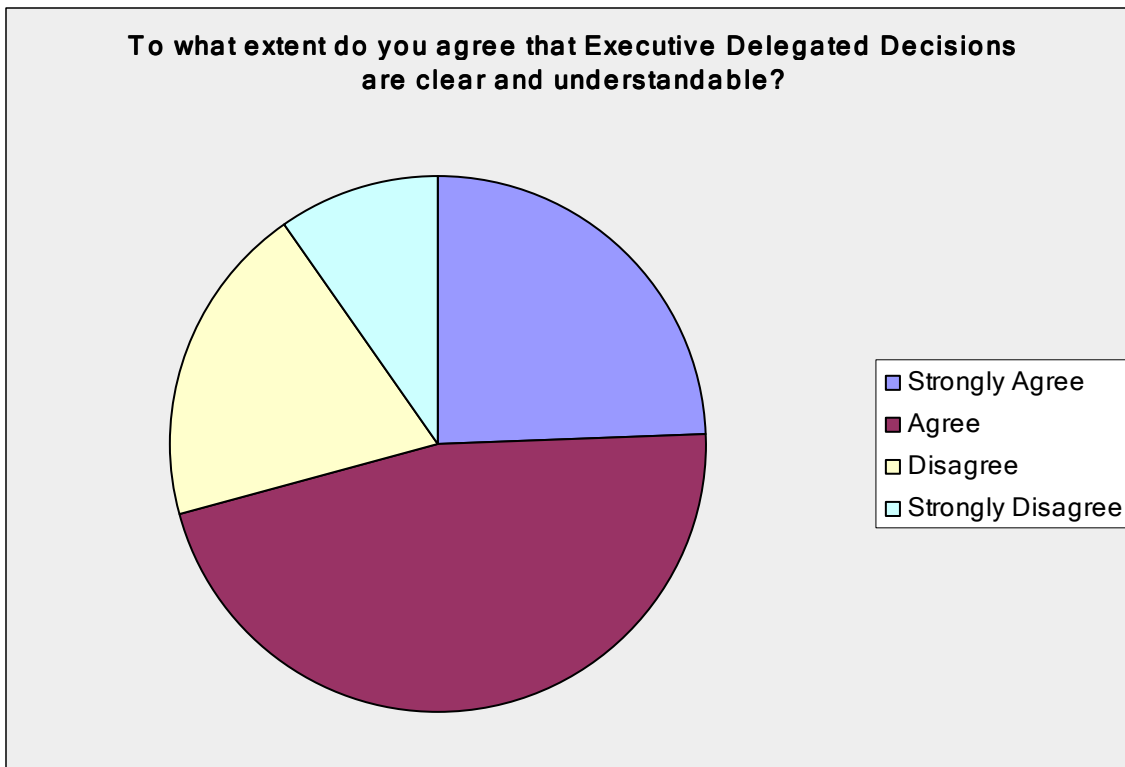
**Comments:**

As far as I can tell.  
 Getting better  
 They are published and can be contested.

They are at least reported  
 There's no explanation as to why they are delegated  
 Trying to keep a track on what officers are doing is pointless

**Question 20**

<b>To what extent do you agree that Executive Delegated Decisions are clear and understandable?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	24.4%	10
Agree	46.3%	19
Disagree	19.5%	8
Strongly Disagree	9.8%	4
Please add any other comments here:		4
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>

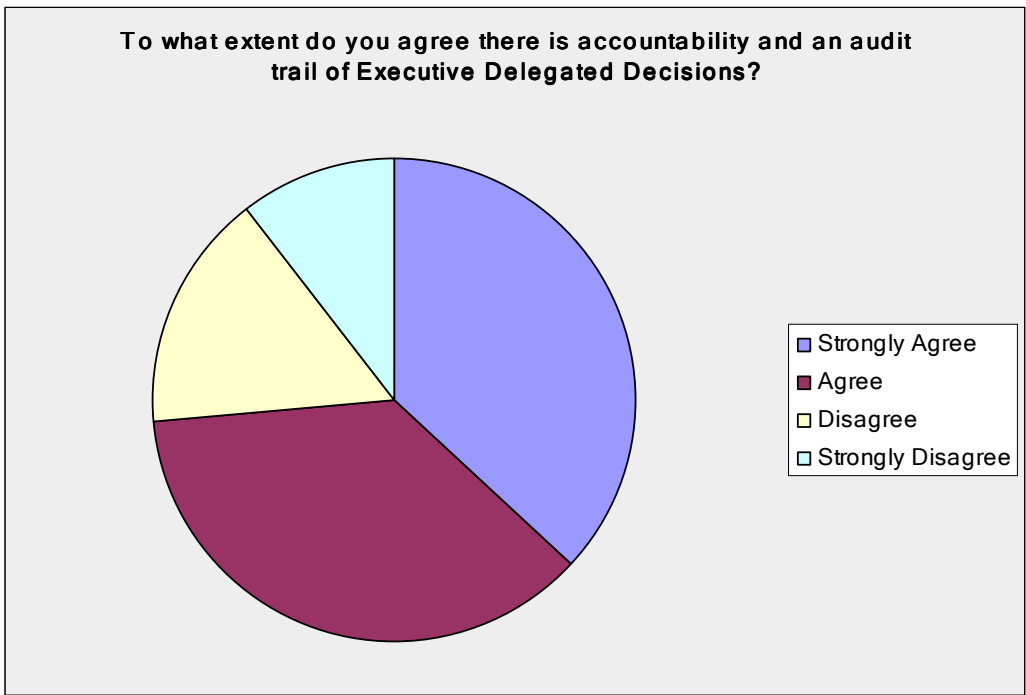


**Comments:**

Mostly/usually  
 Detail often hidden in reports / not in reports at all.  
 The reports contain the basic information  
 Some seem to be quite arbitrary

**Question 21**

To what extent do you agree there is accountability and an audit trail of Executive Delegated Decisions?		
Answer Options	Response Percent	Response Count
Strongly Agree	36.8%	14
Agree	36.8%	14
Disagree	15.8%	6
Strongly Disagree	10.5%	4
Please add any other comments here:		7
<i>answered question</i>		<b>38</b>
<i>skipped question</i>		<b>6</b>

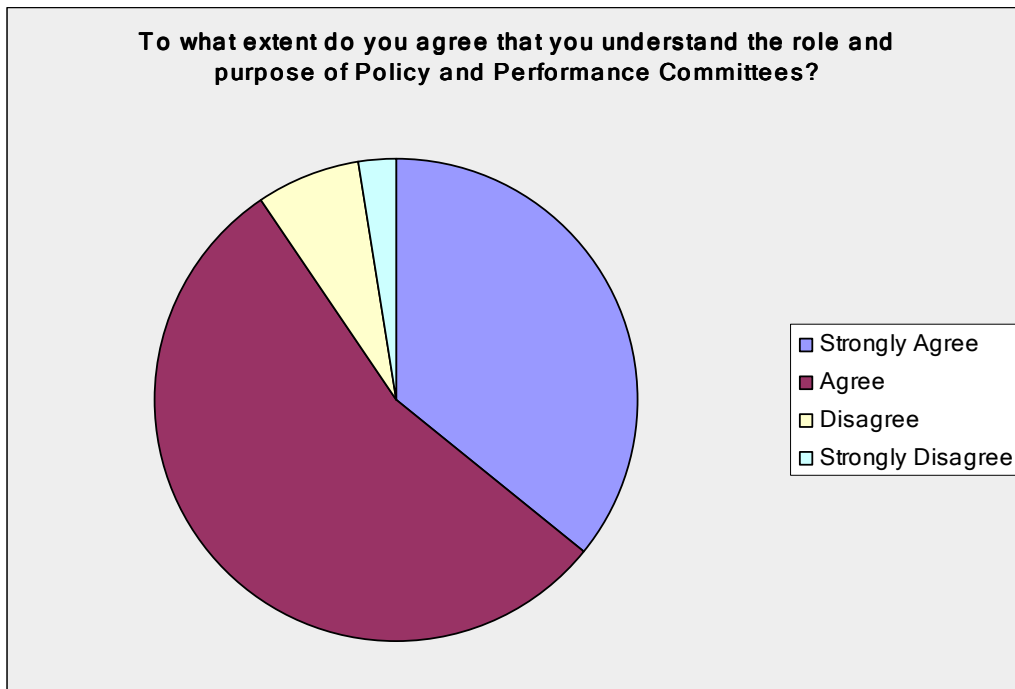


**Comments:**

This seems much improved  
 not really had an experience of tracking things  
 every decision is subject to scrutiny but this is definitely an area that needs to be faultless in its openness as executives are not elected to make decisions and ultimately it is the councillors who gave them the delegation that are accountable but we should not be afraid to make decisions based on risk assessment and as long as all procedures and processes are followed we are all accountable and nobody gets blamed if things don't work out its when things are hidden and ppl get defensive that problems happen we should not be afraid to say well i got that one wrong otherwise we will not progress  
 Too soon to judge.  
 Who is accountable? no one.  
 Perception of particularly those associated with personnel and human resources issues.  
 dont know

### Question 22

To what extent do you agree that you understand the role and purpose of Policy and Performance Committees?		
Answer Options	Response Percent	Response Count
Strongly Agree	35.7%	15
Agree	54.8%	23
Disagree	7.1%	3
Strongly Disagree	2.4%	1
Please add any other comments here:		3
<i>answered question</i>		<b>42</b>
<i>skipped question</i>		<b>2</b>

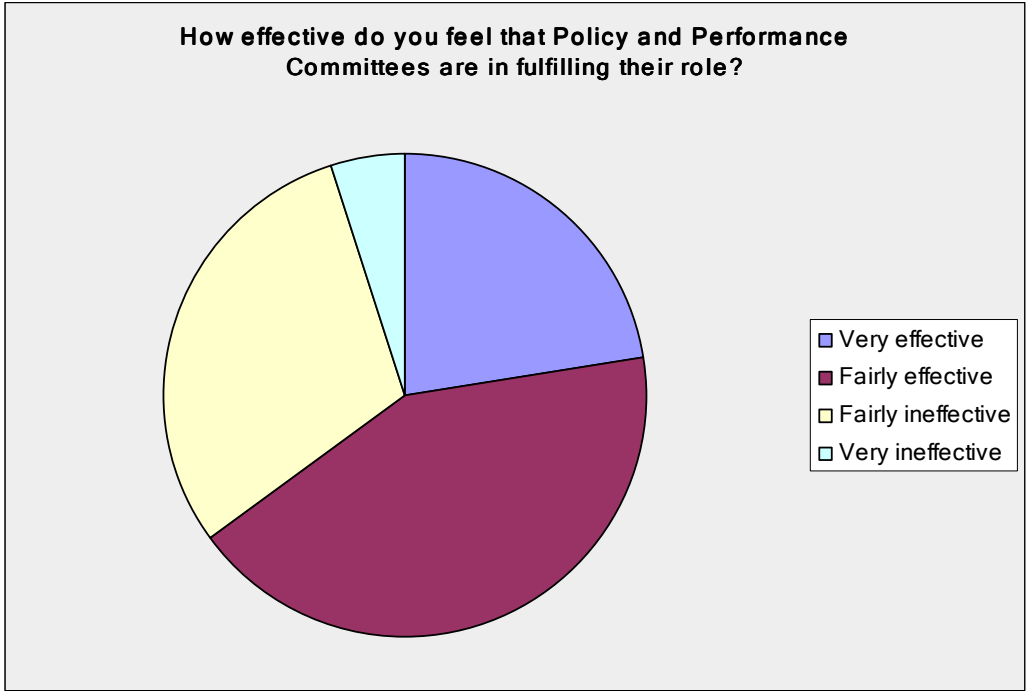


**Comments:**

This committee is still developing  
 I think if you access the training alongside attending the meetings it completes the circle  
 scrutiny is about asking the right questions to the correct people and making sure you get an answer  
 wide areas to cover though

### Question 23

How effective do you feel that Policy and Performance Committees are in fulfilling their role?		
Answer Options	Response Percent	Response Count
Very effective	22.5%	9
Fairly effective	42.5%	17
Fairly ineffective	30.0%	12
Very ineffective	5.0%	2
Please add any other comments here:		13
<i>answered question</i>		<b>40</b>
<i>skipped question</i>		<b>4</b>



**Comments:**

Too much time is spent on pointless motions. Very little consideration is giving to the positive outcomes of meetings. There is no point in having a meeting for the sake of having a meeting. Measurable outcomes should be achieved from the meeting and these should be recorded and assessed.

Early days - not all Councillors up to speed with the process or the amount of information to manage

With what they have done

need to look deeper into issues

way too big range of topics and too many members

TOO LARGE TO BE EFFECTIVE

there is a lot of work involved with councillors and experts forming task and finish groups this work was effective in the area of pupil premium for me

Less effective than previously because of reduced number

I feel that they are too large and, because of that, it's difficult to choose scrutiny topics for the Work Programme.

The P & P committees are too big - they have to cover to many issues, particularly Families and Wellbeing, and should be made smaller with more meetings. It's difficult to get an overall picture.

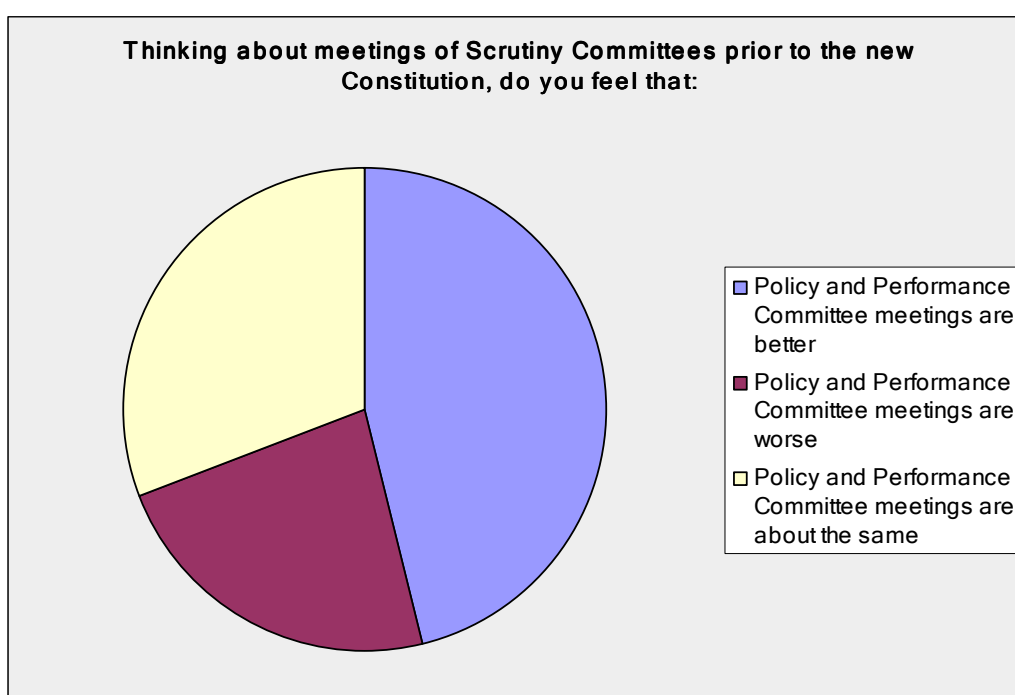
Since the reduction of the number of scrutiny committees it is impossible for the committees that remain to do their job in holding the Executive to account. This is particularly apparent for the Families and Wellbeing Committee where I have grave concerns that the interests of children at risk or vulnerable adults simply cannot (due to the nature of the changes implemented) be properly or effectively monitored.

Overloaded - especially Families and Wellbeing

Fm.and Wel B too bigger scope

## Question 24

Thinking about meetings of Scrutiny Committees prior to the new Constitution, do you feel that:		
Answer Options	Response Percent	Response Count
Policy and Performance Committee meetings are better	46.2%	18
Policy and Performance Committee meetings are worse	23.1%	9
Policy and Performance Committee meetings are about the same	30.8%	12
Please add any other comments here:		11
<i>answered question</i>		<b>39</b>
<i>skipped question</i>		<b>5</b>



### Comments:

Some people take the work seriously, others not. Very annoying when somebody clearly hasn't read the papers prior to the meeting

no comment as not taking part this year

Some chairing is woeful!!!

AGENDAS FAR TOO LONG

they were more about a process after decisions had been made there was a blame culture now we are all working together as much as political parties with different values can to get the best results for the services we represent ultimately it is the economics that drives what we can and cant do but i feel effective scrutiny ensures we are not wasting resources by making bad choices its all about listening to all involved and doing the best with the resources available

families and wellbeing scope too large

Too wide a scope for Families and Well Being - less effective scrutiny

For those who engage

I believe that the abolishment of the Childrens and Young Peoples' Scrutiny Committee and Health and Wellbeing Scrutiny Committee and their subsequent amalgamation into one is preventing Members of the Council holding the Executive to account and putting vulnerable adults and children at unnecessary risk.

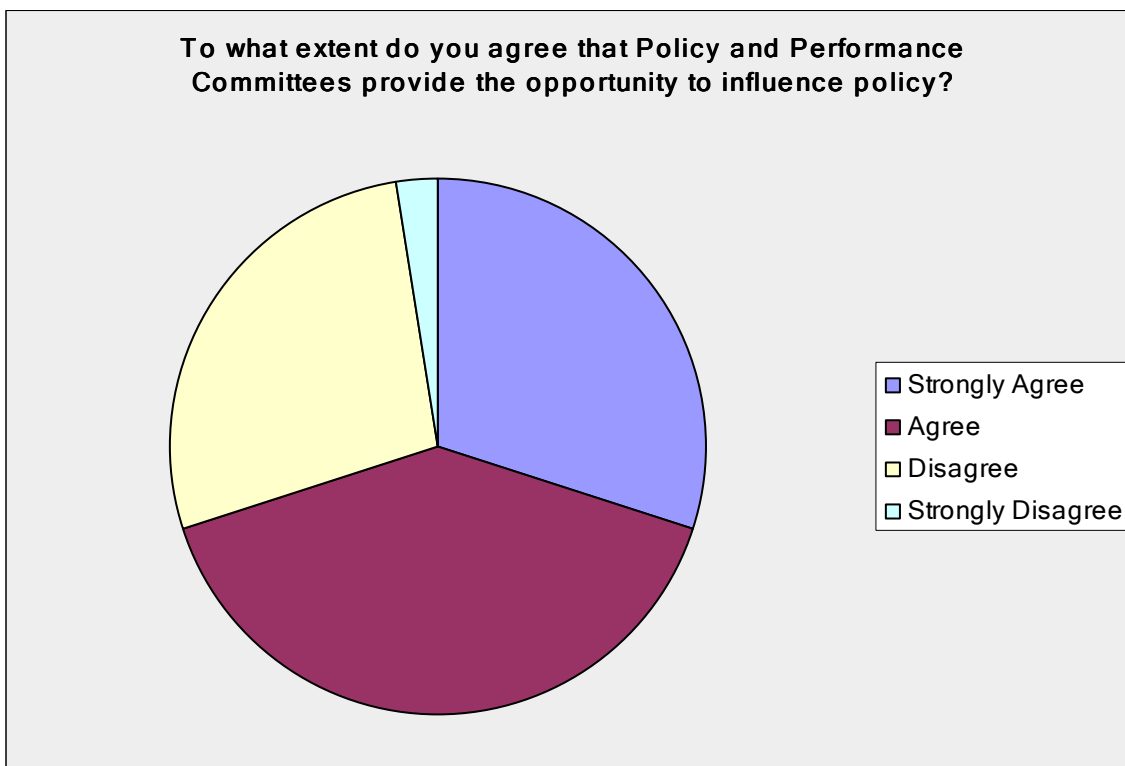
Too much information that is difficult to assimilate. Must change to 'exception reporting'

These Committees are now looking at issues prior to them going to Cabinet for a decision. This

helps Cabinet make more informed decisions.

