



## Standards and Constitutional Oversight Committee

**Date:** Thursday, 3 July 2014

**Time:** 6.00 pm

**Venue:** Committee Room 2 - Wallasey Town Hall

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

**Tel:** 0151 691 8559

**e-mail:** shirleyhudspeth@wirral.gov.uk

**Website:** <http://www.wirral.gov.uk>

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### AGENDA

**1. MEMBER'S CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Committee are asked to consider whether they have any disclosable pecuniary or non pecuniary interests in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

**2. MINUTES (Pages 1 - 4)**

To approve the accuracy of the minutes of the Standards Committee held on 28 April 2014.

**3. SUMMARY OF COMPLAINTS MADE UNDER THE MEMBERS' CODE OF CONDUCT (Pages 5 - 14)**

Report of the Head of Legal and Member Services and Monitoring Officer.

**4. WORK PROGRAMME 2014/15 (Pages 15 - 20)**

Report of the Head of Legal and Member Services and Monitoring Officer.

**5. URGENT BUSINESS APPROVED BY THE CHAIR**

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## STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 28 April 2014

Present: Councillor WJ Davies (Chair)

Councillors M McLaughlin T Harney  
D Roberts Jones  
J Salter Cummings  
L Fraser Jones  
P Kearney

Apologies Councillors RL Abbey G Ellis

### 14 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

### 15 MINUTES

The Committee were requested to approve the accuracy of the minutes of the meeting of 24 February 2014.

**Resolved – That the minutes of the meeting of the 24 February 2014 be approved.**

### 16 SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP

The Head of Legal and Member Services and Monitoring Officer submitted a report detailing 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.

The report indicated that the Working Group had considered 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 checks;
- Amendment to the Council's Constitution to give effect to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

The Member Survey on Perceptions and Experiences on the Council's revised Governance Arrangements; outcome of the survey; revised Members' Code of Conduct; revised protocol: arrangements for investigating and making decisions in relation to allegations made under the Members' Code of Conduct; proposed amendment to the Council's DBS Policy and Standing Order 13 of the Council Procedure Rules were attached as appendices to the report.

Members thanked all the Standards Working Group for their excellent work and their contribution in relation the report.

In relation to the Members' Code of Conduct regarding paragraph 7.3, a Member asked the Head of Legal and Member Services if he felt that it was sufficient to only have to inform and not consult with the relevant Political Group Leader of a complaint made against a Member of his Group. In response, the Head of Legal and Member Services indicated that the only requirement within the Localism Act was for the Monitoring Officer to consult and seek the views of one of the four independent persons.

In response to a member, the Head of Legal and Member Services indicated that following the outcome of the survey the report detailed a series of recommendations going forward, one of which was to review the comments made by Members and seek Members' views by way of a survey on a regular basis.

It was commented that some of the issues raised by Members in the survey would form part of the Committee's work programme for the ensuing year.

A Member commented that in relation to the online survey, some of the questions posed could have been worded differently and suggested that the survey be undertaken on an annual basis.

In response, the Head of Legal and Member Services indicated that this would be brought back to Committee as part of the work programme.

**Resolved – That:**

- (1) **the Member Survey on Perceptions and Experiences on the Council's Revised Governance Arrangements and the Standards**

**Working Group's comments be noted; and the recommendations as set out in Appendix 2 be approved;**

- (2) the revised Members' Code of Conduct set out at Appendix 3 be approved and be recommended to Council for approval with an effective date of 1 August 2014;**
- (3) the revised Protocol on Dealing with Complaints Against Members set out Appendix 4 be approved and be recommended to Council for approval with an effective date of 1 August 2014;**
- (4) the proposed amendment to the Council's Disclosure and Barring Service Policy set out at Appendix 5 be approved and be recommended for approval to Council (as necessary) with an effective date of 1 October 2014;**
- (5) 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 be approved and recommends the same to Council for approval.**

**17 COUNCILLOR TOM HARNEY**

The Chair thanked Councillor Tom Harney who would not be standing at the forthcoming election.

He thanked him for all his invaluable work whilst being a Member of the Committee and his contribution to the Standards Working Group, The Committee wished Councillor Harney well for the future.

