



Standards and Constitutional Oversight Committee

Date:	Monday, 5 December 2016
Time:	6.00 pm
Venue:	Committee Room 3 - Wallasey Town Hall

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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 interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

3. **MINUTES** **(Pages 1 - 28)**
 - A. To confirm the Minutes of the special meeting of the Standards and Constitutional Oversight Committee held on 4 October 2016 as a correct record.
 - B. To confirm the Minutes of the meetings of the Standards and Constitutional Oversight Working Group held on 19 September, 10 & 26 October and 16 November 2016 as a correct record.

4. RECRUITMENT EXERCISE FOR ADDITIONAL INDEPENDENT PERSON(S) (Pages 29 - 34)

The Committee is requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 19 September 2016 (Minute 41 refers).

“That the Standards and Constitutional Oversight Committee be recommended:

- (1) to agree the commencement of a further recruitment exercise with a view to appointing at least two more Independent Persons, to be conducted in a similar manner to the previous one held in June/July 2012;**
- (2) to agree that, in accordance with the Members’ Allowances Scheme, Independent Persons will continue to receive a payment of £25 for each meeting they attend, along with a mileage allowance of 45p per mile for the mileage incurred when attending meetings or alternatively be reimbursed at the prevailing public transport rates; and**
- (3) the recruitment process, advertisement, job description etc. be approved by the Chair in consultation with the group spokespersons.”**

5. DRAFT MEMBERS' ICT POLICY (Pages 35 - 54)

The Committee is requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 10 October 2016 (Minute 47 refers).

“That subject to the minor revisions identified, the Members' ICT Policy be endorsed for consideration by the Standards and Constitutional Oversight Committee.”

6. DRAFT MAYOR'S CHARITY TERMS OF REFERENCE (Pages 55 - 66)

The Committee is requested to consider the recommendations of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 64 refers).

“That the Standards and Constitutional Oversight Committee be recommended to agree the Mayor’s Charity Draft Terms of Reference.”

7. STATUTORY SCRUTINY OFFICER (Pages 67 - 68)

The Committee is requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 65 refers).

“That the Standards and Constitutional Oversight Committee (and subsequently Council) be recommended to agree the appointment of the Head of Intelligence as the Council’s Statutory Scrutiny Officer, in place of the Managing Director for Delivery.”

8. COUNCIL PROCEDURE RULES - NOTICES OF MOTION (Pages 69 - 70)

The Committee is requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 67 refers).

“That the Standards and Constitutional Oversight Committee be recommended to agree that a minimum of three Notices of Motion be debated at meetings of the Council.”

9. COUNCIL PROCEDURE RULES - STANDING ORDERS AND SCRUTINY PROCEDURE RULES (Pages 71 - 74)

The Committee is requested to consider the recommendation of the Standards and Constitutional Oversight Working Group, 16 November 2016 (Minute 68 refers)

“That subject to the inclusion of the above correction (to include the words - “or by any three Members of the committee”*) that the Standards and Constitutional Oversight Committee (and subsequently the Council) be recommended to agree:**

- 1) the proposed changes to Council Standing Orders 26(2), 35(8) and 35(9); and**
- 2) proposed changes to the wording within the Scrutiny Procedure Rules, Paragraph 4 in respect of the calling of Special Meeting(s) of Overview and Scrutiny Committee(s).”**

10. ANY OTHER BUSINESS APPROVED BY THE CHAIR (PART 1)

11. EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

The public may be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information.

RECOMMENDATION – That in accordance with section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A (as amended) to that Act. The public interest test has been applied and favours exclusion.

12. ANY OTHER BUSINESS APPROVED BY THE CHAIR (PART 2)

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Tuesday, 4 October 2016

Present: Councillor D Roberts (Chair)

Councillors RL Abbey D Elderton
B Kenny G Ellis
P Stuart P Gilchrist
C Blakeley

Independent Member B Cummings

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Moira McLaughlin and Independent Members Professor RS Jones and Chris Jones.

17 MEMBERS CODE OF CONDUCT

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

No such declarations were made.

18 MINUTES

Resolved - That

- 1) the Minutes of the meeting of the Committee (meeting as Trustees of Callister Youth Club) held on 6 July, 2016 be confirmed as a correct record; and**
- 2) the Minutes of the meeting of the Committee held on 6 July, 2016 be confirmed as a correct record**

Note: The Head of Legal and Member Services informed that for completeness, the minutes of the Standards and Constitutional Oversight Committee, meeting as Trustees of Callister Youth Club would be countersigned again, when the Committee next met as Trustees.

19 **RECOMMENDATIONS OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP**

The Head of Legal and Member Services introduced his report that provided details of the recommendations of the Standards and Constitutional Oversight Working Group made at its meeting on 19 September 2016.

Members noted that the Working Group did not have decision making powers and that the Committee was requested to consider the recommendations of the Working Group as contained in the report and the attached appendices.

The matters considered were:

- 1) Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2;
- 2) Draft Civic Handbook; and
- 3) Draft Flag Flying Protocol

Scheme of Delegation to Officers - non executive functions

The Head of Legal and Member Services introduced his report that detailed proposed revisions to the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2.

The Head of Legal and Member Services informed that the recommendations were necessary to update the Scheme of Delegation in line with the Council's new Operating Model approved by the Council's Employment and Appointments Committee in July 2016. He further informed that the changes also provided greater clarity in respect of existing delegations and contained little in terms of additional powers to Officers.

The Committee was apprised that, as part of his preparations for review of the scheme, the Head of Legal and Member Services had made contact with the Head of Regeneration and Planning with regard to the delegated powers relating to planning and licensing and was happy to present further information on such delegations to a future meeting of the Standards and Constitutional Oversight Committee Working Group.

A Member confirmed that he was content with the existing procedures that existed for Planning decisions and the involvement of, and communication to, Elected Members. He did however feel it was important to communicate where in the decision making process Officer's decisions were recorded – particularly when involving finance and staffing and personnel matters.

Discussion took place regarding the proper scrutiny of officer decisions. The Head of Legal and Member Services requested that Members provide examples of where it was felt that the information had been hard to come by, this would enable useful understanding of specific areas of Member concern.

A Member pointed out that, using planning procedures as an example, Councillors were notified beforehand, enabling pre-scrutiny of applications prior to decision. It was his view that in some other service areas circumstances could exist whereby Members may not hear about an Officer decision until after the event.

The Head of Legal and Member Services informed that there was no issue with providing the information being sought by Members. He further informed that different arrangements existed with regard to the Executive-side and Council-side, and that the focus of the report related to changes to delegation of Council-side functions. It was noted that the revised document provided clarity and certainty arising from the changes recently agreed by the Employment and Appointments Committee to the Council's new operating model.

A Member pointed out that, with regard to the option to refer officer decisions to Overview and Scrutiny Committees under paragraph 14, Committee workload was already heavy.

Additional debate took place, with the Head of Legal and Member Services providing additional information regarding the 2011 governance arrangements, strong leader model, and executive functions – to add clarity regarding the jurisdiction and powers falling under the various Parts of the Scheme of Delegation (Executive-side and Council-side).

The Head of Legal and Member Services was requested to provide a further report to the Working Group to enable it to consider the Council's decision making arrangements and how delegated decisions taken by officers are/can be scrutinised.

Councillor R Abbey moved the report recommendation "that the revised Scheme of Delegation Part 3 Schedule 4 A Part 1 and Part 2 be recommended to Council for approval", seconded by Councillor P Stuart.

Councillor C Blakeley moved an alternate motion resolving "that no changes be made to the existing scheme", seconded by Councillor G Ellis.

The Standards and Constitutional Oversight Committee then considered Councillor Blakeley's motion, as seconded by Councillor Ellis that the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2 be retained in its current form. The motion was put and lost (4:5) the Chair having exercised her casting vote.

Resolved (5:4) (the Chair having exercised her casting vote)

(1) RECOMMENDATION TO COUNCIL

- a) **that the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2, as amended be agreed; and that**
- b) **the Council's Constitution be updated accordingly.**

Draft Civic Handbook

Further to Minute 35 (Standards and Constitutional Oversight Committee Working Group, 24 February 2016) and 42 (Standards and Constitutional Oversight Committee Working Group, 19 September 2016), the Head of Legal and Member Services introduced a revised Civic Handbook that set out guidance for the Mayor and Officers engaged in Civic functions.

The Committee was informed that the revised document included suggestions made by Members during earlier discussion and a number of minor updates to procedural guidance.

The Head of Legal and Member Services informed that the Handbook was to remain a 'living document' but was designed to provide a sound basis for guidance for the Mayor and the management of Civic functions, yet allowing for and supporting the Mayor's discretion on a variety of matters.

(2) RECOMMENDATION

That the Draft Civic Handbook be agreed.

Draft Flag Flying Protocol

Taken in conjunction with the previous item (Appendix 2, Civic Handbook) and further to Minute 36 (Standards and Constitutional Oversight Committee Working Group, 24 February 2016) and 43 (Standards and Constitutional Oversight Committee Working Group, 19 September 2016), the Head of Legal and Member Services introduced his report that proposed a revised protocol to be adopted in relation to the flying of flags at Wallasey and Birkenhead Town Halls.

(3) RECOMMENDATION

That the Protocol (as amended) for the Flying of Flags at Wirral Town Halls be agreed.

STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Monday, 19 September 2016

In the Chair – Councillor D Roberts

Present: Councillors RL Abbey P Gilchrist
C Blakeley B Kenny
D Elderton

In attendance: Independent Members B Cummings OBE and
Prof SR Jones

38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Ellis (substituted by Councillor D Elderton)

39 MEMBERS CODE OF CONDUCT

No declarations of interest were received from the Elected Members present.

Independent Members B Cummings and R Jones declared personal interests in respect of agenda item 4 – Recruitment Exercise for Additional Independent Persons, by virtue of their recent re-appointment as Independent Persons by the Council, 11 July 2016 (Minute No. 33 refers).

40 SCHEME OF DELEGATION TO OFFICERS - NON EXECUTIVE FUNCTIONS

The Head of Legal and Member Services introduced his proposed revisions to the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2.

The Head of Legal and Member Services informed that the existing scheme required updating in light of the Council's new operation model due for implementation with effect from 1 November 2016, and as such needed the consent of Members of the Working Group and the support of the Standards

and Constitution Oversight Committee at its special meeting to be held on 4 October, prior to it being adopted by the Council at its next ordinary meeting on 17 October 2016. He explained that the document as circulated contained three areas of change, namely:

- Clarification of organisational management changes, i.e updating of officers' designations; and
- Substantive changes to officer roles including e.g. onward authorisations (para 10) and commissioning and undertaking of procurement (para 12).
- More substantive changes (para 15) onwards – including clarification on the roles of Statutory Officers (para 15) and Proper Officer designations (para 18).

The Working Group was apprised that changes to Part 2 of the Scheme of Non-Executive Delegation of Functions to Officers also fell into two areas of revision:

- Key aspects of function – that referred to specific delegations for services such as Trading Standards, to rebut technical legal challenges for Council enforcement actions etc; and
- Key legislation list – to provide, for example, legal backing when issuing and/or enforcing licencing functions and clarity of officer powers when appearing and providing evidence to Magistrates Courts.

A Member challenged the proposed changes, explaining that he considered that the existing scheme was sufficient, and that in his view the revisions provided too much delegation to officers. The Member referred to the recent Ofsted Report on the Council's Children's Services and expressed the view that Elected Members should not delegate any more responsibility to Officers because they had already demonstrated an inability to take such responsibility.

Another Member challenged this view, and pointed out that the Working Group was being asked to make recommendations only. The Standards and Constitutional Oversight Committee would take any recommendations into account when recommending the Scheme for adoption by the Council.