**Question 25**

<b>To what extent do you agree that Policy and Performance Committees provide the opportunity to influence policy?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	30.0%	12
Agree	40.0%	16
Disagree	27.5%	11
Strongly Disagree	2.5%	1
Please add any other comments here:		12
<i>answered question</i>		<b>40</b>
<i>skipped question</i>		<b>4</b>

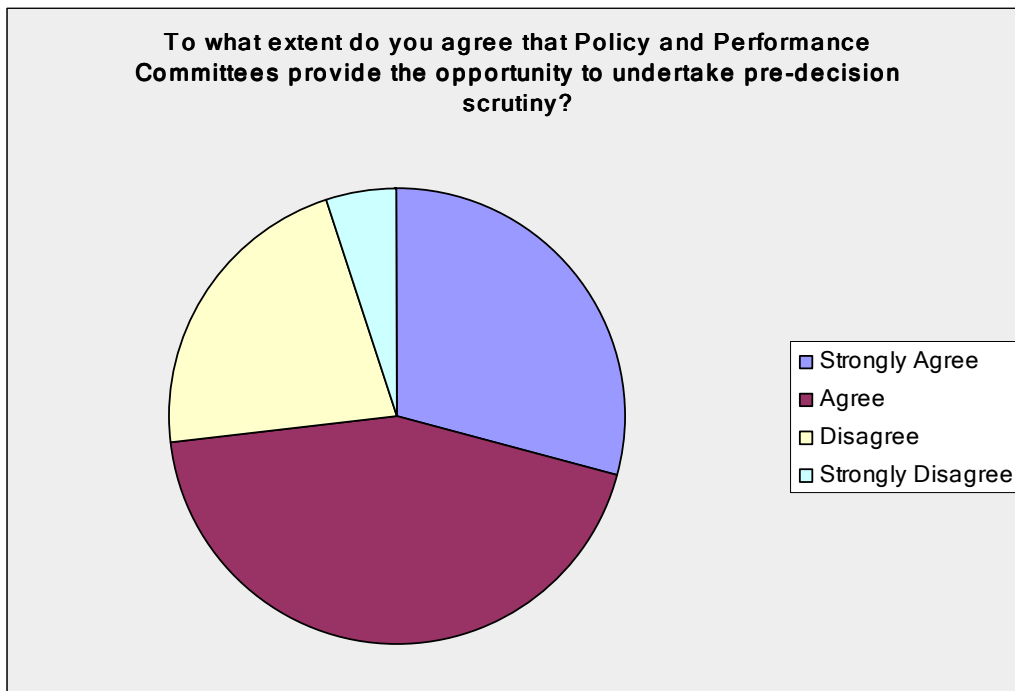


**Comments:**

provide the opportunity - not always taken up - still subject to political manipulation  
 needs more time to see how affective it can be  
 only if people listen to alternative argument ?  
 use of scrutiny can be the best venue to influence.  
 Pre decision scrutiny influences policy instead of the old post decision scrutiny. Good task and finish work should enable cabinet and council to take information and use it  
 As long as cabinet portfolio holders continue to attend and listen to concerns of service users and providers as I say economics ultimately drives what we can and cant do but if that is communicated in a plain English way that all can understand we can scrutinise alternative ideas that may help before a decision is made . Consultation is important  
 if there was a don't know box that is what I would be ticking  
 Policy shaped behind the scenes, not easily brought into a work plan in a timely manner.  
 If all engage  
 Cabinet seems to operate in a parallel universe - and does not appear to take much notice of advice from scrutiny committees - or am I being too cynical...?  
 I have been impressed with the large number of scrutiny reviews taking place on important topics which definitely influence policy.  
 Listen to Scrutiny recommendations. We shall see

**Question 26**

To what extent do you agree that Policy and Performance Committees provide the opportunity to undertake pre-decision scrutiny?		
Answer Options	Response Percent	Response Count
Strongly Agree	29.3%	12
Agree	43.9%	18
Disagree	22.0%	9
Strongly Disagree	4.9%	2
Please add any other comments here:		11
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



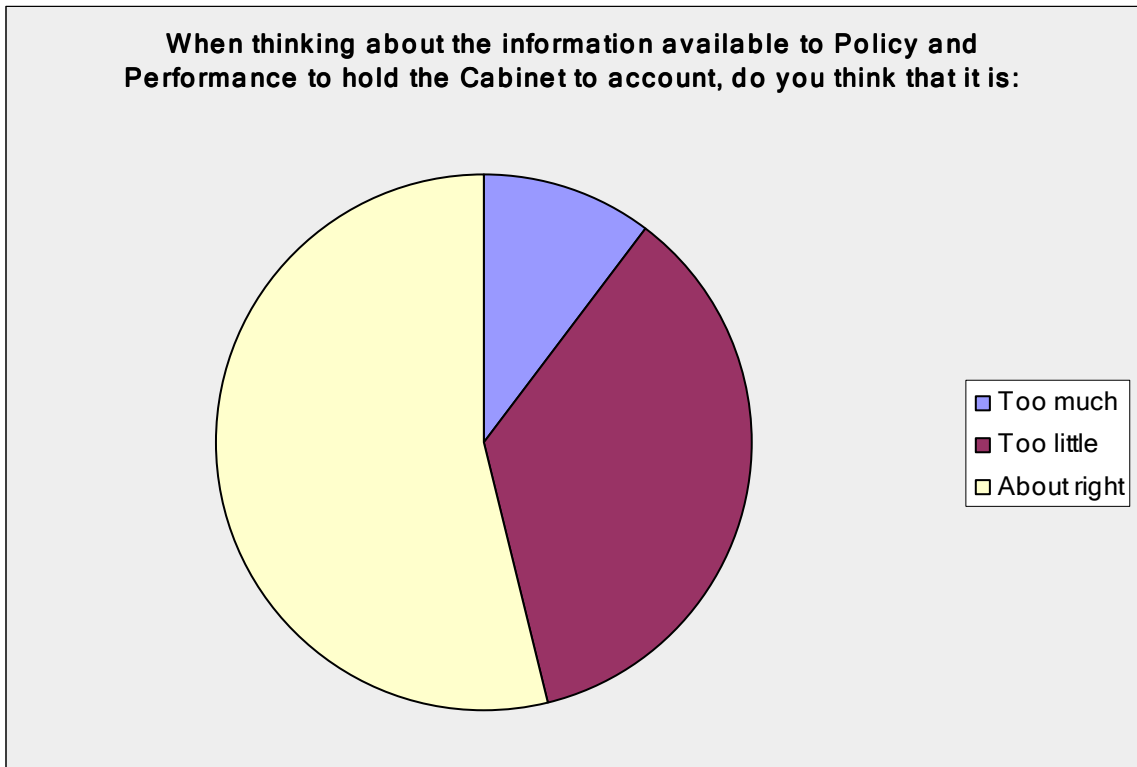
**Comments:**

Much of what we do is post decision.  
 it depends on the membership of the committee - the opportunity is there - see previous answer  
 Need a greater degree of input from Exec so people know what is coming up - this would need to be timely.  
 They can but members are not engaged  
 As long as cabinet portfolio holders continue to attend and listen to concerns of service users and providers as I say economics ultimately drives what we can and cant do but if that is communicated in a plain English way that all can understand we can scrutinise alternative ideas that may help before a decision is made . Consultation is important  
 The Policy Updates are welcome, maybe some thought could be given to adapting the format to reflect what's on the forward plan  
 Needs to be planned in advance by chair and spokes  
 Yes. But how much notice is really taken of work undertaken?  
 such as?  
 See25



**Question 27**

When thinking about the information available to Policy and Performance to hold the Cabinet to account, do you think that it is:		
Answer Options	Response Percent	Response Count
Too much	10.3%	4
Too little	35.9%	14
About right	53.8%	21
Please add any other comments here:		6
<i>answered question</i>		<b>39</b>
<i>skipped question</i>		<b>5</b>



**Comments:**

probably depends on what you are looking for ?  
 too many areas to cover to allow for right amount of info.  
 If we don't have information it is our job to ask for it cant see a circumstance where you would have too much info . you may get the wrong info  
 Performance indicators are useful and working  
 The reduction in the number of committees and the vast increase in their scope and the number of meetings seems to me to be a deliberate ploy to prevent Councillors from holding the Executive to account.

## Question 28

How do you think Scrutiny can be improved?	
Answer Options	Response Count
	23
<i>answered question</i>	<b>23</b>
<i>skipped question</i>	<b>21</b>

### Comments:

I think scrutiny is very dependent upon the willingness and ability of the individual members to scrutinise in an appropriate fashion any particular council policy/service provision therefore: member training is important, and is still not properly taken up by all members subject to the number of hours in any particular day that an individual member can assign to these tasks which is necessarily finite and therefore should not and cannot ever be reliant upon a part-time, amateur practitioner

It still needs time to develop

More members actually take part

Ctees simply too large.

More horizon scanning needed, a lead needs to come from leadership to highlight things that are coming up.

Needs to be a mechanism to make sure that Recommendations are followed through and the Exec held to account for non-performance - nothing more demoralising than putting in a huge amount of work to scrutiny only to see recommendations not acted upon.

By councillors taking it seriously instead of using it as opportunities to run to the press with scare stories and running the council, of which they are part, down.

BY REVERTING TO PREVIOUS SYSTEM OR CHANGING TO THE COMMITTEE SYSTEM

By all parties taking it seriously and not voting as though the whip is in place.

Committees have too wide a range to cover

by constantly scrutinising the scrutiny analysing what went well and what went wrong . listening to experts and being open to change I think training of elected members is important in this process and I can see the difference in the type of questions elected members ask between those who have been trained and those who haven't effective questioning is at the heart of scrutiny coaching techniques can help with this . More effective training

I feel that scrutiny is getting better as members become more open and are prepared to take it seriously

What is the point since any recommendations can be ignored - scrutiny is a sop to cloak the lack of ability to make decisions.

no idea, I think there is something wrong with the perception of it amongst Officers and Cllrs, so it will never really get to grips as it should.

Smaller committees that are more focussed on specific areas, where Members have the opportunity to approach the degree of understanding of issues (and which issues are key) to hold Cabinet and Portfolio holders to account.

All parties to engage. Discuss topical matters. Hold informal workshops. Don't wait for committee date to do work. Engage with public. Mystery shopping type exercises by members

Not sure, but because of the size of the portfolios, perhaps sub committees?

The position of Chair and vice chair should not be held by the same political party, nor should it be pre decided before the first meeting.

An increased number of committees with commensurate responsibilities to carry out.

Reduce the amount of paperwork that members are required ton assimilate. Rely more on 'exception' reporting drawing attention to areas where actions have varied from budget or policy intention.

Return to 'Committee System'

By practising it. Scrutiny has never existed in Wirral

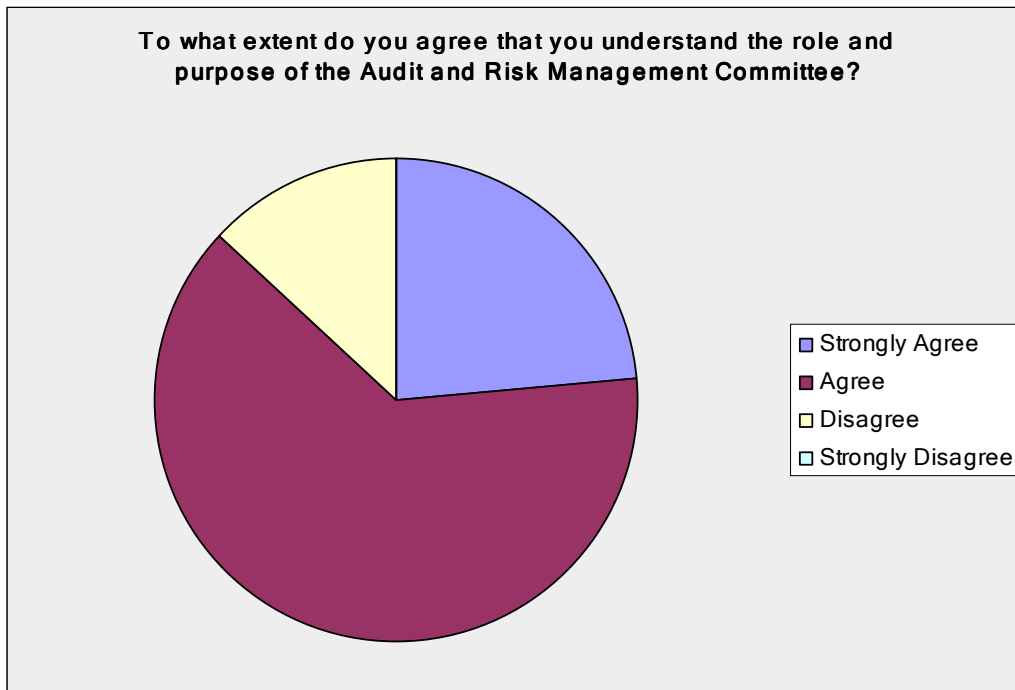
If members from all parties engaged.

Allow junior management to attend and allow them to speak.

Revert to two responsibilities ie Adult and Children/Youg people

**Question 29**

To what extent do you agree that you understand the role and purpose of the Audit and Risk Management Committee?		
Answer Options	Response Percent	Response Count
Strongly Agree	23.7%	9
Agree	63.2%	24
Disagree	13.2%	5
Strongly Disagree	0.0%	0
Please add any other comments here:		2
<b>answered question</b>		<b>38</b>
<b>skipped question</b>		<b>6</b>



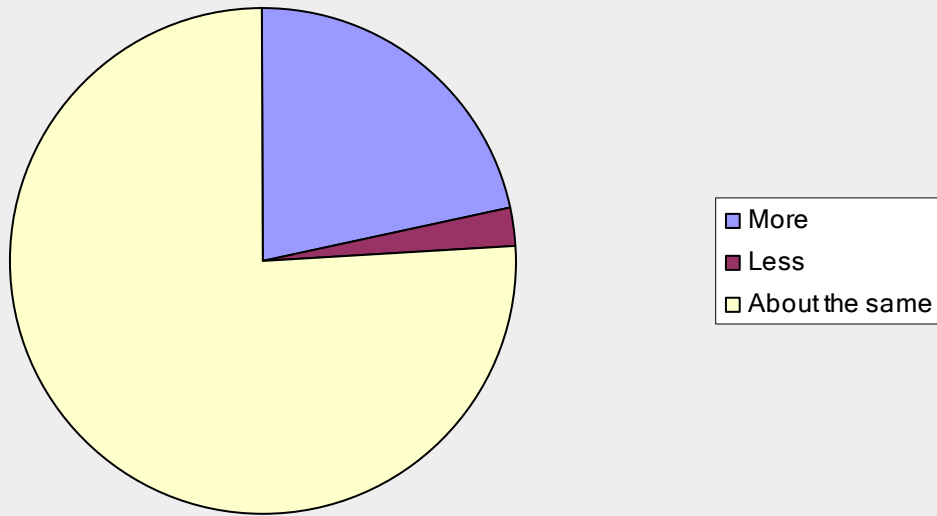
**Comments:**

Plans to adopt independent members sounds like a positive approach to a difficult problem  
no experience of this Cttee

**Question 30**

Since the Constitution was revised, do you feel that you understand the role of the Audit and Risk Management Committee:		
Answer Options	Response Percent	Response Count
More	21.6%	8
Less	2.7%	1
About the same	75.7%	28
Please add any other comments here:		2
<b>answered question</b>		<b>37</b>
<b>skipped question</b>		<b>7</b>

Since the Constitution was revised, do you feel that you understand the role of the Audit and Risk Management Committee:



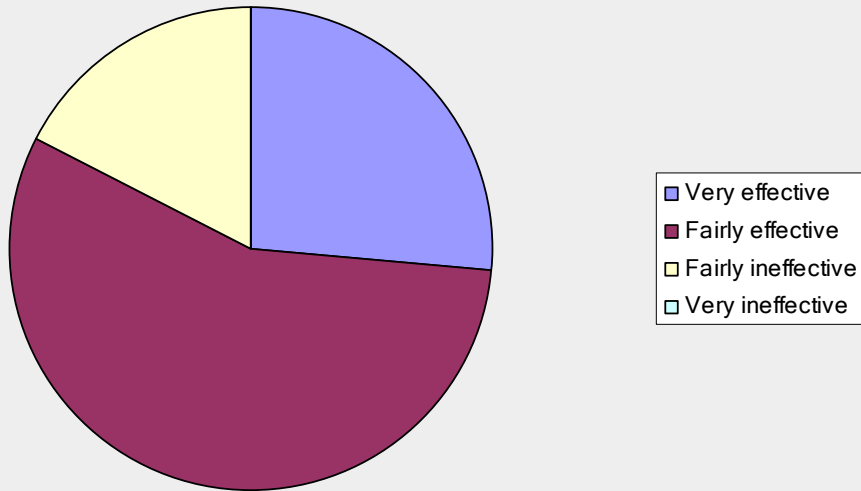
**Comments:**

I am still foggy about risk management which doesn't seem to have been much in evidence until recently but I don't know if that has had much to do with this committee  
 Don't know

**Question 31**

How effective do you feel that Audit and Risk Management Committee is in fulfilling its role?		
Answer Options	Response Percent	Response Count
Very effective	26.5%	9
Fairly effective	55.9%	19
Fairly ineffective	17.6%	6
Very ineffective	0.0%	0
Please add any other comments here:		4
<b><i>answered question</i></b>		<b>34</b>
<b><i>skipped question</i></b>		<b>10</b>

**How effective do you feel that Audit and Risk Management Committee is in fulfilling its role?**



**Comments:**

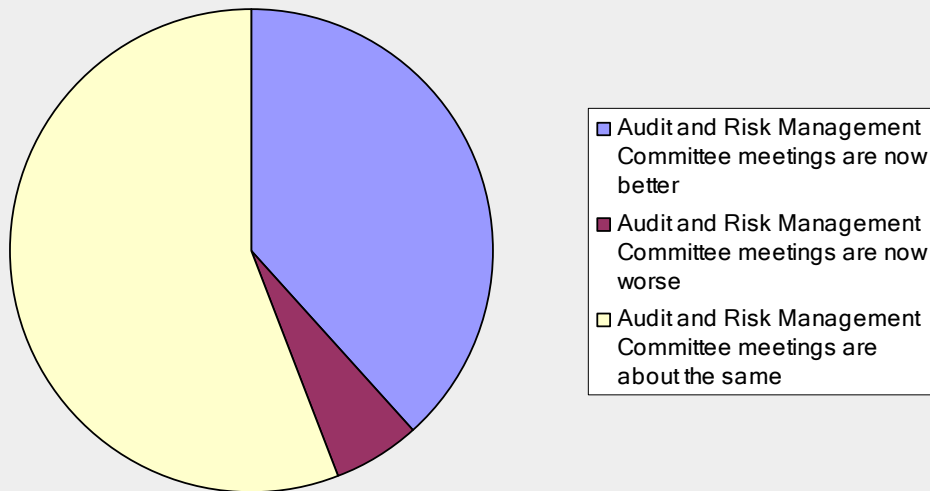
I assume it reports to cabinet - I don't know what happens after that  
 can't fairly comment  
 Time will tell  
 Don't know

**Question 32**

**Thinking about meetings of the Audit and Risk Management Committee prior to the new Constitution, do you feel that:**

Answer Options	Response Percent	Response Count
Audit and Risk Management Committee meetings are now better	38.2%	13
Audit and Risk Management Committee meetings are now worse	5.9%	2
Audit and Risk Management Committee meetings are about the same	55.9%	19
Please add any other comments here:		4
<b><i>answered question</i></b>		<b>34</b>
<b><i>skipped question</i></b>		<b>10</b>

**Thinking about meetings of the Audit and Risk Management Committee prior to the new Constitution, do you feel that:**



**Comments:**

as above

see above

This Committee will become even more effective when we recruit new independent members, on the proviso that the chair continues to be a Cllr.

