



Standards and Constitutional Oversight Committee

Date:	Wednesday, 29 August 2018
Time:	5.00 p.m.
Venue:	Committee Room 2 - Wallasey Town Hall

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This meeting will be webcast at <https://wirral.public-i.tv/core/portal/home>

AGENDA

- 1. APOLOGIES FOR ABSENCE**
- 2. MEMBER DECLARATIONS OF INTEREST**
- 3. WEBCASTING PROJECT UPDATE AND OPTIONS PAPER**
(Pages 1 - 28)
- 4. APPOINTMENT OF PANELS**
(Pages 29 - 70)

Article 9 of the Council Constitution (paragraph 9.5) requires that the Standards and Constitutional Oversight Committee establish a Standards Panel and a Standards Appeal Panel.

The Committee is requested to agree 3 Members (one Member from the three main political parties) to each Panel who shall be members of the Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated) Article 9 (Paragraphs A2 and B4) of the Council Constitution refer.

- 5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR
(PART 1)**
- 6. EXCLUSION OF THE PRESS AND 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.

**7. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR
(PART 2)**



STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

29 August 2018

SUBJECT:	Webcast Project Update – Options Paper
REPORT OF:	Director: Assurance and Governance and Monitoring Officer

REPORT SUMMARY

The purpose of the report is:

- (1) To provide the Standards and Constitutional Oversight Committee with an overview of the current status of, and progress made in respect of of the Council's Webcasting Project; and
- (2) To provide feedback and comments from the Senior Leadership Team and the Members' Equipment Steering Group regarding various options for consideration relating to the number of meetings to be webcast in the future, style of meeting minutes and staffing resource.

RECOMMENDATION/S: That

Views of the Standards and Constitutional Oversight Committee are requested.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Standards and Constitutional Oversight Committee is requested to keep the Council's constitutional arrangements under review (including meeting procedures) and to make such recommendations to the Council as it considers appropriate.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 As detailed in the accompanying consultation document.

3.0 BACKGROUND AND KEY ISSUES

- 3.1 Early in 2016 consideration was given to a proposal to introduce Webcasting of the public meetings of Wirral Council, namely the procurement of:
- a) A Webcasting solution to stream / record and digitally store its Council, Cabinet and Committee meetings and associated activities i.e. staff briefings and training events.
 - b) An audio / visual solution to replace the current facilities in Wallasey Town Hall (Council Chamber, Civic Hall and Committee Rooms 1, 2 & 3).
 - c) A replacement / upgrade of the Council's Electronic voting system in the Council Chamber at Wallasey Town Hall. Including all Council Chamber microphones.
- 3.2 A Capital budget allocation of £225,000 was confirmed by Cabinet at its meeting 20 February 2017, and subsequently by Council on 6 March 2017. An additional Capital sum of £6,401 was agreed by SLT at its meeting on 19 December 2017 and has been met from the departments existing budget allocations (some additional expenditure is also being met from facilities and IT contingency budget heads e.g. Council Chamber carpeting, Committee Room furniture and broadband connections).
- 3.3 On 22 August 2017 a project team was established and tendering for the above products commenced, a Project Board has been meeting on a monthly basis since October 2017.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Following competitive tender process, on 8 January 2018 a contract was awarded to contractor Public-i, the leading supplier of technology and the market leader in provision of webcasting services to local councils in England and Wales.

- 5.2 The current contract is in place for a period of 3 years, there are no legal implications arising from the content of this report.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

- 6.1 General guidance on the resource implications arising from each of the above to aid Members in their consideration of the above options, and budget costings will be provided to the Standards and Constitutional Oversight Committee. Further consultation will take place with HR and other service areas of the council dependent upon the recommendation of the Committee.

7.0 RELEVANT RISKS

- 7.1 There are no identified risks arising directly from this report.

8.0 ENGAGEMENT / CONSULTATION

- 8.1 Since its initial inception, the Webcasting Project has been the subject of a range of consultative meetings culminating in budgetary approval via Cabinet and Council in early 2017 - most recently SLT the Elected Member Steering Group and Political Leadership have been consulted on the future options for Webcasting delivery – views expressed will be reported at this meeting.

9.0 EQUALITIES IMPLICATIONS

- 9.1 There are none arising directly from this report.

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APPENDICES

Webcasting Project Options Paper – Consultation Document

Appendix 1: Webcasting viewing hits figures

Appendix 2: Webcasting project timeline

Appendix 3: Other Councils - Number of meetings webcast
 - Staff who attend meetings

REFERENCE MATERIAL

NONE

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Wirral Webcasting Project Option Paper

CONSULTATION PAPER - FOR THE ATTENTION OF THE MEMBERS' EQUIPMENT STEERING GROUP

Introduction

There are many benefits to the webcasting of Council meetings, but the overall aim is to improve public engagement in the Council's democratic process. Many Councils across the country have invested in webcasting technology. It gives people who may not be able to attend Council meetings the ability to view democratic proceedings on the internet making public access easier and decision making more transparent. It is a cost effective way to reach a large audience on key issues. The Council is not obliged to live stream its formal meetings but it is considered best practice.

The Public-i solution procured is designed to provide high levels of public engagement with meetings webcast. It is fully integrated with the Council's Committee Management Software, thereby enabling viewers to instantly call up on screen details of relevant agenda papers and information on those Members speaking at every point of the debate. Viewers can follow in real time presentations, videos and slide shows as they are displayed to the Committee. The potential exists to incorporate social media activity into live broadcasts, enabling residents and Members to interact as the meeting progresses. Consideration needs to be given to the best means of productively harnessing the benefits of this new form of engagement.

Meetings are streamed live and recordings subsequently made available for repeat viewing in an online archive available for repeat viewing in an online archive hosted by Public-i (but customized to fit seamlessly with the Council's own website) for a period of 2 years. The permanent retention of an off-line digital file of the recording so that it can, if necessary, be referred to at a later date, needs to be explored.

Background Summary

Funding for the Webcasting Project was secured from the Capital Programme. Consequently, webcasting equipment was procured for a three year period and funding was provided for two full time Band G posts to assist the webcasting for one year.

Part of the ongoing webcasting implementation period is about testing out the balance between ICT storage and human resources cost of webcasting and getting the right number of meetings webcast to achieve the best level of public access.

To both of these ends, the Standards and Constitutional Oversight Committee is requested to consider the following options paper setting out the project outturn in terms

of webcasting equipment installation, benchmarking against other authorities and options for consideration regarding the possible number of meetings to be webcast, meeting minute style and staffing resources to support the project in the future.

Information regarding the views of Wirral's webcast meetings and archive views is attached at **Appendix 1**.

Contents

1. Decision Required
2. Primary Project Directive
3. Current Status
4. Options - Benefits / Risks
 - Option 1 – Number of Meetings to be Webcast
 - Option 2 – Style of Minutes
 - Option 3 – Officer Support
5. Recommendations / Decision
6. Next Steps

Appendices

Appendix 1: Webcasting viewing hits figures

Appendix 2: Webcasting project timeline

Appendix 3: Other Councils - Number of meetings webcast
 - Staff who attend meetings

1. Decision Required

The webcasting project has now reached a stage, that Members' views are requested to provide views on how allocated resources may be utilised to best effect.

Each Member of the Equipment Steering Group is requested to review the proposed options, and associated impact on resources, with a view to providing comments to the Standards and Constitutional Oversight Committee when it meets on 29 August 2018 to consider the matter, and comments from the Council's Senior Leadership Team.

2. Initial objectives of the Webcasting Project

- A more robust communication solution. To strengthen the Council's democratic accountability to the local public both directly and via the local media.
- A more accessible Council. Increasing public understanding of the workings of local government.
- To promote a more transparent model of governance.
- To utilise the solution for commercial opportunities e.g. Training, conference streaming, wedding recording, facility hire etc.
- To align the Council with its local and national peers.
- To promote engagement with the Council's constituents and its wider audience and improve public participation in the political process.
- To reduce the cost to committee services of detailed manual minute recording by Council officers.
- The complete digital recording of Council meetings.
- To ensure greater equality of access to Council information.

3. Current Status

Current status for the Webcasting, Committee Room and Wallasey Town Hall (WTH) Council Chamber equipment upgrades is as follows:

Civic Hall

Cabling and HD Cameras are installed and have been used on 14 May 2018 to successfully webcast Mayor Making (Annual Council Part 1) utilising Mobile Kit as planned.

Wallasey Town Hall Council Chamber

Cabling, Cameras, Monitors, PC equipment controller, amplifier are installed and were used on 15 May to successfully webcast Annual Council Part 2.

