



Standards and Constitutional Oversight Committee

Date:	Tuesday, 27 February 2018
Time:	4.00 pm
Venue:	Committee Room 3 - Wallasey Town Hall

Contact Officer: Mark Hardman
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AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **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.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

3. **MINUTES (Pages 1 - 8)**

To approve the accuracy of the minutes of the Standards and Constitutional Oversight Committee meeting held on 20 November 2017.

4. **STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP (Pages 9 - 14)**

To consider the minutes of the meeting of the Standards and Constitutional Oversight Working Group held on 13 February 2018.

5. FILMING OF PUBLIC MEETINGS (Pages 15 - 18)

To consider and approve a revised draft of a Protocol for Filming of Public meetings as recommended by the Standards and Constitutional Oversight Working Group, 13 February 2018.

6. SOCIAL MEDIA POLICY (Pages 19 - 24)

To consider and approve a revised draft of the Social Media Policy as recommended by the Standards and Constitutional Oversight Working Group, 13 February 2018.

7. COMMITTEE ON STANDARDS IN PUBLIC LIFE - STAKEHOLDER CONSULTATION (Pages 25 - 32)

8. CONSTITUTIONAL UPDATES (Pages 33 - 36)

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Monday, 20 November 2017

Present: Councillor M McLaughlin (Chair)

Councillors P Stuart G Ellis
RL Abbey P Gilchrist
C Blakeley B Kenny
WJ Davies

Independent Member: Prof RS Jones

Deputy Councillor P Hayes (In place of J Hale)

22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor John Hale.

23 DECLARATIONS OF INTEREST

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.

24 MINUTES

Resolved – That the minutes of the following meetings be confirmed as correct records:

- **Standards and Constitutional Oversight Committee, 13 June 2017;**
- **Standards and Constitutional Oversight Committee (meeting as Trustees of the Callister Youth Club), 29 June 2017;**
- **Standards and Constitutional Oversight Working Group, 29 June 2017;**
- **Standards and Constitutional Oversight Sub-Committee (Trustees of the Callister Youth Club Interviews), 21 September 2017; and**

- **Special meeting of the Standards and Constitutional Oversight Committee (outcome of complaint against a Councillor), 31 October 2017.**

25 **APPOINTMENT OF INDEPENDENT PERSONS**

The Interim Assistant Director: Law and Governance introduced a report on the appointment of Independent Persons to sit on the Committee.

In 2012 four Independent Person appointments were made but two had since resigned. There remained two Independent Persons who sat on the Standards and Constitutional Oversight Committee and Panel as their term of office had been subsequently extended until 15 July 2020.

A further recruitment exercise was approved by the Committee at its meeting on 5 December, 2016 (minute 23 refers) with the aim of appointing more Independent Persons because it was recognised that there were benefits to having independent voices on the Committee and its Panel, as Elected Members could take advantage of their expertise and experience. Therefore, it was considered very important to build up the pool of Independent Persons that could be called upon to assist the Council with Standards matters etc. and so increase resilience.

Independent Persons could also be requested to offer advice in respect of complaints made against Elected Members and could be called upon in the event of the proposed dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with their statutory role.

The report updated the Committee on the recruitment of Independent Persons. The Selection Panel, consisting of Councillors David Elderton, Phil Gilchrist and Moira McLaughlin met on 14 September 2017 and interviewed four candidates. All four were deemed worthy of selection, subject to satisfactory references.

A Member suggested that a brief biography of each of the new independent members could be published on the website and the Interim Assistant Director: Law and Governance agreed that he would ask if they were agreeable to this.

Resolved - That this Committee approves all four potential Independent Persons for recommendation to the Council for appointment, as follows:

- **Mr G Kerr**
- **Mr JR McCosh**
- **Ms Angele Lloyd Prince**
- **Mr A Wilson**

SUMMARY OF STANDARDS COMPLAINTS 2016/17

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

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

The report of the Interim Assistant Director: Law and Governance and Monitoring Officer informed the Committee that the process for the administration of standards complaints was undertaken in accordance with the Protocol for Dealing with Member Complaints which had been approved by the Committee and the Council. An appendix was submitted with the report which summarised those standards complaints made under the Members' Code of Conduct between 1 April 2016 and 31 May 2017. The Committee noted that during this period 14 complaints had been made, of which one complaint was withdrawn and one was regarding a Council service and had been submitted on the incorrect form. It also noted the current status of each one and that 3 matters were yet to be resolved.