Don't know

**Question 33**

**Do you have any recommendations to improve the effectiveness of the Audit and Risk Management Committee?**

Answer Options	Response Count
	10
<i>answered question</i>	<b>10</b>
<i>skipped question</i>	<b>34</b>

**Comments:**

Need all members to. Be fully involved and attend briefings, training and each scheduled meeting, by not doing this and sending deputies or missing meetings or briefings the member is not fully informed, or capable of decision making. I honk that a member must be on the committee for the whole term as Councillor and not change the membership.

I think that to have around 3 or 4 independent professionals on Audit would be a great support to elected members, however i think it will be hard to find the right people due to the bad press we have had the past few years.

NO

Appointment of an independent Chair

No

None

Clear guidance on of role of Audit& Risk to prevent duplication more information on what is good practice and how to assimilate in to present practice

Not at this time.

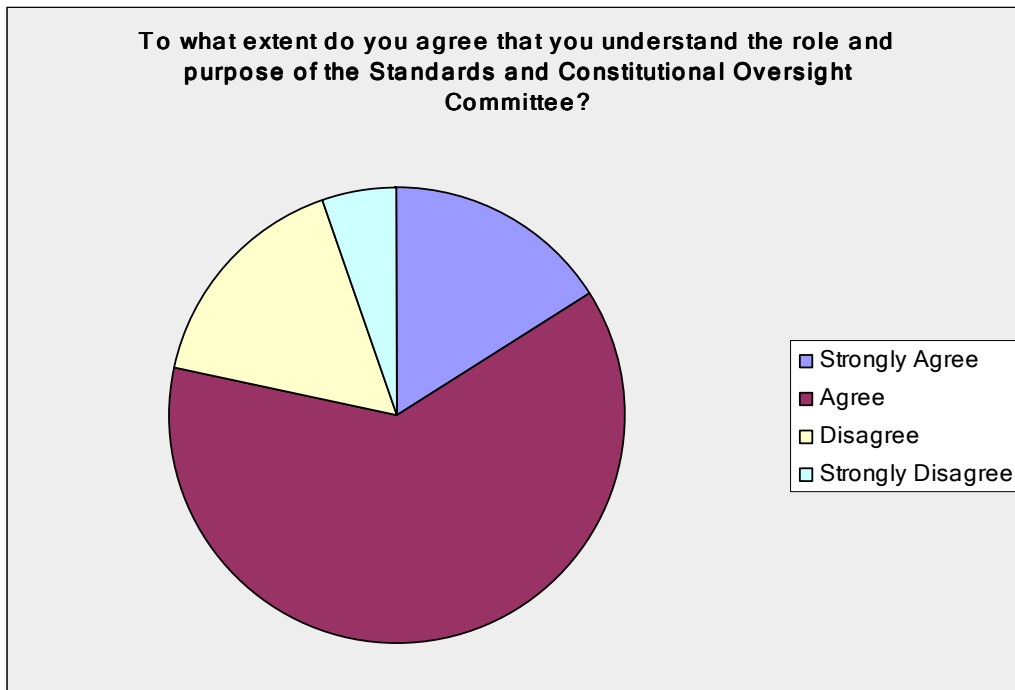
Need to discuss merits of having independent members

No

None, the present chair is doing an excellent job.

**Question 34**

<b>To what extent do you agree that you understand the role and purpose of the Standards and Constitutional Oversight Committee?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	16.2%	6
Agree	62.2%	23
Disagree	16.2%	6
Strongly Disagree	5.4%	2
Please add any other comments here:		3
<i>answered question</i>		<b>37</b>
<i>skipped question</i>		<b>7</b>



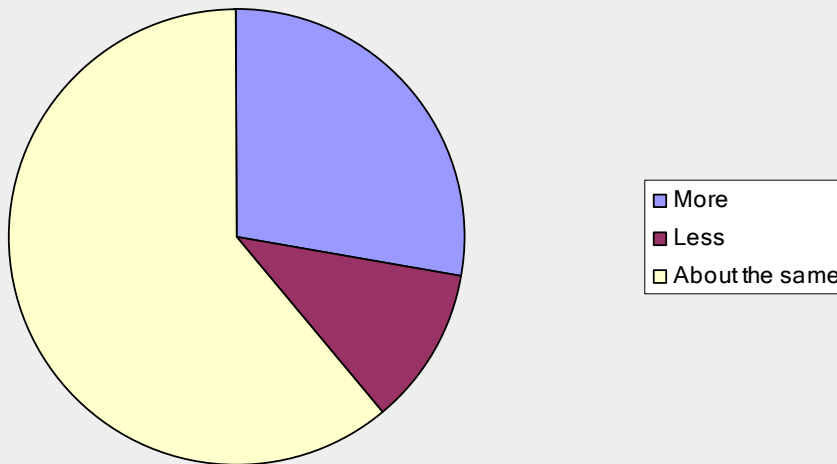
**Comments:**

I don't know anything about this committee - does it meet publicly?  
 not had much experience of this Cttee  
 Lack of understanding by Legal Officers who simply want to impose their will on elected members

**Question 35**

<b>Since the Constitution was revised, do you feel that you understand the role of the Standards and Constitutional Oversight Committee:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
More	27.8%	10
Less	11.1%	4
About the same	61.1%	22
Please add any other comments here:		3
<i>answered question</i>		<b>36</b>
<i>skipped question</i>		<b>8</b>

Since the Constitution was revised, do you feel that you understand the role of the Standards and Constitutional Oversight Committee:



**Comments:**

see above

see above

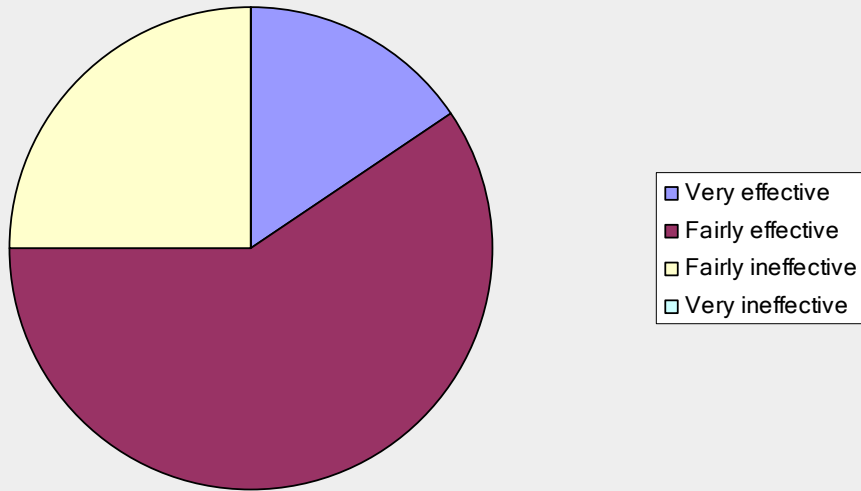
It is the key committee in terms of reviewing the effectiveness of the Council's constitution.

**Question 36**

How effective do you feel that the Standards and Constitutional Oversight Committee is in fulfilling its role?		
Answer Options	Response Percent	Response Count
Very effective	15.6%	5
Fairly effective	59.4%	19
Fairly ineffective	25.0%	8
Very ineffective	0.0%	0
Please add any other comments here:		2
<i>answered question</i>		<b>32</b>
<i>skipped question</i>		<b>12</b>



**How effective do you feel that the Standards and Constitutional Oversight Committee is in fulfilling its role?**



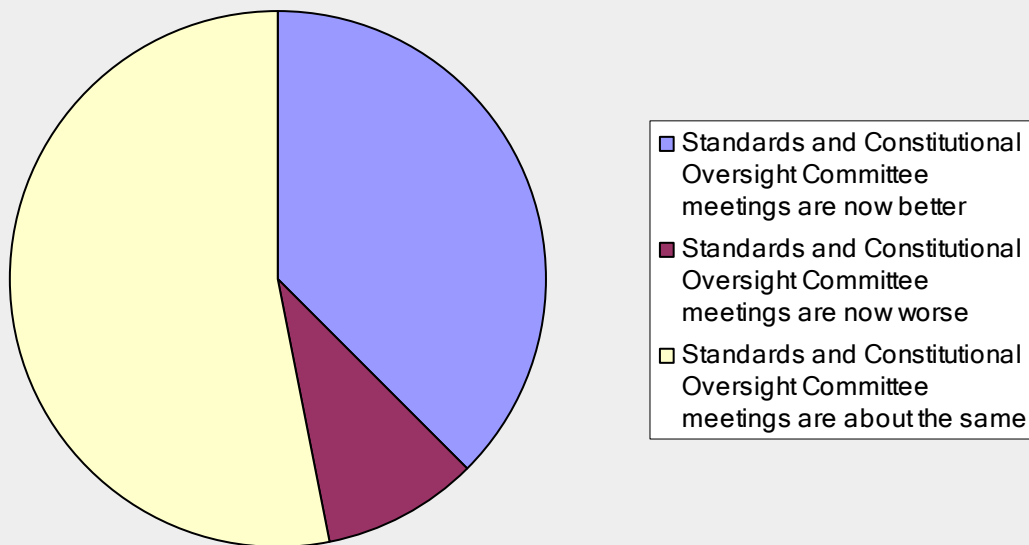
**Comments:**

see above - ineffective?  
see above

**Question 37**

<b>Thinking about meetings of the Standards Committee prior to the new Constitution, do you feel that:</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Standards and Constitutional Oversight Committee meetings are now better	37.5%	12
Standards and Constitutional Oversight Committee meetings are now worse	9.4%	3
Standards and Constitutional Oversight Committee meetings are about the same	53.1%	17
Please add any other comments here:		3
	<b><i>answered question</i></b>	<b>32</b>
	<b><i>skipped question</i></b>	<b>12</b>

**Thinking about meetings of the Standards Committee prior to the new Constitution, do you feel that:**



**Comments:**

see above  
 see above  
 I have not attended any

**Question 38**

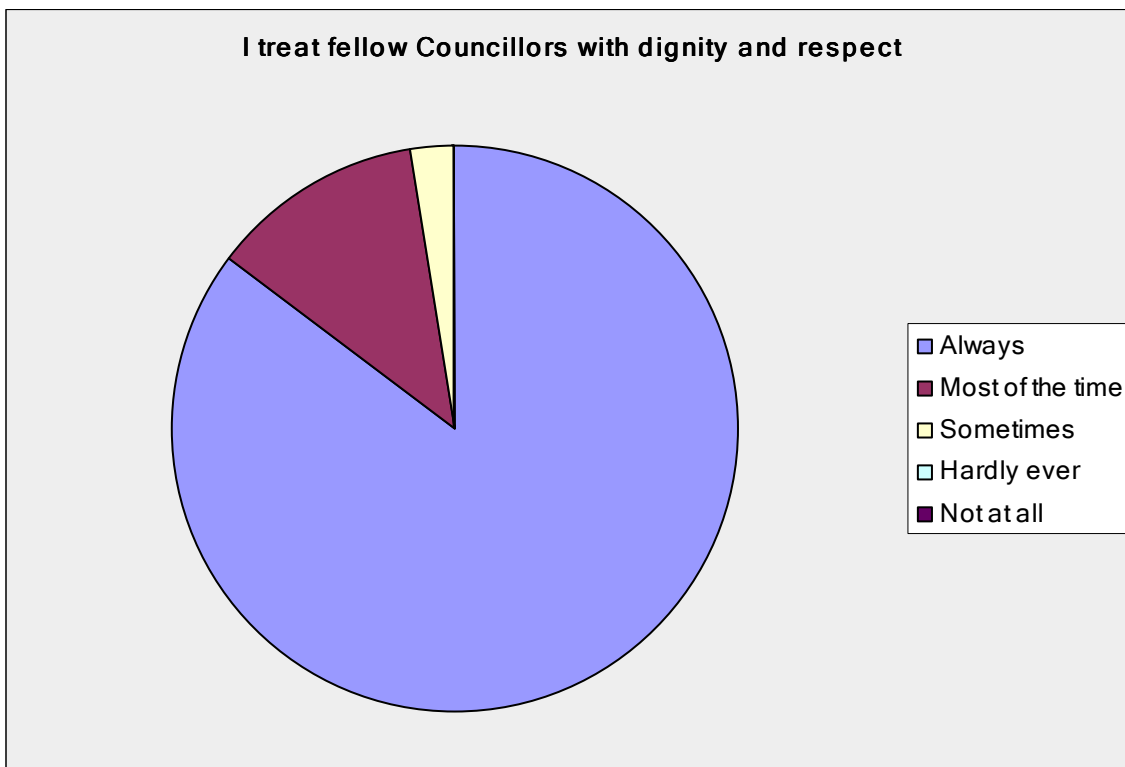
<b>Do you have any recommendations to improve the effectiveness of the Standards and Constitutional Oversight Committee?</b>	
<b>Answer Options</b>	<b>Response Count</b>
	8
<i>answered question</i>	8
<i>skipped question</i>	36

**Comments:**

Tell us what it does  
 It needs more teeth and is too weak to deal with wrongdoers  
 NO  
 Not at this time.  
 Delegate all to Chief Legal officer and Chief Exec  
 all members who sit on the committee should have taken part in the training needs  
 Stop legal officers leading the committee  
 none

**Question 39**

I treat fellow Councillors with dignity and respect		
Answer Options	Response Percent	Response Count
Always	85.4%	35
Most of the time	12.2%	5
Sometimes	2.4%	1
Hardly ever	0.0%	0
Not at all	0.0%	0
Please add any other comments here:		6
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



**Comments:**

It is the most important aspect of council life if we do not treat people with dignity and respect we should not be doing the job we do.

I wish some of them would do the same.

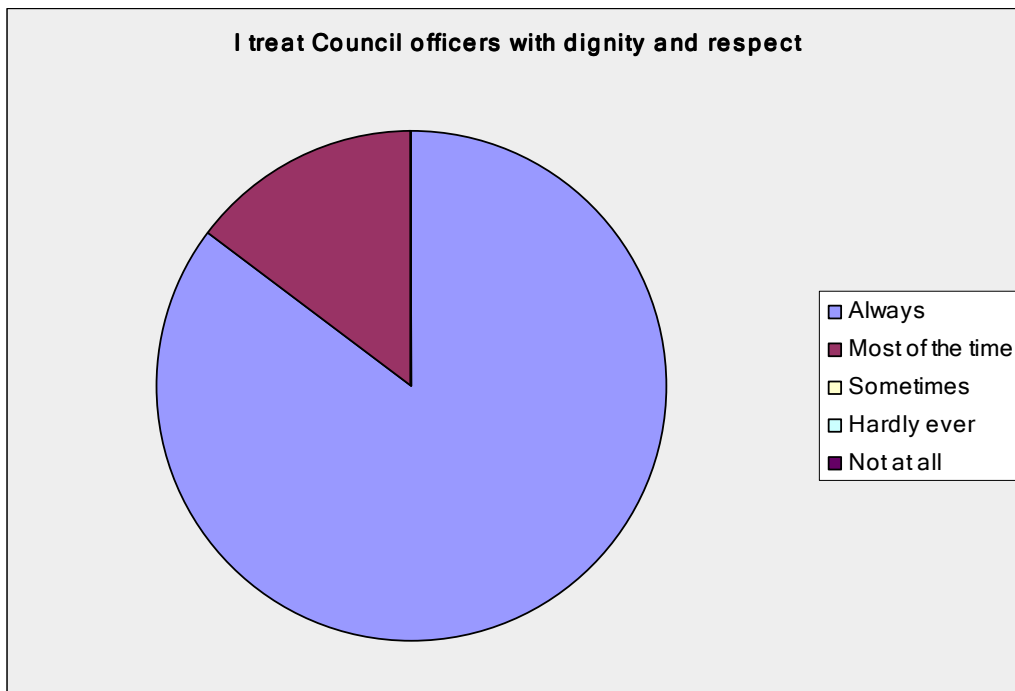
There are political tensions that will always lead to challenge and disagreement so you are bound to fall out from time to time

Common basic courtesy

I really do try at times under much provocation

**Question 40**

I treat Council officers with dignity and respect		
Answer Options	Response Percent	Response Count
Always	85.4%	35
Most of the time	14.6%	6
Sometimes	0.0%	0
Hardly ever	0.0%	0
Not at all	0.0%	0
Please add any other comments here:		6
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



**Comments:**

I am aware that not all do. Officers should be better protected. Offences against them should be dealt with firmly.

They are doing their job if they aren't we must use the correct procedures to help council officers have been through a lot over the time I have been a councillor but they are a constant trying to serve the people of Wirral as best they can under difficult circumstances they must be supported as it is their job

Sometimes it can be difficult to treat officers with respect when they are clearly dissembling or not prepared to answer questions which in itself is disrespectful to Members and our role.

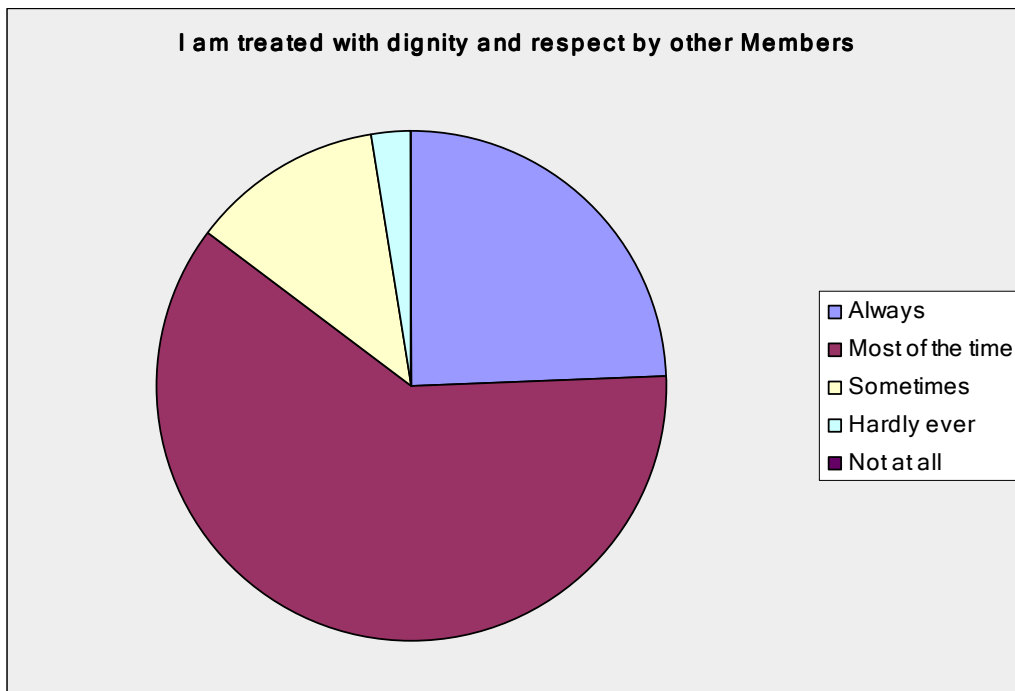
Some officers are fantastic but some, albeit a minority, have the default position of 'No'

I find officers extremely cooperative and helpful in supporting my problem solving roles in relation to local issues. I thank them for their constructive and positive attitude.