The Head of Legal and Member Services informed that the Scheme of Delegation was already in existence as part of the Council Constitution and the proposed changes sought to provide clarification in preparation for the new operating model, and contained little in terms of additional powers to Officers. He advised the Working Group that Officers needed authority to undertake their roles and functions, and that Statutory Officer powers had

been agreed by Parliament, much in the same way that the Council's Committees had delegated authority. It was important to ensure sufficient delegation to discharge the functions of the Council. This was through a proper and sound Scheme of Delegation.

Having proposed removal of the document, the Member revised his proposal, and moved that the existing Scheme of Delegation remain unaltered. This was seconded.

Discussion ensued, with Members commenting on the significance of para 7(b) in terms of Council's role, and questioning of the Head of Legal and Member Services re para 13 'officer concerned must be satisfied' and if a log of Officer decisions could be viewed by Members – given that such decisions would not normally be published, or brought to Member's attention. The Working Group was informed that the inclusion of para 13 provided Officers with the reminder to ascertain the appropriate level at which Members may become involved.

A Member questioned the levels of and scheduling of significant decisions and how they were scrutinised. The Head of Legal and Member Services informed that significant issues would have a process route that involved Members, with high profile and significant matters being subject to, or involving, public consultation.

A Member commented that para 14 was helpful in terms of ensuring a mechanism existed that Officer decisions may be the subject of scrutiny at Members request. Another Member disagreed stating that it was only due to the fact that Members had delegated the powers, that Officers would be taking the decisions.

Further discussion took place on the subject of Member powers to Call-In decisions under Executive Functions, work programmes, involvement of scrutiny and special meetings.

The Head of Legal re-iterated the point that the revisions to the Scheme were purely to re-align it to the new operating model (due to come into effect 1 November), and to add clarity – particularly in Part 2 of the Scheme. At Members request he agreed that additional annotation providing a summary explanation as to the changes would be incorporated into the papers prior to consideration at the Standards and Constitutional Oversight Committee on 4 October.

A Member then moved that the item be deferred until meeting 2 or meeting 3 of the Working Group. The proposal was not seconded.

The Working Group then considered the motion, as seconded, that the Scheme of Non-Executive Delegation of Functions to Officers, Council

Constitution Part 3 Schedule 4 A Part 1 and Part 2 be retained in its current form.

The motion was put to the vote and lost (3:4) the Chair having exercised her casting vote.

The Chair moved that following a final revision by the Head of Legal and Member Services, the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2 be recommended to the Standards and Constitutional Oversight Committee.

Agreed (4:3) (the Chair having exercised her casting vote)

RECOMMENDED

That the Standards and Constitutional Oversight Committee be recommended to agree the Scheme of Non-Executive Delegation of Functions to Officers, Council Constitution Part 3 Schedule 4 A Part 1 and Part 2, as amended.

Councillors Blakeley and Gilchrist requested that their votes against the recommendation be recorded.

41 **RECRUITMENT EXERCISE FOR ADDITIONAL INDEPENDENT PERSON(S)**

The Committee and Civic Services Manager introduced the report of the Head of Legal and Member Services that provided an update in respect of the requirement to appoint Independent Persons to the Council's Standards and Constitutional Oversight Committee and detailed the additional role of making recommendations to the Council in respect of the dismissal of a statutory Officer. The report also recommended that a further recruitment process be undertaken with the aim of appointing more Independent Persons because there were benefits to having independent voices on the Standards and Constitutional Oversight Committee to take advantage of their expertise and experience. The Working Group was informed that it was important to build up the pool of people that could be called upon to assist the Council with Standards matters etc. and thereby increase resilience.

Members were apprised that this approach ensured good governance within the Council and by Councillors and supported all strategic priorities.

Members questioned the Committee and Civic Services Manager as to the number of Independent Person required. The Working Group was informed that it was proposed to advertise for a minimum of two Independent Persons, but should more suitable applicants be found a larger pool of expertise could be utilised.

RECOMMENDED

That the Standards and Constitutional Oversight Committee be recommended:

- (1) to agree the commencement of a further recruitment exercise with a view to appointing at least two more Independent Persons, to be conducted in a similar manner to the previous one held in June/July 2012;**
- (2) to agree that, in accordance with the Members' Allowances Scheme, Independent Persons will continue to receive a payment of £25 for each meeting they attend, along with a mileage allowance of 45p per mile for the mileage incurred when attending meetings or alternatively be reimbursed at the prevailing public transport rates; and**
- (3) the recruitment process, advertisement, job description etc. be approved by the Chair in consultation with the group spokespersons.**

42 DRAFT CIVIC HANDBOOK

Further to Minute 35 (Standards and Constitutional Oversight Committee Working Group, 24 February), the Head of Legal and Member Services introduced a revised Civic Handbook that set out guidance for the Mayor and Officers engaged in Civic functions.

The Working Group was informed that the revised document included suggestions made by Members during earlier discussion and a number of minor updates to procedural guidance.

The Head of Legal and Member Services and the Committee and Civic Services Manager informed that the Handbook was to remain a 'living document' but was designed to provide a sound basis for guidance for the Mayor and the management of Civic functions, yet allowing for and supporting the Mayor's discretion on a variety of matters.

The Head of Legal and Member Services informed that Patrick Sebastian, Principal Committee Officer had put in a lot of time and effort into compiling the handbook. Members thanked Patrick for compiling a very comprehensive and succinct document.

RECOMMENDED:

That the Standards and Constitutional Oversight Committee be recommended to approve the Draft Civic Handbook, as amended for circulation as appropriate.

43 **DRAFT FLAG FLYING PROTOCOL**

The Committee and Civic Services Manager introduced a draft protocol that could be adopted in relation to the flying of flags at Wallasey and Birkenhead Town Halls as well as any other Council buildings that had flag poles. The Standards and Constitutional Oversight Working Group noted that the aim of which was to standardise procedures regarding flag flying.

Members were informed that once adopted, the day to day management of the flying of flags at Wallasey and Birkenhead Town Halls were to be exclusively overseen by Committee and Civic Services in accordance with the content of the protocol policy as appended, and that the Mayor and Leader would jointly consider and determine any requests to fly a flag at the Town Halls where it was not set out in the Policy.

A Member requested that a minor amendment be made to the protocol to include the flying of the St George's Flag though-out the year where practicable. The Committee and Civic Services Manager informed that the protocols relating to flying of flags in conjunction with the Union Flag was dependent upon the number of flag poles at each Town Hall site.

Members discussed a number of combinations, and agreed with the protocol that the Union Flag was to be flown at full mast at both Town Halls all year (together with other flags in accordance with the protocol, for example the Royal British Legion Flag of Remembrance in November). Members further agreed that at sites where 1 flag pole exists, the Union Flag will be flown; at sites with 2 poles - the Union Flag and Wirral Flag; and at sites with 3 poles - the Union Flag, Wirral Flag and St George's Flag shall be flown.

The Committee and Civic Services Manager informed that the protocol would be updated to reflect the amendments proposed by the Working Group prior to submission to the Standards and Constitutional Oversight Committee for agreement.

RECOMMENDED:

That the Standards and Constitutional Oversight Committee be recommended to endorse the Protocol (as amended) for the Flying of Flags at Council owned / occupied buildings.

44 **DATE AND TIME OF NEXT MEETING**

The next Working Group meeting was scheduled for Monday 10 October 2016, 16:00hrs at Wallasey Town Hall.

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STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Monday, 10 October 2016

Present: Councillor D Roberts (Chair)

Councillors RL Abbey P Gilchrist
C Blakeley B Kenny
G Ellis Cummings

In attendance: Independent Member B Cummings

45 APOLOGIES FOR ABSENCE

No apologies were received.

46 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

47 DRAFT MEMBERS' ICT POLICY

The Head of Legal and Member Services introduced the draft Elected Members – Information & ICT Security Acceptable Use Policy. He informed that the document provided information to Councillors, confirming their responsibilities as a new or existing Elected Member of Wirral Council in terms of the acceptable use of council information and ICT facilities.

The Head of Legal and Member Services explained that as well as outlining Members responsibilities under the Data Protection Act it also detailed the key policy rules to be followed to ensure the safe handling, storage and use of council and constituents' information. He added that it supplemented the [Wirral Council Members' Code of Conduct](#), and subsequent to consideration at the Standards and Constitutional Oversight Committee and Council it would replace the existing 'Use of Council Computer Facilities Code of Practice – Members' document. He further informed that a more user friendly note / briefing paper would be produced to accompany the Policy.

A Member commented that the document required amendment at paragraph 6.1 and Appendix 1, paragraph 13, which made reference to the Standards Board for England – now disestablished.

Members further noted that paragraph 5.38 required updating to incorporate clarification on policy on the use of social media services such as Facebook, Instagram, LinkedIn and Twitter.

Agreed – That subject to the minor revisions identified, the Members' ICT Policy be endorsed for consideration by the Standards and Constitutional Oversight Committee.

48 DRAFT MAYOR'S CHARITY TERMS OF REFERENCE

Following a brief introduction from the Head of Legal and Member Services who informed that work continued to take stock of the Civic Function (as part of a wider review of Legal and Member Services) and the governance arrangements relating to the Mayor's Charity, it was agreed that this item be deferred to the next meeting of the Working Group.

Agreed – That the item be deferred to the next meeting of the Working Group.

49 DISCLOSURE BARRING SERVICE - CHECKS FOR COUNCILLORS

The Head of Legal and Member Services introduced the item on the current requirements and reasons for the use of a Disclosure Barring Service for Elected Members.

Members were informed that the Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The Working Group considered the risk of reputational damage to the Council should it not meet the legal requirements of disclosure. A number of Members commented that the matter had been raised in meetings held in the Constituencies, particularly by Elected Members who, during the course of their work, would be meeting with vulnerable persons in their homes or at pre-arranged Member surgeries.

A number of points were covered during discussion on the subject, including:

- Conflicting and ambiguous advice from government on the need for enhanced DBS checks for Councillors.
- DBS technically only valid on the day of issue.
- Whether all Councillors should be subject to a 'blanket' enhanced DBS check.
- Levels of DBS checks when Councillors working as School Governors.
- Whether multiple checks were required.

- Impact on the number of home visits undertaken by Councillors because of Wirral's ageing population – particularly when dealing with urgent matters of personal business – often requiring face-to-face contact.

Members were united in the view that blanket coverage for all Councillors was required. The Head of Legal and Member Services requested that evidence in support of the request (from political groups) would be required. He advised that a record of the number of events / occurrences would be helpful when it came to putting the case forward for such a request.

Following further discussion on the validity of School Governor DBS check evidence for use in other circumstances , and the requirement to provide evidence when asked (ST advised that the Council would be the body to provide such assurance), it was agreed that this item be deferred to the next meeting of the Working Group.

Agreed – That the item be deferred to the next meeting of the Working Group.

50 SCRUTINY CALL-IN PROCEDURES

The Head of Legal and Member Services introduced the item on the matter of recent conversations regarding the request for special meetings - that included call-in meetings of Overview and Scrutiny Committees.

A short discussion took place regarding the current Council Standing Orders that relate to the calling of such meetings, primarily SO 26(2), that:

'A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting shall be held within 14 days of the date of receipt of the requisition, the actual date being determined by the Head of Legal and Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.'

The Head of Legal and Members Services informed that this was the default position, and allowed reasonable time to deal with the administrative arrangements and legal requirements for the calling of such meetings. He added that this was of course subject to, and reliant upon Member availability. It was agreed that Members would further consider a form of words to provide clarity on the matter.

Agreed – That further clarification on the wording on arrangements for the calling of special meetings -Standing Order 26(2) - be considered at the next meeting of the Working Group.

51 **ANY OTHER BUSINESS - COUNCIL PROCEDURE RULES**

At the request of a Member, and the agreement of the Chair, an additional discussion took place regarding the situation that had arisen with regard to the meeting of Council scheduled for the 17 October and that although seven Notices of Motion had been submitted, only one had been scheduled for debate. The Member pointed out that the work recently undertaken by the Standards and Constitutional Oversight Committee and the Working Group had specifically been targeted at the Council Agenda and order of business for meetings to ensure that less time was taken up by administrative business to allow more time for topical debate.