Responding to comments from Members, the Interim Assistant Director: Law and Governance reported that as of that day, no apologies had been made in respect of the Councillor Reece Jones complaint.

The Committee then discussed how the matter of an apology to Council should be referred to Council and at what point in the proceedings the apology should be made. The issue of the Council formally censuring a Member was also raised.

In response, the Interim Assistant Director: Law and Governance, informed the Committee that the Council did have the power to formally censure a Member but that the Member would normally be given notice of such an action and have the right of reply.

With regard to the making of an apology to Council he reported that the minutes of the Committee from 31 October would be reported to Council under the item, 'Matters Referred from Overview and Scrutiny Committee or Other Council Committees' and the Chair would introduce the minutes and make specific reference to this Committee's resolution for an apology to be made to the Council.

Resolved – That the summary of standards complaints and Committee's comments be noted.

27 **DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS - CONSULTATION**

The Interim Assistant Director: Law and Governance and Monitoring Officer introduced a report which set out the details of a Department for Communities and Local Government (DCLG) consultation exercise proposing to update the criteria that barred individuals from becoming a local councillor or directly elected mayor.

The Chair suggested that the responses to the direct questions 1 to 5 in the consultation document should be accepted and then opened the matter up for debate.

A Member queried the notification period for a person on the sex offenders register and the fact that somebody sentenced to imprisonment for six months or more up to 29 months was barred for 10 years from holding public office, whereas somebody sentenced to 30 months or more imprisonment was barred for an indefinite period and how was this defined.

The Interim Assistant Director: Law and Governance commented that an indefinite period was subject to review but as to who undertook that review it was not clear.

The Chair and Members suggested the need for Councils to have powers to temporarily suspend Members for a period of time or for a period up to when they were next due for election.

The Interim Assistant Director: Law and Governance commented upon the suggestion of suspension and that this would only be applied where the standards of behaviour had strayed so far that the Member was considered to be not a 'fit and proper' person to hold office. This could also apply to a suggestion put forward by one Council on the right of recall, where a person would be removed from office and a bye-election triggered. The Chair commented that these powers would only be used in absolutely exceptional circumstances.

Resolved - That this Committee, having considered the consultation on the disqualification criteria for councillors and directly elected mayors, instructs the Monitoring Officer to send a written response:

- (a) in accordance with the Committee's views above; and**
- (b) respond to the consultation's direct questions that the Committee**
 - (i). Agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003**

should be prohibited from standing for election, or holding office, as a member of a local authority;

- (ii). Agree that an individual who is subject to a Sexual Risk Order (SRO) should be prohibited from standing for election, or holding office, as a member of a local authority;
- (iii). Agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority;
- (iv). Agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority; and
- (v). Does not believe that the proposals set out in the consultation paper will have an effect on local authorities ability to discharge their Public Sector Equality Duties under the Equality Act 2010.
- (vi). It was felt that the Government's proposals are to be welcomed, but is a reaction to a particular circumstance and has not taken the opportunity to look more widely, such as in relation to occasions of violence or dishonesty whilst a Member, which are equally serious matters.

Without highlighting one act over another, there have been several cases cited, for example, where a councillor has been convicted not just of an act of dishonesty but an act of dishonesty in relation to their own authority which, in their receiving a non-custodial sentence, did not then result in their resignation as a member of that authority.

The Council considers that the scope of the consultation considered should be widened, therefore, to look further than the set criteria of section 80 and also look to options giving local authorities, or others (as in the case of Wales and Scotland), stronger powers over Members' behaviour such as:

- misusing their public office or appointments;

- reckless behaviour resulting in the Council suffering a loss;
- persistently or materially acting against the interests of the Council (and/or partners and the public) and bringing the office of councillor or the Council into disrepute; or
- a civil action for breach of confidence.