Any Elected members who do not should be named

**Question 41**

I am treated with dignity and respect by other Members		
Answer Options	Response Percent	Response Count
Always	24.4%	10
Most of the time	61.0%	25
Sometimes	12.2%	5
Hardly ever	2.4%	1
Not at all	0.0%	0
Please add any other comments here:		6
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>



**Comments:**

One exception  
 Always. But I suspect some colleagues do not fare as well.  
 refer to 39  
 I can't blame them, my own conduct has not been great in the past but some are obnoxious  
 and rude to everyone  
 one or two members are responsible for poor behaviour

**Question 42**

I am treated with dignity and respect by Council officers		
Answer Options	Response Percent	Response Count
Always	61.0%	25
Most of the time	29.3%	12
Sometimes	9.8%	4
Hardly ever	0.0%	0
Not at all	0.0%	0
Please add any other comments here:		3
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>

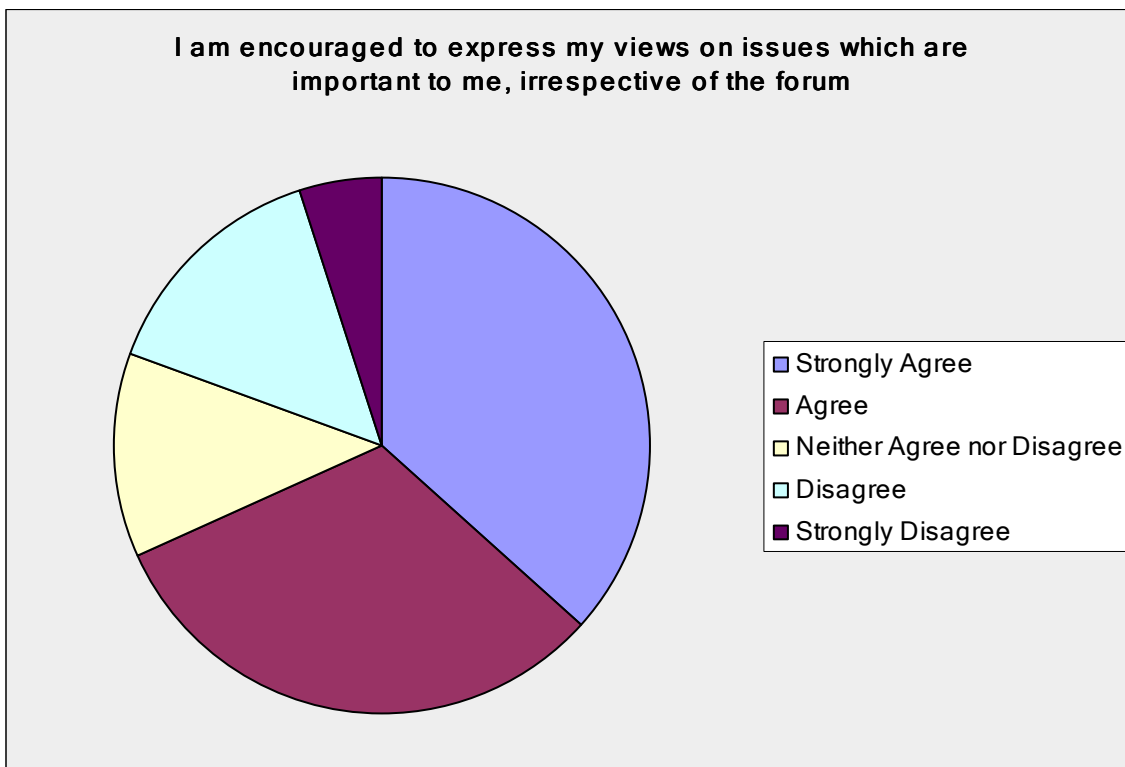


**Comments:**

I am full of admiration for the patience, understanding and courtesy of our staff. I rarely hear a bad word about any staff in any situation which is quite remarkable considering what the Authority has been facing. They have a high degree of professionalism. It appears to be better bedded in, under the new regime, than in the past. Council officers appear to be protecting the interests of the Council refusing to answer certain questions which I consider to be disrespectful to my role as a Councillor.

**Question 43**

<b>I am encouraged to express my views on issues which are important to me, irrespective of the forum</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	36.6%	15
Agree	31.7%	13
Neither Agree nor Disagree	12.2%	5
Disagree	14.6%	6
Strongly Disagree	4.9%	2
Please add any other comments here:		4
<b><i>answered question</i></b>		<b>41</b>
<b><i>skipped question</i></b>		<b>3</b>

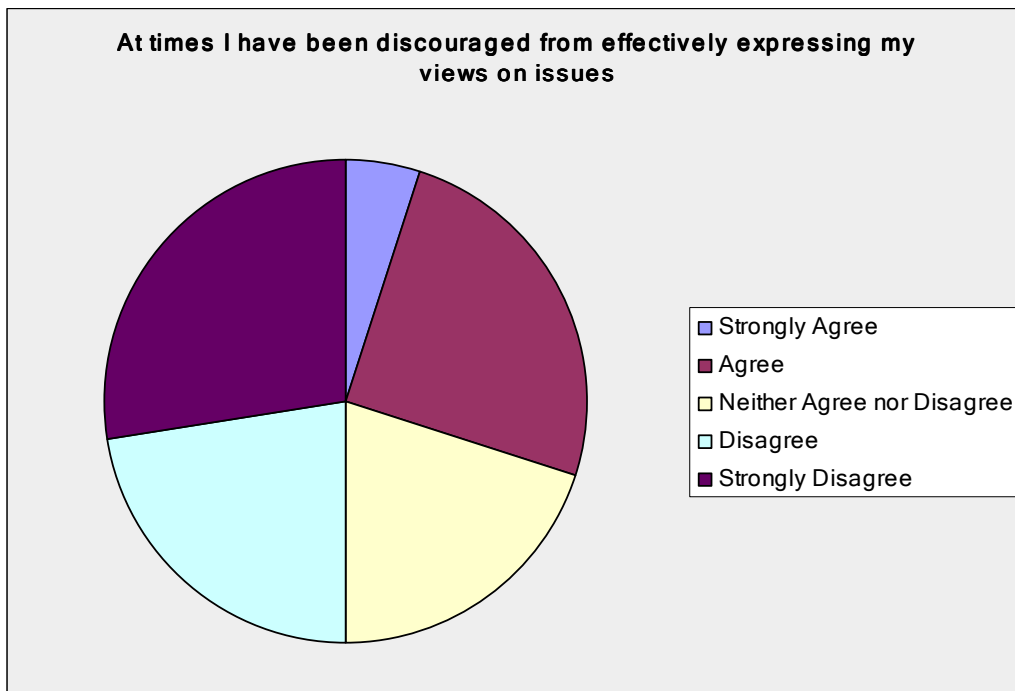


**Comments:**

I am encouraged in some forums but not all.  
 I doubt if that is the case in all parties.  
 I have strong and constructive views about many issues - and always feel able to express them  
 to often ignored

**Question 44**

<b>At times I have been discouraged from effectively expressing my views on issues</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	5.0%	2
Agree	25.0%	10
Neither Agree nor Disagree	20.0%	8
Disagree	22.5%	9
Strongly Disagree	27.5%	11
Please add any other comments here:		2
<b>answered question</b>		<b>40</b>
<b>skipped question</b>		<b>4</b>



**Comments:**

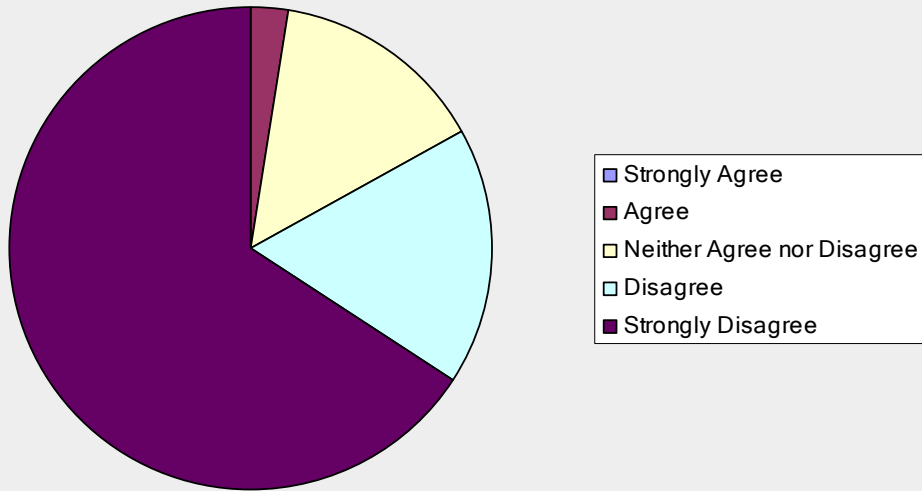
Too much Party whipping and not enough free thought!

**Question 45**

<b>I feel I have personally discouraged a fellow Councillor or officer from expressing their views in the course of my role</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	0.0%	0
Agree	2.4%	1
Neither Agree nor Disagree	14.6%	6
Disagree	17.1%	7
Strongly Disagree	65.9%	27
Please add any other comments here:		1
<b>answered question</b>		<b>41</b>
<b>skipped question</b>		<b>3</b>



I feel I have personally discouraged a fellow Councillor or officer from expressing their views in the course of my role



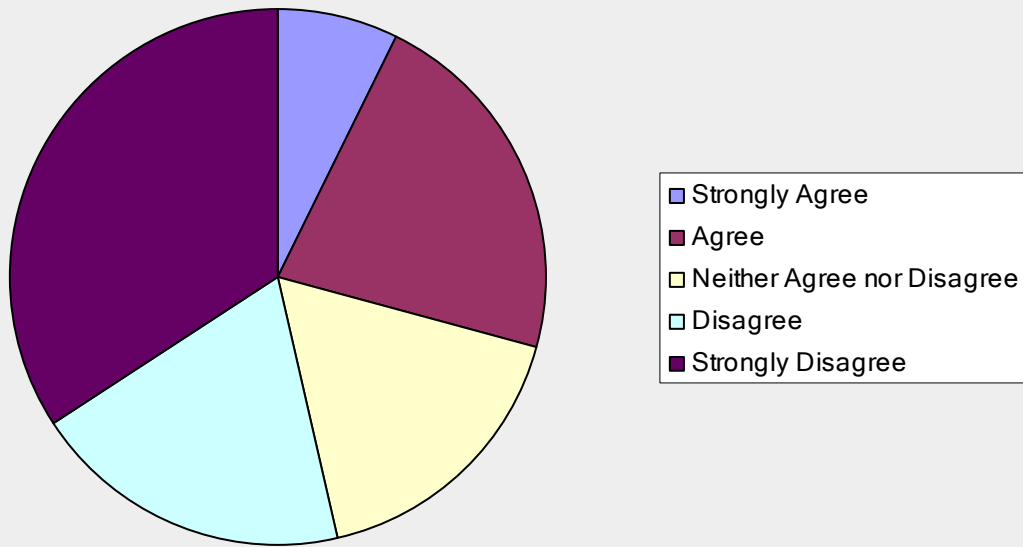
**Comments:**

members generally need to take a measured approach to this freedom - responsibility to take account of time and place and the nature of the views being expressed, eg: potentially offensive?

**Question 46**

I have witnessed or am aware of a fellow Councillor or officer being discouraged to express their views		
Answer Options	Response Percent	Response Count
Strongly Agree	7.3%	3
Agree	22.0%	9
Neither Agree nor Disagree	17.1%	7
Disagree	19.5%	8
Strongly Disagree	34.1%	14
Please add any other comments here:		2
<i>answered question</i>		<b>41</b>
<i>skipped question</i>		<b>3</b>

**I have witnessed or am aware of a fellow Councillor or officer being discouraged to express their views**



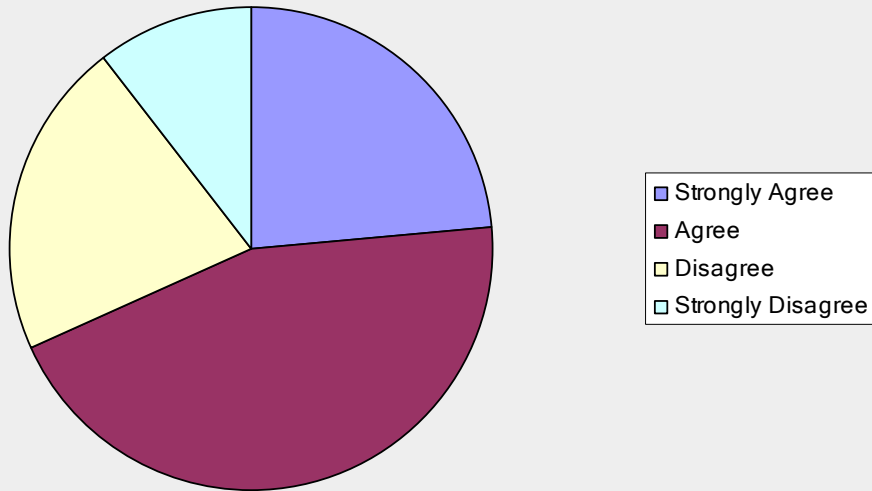
**Comments:**

I have never witnessed anyone being discouraged from express their views.  
 Party whip and strength of character / seniority obviously restricts some members and officers

**Question 47**

<b>To what extent do you agree the revised Constitution promotes and fosters good relationships between Members?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	23.7%	9
Agree	44.7%	17
Disagree	21.1%	8
Strongly Disagree	10.5%	4
Please add any other comments here:		10
<b><i>answered question</i></b>		<b>38</b>
<b><i>skipped question</i></b>		<b>6</b>

**To what extent do you agree the revised Constitution promotes and fosters good relationships between Members?**



**Comments:**

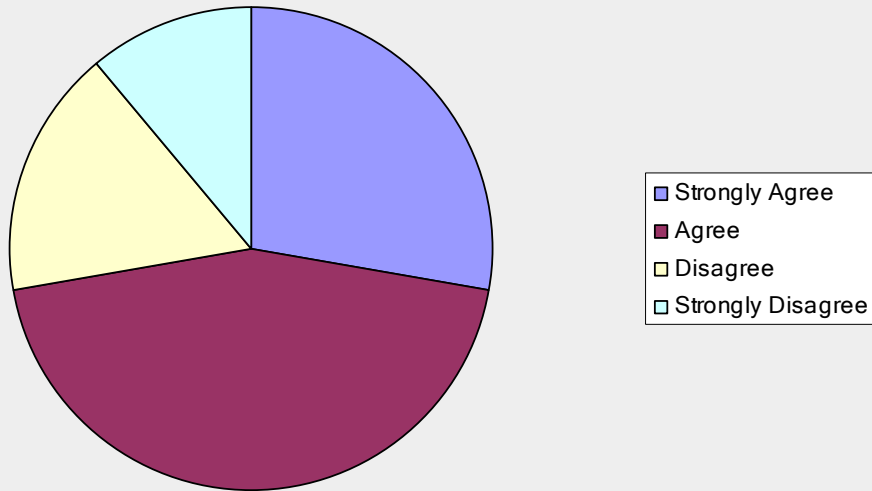
The possibility of a chain of information and opportunity to engage is helpful  
 The task and finish groups I have worked with have worked extremely well  
 Not sure the Constitution is the driver for relationships / setting culture  
 NO OPINION  
 I don't think a written document affects it  
 Still a reluctance from some not to participate  
 We have even tried altering seating arrangements so it is not us and them  
 but, sadly, history of the Council hangs over and colours relations  
 I have always got on well with members (with very few exceptions...!)  
 neither agree nor disagree

**Question 48**

**To what extent do you agree that the revised Constitution promotes and fosters good relationships with Officers?**

Answer Options	Response Percent	Response Count
Strongly Agree	27.8%	10
Agree	44.4%	16
Disagree	16.7%	6
Strongly Disagree	11.1%	4
Please add any other comments here:		8
<b>answered question</b>		<b>36</b>
<b>skipped question</b>		<b>8</b>

To what extent do you agree that the revised Constitution promotes and fosters good relationships with Officers?



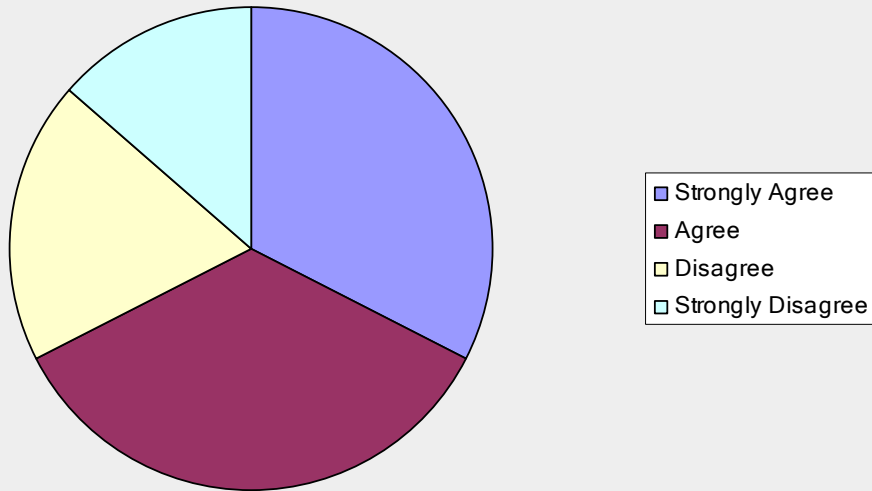
**Comments:**

see above  
as above - informal power and influence still exists  
NO OPINION  
I don't think the document has an influence  
really don't know  
The current constitution appears to have forced officers to see the Council's interests as being the same administration's interests which of course is not true in all cases.  
No change. I never had a problem forming working relationships with officers  
as above

**Question 49**

Overall, to what extent do you agree that the revised constitutional arrangements promote democracy in action?		
Answer Options	Response Percent	Response Count
Strongly Agree	32.4%	12
Agree	35.1%	13
Disagree	18.9%	7
Strongly Disagree	13.5%	5
Please add any other comments here:		8
<i>answered question</i>		<b>37</b>
<i>skipped question</i>		<b>7</b>

Overall, to what extent do you agree that the revised constitutional arrangements promote democracy in action?