The Head of Legal and Member Services informed that the Working Group was well within its powers to re-visit the matter and look at further alternatives on what works and what doesn't.

It was agreed that this item be included as an item on the agenda for the next meeting of the Working Group.

Agreed – That the subject of Council Procedure Rules and Notices of Motions be included on the Agenda for the next meeting of the Working Group.

52 **DATE AND TIME OF NEXT MEETING**

The next Working Group meeting was scheduled for Monday 26 October 2016, 15:00hrs at Wallasey Town Hall, Committee Room 3.

STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Wednesday, 26 October 2016

Present: Councillor D Roberts (Chair)

Councillors RL Abbey P Gilchrist
C Blakeley B Kenny
D Elderton

In attendance: Independent Members B Cummings
Prof RS Jones

53 APOLOGIES FOR ABSENCE

No apologies were received.

54 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

55 OFFICER DELEGATED DECISION MAKING

The Head of Legal and Member Services initiated discussion on concerns regarding the officer delegated decision making process.

Members discussed the need to see what decisions were being taken by officers under delegated authority, in particular those which were incurring expenditure over a certain amount, some Members suggesting over £1,000 and others over £5,000. There should be a mechanism for Members to access such information, which did not have to be too detailed, just one or two sentences on the description of the item and how much had been spent. Further details could be obtained from the relevant officers.

The Head of Legal and Member Services assured the Working Group that procurement procedures were in place and clearly defined arrangements which officers needed to follow. The Head of Legal and Member Services advised that he would provide a defined position statement on all the relevant arrangements already in place so that Members could first see what was in place and decide what other information was required (if any).

It was then –

Agreed – That the Head of Legal and Member Services explore this matter further with colleagues from Finance and report back to the next

or a future meeting (which should also include information on what could be collated and made available for Members).

56 COUNCIL PROCEDURE RULES

The Head of Legal and Member Services introduced the item on the Council Procedure Rules. Members raised the issue of electronic voting in the Council Chamber. He informed the meeting that currently options for webcasting were being looked at and this also afforded the opportunity to take stock of the electronic voting system and the audio system in the Council Chamber.

Discussion took place around the issue of Notices of Motion with a Member suggesting that he did not believe the current system was working and that all NoMs should be put to Council, whether or not there was time to debate them all, they could all at least be considered and voted upon at Council. Some might be time sensitive and any delay by referral to a Committee could nullify their impact. Also, Overview and Scrutiny Committees already had generally full work programmes

Other Members expressed their reluctance to take away from the current arrangements as some NoMs benefitted from being referred to a Committee where there was more time to consider them.

It was moved by Councillor Blakeley and seconded by Councillor Gilchrist, that –

“All Notices of Motion be dealt with by Council.”

The motion was put and lost 3:3 (on the Chair’s casting vote).

The Head of Legal and Member Services suggested a possible alternative whereby the Council could consider three NoMs, one from each political group, with the rest being dealt with under the current arrangements.

It was then agreed that Members refer this suggestion to their Groups for consideration and the matter come back for further discussion.

A Member suggested that having the guillotine at 9.15pm was too restrictive and other Members felt that it was unfair to extend this time limit further.

With regard to standing Order 26 (2) and the request for a Special meeting of a Committee by any two Party spokespersons, it was commented upon that this was inconsistent with Overview and Scrutiny Procedure Rules on page 186 of the Constitution which referred to the calling of, ‘extraordinary meetings.... by any three members of the committee.’

It was agreed that the inconsistency be rectified and the wording that, ‘...the special meeting be held within 14 days of the date of receipt of the requisition...’ be amended to read, ‘...that the special meeting be organised within 14 days of the date of receipt of the requisition or as soon as reasonably practicable...’.

With regard to Standing Order 35 (9) and call-ins:

It was agreed to delete the word, ‘exceptional’;

and in respect of Standing Order 35 (8):

It was agreed to delete the word, ‘Board’, after ‘Executive’.

The Head of Legal and Member Services then brought up the matter of objections, in respect of ‘Matters Requiring Approval’ by Council and after some discussion, **agreed to report back to a future Working Group meeting with some suggested wording on the matter.**

57 DISCLOSURE BARRING SERVICE - CHECKS FOR COUNCILLORS

The Head of Legal and Member Services would circulate a response on the Disclosure Barring Service once all the responses from the political groups had been received.

58 REVIEW OF THE MEMBERS' CODE OF CONDUCT AND PROTOCOL

After a brief discussion on the issue of pre-determination or bias, it was agreed that this item be deferred to the next meeting.

59 DATE AND TIME OF STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

It was agreed that in view of the next Standards and Constitutional Oversight Committee being scheduled for 21 November and the next Working Group taking place on 16 November, the Committee be put back to a later date, possibly 5 December, 2016.

60 DATE AND TIME OF THE NEXT MEETING OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

The next meeting would be on 16 November, 2016 at 10.00am in the Council Chamber.

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STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Wednesday, 16 November 2016

Present: Councillor R Abbey (in the Chair)
Councillors C Blakeley, B Kenny, D Elderton,
P Gilchrist

In attendance: Independent Members
B Cummings and Prof SR Jones

61 APOLOGIES FOR ABSENCE

No apologies for absence were received.

62 MEMBERS' CODE OF CONDUCT

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

No such declarations were made.

63 MINUTES

It was noted that the minute of the meeting held 19 September listed Mr B Cummings as OBE, he had been in fact awarded the MBE for services to education in the Queen's birthday honours list 2012.

RESOLVED:

That subject to the above correction, the Minutes of the meetings of the Working Group held on 19 September, 10 October and 26 October 2016 be confirmed as a correct record.

64 DRAFT MAYOR'S CHARITY TERMS OF REFERENCE

Further to Minute 48 (Standards and Constitutional Oversight Working Group, 10 October 2016) Members were requested to have regard to the draft Terms of Reference and Trust Deeds for the Mayor's Charity Committee.

The Assistant Director: Law and Governance and Monitoring Officer introduced the item explaining that although the Mayor's Charity had been in existence for many years, and a Trust Deed had been prepared in 1986, the paperwork for the Charities Terms of Reference had need review. He reported that work continued with regard to ongoing monitoring of the original Trust Deed and membership of the Charity Committee.

The Working Group were apprised that each year the Mayor's Charity accounts were submitted to the Charity Commission, and insofar as being fit for purpose, the Trust Deed itself would not require any redrafting.

A Member questioned reference to the handling of investments. The Assistant Director: Law and Governance and Monitoring Officer informed that reference to investments was included to highlight the Trustee's legal responsibilities and obligations with regard to maximising return. Such matters were monitored by the Council's Internal Audit function and signed off prior to the Charity's accounts being submitted to the Charity Commission. He further informed that in practice the Mayor's Charity collected monies throughout the year on behalf of the current Mayor's chosen beneficiaries, with all funds being paid over at the end of the Municipal Year.

The Assistant Director: Law and Governance and Monitoring Officer reported that after the Working Group had agreed to these draft Terms of Reference for the Mayor's Charity Committee he intended to brief the Civic Mayor on them prior to being submitted to the Standards and Constitutional Oversight Committee for its approval.

RESOLVED:

That the Standards and Constitutional Oversight Committee be recommended to agree the Mayor's Charity Draft Terms of Reference.

65 **STATUTORY SCRUTINY OFFICER**

The Assistant Director: Law and Governance and Monitoring Officer introduced the item informing that Section 9FB of the Localism Act 2011 placed a duty on County and Unitary Councils to designate an Officer to act as the Council's Statutory Scrutiny Officer to undertake the following statutory functions:

- Promote the role of the Council's Overview and Scrutiny Committees;
- Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies; and
- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees.

He informed that the Statutory Scrutiny Officer could not be the Council's Head of Paid Service (Chief Executive), Chief Finance Officer or Monitoring Officer.

Members were requested to recommend to the Standards and Constitutional Oversight Committee (and subsequently, the Council) the appointment of the Head of Intelligence as the Council's Statutory Scrutiny Officer, in place of the Managing Director for Delivery (i.e. Strategic Director of Transformation and Resources – pre Senior Management Restructure 1 November 2016).

RESOLVED:

That the Standards and Constitutional Oversight Committee (and subsequently Council) be recommended to agree the appointment of the Head of Intelligence as the Council's Statutory Scrutiny Officer, in place of the Managing Director for Delivery.

66 **OFFICER DELEGATED DECISION MAKING - FINANCIAL EXPENDITURE**

Further to Minute 55 (Standards and Constitutional Oversight Working Group, 26 October 2016), the Assistant Director: Law and Governance (Monitoring Officer) provided an oral update on the Council's Transparency Code. He informed that in line with the Code, all authorised items of expenditure were reported on the Council's website with all single expenditure items in excess of £500 listed and summarised by supplier and type of expense.

The Working Group was apprised that a route map and instructions on filtering the data would be forwarded by email following the meeting.

A Member asked if the data sheet could be updated to include an additional column to identify recurring expenditure. The Assistant Director: Law and Governance and Monitoring Officer stated that the request would be investigated, to see if this data was recorded, and if so whether it could be included in the data extraction.

RESOLVED:

That that the oral report provided be noted.

67 **COUNCIL PROCEDURE RULES - NOTICES OF MOTION**

Further to Minute 56 (Standards and Constitutional Oversight Working Group, 26 October 2016), the Working Group considered the outcome of the Political Group's discussions on the suggestion that the Council could consider three Notices of Motion, one from each Political Group, with any remaining being dealt with under the current arrangements.

Representatives from each political group stated whether or not such an arrangement was acceptable.

It was Proposed by Councillor Chris Blakeley
Seconded by Councillor Phil Gilchrist

“That a minimum of three Notices of Motion be debated at meetings of the Council”.

A vote was taken on Councillor Blakeley’s Motion and was **carried (3:2) (no abstentions)**.

Labour Members Councillors Ron Abbey and Brian Kenny requested that their objections be recorded.

The Assistant Director: Law and Governance and Monitoring Officer informed that a summary of the existing wording and variation would be prepared for consideration by the Standards and Constitutional Oversight Committee.

RESOLVED:

That the Standards and Constitutional Oversight Committee be recommended to agree that a minimum of three Notices of Motion be debated at meetings of the Council.

68 **COUNCIL PROCEDURE RULES**

Further to Minute 56 (Standards and Constitutional Oversight Working Group, 26 October 2016), the Assistant Director: Law and Governance and Monitoring Officer informed that clarification had been sought via the Party Spokespersons on proposed changes to wording within the Council Constitution arising from:

- a) earlier discussions regarding changes to Council Standing Orders 26(2), 35(8) and 35(9); and
- b) proposed change to the wording within the Scrutiny Procedure Rules, in respect of the calling of Special Meeting(s) of Overview and Scrutiny Committee(s).

The Working Group discussed the reasoning behind the proposed changes. Members then requested that the proposed wording Scrutiny Procedure Rules, Para 4. Meetings of the Overview and Scrutiny Committees, be corrected to include:

“,or by any three Members of the committee.”

The Assistant Director: Law and Governance and Monitoring Officer informed that a summary of changes would be prepared and circulated to Working Group Members ahead of the item being presented to the Standards and Constitutional Oversight Committee.

RESOLVED:

That subject to the inclusion of the above correction that the Standards and Constitutional Oversight Committee (and subsequently the Council) be recommended to agree:

- 1) the proposed changes to Council Standing Orders 26(2), 35(8) and 35(9); and
- 2) proposed changes to the wording within the Scrutiny Procedure Rules, Paragraph 4 in respect of the calling of Special Meeting(s) of Overview and Scrutiny Committee(s).