Outstanding works – installation of bespoke microphone and voting buttons – hardware delivered onsite to WTH (6 June 2018). Contractor completed these works week commencing 25 June 2018. At the request of Elected Members, the installation of a second display monitor is scheduled to take place within the next 6-8 weeks i.e. in time for the October meeting of Council. Additional desk mounted monitors have been requested by the Mayor and the Director: Governance and Assurance. A microphone to be used by members of the public asking questions at Council meetings has also been suggested.

Committee Room 1

All works completed and configured for Camera to Microphone Tracking, Webcasting and the delivery of PPT/internet/intranet files from visiting presenters using own laptops (simple plug in via HDMI cable) – this included Cabling, Cameras, Monitors, PC equipment controls, Amplifier.

Outstanding works – general tidy up and minor making good of paintwork where old equipment has been decommissioned (Facilities team coordinating these works).

Committee Room 2

As per CR1 - all works completed and configured for Camera to Microphone Tracking, Webcasting and the delivery of PPT/internet/intranet files from visiting presenters using own laptops (simple plug in via HDMI cable) – this included Cabling, Cameras, Monitors, PC equipment controls, Amplifier.

Outstanding works – general tidy up and minor making good of paintwork where old equipment has been decommissioned (as per CR1 Facilities Team is coordinating these works).

Committee Room 3

All works completed and configured for Camera to Microphone Tracking, Webcasting and the delivery of PPT/internet/intranet files from visiting presenters – this includes Cabling, Cameras, Monitors, PC equipment controls, Amplifier.

Final software commissioning took place in the week commencing 25 June, general tidy up and minor making good of paintwork where old equipment has been decommissioned is in hand, as per other committee room installations.

Mobile Kit

An upgraded control unit delivered on (7 June 2018). Cameras, Tripods, Sound Equipment, Projector and Screen all held onsite at WTH – due to the bulk and weight of the mobile equipment plans for its full time storage at Birkenhead Town Hall (BTH) are being investigated.

Standalone Microphone units are onsite, configured for use with mobile equipment and committee room installations utilising either automated or operator controlled camera tracking. 2x20 (40 microphones in total)

Timeline

Updated project plan and status as at 31 July 2018 is attached at **Appendix 2**.

Training

Staff overview introduction to the webcasting procedures took place on 18 July 2018, and Staff Training (including invited Members) on the electronic voting system took place on Thursday 9 August 2018, in Wallasey Town Hall Council Chamber.

Additional media and communications training is being arranged by the Communications Team as part of the Member Development Programme.

Cascade staff training i.e. practical experience, has already commenced utilising the system at future webcast meetings.

4. Options

The recommendations of this Steering Group will take the form of preferred options i.e. a pick list from the following options, or alternate suggestions arising from the Steering Group discussions. The views of the Council's Senior Leadership Team are also currently being sought. A further report to include financial / resource costings will be presented to the Standards and Constitutional Oversight Committee for consideration.

I. Number of Meetings to be Webcast:

At present, a phased approach has been taken with regard to the webcasting of meetings prioritising Council, Cabinet and Planning Committee meetings. An additional webcast also streamed and recorded the meeting of the Audit and Risk Management Committee held on 23 July 2018.

Options:

- a) Webcast all meetings of the Council held in public.
- b) Webcast selected key meetings – Council, Cabinet, Planning, Overview and Scrutiny? Call-Ins?

Advantages:	
OPTION A	<p>Meets the initial objectives of the project in terms of a more accessible Council and promotion of a transparent model of governance.</p> <p>Enables online access to meetings, and engagement with the democratic process for residents who may not otherwise have attended Town Hall meetings. Complies with the Council's disability awareness and access criteria.</p> <p>Provides a true record of all the meetings. This helps to supplement Minutes and to counteract any misleading use of 'edited highlights' by anyone filming the meeting.</p> <p>There is some evidence to suggest that there are fewer time consuming Freedom of Information requests (FOIs) to Councils when Council meeting records can be so easily viewed.</p>
OPTION B	As above - pro-rata reduction in costs.
Disadvantages:	
OPTION A	<p>Staffing resource – by covering all meetings of the Council additional Flexi hours and accumulation of TOIL (time of in lieu hours) could impact on officer availability during the core working week. The majority of Wirral's Council / Committee meetings take place after 18:00hrs – must be taken in conjunction with any decision regarding officer support at meetings.</p> <p>An additional staff member is needed at meetings to operate webcasting equipment. At least one hour preparation time is required before the meeting to ensure that it runs smoothly and effectively.</p> <p>Webcasting needs to be accompanied by linked agenda, reports, etc. to help people understand what they are watching and the procedures being followed - this is an extra work load.</p> <p>Additional enquiries about meetings may also arise from the webcasting of meetings.</p> <p>The Mobile Kit is large and heavy and is not easy to move around. Suitable transportation would be required if the equipment was to be moved from Birkenhead Town Hall to webcast a meeting of the Wirral West Constituency Committee for example.</p>
OPTION B	<p>As above; plus</p> <p>Limiting the number of webcast meetings is contrary to the initial project brief and objectives. Possible challenge along the lines of 'what is being hidden' if not all meetings are broadcast or recorded.</p>

Hardware failures will always be possible and can be expected. Webcasting is not fully resilient, whilst checks to ensure functionality prior to each meeting can help reduce the impact of these.

Member's views are requested.

(A summary of other Council's meeting webcast statistics is attached at Appendix 3)

II. Style of Minutes:

At present Wirral's house style provides a detailed (but not verbatim) record of Council meetings i.e. a stand-alone record of meeting topics, discussion and decisions – not requiring reference to the original officer reports.

One of the initial project's potential outcomes / initial objectives suggested cost savings arising from a change to the level of detail contained in the Council minutes needs to be explored.

Guidance from 'Knowles on Local Authority Meetings – A Manual of Law and Practice' states:

"The minutes of a meeting cannot be successfully written up without a clear understanding of the purpose of the minutes – these need to:

- establish an accurate record of the decisions taken;
- comply with legal requirements; and, where minutes are used as the mechanism to bring proposals before the cabinet, other Committee or full Council for decision, the need also to:
 - ensure that the record is sufficiently self-explanatory to enable the Council to make a decision in full possession of the relevant facts; and
 - provide adequate information about the authority's business for press and public.

The obligation on local authorities to keep minutes of proceedings could be met by brief notes, as the law does not prescribe the form in which the minutes should be written up; but the authority may need to substantiate its actions by production of minutes authorizing the action taken, drawn up in terms that will satisfy legal requirements.

The form adopted by any particular local authority is a matter of individual choice or local custom and minutes do not have to be written up during the course of a meeting – this is not practicable as the Committee Services Officer needs to be paying attention to the proceedings. Pre-drafting may take place and it is usual practice in many local authorities for the minutes to be transcribed from rough notes taken at the meeting.

Minutes can be kept brief by being selective: a minute is not, and should never be, a verbatim record but a summary of the proceedings that includes only the essence of the discussion (in that) together with the decision and (where required but held as good practice) a sense of the reasons for coming to that decision.

It is rarely necessary to reproduce, however summarily, what a particular speaker said; but it is helpful, as a rule, to pick up the main threads of the discussion that led to the conclusion”.

Options:

- a) Retain the current house-style.
- b) Minimise content to an abbreviated format to show the bare minimum required by law.

Advantages:	
OPTION A	Established practice, tested under challenge in law, no requirement for staff re-training.
OPTION B	Simplified / brief minutes would free up officer time either for other duties, and/or resource savings in terms of reducing the number of committee service officers.
Disadvantages:	
OPTION A	Additional time taken in preparing meeting minutes.
OPTION B	Extreme care needed to ensure minute construction meets the basic requirements of accuracy and recording of council business and decisions, containing sufficient clarity and precision for the avoidance of legal challenge.

Member's views are requested.

III. Officer Support:

The traditional task for committee section is to provide administrative support and guidance before during and subsequent to Council and Committee meetings, the introduction of webcasting requires that an additional member of staff is now required to monitor and or override automated elements of the audio video streaming – this includes indexing of meeting agenda items.

An officer would be required to manage proceedings throughout the meeting itself, to ensure the system is monitored and that progression through the meeting agenda items and actions are indexed against the recording. This allows people watching an archived recording to skip directly to an agenda item of interest.

Feedback from other Councils indicates that officer support requirements vary considerably. The support requirement could be a dedicated officer on Band G: the hourly rate including on-costs is £17.86. The officer would spend between 3-5 hours per meeting on webcasting at a cost of around £54 - £90 per meeting.