**Comments:**

see above  
 no comment  
 could create better environment if better managed.  
 NO OPINION  
 i think it tries  
 No particular identifiable improvement... residents still appear to find the whole procedure convoluted and do not understand the process  
 as above

**Question 50**

Please provide any further comments that you would like to make about the revised Constitution:	
Answer Options	Response Count
	8
<i>answered question</i>	<b>8</b>
<i>skipped question</i>	<b>36</b>

**Comments:**

It promotes working better together and this happens almost all the time.  
 It needs to keep evolving and revising it annually  
 Not so much because of the LETTER of the constitution as from the CULTURE that accompanies it I believe Council Officers feel that they are well led by the Chief Executive and his team. A particular remark from a very senior Officer comes to mind: "We can now actually say 'I made a mistake' without living in fear." The (very senior) officer who made that remark seemed delighted that the management spirit at the top is now of encouragement - in contrast with a less supportive and more personally critical attitude under previous cultures.  
 It reflects the values of the lead political party hence the will of the majority of the people we represent that is democracy  
 Get rid of it and revert to the all party committee system  
 It is early days some people will never change so leave them behind and work with those who care.  
 On balance I agree that the new Constitution promotes good relationships between members

and with officers, however, there is a limit to how far a constitution can deliver this. The behaviour of members towards other members and officers is also influenced by the attitude of leading members and the need for members to have a positive mindset in working across party divisions where this makes sense while recognising that in a democracy politicians will have different views on issues.

none

### Question 51

The Localism Act requires the promotion of high standards of conduct amongst members. What traits / characteristics do you think an Elected Member demonstrating high standards of conduct would have?	
Answer Options	Response Count
	30
<i>answered question</i>	<b>30</b>
<i>skipped question</i>	<b>14</b>

### Comments:

To be able to talk openly to all elected members, to see them as equals, to work alongside them, to leave party politics outside when attending meetings.  
 I think that the leaders of the groups should all set a standard that promotes equality of working no matter what the colour of the. Party.  
 Respect for others.  
 Treat others as you would want to be treated.  
 Not swayed in decision making by personal gain or party political gain.  
 Considerate of others point of view and position.  
 Willing to listen.  
 Honesty and integrity: their word should be trustworthy and their bond when it comes to action  
 Patience and the ability to work for the community in a dispassionate way  
 An ability to see service as more than a party political attribute, but for the whole community  
 Willingness to participate in the community they represent and be a good representative of the Authority in other arenas, areas, organisations.  
 Members should be open and honest and available at all times. They should also be approachable and have a good knowledge of Council business or know where to get information from. They should treat everyone equally and be non judgemental at all times.  
 Honest and open with views  
 Sharing information with the community through residents groups, the constituency committees and allowing residents and people who work in the area to have their voice  
**RESPECT FOR ALL THEY DEAL WITH**  
 To respect fellow members irrespective of differences of views or political belief  
 "A truth that's told with bad intent, beats all the lies you can invent."  
 Mere lip service to high standards should not allow those in public office to get away with low standards. Pamphleteering can skirt close to public deception, by distorting the truth for political advantage. A commitment to never seek to deceive the public should be accepted by every elected member of a council. The test of good behaviour should be what a reasonable member of the public could be expected to conclude from statements made - not the legal minimum that will avoid prosecution.  
**HONESTY**  
**INTEGRITY**  
**SELFLESSNESS**  
 Courtesy and respect towards each other. Respecting political differences but acknowledging and finding shared solutions. Not undermining or using bullying or abusive behaviour.  
 Follow the Nolan principles  
 Integrity, honesty, opens to change, respect, uphold equality and diversity at all levels of society embrace it and promote it. Respect human rights legislation and actively effect its promotion at all levels of society. Listening to all and effectively helping that voice to be heard. to get involved in the community at all levels feel it and live it represent it. Respect all opinions that uphold equality and diversity within our communities. Be available and approachable open and transparent

A lot of work needs to be done in this field  
 Good manners, honesty, consideration for others' views even when disagreeing with them.  
 good listening skills, humour, confidence, patience  
 Ability to work cross-party.  
 Working co-operatively.  
 Fostering an environment that encourages questions/discussions/debate.  
 One that leaves the politics at the door.  
 Abide by Nolan Principles  
 Treat everyone with dignity and respect, though still be able to disagree strongly.  
 Honesty, treating members regardless of party with dignity, likewise with officers  
 Not use council question time to set hares running or malign other members.  
 Be nice smile a bit more  
 Integrity, tolerance and respect for others, especially when their views differ from your own.  
 Members should treat people they way they would wish to be treated themselves.  
 Most of them would be out of their comfort zone.  
 high standards open mind took part in training  
 Honesty  
 Openness  
 Free to think and reach their own views  
 (Not necessarily in this order) Honesty, integrity, be a good listener, being non-controversial,  
 engaging in consultation and conciliation rather than confrontation in seeking to resolve  
 problems, operating without bias, acting for constituents and businesses in seeking to resolve  
 their problems effectively, efficiently and competently with the help of officers, communicating  
 with all relevant bodies on a regular basis to act as a conduit for advising changes of policy or  
 activities that might affect the future.  
 - That members treat fellow members and officers with respect and dignity and be open and  
 transparent (and generally observe the Nolan principles).  
 we all do a good job, sometimes we are over enthusiastic, and there is nothing wrong with that,  
 honesty, trustworthiness, respectful of others, personal integrity, intelligence hardworking

## Question 52

How can high standards of conduct be achieved amongst all members?	
Answer Options	Response Count
	30
<i>answered question</i>	<b>30</b>
<i>skipped question</i>	<b>14</b>

### Comments:

As above  
 Ensuring speedy resolution of complaints.  
 Reminding members of their duties at meetings.  
 Training for members - not necessarily a meeting - available in different formats.  
 By example of the most experienced members  
 By training and experience in other areas of activity  
 By qualification and attainment  
 With a common set of agreed rules of conduct and the dissemination of those rules to all members  
 By training session with council and legislation updates and clear policies and procedures.  
 above points held by all  
 When certain members take more responsibility and do not continue with the political infighting  
 which is a constant barrier  
 YES WHY NOT  
 By constant training and monitoring of members conduct with an improved standards  
 committee that can respond much more robustly and directly with the member/s concerned  
 unlike at present.  
 Emails and social network particularly need monitoring to ensure that the required and

expected standards are enforced through these mediums, this is not the case at present and this can be abused because of the very lax system with absolutely no enforcement in place at any level other than a telling off.

"Achieved"?

It cannot be achieved if it cannot be enforced. Self enforcement should be the standard for all, and external enforcement should be expected if self enforcement is neglected.

**BETTER RECRUITMENT  
APPRAISAL AND TRAINING**

Developing a shared protocol that seeks to work together.

Print the Nolan Principles with every agenda

Through effective training and management there has to be a disciplinary process but I feel compulsory training as part of an induction taking into consideration all learning styles but definitely having a recognised qualification in the job councillors do would help direct high standards which is basically knowing how to conduct yourself as a councillor from everybody's perspective. Each councillor having a coach I feel would help as the reality can be explored before the goal of perfect behaviour is met and the coach can help the councillor cope and behave in different changing circumstances. Most local authorities have workplace coaching systems councillors could tap into

Working closer together for the good of the people of Wirral

See 51 above.

no idea, presumably if they want to, but frustration at the situation is always going to make people more confrontational. I really don't know

Stronger chairing.

Treat everyone with dignity and respect

By respecting political differences without personalising them, I believe the public are tired of punch and judy style tribalism particularly in local government.

Everyone needs to sign up to a code of conduct and any breaches need to be dealt with effectively, otherwise any code of conduct becomes useless.

considering other peoples points of view allowing members to disagree in some circumstances and not be bullied by other members to agree to their point of view. Not belittling people and making personal attacks which has happened in the past.

With great difficulty. There's an air of defeat around 'standards' - ie what's the point of complaining when nothing is done about it.

training

Tougher action on those who don't

Common courtesy being employed at all times. Respect for views of others - that you might not necessarily agree with. 'Do as you would be done by'. Treat others as you would wish to be treated

By keeping officers out of politics

- It may be useful to have some specific training/advice on what constitutes 'good' behaviour.
- Group Leaders and leading members have a key role to play in setting an example.

As long as the Leaders of all parties show good leadership, we will be encouraged to do the same.

i think each member has a responsibility to behave properly and that groups and the leaders should promote those by dealing with members who fall short

**Question 53**

Do you think group leaders have a specific responsibility to promote high standards of conduct amongst their political group members?		
Answer Options	Response Percent	Response Count
Yes - (please state why):	91.7%	33
No - (please state why):	11.1%	4
<b>answered question</b>		<b>36</b>
<b>skipped question</b>		<b>8</b>

**Comments:**

Yes, to work fully for the voters and not the party.

As they often have the actual power over members

yes- because the other group members will to a large extent take their lead from that person - it



generates the climate we work in.  
 They should lead by example  
 they are the face of the group to all outside the town hall  
 yes  
 Because they ARE the leaders and are the should set a high standard for their group  
 NO OPINION  
 Yes, to ensure that a robust system is put in place to enforce these standards  
 Yes. By accepting the great responsibility of leadership they should expect high standards.  
 Some do. All should.  
 POOR BEHAVIOUR REFLECTS ON THEIR GROUP  
 Leaders should set an example  
 Yes - they should set the standard for conduct and behaviour and act as a role model for effective working.  
 Their experience  
 yes they must lead by example but except councillors have life's too but we have a collective responsibility to make the peoples lives we represent better and challenge bad law and practise. We must represent and promote equality and diversity embrace different cultures and the leader should promote that  
 Lead by example  
 For the Council to be inclusive and cohesive.  
 Yes  
 because they are really looked on as the figure head and should lead by example  
 As leaders, they set an important example. Their behaviour sets the tone and standard for the behaviour of members.  
 each member is responsible for their own conduct - although will be influenced/ guided by senior members  
 The constitution was agreed by full Council which has a democratic mandate, the Group Leaders should ensure that their members work within its framework whether they agree with it or not.  
 Discipline those who are bullies  
 Leaders should lead by example!  
 They are the glue that holds the group together and should treat everybody equally.  
 My mother did a good job of instilling high standards of conduct. The group leaders are not my 'mother'. It could stifle democracy.  
 yes we're representing the public we should set an example  
 Yes I would agree.  
 Lead from the front but leaders unable/unwilling to upset members of their own group for fear of losing leadership  
 Because in the end analysis, we should ALL be acting positively and constructively on behalf of those who we represent.  
 Who else?  
 No. I don't need to explain why  
 Because Group Leaders set the tone for their Group and the organisation. They should be role models.  
 They must lead by example and, as leaders, take responsibility for their members, their conduct and effectiveness.  
 as above  
 as above

#### Question 54

What should group leaders do to fulfil this responsibility?	
Answer Options	Response Count
	24
<i>answered question</i>	24
<i>skipped question</i>	20

## Comments:

Understand their responsibilities and ensure that they deal fairly and equally with all their members regardless of their personal relationship with the member in question.

Seek advice if they are in need of it before acting

By not being precipitate in actions

Have an open, democratic approach to the leadership role and seek the support of the wider leadership team

Be open, honest and clear about what they stand for. They should always follow policy and procedure and keep all members updated. Communication is key to their role and this should be high on their agenda.

enforce policy and procedure and set culture.

As previously

They should set a personal example and encourage it among all others. The Chief Whip in any party should be the finest example of personal high standards. There is a special relationship of trust and mutual commitment between Leader and Chief Whip.

**HOLD REGULAR APPRAISALS**

Praise the Council's achievements and not constantly living in the past.

Enter into a joint protocol and be prepared to live up to it and promote it to all elected members.

Be respectful and open minded, open to persuasion and discussion

Promote equality and diversity among their councillors set boundaries promote and encourage debate and diversity of opinion whilst maintaining discipline be an effective chair person at group meetings encouraging growth and development of all members and giving opportunities to self manage problem be an effective coach

Encourage member training at all times

I don't know - they also have the dual role of being the political spokesperson so have to have a bit of theatre in the whole thing I suppose. But I do think they need to be able to do that with politeness humour and a pleasant manner. How they achieve that I don't know, but if it is to their advantage I am sure that they will learn.

Have decorum during full council.

Not promote those with poor records

Lead by example, and foster respect and responsible behaviour, and taking action when all else fails!

remind members to set an example we're not representing ourselves

Avoid unnecessary confrontation. Always seek to take into account the views of others - even if you do not agree with them.

Discipline and Example

- To set high standards of conduct at all times and to ensure that when members of their own group behave badly appropriate action is taken.

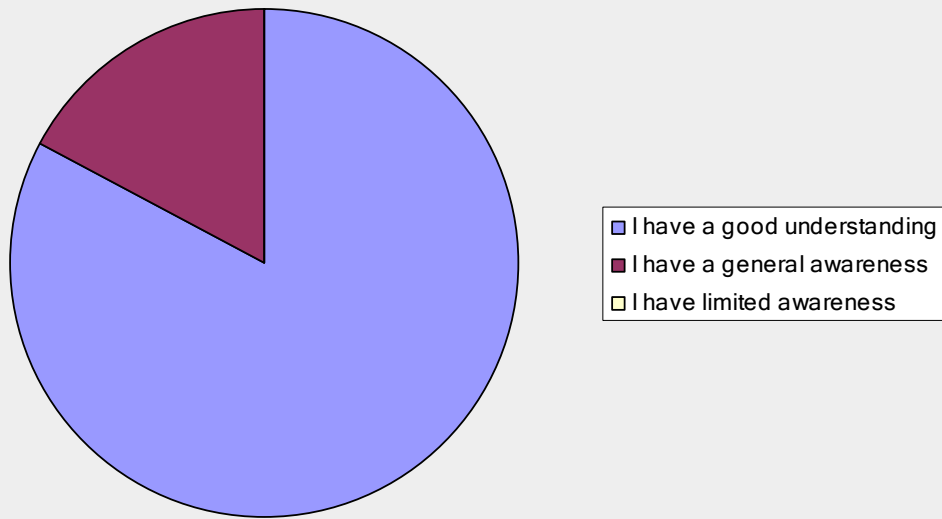
to show good leadership.

be aware of problems with those who fall short , discuss and deal with poor behaviour and act as role models

## Question 55

<b>To what extent do you understand the obligations under the members Code of Conduct?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
I have a good understanding	82.9%	34
I have a general awareness	17.1%	7
I have limited awareness	0.0%	0
Please add any additional comments here:		1
	<b><i>answered question</i></b>	<b>41</b>
	<b><i>skipped question</i></b>	<b>3</b>

**To what extent do you understand the obligations under the members Code of Conduct?**



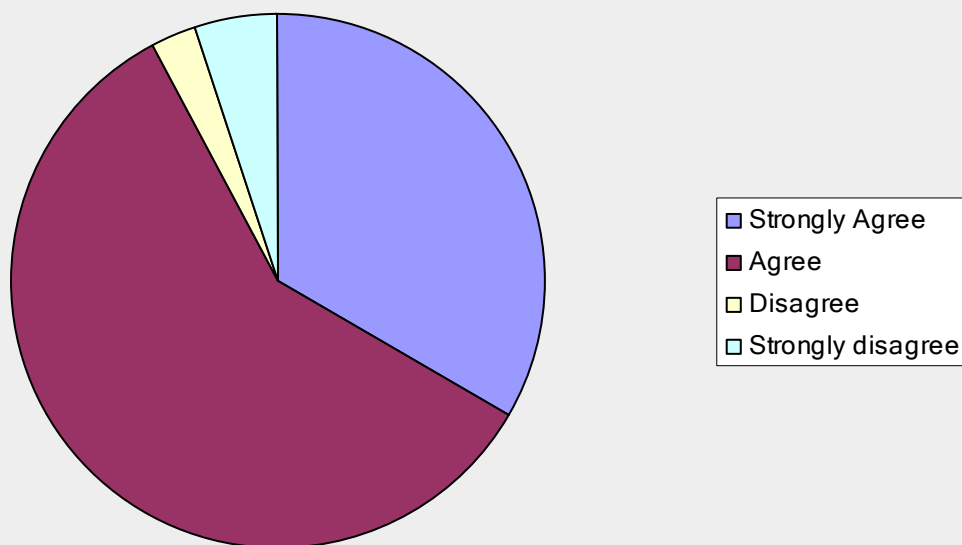
**Comments:**

If you behave with integrity at all times, you will not go far wrong.

**Question 56**

<b>To what extent do you agree the members' Code of Conduct satisfactorily sets out the required standards of behaviour and conduct for Elected Members?</b>		
<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Strongly Agree	33.3%	13
Agree	59.0%	23
Disagree	2.6%	1
Strongly disagree	5.1%	2
Please add any additional comments here:		5
<i>answered question</i>		<b>39</b>
<i>skipped question</i>		<b>5</b>

**To what extent do you agree the members' Code of Conduct satisfactorily sets out the required standards of behaviour and conduct for Elected Members?**



**Comments:**

It lacks rigour.

Carry it round with us on a reference card more on upholding and promoting equality and diversity both in the council and our communities

I believe that generally nobody takes any notice.

but never enforced. Standards enforcement is a joke

**Question 57**

**Please identify any elements of the current Code of Conduct that lacks clarity or could be better explained:**

Answer Options	Response Count
	8
<i>answered question</i>	8
<i>skipped question</i>	36

**Comments:**

As previously explained it needs updating and particularly the enforcement side which is far too weak

The obligation to refrain from misleading the public in propaganda should be addressed.

ALREADY CLEAR TO ALL MEMBERS AND OFFICERS

There have been some recent examples involving UKIP councillors who hold strong opinions regarding value issues. I think equality and diversity training is essential what does it mean how would you promote it within your community and the council

Even if a complaint is upheld there are no local sanctions on members

All of it

Absolute waste of time

All new Members should undergo training during the first three months of starting as a Councillor.

## Question 58

What behaviour or conduct has not been addressed in the members' Code of Conduct?	
Answer Options	Response Count
	10
<i>answered question</i>	<b>10</b>
<i>skipped question</i>	<b>34</b>

### Comments:

I think there is a limit to the ability of the code of conduct to make an impact on rudeness for the sake of it, which unfortunately has been a feature of debate and interaction from time to time in Wirral. It is less evident now but still happens.

Behaviour in full Council.

Cyberspace (Email and Social Networks) is the main one for me where members can act with impunity without any recourse

See 57 above.

NONE

Shouting across the chamber

Does anybody read it? Would it be better to bring it to life through training so as councillors are aware of their responsibilities and can effectively carry out their duties being aware of what they are and how they should be delivered. More training. different political values should not be an excuse for ignoring human rights or equality and diversity

Maligning people in the press and on blogs

Bad language, aggressive behaviour, rude emails.

what happens when OFFICERS don't follow the Code of Conduct in terms of timescales.