69 **DISCLOSURE BARRING SERVICE - CHECKS FOR COUNCILLORS**

Further to Minute 57 (Standards and Constitutional Oversight Working Group, 26 October 2016), the Working Group considered a response to the Disclosure Barring Service (DBS) following the outcome of Political Groups' discussions on the matter.

The Assistant Director: Law and Governance and Monitoring Officer informed that the political group responses had been received, and a draft response to the DBS would be prepared by the end of the week.

Members expressed their thanks to the Assistant Director: Law and Governance and Monitoring Officer for his assistance in this matter, as they considered that the work undertaken to date had been helpful in finally getting the DBS to express a view on the subject, and although not entirely successful, had resulted in a 'strong compromise'.

RESOLVED:

That the Standards and Constitutional Oversight Committee be recommended to note the Council's DBS Policy and outcome of discussions with the Disclosure Barring Service.

70 **REVIEW OF THE MEMBERS' CODE OF CONDUCT AND PROTOCOL**

Further to Minute 58 (Standards and Constitutional Oversight Working Group, 26 October 2016) the Working Group was requested to review the Constitution Extract – Part 5 and Members' Code of Conduct and Protocol.

The Assistant Director: Law and Governance and Monitoring Officer informed that as part of good governance arrangements, the Working Group and subsequently the Standards and Constitutional Oversight Committee were required to annually review and take stock of the Members' Code of Conduct and Protocol (Part 5 of the Council's Constitution).

A short discussion took place seeking clarity on specific dispensations, namely Paragraph 17, and Schedules 2 and 3 of the attached Constitution extract i.e. provisions for minority parties / finely balanced Councils and membership of Trade Unions.

Further discussion ensued regarding consideration of imposing deadlines for dealing with complaints against Members.

The Assistant Director: Law and Governance and Monitoring Officer informed that such deadlines were already included, where practicable, in the existing code, although there were occasions when delays could arise through no fault of the Members or Officers concerned, given the nature of the process and allowing for natural justice to take place.

Members noted that the administrative process included a series of stages that could at any time incur delays arising from the following:

- Cooperation of Members and Witnesses
- Complexity of the case
- Appointment of Investigator / Monitor
- Outcome of initial review – report (no case to answer – process concludes here)
- Standards Panel arrangements
- Legal Advice
- Coordination between all relevant / involved parties

The Assistant Director: Law and Governance and Monitoring Officer informed that he would investigate areas where the timescale of events could be tightened. A Member remarked that if there was a timetable it would provide an opportunity for Members to challenge delays and establish the reasons for this along with any exceptional circumstances. A Member commented that improvements to communication might negate the need for such a review.

Another Member suggested that the Standards Panels should also be treated as public meetings, with exclusion of the public being determined at the outset of the meeting to allow the Panel to discuss the merit of holding cases in public (or otherwise).

RESOLVED:

That the Assistant Director: Law and Governance and Monitoring Officer be requested to develop a framework for the consideration of complaints against Members with appropriate timescales for discussion at the next meeting of the Working Group.

71 **INFORMATION ITEM - CONSTITUTIONAL UPDATES ARISING FROM THE NEW OPERATING MODEL**

The Assistant Director: Law and Governance and Monitoring Officer introduced the item informing that following a quick assessment of the areas of the Constitution that required amendment as a result of the New Operating Model, the following areas had been identified:

Part 2 – Articles of the Constitution

- Article 12 – Officers

Part 3 – Responsibility for Functions

- Schedule 2 – Scheme of Delegation of (Non-Executive) Functions to Committees
- Schedule 3 – Delegation to Advisory and Statutory Committees
- Schedule 4A – Scheme of Non-Executive Delegation of Functions to Officers (recently reviewed, amended version incorporating ‘New Model’ titles agreed at Council 17 October – ALREADY ACTIONED)

Part 4 – Rules of Procedure

- Financial Regulations
- Contract Procedure Rules (recently reviewed, amended version incorporating ‘New Model’ titles – ALREADY ACTIONED)
- Officer Employment Procedure Rules

Members noted that the majority of the changes would be a revision of designations in line with the New Operating Model, and that there would be a report back to the Standards and Constitutional Oversight Committee / Working Group on any changes that were not, or had additional implications requiring a review. The Assistant Director: Law and Governance and Monitoring Officer informed that a summary of changes would be prepared.

RESOLVED:

That the information item – Constitutional updates arising from the New Operating Model be noted.

72 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR -
PROTOCOL RE: ATTENDANCE OF THE PUBLIC AT COUNCIL AND
COMMITTEE MEETINGS**

At the request of Members, and with the agreement of the Chair, discussion took place on the matter of the filming of public meetings of the Council, Committees, sub-Committees and Panels.

A Member asked for clarification on the current legislation with regard to the filming of meetings and issues arising should a member of the public attending such a meeting, object to being filmed. He cited a recent example at a licensing committee meeting where open and honest disclosure from a member of the public in response to an item on alcoholism. He pointed out that such disclosures might not be forthcoming if the meeting was filmed.

The Assistant Director: Law and Governance and Monitoring Officer informed that current regulations did not include any measures regarding exceptional circumstances, and that no discretion or guidance existed. He stated that one option that was available to Committee Chairs in such circumstance was to move exclusion of the press and public in compliance with Part 1 of Schedule 12A to section 100A (4) of the Local Government Act 1972.

Discussion took place on suggestions regarding formal announcements by the Chair at the commencement of all meetings and / or the inclusion of wording on all public meeting agendas to explain that the meeting was being or might be filmed.

The Assistant Director: Law and Governance and Monitoring Officer also noted Members' comments regarding the security of Committee Rooms, and suggestions that all public meeting rooms should be secured when not in use. He informed that he was currently drafting a protocol for review by the Working Group to ensure that all concerns highlighted be addressed.

RESOLVED:

That a draft protocol relating to the filming of public meetings, to include access to public meeting rooms be brought back to a future meeting of the Working Group.

73 **DATE AND TIME OF THE NEXT MEETING OF THE STANDARDS AND
CONSTITUTIONAL OVERSIGHT WORKING GROUP**

No date currently scheduled. The Committee Services Officer is to canvass Working Group Members for their availability for a meeting in January 2017.



**Standards and Constitutional Oversight Committee
Monday, 5 December 2016**

REPORT TITLE:	Recruitment Exercise for Additional Independent Person(s)
REPORT OF:	Head of Legal and Member Services

REPORT SUMMARY

This report provides the Standards and Constitutional Oversight Committee with an update in respect of the requirement to appoint Independent Persons to the Council's Standards and Constitutional Oversight Committee and details of the additional role of making recommendations to the Council in respect of the dismissal of a statutory Officer. It also recommends that a further recruitment process is undertaken with the aim of appointing more Independent Persons because there are benefits to having independent voices on the Standards and Constitutional Oversight Committee and it can take advantage of their expertise and experience. Therefore, it is important to build up the pool of people that can be called upon to assist the Council with Standards matters etc. and so increase resilience.

This approach ensures good governance within the Council and by Councillors and supports all strategic priorities. Good governance underpins the Council's values and the Wirral Plan.

RECOMMENDATION/S

That the Standards and Constitutional Oversight Committee be recommended:

- (1) to agree the commencement of a further recruitment exercise with a view to appointing at least two more Independent Persons, to be conducted in a similar manner to the previous one held in June/July 2012; and**
- (2) to agree that, in accordance with the Members' Allowances Scheme, Independent Persons will continue to receive a payment of £25 for each meeting they attend, along with a mileage allowance of 45p per mile for the mileage incurred when attending meetings or alternatively be reimbursed at the prevailing public transport rates.**

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1** The Council has a legal duty to put in place arrangements for having an Independent Person to consult and offer advice in relation to allegations of breach of the Members' Code of Conduct. The Independent Person must be consulted and views taken into account before the authority takes a decision on any allegation it has decided to investigate. The independent person may be consulted by the authority in circumstances where the authority is not taking a decision whether to investigate the allegation. The independent person may also be consulted by a Member of the Council against whom an allegation has been made
- 1.2** It is important to ensure that the impartiality of the independent person is not compromised by undertaking more than one of these roles where it would be inappropriate to do so.
- 1.3** The Council must also have in place arrangements for at least two Independent Persons to participate in recommendations in relation to the dismissal of statutory officers. The law requires Independent Persons appointed in relation to the Standards regime to be invited to participate in this process.

2.0 OTHER OPTIONS CONSIDERED

- 2.1** Under section 28(7) of the Localism Act 2011 the Council must appoint at least one Independent Person whose views are to be sought and taken into account by the Council before it makes its decisions on allegations about breaches of the Code of Conduct by Members or co-opted Members of the Council.
- 2.2** Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the Council must also have in place arrangements for inviting Independent Persons to be involved in making recommendations to the Council before any decision to dismiss a statutory officer is made. Authorities must invite any Independent Persons supporting the Standards Committee for this purpose although it is also possible to use Independent Persons from other authorities for this purpose where the authority considers it appropriate.

3.0 BACKGROUND INFORMATION

- 3.1** Standards Committees had Independent Members until July 2012. The Localism Act 2011 made significant changes to the Standards regime in local authorities, including the abolition of Independent Members from this date. A new role of Independent Person was established.

3.2 It is a requirement of the Localism Act 2011 that the Council must appoint at least one independent person to advise its Standards Committee, particularly on investigations into allegations that a Member has breached the Code of Conduct, and to advise any individual Member of the Council who is the subject of a complaint under the Code of Conduct. The appointment process must satisfy the requirement in the Act that the vacancy for an Independent Person must be advertised in such manner as the authority considers is likely to bring it to the attention of the public. There is an advert, application and interview process followed by confirmation of appointment(s) by the Council.

3.3 Following an extremely successful recruitment process in 2012, the Council, at its meeting on 16 July 2012 agreed the appointments of the following Independent Persons to the Standards Committee for a four year team of office (until 16 July 2016):

- Professor RS Jones
- Mr C Jones
- Mr D Burgess-Joyce
- Mr B Cummings

(Minute No. 43 refers.)

3.4 Early in 2015 Mr D Burgess-Joyce, who had provided excellent support to the Standards and Constitutional Oversight Committee, resigned as an Independent Person in order to stand for election to the Council in the Greasby, Frankby and Irby Ward. He was subsequently elected in May 2015 and became a Member of the Council.

3.5 The three remaining Independent Persons continue to provide excellent independent support to the Standards and Constitutional Oversight Committee and the Monitoring Officer. They have gained substantial knowledge and experience in the role. Consequently, they were invited and agreed to continue as Independent Members of the Committee when their term of office came to an end. They were subsequently, re-appointed by the Council at its meeting on 14 July 2016, for a further four year term of office (until 15 July 2020).

(Minute No. 33 refers.)

3.6 The law provides that a person may not be an Independent Person if he or she is a Member, a co-opted member or an officer of the Council, or a relative or close friend thereof. It also provides that a person may not be appointed if they were a Member or co-opted member during the past five years.

3.7 It is proposed that, following Standards and Constitutional Oversight Committee approval, the recruitment process is commenced. It will involve an advertisement, application process and interviews held by a Panel of Members drawn from the Committee and the Monitoring Officer, which will recommend any appointments to the Council.

3.8 In May 2015 the Local Authorities (Standing Orders) (England) (Amendment) Regulations were passed. These provide that where a decision to dismiss any statutory officer is to be taken by the Council, prior to making such a decision, the Council must invite at least two Independent Persons to be members of a Panel to consider the matter, and take any recommendations from that Panel into account before making the final decision.

3.9 The Chief Officer's Employment Disciplinary Sub-Committee has this remit in accordance with the Council's Constitution and Independent Persons appointed to support the Standards regime must be invited to sit on this Sub-Committee. If there are none, or they are unable to participate, any Independent Persons appointed by another authority may be invited to participate. It is considered most appropriate to utilise the Council's own Independent Persons appointed to support the Standards regime for this purpose, and it is therefore proposed that this role be added to their job description. There has not been a requirement for this Sub-Committee to meet.

