

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.

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.