## Question 59

In which environment would you consider Elected Member behaviour and conduct could be improved:		
Answer Options	Response Percent	Response Count
Council	97.0%	32
Policy and Performance Committees	30.3%	10
Regulatory Committees	15.2%	5
Constituency Committees	33.3%	11
Standards and Constitutional Oversight Committee	15.2%	5
Internal Council Meetings	39.4%	13
External meetings	24.2%	8
Other (please specify)		6
	<i>answered question</i>	<b>33</b>
	<i>skipped question</i>	<b>11</b>

### Comments:

CONSTANT BARRAGE OF POLITICAL COMMENTS SHOULD BE STOPPED

Email and Social Networks

Insufficient meetings to form opinion

I think not participating in training should not be an option

Some members express extreme views in an unacceptable way - but in my experience, this is rare.

and with dealing with officers properly



## APPENDIX 2

### Outcome of Members' Survey on Perceptions and Experiences of the Revised Governance Arrangements

Question No.	Question	Working Group's Commentary	Recommendations
1	To what extent do you agree that you understand the role and purpose of Full Council?	<p>The Working Group noted that most Members agreed or strongly agreed that they understood the role and purpose.</p> <p>The last Members' comment alluded to Members' behaviour in Council meetings was unacceptable. The Working Group was making this its focus.</p>	<p>There is no training required around Members' understanding of the role and purpose of Full Council at this stage.</p> <p>After the Elections in 2014, training be made available to new Members and to those who have been re-elected. This should include a briefing on etiquette to be observed at Council meetings.</p> <p>A Protocol be drawn up that expressly states the behaviour expected and not expected from Members at Council meetings. The Protocol should be policed by Group Leaders/Whips.</p>
2	Since the Constitution was revised, do you feel that you understand the role of Full Council?	<p>The Working Group had identified that Members had difficulty in following the procedure at the Budget Council meeting.</p> <p>It was recognised that Mayors try very hard to ensure Council meetings are understood. Mayors all conduct the meetings fairly; however the task of chairing is made more difficult by the</p>	<p>The format of the Mayor's script for Council meetings be revised to include greater explanation of the proceedings and copies be provided for all Members.</p> <p>A review be undertaken to ascertain see what changes/improvements could be made to ensure members of the public better understand meetings of Full Council.</p>

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
		<p>behavior of some Members.</p> <p>It was noted that it was appropriate that as part of the Council's drive to improve, an assessment was required to ensure that the public were able to understand meetings of Full Council and therefore better engage.</p>	
3	How effective is Full Council in fulfilling its role?	<p>Some Members felt that the manner in which Cabinet Member reports were presented at Council meetings was staged.</p> <p>The Working Group raised a number of concerns about questions to Cabinet Members and the way they were responded to.</p>	The way in which Cabinet Member reports are managed be reviewed to help ensure the time available is utilised and the opportunity to question Cabinet Members encouraged.
4	<p>Thinking about meetings of the Full Council prior to the new Constitution, do you feel that:</p> <p>New Full Council meetings are better?</p> <p>New Full Council meetings are worse?</p> <p>New Full Council meetings are about the same?</p>	<p>The Working Group noted that a lot of Members considered that meetings are worse or the same since the new Constitution was adopted.</p> <p>It was recognised that the arrangements were still being embedded and this result will need to be carefully considered should a similar survey be conducted in the future.</p>	N/A



## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
5	When considering Full Council, how important do you consider Portfolio Updates?	<p>The Working Group noted that a lot of Members liked the Portfolio Updates.</p> <p>There was a comment that questions were 'planted' and this was obvious to everyone. It was thought that they would reduce as Cabinet Members became more confident.</p>	See recommendation to 3 above.
6	When considering Full Council, how important do you consider Reports from the Chairs of Policy and Performance Committees?	<p>The Working Group was aware that up to now there had been little input from Chairs of Policy and Performance Committees.</p> <p>There was a lot of focus on the Leader and the Executive at Council meetings but not as much focus on back benchers as there should be.</p>	<p>The facility to ask questions of Chairs of Policy and Performance Committees be included in the Mayor's script.</p> <p>The review referred to at 3 above, be extended to cover reports of Chairs of Policy and Performance Committees</p>
7	When considering Full Council, how important do you consider Notices of Motion?	<p>The Working Group's view was that Notices of Motion should be around the Council's areas of influence.</p> <p>The Mayor had the discretion to decide which Notices of Motion were debated at Council meetings and which were referred to Policy and Performance Committees.</p>	<p>That:</p> <ul style="list-style-type: none"> <li>(a) in future Notice of Motions must be about matters the Council has control and influence over; and</li> <li>(b) the Mayor considers Notices of Motion against a set criteria when deciding which Notices of Motion are debated at Council meetings or referred.</li> </ul>

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
8	When considering Full Council, how important do you consider Policy Council?	<p>The Working Group noted that a lot of Members considered the Policy Council meeting to be very important or fairly important. Coherent policy agreed by the majority of the Council provided a clear vision going forward.</p> <p>A Member of the Working Group raised concerns about the policy development sessions held at the Floral Pavilion. The time (15 minutes) allocated to discuss matters was too short and also felt that the decisions had already been made. The issue of how appropriate these sessions were was raised.</p> <p>Another Member of the Working Group considered that policy development must be considered holistically.</p> <p>It was important that Members thought about developing policy all year round as there was a limit over what could be done in Council meetings.</p> <p>Another Member informed that there had been different formats used for the policy development sessions.</p>	N/A

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
9	To what extent do you agree that changes to the Constitution provide better opportunity for challenge and healthy debate at Full Council?	The Working Group considered that Members misused the system and that there was not enough time available for debate etc. Concerns were raised over the use of the 'Guillotine'.	The Mayor be asked for his opinion on how the Council meetings have operated under the new Constitution and where improvements could be made.
10	Do you have any recommendations to improve the effectiveness of Full Council meetings?	<p>The Working Group noted that only 29 Members had answered this question. The comments received were on procedures, protocols, etiquette, structure and time available at Council meetings.</p> <p>It was noted that Cheshire West and Chester Council webcast its meetings.</p>	The possibility of Council meetings being webcast be explored to determine its viability.
11	To what extent do you agree that you understand the role and purpose of the Cabinet?	The Working Group noted that most Members agreed or strongly agreed that they understood the role and purpose.	N/A
12	Since the Constitution was revised, do you feel that you understand the role of the Cabinet?	There was no issue arising.	N/A
13	How effective do you feel that the Cabinet is in fulfilling its role?	Most Members thought it was effective. The comment that the Cabinet was still remote from backbenchers was discussed at length and it was agreed that Question Time at Council meetings helped.	Where possible, pre decision scrutiny should be encouraged. Communication between Cabinet Members and Policy and Performance Committee Members be encouraged and strengthened.

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
			Cabinet Members could be invited to Policy and Performance Committee meetings periodically to provide brief overviews in respect of their portfolios.
14	Thinking about Cabinet meetings prior to the new Constitution, do you feel that: They are better? Worse? About the same?	<p>The Working Group noted that six Members had skipped these questions and there was no significant positive answer.</p> <p>Cabinet and Committee agendas were still too big.</p> <p>At least one of the Policy and Performance Committees was too big.</p> <p>The Policy and Performance – Families and Wellbeing Committee had a significant remit and would need to meet more frequently in order to deal with issues in more depth.</p>	<p>If a similar survey is undertaken again Members should be asked 'What do you expect from the Cabinet meeting?'</p> <p>Relevant responses to the survey questions be sent to the relevant Committees for their consideration.</p>
15	To what extent do you agree that there is accountability and an audit trail of decision making at Cabinet meetings?	<p>The Working Group noted that a lot of Members liked the Portfolio Updates.</p> <p>There was a comment that questions were 'planted' and this was obvious to everyone. It was thought that such questions would reduce as Cabinet Members became more confident.</p> <p>The Working Group noted that Cabinet</p>	Cabinet be asked to consider the Working Groups comments.

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
		<p>Members could change the recommendations set out in reports but it was queried whether this should be done in public. Some Members considered it to be best practice, in the interests of openness and transparency, for the reasons for doing so to be also given in public.</p>	
16	<p>To what extent do you agree that the Cabinet is open and transparent?</p>	<p>The Working Group noted that the responses to this question contradicted those to question 15.</p> <p>The idea of a mixed Cabinet was considered as there had been a comment received that a one-party Cabinet could not be as open and transparent as an all party one.</p> <p>However, it was recognised that it is where there is a majority Group it is not uncommon for the majority Group to occupy the Cabinet seats.</p>	N/A
17	<p>To what extent do you agree that the Cabinet is capable of making quick and effective decisions?</p>	<p>The Working Group was aware that decision-making did take a long time.</p> <p>There was a comment that delegation made things better but some decisions still seemed to take an age.</p>	<p>Cabinet Members be encouraged to utilise their delegation powers more.</p>

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
18	When considering Full Council, how important do you consider Policy Council?	<p>The Working Group noted that 29 Members had chosen to skip this question.</p> <p>There had been a significant number of Special Cabinet meetings and it was not thought that this was down to the volume of work it had to get through but in order to respond quickly to certain situations.</p>	N/A
19	To what extent do you agree that Executive Delegated Decisions are open and transparent?	A high percentage of Members agreed with this.	N/A
20	To what extent do you agree that Executive Delegated Decisions are clear and understandable?	A high percentage of Members agreed with this. The Working Group agreed that it was easy to find the delegated decisions on the website.	N/A
21	To what extent do you agree there is accountability and an audit trail of Executive Delegated Decisions?	A high percentage of Members agreed with this.	N/A
22	To what extent do you agree that you understand the role and purpose of Policy and Performance Committees?	A high percentage of Members agreed with this. The Working Group considered this to be an encouraging response.	This response be referred to the Co-ordination Policy and Performance Committee for consideration.
23	How effective do you feel that Policy and Performance Committees are in fulfilling their role?	The Working Group was very concerned over the work load of the Families and Wellbeing Policy and Performance Committee. It has a very	This response be referred to the Co-ordination Policy and Performance Committee for consideration.

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
		<p>large remit and has very long meetings with lengthy agendas.</p> <p>However, it was agreed that the remit should not be split as it was the right approach to have cohesion between the subject matter. However, more meetings would help manage the work.</p> <p>The Working Group considered that continuity was needed for Policy and Performance Committees and that Political Groups bore this in mind for the next Municipal Year.</p>	<p>In respect of Families and Wellbeing, a review and analysis be carried out at the end of the 2014/15 Municipal Year of the last two years to ascertain whether or not the current arrangements are effective.</p> <p>Political Groups be requested to have regard to the need for continuity when allocating Members to Policy and Performance Committees, at the beginning of each new Municipal Year.</p>
24	<p>Thinking about meetings of Scrutiny Committees prior to the new Constitution, do you feel that Policy and Performance Committee meetings are: Better? Worse? About the same?</p>	<p>The Working Group considered that there was a need for training to help Members manage agendas more effectively.</p> <p>Also, the wide scope of the Families and Wellbeing Policy and Performance Committee needed to be addressed as set out above.</p>	<p>This response be referred to the Co-ordination Policy and Performance Committee for consideration.</p> <p>Appropriate Members' training be provided.</p> <p>See 23 above regarding Families and Wellbeing Policy and Performance Committee.</p>
25	<p>To what extent do you agree that Policy and Performance Committees provide the opportunity to influence policy?</p>	<p>Approximately one third of Members who had completed the survey had disagreed with this but had not made any comments explaining why.</p> <p>The Working Group acknowledged the</p>	<p>This response be referred to the Co-ordination Policy and Performance Committee for consideration.</p>

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
		fact that a fair number of Members did not agree. It was 'early days' and it was not possible to analyse why as no comments had been made.	
26	To what extent do you agree that Policy and Performance Committees provide the opportunity to undertake pre-decision scrutiny?	The Working Group noted that Members thought that the capacity was there to undertake pre-decision scrutiny.	This response be referred to the Co-ordination Policy and Performance Committee for consideration.
27	When thinking about the information available to Policy and Performance to hold the Cabinet to account, do you think that it is: Too much? Too little? About right?	The Working Group noted the response.	This response be referred to the Co-ordination Policy and Performance Committee for consideration.
28	How do you think Scrutiny can be improved?	The Working Group noted the response.	This response be referred to the Co-ordination Policy and Performance Committee for consideration.
29	To what extent do you agree that you understand the role and purpose of the Audit and Risk Management Committee?	The Working Group noted the response.	This response be referred to the Audit and Risk Management Committee for consideration.
30	Since the Constitution was revised, do you feel that you understand the role of the Audit and Risk Management Committee?	The Working Group noted the response.	This response be referred to the Audit and Risk Management Committee for consideration.



## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
31	How effective do you feel that the Audit and Risk Management Committee is in fulfilling its role?	The Working Group noted the response.	This response be referred to the Audit and Risk Management Committee for consideration.
32	Thinking about meetings of the Audit and Risk Management Committee prior to the new Constitution, do you feel that Audit and Risk Management Committee meetings: Are now better? Are now worse? Are about the same?	The Working Group noted the response.	This response be referred to the Audit and Risk Management Committee for consideration.
33	Do you have any recommendations to improve the effectiveness of the Audit and Risk Management Committee?	<p>The Working Group noted that the Local Audit and Accountability Act 2014 would have an impact on the Council. Regulations were expected by early summer and subsequent arrangements would have to be put in place by the end of the year. This may mean that the Chair would need to be independent of the Council.</p> <p>The Working Group was concerned about the Members training that had been provided. It considered that it needed to be better tailored to Members' needs. It was noted that member training was being reviewed to</p>	<p>All Members' to undergo a Training Needs Analysis.</p> <p>The Organisational Development Team to draw up a Members' Training and Development Programme that caters for the different needs and levels of training that Members require e.g. basic, advanced, refresher etc.</p>

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
		address issues and concerns that have been raised.	
34	To what extent do you agree that you understand the role and purpose of the Standards and Constitutional Oversight Committee?	The Working Group noted the response.	N/A
35	Since the Constitution was revised, do you feel that you understand the role of the Standards and Constitutional Oversight Committee?	The Working Group noted the response.	N/A
36	How effective do you feel that the Standards and Constitutional Oversight Committee is in fulfilling its role?	The Working Group noted the response.	N/A
37	Thinking about meetings of the Standards Committee prior to the new Constitution, do you feel that Standards and Constitutional Oversight Committee meetings are: Now better? Now worse? About the same?	The Working Group noted the response.	N/A

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
38	Do you have any recommendations to improve the effectiveness of the Standards and Constitutional Oversight Committee?	<p>Only eight Members had answered this question and 36 had skipped it.</p> <p>A comment that 'It needs teeth and is weak to deal with wrongdoers' was noted.</p>	N/A
39	I treat fellow Councillors with dignity and respect.	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.
40	I treat Council Officers with dignity and respect.	<p>The Working Group referred to the comment that 'Sometimes it can be difficult to treat Officers with respect when they are clearly dissembling or not prepared to answer questions which in itself is disrespectful to Members and our role.'</p> <p>It was recognised that concerns about officers needed to follow due process and officers were entitled to be treated with respect.</p>	This response be referred to the Chief Executive for consideration.
41	I am treated with dignity and respect by other Members.	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.
42	I am treated with dignity and respect by Council Officers	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
43	I am encouraged to express my views on issues which are important to me, irrespective of the forum.	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.
44	At times I have been discouraged from effectively expressing my views on issues.	<p>The Working Group noted that there was a 10% difference in the answers provided to question 43 and 44 and was of the view that this was down to Party Politics.</p> <p>There was an undercurrent that some Members felt repressed.</p>	This response be referred to the Political Groups for their consideration.
45	I feel I have personally discouraged a fellow Councillor or officer from expressing their views in the course of my role.	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.
46	I have witnessed or am aware of a fellow Councillor or Officer being discouraged to express their views.	The Working Group noted the response.	This response be referred to the Political Groups for their consideration.
47	To what extent do you agree the revised Constitution promotes and fosters good relationships between Members?	The Working Group noted the response.	N/A
48	To what extent do you agree that the revised Constitution promotes and fosters good relationships with Officers?	The Working Group noted the response.	N/A

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
49	Overall, to what extent do you agree that the revised constitutional arrangements promote democracy in action?	The Working Group noted the response.	N/A
50	Please provide any further comments that you would like to make about the revised Constitution.	The Working Group noted the response.	N/A
51	The Localism Act requires the promotion of high standards of conduct amongst Members. What traits/characteristics do you think an Elected Member demonstrating high standards of conduct would have?	The Working Group noted that 30 Members had answered the question whilst 14 had skipped it.	The Organisational Development Team be requested to consider this as part of the Members' Culture and Behaviour Programme.
52	How can high standards of conduct be achieved amongst all Members?	The Working Group noted that 30 Members had answered the question whilst 14 had skipped it.	The Organisational Development Team be requested to review the Members' training offer and examine how Members' attendance can be improved.
53	Do you think Group Leaders have a specific responsibility to promote high standards of conduct amongst their Political Group Members?	The Working Group noted that 36 Members had answered the question whilst 8 had skipped it.	This response be referred to the Political Groups for their consideration.
54	What should Group Leaders do to fulfill this responsibility?	The Working Group noted that 24 Members had answered the question whilst 20 had skipped it.	This response be referred to the Political Groups for their consideration.

## APPENDIX 2

Question No.	Question	Working Group's Commentary	Recommendations
55	To what extent do you understand the obligations under the Members' Code of Conduct?	The Working Group noted the response which was positive.	N/A
56	To what extent do you agree that the Members' Code of Conduct satisfactorily sets out the required standards of behaviour and conduct for Elected Members?	The Working Group noted the response which was positive.	N/A
57	Please identify any elements of the current Code of Conduct that lacks clarity or could be better explained.	The Working Group noted that only 8 Members had answered the question whilst 36 had skipped it.	N/A
58	What behaviour or conduct has not been addressed in the Members' Code of Conduct?	The Working Group was concerned that some Members were seen to be acting with impunity on social networks and in emails. No action was being taken in respect of this.	<p>As part of the Work Programme for the 2014/15 Municipal Year, the Standards and Constitutional Oversight Committee be requested to look at subjective aspects of Members' conduct and behaviour and provide clarity on what is and what is not acceptable.</p> <p>In doing this the Committee is requested to provide clear parameters in respect of internet media etc.</p>
59	In which environment would you consider Elected Members' behaviour and conduct could be improved?	The Working Group noted the response.	See 58 above.

### WIRRAL COUNCIL

### MEMBERS' CODE OF CONDUCT

#### **Introduction**

The Localism Act 2011 (“the Act”) requires the Council to adopt a Members’ Code of Conduct with effect from 1 July 2012. **This revised Code of Conduct shall take effect from 1 August 2014.**

You are a representative of this Council and the public will view you as such therefore your actions impact on how the Council as a whole is viewed and your actions can have both positive and negative impacts on the Council.

This Code is based upon the “Nolan Principals-the seven principles of public life” which are set out at Schedule 1.

#### **Interpretation**

In this Code:-

**“Disclosable pecuniary interest”** means those interests as defined under Schedule 3.

“Meeting” means any meeting of:

- (a) the Council;
- (b) the executive of the Council;
- (c) any of the Council’s or its executive’s committees, sub-committees, joint committees or area committees;

whether or not the press and public are excluded from the meeting in question.

“Member” includes an appointed Member and Co-opted Member.

**“Relevant Authority”** means Wirral Borough Council (unless otherwise stated).

#### **General Obligations**

1. When acting in your role as a Member of the Council:
  - 1.1 **DO** treat others with respect;
  - 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Council’s duty to promote and maintain high standards of conduct of Members;

1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is-
  - (a) reasonable and in the public interest; and
  - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
  - (c) **agreed with** the Monitoring Officer prior to its release.

1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.

1.5 **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

1.6 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

2. When using or authorising the use by others of the resources of the authority-

2.1. **DO** act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and **other Council** policies (attached to the Council's Constitution), copies of which have been provided to you and which you are deemed to have read;

2.2. **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3. **DO** have regard to **any** applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended).



3. When acting as a nominated representative of the Council:-

(a) on another relevant authority (as defined by the Localism Act 2011), you must, when acting for that other relevant authority, comply with that relevant authority's applicable code of conduct;

(b) on any other body, you must, when acting for that other body, comply with Wirral Council's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

## Interests

### Disclosable Pecuniary Interests

4.1 You must, within 28 days of your election or appointment to office (where that is later), notify the Monitoring Officer in writing:-

- (a) of your disclosable pecuniary interest which are notifiable under the Act and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations (2012) for inclusion in the Register of Interests; and,
- (b) of the details of your other personal interests for inclusion in the register of interests; and,

Thereafter, as soon as reasonably possible (and in any event within 28 days) after becoming aware of any new disclosable or personal interests or change to any disclosable or personal interests, give written notification of such change to the Monitoring Officer or amend your Register of Interest.

Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.

### Personal Interests

4.2 You have a personal interest in any business of the Council where it relates to or is likely to affect:-

(i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body:-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party), of which you are a member or in a position of general control or management.

4.3 You also have a personal interest in any business of the Council:-

(i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or,

(ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

### Sensitive Interests

4.4 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register which are made available for inspection and any published version of the Register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

~~4. You are required to register "pecuniary and other interests" (these will be laid out in Regulations subject to these not being sensitive). Failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.~~

~~You are required to update your register of interests within 28 days of the date a disclosable pecuniary and other registerable interest arises.~~

### Disclosure and participation

5. At a meeting where such issues arise, **DO** declare any personal and/or professional interests relating to your public duties and **DO** take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **DO NOT** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **DO NOT** vote in relation to such matters.

### Disclosable Pecuniary Interest

7. Where you disclose a disclosable pecuniary interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.

### Personal Interests

8. Where you have a personal interest (as described above) in any business of the Council, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
9. Where you have a personal interest but, by virtue of paragraph 4.4 above sensitive information relating to it is not registered in the Council's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
10. Where you have a personal interest in any business of the Council, you must consider if this is also an interest that could be deemed as prejudicial.

### Prejudicial Interests

11. If you have a personal interest in any business of the Council, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
  - (a) affects your financial position or the financial position of a person or body described in paragraphs 4.2 or 4.3 above; or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.2 to 4.3 above.
12. Subject to paragraph 13 below, where you disclose a prejudicial interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.
13. Where you have a prejudicial interest in any business of the Council you may attend a meeting, but only for the purpose of making representations, answering questions or

giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose (whether under a statutory right or otherwise) and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

### **Pre-determination or bias**

14. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
15. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

### Gifts and Hospitality

16. You are required to declare to the Monitoring Officer and register any such gift or hospitality which has (or is estimated to have) a value in excess of twenty five pounds (£25.00) within 28 days of receiving the gift or hospitality.

### **Interests arising in relation to overview and scrutiny ~~committees~~ functions (subject to ~~Localism Act provisions~~)**

- 17.1 In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-
- 17.2 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- 17.3. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee ~~mentioned in paragraph 11.1~~ and you were present when that decision was made or action was taken; or
- 17.4. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader):

**You may** attend a meeting of the **relevant committee exercising** overview and scrutiny ~~committees~~ functions of the Council or of a sub committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are

also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

### **Dispensations**

18.1 The Council, through the Standards and Constitutional Oversight Committee, may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

18.2 Under this Code, Members are granted dispensations in relation to those matters set out in Schedule 2.

## THE SEVEN PRINCIPLES OF PUBLIC LIFE

### **SELFLESSNESS**

Holders of the public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **INTEGRITY**

Holders of the public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

## DISPENSATIONS

Subject to you disclosing the interest at the meeting, where a decision to be taken relates to one of the functions of the Council/Executive set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school *unless* it relates particularly to the school which the child attends,
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members;
- (vi) setting council tax or a precept under the Local Government Finance Act 1992; and
- (vii) trade union matter where you are a member (but not in a position of control) of the recognised trade union in question or another recognised trade union (excluding Sponsorship as defined under Schedule 3).

### Schedule 3

#### Disclosable Pecuniary Interests

1.1 A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:-

<b>Subject</b>	<b>Prescribed Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act (1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.



<p>Corporate Tenancies</p>	<p>Any tenancy where (to the Member's knowledge):-</p> <ul style="list-style-type: none"> <li>(a) the landlord is the relevant Authority; and,</li> <li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li> </ul>
<p>Securities</p>	<p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none"> <li>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and</li> <li>(b) either:- <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or,</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

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# **MEMBERS' CODE OF CONDUCT**

## **PROTOCOL**

Arrangements for Investigating and Making Decisions in relation  
to allegations made under the Members' Code of Conduct

~~July 2012~~

**April 2014**

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## **1. Interpretation**

- 1.1 'Chairperson' refers to the relevant person presiding at the Standards Committee or the Standards Panel or Standards Appeal Panel.
- 1.2 'Complainant' means the person who is making the Standards Complaint.
- 1.3 'Investigator' means the Monitoring Officer or other person nominated by the Monitoring Officer (or his/her representative) to investigate a complaint.
- 1.4 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Panel and/or Standards Appeals Panel. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.5 'Member(s)' includes all Elected Members of Wirral Council and all non-elected Co-Opted Members of any committee (including the Standards Committee and any Overview and Scrutiny Committee) (or any sub-committee) irrespective of whether they have any voting rights and also the Member's nominated representative.
- 1.6 'Monitoring Officer' means the employee appointed to this role by the Council pursuant to section 5 of the Local Government and Housing Act 1989 ('the 1989 Act'). (The Monitoring Officer has responsibility for ensuring that the Council acts lawfully and properly in everything it does.) 'Monitoring Officer' includes any Deputy Monitoring Officer appointed by the Monitoring Officer, whether generally or for a specific purpose, in accordance with the 1989 Act; and any person authorised by the Monitoring Officer to act on his/her behalf.
- 1.7 'Standards Complaint' means (i) a complaint made against a Subject Member alleging a potential breach of the Members' Code of Conduct/misconduct that is accepted by the Monitoring Officer as a valid complaint; and (ii) has been made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer).
- 1.8 'Subject Member(s)' means the Member(s) of the Council who is the subject of an allegation(s) made under a Standards Complaint unless stated otherwise or the context so requires.

## **2. Introduction and Summary**

- 2.1 This Protocol has been developed and established pursuant to paragraphs 9.3(f),(g) and (j) of the Terms of Reference of The Standards Committee set out at Article 9 of the Constitution.
- 2.2 Any action/steps taken, discretion exercised and decisions made pursuant to this Protocol must promote the following:
  - a. Fairness to all parties and in proceedings;
  - b. Accountability;
  - c. Transparency of decision making;
  - d. Efficiency; and
  - e. Value for money.

### **3. What Can Be Dealt With Under This Local Protocol**

- 3.1 Complaints about the behaviour/conduct of a Member(s) must be made in writing using the prescribed 'complaint form template' set out at Appendix 1 to this Protocol (unless otherwise accepted by the Monitoring Officer) which is obtainable from Committee Services (or the Council's website), and addressed to the Monitoring Officer. In line with the requirements of the Equality Act 2010 (and other related legislation), the Council can make reasonable arrangements to assist people if they have a disability that prevents them from making a Standards Complaint in writing.
- 3.2 In order to avoid unnecessary use of public resources, the Complainant must specify on the complaint form template what the Subject Member(s) is alleged to have said or done, any corroborating evidence or details of people who will be able to provide it, and a copy of any documentary evidence the Complainant seeks to rely on.
- 3.3 Standards Complaints must be about a Member(s) breaking any part of the Council's Members' Code of Conduct. This includes:
- Unlawfully discriminating against someone.
  - Failing to treat people with respect.
  - Doing something to prevent those who work for the Council from being unbiased.
  - Revealing information that was given in confidence, or stopping someone getting information they are entitled to by law.
  - Damaging the reputation of their office or Council.
  - Using their position improperly to their own or someone else's advantage or disadvantage.
  - Misusing the Council's resources.
  - Allowing the Council's resources to be misused for the activities of a registered political party.
  - Failing to register a disclosable pecuniary interest or other relevant interest(s).
  - Failing to reveal a disclosable pecuniary interest **or other relevant interest(s)** at a meeting.
  - Failing to register any gifts or hospitality they have received in their role as a member, worth over £25.00.

### **4. What Cannot Deal With Under This Local Protocol**

- 4.1 There are some complaints that are not legally capable of being dealt with under this Protocol, such as:
- Complaints about policy or decisions made.
  - Complaints where a Member(s) is not named.
  - Complaints that are not in writing (with the exception set out in paragraph 6.1 below or otherwise agreed by the Monitoring Officer).
  - Incidents or actions that are not covered by the Members' Code of Conduct or one of the Council's local protocols.
  - Incidents that are about a fault in the way the Council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman.
  - Complaints about people employed by the Council – they will be dealt with through the Corporate Complaints Procedures or the Council's disciplinary procedures.
  - Complaints about the way in which the Council conducts and records its meetings

- these should be referred directly to the Council's Monitoring Officer.

## **5. Acknowledging Receipt of a Standards Complaint**

- 5.1 Unless paragraph 6.1 applies, within five working days of receipt, the Complainant shall be sent a written acknowledgement of the Standards Complaint.
- 5.2 Subject to the application of paragraphs 22.2, 22.4 and 22.6 below, within five working days of receipt of the Standards Complaint, the Subject Member(s) shall be sent a written notification and summary of the Standards Complaint received.
- 5.3 The Subject Member(s) shall not disclose (except to his/her advisor(s) confidentially) any information provided to him/her under paragraph 5.2 above to any other person/body without the express written consent of the Monitoring Officer.
- 5.4 Where a 'complaint' has been received which does not allege a potential breach of the Members' Code of Conduct/misconduct by a Member(s) or provides insufficient information to enable the 'complaint' to be progressed under this Protocol, the Monitoring Officer will inform the Complainant of this issue within five working days of receipt of the 'complaint' and advise the Complainant to either raise his/her issue through an alternative and more appropriate route (if available); or request that the Complainant provides further information in connection with the 'complaint'.
- 5.5 In the event that further information is provided by the Complainant, pursuant to paragraph 5.4 above, that enables the 'complaint' to be accepted as a Standards Complaint, paragraphs 5.1 and 5.2 above shall apply.
- 5.6 Where no further information is provided by the Complainant, pursuant to paragraph 5.4, no further action shall be taken in relation to the 'complaint' and the Monitoring Officer shall inform the Complainant accordingly.

## **6. Anonymous Complaints**

- 6.1 No action shall be taken in respect of any anonymous 'complaints' received unless in the opinion of the Monitoring Officer to do so would be in the public interest. For example, if an allegation is made of a criminal nature and evidence is provided to support the allegation, the matter may be referred to the Police or the matter raised should be considered under the Council's Whistleblowing Policy.
- 6.3 Details of such allegations will be retained on file by the Monitoring Officer for future reference and monitoring purposes.

## **7. Pre-Assessment Reports and Enquiries**

- 7.1 Upon receipt of a Standards Complaint, the Monitoring Officer may, if it is considered appropriate and/or necessary, ask the Complainant for clarification or additional information in relation to the complaint. The Monitoring Officer shall be entitled to undertake such preliminary enquiries as he/she considers necessary in order to carry out the Preliminary Assessment and Evaluation referred to in paragraph 7.2 below.
- 7.2 The Monitoring Officer shall, as soon as practicably possible after receipt of a Standards Complaint (and after receiving any clarification/information requested under paragraph 7.1 above), assess and evaluate the Standards Complaint to determine whether:

- (i) it can be dealt with by local resolution;
  - (ii) it is frivolous and/or vexatious;
  - (iii) it can be dealt with by adopting another approach that is considered more effective and/or efficient; or
  - (iv) it is appropriate to be referred for investigation (see paragraph 8 below)
- (“Preliminary Assessment and Evaluation”).

7.3 The Preliminary Assessment and Evaluation carried out by the Monitoring Officer under 7.2 above, must take into account of (i) the views of the Independent Person; (ii) the public interest, (iii) any guidance provided by Standards Committee; and (iv) paragraph 2.2 above.

7.4 The Monitoring Officer shall notify (and provide a summary to) the relevant Political Group Leader\* of a complaint received in respect of a Member of their political group.

[\*In the event that the Subject Member is the Political Group Leader, the Monitoring Officer shall notify the relevant Deputy Political Group Leader; in the event that the Subject Members are both the Political Group Leader and Deputy Political Group Leader, the Monitoring Officer shall notify the next most relevant senior Political Group Official/Spokesperson.]

7.5 The suitability of an alternative course of action to an investigation of a Standards Complaint will be heavily influenced by the nature of the complaint. Certain Standards Complaints may indicate that there is a wider underlying problem/trend. Deciding to deal pro-actively with such a matter in a positive way that does not involve an investigation can be a sensible way of resolving the matter/Standards Complaint. This may be the simplest and most cost effective way of (i) getting the matter/Standards Complaint resolved promptly; (ii) helping the Council work more effectively; and (iii) avoiding similar complaints in the future.

7.6 The Monitoring Officer, in carrying out the assessment and evaluation under paragraph 7.2 above, may consider that it is appropriate and proportionate that an alternative course of action is taken in relation to Standards Complaint as it (i) enables a more satisfactory resolution to be achieved for all parties concerned; (ii) enables working practices or policies to be amended in light of the issues raised; and/or (iii) allows a better understanding of Members knowledge of the Members’ Code of Conduct and/or Council procedures to be gauged. Evidence of this may include:

- (a) a number of Members failing to comply with the same part(s) of the Code;
- (b) officers giving incorrect advice;
- (c) failure to adopt the Code; or
- (d) inadequate or incomplete protocols.

Other action may also be appropriate where a breakdown in relationships within the Council is apparent; evidence of this may include:

- (a) a pattern of allegations of disrespect, bullying or harassment;



- (b) factionalised groupings within the Council;
- (c) a series of 'tit-for-tat' allegations; or
- (d) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.

7.6 The Monitoring Officer should, as part of any Preliminary Assessment and Evaluation, take a practical approach to considering other action, taking into account the needs of the Council.

7.7 Unless otherwise stated within this Protocol, Standards Complaints that are referred for investigation under paragraph 7.2 (iv) above, will not be referred to the Standards Panel in the event that the other action undertaken has (or is perceived to have) failed due to no fault or reason on the part of the Subject Member(s). To do so in such circumstances is considered unfair to the Subject Member(s).

#### Local Resolution

7.8 If, following Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that a local resolution of the complaint is possible and appropriate, he/she shall approach the Subject Member(s) and ask whether the he/she admits, denies or otherwise wishes to comment on the allegation made in the Standards Complaint; and whether he/she would be prepared to offer an apology or undertake other remedial action conducive to achieving a local resolution.

7.9 If the Subject Member(s) agrees to offer an apology or undertake other remedial action, and duly does so, the Standards Complaint shall not be progressed any further. In such circumstances there shall be no reporting of the Standards Complaint and/or its outcome to the Council or any Committee of Council other than as part of a periodic anonymous summary to the Standards Committee for monitoring and review purposes.

7.10 If the Monitoring Officer, whilst seeking local resolution of the Standards Complaint, is of the opinion that:

- (i) local resolution is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) the Subject Member fails to offer an apology or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and the additional information for investigation and the investigation report produced shall be considered by the Standards Panel.

#### Frivolous/Vexatious

7.11 If, following the Preliminary Assessment and Evaluation, the Monitoring Officer is of the

opinion that the Standards Complaint is frivolous and/or vexatious, he/she shall inform the Complainant of his/her view and the reasons for reaching that conclusion. The Standards Complaint shall not be progressed any further and nor will there be a right of appeal against the decision of the Monitoring Officer in such circumstances.

#### Alternative approach

7.12 If, following the assessment and evaluation outlined above, the Monitoring Officer is of the opinion that an alternative approach exists that could achieve a more effective and efficient resolution of the Standards Complaint than that outlined in paragraphs 7.8 and 7.9 above, he/she shall adopt that approach accordingly and endeavour to achieve a resolution of the Standards Complaint.

7.13 If the Monitoring Officer, whilst seeking resolution of the Standards Complaint by adopting an alternative approach, under paragraph 7.12, is of the opinion that:

- (i) a resolution of the Standards Complaint is unlikely to be achieved at all or within an acceptable timescale; and/or
- (ii) the Subject Member fails to co-operate or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
- (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

then the Monitoring Officer shall refer the Standards Complaint and any other relevant information for investigation; and the investigation report produced shall be considered by the Standards Panel.

## **8. Referral of a Complaint for Investigation**

8.1 Where the Monitoring Officer has determined that the Standards Complaint should be referred for investigation, he/she may undertake the investigation in person; or alternatively, (i) appoint another person (including the Deputy Monitoring Officer); or (ii) another appropriate officer (having regard to the nature of the allegations); or (iii) a Monitoring Officer/Deputy Monitoring Officer of another local authority; or (iv) an external Investigator of appropriate experience and standing, (an 'Investigator'), to undertake the investigation.

8.2 Within five working days of the Monitoring Officer's decision that the Standards Complaint should be investigated, he/she will:

- (i) begin to investigate the matter personally; or
- (ii) appoint an Investigator and instruct him/her to conduct an investigation of the Standards Complaint and to report his/her findings to the Monitoring Officer and subsequently to the Standards Panel.

8.4 The Monitoring Officer may appoint another person (or other persons) to assist him/her or the Investigator in the conduct of his/her functions.

8.5 The investigation will be carried out having regard to any guidance provided by the

Standards Committee and/or the Monitoring Officer; and shall normally be completed (i.e. a final report produced) within twelve weeks from the date the decision was made that the Standards Complaint should be investigated. The timescale for investigation may take longer when dealing with complex complaints or where there are large numbers of witnesses. In such cases the Monitoring Officer will ensure that the process is dealt with in a timely manner; concluded as soon as reasonably practicable; and that the Complainant, Subject Member(s) and Chairperson of the Standards Committee are kept informed as to progress.

- 8.6 The Monitoring Officer shall ensure that the investigation is conducted in a manner that is appropriate to the seriousness of the complaint and compliant with natural justice and human rights. The Monitoring Officer shall have regard to all relevant considerations, including: the extent to which allegations are supported by any evidence; the Council's financial position; and the public interest.

## **9. Production of Documents, Information and Explanations**

- 9.1 In the course of the investigation, the Investigator (and any person authorised on his/her behalf) may make such enquiries of any person (and/or request any person to provide any document, information or explanation), as he/she thinks necessary for the purposes of carrying out the investigation.

## **10. Interviews**

### 10.1 Timescale

The Investigator will make arrangements for interviews with relevant persons within ten working days of being appointed. If it subsequently becomes apparent that there needs to be further interviews (or other evidence provided) this will be dealt with as soon as reasonably practicable.

### 10.2 Requesting attendance

- (i) In the course of the investigation the Investigator may request any person to attend and appear before him/her or otherwise provide advice or information, as he/she thinks necessary for the purposes of carrying out the investigation.
- (ii) The Complainant, Subject Member and other relevant Members (as determined by the Investigator) shall co-operate fully with the Investigator and make themselves available for interview within a reasonable period of time (which must not exceed 21 days) of the Investigator requesting a convenient time and date for interview.
- (iii) In the event that the Complainant or Subject Member(s) fail to respond to a request for interview or fail to make him/herself available for interview within 21 days of the Investigator request for interview or fail to co-operate fully with the Investigator thereby leading to unnecessary and/or unacceptable delay, the Monitoring Officer shall be entitled, after seeking the views of the Independent Person, to instruct the Investigator to complete the investigation and final report without interviewing the Complainant or Subject Member(s).

### 10.3 Representation

Any person who is interviewed by the Investigator may be accompanied (at their own expense) by one friend/adviser provided that that person is not a witness in the same investigation.

#### 10.4 Notes of interviews

Where reasonably practicable, following the interview the Investigator will produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask him/her to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

### **11. Investigator's Report**

11.1 The Investigator will decide whether it is appropriate to produce a draft report or to produce a final report without first producing a draft report; a draft report will only be produced in the case of unusually lengthy or complex investigations. In either event, the Investigator may wish to confirm the accuracy of parts of the report directly with the Complainant and/or any other persons interviewed during the investigation.