4.0 FINANCIAL IMPLICATIONS

4.1 Independent Persons receive a payment of £25 for each meeting they attend and the payment for the use of their private motor vehicle to and from the meeting is made at the rate of 45p per mile.

4.2 The recruitment process will be arranged and managed within existing resources in Committee and Civic Services.

5.0 LEGAL IMPLICATIONS

5.1 The position of Independent Persons is a statutory requirement through the Localism Act 2011, and the scope of the role has been extended as detailed in Paragraph 3.8 above.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 None specific to this report.

7.0 RELEVANT RISKS

7.1 The recruitment process will ensure that there are Independent Persons in place to undertake the duties set out in the Localism Act 2011, which reduces the risk of both reputational damage to the authority and the risk of any decision by a Standards and Constitutional Oversight Committee being open to challenge due to lack of a required Independent Person.

7.2 The Council previously had four Independent Persons it could call on but since 2015 it has only had three. These Persons may not always be available due to other conflicting commitments. Therefore, making additional Independent Person appointments is considered to be prudent and builds in more flexibility. This action will build more flexibility into the Standards process.

8.0 ENGAGEMENT/CONSULTATION

8.1 None.

9.0 EQUALITY IMPLICATIONS

9.1 No equalities implications arise directly from this report, however the application and interview process will be carried out in line with the Council's recruitment policies and will comply with the Council's equality duties.

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APPENDICES

None

REFERENCE MATERIAL

The Localism Act 2011 Part 1 Chapter 7.
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	16 July 2012
Council	14 July 2016
Standards and Constitutional Oversight Working Group	19 September 2016

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INFORMATION & ICT SECURITY

Elected Members – Information & ICT Security Acceptable Use Policy

DRAFT

Document information

Title	Information & ICT Security – Elected Members – Acceptable Use Policy
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0.3	10 October 2016	SCOC Working Group	

Consultation Route

Recipient	Date	Feedback provided	Document updated
IT Services Team & Group Leaders and relevant Officers			
IT Services Management Team	22 December 2014	Various changes and comments	23 December 2014
Internal Audit			
HR			
Legal Services			

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1. INTRODUCTION

- 1.1 The purpose of this document is to confirm your responsibilities as a new or existing Elected Member of Wirral Council in terms of the acceptable use of council information and ICT facilities.
- 1.2 As well as outlining your responsibilities under the Data Protection Act it also details the key policy rules you must follow to ensure the safe handling, storage and use of council and constituents' information.
- 1.3 It supplements the [Wirral Council Members' Code of Conduct](#), and replaces the existing 'Use of Council Computer Facilities Code of Practice – Members' document. You must sign the form in Appendix 1 to confirm you have read, understood and accept the contents and terms and conditions of this policy.
- 1.4 Further information and guidance concerning information security is available on the council's intranet site – [here](#)¹.

2. ELECTED MEMBERS, DATA PROTECTION & THE ICO

- 2.1 Wirral Council is responsible for a wide variety of information, some of which is personal and sensitive. Additionally, as an Elected Member, you are responsible for the personal information of Wirral citizens in your constituency. You and the council have legal and moral responsibilities to ensure that the security of that information is maintained.

Data Protection Act 1998

- 2.2 The Data Protection Act (DPA) regulates the holding and processing of personal information that relates to living individuals.
- 2.3 Further information on the DPA is available [here](#)².

Data Controllers

- 2.4 All Wirral Council Elected Members are registered with the ICO as Data Controllers. A description of the processing activities of Data Controllers is placed on a public register of notifications. Data Controllers must comply with eight data protection principles (see Appendix 2) which together form a framework for the proper handling of personal information. Individuals whose personal information is processed have rights under the Act, for example, to a copy of the information that is held about them.

Information Commissioner's Office

- 2.5 The Information Commissioner's Office (ICO) is "the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals"
- 2.6 It has the power to enforce penalties, including financial penalties, to organisations or individuals who have failed to comply with the requirements of the DPA. A list of organisations who have received such penalties is available [here](#)³.

¹ <http://wbcnet.admin.ad.wirral.gov.uk/governance-information-responsibilities/councillors-responsibilities-information>

² https://ico.org.uk/for_organisations/data_protection

³ <https://ico.org.uk/enforcement/fines>

- 2.7 When you, as an Elected Member, consider using personal information for any particular purpose, you should take into account the context in which that information was collected to decide whether your use of the information will be fair and lawful.
- 2.8 Personal information held by the council should not be used for political or representational purposes unless both the council and the individuals concerned agree. For example, it would not be possible to use a list of the users of a particular council service for electioneering purposes without their consent. An example would be using a list of library users to canvass for re-election on the grounds that the member had previously opposed the closure of local libraries.
- 2.9 When campaigning for election as the representative of a political party, candidates can use personal information, such as mailing lists, held by their parties. However, personal information they hold as Elected Members for casework should not be disclosed to the political party without the consent of the individual.
- 2.10 Candidates for election should also be aware of the requirements of the Privacy and Electronic Communication (EC Directive) Regulations 2003 that regulate unsolicited electronic marketing messages sent by telephone, fax, email or text.
- 2.11 When campaigning for election to an office in a political party, members should only use personal information controlled by the party if its rules allow this. It would be wrong, for instance, to use personal information which the candidate might have in their capacity as the local membership secretary, unless the party itself had sanctioned this.

Offences

- 2.12 The Data Protection Act contains a number of criminal offences including:
- When someone is required to notify (ie: register with the ICO) and does not do so. For example, a councillor who holds computerised records of constituents' details for casework purposes, would commit an offence if they had not notified this use of personal information.
 - Making unauthorised disclosures of personal information. For example, an Elected Member who disclosed personal information held by the council to their party for electioneering purposes without the council's consent could commit an offence.
 - Procuring unauthorised disclosures of personal information. For example, an elected member who obtained a copy of personal information apparently for council purposes, but in reality for their own personal use (or the use of his or her party) is likely to have committed an offence

Further Guidance

- 2.13 The ICO website is a source of further information and guidance for Elected Members - http://ico.org.uk/for_organisations/sector_guides/political
- 2.14 Additionally, the ICO have produced specific guidance - Data Protection Good Practice Note – Advice, for elected and prospective members of local authorities:



ICO Advice Elected
Members

3. WHY INFORMATION SECURITY & DATA PROTECTION ARE IMPORTANT

3.1 Wirral Council maintains an [Information Governance Framework](#) which seeks to protect the security of its information assets. This is a combination of policy, procedural and technical controls which together help council officers and you, as an Elected Member, manage the risks to the confidentiality, integrity and availability of council information.

Consequences

3.2 Failure to adequately protect council or constituents' information will result in a compromise of its security which can have a number of negative consequences for you and the council, including:

- Financial penalties - The ICO can issue monetary penalties up to £500,000 to organisations which have failed to comply with the DPA.
- Legal ramifications – Serious breaches of the DPA can result in legal action, including prosecution.
- Reputational damage – Data breaches are often reported in the media and consequently result in the public perception of an organisation and/or the individuals who represent them, being damaged.
- Emotional / physical harm – The compromise of personal and sensitive data can result in harm to the individuals who the information relates to.
- Compliance – Failure to maintain information and ICT security can result in the council not complying with the Public Services Network (PSN) and NHS IG Toolkit standards. This could result in the authority being unable to deliver key services.

4. INFORMATION & ICT SECURITY AT WIRRAL COUNCIL

4.1 The controls which make up the Information Governance Framework are outlined in the Council's [IG Policy](#). Underpinning this policy are specific policies, procedures and standards, covering:

- How the council manages information risk
- What HR-related security controls are in place
- How access to information and ICT systems is controlled
- How the security of ICT systems and equipment is maintained
- What physical security controls the council has implemented
- How information or data breaches are handled
- What information security training staff and Elected Members must complete
- Considerations when sharing information with third parties
- Secure transfer of information
- Retention and disposal of information

4.2 Additionally, the council has established key information governance roles and forums to ensure information security is continuously managed and improved. These include the establishment of the Information Governance Board and Information Governance Operational Group.

4.2.1 The authority also has a Senior Information Risk Owner (SIRO) and Information Asset Owners (IAOs) and Information Asset Administrators (IAAs), all with specific information governance responsibilities. Further information on these roles can be found in the Information Risk Management Process document.



5. KEY INFORMATION, ADVICE & ICT SECURITY PROTOCOLS FOR ELECTED MEMBERS

- 5.1 This section will provide you, as an Elected Member, with the key information and ICT security protocols you must follow to keep council and constituents' information safe. It does not provide detailed information about the specific policies and procedures referred to in section 4. Detailed documentation is [available on the council intranet](#) covering each of the policies and procedures relating to information and ICT security.

USE OF EMAIL

- 5.2 **Secure email must be used when sending sensitive or personal information externally** - Personal or sensitive council information could include:
- Personal information relating to individuals, particularly children or vulnerable adults,
 - Financial or commercially sensitive information,
 - Information which could negatively affect the council if disclosed to unauthorised individuals or organisations
- 5.3 Sensitive information should be sent to external email addresses from either a secure GCSx email account or a standard user@wirral.gov.uk account which has been configured to enable the sending of encrypted email. Standard user@wirral.gov.uk accounts should not be used to send personal or sensitive information externally as they are NOT secure. Further details can be found on the intranet – [here](#).
- 5.4 Care should always be taken to ensure that the recipient name / email address is correct when sending sensitive information, even if it is being emailed internally, ie: to other @wirral.gov.uk accounts.
- 5.5 **Personal or sensitive information must never be sent by fax.**
- 5.6 **Internet email accounts (such as hotmail, gmail or yahoo email accounts) must not be used to send or store council information** - The forwarding of emails from @wirral.gov.uk accounts to personal email accounts (for example to work at home) is prohibited as the information is not secure in transit or at rest when stored on personal devices.
- 5.7 **The auto-forwarding of emails from council emails accounts to less secure accounts, including personal email accounts, is prohibited.**
- 5.8 **The forwarding of so-called chain emails, including joke emails, is prohibited** - as they use network and storage space and may contain viruses.
- 5.9 **Don't respond to suspicious emails** - Spam is the name given to bulk emails sent to a random selection of email addresses. Spam is mainly 'phishing' emails which attempt to obtain personal information such as bank details and 'pharming' emails which try to get users to click on web links to often malicious websites.

- 5.10 The Council has introduced measures prevent the majority of spam emails getting to users' accounts. Unfortunately the senders of these emails continue to find way of bypassing controls.
- 5.11 If you suspect an email is spam, or looks suspicious in nature, **DELETE IT IMMEDIATELY. DO NOT REPLY.**

USE OF PASSWORDS

- 5.12 **Don't share your username and password** - Under no circumstances should your username and password be used by someone else to log on to the network. If you share your login details any inappropriate activity on your account will be recorded against you.
- 5.13 If you think someone else knows your password, contact the IT Services Service Desk and **reset it!** If you or a colleague need access to an IT system, **apply for it!** And, most importantly, **do not log on to someone else's account!**
- 5.14 **Do use complex passwords and keep them safe** - Your User ID and password are the first line of defence for the Council's ICT systems. Choose a 'strong' or complex password to minimise others being able to access your account.
- 5.15 You must choose passwords that adhere to the following:
- Have at least seven characters.
 - Have at least three different types of characters including upper case, lower case, numbers or special characters.
 - Not include consecutive identical, all-numeric or all-alphabetic characters.
 - Be more complex than a single word (such passwords are easier to compromise).
- Tips:
- Avoid words that are exactly as they are found in the dictionary.
 - Use phrases rather than words.
 - Substitute other characters for letters for example: overthemoon could become 0v3r+h3m00n.
 - Avoid using a password that could easily be guessed by using person-related information, such as names, telephone numbers and dates of birth

DATA STORAGE

- 5.16 **Don't use personal devices to connect to the council network or store council information** - Under no circumstances should personal equipment be connected to council computers or the network as this could inadvertently introduce malware, such as viruses, onto the network. Personal devices are those that are not issued by the council and include, but are not limited to:
- Laptops
 - Tablet PCs
 - Mobile phones (including smartphones)
 - PDAs
 - Digital cameras
 - MP3 players
 - Datasticks – access to USB ports is now restricted by default. If you need to use removable media you must complete the online INET05 form. This is available on the intranet [here](#) along with further information concerning removable media usage, such as the need to encrypt/password protect

devices such as datasticks. If you have any questions regarding removable media usage please contact the IT Services Service Desk.