The Council would, beyond this, welcome consideration of the introduction of powers to suspend a councillor for a period up to, if necessary, the next election. This might, for example, be a direct ruling or be based on a new 'right to recall' councillors in the event of significant conduct or ethical breach, similar to that put in place for Members of Parliament by the Recall of MPs Act 2015.

The Council is of the view that further powers, beyond the rules suggested in this consultation, are absolutely necessary to show to the public the degree to which the Council (or another body) can deal with a person whose standards of behaviour as a Member have strayed so far from the principles of conduct as to not be a fit and proper person to act as a local councillor.

28 WORK PROGRAMME

The Committee were requested to consider any further items for inclusion in the committee's work programme, in addition to those already agreed by the Working Group:

- Council's Code of Conduct, Member Sanctions and Investigation Timescales;
- Social Media Policy;
- Member/Officer Protocol;
- Disclosure and Barring Service - Councillors; and
- Filming Of Public Meetings – Protocol

with an additional item – complaint from Councillor Phil Davies regarding 'Call-Ins'.

The Chair suggested that the issue of filming should be a priority.

The Interim Assistant Director: Law and Governance reported that there were several technical gaps in the Constitution and he would bring a report forward on these to the February meeting. The issue of the timescale for requisitioned Council meetings, as suggested by Councillor Blakeley, could also be looked at within this report.

The additional item raised by Councillor Phil Davies, it was understood, related to call-ins and pre-determination and would be placed on the work programme once further details had been established.

Responding to further comments from Members, the Interim Assistant Director: Law and Governance stated that the limits on the allowances for overseas travel were something which could be looked at. With regard to Notices of Motion the Mayor had discretion as to whether they were referred for debate or to a Committee, and she had suggested that when these decisions were made they were made in the presence of the Group Leaders. This did not change the Council Procedure Rules in the Constitution.

Resolved – That the work programme be agreed with the addition of:

- **Review of the Constitution - to address any technical gaps identified by the Interim Assistant Director: Law and Governance and to include the timescale for requisitioned Councils.**
- **Allowances for overseas travel.**

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STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Tuesday, 13 February 2018

Present:

Councillor M McLaughlin (Chair)

Councillors RL Abbey P Gilchrist
C Blakeley P Stuart
D Elderton (In place of G Ellis) Jones

Ind. RS Jones JR McCosh
Members G Kerr AC Wilson
AL Prince

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Ellis who sent a deputy in his place, and from P McCourt (Monitoring Officer).

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 DISCUSSION ON THE TIMELY HANDLING OF CABINET MEMBER QUESTIONS AT COUNCIL

The Chair reflected on the expressed dissatisfaction at the consideration of questions to Cabinet Members at meetings of the Council, noting that several approaches had been tried but none had adequately resolved the issue. The Deputy Monitoring Officer acknowledged the difficulties in addressing the issue, noting options including limiting the number of questions and reconsidering the time limit.

Members acknowledged the discretion of the Mayor in managing the process and referred to the maximum limit of five questions to each Cabinet Member and a possibility of returning back to a 45 minute question time.

With regard to rule that questions should relate only to the content of the Cabinet Members' reports, comment was made that the reports made reference to Pledges and to recent media reports, and not what the Cabinet Members had actually done in the preceding months which, it was suggested, had been the initial intended purpose of the reports. The Chair noted that the

Cabinet Members might be reminded of the intended purpose of their reports to Council.

RESOLVED:

That the Working Group recommend that the Council meeting Cabinet Member question time be extended to 45 minutes.

12 **CONSTITUTIONAL REVIEW**

The Deputy Monitoring Officer advised that work to review the Council Constitution was underway to address technical issues, ensure consistency and confirm that all more recent legislative and organisational changes were reflected. Presentation of the Constitution was being considered in light of the transparency objective of the Local Government Act 2000 that had introduced the current form of the Constitution. Members asked that track changed versions be provided when proposed redrafts were submitted to this Group.

A Member noted that an 'any other business' item was not allowed on Committee agenda and queried that while a Chair of a meeting had the ability to accept urgent business onto an agenda, why the specific agenda item had been removed from recent agenda. The Chair noted that this action had not been raised with this Group or the Committee, and that the agenda provision should be put back until raised with this Group.