**Resolved -**

**That the Committee's thanks to Councillor Tom Harney for his contribution be noted.**

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**WIRRAL COUNCIL**

**STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE**

**3 July 2014**

<b>SUBJECT:</b>	<b>SUMMARY OF COMPLAINTS MADE UNDER THE MEMBERS' CODE OF CONDUCT</b>
<b>WARD AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>MONITORING OFFICER</b>
<b>KEY DECISION?</b>	<b>NO</b>

**1. EXECUTIVE SUMMARY**

1.1 This report provides a summary of standards complaints made under the Members' Code of Conduct between 1 April 2013 and 25 June 2014.

**2.0 BACKGROUND**

2.1 The Council is required to deal with complaints made against Members under its approved Ethical Framework.

2.2 In order to assist with the effective administration of standards complaints, the Committee, as part of its monitoring role, is invited to consider the nature and handling of complaints received pursuant to the Members' Code of Conduct.

2.3 Appendix 1 sets out a summary of the complaints received and their status. The Ethical Framework requires complaints to be dealt with confidentiality (unless permitted by the Protocol) and therefore it is not possible to provide extensive details in respect of each complaint.

2.4 Between 1 April 2013 and 31 March 2014 a total of 6 complaints have been made.

Period	Complainant		Referred for Investigation	Outcome		
	Member	Public		Upheld	Partially Upheld	Not Upheld
01/04/2014 to 31/03/2014	2	4	2	0	0	6
01/04/2014 To 25/06/2014	2	4	1	n/a	n/a	n/a

### **3.0 RELEVANT RISKS**

3.1 The administration of standards complaints should be dealt with as efficiently as possible to ensure matters are concluded quickly and closure of issues secured for both complaint and the subject member(s) involved.

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 The process for the administration of standards complaints is undertaken in accordance with the Protocol for Dealing with Member Complaints which was approved by the Committee and Council.

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

5.1 There are no implications for Voluntary, Community and Faith groups arising from this report.

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

6.1 There are not financial implications arising from this report save that where an external investigator is appointed, additional costs will be incurred. Such costs will vary depending upon the nature of the complaint and the time taken to undertake and complete the investigation.

### **7.0 LEGAL IMPLICATIONS**

7.1 The legal implications are set out within this report.

### **8.0 EQUALITIES IMPLICATIONS**

8.1 There are no specific discrimination issues arising from this report.

### **9.0 CARBON REDUCTION IMPLICATIONS**

9.1 There are no carbon reduction implications in this report.

### **10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

10.1 There are no planning and community safety implications in this report.

### **11.0 RECOMMENDATION**

11.1 That the Committee notes the summary of standards complaints set out at Appendix 1 to this report.

### **12.0 REASON FOR RECOMMENDATION**

12.1 The Standards Committee requested that an updated summary of standards complaints be provided periodically.



**REPORT AUTHOR: Surjit Tour**  
Head of Legal & Member Services  
and Monitoring Officer  
Telephone: (0151 691 8469)  
Email: [surjittour@wirral.gov.uk](mailto:surjittour@wirral.gov.uk)

## **APPENDICES**

**Appendix 1 – Summary of Standards Complaints**

## **REFERENCE MATERIAL**

None

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**SUMMARY OF STANDARDS COMPLAINTS – 1 April 2013 to 25 June 2014**

<b>Case Ref</b>	<b>Nature of Complaint</b>	<b>Current Status</b>	<b>Next Stage</b>	<b>Anticipated Date for Conclusion</b>
1  Standards2013/02  (Received 17 May 2013)	Failed to treat others with respect	<b>Closed</b> – 16 March 2014  Investigation undertaken. No breach of the Code. No further action.  (Delays in availability of witnesses and obtaining information from parties involved)	n/a	n/a
2  Standards2013/03  (Received 28 April 2013)	Conflict of Interest  Conduct inconsistent with the duty to promote and maintain high standards	<b>Closed</b> – 9 July 2013  No Further Action following preliminary evaluation and assessment by Monitoring Officer.	n/a	n/a
3  Standards2013/04  (Received 3 April 2013)	Failed to treat others with respect  Conduct inconsistent with the duty to promote and maintain high standards	<b>Closed</b> – 17 January 2014  Investigation completed. No breach of the Code.  No further action required.	n/a	n/a
4  Standards2013/05  (Received 16 July	Failed to treat others with respect  Conduct inconsistent with the duty to promote and maintain high standards	<b>Closed</b> – 24 January 2014  Monitoring Officer undertook preliminary assessment and evaluation.	n/a	n/a