- 5.17 **Don't store council or constituents' information on unsecure devices** - Data stored on unsecure devices (eg: unprotected removable media, laptops, tablet PCs) is at risk of being compromised if lost, stolen or damaged. Devices should be encrypted to prevent unauthorised access to any data held on them.
- 5.18 **Don't save council data on the local, or c:\, drive of computer devices** - All data should be saved on the council's networked drives, eg: H:\, K:\ or J:\. Data saved to the local, or C:\, drive of a computer is at risk of being lost should the device fail or be stolen. Data saved on the network is backed up by IT Services and can be recovered. Where the use of the C:\ is absolutely necessary, data should only be stored temporarily and must be uploaded back to the networked drives as soon as possible.
- 5.19 **Don't store personal data on council devices or the council network-** Personally data including digital photographs, music and videos, must not be stored on council devices or on locally or networked file servers. This takes up costly storage space and can slow down network performance.
- 5.20 **Store and dispose of documents safely** - All documents containing confidential council information should be kept in a locked cupboard or drawer overnight. When disposing of sensitive documents, only use confidential waste bins. These are identifiable by a locked lid with a letter-box size hole in the top.
- 5.21 **Store mobile devices securely when not in use** - Mobile devices should not be left out in the office overnight. They should be kept in secure storage and, where possible, 'Kensington Locks' used to secure laptops to desks – these are available on the [iProcurement system](#). If using devices at home they should not be left in sight of windows or in places which may invite an opportunist thief.

COUNCIL EQUIPMENT

General

- 5.22 **Do not attempt to change the configuration of council computers** - Members must not load personal software, including games, onto council computers. The hardware and configuration of the computer must not be changed. requests for changes should be directed to the IT Services Service Desk.
- 5.23 **Return Council IT equipment when it is no longer needed** – Council-issued IT equipment and software must be surrendered to IT Services if you cease to be an Elected Member.
- 5.24 **Don't share or copy software** - All software provided by the council remains the property of Wirral Council, or the licensing organisation as appropriate, and may not be shared or copied to another machine or user.
- 5.25 **Don't let others use your council equipment** – Council IT equipment is provided for the sole use of Elected Members primarily for council business. No person, other than the Elected Member, may use the equipment. Use by family, friends or other non-council users is not permitted.
- 5.26 **Don't use council equipment for party political purposes** - In accordance with the Local Government Act 1986 and the Local Authority Code of Practice on Publicity, Members should not utilise Council equipment for any party political purpose or to

publish any material which in whole or part appears to be designed to effect public support for a political party.

- 5.27 **Lock your computer when leaving it unattended** - When leaving a computer unattended, even for a short time, the screen must be 'locked' to prevent others accessing your account. Press 'Ctrl – Alt – Delete' at the same time and select 'Lock Computer'. On your return press 'Ctrl – Alt – Delete' at the same time and the computer will prompt you for your log in details before allowing you to access your account again.

Smartphones & Tablets

- 5.28 The leadership of all parties with five or more Elected Members will be offered Council provided smart phones. The term 'Leadership' is defined as the leader and deputies of the parties. All members of the Cabinet will also be offered council provided smart phones.
- 5.29 All Members will be offered the facility to securely access council emails from their own smart phone, provided it is on the approved list of suitable smart phones. In such cases the council's Mobile Device Management software will be installed on the device. This enforces specific security controls such as access to the device and remote wipe should the device be lost or stolen.
- 5.30 All Members accessing such information from council provided or personal smart phones must comply will all relevant information governance and security policies.

INFORMATION / ICT SECURITY INCIDENTS

- 5.31 **Report suspected information and ICT incidents** - Any event that may compromise the confidentiality, availability or integrity of council information is an 'information or ICT security incident.' This includes the disclosure of information (either deliberately or accidentally) to an unauthorised person as well as the loss of, or damage to ICT equipment used to store or process council information.
- 5.32 All staff and Elected Members must report information security incidents so that action can be taken and reduce the possibility of similar events occurring in future.
- 5.33 If you identify a security vulnerability or suspect a security incident has occurred you should:
- contact the IT Services Service Desk immediately on 0151 666 4080
 - inform your party leadership
- 5.34 Appropriate action will then be taken depending on the nature of the incident. Further details of what you should do following a security incident are [available on the intranet](#).

USE OF THE INTERNET

- 5.35 Access to the internet by Members will be routinely monitored for any unauthorised or unacceptable use. Any breach of these conditions could result in withdrawal of the equipment or in some cases a criminal prosecution.
- 5.36 Members are expected to demonstrate a responsible approach to the use of resources available to them, and to show consideration for other users, both those using the council's facilities and those with whom they may come into contact on the internet.

Members are expected to behave in a legal, moral and ethical fashion that is consistent with council policies and standards.

- 5.37 It must be recognised that any view communicated over the internet will be deemed to be the view of the council, and will in most cases be treated as equivalent to correspondence sent by traditional formal routes. Any personal view expressed via a council e-mail address should be endorsed, "The contents of this e-mail are the personal view of the author and should in no way be considered the official view of Wirral Metropolitan Borough Council".
- 5.38 Social Media – Members are directed to Wirral MBC Social Media Policy and LGA Guidance that may be found on the council's intranet. The ICO have published guidance on the use of social network sites and the implications for the DPA – this may be found here: <https://ico.org.uk/media/about-the-ico/policies-and-procedures/1895/ico-social-media-policy.pdf>

6. POLICY COMPLIANCE

- 6.1 Any breach of this policy, hereafter called an offence, will be subject to investigation by the Monitoring Officer of the council in consultation with Internal Audit and assisted as appropriate by technical staff. The Monitoring Officer will take action as appropriate following an investigation into the offence which may result in one or more of the following actions.
- Notification of the offence to the Party Group leader
 - Notification of the offence to the Wirral MBC Standards Panel
 - Notification of the offence to the Police
- 6.2 If you do not understand the implications of this policy or how it may apply to you, seek advice from the Information/ICT Security Officer and/or the Monitoring Officer.

7. REVIEW AND REVISION

- 7.1 This policy will be reviewed as it is deemed appropriate, but no less frequently than every 12 months.
- 7.2 Policy review will be undertaken by the Information/ICT Security Officer in conjunction with the Senior Information Risk Owner and the Monitoring Officer.

APPENDIX 1 – ELECTED MEMBERS ACCEPTABLE USE POLICY - FORM

By signing this form you are confirming you have read and understood the requirements detailed in the Elected Members – Information & ICT Security Acceptable Use Policy document and you agree to abide by its requirements.

Additionally, the following activities, whilst not an exhaustive list, are unacceptable:

1. The access to or creation, transmission or publication of any illegal or indecent images, sounds, data or other material.
2. The access to or creation, transmission or publication of any data capable of being displayed or converted to such illegal or indecent sounds, data or other material
3. The creation, transmission or publication of any material which is designed or likely to cause offence, inconvenience, discrimination or needless anxiety, or which may intimidate or create an atmosphere of harassment.
4. The creation, transmission or publication of defamatory material.
5. The receipt or transmission of material that infringes the copyright of another person.
6. The creation, transmission or publication of any material in violation of Data Protection legislation or of any UK or international laws or regulations. Such activity may constitute a criminal offence.
7. The transmission of unsolicited commercial or advertising material to other users of the council's network or users of the internet.
8. The deliberate unauthorised access to facilities, services, data or resources within the Council or any other network or service accessible via the Internet, or attempts to gain such access.
9. Unauthorised access to the electronic mail of another individual.
10. Deliberate activities with any of the following characteristics or that by their nature could result in:
 - wasting staff or other users' efforts or network resources
 - corrupting or destroying other users' data
 - violating the privacy of other users
 - disrupting the work of other users
 - using the Internet in a way that denies service to other users (for example by overloading the connection to the network by unnecessarily, excessively and thoughtlessly downloading large files)
 - continuing to use any item of software or to access any material after being requested to cease its use because of disruption caused to the functioning of the Council's network or the Internet (for example utilities designed to broadcast network-wide messages)
 - the introduction or propagation of malware.
11. Where the internet is being used to access another network, any abuse of the acceptable use policy of that network.
12. Any use of the internet or other facilities that could damage the reputation of the Council.

13. Any breach of this policy, hereafter called an offence, will be subject to investigation by the Monitoring Officer of the Council in consultation with Audit and assisted as appropriate by technical staff. The Monitoring Officer will take action as appropriate following an investigation into the offence which may result in one or more of the following actions.

- Notification of the offence to the party group leader
- Notification of the offence to the Standards Board for England
- Notification of the offence to the Police

Issued to:

.....

Date:

.....

I agree to abide by the terms defined above

Signed :

.....

Date:

.....

A signed copy of this document should be returned to the Head of Democratic Services with a copy held by the individual Elected Member.

APPENDIX 2 – DATA PROTECTION ACT – EIGHT KEY PRINCIPLES

Schedule 1 to the Data Protection Act lists the data protection principles in the following terms:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Social Media Policy

1. Policy Statement

The Council values the use of social media as an important way of communicating with local residents and businesses and the people who use our services. Our employees should also be able to see and have access to the Council's work on social media and should also be able to benefit from using social media for their own professional development.

The Council wishes to maximise the benefits and opportunities social media offers. The aim of this policy is primarily to safeguard both our staff and our service users while using social media, to protect the Council from the legal risks of social media, and also to ensure the reputation of the authority is protected at all times. This policy applies to employees whether they are using social media personally, on behalf of the Council, or in other ways.

2. Definition of social media

For the purposes of this policy, social media is a type of interactive online media that allows parties to communicate instantly with each other or to share data in a public forum. This includes online social forums such as Twitter, Facebook and LinkedIn. Social media also covers blogs and video and image-sharing websites such as YouTube, Instagram, Snapchat and Flickr.

Employees should be aware that there are many more examples of social media than can be listed here and this is a constantly changing area. Employees should follow these guidelines in relation to any social media that they use.

3. Use of social media at work

Employees are allowed to make reasonable and appropriate use of social media websites from the organisation's computers or devices, provided that this does not interfere with their duties. Employees should limit their use of social media to their official rest breaks such as their lunch break/times.

The organisation understands that employees may wish to use their own computers or devices, to access social media websites while they are at work. Employees should also limit their use of social media on their own equipment to their official rest breaks such as their lunch break/times.

In using the Council's computers or devices for private social media use, employees must be aware that in accordance with the Council ICT policies, accessing of inappropriate material is unacceptable and may result in disciplinary action.

Employees must be aware of accessing social media content on a Council PC or device which they access on their personal device but which may cause offence if it was visible or audible to others in a workplace or public environment.

4. Excessive use of social media at work

Employees should not spend an excessive amount of time while at work using social media websites. They should ensure that use of social media does not interfere with their other duties. This is likely to have a detrimental effect on employees' productivity and could result in disciplinary action.

5. Monitoring use of social media during work time

The organisation reserves the right to monitor employees' internet usage, but will endeavour to inform an affected employee when this is to happen and the reasons for it. The organisation considers that valid reasons for checking an employee's internet usage include suspicions that the employee has:

- Been using social media websites when he/she should be working; or
- Acted in a way that is in breach of the rules set out in this policy.

The organisation reserves the right to retain information that it has gathered on employees' use of the internet for a period of one year, or for the duration of any related disciplinary sanctions.