RESOLVED:

That the above matters be noted.

13 **STANDARDS ARRANGEMENTS**

The Deputy Monitoring Officer advised that a response was awaited in respect of the Department for Communities and Local Government (DCLG) consultation exercise proposing to update the criteria that barred individuals from becoming a local councillor or directly elected mayor (Minutes 27 of the meeting of the Standards and Constitutional Oversight Committee held on 20th November 2017 refers).

The Working Group was further advised that the Committee on Standards in Public Life had commenced a consultation running to 18 May 2018 to inform their a review of local government ethical standards, the terms of reference of which were to -

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct

- declaring interests and managing conflicts of interest
- whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

RESOLVED:

That the Committee on Standards in Public Life consultation be referred for consideration to the meeting of the Standards and Constitutional Oversight Committee to be held on 27 February 2018.

14 TIMESCALE FOR REQUISITIONING AND DELIVERY OF EXTRAORDINARY COUNCIL MEETINGS

A Member, representing a political group that requisitions extraordinary meetings of the Council, commented that at one time the Mayor would set a specific and timely date for an extraordinary meeting in response to such requisitions. However, recent practice tended towards holding extraordinary meetings immediately prior to the following ordinary meeting of Council which might be some months off. This was considered unsatisfactory as such requisitions were submitted for a genuine reason and the current scheduling resulted in a restricted debate at the extraordinary meeting.

The Deputy Monitoring Officer confirmed that the Mayor had to set a date within seven days of receipt of a requisition; if the Mayor did not respond, the Members submitting the requisition could set the date. However, there was no specification as to how soon the meeting should be held and, while a 'reasonable time' might be expected, a consideration as to the efficient use of resources needed to be given also.

Members further commented on the potential for vexatious requisitions and for repeated considerations of previous Council decisions. It was noted that authority in regard of this item lay with the Mayor, and that the role of the Committee was to propose any possible constitutional change.

RESOLVED:

That this matter be considered further within the Constitution Review.

15 FILMING OF PUBLIC MEETINGS - PROTOCOL

The Working Group was advised that implementation of webcasting of all public Council meetings would occur in the coming months and there was a

need to agree a relevant protocol prior to commencement of webcasting. A draft Protocol for the Filming of Public Meetings was submitted for consideration by the Working Group.

Considerations of the Working Group included –

- There should be a designated area identified for members of the public who wished to film meetings and this should be located so as not to inconvenience other members of the public who may be in attendance. The Chair should also be permitted to ask members of the public filming meetings to cease or to leave the meeting if their actions caused disruption;
- With regard to storage of webcast material, the Working Group was advised that a long term storage facility was being investigated;
- With regard to queries about confidential material, the Working Group was advised that the broadcast would be stopped by the attending Officer as the meeting moved into closed session and that there was a short delay in transmission to prevent broadcasting of exempt or confidential business inadvertently raised in open session;
- With regard to filming of the public, the Working Group was advised that the public gallery would not be filmed and those members of the public participating in meetings, for example making representations at Planning Committee or contributing to an Overview and Scrutiny Committee, would have the opportunity to opt out and the visual broadcast would focus on the Chair of the meeting at such times.

RESOLVED:

That the draft protocol for the Filming of Public Meetings, subject to an amendment indicating that public filming would be required to be undertaken from a designated area, be recommended to the Standards and Constitutional Oversight Committee at the meeting to be held on 27 February 2018.

16 **DISCLOSURE AND BARRING SERVICE - COUNCILLORS**

Further to Minute 27 of the meeting of the Working Group held on 29 June 2017, the Working Group were advised of a response from the Disclosure and Barring Service that local government elected members would not automatically be eligible for a DBS check as there did not appear to be any eligibility for DBS checks as they were not specifically listed in the Exceptions Order to the Rehabilitation of Offenders Act. For positions not eligible for Standard or Enhanced DBS checks, individuals could obtain a Basic Disclosure which would show any relevant 'unspent' criminal record information.