Options:

Within the existing resources, a number of operational decisions are under consideration. Such as:

- a) Retention of current staffing levels i.e. web operator and committee clerk.
- b) Committee Officer takes on a dual role – controlling all technical aspects of webstreaming, providing guidance to the Chair and minuting the meeting.
- c) Training in the operation of webcasting equipment be extended to other Council staff – for example Facilities, ICT, Marketing and Communications Officers.

Advantages:	
OPTION A	Clear demarcation between Committee Service Officer and Webcast Operator roles. No need for job description review and/or job evaluation.
OPTION B	Possible resource savings in terms of officer time, and impact on core service hours i.e. Flexi and TOIL hours. Dependent on the quality assurance and level of indexing required for live and archived recordings.
OPTION C	Extended pool of trained Webcast Operators provides development opportunities for staff outside of Committee Services to experience aspects of Committee Services work, and provides a pool of operatives reducing pressures on the Committee Services Team.
Disadvantages:	
OPTION A	With 2 officers from the same service area attending evening meetings there will be an impact on core service hours through Flexi and TOIL hours – must be taken in conjunction with any decision regarding the number of meetings to be webcast.

OPTION B	<p>The Committee Services Officer needs to be concentrating on the proceedings (per Knowles). The Webcast Operator is required to monitor streaming, microphone usage and quality of recordings, camera override where necessary and meeting index points (in addition - vote recording at Full Council meetings).</p> <p>Where Councils use 1 member of staff – selecting automated “start” at the beginning of the meeting, clerking the meeting and taking the minutes, then “stopping” the webcast at the meeting end.</p> <p>Note: this option relies heavily on the camera automation and means that should the camera angles be incorrect or Councillors move away from the pre-set camera angles there is nobody there to make adjustments. Additionally Councils using this level of staffing don’t change/index the agenda items during the meeting and anyone watching the live stream will find it extremely difficult to identify different agenda items or know which one is being debated. Councils using this approach add indexing to the archived video that can be watched afterwards but results in a member of staff spending the best part of a day (for a longer meeting) going through the video and trying to index the agenda to the speakers. This also adds delays to the publication of, and public access to, the archive record.</p>
OPTION C	<p>Reluctance from other service area managers to release staff, as a result of impact on work week core hours – due to additional accumulation of Flexi and TOIL.</p>

Member’s views are requested.

(A summary of other Council’s staffing levels for webcast meetings is attached at Appendix 3)

NOTE: Officers will provide general guidance on the resource implications arising from each of the above to aid Members in their consideration of the above options, and budget costings will be provided to the Standards and Constitutional Oversight Committee. Further consultation will take place with HR and other service areas of the council dependent upon the recommendation of the Committee.

5. Recommendation required

Member’s views are requested.

6. Next Steps

The taking into account the views of the Member Equipment Steering Group and Council's Senior Leadership Team arising from this consultation, recommendations of the Standards and Constitutional Oversight Committee will be forwarded to the relevant officers for further plan development, and consideration, as part of their work in delivering good governance and assurance practice in line with the Council Constitution and Local Government Legal Framework.

Appendices

Appendix 1: Webcasting viewing hits figures

Appendix 2: Webcasting project timeline

Appendix 3: Other Councils - Number of meetings webcast
 - Staff who attend meetings

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APPENDIX 1

Webcast title	Live date	All views	Live views	Archive views	Total length	Interactions	Times shared
Cabinet	23/07/2018 10:00	165	24	141	43:42:12	10	1
Planning Committee	19/07/2018 18:00	114	19	95	32:53:19	2	0
Council	09/07/2018 17:55	82	17	65	27:35:55	0	0
Planning Committee	21/06/2018 17:55	69	11	58	19:35:25	0	0
Audit and Risk Management Committee	23/07/2018 18:00	45	5	40	15:22:07	1	0
Cabinet	16/07/2018 9:50	42	5	37	04:13:21	0	0
Annual Full Council Part 2	15/05/2018 17:45	20	0	20	00:59:04	0	0
Wirral Mayor Making Annual Council Part 1	14/05/2018 18:45	14	0	14	00:40:39	0	0

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Task Name	Duration	Start	Finish	Resource Names	% Complete
WEBCASTING / STREAMING - Key Markers	476 days	Tue 08/11/16	Tue 04/09/18		94%
SLT – Approval to progress proposed project	1 day	Tue 08/11/16	Tue 08/11/16	Surjit Tour	100%
Leadership – To consider and agree to progress proposed project	1 day	Mon 14/11/16	Mon 14/11/16	Surjit Tour / Shirley Hudspeth	100%
Cabinet - Capital Programme and Financing 2017/20	1 day	Mon 20/02/17	Mon 20/02/17	Cabinet	100%
Budget Council	1 day	Mon 06/03/17	Mon 06/03/17	Council	100%
Report proposal outcomes to DMT and/or SLT	6 days	Tue 12/12/17	Tue 19/12/17	Patrick Sebastian / SLT	100%
Contract Awarded	1 day	Mon 08/01/18	Mon 08/01/18	Project Board	100%
Kick-Off Meeting	1 day	Wed 24/01/18	Wed 24/01/18	Contracted Supplier	100%
Statement of Works v1	1 day	Sun 25/02/18	Sun 25/02/18	Contracted Supplier	75%
Statement of Works v2	1 day	Thu 22/03/18	Thu 22/03/18	Contracted Supplier	100%
Progress Update Report to DMT and/or SLT	6 days	Tue 03/04/18	Tue 10/04/18	Patrick Sebastian / SLT	100%
Formal Launch (system fully operational)	1 day	Tue 29/05/18	Tue 29/05/18	Contracted Supplier	95%
Outturn Report to SCOC November Meeting	25 days	Wed 01/08/18	Tue 04/09/18	Patrick Sebastian	10%
Project Board - Scheduled Meeting Dates	245 days	Tue 22/08/17	Mon 30/07/18		91%
Initial Stakeholder - 'Project Board' meeting	1 day	Tue 22/08/17	Tue 22/08/17	Project Board	100%
Project Board - Kick off introduction to documentation, plan and admin (comms / risks etc)- Tender progress update	1 day	Mon 02/10/17	Mon 02/10/17	Project Board	100%
Stakeholder project meeting - Tender progress update (pre award), PM Project update	1 day	Mon 06/11/17	Mon 06/11/17	Project Board	100%
Stakeholder project meeting - Tender progress update (award day), PM Project update (CANCELLED)	1 day	Mon 04/12/17	Mon 04/12/17	Project Board	100%
Stakeholder / provider project meeting (Contract Award)	1 day	Mon 08/01/18	Mon 08/01/18	Project Board	100%
Stakeholder / provider project meeting (Kick Off Meeting report summary)	2 days	Wed 24/01/18	Thu 25/01/18	Project Board	100%
Stakeholder / provider project meeting (agree comms plan and receive pre installation report)	1 day	Mon 05/03/18	Mon 05/03/18	Project Board	100%
Stakeholder / provider project meeting (Install update)	1 day	Tue 03/04/18	Tue 03/04/18	Project Board	100%
Stakeholder / provider project meeting (Install update and launch review)	1 day	Mon 30/07/18	Mon 30/07/18	Project Board	100%
Stakeholder / provider project meeting - if required		tbc		Project Board	0%
Project Documentation / Timeline	224 days	Wed 01/03/17	Mon 08/01/18		97%
Establish Business Case	124 days	Wed 01/03/17	Mon 21/08/17	Surjit Tour / Shirley Hudspeth	100%
Establish PID	124 days	Wed 01/03/17	Mon 21/08/17	Surjit Tour / Shirley Hudspeth	95%
Establish project team (incl ICT lead)	30 days	Tue 22/08/17	Mon 02/10/17	Patrick Sebastian	100%
Develop outline project plan	30 days	Tue 22/08/17	Mon 02/10/17	Patrick Sebastian	100%
Agree basic project board responsibilities	1 day	Mon 02/10/17	Mon 02/10/17	Project Board	90%