2013)		No further action to be taken.		
5 Standards2013/06 (Received 29 October 2013)	Failed to treat others with respect  Conduct inconsistent with the duty to promote and maintain high standards	<b>Closed – 25 June 2014</b>  Monitoring Officer to undertake preliminary assessment and evaluation.  Meetings with Independent Persons and Group Leaders being undertaken.  Issues at the centre of the complaint have been considered by the LGO on 3 occasions. Last response from LGO 8 May 2014.  The allegations related to events going back to 2009.  Monitoring Officer considered all the history to this matter which involved consideration of a number of documents including the involvement of the LGO.	Initial assessment and evaluation of complaint to be completed.  No further action to be taken.	
6 Standards 2013/07 (Received 24 March 2014)	Failed to treat others with respect  Conduct inconsistent with the duty to promote and maintain high standards	<b>Closed – 20 June 2014</b>  Monitoring Officer in discussion with complainant concerning a legal/procedural issue.  Complainant has requested all personal details be kept	Monitoring Officer has provided a substantive response to the complainant re: disclosure of name.  Complainant	N/a

		<p>confidential.</p> <p>Justification for confidentiality in issue. Subject Councillors are entitled to know who is making allegations against them unless there is good reason why personal details should be withheld.</p> <p>Given dispute over confidentiality the Subject Councillor cannot be informed of the potential complaint.</p>	<p>disputes requirement for disclosure.</p> <p>Reasons for confidentiality of name not considered sufficient.</p> <p>No further action to be taken.</p>	
<b>1 April 2014 - onwards</b>				
<b>Case Ref</b>	<b>Nature of Complaint</b>	<b>Current Status</b>	<b>Next Stage</b>	<b>Anticipated Date for Conclusion</b>
<p>1</p> <p>Standards 2014/01</p> <p>(Received 15 April 2014)</p>	<p>Failed to treat others with respect</p> <p>Conduct inconsistent with the duty to promote and maintain high standards</p>	<p>Monitoring Officer undertaking preliminary assessment and evaluation.</p>	<p>Initial assessment and evaluation of complaint to be completed.</p>	<p>End June 2014</p>
<p>2</p> <p>Standards 2014/02</p> <p>(Received 14 May</p>	<p>Failed to treat others with respect</p> <p>Bringing the Council in disrepute</p> <p>Conduct inconsistent with the duty</p>	<p>Monitoring Officer Initial assessment and evaluation of complaint completed 25 June 2014.</p>	<p>Investigator to be appointed and investigation to be undertaken.</p>	<p>End Aug 2014</p>

2014	to promote and maintain high standards	Matter to be referred for investigation.  A number of witnesses to be interviewed.		
3 Standards 2014/03  (Received 14 May 2014)	Failed to declare a discloseable pecuniary interest or other interest  Conduct inconsistent with the duty to promote and maintain high standards	Monitoring Officer undertaking preliminary assessment and evaluation.	Initial assessment and evaluation of complaint to be completed.	Mid July 2014
4 Standards 2014/04  (Received 29 May 2014)	Failed to treat others with respect	Monitoring Officer undertaking preliminary assessment and evaluation.  Matter was thought to have been addressed through informal arrangement (prior to the complaint), however, a full resolution has not been achieved.	Initial assessment and evaluation of complaint to be completed.	Mid July 2014
5 Standards 2014/05  (Received 3 June 2014)	Failed to treat others with respect	Conduct inconsistent with the duty to promote and maintain high standards	Initial assessment and evaluation of complaint to be completed.	End June 2014
6 Standards 2014/6	Conduct inconsistent with the duty to promote and maintain high standards	Conduct inconsistent with the duty to promote and maintain high standards	Initial assessment and evaluation of complaint to be completed.	End July 2014

(Received 18 June 2014				
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## WIRRAL COUNCIL

### STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

28 APRIL 2014

<b>SUBJECT:</b>	<b><i>WORK PROGRAMME 2014/15</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 a proposal for work to be undertaken by the Committee in the 2014/15 Municipal Year.
- 1.2 The proposals are based primarily on matters arising out of the work undertaken by the Standards Working Group in 2013/14 in relation to the Council's Ethical Framework relating to Member conduct and consideration of the Member Survey on Perceptions and Experiences on the Council's Governance Arrangements.