Members expressed concern at the response, considering that elected members did find themselves in positions that should require a DBS check

and that to undertake such checks would indicate due diligence on the part of the Council. It was suggested that the Council should have a protocol indicating at least a minimum group of elected members, for example particular Portfolio Holders and Overview and Scrutiny Committee memberships, that should be required to have a DBS check.

RESOLVED:

That members of the Working Group provide further information relating to the roles of elected members which are considered most likely to require a DBS check in order for Officers to give consideration as to the most appropriate of these against the DBS eligibility criteria, and the matter be considered further by this Working Group.

17 **SOCIAL MEDIA POLICY**

The Working Group was invited to consider and review the Council's current Social Media Policy.

RESOLVED:

That the Standards and Constitutional Oversight Committee be recommended to re-affirm the Council's Social Media Policy subject to –

- **amendment to Section 2 to indicate that the listings of online forums and sharing websites are examples only and not comprehensive;**
- **amendment to the last sentence of Section 7 such that "Employees must [*delete 'should'*] not...."; and**
- **amendment to Section 10 to indicate adherence to the Policy is required by all groups identified in that Section.**

18 **DATE OF NEXT MEETING**

The Chair expressed appreciation of the attendance by the Independent Members at this meeting, but in discussion it was suggested that the Independent Members consider future attendance at the Working Group on the basis of one permanent member, with others taking turn at attendance.

RESOLVED:

That the next meeting of the Working Group be held on Wednesday 14 March 2018 at 10am to consider the Member/Officer Protocol.

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Protocol for Webcasting, Filming and Recording of Council Meetings

Background

Both Local Authorities and the Department for Communities and Local Government (DCLG) have been exploring ways in which residents can be encouraged to participate in local democracy through the provision of filming and recording of council meetings. The main purpose of webcasting has been to give members of the public the chance to view meetings as they happen without having to attend in person.

Webcasting and the retention of film on the Council's website does not replace the formal record of the meeting and the decisions made.

The only formal record of any meeting of a Local Authority is its minutes and agendas which are required to be maintained and retained for a number of years.

Protocol

Operating Procedure for Filming/Webcasts

1. At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast, and that the Chair may also terminate or suspend the webcasting of the meeting, in accordance with this protocol. This will be confirmed by the Civic Mayor / Chair making the following statement: "I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing."
2. Webcasts will only commence at the beginning of a meeting when the Chair opens the meeting and will finish when the meeting is closed.
3. The Chair has the discretion to terminate or suspend the webcast if in their opinion continuing to web cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of web casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.
4. No exempt or confidential agenda items shall be webcast, and no part of any meeting will be webcast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.

5. Anything that is outside of the scope of the meeting will not be filmed. This includes reaction shots, walkouts etc. Where an operator is unsure on what to film or is in an unfamiliar situation, the operator should always select a camera shot of the Chair of the meeting.
6. Young people under the age of 16 will not be filmed.
7. Editing of content should only be undertaken if there is a legal reason, for instance the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments made. Editing of content may also be authorised in exceptional circumstance such as if an attendee is taken ill on screen. A log will be maintained of webcasts where content has been edited. The Chief Executive will, in consultation with Group Leaders, make the final decision on editing any webcast or filmed material to be broadcast or published in connection with any Council meeting. The reason for any decision to edit a webcast or filmed material will be published.
8. Should the webcast be halted for a technical reason the following procedure will be applied:

The operator will inform the Committee Officer as soon as practically possible

 - The operator will also inform the Press Office and the Assistant Director: Law and Governance so they can disseminate this information to political group leaders including an explanation of what went wrong, what is being done to recover any lost data and how we will mitigate issues in the future.
9. When any editing of content occurs then the same procedure as above will be followed.
10. In the event of obscenities being shouted, the sound will be muted either live or in post production as our webcasts are accessible by people of different ages
11. As part of the process for registering to speak at Cabinet or Council meetings, residents will be advised that the meeting will be streamed on the internet and a copy of the meeting retained on the Council's Website. If an attendee does not wish to be filmed whilst speaking to the committee, the webcast operator will:
 - Give guidance to the best place to sit
 - Ensure no close-up images of the attendee will be taken
 - If the attendee is speaking, the webcast operator will focus the camera on the Chair

Guidance notes will also be issued to those residents in the audience at council meetings advising them to contact any member of Council staff if they have concerns about being seen on camera.