Draft Project Timetable	26 days	Mon 02/10/17	Mon 06/11/17	Patrick Sebastian	100%
Develop Plan Reporting and exception procedures	46 days	Mon 02/10/17	Mon 04/12/17	Patrick Sebastian	100%
Tendering Project Timetable agreed	26 days	Mon 02/10/17	Mon 06/11/17	Patrick Sebastian / Project Board	100%
Report proposal outcomes to DMT and/or SLT	6 days	Tue 12/12/17	Tue 19/12/17	Patrick Sebastian	100%
Draft Project Timetable agreed	71 days	Mon 02/10/17	Mon 08/01/18	Patrick Sebastian / Project Board	100%
Final Project Timetable agreed (to coincide with Project Award Day)	102 days	Mon 08/01/18	Tue 29/05/18	Project Board	100%
Project Timetable Finalised to Record all Elements	71 days	Tue 29/05/18	Tue 04/09/18	Patrick Sebastian / Project Board	80%
Tender Specification - OJEU Tender - Open Procedure	234 days	Wed 01/03/17	Mon 22/01/18		100%
Develop Tender documentation	93 days	Wed 01/03/17	Fri 07/07/17	Shirley Hudspeth / Nick O'Neill	100%
Completion and return of PIA form	31 days	Fri 07/07/17	Fri 18/08/17	Shirley Hudspeth / Simon Birch	100%
Issue of OJEU Notice	1 day	Mon 21/08/17	Mon 21/08/17	Procurement	100%
Issue of Tender Documents via The CHEST	1 day	Mon 21/08/17	Mon 21/08/17	Procurement	100%
Site Visits 1	1 day	Fri 01/09/17	Fri 01/09/17	Patrick Sebastian / Martin Dewhurst	100%
Site Visits 2	1 day	Fri 08/09/17	Fri 08/09/17	Patrick Sebastian / Martin Dewhurst	100%
Tender (extended from 20/9 to 4/10)	1 day	Mon 11/09/17	Mon 11/09/17	Rebecca Boulger	100%
Review Webcast functionality at Other L.A.s	20 days	Tue 05/09/17	Mon 02/10/17	Karen Oliver	100%
Project Board - Kick off introduction to documentation, plan and admin (comms / risks etc)- Tender progress update	1 day	Mon 02/10/17	Mon 02/10/17	Patrick Sebastian	100%
Return of Tender Documents via The CHEST	1 day	Fri 03/11/17	Fri 03/11/17	Legal / Contracting Dept	100%
Tender Evaluation - use evaluation matrix and award criteria	1 day	Tue 21/11/17	Tue 21/11/17	Procurement / Contracting Dept	100%
Issue of Reference Questionnaires	2 days	Wed 29/11/17	Thu 30/11/17	Procurement	100%
Return of Reference Questionnaires	1 day	Thu 14/12/17	Thu 14/12/17	Bidders	100%
Financial Checks	17 days	Thu 30/11/17	Fri 22/12/17	Sarah Cox	100%
Designated week for presentations (NOT REQUIRED)	4 days	Mon 27/11/17	Thu 30/11/17	Suppliers and Contracting Dept	100%
Final Analysis - including retrospective PQQ	17 days	Wed 22/11/17	Thu 14/12/17	Contracting Dept	100%
SLT – Approval to progress proposed project	1 day	Tue 19/12/17	Tue 19/12/17	Patrick Sebastian / SLT	100%
Complete and return ODDN to Award Contract (PRAD4) to be signed by contracting department and Legal Officer	1 day	Thu 21/12/17	Thu 21/12/17	Legal / Contracting Dept	100%
Award of Contract - issue successful and unsuccessful letters - clarify T&C with Colin Hughes (solicitor) Asst Dir Law, HR and Asset Mgmt to draw up contract	1 day	Thu 21/12/17	Thu 21/12/17	Patrick Sebastian / Karen Oliver	100%
Alcatel Ruling, 10 Day stand-still Starts midnight after award letters are sent out - ends midnight 10 days later (must end on a working day)	10 days	Fri 22/12/17	Thu 04/01/18	Procurement	100%
Stakeholder / provider project meeting - Contract Confirmation	1 day	Mon 08/01/18	Mon 08/01/18	Project Board	100%
Signed Contract Received	1 day	Wed 17/01/18	Wed 17/01/18	Karen Oliver	100%

Award Notice to OJEU (no later than 30 days after contract award)	20 days	Mon 08/01/18	Fri 02/02/18	Procurement	100%
Wirral ICT and Facilities Management	111 days	Mon 02/10/17	Mon 05/03/18		85%
Establish ICT project team / contacts	6 days	Mon 02/10/17	Mon 09/10/17	Jamie Dixon / Martin Dewhirst	100%
Convene ICT briefings (bi-weekly?)	1 day	Mon 08/01/18	Mon 08/01/18	Martin Dewhirst	100%
Working with ITC for software integration and additional software development changes	26 days	Mon 29/01/18	Mon 05/03/18	Martin Dewhirst / Contracted Supplier	100%
Agree Broadband Socket Requirements	14 days	Fri 09/02/18	Wed 28/02/18	Martin Dewhirst / Patrick Sebastian / Cy Cooper	100%
Working with ITC for software integration and additional software development changes	26 days	Mon 29/01/18	Mon 05/03/18	Martin Dewhirst / Contracted Supplier	100%
Broadband Installations, Cabling and Power Socket Installation (WTH)	25 days	Mon 05/03/18	Fri 06/04/18	Martin Dewhirst / Patrick Sebastian / Cy Cooper	95%
Working with and Monitoring of ITC and Public-I installations WTH	50 days	Mon 05/03/18	Fri 11/05/18	Martin Dewhirst / Contracted Supplier	95%
Broadband Installation, Cabling and Power Socket Installation (BTH)	33 days	Fri 15/06/18	Tue 31/07/18	Martin Dewhirst / Shaun Carter	80%
Working with and Monitoring of ITC and Public-I installations BTH	50 days	Fri 15/06/18	Thu 23/08/18	Martin Dewhirst / Contracted Supplier	50%
Public-I Installation	50 days	Tue 23/01/18	Mon 02/04/18		99%
Set date(s) for Pre Contract Site Visits	6 days	Fri 25/08/17	Fri 01/09/17	Procurement	100%
Pre Contract Site Visit	6 days	Fri 01/09/17	Fri 08/09/17	Supplier / Patrick Sebastian / Martin Dewhirst	100%
Designated week for presentations (NOT REQUIRED)	4 days	Mon 27/11/17	Thu 30/11/17	Supplier and Contracting Dept	100%
Purchase Order received and contract start	8 days	Mon 08/01/18	Mon 08/01/18	Supplier and Contracting Dept	100%
Signed Contract Received	1 day	Wed 17/01/18	Wed 17/01/18	Karen Oliver	100%
Kick-Off Meeting	2 days	Wed 24/01/18	Thu 25/01/18	Supplier and Contracting Dept	100%
Branding, copy text and logo for Connect webcasting site	18 days	Fri 09/03/18	Tue 03/04/18	Contracting Dept and Communications team	100%
Build and Sign-Off Connect webcasting site	18 days	Fri 09/03/18	Tue 03/04/18	Supplier and Contracting Dept	100%
Pre- Installation (Public-i)	80 days	Mon 05/02/18	Fri 25/05/18		100%
Send Connect Microsite Template	1 day	Fri 09/03/18	Fri 09/03/18	Contracted Supplier	100%
Microsite build and sign-off	10 days	Wed 21/03/18	Tue 03/04/18	Contracted Supplier, Communications team	100%
Hardware Order	42 days	Mon 05/02/18	Tue 03/04/18	Contracted Supplier	100%
Hardware Delivery	39 days	Tue 03/04/18	Fri 25/05/18	Contracted Supplier	100%
Workshop Phase (Public-i)	45 days	Mon 05/02/18	Fri 06/04/18		100%
Hardware Assemble	42 days	Mon 05/02/18	Tue 03/04/18	Contracted Supplier	100%
Programming - Off Site	22 days	Mon 05/03/18	Tue 03/04/18	Contracted Supplier	100%
1st Test Phase	4 days	Tue 03/04/18	Fri 06/04/18	Contracted Supplier	100%
Installation	64 days	Tue 03/04/18	Fri 29/06/18		97%