Access to social media websites or the internet generally, may be withdrawn in any case of misuse.

6. Use of social media for work purposes

The Council has a number of authorised, managed and monitored social media feeds. **Employees must not set up or contribute to any social media activities, on behalf of the Council, without seeking advice and permission from the Marketing and Communications team first.** This is in all instances.

If you would like to request permission to set up and manage a new social media feed, you will need to provide a business case, which will be reviewed by Marketing and Communications. You will also need your manager's support and agreement. However, even with this, your request may be turned down if there is not a strong enough business case.

If you are given permission to run a Council feed:

Employees must be aware at all times that, while contributing to the organisation's social media activities, they are representing the organisation. Staff who use social media as part of their job must adhere to the following rules.

Employees should use the same safeguards as they would with any other form of communication about the organisation in the public sphere. These safeguards include:

- Making sure that the communication has a purpose and a benefit for the organisation;

- Obtaining permission from a manager before embarking on a public campaign using social media; and
- Getting a colleague to check the content before it is published.

Any communications that employees make in a professional capacity through social media must not:

- Bring the organisation into disrepute, for example by:
 - Criticising or arguing with customers, service users, colleagues or rivals;
 - Making defamatory comments about individuals or other organisations or groups; or
 - Posting images that are inappropriate or links to inappropriate content;
- Breach confidentiality or the Data Protection Act, for example by:
 - Revealing trade secrets or information owned by the organisation;
 - Giving away confidential information about an individual (such as a colleague or customer contact) or organisation; or
 - Discussing the organisation's internal workings (such as contracts it may be entering in to or its future business plans that have not been communicated to the public);
 - Revealing personal information about another individual;
- Breach copyright, for example by:
 - Using someone else's images or written content without permission;
 - Failing to give acknowledgement where permission has been given to reproduce something; or
- Do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
 - Making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
 - Using social media to bully or harass another individual (such as an employee of the organisation); or
 - Posting images that are discriminatory or offensive [or links to such content].

Employees should not spend an excessive amount of time while at work using social media websites, even if they claim to be doing so as part of their work. If managing a feed, a campaign or an issue starts to need excessive time, you should discuss this with your manager.

7. Private use of social media

The organisation recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the organisation, employees must be aware that their behaviour can impact on the organisation if they are recognised as being one of our employees.

The organisation recognises that it is natural for its staff sometimes to want to discuss their work on social media. However, the employee's online profile (for example, the name of a blog or a Twitter name) must not contain the organisation's name.

In addition to the bullet points on page 2 and 3, any communications that employees make in a personal capacity through social media must not:

- Bring the organisation into disrepute, for example by:
 - Using the Council logo or giving the impression that you are expressing the views of the Council;
- Breach confidentiality or the Data Protection Act, for example by:
 - Revealing personal information about another individual. This includes posting photographs of service users, or commenting about service users or posting details or photographs of colleagues without their permission;

Employees should not set up vulnerable children or adults who are service users, as friends or associates.

8. Protecting yourself on social media

You may wish to consider carefully who can see the information you post to social media, including your profile information, particularly employees in direct contact with service users and customers. Each social media platform offers information about how to adjust your privacy settings.

Employees and others associated with the Council should assume that anything posted on social media sites, even where privacy settings have been used, will become publicly available.

You should be aware that if you identify that you work for the Council on social media sites, this could link your behaviour outside of work to the reputation of the Council.

9. Disciplinary action over social media use

All employees are required to adhere to this policy. Employees should note that any breaches of this policy may lead to disciplinary action. Serious breaches of this policy, for example incidents of bullying of colleagues or social media activity causing

serious damage to the organisation, even if carried out in personal time or on personal feeds, may constitute gross misconduct and lead to summary dismissal.

Employees should be aware that any reports of inappropriate activity linked to the Council will be investigated. Hard copies of social media entries/web records may be used in disciplinary proceedings.

It is important for employees in politically restricted posts to remain politically neutral. Employees should therefore not express any political views, either positive or negative, on social media, or post any content that could be seen as generating or discouraging public support for a political party.

Employees should also be aware of the Code of Practice for employees when using the internet, e-mail and telecommunications, the IT Security policy, the Employee Code of Conduct and the Attendance Management Policy.

10. Who else is covered by this policy?

This policy applies to all employees of the Council, including those working from home or at non-Council locations.

The following groups should also have regard to this policy when working on Council business or when interacting with the Council:

- Elected Members
- Consultants
- Agency staff
- Volunteers and contractors
- External organisations (when working with the Council)

11. Commitment to Equality

Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful discrimination, harassment and victimisation	To advance equality of opportunity	To foster good relations between different groups of people
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

One of the main purposes of the policy is to safeguard both our staff and our service users while using social media, to protect the Council from the legal risks of social media and also to ensure the reputation of the authority is protected at all times.

12. Related Policies

- Disciplinary Policy and Procedure
- Capability (Performance)
- Code of Practice for employees when using the internet, e-mail and telecommunications.
- IT Security Policy
- The Employee Code of Conduct
- The Attendance Management Policy

MAYOR'S CHARITY COMMITTEE

Terms of Reference

1.0 Purpose

- (i) **To agree and oversee the fundraising strategy for the Wirral Civic Mayor's Charity.**
- (ii) **To act as the key link to ensure joined up and co-ordinated working between the Wirral Mayor's Office and the Mayor's selected Charity/Charities for the Civic / Municipal Year.**

1.1 The Civic Mayor may determine the number of organisations that he or she wishes to support.

1.2 Organisations must be engaged in activities which benefit the residents of Wirral.

1.3 The Civic Mayor's fund shall not be used to provide financial support to:

- (i) Individuals.
- (ii) Political groups or organisations promoting political beliefs.
- (iii) Projects with no community or charitable element.

2.0 Establishment of the Fundraising Committee

2.1 The Mayor's Charity Committee (The Committee). The Committee is a non-executive committee and has no executive powers, other than those specifically mentioned within these Terms of Reference. The Committee is established and administered in accordance with Wirral Council Standing Orders.

3.0 Authority & Accountability

3.1 The Committee reports to the trustees and works in partnership with relevant Charity or Charities, selected annually by the Civic Mayor and as agreed at the Annual meeting of Wirral Council (Mayor making).

4.0 Duties

4.1 The duties of the Committee are as follows:

- (i) To agree and prioritise needs for which fundraising support would be appropriate and likely to be successful.
- (ii) To agree plans for carrying out and effecting charitable fund raising plans in the agreed and prioritised areas.
- (iii) To discuss and resolve any issues in relation to the management of charitable funds and to enable the Civic Office and selected Charity or Charities to work together to ensure such funds are credited to the Mayor's Charity Account during the year for final handover at the end of the Civic / Municipal Year.
- (iv) To identify and recommend suitable individuals to promote redevelopment fundraising including an appropriate lead person or "appeal chairman" and donor prospects.
- (v) To oversee the coordination and promotion of the fundraising project through a communications strategy and thereby influencing key external stakeholders to assist in fundraising.
- (vi) To report to the Civic Mayor on the progress in relation to the fund raising activities.

5.0 Membership

In accordance with the trust deed, the Mayor's Charity shall comprise of 5 members:

Mayor (Chair)

Treasurer - designated Civic Office Staff Member

Committee and Civic Services Manager

Representative(s) from each relevant Charity (x1 per Charity)

Lay Person (x1)

Any additional members i.e. more than the 5 members permitted by the trust deed shall serve in an advisory capacity only e.g. the Mayoress or Charity Representative (if more than one Charity).

5.1 Treasurer – the Mayor shall appoint a Treasurer who shall be responsible for:

- (i) Maintain accurate records of income received;
- (ii) Banking and reconciling all income received;

- (iii) Providing updated financial statements to each meeting of the Charity Committee; and
- (iv) Producing full financial statements at year-end.

6.0 Frequency of meetings

6.1 Meetings shall be held every 6-8 weeks.

7.0 Quorum

7.1 No meeting shall commence unless three members are present.

8.0 Reporting Arrangements

8.1 The work of the Committee including key decisions and actions will be recorded in the meeting minutes.

9.0 Required Frequency of Attendance by Members

9.1 It is highly important that members attend the Development Committee on a regular basis. No more than two meetings should be missed in any one year unless due to extenuating circumstances agreed with the Mayor. A delegated deputy may attend the meeting in the absence of a Committee member.

9.2 If in exceptional circumstances a committee member is unable to attend the meeting or send a deputy then, in addition to standard reporting arrangements, a formal summary report of progress made against their areas of responsibility should be provided in a minimum of 5 working days in advance of the meeting for inclusion with the agenda papers.

10.0 Process for monitoring the effectiveness of all of the above

10.1 In all reports to the Committee will review its effectiveness against its objectives, including reviewing and updating membership as necessary.

11.0 General Administration

11.1 The Committee shall be supported administratively by the Wirral Borough Council Committee and Civic Services Manager (or designated officer). The duties of the administrative aspects of the committee in this respect will include:

- (i) Agreement of agenda with the Chairman and attendees and collation of papers.

- (ii) Agenda and papers to be circulated minimum of 5 working days in advance of meeting.
- (iii) Reminding members of forthcoming meetings to ensure the best possible attendance.
- (iv) Taking the minutes and recording of matters arising and updates.
- (v) Monitoring the actions decided upon are followed up.

12.0 Financial administration

- 12.1 All monies collected (cash or cheque) and donations will be recorded, independently verified, and banked within 2 working days.
- 12.2 Bank reconciliations will be undertaken every 6-8 weeks (minimum) and reported to the Committee as a standing item on the Committee meeting agenda.
- 12.3 Where raffle tickets are sold, a record shall be maintained of how many tickets have been issued and this shall be cross referenced with the amount of income collected.
- 12.4 Income shall be banked by an officer independent of the collection process.
- 12.5 The Civic Mayor shall be responsible for authorising all expenditure from the Mayor's Charity Account. An appropriate audit trail shall therefore be maintained to demonstrate that all expenditure has received the prior authorisation of the Mayor. All aspects of procurement will comply with Wirral Borough Council's Contract Procedure Rules
- 12.6 Cheques must only be signed by an authorised signatory of the Civic Mayor's Charity Bank Account. The signatories are:
 - Head of Legal and Member Services
 - Committee and Civic Services Manager
 - Civic Services Officer
- 12.7 Financial statements providing details of all income received and all expenditure incurred shall be produced at the end of the Civic Mayor's term in office. This record shall be made available for inspection by any member of the Council or any member of the public subject to prior appointment.

- 12.8 The Civic Mayor Charity Account is to be reviewed and reconciled annually by Wirral Borough Council Finance Department.
- 12.9 Organisations that receive funding from the Civic Mayor's Fund shall be required to provide the Charity Committee with an outline of how the funding received has been used to benefit the local community.
- 12.10 The Civic Mayor's Charity Account shall be subject to the Council's internal audit arrangements.

13.0 Governance and Review

- 12.1 The above terms of reference will be reviewed every year or sooner if necessary.
- 12.2 The following reports will be prepared annually:
- Charity Committee Report
 - Finance Report
 - Governance Report

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DATED

First April

1986

TRUST DEED

relating to -

WIRRAL MAYORS CHARITY

Lindsay & Partners
Solicitors
100 WINDMILL
WIRRAL
Wirral
Merseyside

1056

504K-03 Feb 4/4

THIS TRUST DEED dated the four day of April One thousand nine hundred and eighty six BY GORDON CHRISTISON LINDSAY of 18A Mere Farm Road Oxton Birkenhead in the Metropolitan Borough Council of Wirral (hereinafter called "the Declarant") of the one part and CLIFFORD DEREK DARLEY of 9a Tollemache Road Birkenhead aforesaid and IAN WOOD of 15 Carisbrook Close West Kirby Wirral aforesaid (who are respectively the Chief Executive and the Director of Finance of the Council of the said Metropolitan Borough of Wirral (hereinafter referred to as "the said Council") of the other part



WHEREAS the Declarant with the concurrence of the other parties hereto desires to establish a Trust for the furtherance of the charitable objects hereinafter set out AND WHEREAS it is anticipated that as a result of appeals to the public to be made by the Declarant and his successors and otherwise sums of money will be acquired upon the trusts hereof AND WHEREAS the sum of One thousand two hundred pounds is now held by the Declarant in trust for the furtherance of the said objects.