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Committee will recall that the Working Group considered the following matters and made recommendations to the Committee at its meeting on 28 April 2014:
  - 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.
- 2.2 The Committee recommended a revised Members' Code of Conduct and Protocol (effective from 1 August 2014), a revision to the Council's DBS Policy and further amendments to the Council's Constitution, all of which were approved by Council on 9 June 2014.
- 2.3 The Working Group however raised further issues which is considered appropriate for consideration by the Committee when developing its work programme for this Municipal Year, namely:

- (a) Establishing a Protocol of Etiquette (primarily focused on conduct and behaviour expected at meeting of Full Council) to be developed in conjunction with the Council's Occupational Development team/initiatives;
- (b) Review and revision of the Members' ICT Policy;
- (c) Review and revise the information governance arrangements relating to Members in conjunction with the Council's Information Governance Board;
- (d) Consider how high standards of conduct can be further embedded; and
- (e) Monitoring (and review) of the Constitution to ensure any improvements/amendments required can be addressed promptly.

2.4 It is proposed that the Committee again establishes a Standards and Constitutional Oversight Working Group to progress the work outlined in paragraph 2.3 above. Proposed terms of reference for the Working Group are set out at Appendix 1. The Working Group would be a cross-party group that would make recommendations to the Committee for consideration and approval.

### **3.0 RELEVANT RISKS**

- 3.1 The Council has a duty to maintain high standards of conduct amongst Members. The Council is required to comply with the provisions of the Localism Act 2011 with regards the arrangements for dealing with standards matters.
- 3.2 To ensure the Council's Standards Regime is effective, a regular review and assessment of its effectiveness will help ensure the Council remains 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 key matters affecting members provides an opportunity for Members to consider and/or revise the existing arrangements or propose alternative arrangements to ensure they are fit for purposes and do not expose Members to unnecessary risk.

### **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 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) agrees to the work programme as outlined in paragraph 2.3;

(b) agrees to the establishing of a Standards & Constitutional Oversight Working Group as outlined in this report; and

(c) approves the Terms of Reference of the Working Group as set out at Appendix 1 to this report.

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

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

**REPORT AUTHOR:** **Surjit Tour**  
Head of Legal & Member Services  
and Monitoring Officer  
Telephone: 0151 691 8569  
Email: [surjittour@wirral.gov.uk](mailto:surjittour@wirral.gov.uk)

## **APPENDICES**

Appendix 1 - Terms of Reference of the Standards & Constitutional Oversight Working Group

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# **Standards and Constitutional Oversight Committee Working Group**

## **Terms of Reference**

### **Scope and Remit**

- (a) Establishing a Protocol of Etiquette (primarily focused on conduct and behaviour expected at meeting of Full Council) to be developed in conjunction with the Council's Occupational Development team/initiatives;
- (b) Review and revision of the Members' ICT Policy;
- (c) Review and revise the information governance arrangements relating to Members in conjunction with the Council's Information Governance Board;
- (d) Consider how high standards of conduct can be further embedded; and
- (e) Monitoring (and review) of the Constitution to ensure any improvements/amendments required can be addressed promptly; and
- (f) Any other work required to be undertaken by the Standards and Constitutional Oversight Committee.

The Working Group shall make recommendations to the Council's Standards and Constitutional Oversight Committee in relation to the matters and issues mentioned above.

### **Membership**

The Working Group shall consist of the Chairperson of the Standards and Constitutional Oversight Committee and two Members from the Labour Group and Conservative Group and one Member of the Liberal Democrat Group (total 6 members); all of whom must also be members of the Council's Standards and Constitutional Oversight Committee.

Any Member of the Working Group is entitled to nominate a deputy to attend meetings of the Working Group on his/her behalf providing the nominee is a Member of the Council's Standards and Constitutional Oversight Committee.

The Chair shall have a casting vote.

### **Meetings**

The Working Group shall meet as frequently as considered necessary.

Meetings shall be quorate providing the Chair (or his/her deputy) and at least two other Members of the Working Group are in attendance.

Meetings of the Working Group shall be held in private and the provisions relating to Access to Information shall not apply.

**Decision Making**

The Working Group shall only be permitted to make recommendations to the Council's Standards and Constitutional Oversight Committee in relation to matters falling within its scope and remit.

**Administration**

The Working Group shall be administered and supported by the Head of Legal & Member Services and Monitoring Officer and officers from the Council's Legal & Member Services Section.