Hardware Fix 1 - Council Chamber and Civic Hall (Cabling to CR1, CR2 & CR3 if time allows)	4 days	Tue 03/04/18	Fri 06/04/18	Contracted Supplier	100%
Programming On-Site	4 days	Tue 03/04/18	Fri 06/04/18	Contracted Supplier	100%
AV Commissioning - Council Chamber	4 days	Tue 03/04/18	Fri 06/04/18	Contracted Supplier	75%
Webcasting Commissioning - Council Chamber and Civic Hall	4 days	Tue 03/04/18	Fri 06/04/18	Contracted Supplier	75%
Snagging Assessment with Client - Council Chamber and Civic Hall & Client Approval	1 day	Fri 06/04/18	Fri 06/04/18	Contracted Supplier	75%
Additional dates for Council Chamber Install works	5 days	Mon 30/04/18	Fri 04/05/18	Contracted Supplier	100%
CR1 and CR2 Install	4 days	Tue 08/05/18	Fri 11/05/18	Contracted Supplier	100%
2nd Test - System Review and Witness Testing	1 day	Fri 11/05/18	Fri 11/05/18	Contracted Supplier, Contracting Dept	100%
Snagging Assessment with Client - CR1 and CR2 plus Client Approval	1 day	Fri 11/05/18	Fri 11/05/18	Contracted Supplier	100%
CR3 Install	4 days	Tue 22/05/18	Fri 25/05/18	Contracted Supplier	100%
3rd Test - System Review and Witness Testing	1 day	Fri 25/05/18	Fri 25/05/18	Contracted Supplier, Contracting Dept	100%
Snagging Assessment with Client - CR1, CR2 and CR3 plus Client Approval	3 days	Mon 04/06/18	Wed 06/06/18	Contracted Supplier, Contracting Dept	100%
Final Commissioning - Microphones and Electronic Voting - Council Chamber	5 days	Mon 25/06/18	Fri 29/06/18	Contracted Supplier, Contracting Dept	100%
Final Project Sign Off	26 days	Fri 25/05/18	Fri 29/06/18	Contracting Dept	100%
Post Installation Works - System Configuration	204.06 days	Tue 02/01/18	Mon 15/10/18		70%
Committee Room Microphone and Seating Layouts - various Committees	33 days	Mon 02/07/18	Wed 15/08/18	Bryn Griffiths	75%
System Configuration - handheld Tablets	33 days	Mon 02/07/18	Wed 15/08/18	Bryn Griffiths	100%
System Configuration - camera to microphone tracking	33 days	Mon 02/07/18	Wed 15/08/18	Bryn Griffiths	75%
System Configuration - microphones system override facility (Council Chamber only)	6 days	Mon 02/07/18	Mon 09/07/18	Bryn Griffiths	100%
Audio to Text Transcription - testing	3 days	Tue 17/07/18	Thu 19/07/18	Bryn Griffiths	100%
System Configuration - Recording of Votes	19 days	Tue 17/07/18	Fri 10/08/18	Bryn Griffiths	60%
Training	176 days	Tue 02/01/18	Tue 04/09/18		45%
Agree basic training programme and timeline (Kick Off Meeting action)	18 days	Tue 02/01/18	Thu 25/01/18	Supplier and Contracting Dept	100%
Offline Testing and Staff Training (Part 1 - Conferencing System on/off, deploying, volumes, general care)	1 day	Wed 18/07/18	Wed 18/07/18	Adam Jones / Contracted Supplier	100%
Staff Cascade Training - live webcasting	34 days	Thu 19/07/18	Tue 04/09/18	Bryn Griffiths	15%
Offline Testing and Staff and invited Member Training (Part 2 - Council Chamber Voting System)	2 hrs	Thu 09/08/18	Thu 09/08/18	Deborah Bonner / Contracted Supplier	10%
Member Engagement/training Session 1 - Meeting etiquette, speaking, queuing, chairman override, voting		tbc	Tue 04/09/18	Communications team	0%

Member Engagement/training Session 2 - Meeting etiquette, speaking, queuing, chairman overide, voting		tbc	Tue 04/09/18	Communications team	0%
Member Engagement/training Session 3 - Meeting etiquette, speaking, queuing, chairman overide, voting		tbc	Tue 04/09/18	Communications team	0%
FINAL Member Engagement/training Session 4 - Meeting etiquette, speaking, queuing, chairman overide, voting	30 mins	Mon 15/10/18	Mon 15/10/18	Contracting Dept	0%
Communications	191 days	Tue 12/12/17	Tue 04/09/18		57%
Report proposal outcomes to DMT and/or SLT	6 days	Tue 12/12/17	Tue 19/12/17	Patrick Sebastian / SLT	100%
Stakeholder / provider meeting to assess project progress and solution launch	1 day	Mon 15/01/18	Mon 15/01/18	Communications team and Contracting department	100%
Press Release - advertising online access to Council meetings	9 days	Thu 15/02/18	Tue 27/02/18	Communications team	90%
Branding, copy text and logo for Connect webcasting site	9 days	Tue 27/02/18	Fri 09/03/18	Communications team	100%
Select meeting for 'go live' Annual Council	5 days	Tue 27/02/18	Mon 05/03/18	Supplier and Contracting Dept	100%
Build and Sign-Off Connect webcasting site	15 days	Mon 12/03/18	Fri 30/03/18	Communications team	100%
SLT - Project Update Report	9 days	Mon 05/03/18	Thu 15/03/18	Patrick Sebastian	100%
Stakeholder / provider meeting to assess project progress and solution launch	6 days	Wed 04/04/18	Wed 04/04/18	Communications team and Contracting department	100%
Progress Update Report to DMT and/or SLT	6 days	Tue 03/04/18	Tue 10/04/18	Patrick Sebastian / SLT	100%
Project solution launch date – GO LIVE DATE	12 days	Mon 14/05/18	Tue 29/05/18	Supplier and Contracting Dept	100%
Tweeting, Facebook Live and You Tube	22 days	Wed 01/08/18	Thu 30/08/18	Matthew Dunn, Bryn Griffiths	10%
Outturn Report to SCOC November Meeting	25 days	Wed 01/08/18	Tue 04/09/18	Patrick Sebastian	100%
Review and feedback	25 days	Wed 01/08/18	Tue 04/09/18	Supplier and Contracting Dept	0%

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APPENDIX 3a

2018	Camden	Moray	Dublin	Cheshire West & Chester	Hertsmere	Devon CC	Croydon	Rotherham	Edinburgh	Manchester	Wirral Public Meetings
June	2	6	9	6	3	5	4	8	15	9	12
May	1	7	8	4	3	2	1	6	11	11	10
April	1	3	10	4	3	1	2	6	5	1	4
March	4	6	10	4	3	7	6	7	12	9	19
February	5	6	8	5	4	3	4	6	12	10	9
January	4	4	10	10	3	11	5	10	9	14	10
Average	2.8	5.3	9.2	5.5	3.2	4.8	3.7	7.2	10.7	9.0	10.7

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APPENDIX 3b

	1. Who runs the webcasting system during a meeting?	2. How many staff are involved during a meeting	3. Who administrates the Public-i micro-site?
Moray	Committee Officer	1	IT Services
Cheshire West & Chester	Comms Team	2	Comms Team
Hertsmere	Volunteer members of staff	2	Committee Services
Devon CC	Members Services	2	Members Services
Croydon	Comms Team	3	Comms Team
Manchester	Comms Team	2	Committee Services
Elmbridge	Volunteer members of staff	2	Democratic Services
Guildford	Volunteer members of staff	2	Committee Services
Maidstone	Committee Clerk	1	Democratic Services
Reigate & Banstead	Democratic Services Officer	1	Democratic Services

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STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

29 August 2018

SUBJECT:	Establishing the Standards Panel and Standards Appeal Panel
REPORT OF:	Director: Assurance and Governance and Monitoring Officer

REPORT SUMMARY

The purpose of this report is for the Committee to formally establish the Standards Panel and Standards Appeal Panel in accordance with the paragraph 9.5 of Article 9 of the Council's Constitution and the Protocol for Dealing with Complaints against Members.

RECOMMENDATION/S: That

- (1) a Standards Panel and Standards Appeal Panel be formally established pursuant to paragraph 9.5 of Article 9 of the Council's Constitution;
- (2) each political group through their Group Leader/Deputy Group Leader or Party Spokesperson be requested to confirm the names of the Members who shall be their representative members on the Standards Panel and Standards Appeal Panel to the Director – Governance and Assurance and Monitoring Officer urgently (if that has not already been done);
- (3) where a representative Member, proposed/confirmed under paragraph (2) above, is unavailable to attend a proposed meeting of the Standards Panel or Standards Appeal Panel but that meeting can be attended by all other persons required, then the relevant political group through their Group Leader/Deputy Group Leader or Party Spokesperson shall promptly confirm another representative member who is able to attend that meeting;
- (4) the proposed procedure for dealing with a matter before either the Standards Panel or Standards Appeal Panel set out at Appendix 4 be agreed; and
- (5) a provisional date be agreed for a meeting of the Standards Panel.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The establishing of the Standards Panel and Standards Appeal Panel is required under the Council's Constitution and the Protocol for Dealing with Complaints against Members.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options were considered.

3.0 BACKGROUND AND KEY ISSUES

- 3.1 The role and purpose of the Standards Panel and Standards Appeal Panel are set out in Article 9 of the Constitution – which is set out at Appendix 1.
- 3.2 A Standards Panel is required in order to progress an ongoing standards matter.
- 3.3 While no Standards Appeal Panel is required at this time, it may be required during the Municipal Year and therefore it is considered appropriate to establish one now.
- 3.4 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members are set out at Appendix 2 and 3 respectively for reference.
- 3.5 Moreover, the Committee is asked to agree the proposed procedure for dealing with matters before the Standards Panel and Standards Appeal Panel set out at Appendix 4.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are none arising directly from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a duty to promote high standards of conduct by members and put in place appropriate arrangement to deal with complaints against members.
- 5.2 Under Section 27 of the Localism Act 2011, the Council "must promote and maintain high standards conduct by Member and Co-opted Members of the authority".
- 5.3 In discharging the duty the Council must (under Section 27 of the Localism Act 2011) adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity.