NOW THIS DEED WITNESSETH as follows :-

1. IN this Deed where the context so admits "the Mayor" means the Mayor for the time being of the said Council "the Past Mayor" means the person whose term of office as Mayor of the said Council ended immediately before that of the Mayor began (whether or not such person remains a member of the said Council) "the Chief Executive" and "the Chief Financial Officer" mean respectively the Chief Executive and the Director of Finance or other the chief financial officer of the Council for the time being "the Fund" means the fund established by this Deed "the Trustees" means the trustees for the time being of the

Fund

2. THE Fund shall be entitled "the Wirral Mayors Charity"

3. THE object of the Fund shall be to further such exclusively charitable objects as the Mayor may from time to time by writing appoint (but so that any such appointment shall be made not later than twelve months after the date of receipt of the monies to which the appointment relates) and subject thereto as the Trustees may from time to time at their discretion determine PROVIDED THAT any gift made on special trusts in connection with the Fund shall be held subject to the terms and conditions of the gift

4. THE Trustees shall stand possessed of the said sum of One thousand two hundred pounds together with all other property which may become subject to the trusts hereof and the income thereof upon trust for the furtherance of the said object. (but subject to the proviso to clause 3 hereof) and shall have power to invest all or any part of the said property and the income thereof from time to time not immediately otherwise required in furtherance of the said object in such investments authorised by law for the investment of trust funds as the Trustees may from time to time determine and upon the security of such stocks funds shares securities or other investments of whatsoever nature as the Trustees shall in their absolute discretion think fit to the intent that the Trustees shall have the full and unrestricted powers of investing and transposing investments in all respects as if they were absolutely entitled to the Trust Fund beneficially

5. THE Trustees of the Fund shall be :-

(a) Four ex officio trustees namely the Mayor the Past Mayor the Chief Executive and the Chief Financial Officer

(b) Nominative trustees being not less than three and not more than five persons appointed by the Mayor and approved by the Chief Executive and the Chief Financial Officer

PROVIDED THAT if any nominative Trustee is absent from all the meetings of the Trustees during a period of one year or is adjudged bankrupt or makes a composition or arrangement with his creditors or is incapacitated from acting or communicates in writing to the Trustees a wish to resign that nominative Trustee shall thereupon cease to be a Trustee

6. THERE shall be a quorum when not less than half of the Trustees including at least one ex officio are present at a meeting

7. THE Trustees shall have full power from time to time to make regulations for the management of the Trust and for the conduct of their business including the summoning of meetings the deposit of money at a proper bank signing of cheques the custody of documents and the taking of minutes of the meeting and shall have power to vary or rescind any rules so made PROVIDED THAT a special meeting may at any time be summoned by the Mayor or any two Trustees upon not less than seven days notice being given to all the other Trustees of the matters to be discussed

8. IF The Trustees at any time decide that it is expedient to discontinue the Trust any money or property belonging to the Trust after payment of all expenses or liabilities properly incurred shall be distributed among such charitable organisations operating in the Metropolitan Borough of Wirral as the Trustees with the approval of the Charity Commissioners may determine at a special meeting convened for the purpose at which there is a majority decision of the Trustees the Mayor having a right to veto any decision to determine the Trust

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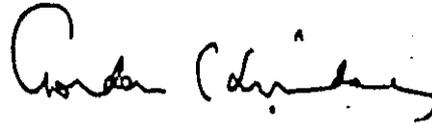
9. ANY person ceasing to hold office as Mayor Past Mayor Chief Executive or Chief Financial Officer shall thereupon cease to be a Trustee of the Fund whereupon his successor shall be a Trustee of the Fund

10. NOTHING herein shall permit the Declarant or any spouse of the Declarant to benefit under the objects in Clause 3 hereof

11. IT is hereby certified that the transaction hereby effected does not form part of a larger transaction or series of transactions

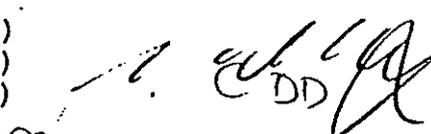
IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first before written

SIGNED SEALED AND DELIVERED)
by the said Gordon Christison)
Lindsay in the presence of :)



S. Armstrong
424 Braugh Road,
Birkenhead.
Legal Secretary.

SIGNED SEALED AND DELIVERED)
by the said Clifford Derek)
Darley in the presence of :)



x D Noble.

Town Hall.
Wulasey.

Admin Asst.

SIGNED SEALED AND DELIVERED)
by the said Ian Wood in the)
presence of:)



x D Noble.

Town Hall
Wulasey

Admin Asst.

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Agenda Item 7

Section 9FB of the Localism Act 2011 places a duty on County and Unitary Councils to designate an Officer to act as the Council's Statutory Scrutiny Officer to undertake the following statutory functions:

- Promote the role of the Council's Overview and Scrutiny Committees;
- Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies;
- Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees.

The Statutory Scrutiny Officer cannot be the Council's Head of Paid Service (Chief Executive), Chief Finance Officer or Monitoring Officer.

Members are requested to recommend to the Standards and Constitutional Oversight Committee (and subsequently, Council) the appointment of the Head of Intelligence as the Council's Statutory Scrutiny Officer, in place of the Managing Director for Delivery (Strategic Director of Transformation and Resources – pre Senior Management Restructure 1 November 2016).

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7. Notices of Motion

- (1) Subject to Standing Order 17, notice of every motion except of one under Standing Order 8 shall be given in writing, signed by the Elected Member in whose name it stands (“the Proposer”) and seconded by another Elected Member (“the Secunder”) **no later than the Monday of the second week before each ordinary meeting of the Council** to the Head of Legal and Member Services.
- (2) The Head of Legal and Member Services shall set out in the Summons for every meeting of Ordinary Council all motions of which notice has been duly given under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) in the following order, unless the Proposer of the motion has since withdrawn it in writing:
 1. Largest Political Group Notice of Motion;
 2. Second largest Political Group Notice of Motion;
 3. Third largest Political Group Notice of Motion;
 4. A Notice of Motion not received from a Political Group;
 5. The order above thereafter to be repeated.
- (3) If a motion set out in the Summons is not moved by the member who gave notice of it or by another member on his/her behalf, or is not duly seconded, it shall, unless postponed with the agreement of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (4) If the Mayor does not consider it convenient or conducive to the dispatch of business or the majority of councillors present do not agree that the motion will be dealt with at the meeting at which it is brought forward, it shall be referred without discussion to the Leader or such committee as the Mayor may determine for consideration.
- (5) Where a motion has been referred to any committee or the Cabinet under the previous paragraph, any debate on that motion at a subsequent Council meeting shall take place upon the report or the recommendation of the committee(s) or the Cabinet and there shall be no separate debate upon the motion itself.
- (6) The Proposer and Secunder of a motion which has been referred to the executive or any committee shall be given notice of the meeting at which it is to be considered. Either the Proposer or Secunder shall have the right to attend the meeting and an opportunity of explaining the motion.
- (7) Every motion shall be relevant to some matter which affects the Borough or be related to the Council's powers or duties.

- (8) If the Head of Legal and Member Services after consultation with the Mayor is of the opinion that a notice of motion is out of order it shall not be included in the Council Summons and that officer shall arrange for the members who signed it to be so informed.
- (9) All amendments to motions submitted under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) must be submitted to the Head of Legal and Member Services by 10.00am on the Friday immediately preceding the Ordinary Council meeting at which the motion is to be debated. All such amendments shall be published by the Head of Legal and Member Services.
- (10) In the case of a Notice of Motion being referred to the Leader, Cabinet or a Committee of the Council by the Civic Mayor, the Standards and Constitutional Oversight Committee shall determine the procedure for how such a referral shall be dealt with.

Further to minute 63 (Standards and Constitutional Overview Working Group, 26 October 2016) please find summarised below the amendment to PART 4 RULES OF PROCEDURE – **Council Procedure Rules**, as agreed for recommendation to the Standards and Constitutional Oversight Committee.

Also summarised below are proposed changes to the PART 4 RULES OF PROCEDURE – **Scrutiny Procedure Rules** - to align the process for the calling of extraordinary meetings of Scrutiny Committees - in line with S.O. 26(2).

COUNCIL RULES OF PROCEDURES - STANDING ORDERS

Existing	Proposed
<p>26. Special meetings of committees</p> <p>(1) The Chair of the Cabinet or of any committee or sub-committee (or his/her nominee) may authorise the calling of a special meeting at any time, provided that in the case of the Cabinet the Chair should consult other party leaders represented on the Cabinet and in the case of committees the relevant party spokespersons prior to any decision on the date of the meeting.</p> <p>(2) A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting shall be held within 14 days of the date of receipt of the requisition, the actual date being determined by the Head of Legal and Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.</p> <p>(3) No special meeting of a committee or sub-committee shall be held in the period between the last meeting of the Council before the summer recess and the 1st of September in any year without the agreement of the Chair.</p>	<p>26. Special meetings of committees</p> <p>(1) The Chair of the Cabinet or of any committee or sub-committee (or his/her nominee) may authorise the calling of a special meeting at any time, provided that in the case of the Cabinet the Chair should consult other party leaders represented on the Cabinet and in the case of committees the relevant party spokespersons prior to any decision on the date of the meeting.</p> <p>(2) A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question or by any three members of the committee - delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting be organised within 14 days of the date of receipt of the requisition or as soon as reasonably practicable, the actual date being determined by the Head of Legal and Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.</p> <p>(3) No special meeting of a committee or sub-committee shall be held in the period between the last meeting of the Council before the summer recess and the 1st of September in</p>

<p>(4) The Head of Legal and Member Services may convene a meeting of a Overview and Scrutiny Committee when required to comply with the Call-In procedure.</p>	<p>any year without the agreement of the Chair.</p> <p>(4) The Head of Legal and Member Services may convene a meeting of a Overview and Scrutiny Committee when required to comply with the Call-In procedure.</p>
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Existing	Proposed
<p>35. Calling-In of decisions</p> <p>(8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.</p>	<p>35. Calling-In of decisions</p> <p>(8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.</p>
<p>35. Calling-In of decisions</p> <p>(9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.</p>	<p>35. Calling-In of decisions</p> <p>(9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.</p>

SCRUTINY PROCEDURE RULES

Existing	Proposed
<p data-bbox="188 306 783 376">4. Meetings of the Overview and Scrutiny Committees.</p> <p data-bbox="236 416 783 925">There shall be at least four ordinary meetings of each Overview and Scrutiny Committee in each year plus further dedicated meetings to support the annual consultation and/or budget setting process where necessary. In addition, extraordinary meetings may be called from time to time as and when appropriate. Committee meetings may be called by the Chair (after consulting the Party Leaders or spokespersons before the date is determined), or by any three members of the committee.</p>	<p data-bbox="809 306 1404 376">4. Meetings of the Overview and Scrutiny Committees.</p> <p data-bbox="857 416 1404 1178">There shall be at least four ordinary meetings of each Overview and Scrutiny Committee in each year plus further dedicated meetings to support the annual consultation and/or budget setting process where necessary. In addition, extraordinary meetings may be called from time to time as and when appropriate. Committee meetings may be called by the Chair (after consulting the Party Leaders or spokespersons before the date is determined), or on the requisition of any two party spokespersons for the committee or sub-committee in question, or by any three members of the committee - delivered in writing to the Head of Legal and Member Services. (see Council Procedure Rules, Standing Order 26 for further information).</p>

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