11.2 The draft report will be marked "Confidential" and "Draft". It will also make clear that the draft report does not necessarily represent the Investigator's final findings and that a final report will be presented to the Standards Panel once the Investigator has considered any comments received on the draft report.

11.3 The Investigator will then send a copy of his/her draft report to the Complainant and Subject Member(s), who will be afforded the opportunity to make comments on the draft report for consideration by the Investigator. All such comments shall be made by the Complainant and Subject Member(s), to the Investigator, within ten working days of receipt of the draft report.

11.4 The Investigator shall, upon receipt of any comments received under paragraph 11.3 above, will consider such comments when preparing his/her final report.

### **12. Rights and Responsibilities of Members and the Investigator**

12.1 Depending upon the seriousness of the allegations and the available evidence, the Investigator may also interview other persons named by the Subject Member(s) or the Complainant if the Investigator considers such persons may assist the investigation. Neither the Subject Member(s) nor the Complainant shall seek to interview any person who may be of assistance to the investigation.

12.2 The Subject Member(s) and Complainant may provide the Investigator with any documents and information they would like the Investigator to examine as part of the investigation, or the contact details of persons they would like the Investigator to interview.

12.3 The Complainant and Subject Member(s) will normally be interviewed face-to-face by the Investigator. Other witnesses may be interviewed by telephone or invited to make written submissions, as the Investigator considers appropriate. The Subject Member(s) will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint.

- 12.4 It is a breach of the Members' Code of Conduct to attempt to intimidate the Investigator or Members of the Standards Committee, or any witness, potential witness or any other person in relation to the Standards Complaint and any investigation. Neither the Complainant nor Subject Member(s) should attempt to discuss or otherwise communicate matters and issues relating to a Standards Complaint in which they are involved with Members of the Standards Committee. Should the Complainant or Subject Member(s) have any queries or concerning in respect of the Standards Complaint or investigation, then he/she should raise them directly with the Monitoring Officer in writing.
- 12.5 Anyone involved with the investigation will be advised that they may be compromising their position if they communicate with the media on matters relevant to the investigation whilst the investigation is ongoing and that any communication that is made should emanate from the Council's communication team.
- 12.6 It is the responsibility of the Investigator to seek to discover the facts in an impartial and thorough manner. It is the responsibility of the Standards Panel (and Standards Appeal Panel) to determine the facts and decide whether there has been a failure to comply with the Code of Conduct.

### **13. Processing the Investigator's Report**

- 13.1 Within five working days from receipt of the Investigator's report the Monitoring Officer shall send a copy of the Investigator's final report to both the Complainant and the Subject Member(s).
- 13.2 In the event that the Investigator in his/her final report concludes that the Members' Code of Conduct has not been breached (and the Monitoring Officer is satisfied, after seeking the views of the Independent Person, with the investigation and the Investigator's final report), then no further action shall be taken in respect of the Standards Complaint and the matter shall be closed. The Monitoring Officer shall, with agreement of the Subject Member(s), arrange for a Council media statement to be issued in relation to the Standards Complaint and the findings/outcome of the investigation.
- 13.3 Where the Investigator has concluded in his/her final report that the Members' Code of Conduct has been breached, the Monitoring Officer shall, within 10 working days of receipt of the Investigator's final report, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Panel to be convened at a convenient time and date to all parties to consider the Investigator's Report. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject Member(s) fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member(s) (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Panel hearing.

### **14. Confidentiality of Information gathered during an Investigation**

- 14.1 Information gathered during an investigation will be treated as confidential until it is reproduced in the form of a final report. Anyone involved in the investigation or is interviewed will be required to maintain confidentiality and any Member (including the Subject Member) will be reminded of his/her obligation under part 1.3 of the Members' Code of Conduct not to disclose information they have received in confidence.

14.2 If a draft report is issued in relation to the outcome of the investigation, it will be marked “confidential”, to preserve the integrity of the final report or any further investigation that may need to be carried out, and must not be disclosed by the recipient to another person (unless disclosure is to his/her advisor(s) confidentially).

## **15. Role of Investigator and the Panels**

15.1 The function of the Investigator is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Panel (and the Standards Appeals Panel as applicable), to assist it in determining whether the Subject Member has failed to comply with the Members’ Code of Conduct as alleged in the Standards Complaint.

15.2 It is essential that the Investigator acts, at all times, in a manner that is impartial and fair to all parties.

15.3 The Standards Panel (and the Standards Appeals Panel as applicable) shall act in an inquisitorial manner seeking the truth in relation to the conduct of the Subject Member and on the balance of probabilities reach a decision having regard to all relevant representations, evidence and information adduced.

## **16. Standards Panel**

16.1 Where a Standards Complaint has been referred for investigation and a finding of a breach has been found by the Investigator, the Standards Panel shall be convened within 20 working days of the Monitoring Officer receiving the Investigator’s final report.

16.2 The Standards Committee shall consider and/or have regard to:

- (i) the Investigator’s final report;
- (ii) the views of the Independent Person;
- (iii) material factors, relevant issues and evidence;
- (iv) relevant representations made by the parties,
- (v) available guidance and advice; and
- (iii) any aggravating and/or mitigating factors (as considered appropriate).

It will then reach one of the following decisions in respect of the complaint:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator’s final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

16.3 All relevant parties shall be entitled to attend the meeting of the Standards Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

### **16.4 Sanctions**

If the Standards Panel determines that the Members’ Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of

reference.

16.5 The Standards Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the Standards Complaint; and accordingly adjourn the consideration of a Standards Complaint to another meeting.

## **17. Notification of Standards Panel Decision and Right of Appeal**

17.1 The Standards Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member(s) within normally five working days of the Standards Panel meeting. The Complainant and Subject Member(s) have a right to seek permission to appeal to the Standards Appeal Panel against the decision of the Standards Panel in accordance with paragraph 18 below.

## **18. Request for permission to Appeal**

18.1 If the Complainant or Subject Member(s) is dissatisfied with the decision of the Standards Panel, he/she may seek permission to appeal to the Standards Appeal Panel against the decision on the grounds set out below.

18.2 Any request seeking permission to appeal must be made in writing to the Monitoring Officer within 21 working days of receipt of the Standards Panel's decision.

18.3 The Monitoring Officer shall acknowledge any request seeking permission to appeal made under paragraph 18.2 within 5 working days of receipt.

18.4 A request seeking permission to appeal will only be valid and accepted providing:

- (i) it confirms the procedural, legal and/or evidential issues are relied upon in support of the request; and
- (ii) the Monitoring Officer is satisfied, having considered the views of the Independent Person, that (a) significant and/or important procedural, legal and material evidential issues have been raised; and/or (b) it is considered reasonable and equitable in the circumstances that the request for appeal be permitted.

The Monitoring Officer shall make a decision in respect of the request within 5 working days and promptly notify the Complainant and Subject Member of his/her decision.

## **19. Review Panel**

19.1 The Monitoring Officer shall convene a meeting of the Standards Appeal Panel to consider the appeal within 20 working days (or as soon as practicable thereafter) of his/her decision to allow an appeal under paragraph 18.4 above.

19.2 The Monitoring Officer shall, within 10 working days of allowing the appeal, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Appeal Panel to be convened at a convenient time and date to all parties to hear the appeal. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject

Member(s) fail to reply, a reminder will be sent to him/her allowing a further five working days to reply. Should a reply still not be received, the Monitoring Officer shall be entitled to assume that the Complainant or Subject Member(s) (as applicable) does not dispute the findings and conclusions of the Investigator's final report and does not wish to participate in the Standards Appeal Panel hearing.

19.3 The Standards Appeal Panel will consider and/or have regard to:

- (iv) the Investigator's report;
- (v) the views of the Independent Person;
- (vi) material factors, relevant issues and evidence;
- (iv) relevant representations made by the parties,
- (v) available guidance and advice; and
- (iii) any aggravating and/or mitigating factors (as considered appropriate).

The decision and reasons of the Standards Panel relating to the Standards Complaint shall not be disclosed to the Standards Appeal Panel.

The Standards Appeal Panel will then reach one of the following decisions in respect of the appeal:

- (a) Agree with findings and conclusions of the Investigator as set out in the Investigator's final report; or
- (b) Reach an alternative decision as permitted under its Terms of Reference.

19.4 All relevant parties shall be entitled to attend the meeting of the Standards Appeal Panel. The Panel will afford all relevant parties the opportunity to make representations to the Panel in support of their respective positions. Whilst the parties will not be entitled to cross-examine each other, they will be entitled to challenge and rebut any evidence adduced or representations made by the other.

#### 19.5 Sanctions

If the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may impose one or more of the sanctions detailed within its terms of reference.

19.6 The Standards Appeals Panel may commission further investigation/s or request additional information as necessary to enable it make a decision in relation to the appeal; and accordingly adjourn the consideration of the appeal to another meeting.

### **20. Notification of Review Panel Decision**

20.1 The Standards Appeal Panel decision and its reasons shall be confirmed in writing to the Complainant and the Subject Member, within normally five working days of the Standards Appeal Panel considering the Standards Complaint. The Complainant and Subject Member do not have a right to of appeal against the decision of the Standards Appeal Panel.

### **21. Access to Meetings and Decision Making**

21.1 Where the Standards Panel or Standards Appeals Panel is considering allegations that a Subject Member has failed, or may have failed, to comply with the Members' Code of



Conduct, the Standards Complaint and all associated reports, documents, information and the like shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel or the Standards Appeals Panel at its meeting considers that the public interest in lifting the exemption outweighs the public interest in maintaining the exemption.

- 21.2 Agendas and papers for meetings of the Standards Panel and Standards Appeals Panel shall be distributed in accordance with the Council's Access to Information Procedure Rules.
- 21.3 The publication of Standards Panel and Standards Appeals Panel decisions and associated information shall be kept for six years from the date of the decision.

## **22. Confidentiality**

- 22.1 Unless otherwise permitted under this Protocol or required by legislation, a Standard Complaint (and all associated information, documents, information) shall remain confidential until such time that the Monitoring Officer, or Standards Committee, or the Standards Panel or the Standards Review Panel, consider it appropriate (if at all) to disclose the Standards Complaint (and all associated information, documents, information) in the public domain.
- 22.2 The Subject Member(s) will (unless otherwise stated in this Protocol) be sent a summary of the complaint within five working days of receipt unless the Monitoring Officer believes to do so would:
- (a) put the complainant at risk of bullying, harassment or intimidation;
  - (b) put other witnesses at risk of bullying, harassment or intimidation;
  - (c) prejudice any investigation;
  - (d) prejudice any other action from being taken;
  - (e) not be in the public interest; and/or
  - (f) not be consistent with guidance provided by the Standards Committee or Secretary of State.
- 22.3 The Subject Member shall not disclose (except to his/her advisor(s) in confidentially) any information provided to him/her under paragraph 22.2 above without the express written consent of the Monitoring Officer.
- 22.4 Any request by the Complainant to keep his/her name confidential will be considered by the Monitoring Officer within five working days of receipt of any such request and the decision (with reasons) communicated to the Complainant in writing. Where the request is refused, the complainant may be afforded the opportunity to withdraw the Standards Complaint. However, where the Standards Complaint relates to a serious matter, the Monitoring Officer reserves the right to progress the Standards Complaint in accordance with this Protocol.
- 22.5 In exceptional circumstances, despite the Monitoring Officer agreeing to the Complainant's identity being kept confidential under paragraphs, 22.1, 22.2 and/or 22.4

above, the confidential details in question may still become known in the public domain or have to be provided for other reasons and purposes which disclosing them in the public domain.

- 22.6 The Subject Member will not be informed/notified of the Standards Complaint and/or the identity of the Complainant, in accordance with paragraph until after the Monitoring Officer has considered the Standards Complaint and made a determination in relation to any request for confidentiality made under paragraph 22.4 above.

### **23. Conflicts of Interest**

- 23.1 Members and officers shall not take part in meetings of the Standards Panel or Standards Appeal Panel where any of the following circumstances apply:
- (a) The complaint is likely to affect the well-being or financial position of that Member or officer or the well-being or financial position of a friend, family member of person with whom they have a close association.
  - (b) The Member or officer is directly or indirectly involved in the Standards Complaint and/or investigation in any way.
  - (c) A family member, friend or close associate of the Member or officer is involved in the Standards Complaint and/or investigation.
  - (d) The Member or officer has an interest in any matter relating to the Standards Complaint and/or investigation. For example, it concerns a Member's failure to declare an interest in a planning application in which the Member or officer has an interest. This is despite the fact that the outcome of any investigation or other action could not affect the decision reached on the application.

### **24. Monitoring and Review**

- 24.1 For monitoring and review purposes, the Monitoring Officer shall provide the Standards Committee, at each of its meetings (unless otherwise directed by the Standards Committee), an anonymous summary (unless the information is already in the public domain) of all Standards Complaints received, their progress, outcome and any costs incurred.

### **25. Failure to Comply with the Requirements of this Protocol**

- 25.1 Failure by a Member to comply with the reasonable requirements of the Investigator, or this Protocol, may result in a complaint being made to or by the Monitoring Officer under the Members' Code of Conduct.

### **26. Modification of Procedure**

- 26.1 The Monitoring Officer, in consultation with the Chairperson of the Standards Committee and Political Group Leaders (or their nominated spokesperson), may vary the procedures and practices detailed in this Protocol where the variation is considered (i) necessary to ensure the effective and timely administration, investigation and/or determination of a Standards Complaint; and (ii) it is fair and equitable to do so. Any such variation shall be recorded in writing (which shall include the reasons for the variation) and be signed by the Chairperson of the Standards Committee.



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### AMENDMENT TO COUNCIL'S DBS POLICY

The Council's DBS Policy be amended (to take effect from 1 October 2014) to include the following:

#### 8. Disclosures for Non-Council Employees

##### Councillors

The Disclosure and Barring Service (DBS) gives no direction about Council's undertaking DBS checks in relation to Elected Members.

Some Councils conduct DBS checks for all Elected Members whereas others only conduct checks when Elected Members undertake regulated activity.

A 'regulated activity' is defined as regularly undertaking one of the following "*unsupervised activities*":

- *Teaching*
- *Training*
- *Instructing*
- *Caring for supervising or being in sole charge of children and/ or vulnerable adults*

The Council's Constitution defines the key roles of Elected Members as:

- Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- Represent their communities and bring their views into the Council's decision-making process;
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- Balance different interests within the ward and represent the ward as a whole;
- Be involved in decision making;
- Be available to represent the Council on other bodies;
- Maintain the highest standards of conduct and ethics;
- Take part in member development and training.

##### **Legal Framework**

The Rehabilitation of Offenders Act Regulations allows **discretion** for the Council to carry out enhanced DBS checks on Elected Members who hold responsibilities in relation to children and vulnerable adults.

Consideration should also be given to carrying out DBS checks for those Elected Members who have responsibility for financial services and for awarding public works contracts, public supply contracts and public service contracts.

These are referred to in the DBS Guide to eligibility of criminal record checks as positions, professions, employment, offices and works eligible for DBS checks which are taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

## **Governing Principles**

The DBS advise that Elected Members in their general constituency capacity are **not** eligible for a DBS records check.

It is considered appropriate that targeted checking of Elected Member positions which discharge “social services and education functions” (i.e. Executive Members for Children Young People and Executive Member for Adult Social Services) be subject to DBS Disclosure.

Any DBS Disclosure check required shall be undertaken as soon as possible and will be undertaken by the Council’s Human Resources and Organisational Development Section.

The requirement for a DBS Disclosure check shall not prevent an Elected Member from undertaking their role as an Elected Member or any other role/responsibility conferred upon them by the Council/Leader of the Council.

## Leader of the Council

The Leader of the Council is ultimately responsible for all Executive decisions of the Council and as such, is involved in a range of decisions impacting on the services provided to children and vulnerable adults.

In addition, the Leader of the Council plays a key role in ensuring the Council delivers its responsibilities as a Corporate Parent and in demonstrating his support for the Council’s commitment to safeguarding children and vulnerable adults.

In undertaking the role of Leader, the Elected Member will frequently come into contact with children and vulnerable adults and therefore may undertake regulated activities as part of the role.

Accordingly, the Leader of the Council will be subject to DBS Disclosure.

## Cabinet Members

In line with the role of the Leader, Cabinet Members will be involved in a number of decisions that directly impact on the services delivered to children and vulnerable adults. Depending on their portfolio, they could also have a statutory responsibility as Lead Member for Children or Adults, as well as be asked to play a leading role in relation to specific aspects of the Council’s role as Corporate Parent.

Given the broad nature of a Cabinet Member’s portfolio, there is potential for Cabinet Members to need to carry out regulated activities.

Accordingly, Cabinet Members will be subject to DBS Disclosure.

#### Member of the Policy and Performance Committees (Families and Wellbeing)

Given the nature of the work undertaken by this Committee, the fact that members of the committee will be involved in a number of decisions that directly impact on the services delivered to children and vulnerable adults and will support the Council's role as Corporate Parent, it is considered appropriate that DBS Disclosure checks are undertaken for members of this committee.

#### Members

Whilst the Council cannot require any Member to undertake an enhanced DBS check, requesting Members do so in relation to specific roles they may undertake is consistent with the Council's safeguarding duties.

Any Elected Member that is not required to undertake a DBS Check does not prevent him/her from making decisions relating to the discharge of education or social services functions of the Council.

However, an Elected Member would be advised against having unsupervised contact with children when visiting a school or children's home, if frequently carrying out a relevant activity there, without a DBS Disclosure check being undertaken.

In such circumstances, the Elected Member should seek advice from the Head of Legal & Members Services and/or Head of Human Resources and Organisational Development.

#### **Use of DBS Disclosure by other bodies**

Where an Elected Member has been subject to a DBS Disclosure check by virtue of another position they hold (i.e. as a Governor of a school), consideration shall be given to whether the DBS Disclosure is appropriate and sufficient to be utilised by the Council.

The Head of Human Resources and Organisational Development shall consider each case and determine whether use of a valid DBS Disclosure can be utilised by the Council.

#### **Register of Elected Member DBS Disclosures**

The Head of Human Resources and Organisational Development shall keep a register of Elected Member DBS Disclosures (which may include details of other DBS Disclosures undertaken by other bodies).

#### **If there is a trace?**

If the DBS certificate of an Elected Member has a trace, the Head of Human Resources and Organisational Development will meet with the Elected Member and assess the implications arising (if any) and advise the Elected Member accordingly. Where necessary and appropriate the Monitoring Officer will be notified.

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### PROPOSED AMENDMENT

The proposed amendment gives effect to the changes introduced by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

#### COUNCIL PROCEDURE RULES

##### 1. Budget Procedure

###### Original Provision

###### **Standing Order 13 - Budget Council Procedure**

The Head of Law/Members Services shall prior to the budget meeting of the Council consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the budget meeting but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply.

###### Proposed Amendment

###### **Standing Order 13 - Budget Council Procedure**

13.1 The Head of **Legalaw and** Members Services shall prior to the **Budget Council** meeting consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the **Budget Council** meeting; but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply **(unless otherwise agreed by the Leaders of the political groups)**.

**13.1 The Budget Council Procedure referred to under 13.1 above shall comply with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.**

**13.2 In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, any other budget decision taken at any other budget decision meeting (as defined the Regulations) must record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.**

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