- 5.4 The Council must (under Section 28 of the Act) also have in place arrangements under which allegations can be investigated; and decisions on allegations can be made.

6.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

- 6.1 There are none arising directly from this report.

7.0 RELEVANT RISKS

- 7.1 There are no identified risks arising directly from this report.

8.0 ENGAGEMENT / CONSULTATION

- 8.1 The Members' Code of Conduct and Protocol for Dealing with Complaints against Members was developed, prepared and approved by members and Council.

9.0 EQUALITIES IMPLICATIONS

- 9.1 There are none arising directly from this report.

REPORT AUTHOR: Patrick Sebastian
Principal Committee Officer
telephone: (0151) 691 8424
email: patricksebastian@wirral.gov.uk

APPENDICES

1. Article 9 of the Constitution;
2. Members' Code of Conduct;
3. Protocol for Dealing with Complaints against Members; and
4. Procedure for dealing with matters before the Standards Panel and Standards Appeal Panel.

REFERENCE MATERIAL

NONE

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	

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Part 5A

WIRRAL COUNCIL MEMBERS' CODE OF CONDUCT

Introduction

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

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

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

Interpretation

In this Code:-

"Disclosable pecuniary interest" means those interests as defined under Schedule 3.

"Meeting" means any meeting of:

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

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

"Member" includes an appointed Member and Co-opted Member.

"Relevant Authority" means Wirral Borough Council (unless otherwise stated).

1. General Obligations

When acting in your role as a Member of the Council:

- 1.1 **DO** treat others with respect;
- 1.2 **DO NOT** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members;

- 1.3 **DO NOT** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where-
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is-
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) agreed with the Monitoring Officer prior to its release.
- 1.4 **DO NOT** prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 **DO NOT** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.
- 1.6 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **DO** act solely in terms of the public interest and **DO NOT** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
2. When using or authorising the use by others of the resources of the authority
- 2.1. **DO** act in accordance with the Council's reasonable requirements including the requirements of the Council's ICT policy and other Council policies (attached to the Council's Constitution), copies of which have been provided to you and which you are deemed to have read;
- 2.2. **DO** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3. **DO** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended).

3. When acting as a nominated representative of the Council

- (a) on another relevant authority (as defined by the Localism Act 2011), you must, when acting for that other relevant authority, comply with that relevant authority's applicable code of conduct;
- (b) on any other body, you must, when acting for that other body, comply with Wirral Council's Code of Conduct, except and so far as it conflicts with any other lawful obligations to which that other body may be subject.

4. Interests

4.1 Disclosable Pecuniary Interests

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

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

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

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

4.2 Personal Interests

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

- (i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body:-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or

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

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

- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision,
or,
- (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.

4.4 Sensitive Interests

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

5. Disclosure and participation

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

6. Disclosable Pecuniary Interest

- 6.1 Where you disclose a disclosable pecuniary interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation. Descriptions set out in Schedule 3 below.

7. Personal Interests

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

10. Prejudicial Interests

- 10.1 If you have a personal interest in any business of the Council, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
- (a) affects your financial position or the financial position of a person or body described in paragraphs 4.2 or 4.3 above; or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 4.2 to 4.3 above.
11. Subject to paragraph 13.1 below, where you disclose a prejudicial interest, you must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which you have an interest, except where you are permitted to remain as a result of a grant of a dispensation.
12. Where you have a prejudicial interest in any business of the Council you may attend a meeting, but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose (whether under a statutory right or otherwise) and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

13. Pre-determination or bias

13.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **DO NOT** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

14. When making a decision, **DO** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

15. Gifts and Hospitality

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

16. Interests arising in relation to overview and scrutiny functions

16.1 In relation to any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where-

16.2 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

16.3. at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint subcommittee and you were present when that decision was made or action was taken; or

16.4. that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Authority's Constitution or under delegated authority from the Leader);

16.5 **You may** attend a meeting of the relevant committee exercising overview and scrutiny functions of the Council or of a sub committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purposes, whether under a statutory right or otherwise.

17. Dispensations

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

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

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

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

INTEGRITY

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

OBJECTIVITY

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

ACCOUNTABILITY

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

OPENNESS

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

HONESTY

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

LEADERSHIP

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

Schedule 2

DISPENSATIONS

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

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

Schedule 3

Disclosable Pecuniary Interests

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

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

Securities	<p>Any beneficial interest in securities of a body where:-</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either:-</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or,</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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MEMBERS' CODE OF CONDUCT

PROTOCOL

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

August 2014

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1. Interpretation

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

2. Introduction and Summary

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

3. What Can Be Dealt With Under This Local Protocol

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

4. What Cannot Deal With Under This Local Protocol

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

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

5. Acknowledging Receipt of a Standards Complaint

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

6. Anonymous Complaints

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

7. Pre-Assessment Reports and Enquiries

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

- (i) it can be dealt with by local resolution;
 - (ii) it is frivolous and/or vexatious;
 - (iii) it can be dealt with by adopting another approach that is considered more effective and/or efficient; or
 - (iv) it is appropriate to be referred for investigation (see paragraph 8 below)
- (“Preliminary Assessment and Evaluation”).
- 7.3 The Preliminary Assessment and Evaluation carried out by the Monitoring Officer under 7.2 above, must take into account of (i) the views of the Independent Person; (ii) the public interest, (iii) any guidance provided by Standards Committee; and (iv) paragraph 2.2 above.
- 7.4 The Monitoring Officer shall notify (and provide a summary to) the relevant Political Group Leader* of a complaint received in respect of a Member of their political group.

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

- 7.5 The suitability of an alternative course of action to an investigation of a Standards Complaint will be heavily influenced by the nature of the complaint. Certain Standards Complaints may indicate that there is a wider underlying problem/trend. Deciding to deal pro-actively with such a matter in a positive way that does not involve an investigation can be a sensible way of resolving the matter/Standards Complaint. This may be the simplest and most cost effective way of (i) getting the matter/Standards Complaint resolved promptly; (ii) helping the Council work more effectively; and (iii) avoiding similar complaints in the future.
- 7.6 The Monitoring Officer, in carrying out the assessment and evaluation under paragraph 7.2 above, may consider that it is appropriate and proportionate that an alternative course of action is taken in relation to Standards Complaint as it (i) enables a more satisfactory resolution to be achieved for all parties concerned; (ii) enables working practices or policies to be amended in light of the issues raised; and/or (iii) allows a better understanding of Members knowledge of the Members' Code of Conduct and/or Council procedures to be gauged. Evidence of this may include:

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

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

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

- (b) factionalised groupings within the Council;
 - (c) a series of 'tit-for-tat' allegations; or
 - (d) ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.
- 7.6 The Monitoring Officer should, as part of any Preliminary Assessment and Evaluation, take a practical approach to considering other action, taking into account the needs of the Council.
- 7.7 Unless otherwise stated within this Protocol, Standards Complaints that are referred for investigation under paragraph 7.2 (iv) above, will not be referred to the Standards Panel in the event that the other action undertaken has (or is perceived to have) failed due to no fault or reason on the part of the Subject Member(s). To do so in such circumstances is considered unfair to the Subject Member(s).