Technical Proposals

12. A digital back-up of recordings will be kept by the IT Team and will be an unedited raw version of what the cameras and microphones see during the meeting. This will be kept by the Marketing team and used in the case of:
- Internal scrutiny of pause decisions
 - Back-up facility in case of technical issues

Signage at Meetings

13. On signs to be displayed inside and outside the meeting room and on the meeting agenda there will be the following notice:-

WEBCASTING NOTICE – sample text

Please note: this meeting may be filmed for live or subsequent broadcast via the internet - at the start of the meeting the Civic Mayor / Chair will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Public seating areas will not be filmed by the council.

[Contact Officer:](#)
[Civic and Committee Services Manager - 0151 691 8559](#)

Filming by members of the public and press

14. Initially, the Council proposes to film all Cabinet and Council meetings but will consider either filming or securing a sound recording of other public meetings over time. Residents are permitted to film or record councillors and officers at any council meetings that are open to the public and press with immediate effect.
15. We may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. [A designated area shall be set aside for members of the press / public who wish to](#)

[film or secure a sound recording of the Council's public meetings. Any disruptive behaviour or distractions will result in the person\(s\) being asked to leave the meeting.](#)

- 16.** As a courtesy, attendees will be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

Audio/Visual Recording of meetings – sample text for Agenda Front Sheet

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

Tweeting or blogging by members of the public and press

- 4617.** The Council permits social media reporting of all its public meetings.

Photography

- 4718.** The Council permits photography at all of its public meetings.



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 (but not limited to) 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~~ must 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 ~~must~~should also ~~have regard~~ adhere 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 people



To advance equality of opportunity



To foster good relations between different groups of



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



Standards and Constitutional Oversight Committee Tuesday, 27 February 2018

REPORT TITLE:	Committee on Standards in Public Life - Stakeholder Consultation
REPORT OF:	Assistant Director: Law & Governance (Monitoring Officer)

REPORT SUMMARY

To inform the Standards and Constitutional Oversight Committee that the Committee on Standards in Public Life is undertaking a review of local government ethical standards and has launched a consultation exercise to inform that review.

RECOMMENDATION/S

That the Committee consider the Committee on Standards in Public Life consultation document appended to this report.

The Committee makes any comments in considers appropriate in response to the consultation and authorises the Monitoring Officer to respond to the consultation on behalf of the Committee.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

The Standards and Constitutional Oversight Committee has a role to promote and maintain high standards of conduct by elected Members, to provide advice to the Council with regard to the Codes of Conduct for Members, Co-Opted Members and Officers, and to support the Monitoring Officer in the exercise of that Officer's ethical standards functions. It is therefore appropriate for the Committee to be given opportunity to consider and comment on the current Committee on Standards in Public Life consultation.

2.0 OTHER OPTIONS CONSIDERED

None, the consideration of this matter falls within the remit of this Committee.

3.0 BACKGROUND INFORMATION

The Committee on Standards in Public Life is undertaking a review of local government ethical standards and has launched a consultation exercise to inform the review.

The Committee notes that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

The terms of reference for the review are to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

The consultation commenced on 29 January 2018 and runs through to 5pm on 18 May 2018. Consultation questions are listed in the appended consultation document. Members of this Committee are invited to comment on the issues raised in the consultation document, and agree a delegation to enable submission of a response in the required timescale.

4.0 FINANCIAL IMPLICATIONS

There are no financial implications associated with this report as it deals with a response to a consultation exercise only.

5.0 LEGAL IMPLICATIONS

There are no direct legal implications associated with this report as it deals with a response to a consultation exercise only.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

There are no resource implications associated with this report as it deals with a response to a consultation exercise only.

7.0 RELEVANT RISKS

There are no particular risk implications associated with this report as it deals with a response to a consultation exercise only. Recommendations from the final report of the Committee on Standards in Public Life may contribute to the Council's own ethical standards framework thereby mitigating several risks that might arise in that regard.

8.0 ENGAGEMENT/CONSULTATION

This report is seeking the engagement of the Standards and Constitutional Oversight Committee in a consultation exercise.