Local Resolution

- 7.8 If, following Preliminary Assessment and Evaluation, the Monitoring Officer is of the opinion that a local resolution of the complaint is possible and appropriate, he/she shall approach the Subject Member(s) and ask whether the he/she admits, denies or otherwise wishes to comment on the allegation made in the Standards Complaint; and whether he/she would be prepared to offer an apology or undertake other remedial action conducive to achieving a local resolution.
- 7.9 If the Subject Member(s) agrees to offer an apology or undertake other remedial action, and duly does so, the Standards Complaint shall not be progressed any further. In such circumstances there shall be no reporting of the Standards Complaint and/or its outcome to the Council or any Committee of Council other than as part of a periodic anonymous summary to the Standards Committee for monitoring and review purposes.
- 7.10 If the Monitoring Officer, whilst seeking local resolution of the Standards Complaint, is of the opinion that:

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

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

Frivolous/Vexatious

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

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

Alternative approach

- 7.12 If, following the assessment and evaluation outlined above, the Monitoring Officer is of the opinion that an alternative approach exists that could achieve a more effective and efficient resolution of the Standards Complaint than that outlined in paragraphs 7.8 and 7.9 above, he/she shall adopt that approach accordingly and endeavour to achieve a resolution of the Standards Complaint.
- 7.13 If the Monitoring Officer, whilst seeking resolution of the Standards Complaint by adopting an alternative approach, under paragraph 7.12, is of the opinion that:
- (i) a resolution of the Standards Complaint is unlikely to be achieved at all or within an acceptable timescale; and/or
 - (ii) the Subject Member fails to co-operate or undertake the agreed remedial action within the timescales agreed or within a reasonable time; and/or
 - (iii) there has been a material change in circumstances (i.e. further information coming to light and issues being raised) since the Monitoring Officer undertook the Preliminary Assessment and Evaluation under paragraph 7.2;

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

8. Referral of a Complaint for Investigation

- 8.1 Where the Monitoring Officer has determined that the Standards Complaint should be referred for investigation, he/she may undertake the investigation in person; or alternatively, (i) appoint another person (including the Deputy Monitoring Officer); or (ii) another appropriate officer (having regard to the nature of the allegations); or (iii) a Monitoring Officer/Deputy Monitoring Officer of another local authority; or (iv) an external Investigator of appropriate experience and standing, (an 'Investigator'), to undertake the investigation.
- 8.2 Within five working days of the Monitoring Officer's decision that the Standards Complaint should be investigated, he/she will:
- (i) begin to investigate the matter personally; or
 - (ii) appoint an Investigator and instruct him/her to conduct an investigation of the Standards Complaint and to report his/her findings to the Monitoring Officer and subsequently to the Standards Panel.
- 8.4 The Monitoring Officer may appoint another person (or other persons) to assist him/her or the Investigator in the conduct of his/her functions.
- 8.5 The investigation will be carried out having regard to any guidance provided by the

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

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

9. Production of Documents, Information and Explanations

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

10. Interviews

10.1 Timescale

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

10.2 Requesting attendance

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

10.3 Representation

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

10.4 Notes of interviews

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

11. Investigator's Report

- 11.1 The Investigator will decide whether it is appropriate to produce a draft report or to produce a final report without first producing a draft report; a draft report will only be produced in the case of unusually lengthy or complex investigations. In either event, the Investigator may wish to confirm the accuracy of parts of the report directly with the Complainant and/or any other persons interviewed during the investigation.
- 11.2 The draft report will be marked "Confidential" and "Draft". It will also make clear that the draft report does not necessarily represent the Investigator's final findings and that a final report will be presented to the Standards Panel once the Investigator has considered any comments received on the draft report.
- 11.3 The Investigator will then send a copy of his/her draft report to the Complainant and Subject Member(s), who will be afforded the opportunity to make comments on the draft report for consideration by the Investigator. All such comments shall be made by the Complainant and Subject Member(s), to the Investigator, within ten working days of receipt of the draft report.
- 11.4 The Investigator shall, upon receipt of any comments received under paragraph 11.3 above, will consider such comments when preparing his/her final report.

12. Rights and Responsibilities of Members and the Investigator

- 12.1 Depending upon the seriousness of the allegations and the available evidence, the Investigator may also interview other persons named by the Subject Member(s) or the Complainant if the Investigator considers such persons may assist the investigation. Neither the Subject Member(s) nor the Complainant shall seek to interview any person who may be of assistance to the investigation.
- 12.2 The Subject Member(s) and Complainant may provide the Investigator with any documents and information they would like the Investigator to examine as part of the investigation, or the contact details of persons they would like the Investigator to interview.
- 12.3 The Complainant and Subject Member(s) will normally be interviewed face-to-face by the Investigator. Other witnesses may be interviewed by telephone or invited to make written submissions, as the Investigator considers appropriate. The Subject Member(s) will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint.

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

13. Processing the Investigator's Report

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

14. Confidentiality of Information gathered during an Investigation

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

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

15. Role of Investigator and the Panels

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

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

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

16. Standards Panel

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

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

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

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

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

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

16.4 Sanctions

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

reference.

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

17. Notification of Standards Panel Decision and Right of Appeal

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

18. Request for permission to Appeal

- 18.1 If the Complainant or Subject Member(s) is dissatisfied with the decision of the Standards Panel, he/she may seek permission to appeal to the Standards Appeal Panel against the decision on the grounds set out below.
- 18.2 Any request seeking permission to appeal must be made in writing to the Monitoring Officer within 21 working days of receipt of the Standards Panel's decision.
- 18.3 The Monitoring Officer shall acknowledge any request seeking permission to appeal made under paragraph 18.2 within 5 working days of receipt.
- 18.4 A request seeking permission to appeal will only be valid and accepted providing:

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

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

19. Review Panel

- 19.1 The Monitoring Officer shall convene a meeting of the Standards Appeal Panel to consider the appeal within 20 working days (or as soon as practicable thereafter) of his/her decision to allow an appeal under paragraph 18.4 above.
- 19.2 The Monitoring Officer shall, within 10 working days of allowing the appeal, write to the Complainant and Subject Member requesting that they complete relevant forms to enable the Standards Appeal Panel to be convened at a convenient time and date to all parties to hear the appeal. Responses must be returned to the Monitoring Officer within ten working days of the request being made. Should either the Complainant or Subject

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

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

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

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

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

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

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

19.5 Sanctions

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

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

20. Notification of Review Panel Decision

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

21. Access to Meetings and Decision Making

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

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

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

22. Confidentiality

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

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

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

23. Conflicts of Interest

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

24. Monitoring and Review

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

25. Failure to Comply with the Requirements of this Protocol

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

26. Modification of Procedure

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

PART 2

Article 9 - The Standards and Constitutional Oversight Committee

9.1 Standards and Constitutional Oversight Committee

The Council meeting will establish a Standards and Constitutional Oversight Committee, to be known as the Standards and Constitutional Oversight Committee.

9.2 Composition

(i) Membership

The Standards and Constitutional Oversight Committee will be composed of:

- nine Members, not more than one of whom is a member of the Cabinet (other than the Leader) and
- four persons who are not Members or officers of the Council (independent persons).

(ii) Independent persons

Independent members will not be entitled to vote at meetings.

(iii) Chairing the Committee

The committee chairperson shall be determined by the Standards and Constitutional Oversight Committee at its first meeting in the Municipal Year.

9.3 Role and Function

The Standards and Constitutional Oversight Committee will:-

- (i) promote and maintain high standards of conduct by Members, Co-Opted Members and church and parent governor representatives;
- (ii) to advise and recommend to Council the adoption, revision or replacement of the Code(s) of Conduct for Members, Co-Opted Members and Officers.
- (iii) assist the Members and Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- (iv) monitor and review the complaints made under the Members' Code of Conduct; including the operation of the Members' Code of Conduct;

- (v) advise, train or arrange to train Members, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (vi) establish, amend or revise arrangements under which allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members can be investigated (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for the effective and timely investigation of allegations).
- (vii) establish, amend or revise arrangements under which decisions on allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Members' Code of Conduct can be made (which shall include but not be limited to developing and adopting procedures and protocols and authorising the Council's Monitoring Officer to make such changes to the arrangements as are considered necessary for effective and timely decision making).
- (viii) support the Monitoring Officer in the exercise of that Officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council.
- (ix) in relation to Members or Co-Opted Members or church and/or parent governor representatives with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.
- (x) to exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act 2011.
- (xi) monitoring and reviewing as necessary the operation of whistleblowing procedures;
- (xii) considering reports arising from external inspections, audit investigations, Ombudsman investigations where maladministration is found, legal challenges and other sources which cast doubt on the honesty or integrity of the Council or its Members;
- (xiii) to consider and make recommendations on such other matters as the Committee itself thinks appropriate or which are referred to it by Council, which further the aim of promoting and maintaining the highest standards of conduct within the Council;

- (xiv) approve the payment of compensation involving sums in excess of £5,000 (or less, if considered appropriate) to settle complaints of maladministration.
- (xv) establishing such sub-committees and/or panel as are required to discharge its role and the functions as set out in these Terms of Reference.
- (xvi) To keep the Council's constitutional arrangements under review and to make such recommendations to the council as it considers appropriate for ways in which it should be amended in order better to achieve the purposes set out in Article 1.
- (xvii) To oversee and agree such minor and consequential changes to the Council's constitutional arrangements as are recommended by the Monitoring officer from time to time.

9.4 *[This paragraph has been removed – no longer applicable]*

9.5 Establishment of Panels

The Standards and Constitutional Oversight Committee will establish a Standards Panel and a Standards Appeals Panel.