9.0 EQUALITY IMPLICATIONS

There are no direct equality implications associated with this report as it deals with a response to a consultation exercise only.

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APPENDICES

Review of Local Government Ethical Standards: Stakeholder Consultation

There are no background papers to this report.

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Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only

one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).



**Standards and Constitutional Oversight Committee
Tuesday, 27 February 2018**

REPORT TITLE:	Constitutional Updates
REPORT OF:	Assistant Director: Law & Governance (Monitoring Officer)

REPORT SUMMARY

This report presents details of required amendments to Part 3 of the Council's Constitution relating to the delegation of functions.

RECOMMENDATION/S

The Committee is asked to note amendments required to Part 3 of the Council Constitution.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

Keeping the Constitution under review is a role of the Standards and Constitutional Oversight Committee and it is therefore appropriate to report to the Committee on required amendments to the Constitution.

2.0 OTHER OPTIONS CONSIDERED

None, amendment to the Constitution being a Council function.

3.0 BACKGROUND INFORMATION

The following Constitutional amendments are submitted for Members' attention.

Delegations - Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002

At a meeting held on 30th November 2017 (Minute 33 refers), on consideration of a submitted report, the Environment Overview and Scrutiny Committee resolved that –

- (1) *the Council adopts Part 6(3) of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002;***
- (2) *Schedule 4A Part 2 of the Council Constitution be amended in order to insert the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002; and***
- (3) *an in house policy be implemented for drivers to switch off engines when parked, which should include drivers of Council vehicles and employees using their own vehicles for work purposes.***

It is an offence under s98 of the Road Traffic Vehicles (Construction and Use) Regulations 1986 to leave a vehicle engine idling unnecessarily while stationary. Part 6 of the 2002 Regulations makes available powers to authorised Council Officers and other person(s) to issue Fixed Penalty Notices to drivers who allow their vehicle engines to run unnecessarily while the vehicle is stationary and who refuse to switch off the engine, thereby reducing polluting emissions from the stationary vehicle, when so requested by the authorised officer.

The Committee is asked to note that agreement of this proposal by the Council at the meeting to be held on 19 March 2018 will require and have the effect of inserting the abovementioned legislation into a delegation at Part 3 'Responsibility for Functions' Schedule 4A Part 2 of the Council Constitution enabling Officers, including the Assistant Director of Environmental Services, to authorise Officers to issue Fixed Penalty Notices to drivers of idling vehicles.

Delegations - Scrap Metal Dealers Act 2013

In the event of a local authority being minded not to issue, vary or renew, or to revoke, a licence under the 2013 Act, Schedule 1 s7 to the Act provides that the local authority must give the applicant opportunity of appearing before, and being

heard by, a person appointed by the authority to determine the matter. A right of appeal against the decision of the local authority then exists to the Magistrates Court. A delegation to the Cabinet Member for Environment (then the Cabinet Member for Environment and Sustainability) supported by Officers was agreed by Cabinet at a meeting held on 10 October 2013, but was not incorporated into the Constitution at that time.

In the four years or so since the enactment, the first requirement for an oral hearing has now arisen and this oversight has been noted. For the avoidance of doubt and in case the authority's arrangements are challenged, the Committee is asked to note the inclusion of the delegation to be made to Part 3 'Responsibility for Functions' Schedule 5 'Delegation of Functions to Individual Cabinet Members' of the Council Constitution

4.0 FINANCIAL IMPLICATIONS

There are no financial implications associated with this report as it deals with procedural matters only.

5.0 LEGAL IMPLICATIONS

There are no further legal issues associated with this report beyond those highlighted within the report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

There are no resource implications associated with this report as it deals with procedural matters only.

7.0 RELEVANT RISKS

Delegation to Members and Officers needs to be properly recorded and maintained in the Council Constitution to mitigate against potential challenge.

8.0 ENGAGEMENT/CONSULTATION

No engagement or consultation has been undertaken on this report as it deals with procedural matters only.

9.0 EQUALITY IMPLICATIONS

There are no direct equality implications associated with this report as it deals with procedural matters only.

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There are no background papers to this report.

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