A. Terms of Reference of the Standards Panel

A1 The Standards Panel will:

- (i) Consider only those allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members that are specified in the arrangements established under paragraph 9.3(vi) above.
- (ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.
- (iii) The Standards Panel after consideration of a complaint may (pursuant to paragraph 9.3(vii) above):-
 - (a) ask for additional information on the allegation before reaching a decision;
 - (b) determine that no action should be taken in respect of the allegation(s) made;
 - (c) determine that the Members' Code of Conduct has been proved to have been breached;

- (iv) Where the Standards Panel determines that the Members' Code of Conduct has been breached, it may:
 - (a) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or
 - (b) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or
 - (c) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference / consideration; and/or
 - (d) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or
 - (e) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

- (v) Where the Standards Panel determines that the Members' Code of Conduct has NOT been breached, it may:
 - (a) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, that a Council media statement be issued upon the Council's website detailing the nature and outcome of the investigation into the allegations made and the decision of the Panel.
 - (b) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee;
- (vi) The Standards Panel shall also consider under Sections 1 and 2 of the Local Government and Housing Act 1989: -

- (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and
- (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

A2. Composition

The Standards Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Panel, providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on the Standards Panel where he/she has a conflict of interest.

A3. Chair

The Chair shall be appointed by the Standards Panel at each meeting.

Where the Standards Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chair shall not be a Member of the same political party of the Member against whom the allegation(s) have been made.

A4. Quorum

The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.

A5. Frequency of Meetings

- The Standards Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.

A6. Access to Information

– Where the Standards Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under A1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless

the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.

B. Terms of Reference of the Standards Appeal Panel

- B1. Where a complainant or Member or Co-opted Member is dissatisfied with the determination of a complaint by the Standards Panel, the Standards Appeal Panel will convene to re-consider the complaint providing that:
- (i) A request for permission to appeal is first made in writing, within 14 days of receipt of the Standards Panel's Decision Notice, to the Monitoring Officer which details the procedural, legal and/or evidential issues relied upon in support of the request for permission; and
 - (ii) The Monitoring Officer being satisfied, having considered the views of the independent person, that (a) the request for permission raises valid procedural, legal and/or evidential issues and matters not previously considered by the Standards Panel, and/or that (b) it is reasonable and equitable in all the circumstances of the case that permission to appeal be granted.
- B2. Where the Standards Appeal Panel has been convened pursuant to paragraph B1 above, the Standards Appeal Panel shall:
- (i) Consider the complaint/allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.
 - (ii) Consider and take into account the views of at least one independent person before making a decision on an allegation (falling within its remit) that the Members' Code of Conduct has been breached.
- B3. The Standards Appeal Panel after consideration of a complaint may (pursuant to paragraph 9.3(vi) above:-
- (i) ask for additional information on the allegation before reaching a decision;
 - (ii) determine that no action should be taken in respect of the allegation(s) made;
 - (iii) determine that the Members' Code of Conduct has been proved to have been breached;

Where the Standards Appeal Panel determines that the Members' Code of Conduct has been breached, it may:

- (iv) instruct the Monitoring Officer to write a formal warning letter to the Member reminding him/her of the need to comply with the Members' Code of Conduct; and/or
- (v) require the Member(s) to apologise to the complainant (whether verbally or in writing) for breaching the Members' Code of Conduct. Should the Member in question fail or refuse to do so promptly, the Monitoring Officer shall report this fact to the Member's Political Group Leader*; and/or
- (vi) report the Panel's decision to a public meeting of the Standards and Constitutional Oversight Committee for reference/consideration; and/or
- (vii) recommend to the Member's Political Group Leader* that disciplinary action should be taken against the Member in question and/or that he/she be removed from all (or some) outside bodies to which the Member has been appointed; and/or
- (viii) instruct the Monitoring Officer to arrange training for the Member in question who shall be required to attend. Should the Member fail to attend the training arranged, the Monitoring Officer shall report this fact to the Member's Political Group Leader*.

* In the event that the Member in question is the Political Group Leader, the recommendation shall be referred to the relevant Deputy Political Group Leader; in the event that the Members in question are both the Political Group Leader and Deputy Political Group Leader, the recommendation shall be referred to the next most relevant senior Political Group Official/Spokesperson.

Where the Standards Appeal Panel determines that the Members' Code of Conduct has NOT been breached, it may:

- (ix) recommend, subject to the agreement of the Member against whom the allegation(s) has been made, a Council press release be issued detailing the nature and outcome of the investigation into the allegations and the decision of the Panel.
- (x) subject to the agreement of the Member against whom the allegation(s) has been made, report the Panel's decision to a public meeting of the Council and/or the Standards and Constitutional Oversight Committee;

B4. Composition

The Standards Appeal Panel shall comprise of 3 Members (one Member from each of the three main political parties) who shall be members of the Council's Standards and Constitutional Oversight Committee (unless an Alternate Member is nominated (see below)).

The spokesperson for each political group may nominate an 'Alternate Member' from his/her political group to sit on a Standards Appeal Panel,

providing that the Member nominated has undertaken the requisite training on the Members' Code of Conduct (and any other training required by the Standards and Constitutional Oversight Committee).

No Member shall sit on (or otherwise attend, engage or interfere with) the Standards Appeal Panel where he/she has a conflict of interest.

- B5. **Chairperson** – The Chairperson shall be appointed by the Standards Appeal Panel at each meeting. Where the Standards Appeal Panel is considering an allegation of a breach of the Members' Code of Conduct, the Chairperson shall not be a member of the same political party of the Member against whom the allegation(s) have been made.
- B6. **Quorum**
The quorum for a meeting of the Standards Panel shall be the 3 Members that make up its composition.
- B7. **Frequency of Meetings** - The Standards Appeal Panel will only meet when required to undertake its role and discharge its functions as set out in these Terms of Reference.
- B8. **Access to Information** – Where the Standards Appeal Panel is considering allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members under B1(i) above, the matter shall be exempt from disclosure under paragraph 7C of the Council Access to Information Procedure Rules unless the Standards Panel at its meeting considers that the public interest in lifting the exemption outweighs maintaining the continued application of the exemption.

APPENDIX 4

Standards Panel Procedure

1. Appointment of Chairperson of the Panel
2. Declarations of Interest
3. Opening remarks of the Chairperson
4. Panel to determine whether the exemption to exclude the press and public is to be maintained. (Parties invited to make representations)
5. Complainant (or representative) invited to make opening remarks
6. Subject Councillor (or representative) invited to make opening remarks
7. Investigator to present his/her report
8. Parties invited to question the investigator and/or seek points of clarification on the report
9. Panel to question the investigator on her report
10. Complainant (or representative) invited to make final submissions
11. Panel to seek clarification on any points relevant to the Complainant
12. Subject Councillor (or representative) invited to make final submissions
13. Panel to seek clarification on any points relevant to the Subject Councillor
14. Panel to invite the views of the Independent Person for consideration
15. Panel hearing adjourned to allow for deliberation (as deemed appropriate by the Panel)
16. Panel hearing resumed for decision
17. If the Panel decision upholds/finds a breach of the Code, the Subject Councillor (or representative) shall be invited to make submissions in respect of any mitigation (including in respect of sanctions) for consideration by the Panel
18. Panel hearing adjourned to allow for deliberation (if deemed necessary by the Panel)
19. Panel hearing resumed for decision on sanctions (if any)

The Chairperson and Panel shall have discretion to vary the above procedure if it is considered appropriate and necessary to ensure fairness to all parties.

Standards Appeal Panel Procedure

1. Appointment of Chairperson of the Panel
2. Declarations of Interest
3. Opening remarks of the Chairperson
4. Panel to determine whether the exemption to exclude the press and public is to be maintained. (Parties invited to make representations)
5. Appellant (or representative) invited to make opening remarks
6. Complainant (or representative) invited to make opening remarks
7. Relevant witnesses shall in turn be called to answer questions and/or provide points of clarification as are relevant to the grounds of appeal
8. Complainant (or representative) invited to make final submissions
9. Panel to seek clarification on any points relevant to complainant
10. Appellant (or representative) to make final submissions
11. Panel to seek clarification on any points relevant to Appellant
12. Panel to invite the views of the Independent Person for consideration
13. Panel hearing adjourned to allow for deliberation (as deemed appropriate by the Panel)
14. Panel hearing resumed for decision
15. If the Panel decision upholds/finds a breach of the Code, the Appellant (or representative) shall be invited to make submissions in respect of any mitigation (including in respect of sanctions) for consideration by the Panel
16. Panel hearing adjourned to allow for deliberation (if deemed necessary by the Panel)
17. Panel hearing resumed for decision on sanctions (if any)

The Chairperson and Panel shall have discretion to vary the above procedure if it is considered appropriate and necessary to ensure fairness to all parties.